

**CITY COUNCIL AGENDA
JULY 5, 2016, 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. PRESENTATIONS

1. Recognition of Newberg Fire Department

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. Minutes from June 6, 2016 Pages 1-6

VIII. PUBLIC HEARINGS – QUASI-JUDICIAL

1. Ordinance 2016-2803, An Ordinance annexing 3.06 acres of property located north of Columbia Drive, South of Lynn Drive, Tax Lots 3218AB-1700, -1701 and -1702, plus the area of the adjacent rights-of-way, into the Newberg city limit, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County VLDR-1 to Newberg R-2 Pages 7-78
2. Ordinance 2016-2804, An Ordinance annexing property located at 520 W. Third Street, Yamhill County Tax Lot 3219BD-1000, into the Newberg City limits and withdrawing it from the Newberg Rural Fire Protection District, and changing the current zoning from Yamhill County HI to City M-2 Pages 79-152
3. Ordinance 2016-2805, An Ordinance annexing 10.37 acres of property located at 24950 NE North Valley Road, plus the area of the adjacent rights-of-way, into the City of Newberg and changing the zoning from Yamhill County AF-10 to Newberg R-1 Pages 153-226

Agenda continued on next page

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.

IX. NEW BUSINESS

1. Presentation on Capital Improvement Plan Pages 227-292

2. Resolution 2016-3312, A Resolution Initiating an amendment to the Newberg Municipal Code, Title 15 Development Code to reconcile Place, Time and Manner Regulations for Medical Marijuana Growers, Processors and Dispensaries; and Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers Pages 293-297

3. Resolution 2016-3317, A Resolution authorizing and approving amendments to the loan agreement, between the State of Oregon acting by and through its Department of Transportation (“ODOT”) and the City of Newberg, a municipal corporation of the State of Oregon (“Newberg”), dated July 1, 2013, (the “Loan Agreement”). Pages 298-300

4. Newberg Old Fashioned Festival funding request Pages 301-303

5. Discussion on suggestion boxes

6. Discussion on LOC Legislative Priorities Pages 304-325

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 two business days 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. Speakers who wish the Council to consider written material are encouraged to submit written information in writing by 12:00 p.m. (noon) the day of the meeting.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ___ No.	Ordinance ___ No.	Resolution ___ No.	Motion <u>XX</u>	Information ___
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SUBJECT: Minutes

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

RECOMMENDATION:

Approve City Council minutes from June 6, 2016.

**NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
June 6, 2016, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Lesley Woodruff, Mike Corey, Patrick Johnson and Stephen McKinney. Also present were City Manager Pro Tem Stephen Rhodes, City Attorney Truman Stone, City Recorder Sue Ryan and Municipal Judge Larry Blake Jr.

After calling the meeting to order, the Mayor and Council entered into Executive Session pursuant to ORS 192.660 (2) i Performance Evaluations of Public Officers. Staff present included Larry Blake Jr, Municipal Judge. They exited Executive Session at 6:45 p.m.

CALL MEETING TO ORDER

The Mayor called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present: Mayor Bob Andrews Scott Essin Stephen McKinney
Lesley Woodruff Mike Corey
Patrick Johnson

Staff Present: Stephen Rhodes, City Manager Pro Tem Sue Ryan, City Recorder
Truman Stone, City Attorney Matt Zook, Finance Director
Doug Rux, Community Development Director Korie Buerkle, Assistant Library Director
Dave Brooks, Information Technology Director Joe Hannan, City Manager
Jay Harris, Public Works Director Kaaren Hofmann, City Engineer
Russ Thomas, Public Works Maintenance Supervisor
Jeanne Schuback, City Prosecutor

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PRESENTATIONS: Municipal Judge Larry Blake Jr. swore in Joe Hannan as the City Manager for Newberg, who took his Oath of Office.

Mayor Andrews presented a certificate of appreciation to student commissioner Luis Saavedra for serving on the Planning Commission for two years. He was graduating this year from Newberg High School.

CITY MANAGER'S REPORT: City Manager Joe Hannan thanked the Mayor and Council for selecting him to be the new City Manager. He introduced his wife, Shelly. He planned to meet with each Councilor individually as well as department heads.

PUBLIC COMMENTS: None.

CONSENT CALENDAR:

Mayor Andrews said Resolution 2016-3294 had been revised. The increase in compensation was added to the "be it resolved" section. Councilor Johnson said he made no determinations at the Oregon Lottery about who became an Oregon Lottery retailer and it was fine for him to vote on OLCC matters.

MOTION: Woodruff/Essin moved to approve minutes from May 2, 2016; approved Resolution 2016-3294 as amended, a Resolution approving the annual evaluation of the City Attorney, approving a salary increase for the City Attorney and authorizing changes to the City Attorney's employment contract; approval of an off-premises sales/change of ownership dba Mini Market El Tala; approval of an OLCC Winery dba as Audbumla Beverage Company; approved Resolution 2016-3309, A Resolution supporting an application to the Transportation and Growth Management program for a grant to update the Newberg Riverfront Master Plan and approved the Chehalem Valley Chamber of Commerce quarterly report. Motion carried (6 Yes/ 0 No/1 Absent [Bacon]).

PUBLIC HEARING - ADMINISTRATIVE: Resolutions 2016-3295 and 2016-3296

Mayor Andrews opened the hearing and called for any abstentions or conflicts of interest on the part of the Council or objections to jurisdiction. There were none.

Finance Director Zook said this was a requirement for participation in the liquor revenues shared by the state. There was a public hearing held at the Budget Committee for the possible uses of state revenue sharing, and this was the second public hearing. The first resolution stated the City's intent to participate in the program and the second resolution was a requirement for counties with more than 100,000 in population to declare what services the City offered. The City would receive about \$600,000 in the General Fund and \$1.3 million in the Street Fund. He recommended approval of the resolutions.

Proponents: None

Opponents: None

Mayor Andrews closed the hearing.

MOTION: Corey/Woodruff moved to approve Resolution 2016-3295, A Resolution declaring the City of Newberg's election to receive revenues through the State Revenue Sharing program. Motion carried (6 Yes/0 No/1 Absent [Bacon]).

MOTION: Corey/Woodruff moved to approve Resolution 2016-3296, A Resolution certifying the provision of Municipal Services by the City of Newberg for the purposes of participation in the State Revenue Sharing program.. Motion carried (6 Yes/0 No/1 Absent [Bacon]).

Resolution 2016-3297:

Mayor Andrews opened the hearing and called for any abstentions or conflicts of interest on the part of the Council or objections to jurisdiction. There were none.

FD Zook said the 2016/17 budget equaled \$86 million with 142 FTE. The property tax remained the same at 4.3827 per 1,000 and there would be no levy for general obligation bonds. This was a balanced budget.

Councilor Essin said his understanding was the budget was proposing five new positions at a cost of \$700,000. FD Zook said the budget did include the new positions, which was approved by the Budget Committee.

Councilor Corey asked for clarification on the beginning balance for the General Fund as well as contingency and reserves. FD Zook said there was a healthy beginning fund balance made up of surplus at the close of the 2015/16 Fiscal Year. It was spent down to an approximate ending fund balance of \$2.2 million. The City was maintaining the same amount of reserves and would be building the five-year financial plan over the next six months.

Councilor McKinney asked if the present budget was the basis for that five year projection. CMPT Rhodes said that was correct. Councilor Essin said on the \$2.2 million, \$1 million was going to contingency. Were those funds designated to be spent already? CMPT Rhodes said no, the contingency was for emergencies and was not designated for any spending purpose.

Councilor Johnson said contingency was expected to grow even with the new positions. CMPT Rhodes said that was correct. Councilor Johnson asked if they were expecting revenues to support the new positions. If they were to hold back some positions to mid fiscal year, how difficult would that be? CMPT Rhodes said based on the projections, staff was comfortable that the revenues would keep pace with expenditures. The Council would begin to talk about the goals and policies of the five year plan in August. If the Council wanted to hold back some positions, staff would ask that they not do that tonight, but indicate what Council wanted and continue the hearing to the next meeting. This would give staff the time to prepare an amended resolution for June 20. Councilor Essin asked if the new City Manager wanted to go in another direction, such as the new positions, would he be able to with the proposed budget?

CM Hannan did not see anything in the budget that there was a need to change. If the Council wanted to hold off on some positions, they could do so. The budget was sustainable. Any changes to the budget would come through Council as a budget adjustment.

Public Testimony: Kimberly Zoutenidijk, Newberg Old-Fashioned Festival Chair, said the Festival was grateful for the partnership the committee received throughout the 35 years of the festival. This was an important event in the community. Last year when the funding was cut from the City, it put a huge strain on the festival but they were able to pull it off with the assistance of some business members. She was requesting the funds be reinstated. She asked for the same amount from 2014, which was \$8,000. Due to illness and an injury, she had not been able to present this request to the Budget Committee.

Mayor Andrews closed the hearing.

Deliberations: Councilor McKinney thanked CMPT Rhodes and FD Zook for their work on the budget. He thought the five new staff positions were sustainable. The ending fund balance, contingency fund balance, and additional growth in reserves were covered in the budget.

Councilor Johnson said the Budget Committee did not have a unanimous vote to approve the budget and he thought those concerns about the new positions should be brought up. His only question that remained was whether or not to add the Newberg Old Fashioned Festival request. Councilor Woodruff agreed there was a need for the new positions and would like to find a way to help support the festival.

Councilor McKinney was not opposed to giving funds to the Old Fashioned Festival but appreciated the energy the volunteers put into fundraising and getting money from the business community. Mayor Andrews said it could be considered as part of the TLT program, which had not yet been determined. He was in favor of the budget as it was presented. As things occurred throughout the year there could be supplemental budgets to accommodate changes in revenues and expenditures.

City Attorney Stone said the TLT tourism portion was constrained by State law to be spent on tourism promotion or tourism related facilities. He thought tourism promotion could encompass the festival. It would have to go to a specific use, not just a general donation. Councilor McKinney thought the funding for the festival could be dealt with at a different time. Councilor Johnson agreed, but wanted to make sure it was not forgotten. Councilor Woodruff asked if the City had the money in the TLT fund. FD Zook said there was a healthy amount in TLT that was designated for tourism promotion. The budget would not need to be amended to pay for the contribution to NOFF.

MOTION: Johnson/McKinney moved to approve Resolution 2016-3297, A Resolution adopting the City of Newberg, Oregon budget for the 2016-2017 fiscal year, making appropriations, imposing the tax and categorizing the tax. Motion carried (6 Yes/0 No/1 Absent [Bacon]).

CONTINUED BUSINESS: Ordinance 2016-2801

Mayor Andrews said the public comment portion of the hearing had been closed, but there was someone who wished to present oral testimony.

Councilor Corey said the public comment period was closed because they had the first reading and discussion.

MOTION: Corey/McKinney moved to not reopen public testimony on the ordinance. Motion failed (2 Yes/4 No [Andrews, Essin, Johnson, Woodruff/1 Absent [Bacon]).

Mayor Andrews reopened the public hearing.

Staff report: Community Development Director Doug Rux said on May 16 the Council held a public hearing in regard to recreational marijuana wholesalers, research certificates, laboratories, and retailers. There was a recommendation for where these uses would be permitted and where they would be prohibited, which was included in the exhibit in the ordinance. Nothing had changed since May 16, except for one error on the effective date, which should be June 7. At the

May meeting, there were discussions regarding a petition submitted by downtown businesses regarding parking, separation requirements and buffers, and medical dispensaries converting to retailers.

Councilor Johnson said he had been asked if the areas inside roundabouts were considered parks. CDD Rux said the roundabouts were not considered a park. A roundabout was a traffic control device. Councilor Johnson clarified it was not a park even if there was public art. CDD Rux said the public art did not qualify it as a park.

Public Testimony: Athlynn Reeves thought there should be a vote in November to see if Newberg citizens wanted recreational marijuana in Newberg. She thought there were increases in car fatalities and crime since recreational marijuana was legalized. She was concerned about safety and desirability to live in the community. She was opposed to the ordinance and thought they should know what citizens wanted before approving it.

Mayor Andrews closed the hearing.

Councilor Essin said there was a State-wide election where recreational marijuana was legalized. He did not want people commuting to other cities to pick up marijuana or buy it on the black market. If they were going to buy it, he would rather they bought it in Newberg. Councilor Johnson said this was a land use decision about where these facilities could go. He was concerned if they did not pass the changes to the Code, these facilities could go in areas of the City they did not want them to go. He was in favor of putting a measure on the ballot regarding recreational marijuana, but that was a discussion for another time.

MOTION: Essin/Corey moved to adopt Ordinance 2016-2801, An Ordinance amending the Newberg Development Code regarding Recreational Marijuana wholesalers, laboratories, research certificates producers and retailers; and declaring an emergency. Motion carried (6 Yes/0 No/1 Absent [Bacon]).

NEW BUSINESS: Resolution 2016-3302:

CA Stone said in the process of working through the Tualatin Valley Fire and Rescue consolidation, the question was presented to him about the ability to use EMS fund dollars to pay for the TVF&R services. He looked at the resolution that set up the EMS fund and he concluded the answer was no due to the constraints in the resolution. He drafted a new resolution that would broaden the uses of the fund to include the TVF&R services and authorize some of the money to be used for an internal transfer to cover administrative overhead.

There was discussion on the use of the fund.

CMPT Rhodes clarified it was the equipment fund rather than the subscription ambulance funds. CA Stone said the City was making an annual payment to the district for ambulance and fire services and that it was not separated out. It was covered under the budget document and this resolution made it clear that those funds could be paid to an outside party.

Mayor Andrews asked what would happen if in two years there was no annexation. CMPT Rhodes explained they would start the subscription service back up and bring the revenues back into the City.

MOTION: Essin/Corey moved to approve Resolution 2016-3302, A Resolution authorizing the use of the Emergency Medical Services Fund to pay for costs related to the City's contract with Tualatin Valley Fire & Rescue. Motion carried (6 Yes/0 No/1 Absent [Bacon]).

COUNCIL BUSINESS: Discussion on Council Compensation.

Councilor Essin said after looking at what other neighboring cities did, it appeared Council compensation was up to the individual cities. He explained what expenditures were covered and how much other cities compensated their councils. He thought they should receive some compensation to show the value of the Council's time and energy.

Councilor Johnson thought this was a political decision. This was a voluntary job and they should not be motivated by compensation. Councilor Essin thought they were City employees. When asking volunteers to provide phones and computers and requiring them to attend all meetings, there needed to be some compensation. It was a fairness issue.

Mayor Andrews clarified the City Council were not City employees. He said the IRS made a ruling that per-diem taxes must be reported as a wage and a W-2 must be filed. They did receive a stipend for compensation for serving the City. He said it was reviewed in 2008 when they increased the amount from \$8 to \$10 per meeting.

CM Hannan said gathering information was appropriate for staff to do, but making a recommendation was something that was a political issue. He explained ways other cities had addressed the issue including taking it to a citizen or committee level. Ultimately it was a Council decision. Councilor Essin said he had wanted to look at other cities and discuss what a fair compensation would be. It should not cost the Council to serve. Councilor Corey said every city was doing it differently. He suggested Councilor Essin come up with a suggestion and the Council could vote on it.

Councilor McKinney thought the City Attorney could write up a description of what the Council was and how they were currently compensated to help with the discussion. Councilor Essin would write up a proposal to forward to the Council.

CA Stone would be on vacation the week of June 13.

Mayor Andrews asked how the Council wanted to respond to the Newberg Old-Fashioned Festival funding request. Councilor Woodruff said since there was money available in the TLT, she was in favor of giving them \$8,000 from the TLT. Councilor Johnson agreed with Councilor Woodruff.

Councilor McKinney asked if the festival was discussed in the creation of the budget. CMPT Rhodes said it was not because the City did not receive a request for funding. Councilor McKinney thought the festival could do it on their own without funding. He was inclined to keep it as community funding instead of obligating the City.

Councilor Corey thought it should be funded by the TLT, not the General Fund. The community would support the event, and thought the City could contribute \$4,000. Councilor Essin thought a committee could be set up to help raise funds. Councilor Corey said there was a festival committee that raised funds for the event.

Councilor Woodruff was interested to know how many visitors come to town for that weekend. Mayor Andrews thought it should come out of TLT, not the General Fund. He asked for staff to come back with a mechanism to use the TLT to respond to this request. Councilor Johnson thought there needed to be a process for evaluating these types of requests.

CMPT Rhodes said at the next Council Work Session they would be discussing the TLT plan and strategy.

ADJOURNMENT: The meeting was adjourned at 9:30 p.m.

ADOPTED by the Newberg City Council this 5th day of July, 2016.

Sue Ryan, City Recorder

ATTESTED by the Mayor this ____ day of July, 2016.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ___	Ordinance <u>XX</u>	Resolution ___	Motion ___	Information ___
No.	No. 2016-2803	No.		

SUBJECT: An Ordinance annexing 3.06 acres of property located north of Columbia Drive, south of Lynn Drive, Tax Lots 3218AB-1700, -1701 and -1702, plus the area of the adjacent rights-of-way, into the Newberg city limits, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County VLDR-1 to Newberg R-2

**Contact Person (Preparer) for this Motion: Steve Olson, AICP
Dept.: Community Development
File No.: ANX-16-003**

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION: Adopt Ordinance No. 2016-2803, annexing 3.06 acres of property located north of Columbia Drive, south of Lynn Drive, tax lots 3218AB-1700, -1701 and -1702, plus the area of the adjacent rights-of-way, into the City of Newberg, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County VLDR-1 to Newberg R-2.

EXECUTIVE SUMMARY: The proposed annexation is for three parcels totaling 3.06 acres, located north of Columbia Drive and south of Lynn Drive. The properties are located within the Newberg urban growth boundary and have a Newberg Comprehensive Plan designation of MDR (medium density residential). The annexation would change the zoning of the properties from Yamhill County VLDR-1 to Newberg R-2 (medium density residential), which corresponds with the MDR Comprehensive Plan designation. The R-2 zone allows a minimum lot size of 3,000 square feet for future residential development. The applicant’s concept development plan shows a subdivision for single-family homes, with primarily 3,000 square foot lots. The concept development plan is not binding on the applicant, and the annexation does not approve a subdivision for the property, but the subdivision concept does meet the minimum lot size standard in the R-2 zone and shows how the site could potentially be developed.

Several public comments said that 3,000 square foot lots would not fit in with the rest of the area. This is an annexation application, so approval of an annexation would not automatically divide the land into 3,000 square foot lots. The applicant would need to apply for subdivision approval before the land could be divided. The site has an existing MDR (medium density residential) Comprehensive Plan designation which was applied when this area was brought into the urban growth boundary. One of the approval criteria is whether the requested zoning matches the city Comprehensive Plan. The R-2 zone that the applicant has requested corresponds with the MDR designation, and the R-2 zone does have a minimum lot size requirement of 3,000 square feet.

Utilities: One issue facing this application was determining whether adequate public utilities can serve the site within three years. City water and sewer lines are currently in place along Lynn Drive, which could be used to serve the site. The sanitary sewer line flows to the Highway 240 Pump Station. A very preliminary assessment provided by the applicant’s engineer has determined that the pump station could serve the additional flows contributed by this development. If necessary, upgrades to the pump station could be

completed by the developer to provide the capacity needed. The site stormwater management would be designed to comply with the stormwater requirements of the municipal code and public works design and construction standards manual in effect at the time of site development. A permit from Yamhill County will be required for any connections to the ditch along Columbia Drive. One condition of approval is that at the time of development, a detailed analysis of the Highway 240 sanitary sewer pump station is required, and any necessary upgrades to the pump station would be completed by the developer.

Transportation: The site is north of Columbia Drive, and south of Lynn Drive/Heritage Way. Columbia Drive is classified in the TSP as a minor collector, and Lynn Drive & Heritage Way are both local residential streets. Street improvements to both frontages will be required at the time of development. Yamhill County Permits are required for improvements to Columbia Drive. One condition of approval is that at the time of development, a limited traffic study will be required to evaluate the intersection of Main Street and Lynn Drive, and to evaluate Columbia Drive. Another condition of approval is that the TPR report submitted by the applicant's traffic engineer states that, in order to comply with the TPR, development should be limited to 29 single-family homes or acceptable uses that generate less than the 300 trips anticipated in the Comprehensive Plan.

State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg's (and other cities) requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria as outlined in the findings in Exhibit "C" and will not be sent to a public vote. The City Council will make the final local decision on this application for annexation.

FISCAL IMPACT: No direct fiscal impact to the city other than the addition of the 3.06 acres to the property tax base.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): Approval of the proposed annexation helps further the following Council goals: #4 – "Foster and encourage economic development in the community" because the property will provide additional residential building land; and #5 – "Maintain and modernize the city's transportation and utilities infrastructure" because development of this property will require infrastructure improvements, including sidewalks, intersection, and utilities.

ATTACHMENTS:

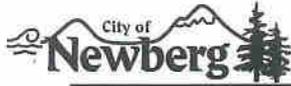
1. Planning Commission Resolution 2016-319 (with Exhibits "A", "B", and "C" by reference only and attached to Ordinance No. 2016-2803)
2. Aerial Photo
3. Concept Development Plan
4. Comprehensive Plan Map
5. Zoning Map
6. Public Comments received to date
7. Application

Ordinance No. 2016-2803 with:

Exhibit "A": Property Map

Exhibit "B": Legal Description

Exhibit "C": Findings



PLANNING COMMISSION RESOLUTION 2016-319

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF 3.06 ACRES OF PROPERTY, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY VLDR-1 TO NEWBERG R-2, FOR PROPERTY LOCATED NORTH OF COLUMBIA DRIVE, SOUTH OF LYNN DRIVE, YAMHILL COUNTY TAX LOTS 3218AB-1700, -1701, AND -1702

RECITALS

1. Del Boca Vista, LLC submitted an application to annex 3.06 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-2. The R-2 zoning is consistent with the adopted MDR (medium density residential) Comprehensive Plan designation on the site. The property is located directly west and south of the current Newberg city limits, north of Columbia Drive, south of Lynn Drive, on Yamhill County tax lots 3218AB-1700, -1701, and -1702.
2. After proper notice, the Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable Newberg Development Code criteria as shown in the findings in Exhibit "C".
4. State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission recommends that the City Council annex the property shown in Exhibit "A" and described in Exhibit "B", along with a zone change to R-2, and withdraw the property from the Newberg Rural Fire Protection District. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. This recommendation is based on the findings shown in Exhibit "C". Exhibit "C" is hereby adopted and by this reference incorporated.

Adopted by the Newberg Planning Commission this 12th day of May, 2016.



Planning Commission Chair

ATTEST:

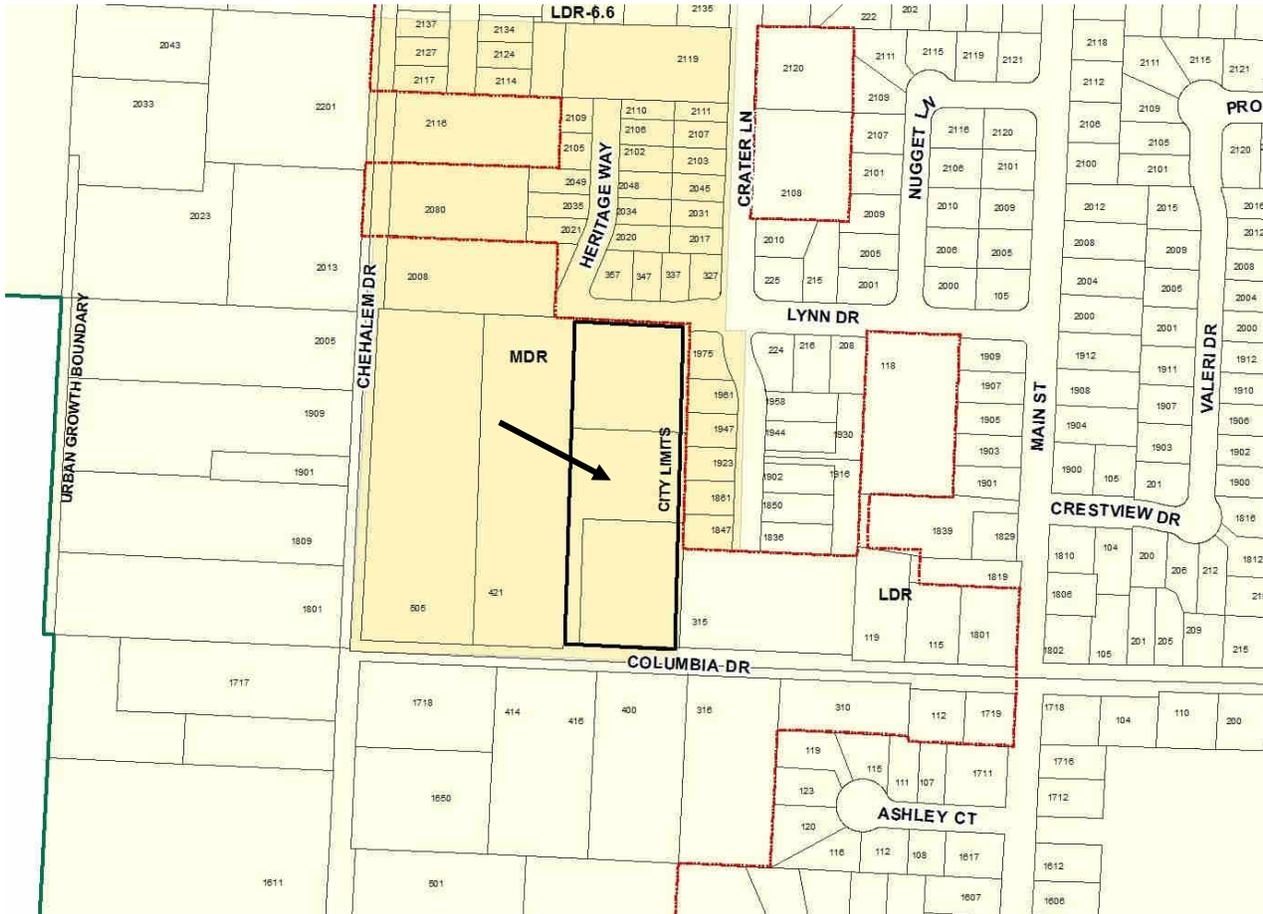


Planning Commission Secretary

Attachment 2: Aerial Photo



Attachment 4: Comprehensive Plan Map



Attachment 6: Comments received to date

Hello,

My name is Mike Brown, my address is 1861 Crater Ln., Newberg, OR.

I am against the Columbia Estates Annexation and Zoning Amendment for tax lots 3218AB-1700, 3218AB-1701, 3218AB-1702. File: ANX-16-003.

This application would change the current zoning of these lots from VLDR-1 to R2, potentially allowing 27 lots to be created sized at 3000sf. Per the applicants plan, this is what will occur if the zoning change is allowed.

- The applicant intends to fill the south end of the development with up to 3 feet of fill to allow for proper sewage flow. Has the City Engineer signed off on this plan? Will the developer guarantee no runoff will end up in my yard or under my house? My house backs up to the property in question, and the proposed homes will back up to my property and sit up to 3 feet higher than my house.
- The applicant states “there is a high demand for single family homes right now”. The applicant has provided no data supporting a “high demand” for homes **of this density**. I urge the commission to look very hard at this statement. Is there really high demand for high density homes within Columbia Estates?
- The existing homes in Columbia Estates are on larger lots, and are zoned R-2. Inserting up to 27 homes on the proposed much smaller lots will affect comps in the neighborhood and very likely negatively impact property values. I urge the commission to value the integrity of the existing neighborhood and the current home values and not support a planned development that will potentially negatively impact the existing residents.

In closing, I want to state that I am not against development. **I am against this proposed development.** This planned development does not belong in this existing neighborhood.

M. Brown
5/8/16

City of Newberg
Community Development Dept.
P. O. Box 970
Newberg, OR 97132

Re: Written Comments File ANX-16-003

Dear Committee Members:

As an adjacent property owner, I would like to express several concerns about the proposed development of Tax Lots 1700 - 1702, between Lynn Lane and Columbia Drive.

Lot Size - I acknowledge that our area has been transitioning from homes on acreage to developments. However, the lot sizes for this proposed development are not consistent with previous development, and are out of character for our neighborhood.

Ground Water - I have concerns about the retention pond proposed to border my property at Columbia Drive. This area has a high water table, and my home has a basement. Thus, collecting ground water, especially during heavy rainfall periods, may cause significant ground water seepage to head my way. What do you propose to deal with increased ground water and getting that ground water to the creek?

Surface Water - With development and loss of soil and vegetation, there will be less opportunities for rain water to seep into the ground. I am concerned about more surface water flowing on to my property as that water runs downhill to the creek. Will storm water from the development be collected into a storm water system?

My Fence - Approximately 200 feet of the eastern boundary of the proposed development is currently bordered with my cyclone fence. That fence is co-mingled with decades of tree and brush trunks and roots. I propose that the best way to deal with this property line is for the developer to remove my current fence, do a thorough clean up of the vegetation, and then replace my fence with a new cyclone fence along the property line.

Thank you for your consideration.

Sincerely,

Mitsi (Michele) Vondrachek
315 West Columbia Drive
503-538-4241

Public Comments

Date: May 8, 2016
To: City of Newberg Planning Commission
From: Mr. and Mrs. William Haines 1847 Crater Lane
Re: Comments on File ANX-16-003
Columbia Estates Annexation and Zone Amendment

We are submitting written comments in response to the notice dated April 21, 2016 we received.

We are opposed to the request by the applicant, "Del Boca Vista, LLC" based on the following concerns.

1) Page 23 of Doc "anx-16-003_columbia_estates_annexation_application"/ page 8 of "Written Response Criteria Annexation Criteria: II. Goals and Policies. Para L. Public Facilities and Services stated in part that sanitary sewer be extended from Lynn Drive...The lot slopes away from Lynn Drive so in order to provide gravity sewer service to all lots, the south end of the lot will be filled to approximately 3 feet." The elevation layout on the Subdivision Concept Development Plan on page 4 details this.

This will directly impact several of the properties on the west side of Crater Lane which back up to the proposed development, ours included. We have grave concerns that this elevation change will endanger our property, yard, foundation and home itself, due to run off as a result of heavy downpours during any storm. Since the present lot(s) in the proposed development actually slop upward from East (Crater Lane) to West (Chehalem) the elevation at our property line will more than likely be more that 3 feet thus exacerbating the run off potential. This could pose substantial financial loss to us both from property damage but also for loss of property value.

2) Page 22 of Doc "anx-16-003_columbia_estates_annexation_application"/ page 7 of "Written Response Criteria Annexation Criteria: II> Goals and Policies. Para K. Transportation. Stated in part that a traffic study has not been submitted as trip generation is 29 trips during peak hour which is less than the 40 trip criteria to trigger a traffic impact study."

As stated, the Transportation Planning Rule (TPR) was developed "years ago". We believe the TPR may be outdated and 29 households will generate far more than 29 trips during the a.m. and/or p.m. peak hours. Our belief is based on our observations that almost every household in this area of Newberg presently has at least 2 automobiles and often times 3 or 4. In this day and age most households now have 2 working members and in the case of teenage members another driver going droving to school daily. Even a conservative 1.5 trips per household exceeds the 40 trip threshold and would trigger a study per the TPR.

3) Page 20 of Doc "anx-16-003_columbia_estates_annexation_application"/ page 5 of "Written Response Criteria Annexation Criteria: Development Concept Statement and Positive/Negative Effects Statement: stated in part that property will "improve the neighborhood by developing a vacant lot."

This "vacant lot" is in fact a very natural surrounding and this combination of open space and homes define a rural setting as we believe this part of Newberg is. We don't see how developing it with 27-29 homes on 3,000 sq ft lots will improve the neighborhood and could possible devalue our properties. We understand the need for more housing but does this density fit into the existing Newberg neighborhood? Is there really a demand for a densely compacted development in this area and what is it based on?

RECEIVED

MAY 9 2016

Initial: _____

4) Page 16 of Doc "anx-16-003_columbia_estates_annexation_application"/ page 5 of "Written Response Criteria Annexation Criteria, pg 1 Natural Features: stated there are no natural features such as waterways, mature tree stands or wildlife corridors."

We believe that deer regularly transit this lot in the evening going from north to south.

We are not sure what constitutes a mature tree stand but there is a group of very tall mature trees located in the center of the proposed site.

We thank you for the opportunity to voice our concerns/observations on this proposal for the annexation and zoning of the subject property for future development. We look forward to your decision and hope you agree with our assessment to not approve the applicant's request.

Very Respectfully,

William and Velina Haines
1847 Crater Lane
Newberg, OR 97132

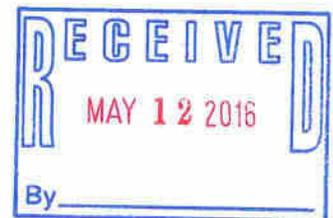


ASSESSMENT OF EXISTING PROPERTIES WITHIN SITE VICINITY WITH R-2 ZONING DESIGNATION

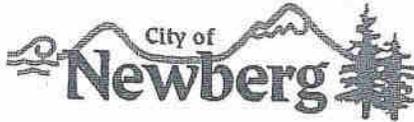
TAX LOT ADDRESS	YEAR BUILT	TAX LOT SIZE (SF)
107 ASHLEY CT	1995	5726
111 ASHLEY CT	1995	6959
112 ASHLEY CT	1995	7585
115 ASHLEY CT	1995	7543
116 ASHLEY CT	1995	8229
119 ASHLEY CT	1995	9360
120 ASHLEY CT	1995	10382
123 ASHLEY CT	1995	8428
1836 N CRATER LN		7500
1847 N CRATER LN		6000
1850 N CRATER LN	2015	7500
1861 N CRATER LN	2015	6000
1902 N CRATER LN	2015	7500
1916 N CRATER LN		10870
1923 N CRATER LN	2015	6000
1930 N CRATER LN	2012	7979
1944 N CRATER LN		7516
1947 N CRATER LN	2012	6000
1958 N CRATER LN	2012	7500
1961 N CRATER LN	2013	6000
2010 N CRATER LN	1995	7596
2017 N CRATER LN	2011	5000
2031 N CRATER LN	2011	5000
2045 N CRATER LN	2009	5000
2020 HERITAGE WY	2008	5509
2021 HERITAGE WY	2011	5135
2034 HERITAGE WY	2010	5071
2035 HERITAGE WY	2011	5415
2048 HERITAGE WY	2011	5036
2049 HERITAGE WY	2007	5393
2102 HERITAGE WY	2013	5015
2109 HERITAGE WY	2014	4060
2110 HERITAGE WY	2014	3891

TAX LOT ADDRESS	YEAR BUILT	TAX LOT SIZE (SF)
2114 LEGACY DR	2007	5220
2117 LEGACY DR	2007	5028
2124 LEGACY DR	2009	5117
208 LYNN DR	2015	7500
215 LYNN DR	1996	9130
216 LYNN DR		7500
224 LYNN DR	2013	7502
225 LYNN DR	1996	7515
308 LYNN DR	2013	6182
327 LYNN DR	2007	5013
337 LYNN DR	2009	5000
357 LYNN DR	2008	6287
2000 NUGGET LN	1995	7575
2001 NUGGET LN	1995	7507
2005 NUGGET LN	1996	7546
2006 NUGGET LN	1995	7506
2009 NUGGET LN	1995	7505
2010 NUGGET LN	1995	7506
2101 NUGGET LN	1995	7504
2107 NUGGET LN	1996	7524

SUMMARY	
MIN. TAX LOT SIZE	3891 sf
MAX. TAX LOT SIZE	10870 sf
AVERAGE TAX LOT SIZE	6696 sf



Note: Properties listed are limited to those with an R-2 zoning designation, in the city limits, and located within 500 feet of the proposed annexation (as provided in the mailing list). Year built and tax lot size information was collected from the Yamhill County Assessor / Tax Collector Department.



TYPE III APPLICATION - 2015
(QUASI-JUDICIAL REVIEW)

File #: _____

TYPES - PLEASE CHECK ONE:

- X Annexation
Comprehensive Plan Amendment (site specific)
X Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista, LLC
ADDRESS: PO Box 486 Newberg, OR 97132
EMAIL ADDRESS: dan@dbvcorp.com
PHONE: 503-590-8600 MOBILE: 503-476-7702 FAX:
OWNER (if different from above): See attached documents PHONE: 503-590-8600
ADDRESS:
ENGINEER/SURVEYOR: Daniel Danicic, PE PHONE: 503-590-8600
ADDRESS: PO Box 486 Newberg, OR

GENERAL INFORMATION:

PROJECT NAME: Columbia Estates PROJECT LOCATION: Lynn Drive and Prospect Way
PROJECT DESCRIPTION/USE: Annexation for single family residential subdivision
MAP/TAX LOT NO. (i.e. 3200AB-400): 3218AB-1700, 1701 & 1702 ZONE: VLDR-1 SITE SIZE: 3.06 SQ. FT. ACRE
COMP PLAN DESIGNATION: MDR TOPOGRAPHY:
CURRENT USE: Vacant
SURROUNDING USES:
NORTH: R2 Single Family Subdivision (Newberg) SOUTH: VLDR-1 Single Family (County)
EAST: VLDR-1 Single Family (County) and R2 Single Family (Newberg) WEST: VLDR-1 Single Family (County)

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:
Annexation p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) p. 19
Conditional Use Permit p. 21
Historic Landmark Modification/Alteration p. 23
Planned Unit Development p. 26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Applicant Signature Date
Michael Hanks, Member
Print Name

Owner Signature Date
Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

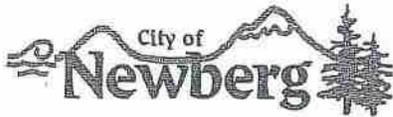
TL 3218AB-1700 & 1701

APPLICATION

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

ANNEXATION CONSENT



TYPE III APPLICATION - 2015
(QUASI-JUDICIAL REVIEW)

File #: _____

TYPES - PLEASE CHECK ONE:

- Annexation
- Comprehensive Plan Amendment (site specific)
- Zoning Amendment (site specific)
- Historic Landmark Modification/alteration
- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista, LLC
 ADDRESS: PO Box 486 Newberg, OR 97132
 EMAIL ADDRESS: dan@dbvcorp.com
 PHONE: 503-590-8600 MOBILE: 503-476-7702 FAX: _____
 OWNER (if different from above): Jo Dacklin PHONE: 503-590-8600
 ADDRESS: 11990 SW King James Pl King City, OR 97224
 ENGINEER/SURVEYOR: Daniel Danicic, PE PHONE: 503-590-8600
 ADDRESS: PO Box 486 Newberg OR 97132

GENERAL INFORMATION:

PROJECT NAME: Columbia Estates PROJECT LOCATION: Lynn Drive and Heritage Way
 PROJECT DESCRIPTION/USE: Single Family Residential
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3218AB-01700 ZONE: VLDR-1 SITE SIZE: 1.02 SQ. FT. ACRE
 COMP PLAN DESIGNATION: MDR TOPOGRAPHY: _____
 CURRENT USE: Vacant
 SURROUNDING USES:
 NORTH: _____ SOUTH: _____
 EAST: _____ WEST: _____

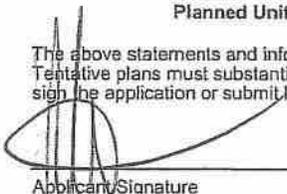
SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

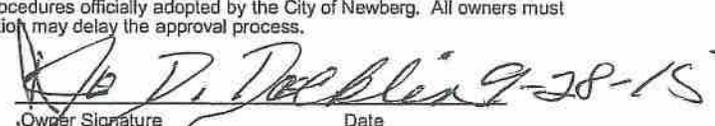
General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

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 Planned Unit Developmentp.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.


 Applicant Signature _____ Date 9/24/15
 Marc Willcuts, Del Boca Vista
 Print Name _____ LLC


 Owner Signature _____ Date 9-28-15
 Jo D. Dacklin
 Print Name _____

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists



TYPE III APPLICATION - 2015
(QUASI-JUDICIAL REVIEW)

File #: _____

TYPES - PLEASE CHECK ONE:

- Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista, LLC
ADDRESS: PO Box 486 Newberg, OR 97132
EMAIL ADDRESS: dan@dbvcorp.com
PHONE: 503-590-8600 MOBILE: 503-476-7702 FAX:
OWNER (if different from above): Jo Dacklin PHONE: 503-590-8600
ADDRESS: 11990 SW King James Pl King City, OR 97224
ENGINEER/SURVEYOR: Daniel Danicic, PE PHONE: 503-590-8600
ADDRESS: PO Box 486 Newberg OR 97132

GENERAL INFORMATION:

PROJECT NAME: Columbia Estates PROJECT LOCATION: Lynn Drive and Heritage Way
PROJECT DESCRIPTION/USE: Single Family Residential
MAP/TAX LOT NO. (i.e. 3200AB-400): 3218AB-01701 ZONE: VLDR-1 SITE SIZE: 1.02 SQ. FT. ACRE
COMP PLAN DESIGNATION: MDR TOPOGRAPHY:
CURRENT USE: Vacant
SURROUNDING USES:
NORTH: SOUTH:
EAST: WEST:

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexation p. 15
Comprehensive Plan / Zoning Map Amendment (site specific) p. 19
Conditional Use Permit p. 21
Historic Landmark Modification/Alteration p. 23
Planned Unit Development p. 26

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Applicant Signature: [Signature] Date: 9/24/15
Print Name: Maura Williams, Del Boca Vista LLC

Owner Signature: [Signature] Date: 9-28-15
Print Name: JO D. DACKLIN

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

AFTER RECORDING RETURN TO:
City of Newberg
Planning and Building Department
PO Box 970 – (414 E. First Street)
Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

- 1) The undersigned, Jo Dacklin and _____ (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to Tax Lot 3218AB-01700 and _____, Tax Lot 3218AB-01701 for the real property described in **Exhibit A** which is attached hereto and incorporated herein.
- 2) Pursuant to the enactment of **Ballot Measure 49** (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
- 4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
- 5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: TL 3218AB-1700 and 1701, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned
Jo Dacklin

_____ as
owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which
consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-
year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some
other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the
City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 28th day
of September, 2015

Jo Dacklin

STATE OF Oregon, County of Washington ss 9/28/15
month/day/year

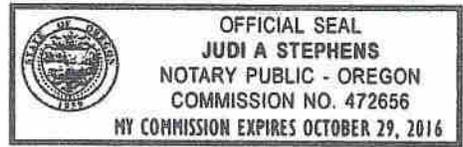
Personally appeared the above named JO Dacklin

and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me: Stephens

Notary Public for: Oregon

My commission expires: 10/29/16



ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Jo Dacklin

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) N/A and (tax lot) 3218AB-01700 and 1701, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 28th day of September, 2015

Jo D. Dacklin

STATE OF Oregon, County of Washington ss 9/28/15
Month / day / year

Personally appeared the above named Jo Dacklin

and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me: Stephens
Notary Public for Oregon
My commission expires 10/29/16

- 3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

OWNER

Jo Dacklin _____

STATE OF OREGON)

County of Yamhill) ss.
Washington

This instrument was acknowledged before me on this 28th day of Sept, 20015, by Jo Dacklin and _____.

J. Stephens
 Notary Public for Oregon
 My Commission expires: 10/29/16



CITY OF NEWBERG

APPROVED AS TO FORM:

 Norma I. Alley, City Recorder

 Terrence D. Mahr, City Attorney

Dated: _____

Dated: _____

TL 3218AB-1702

APPLICATION

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

WAIVER OF EXPERIATION OF ANNEXAATION CONSENT

ANNEXATION CONSENT



TYPE III APPLICATION - 2015
(QUASI-JUDICIAL REVIEW)

File #: _____

TYPES -- PLEASE CHECK ONE:

- Annexation
- Comprehensive Plan Amendment (site specific)
- Zoning Amendment (site specific)
- Historic Landmark Modification/alteration

- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista, LLC
 ADDRESS: PO Box 486 Newberg, OR 97132
 EMAIL ADDRESS: dan@dbvcorp.com
 PHONE: 503-590-8600 MOBILE: 503-476-7702 FAX: _____
 OWNER (if different from above): Richard and Merrilee Lee PHONE: 503-590-8600
 ADDRESS: PO Box 275 Ridgefield, WA 98642
 ENGINEER/SURVEYOR: Daniel Danicic, PE PHONE: 503-590-8600
 ADDRESS: PO Box 486 Newberg OR 97132

GENERAL INFORMATION:

PROJECT NAME: Columbia Estates PROJECT LOCATION: Lynn Drive and Heritage Way
 PROJECT DESCRIPTION/USE: Single Family Residential
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3218AB-01702 ZONE: VLDR-1 SITE SIZE: 1.02 SQ. FT. ACRE
 COMP PLAN DESIGNATION: MDR TOPOGRAPHY: _____
 CURRENT USE: Vacant
 SURROUNDING USES:
 NORTH: _____ SOUTH: _____
 EAST: _____ WEST: _____

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexationp. 15
 Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
 Conditional Use Permitp. 21
 Historic Landmark Modification/Alterationp. 23
 Planned Unit Developmentp.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

[Signature] 9/24/15
 Applicant Signature Date
Mark Willatts Del Boca Vista LLC
 Print Name

[Signature] 9/24/15
 Owner Signature Date
Merrilee Lee
RICHARD T. LEE 9/24/15
 Print Name
Merrilee A. Lee 9-24-15

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Richard and Merrilee Lee

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) N/A and (tax lot) 3218AB-01702 does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this _____ day of _____, 20__.

Richard T. Lee
Merrilee Lee

STATE OF WA, County of CLATSOP ss 9 124/15
Month / day / year

Personally appeared the above named _____

and acknowledged the foregoing instrument to be _____ voluntary act and deed.

MARK W EATON
Notary Public
State of Washington
My Commission Expires
January 09, 2016

Before me: [Signature]
Notary Public for CLATSOP WA
My commission expires 1/9/16

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned
Richard and Merrilee Lee

_____ as
owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which
consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-
year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some
other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the
City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this _____ day
of _____, 20 ____.

Richard T. Lee
Merrilee H. Lee

STATE OF WA, County of CLATSOP ss 9/24/15
month/day/year

Personally appeared the above named _____

and acknowledged the foregoing instrument to be _____ voluntary act and deed.

MARK W EATON
Notary Public
State of Washington
My Commission Expires
January 09, 2016

Before me:
MARK EATON

Notary Public for:
CLATSOP WA

My commission expires:
1/9/16

AFTER RECORDING RETURN TO:

City of Newberg
Planning and Building Department
PO Box 970 – (414 E. First Street)
Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

- 1) The undersigned, Richard Lee and Merrilee Lee (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to Tax Lot 3218AB-01702 for the real property described in Exhibit A which is attached hereto and incorporated herein.
- 2) Pursuant to the enactment of Ballot Measure 49 (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
- 4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
- 5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Tax Lot 3218AB-1702, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

- 3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER


OWNER


STATE OF ^{WA}OREGON)
 County of ^{CLATSOP}Yamhill) ss.

This instrument was acknowledged before me on this 24 day of Sept, ~~200~~²⁰¹⁵, by Lee, Richard and Lee, Merrilee.


 Notary Public for Oregon ^{WA}
 My Commission expires: 1/9/16

MARK W EATON
 Notary Public
 State of Washington
 My Commission Expires
 January 09, 2016

CITY OF NEWBERG

APPROVED AS TO FORM:

 Norma I. Alley, City Recorder

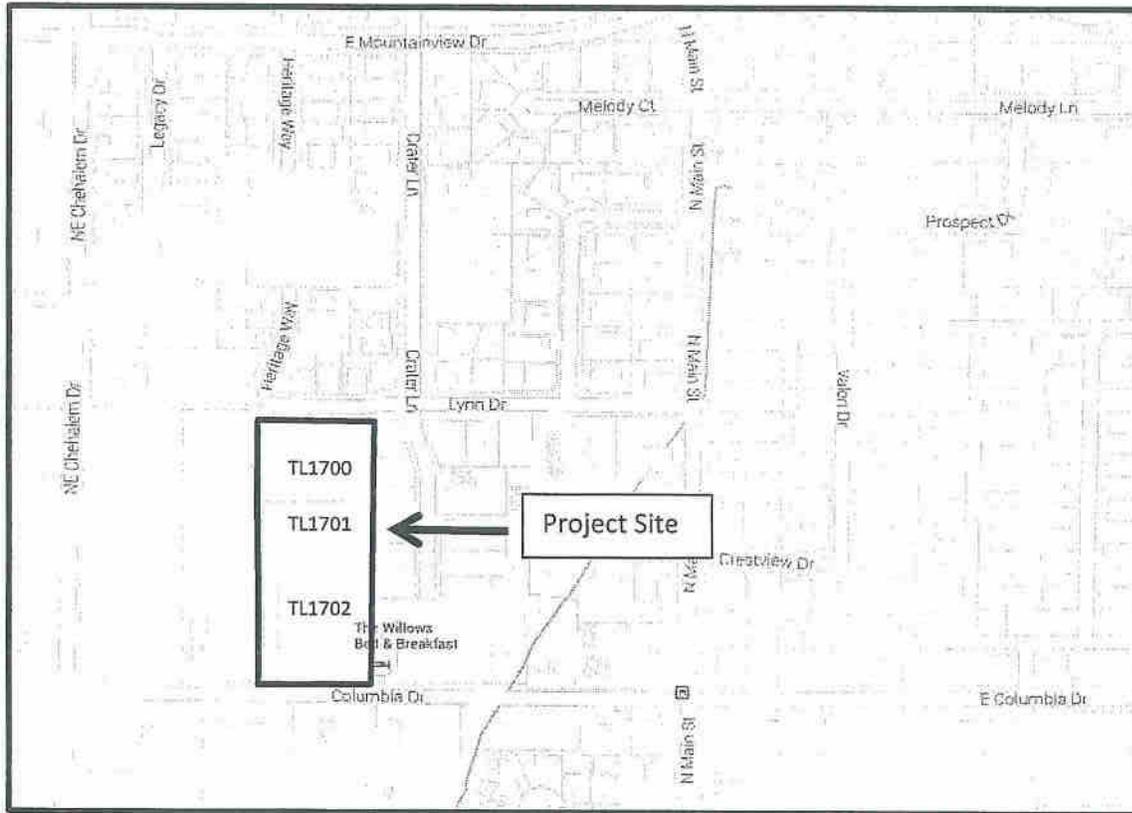
 Terrence D. Mahr, City Attorney

Dated: _____

Dated: _____

WRITTEN RESPONSE CRITERIA

Columbia Estates Annexation and Zone Amendment



Applicant: Del Boca Vista, LLC
PO Box 486 Newberg, OR 97132

Tax Lots: 3218AB – 1700; 3218AB – 1701; 3218AB – 1702

General Land Use Plan

Site Size:	Total of 3.06 acres	
Zoning:	Current	County VLDR-1
	Newberg Comp Plan	MDR
	Proposed	R2
Proposal:	Single Family Residential Subdivision	
Proposed Lot Size:	3,000sf minimum	
Expected Maximum Density:	9 units/ac x 3.06ac = 27.54 dwelling units	
Natural Features:	No significant natural features such as waterways, mature tree stands or wildlife corridors.	

Public Facility Financing Statement: All public utilities necessary for the development of this site will be financed by the developer.

Columbia Estates Annexation and Zone Amendment



NEWBERG COMP PLAN DESIGNATION



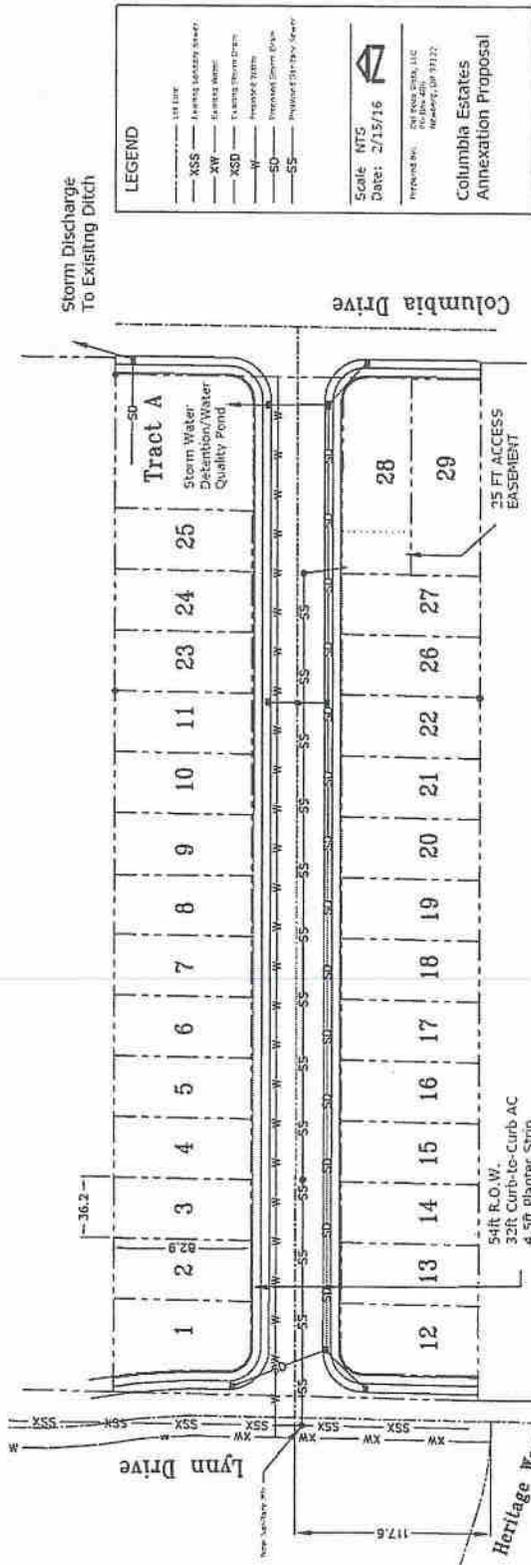
NEWBERG ZONING MAP

Columbia Estates Annexation and Zone Amendment

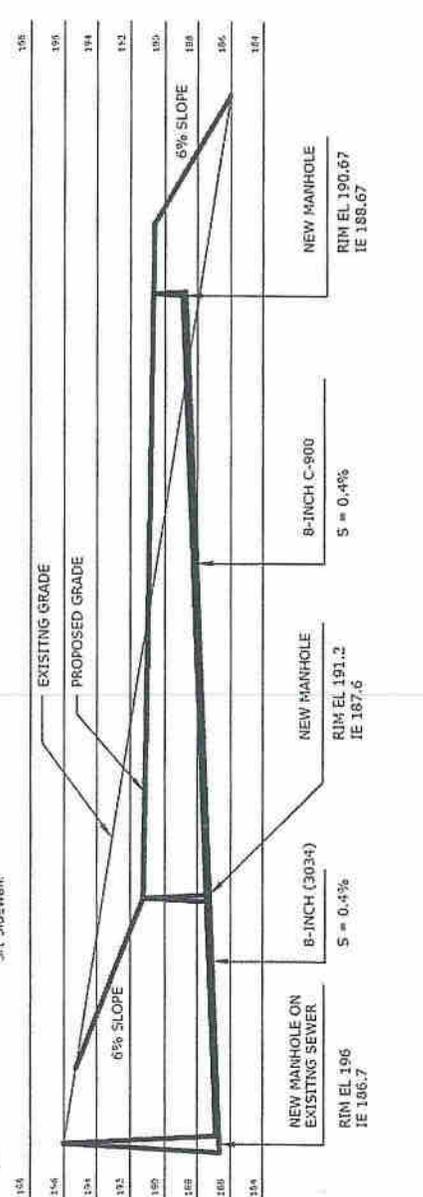


TAX LOT MAP 3218AB

Columbia Estates Annexation and Zone Amendment



LOTS 1 - 27: 3,000 SF
 LOTS 28-29: 4,840 SF
 AVERAGE: 3,116 SF



SUBDIVISION CONCEPT DEVELOPMENT PLAN

Columbia Estates Annexation and Zone Amendment

ANNEXATION REQUEST AND FINDINGS

The following is the applicants' statement regarding the annexation criteria (Newberg Code 15.250.030) for annexation of approximately 3.06 acres (Net area) of territory (Yamhill County-Tax Lots 3218AB 1700, 1701 and 1702) that is north of Columbia Drive and between Chehalem Drive and Main Street in Newberg Oregon.

The subject property is currently zoned VLDR-1 (Very Low Density Residential-1 acre minimum) and designated "MDR" (Medium Density Residential on the Newberg Comprehensive Plan Map.

There are no existing structures located on the site. The applicant is proposing to develop the site with a minimum of 28 single family lots for residential construction.

The proposal provides for orderly growth of the City limits and once developed, public and private services will be available to the residents of the annexed territory. No new service districts are proposed.

The Urban Growth Boundary is not proposed for expansion. The annexation will provide adequate land for residential development to meet the City's demand for urban development in an orderly, efficient and timely manner.

The subject property is surrounded by City limits on the north, and 2/3rds of the eastern property line.

The annexation will permit new development. Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines. It is timely to process the annexation of the subject property now, as it will be a minimum of one year before actual development can take place. The public interest is best served by referring the matter to the voters in November 2016.

Development Concept Statement and Positive/Negative Effects Statement:

The applicant is proposing to develop the site with at 29 single family residences. The subject property will not only be a site that will contribute to the need for housing, but it is also a site that can help improve the neighborhood in the area by developing a vacant lot. The subject property when developed will provide street improvements such as sidewalks that will provide pedestrian connections throughout the neighborhood. The development of the site will meet a need for new single family homes.

Though this development will increase the traffic in the area, it will provide a valuable link to major and minor collector roads relieving traffic volumes along local residential streets.

The proposed annexation/zone change will have a positive impact on the economy of the City of Newberg. The rezone and annexation will allow the property to be developed, which will create employment during construction, add utility customers and increase property tax revenues to the City.

Columbia Estates Annexation and Zone Amendment

ANNEXATION CRITERIA:

(A) The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If the resignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg Comprehensive Plan.

Response - The applicant is proposing a City designation of R2. The proposed land use designation is consistent with the Newberg Area Comprehensive Plan "MDR" designation and applicable Statewide planning goals.

II. Goals and Policies.

A. Citizen Involvement

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Newberg. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies. The published notice will identify the applicable criteria. A public hearing to consider the request will be held, along with voter approval. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision.

These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

B. Land-Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The City's Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the Newberg Comprehensive Plan and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the annexation and zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed zone change, along with findings and evidence to support the annexation. For these reasons, the proposal conforms to the land use planning process established by this Goal.

E. Air, Water, and Land Resource Quality

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards

Columbia Estates Annexation and Zone Amendment

and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land.

G. Open Space, Scenic, Natural Historic and Recreational Resources

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are no mapped wetlands and a waterway on the subject property.

H. The Economy and I. Housing

The proposed annexation and zone change will have a positive impact on the economy and housing of the City of Newberg. There is a high demand for single family homes right now. The annexation and rezone will allow the property to be developed, which will create employment along with a housing type that is desirable for families.

K. Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located along Lynn Drive and Columbia Drive and will provide a new north/south local residential connector. The major streets are in place due to previous development. The new road will help the traffic circulation by allowing another local connection from Lynn Drive to Columbia Drive.

The attached letter prepared by Associated Transportation Engineering and Planning dated September 22, 2015 addressed the Transportation Planning Rule. Their analysis concludes that the proposed annexation of the three parcels will generate traffic volumes consistent with the Comprehensive Plan and the anticipated zoning of the area.

A traffic study has not been submitted as the trip generation for the proposed development is 29 trips during the p.m. peak hour which less than the 40 trip criteria to trigger a traffic impact study.

With the recommended improvements the function of the transportation system will be maintained at acceptable standards and not have a negative impact on the neighborhood or existing street system.

For these reasons the requirements of this Goal are met.

Columbia Estates Annexation and Zone Amendment

L. Public Facilities and Services

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Storm water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Water will be extended south from Lynn Drive to serve the proposed development. Stormwater will be collected and conveyed to a water quality/detention facility at the southern end of the site, which then discharges into the Yamhill County drainage ditch system. Yamhill County will dictate any need for downstream drainage improvements. Sanitary sewer can be extended from Lynn Drive to serve the development. The lot slopes away from Lynn Drive, so in order to provide gravity sewer service to all lots, the south end of the lot will be filled approximately three feet. Fill will be acquired by a cut in the northern half of the lot and augmented from off-site sources as needed. Refer to the concept development plan above for details.

Sidewalks will be provided along the public right-of-way through the site to connect to the existing public sidewalk system in Lynn Drive. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in this area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas and has convenient access to the existing streets. Aesthetics and landscaping will be considered in the design of the circulation system to cut down on headlight glare, heat, and improved traffic direction.

The Newberg School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested.

Columbia Estates Annexation and Zone Amendment

The proposed annexation is in compliance with the applicable Goals and Policies in the Comprehensive Plan.

(B) Urban Services

As stated above, the proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks will be provided through the site to connect to the existing public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Newberg urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas and has convenient access to the existing major and minor collector streets. Aesthetics and landscaping will be considered in the design of the circulation system to cut down on headlight glare, heat, and improved traffic direction.

(C) Police, Fire, Parks, and School Facilities

The Newberg School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested.

The development of the site will require the applicant to pay System Development Charges (SDC'S) that will contribute to parks and school facilities. Taxes that come from the development will help to provide funding for Police, Fire, and other required services.

Columbia Estates Annexation and Zone Amendment

ZONE CHANGE REQUEST AND FINDINGS:

The applicant is requesting an annexation into the City of Newberg. The subject property is currently zoned VLDR-1 in Yamhill County. The subject property is surrounded by City zoned R-2 property. The applicant is requesting a zone change to R-2 upon annexation into the City of Newberg.

Zone Change Criteria

a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code.

The proposed zone change is consistent with the Comprehensive Plan and Code. The subject property is designated as "MDR" (Medium Density Residential) on the Newberg Comprehensive Plan Map. The "MDR" designation is consistent with the R2 zone, which is reserved for similar density development.

The applicant is proposing to develop the site as single family homes. The single family homes will be consistent with the goals and policies of the "MDR" designation and the intent of the R-2 zone.

b) Public Facilities and Services

Water and sanitary sewer public facilities are adjacent to (within Lynn Drive) and capable to serve this site. Therefore public services can be considered to be reasonably available to support development.

As stated above, the City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Storm water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time subdivision development and building permits are requested.

Water will be extended south from Lynn Drive to serve the proposed development. Stormwater will be collected and conveyed to a water quality/detention facility at the southern end of the site, which then discharges into the Yamhill County drainage ditch system. Yamhill County will dictate any need for downstream drainage improvements. Sanitary sewer can be extended from Lynn Drive to serve the development. The lot slopes away from Lynn Drive, so in order to provide gravity sewer service to all lots, the south end of the lot will be filled approximately three feet. Fill will be acquired by a cut in the northern half of the lot and augmented from off-site sources as needed. Refer to the concept development plan above for details.

Columbia Estates Annexation and Zone Amendment

Sidewalks will be provided through the site to connect to the existing public sidewalk system. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to provide connectivity to major population and employment centers in this area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas by way of a new residential street connecting Lynn Drive to Columbia Drive.

The Newberg School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested.

c) Compliance with the State Transportation Planning Rule

The subject site is located between Columbia and Lynn Drive. The City of Newberg's Transportation System Plan (TSP) is in compliance with the requirements of this Goal. The relationship of the proposal to the transportation system, and its impacts, is described in the Transportation Planning Rule analysis prepared by Associate Transportation Engineering and Planning dated 9/22/15. Their analysis concludes that the proposed annexation of the three parcels will generate traffic volumes consistent with the Comprehensive Plan and the anticipated zoning of the area.

As an infill proposal, the transportation network in the area is already established. Connections to the existing system are provided by existing streets and access to serve the new parcels. The subject property, as proposed, will be served with adequate transportation infrastructure, and the street system adjacent to the property provides for safe, orderly, and efficient circulation of traffic into and out of the property.

For these reasons the requirements of this Goal are met.

This concludes the applicants' summary addressing the requirements of the code for annexation and zone change amendment. If you have any questions or need additional information, please call our office at 503 590 8600.

TITLE REPORTS



First American

First American Title Company of Oregon
825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

**PUBLIC RECORD REPORT
FOR NEW SUBDIVISION OR LAND PARTITION**

THIS REPORT IS ISSUED BY THE ABOVE-NAMED COMPANY ("THE COMPANY") FOR THE EXCLUSIVE USE OF:

Del Boca Vista LLC
P.O. Box 486
Newberg, OR 97132
Phone: (503)590-8600

Date Prepared : September 25, 2015
Effective Date : 8:00 A.M on September 03, 2015
Order No. : 1039-2529663
Reference :

The information contained in this report is furnished by First American Title Insurance Company of Oregon (the "Company") as an information service based on the records and indices maintained by the Company for the county identified below. This report is not title insurance, is not a preliminary title report for title insurance, and is not a commitment for title insurance. No examination has been made of the Company's records, other than as specifically set forth in this report. Liability for any loss arising from errors and/or omissions is limited to the lesser of the fee paid or the actual loss to the Customer, and the Company will have no greater liability by reason of this report. This report is subject to the Definitions, Conditions and Stipulations contained in it.

REPORT

- A. The Land referred to in this report is located in the County of Yamhill, State of Oregon, and is described as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- B. As of the Effective Date, the tax account and map references pertinent to the Land are as follows:

As fully set forth on Exhibit "A" attached hereto and by this reference made a part hereof.

- C. As of the Effective Date and according to the Public Records, we find title to the land apparently vested in:

As fully set forth on Exhibit "B" attached hereto and by this reference made a part hereof.

- D. As of the Effective Date and according to the Public Records, the Land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

As fully set forth on Exhibit "C" attached hereto and by this reference made a part hereof.

First American Title Company of Oregon
Public Record Report for New Subdivision or Land Partition
Order No. 1039-2529663

EXHIBIT "B"
(Vesting)

Jo D. Dacklin as to Parcel 1 and 2, and Richard T. Lee and Merrilee A. Lee Revocable Living Trust dated
September 18, 2008 as to Parcel 3

DEFINITIONS, CONDITIONS AND STIPULATIONS

1. Definitions. The following terms have the stated meaning when used in this report:
 - (a) "Customer": The person or persons named or shown as the addressee of this report.
 - (b) "Effective Date": The effective date stated in this report.
 - (c) "Land": The land specifically described in this report and improvements affixed thereto which by law constitute real property.
 - (d) "Public Records": Those records which by the laws of the state of Oregon impart constructive notice of matters relating to the Land.

2. Liability of the Company.
 - (a) This is not a commitment to issue title insurance and does not constitute a policy of title insurance.
 - (b) The liability of the Company for errors or omissions in this public record report is limited to the amount of the charge paid by the Customer, provided, however, that the Company has no liability in the event of no actual loss to the Customer.
 - (c) No costs (including, without limitation attorney fees and other expenses) of defense, or prosecution of any action, is afforded to the Customer.
 - (d) In any event, the Company assumes no liability for loss or damage by reason of the following:
 - (1) Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records.
 - (2) Any facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
 - (3) Easements, liens or encumbrances, or claims thereof, which are not shown by the Public Records.
 - (4) Discrepancies, encroachments, shortage in area, conflicts in boundary lines or any other facts which a survey would disclose.
 - (5) (i) Unpatented mining claims; (ii) reservations or exceptions in patents or in Acts authorizing the issuance thereof, (iii) water rights or claims or title to water.
 - (6) Any right, title, interest, estate or easement in land beyond the lines of the area specifically described or referred to in this report, or in abutting streets, roads, avenues, alleys, lanes, ways or waterways.
 - (7) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances or regulations) restricting, regulating, prohibiting or relating to (i) the occupancy, use or enjoyment on the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (8) Any governmental police power not excluded by 2(d)(7) above, except to the extent that notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the Public Records at the effective date hereof.
 - (9) Defects, liens, encumbrances, adverse claims or other matters created, suffered, assumed, agreed to or actually known by the Customer.

3. Report Entire Contract. Any right or action or right of action that the Customer may have or may bring against the Company arising out of the subject matter of this report must be based on the provisions of this report. No provision or condition of this report can be waived or changed except by a writing signed by an authorized officer of the Company. By accepting this form report, the Customer acknowledges and agrees that the Customer has elected to utilize this form of public record report and accepts the limitation of liability of the Company as set forth herein.

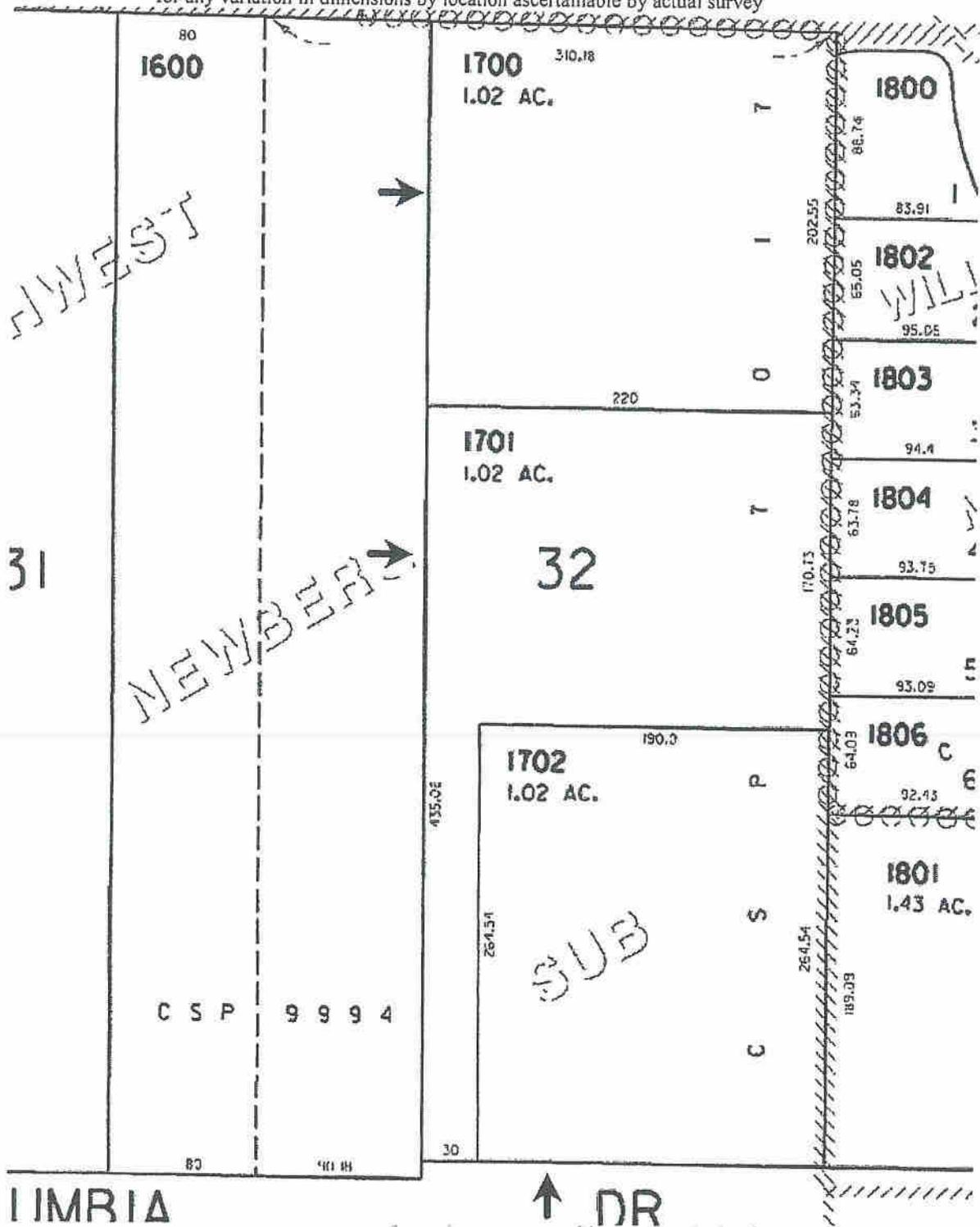
4. Charge. The charge for this report does not include supplemental reports, updates or other additional services of the Company.



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey



ease over ABC of LOT 32

322970

NORTHWEST ELECTRIC POWER LINE EASEMENT

FILM 139 PAGE 1551

KNOW ALL MEN BY THESE PRESENTS, That

DORIS DOLM

(hereinafter called "the Grantors," whether one or more than one), for and in consideration of the payment of the sum of one and no/100ths Dollars (\$ 1.00), the receipt of which is hereby acknowledged, hereby grant, sell and convey to Portland General Electric Company, an Oregon corporation,

(hereinafter called "the Grantee," whether one or more than one), its successors and assigns, a perpetual easement and right of way over, under and across the following described parcel of land situated in Yamhill County,

Oregon, being a strip of land sixteen (16) feet in width, extending eight (8) feet on each side of a center line more particularly described as follows:

Beginning at a point on the South line of that certain tract of land in Section 18, Township 3 South, Range 2 West, Willamette Meridian, described in Film 93 Volume 357 Deed Records, said point being North 89° 32' 47" West 157.64 feet from the intersection of the South line of said tract of land with the West line of County Road No. 66; RUNNING THENCE South 64° 9' 53" West 117.68 feet; THENCE South 8° 22' 38" East 142.21 feet.

TO HAVE AND TO HOLD the above described easement and right of way unto the Grantee, its successors and assigns, together with the present right to top, limb or fell trees located on land owned by the Grantors, adjacent to the above described right of way, which danger trees will be determined by the Grantee.

Said easement and right of way shall be for the following purposes, namely: the perpetual right to enter upon and to erect, maintain, repair, rebuild, operate and patrol electric power lines, and appurtenant signal or communication lines, including the right to erect such poles, wires, cables, guys, supports and appurtenances as are necessary therefor, together with the present and future right to clear said right of way and keep the same clear of brush, timber, structures and fire hazards, including the right to restrict the growth of trees and brush on said right of way by the use of chemical sprays.

Grantors shall have the right to use the lands subject to the above described easement for all purposes not inconsistent with the uses and purposes herein set forth, except Grantors shall not build or erect any structure upon the right of way without the prior written consent of the Grantee.

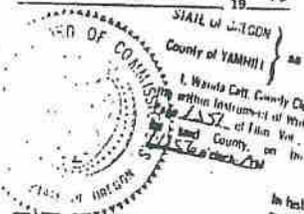
If the Grantee, its successors and assigns, shall fail to use said right of way for the purposes above mentioned for a continuous period of five years after construction of said power lines, then and in that event this right of way and easement shall terminate and all rights and privileges granted hereunder shall revert to the Grantors, their heirs and assigns.

The Grantors hereby warrant that they are possessed of a marketable title to the property covered by this easement, and have the right to grant the same.

The Grantors, for themselves and their heirs and assigns, covenant to and with the Grantee, its successors and assigns, that the Grantee, its successors and assigns, shall peaceably enjoy the rights and privileges herein granted.

IN WITNESS WHEREOF, the Grantors have caused this easement to be executed this 16 day of

March 19 79



STATE OF OREGON
County of YAMHILL

04241

Doris Dolm (SEAL)

(SEAL)

(SEAL)

(SEAL)

STATE OF OREGON
County of Yamhill

I, Wanda Galt, County Clerk in and for said County and State, do hereby certify that the within instrument of writing was received and has been by me duly recorded in the said County, on the 16 day of March 19 79 at 10:20 A.M.

On this 16 day of March 19 79, before me, the undersigned, a Notary Public in and

for said County and State, personally appeared Doris Dolm

to me known to be the individuals described in and who executed the foregoing instrument, and acknowledged that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my notarial seal this, the day and year in this instrument first written.

Carl J. Berg
Notary Public for Oregon
November 28, 1982

My commission expires



MAP AND LEGAL DESCRIPTION

Exhibit "A"

Date: 21 January 2016

Proposed Annexation - Legal Description (3.2 Ac. more or less)

A tract of land in Section 18, Township 3 South, Range 2 West, City of Newberg, Yamhill County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of Tract 32 of the NORTHWEST NEWBERG SUBDIVISION; thence North $89^{\circ}46'12''$ West 220.00 feet along the north line of said Tract 32; thence South $00^{\circ}11'00''$ East 637.61 feet parallel with the east line of said Tract 32 to the center line of Columbia Drive; thence South $89^{\circ}43'00''$ East 220.00 feet along said centerline to the southerly extension of the east line of said Tract 32; thence North $00^{\circ}11'00''$ West 637.82 feet more or less along the east line of said Tract 32 to the point of beginning as shown by Exhibit "B".

Also described as the East 220 feet for Tract 32 of the NORTHWEST NEWBERG SUBDIVISION as shown by Exhibit "B".

Matt Dunckel
Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 503-472-7904
Fax: 503-472-0367
E-Mail: matt@macdonaldsurveying.com

Exhibit "B"

Map of Proposed Annexation

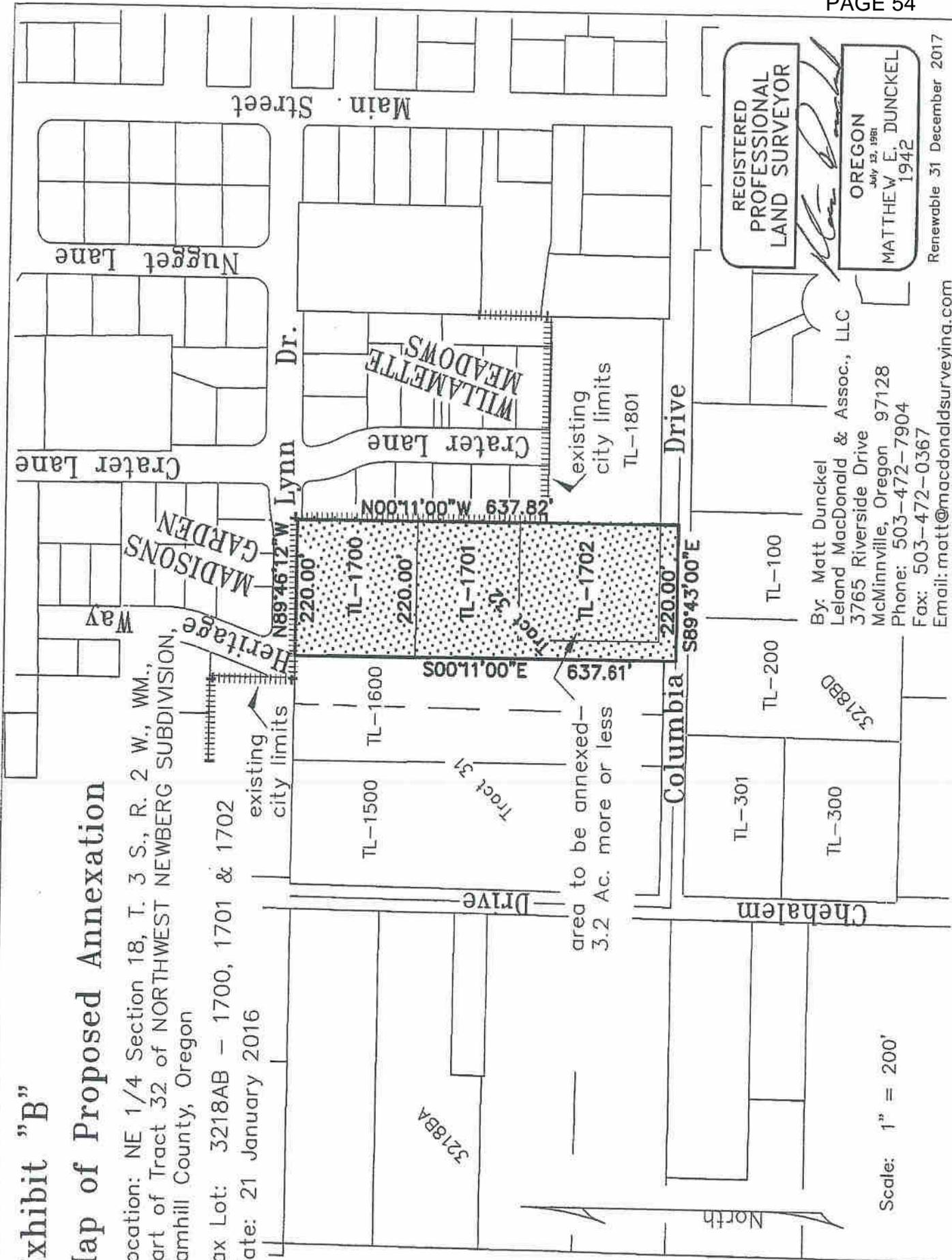
Location: NE 1/4 Section 18, T. 3 S., R. 2 W., WM.,
Part of Tract 32 of NORTHWEST NEWBERG SUBDIVISION,
Yamhill County, Oregon

Tax Lot: 3218AB - 1700, 1701 & 1702

Date: 21 January 2016

existing
city limits

area to be annexed—
3.2 Ac. more or less



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
July 12, 1961
MATTHEW E. DUNCHEL
1942

By: Matt Duncel
Leland MacDonald & Assoc., LLC
3765 Riverside Drive
McMinnville, Oregon 97128
Phone: 503-472-7904
Fax: 503-472-0367
Email: matt@macdonaldsurveying.com

Renewable 31 December 2017
8095

Scale: 1" = 200'

TRAFFIC STUDY

Memo



Date: May 5, 2015
 To: Mr. Dan Danieic, PE
 From: Karl Birky, PE, PTOE
 Re: Transportation Planning Rule - Columbia Dr Parcels

I thank you for asking ATEP, Inc to provide this Transportation Planning Rule analysis for the planned annexation of tax lots 1700, 1701 and 1702 of tax map 3S 2W Sec 18AB. The 3.06 acre site is on the north side of Columbia Dr approximately 300 feet east of Chehalem Dr in Newberg, OR. The site is in Newberg's Urban Growth Boundary, is zoned VLDR-1 in Yamhill County and is designated Medium Density Residential (MDR) on the City of Newberg Comprehensive Plan and Plan Map.



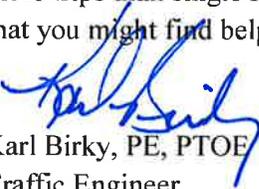
The City of Newberg has identified this and other MDR parcels "to provide a wide range of housing types and styles while maintaining an overall average density of 8.8 units per acre. The developer intends to develop this parcel with 29 homes. For Transportation Planning Rule analysis, the Comprehensive Plan Map designation controls. When the City annexes the parcel the Map designation will not be changed.

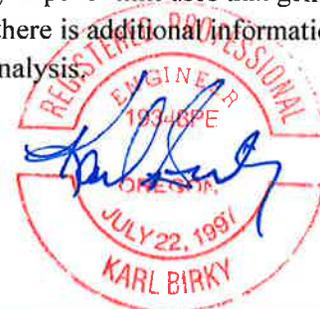


The Transportation Planning Rule (TPR) was adopted in Oregon years ago to provide direction and order to development in Oregon cities. The rule limits making changes to zoning and comprehensive maps that would "significantly" impact the transportation system that has developed and is being planned for the future in the City. For instance the rule would not allow a fast food restaurant in a residential neighborhood because it would generate much more traffic than is expected in a residential neighborhood. There are instances where a zone change is desired, needed and adopted by the City with a cap (or limit) on the number of expected trips the planned use can generate. Generally, cities and traffic engineers use the ITE Trip Generation Manual to determine the trip generation of a variety of uses.

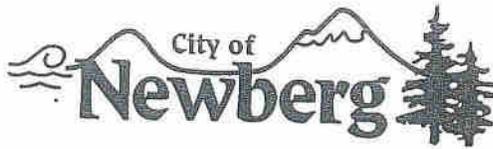
A single family home generates 9.57 trips per day. 0.75 of those trips will be during the AM Peak hour and 1.00 trips will occur during the PM Peak hour. In this instance the 3 parcels are designated as MDR in the City of Newberg Comprehensive Plan and the transportation system planning that is in place and being planned expects traffic from 29 homes on the transportation system from this site.

It is the conclusion of this analysis that annexing the 3 parcels on Columbia Dr will generate traffic volumes consistent with the Comprehensive Plan and the anticipated zoning of the area when it is annexed. The City may want to consider a trip generating cap of 300 daily trips to limit uses that generate more trips than single family homes. I can be reached at 503-364-5006 if there is additional information that you might find helpful. I thank you for asking ATEP to provide this analysis.


 Karl Birky, PE, PTOE
 Traffic Engineer
 Associated Transportation Engineering & Planning, Inc.



PUBLIC NOTICE INFORMATION



Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240, Fax 503-537-1272 www.newbergoregon.gov

NOTIC OF PLANNING COMMISSION HEARING ANNEXATION AND ZONING AMENDMENT

A property owner in your neighborhood submitted an application to the City of Newberg for an annexation and zoning amendment. The Newberg Planning Commission will hold a hearing on **Date of Hearing** at 7pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would annex three tax lots into the city and amend the zoning from the Yamhill County designation of VLDR-1 to City designation of MDR (R2)

APPLICANT: *Del Boca Vista, LLC*
TELEPHONE: *503 590-8600*
PROPERTY OWNERS: *Jo Daklin TL 1700 and 1702
Richard and Merrilee Lee Tax Lot 1702*
LOCATION: *2215Prospect Drive*
TAX LOT NUMBER: *Yamhill County Tax Map and Lot Number 3218AB*



We are mailing you information about this project because you own land within 500 feet of the proposed historic review. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File *No. XX*
City of Newberg Community Development Department
PO Box 970 Newberg, OR 97132

All written comments must be received by 4:30 p.m. on (*enter date seven days from date of the hearing.*) Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a historic review are found in Newberg Development Code Section 15.344.030 (A) (3).

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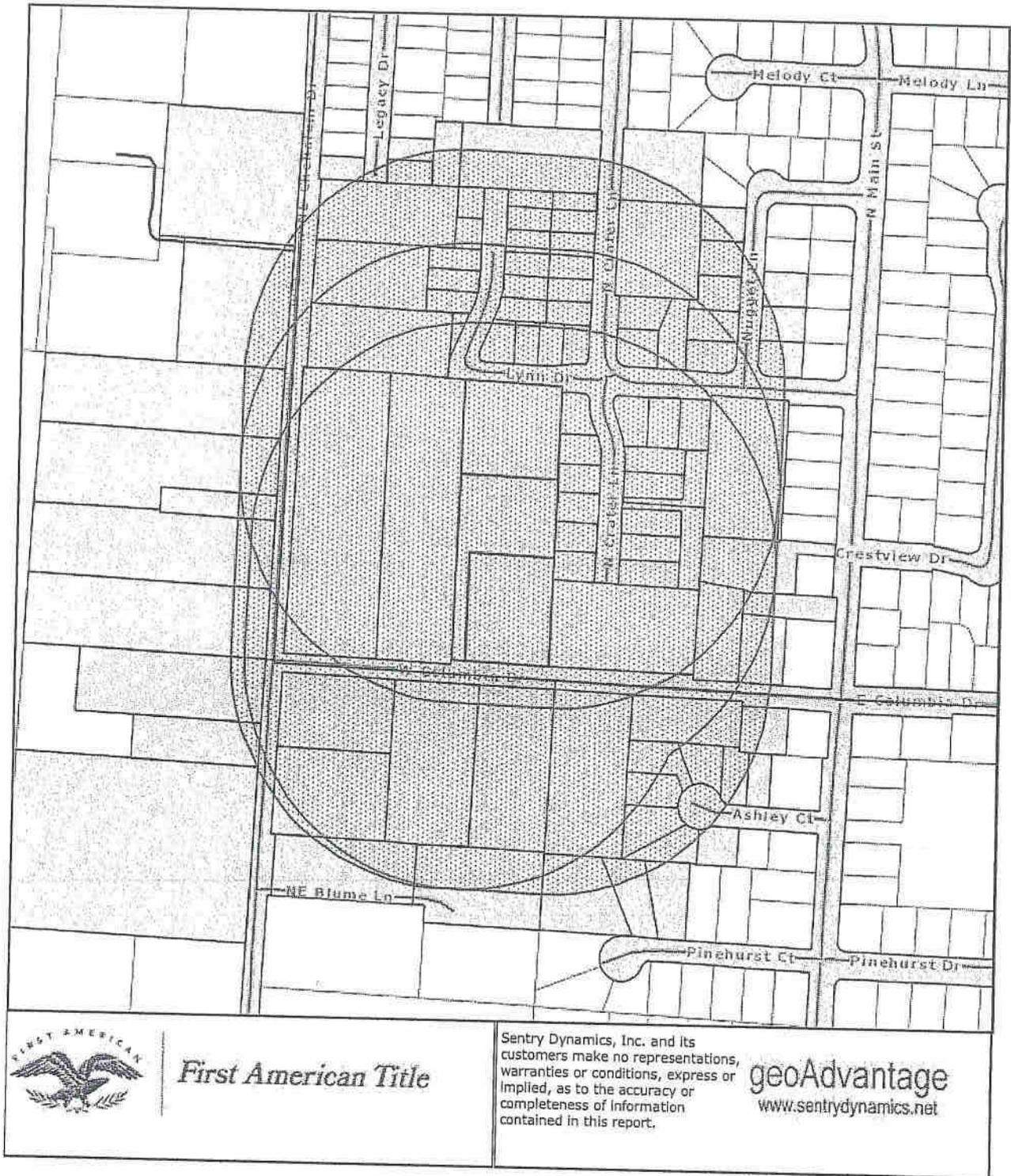
The Planning Commission will make a decision at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, we will send you information about any decision made by the City relating to this project.

Date Mailed: *Date notice is mailed*

DRAFT POSTED NOTICE

Land Use Notice
FILE # PAR-15-004
PROPOSAL: Annexation of 3 lots and Zone Amendment
FOR FURTHER INFORMATION, CONTACT:
City of Newberg
Community Development Department
414 E First Street
Phone: 503-537-1240

Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.



First American Title

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

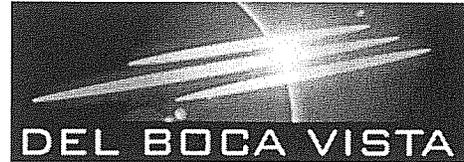
geoAdvantage
www.sentrydynamics.net

OwnerNmFirst	OwnerNmLast	OwnerNm	OwnerAddr	OwnerCityNm	OwnerState	OwnerZIP	SiteAddr	SiteCity	SiteState	SiteZIP
Eugene & Concejo	Zirschky		2120 NE Crater Ln	Newberg	OR	97132	2120 NE Crater Ln	Newberg	OR	97132
Jeffrey & Stacey	Dukes		2107 Nugget Ln	Newberg	OR	97132	2107 Nugget Ln	Newberg	OR	97132
Howard & Patricia	Decassios		2101 Nugget Ln	Newberg	OR	97132	2101 Nugget Ln	Newberg	OR	97132
Milford & Carol	Schroeder		2009 Nugget Ln	Newberg	OR	97132	2009 Nugget Ln	Newberg	OR	97132
Ralph & Brenda	Thorp		2005 Nugget Ln	Newberg	OR	97132	2005 Nugget Ln	Newberg	OR	97132
Jerry	McClellan		215 Lynn Dr	Newberg	OR	97132-1054	215 Lynn Dr	Newberg	OR	97132
Joshua	Legler		2010 Crater Ln	Newberg	OR	97132-2640	2010 N Crater Ln	Newberg	OR	97132
John & Eva	Gussenhoven		225 Lynn Dr	Newberg	OR	97132	225 Lynn Dr	Newberg	OR	97132
Greg & Elizabeth	Sharp		2001 Nugget Ln	Newberg	OR	97132	2001 Nugget Ln	Newberg	OR	97132
Shawn & Julie	Bishop		2000 Nugget Ln	Newberg	OR	97132	2000 Nugget Ln	Newberg	OR	97132
Scott & Denise	Downey		2006 Nugget Ln	Newberg	OR	97132	2006 Nugget Ln	Newberg	OR	97132
Terri & John	Andries		2010 Nugget Ln	Newberg	OR	97132	2010 Nugget Ln	Newberg	OR	97132
Eugene & Concejo	Zirschky		2120 NE Crater Ln	Newberg	OR	97132	2108 NE Crater Ln	Newberg	OR	97132
Ron	Manning		PO Box 605	Newberg	OR	97132				
Lee	Johnson		2116 NE Chehalem Dr	Newberg	OR	97132-6803	2116 N Chehalem Dr	Newberg	OR	97132
Dixie	Reeve		2117 Legacy Dr	Newberg	OR	97132-2470	2117 Legacy Dr	Newberg	OR	97132
G Vern & Debby	Rabe		19791 NE Sunnycrest Rd	Newberg	OR	97132	2124 Legacy Dr	Newberg	OR	97132
Jodi	Taufast		2114 Legacy Dr	Newberg	OR	97132	2114 Legacy Dr	Newberg	OR	97132
David & Elizabeth	Hancock		2119 N Crater Ln	Newberg	OR	97132	2119 N Crater Ln	Newberg	OR	97132
Lori	Witkosky		2105 Heritage Way	Newberg	OR	97132-2469	2012 Heritage Wy	Newberg	OR	97132
Brian	Tower		2109 Heritage Way	Newberg	OR	97132-2469	2109 Heritage Wy	Newberg	OR	97132
Mark & Kimberly	Gayman		2110 Heritage Way	Newberg	OR	97132	2110 Heritage Wy	Newberg	OR	97132
Heinrich & Joy	Weyer		2106 Heritage Way	Newberg	OR	97132				
Susan	Knight		2102 Heritage Way	Newberg	OR	97132	2102 Heritage Wy	Newberg	OR	97132
Daniel	Boyes		2103 Crater Ln	Newberg	OR	97132-4019				
David	Todd		23445 NE Sunnycrest Rd	Newberg	OR	97132				
David	Todd		23445 NE Sunnycrest Rd	Newberg	OR	97132				
Adam & Jennifer	Lundstrom		2045 N Crater Ln	Newberg	OR	97132	2045 N Crater Ln	Newberg	OR	97132
Rex & Jennifer	Phillips		2031 N Crater Ln	Newberg	OR	97132	2031 N Crater Ln	Newberg	OR	97132
Peter & Darla	Petrillo		2017 Crater Ln	Newberg	OR	97132	2017 N Crater Ln	Newberg	OR	97132
Bjorn M & Margaret	Skyberg		327 Lynn Dr	Newberg	OR	97132	327 Lynn Dr	Newberg	OR	97132
Anthony	Davies		337 Lynn Dr	Newberg	OR	97132-1293	337 Lynn Dr	Newberg	OR	97132
Derik	Stone		347 Lynn Dr	Newberg	OR	97132	347 Lynn Dr	Newberg	OR	97132
Scott & Misako	Murphy		357 Lynn Dr	Newberg	OR	97132	357 Lynn Dr	Newberg	OR	97132
Bryce	Kurtz		2020 Heritage Way	Newberg	OR	97132	2020 Heritage Wy	Newberg	OR	97132
Scott & Carrie	Fowles		2034 Heritage Way	Newberg	OR	97132	2034 Heritage Wy	Newberg	OR	97132
Bruce & Linda	Gillespie		2048 Heritage Wy	Newberg	OR	97132	2034 Heritage Wy	Newberg	OR	97132
Joshua & Miklyn	Hughes Shelley A		2049 Heritage Wy	Newberg	OR	97132	2048 Heritage Wy	Newberg	OR	97132
Kent	Perdue		2035 Heritage Way	Newberg	OR	97132	2049 Heritage Wy	Newberg	OR	97132
	Winter		2021 Heritage Wy	Newberg	OR	97132	2035 Heritage Wy	Newberg	OR	97132
David & Kristine	Coyote Homes Inc		PO Box 490	Newberg	OR	97132	2021 Heritage Wy	Newberg	OR	97132
Trevor & Jacki	Nelson		PO Box 490	Newberg	OR	97132				
Carl	Snyder		2008 NE Chehalem Dr	Newberg	OR	97132	2080 N Chehalem Dr	Newberg	OR	97132
	Ehry		505 W Columbia Dr	Newberg	OR	97132	2008 NE Chehalem Dr	Newberg	OR	97132
							505 NE Columbia Dr	Newberg	OR	97132

OwnerNmFirst	OwnerNmLast	OwnerNm	OwnerAddr	OwnerCityNm	OwnerState	OwnerZIP	SiteAddr	SiteCity	SiteState	SiteZIP
Joseph	Ladd		421 W Columbia Dr	Newberg	OR	97132	421 NE Columbia Dr		OR	97132
Jo	Dacklin		11990 SW King James Pl	King City	OR	97224	0 NE Crater Ln		OR	97132
Richard & Merrilee	Dacklin		11990 SW King James Pl	King City	OR	97224	0 Columbia Dr	Newberg	OR	97132
Colin & Amy	Lee		PO Box 275	Ridgefield	WA	98642			OR	97132
Michele	Sorensen		308 Lynn Dr	Newberg	OR	97132	308 Lynn Dr	Newberg	OR	97132
Brian	Vondrachek		315 NE Columbia Dr	Newberg	OR	97132	315 NE Columbia Dr	Newberg	OR	97132
Brenda	Snider		1961 Crater Lane	Newberg	OR	97132	1961 N Crater Ln	Newberg	OR	97132
	Haugen		1947 N Vrater Ln	Newberg	OR	97132	1947 N Crater Ln	Newberg	OR	97132
Michael	Christie Living Trust		PO Box 3190	Newberg	OR	97132-5190	1923 N Crater Ln	Newberg	OR	97132
William	Brown		17684 SW Albert Ct	Beaverton	OR	97007-6036	1861 N Crater Ln	Newberg	OR	97132
Roger	Haines		98 Ewelani St	Alea	HI	96701	1847 N Crater Ln	Newberg	OR	97132
Roger	Nelson		PO Box 760	Wilsonville	OR	97070	1836 N Crater Ln	Newberg	OR	97132
Roger	Nelson		PO Box 760	Wilsonville	OR	97070	1850 N Crater Ln	Newberg	OR	97132
Roger	Nelson		PO Box 760	Wilsonville	OR	97070	1902 N Crater Ln	Newberg	OR	97132
Robert & Dawn	Nelson		PO Box 760	Wilsonville	OR	97070	1916 N Crater Ln	Newberg	OR	97132
Roger	Raymond		1930 Crater Ln	Newberg	OR	97132	1930 N Crater Ln	Newberg	OR	97132
Robert & Tanya	Nelson		PO Box 760	Wilsonville	OR	97070	1944 N Crater Ln	Newberg	OR	97132
David & Alexis	Gore		1958 Crater Ln	Newberg	OR	97132	1958 N Crater Ln	Newberg	OR	97132
Roger	Mackie		224 Lynn Dr	Newberg	OR	97132	224 Lynn Dr	Newberg	OR	97132
Roger	Nelson		PO Box 760	Newberg	OR	97132	224 Lynn Dr	Newberg	OR	97132
Roger	Nelson		PO Box 760	Wilsonville	OR	97070	216 Lynn Dr	Newberg	OR	97132
Perry	Mick		PO Box 564	Wilsonville	OR	97070	208 Lynn Dr	Newberg	OR	97132
Frederick P & Linda	Boetsch		PO Box 191	Newberg	OR	97132	118 NE Lynn Dr	Newberg	OR	97132
Oliver & Dawn	Hall		119 NE Columbia Dr	Centralia	WA	98531	1839 N Main St	Newberg	OR	97132
Tina	Kasuba		PO Box 269	Newberg	OR	97132	119 NE Columbia Dr	Newberg	OR	97132
Cecil & Alma	Loggains		115 W Columbia Dr	Newberg	OR	97132	1819 N Main St	Newberg	OR	97132
Frank & Caroleta	Piscitelli		112 W Columbia Dr	Newberg	OR	97132	115 NE Columbia Dr	Newberg	OR	97132
Michele	Vondrachek		315 NE Columbia Dr	Newberg	OR	97132	112 NE Columbia Dr	Newberg	OR	97132
Bill & Maureen	Rogers		316 NE Columbia Dr	Newberg	OR	97132	316 NE Columbia Dr	Newberg	OR	97132
Michael & Sarah	Owen		107 Ashley Ct	Newberg	OR	97132	107 Ashley Ct	Newberg	OR	97132
George	Piper Jr		605 Holly Dr	Newberg	OR	97132	107 Ashley Ct	Newberg	OR	97132
George	Piper Jr		605 Holly Dr	Newberg	OR	97132	111 Ashley Ct	Newberg	OR	97132
Alan & Minnie	Halstead		119 Ashley Ct	Newberg	OR	97132	115 Ashley Ct	Newberg	OR	97132
David	Jarvis		123 Ashley Ct	Newberg	OR	97132	119 Ashley Ct	Newberg	OR	97132
Todd	Erickson		120 Ashley Ct	Newberg	OR	97132-1650	123 Ashley Ct	Newberg	OR	97132
George	Piper Jr		605 Holly Dr	Newberg	OR	97132	120 Ashley Ct	Newberg	OR	97132
Kenneth & Linda	Woodward		112 Ashley Ct	Newberg	OR	97132	116 Ashley Ct	Newberg	OR	97132
Thomas D Jr & Lois	Ruiz		211 Pinehurst Ct	Newberg	OR	97132	112 Ashley Ct	Newberg	OR	97132
William & Brenda	Jolliff		207 Pinehurst Ct	Newberg	OR	97132	211 Pinehurst Ct	Newberg	OR	97132
Eldin & Sylvia	Hunt		107 Pinehurst Ct	Newberg	OR	97132	207 Pinehurst Ct	Newberg	OR	97132
	Equity Trust Company Custodian Fbo		9163 NE Broadacres Rd	Newberg	OR	97132	107 Pinehurst Ct	Newberg	OR	97132
Michael & Judith	Wells Fargo Bank Na 2007-ffc1 Tr		1600 S Douglass Rd # 200-a	Aurora	OR	97002	2013 NE Chehalam Dr	Newberg	OR	97132
Nadine	Huelsman		2005 NE Chehalam Dr	Anaheim	CA	92806-5948	2201 NE Chehalam Dr	Newberg	OR	97132
	Brood		1909 NE Chehalam Dr	Newberg	OR	97132	2005 NE Chehalam Dr	Newberg	OR	97132
				Newberg	OR	97132	1909 NE Chehalam Dr	Newberg	OR	97132

OwnerNmFirst	OwnerNmLast	OwnerAddr	OwnerCityNm	OwnerState	OwnerZIP	SiteAddr	SiteCity	SiteState	SiteZIP
Danny	Tatman	1901 NE Chehalum Dr	Newberg	OR	97132	1901 NE Chehalum Dr	Newberg	OR	97132
Michael & Bonnie	Klohs	17710 NE Hillsboro Hwy	Newberg	OR	97132	1809 NE Chehalum Dr		OR	97132
Dale & Alvina M For	Self	PO Box 297	Newberg	OR	97132	1801 NE Chehalum Dr		OR	97132
Yvonne L For & Arvid	Alen	11316 NW 6th Ave	Vancouver	WA	98685	400 NE Columbia Dr		OR	97132
Wanda & Ronald	Wayman	416 NE Columbia Dr	Newberg	OR	97132	416 NE Columbia Dr	Newberg	OR	97132
Robert & Cheryl	Fletcher	1650 NE Chehalum Dr	Newberg	OR	97132	1650 NE Chehalum Dr	Newberg	OR	97132
Mildred A For	Weatherly	1718 NE Chehalum Dr	Newberg	OR	97132	1718 NE Chehalum Dr	Newberg	OR	97132
Gregg & Kathy S For	Blume	400 NE Blume Ln	Newberg	OR	97132	501 NE Blume Ln		OR	97132
Gregg & Kathy S For	Blume	400 NE Blume Ln	Newberg	OR	97132	401 NE Blume Ln		OR	97132
Anna	Laakso	1717 NE Chehalum Dr	Newberg	OR	97132	1717 NE Chehalum Dr	Newberg	OR	97132
Anna	Laakso	1717 NE Chehalum Dr	Newberg	OR	97132	1717 NE Chehalum Dr	Newberg	OR	97132
Elizabeth	Watson	1611 NE Chehalum Dr	Newberg	OR	97132	1611 NE Chehalum Dr	Newberg	OR	97132

MEMO



To: Steve Olson, Newberg Planning Department
From: Daniel Danicic
Date: March 17, 2016
Re: Columbia Drive Annexation Application: ANX-15-001
HWY240 Pump Station Assessment

The Engineering Division has requested an assessment of the capacity for the HWY240 Sanitary Sewer Pump Station to serve the proposed annexation and subdivision development. After some time, the City was able to locate a copy of the Dayton Avenue Trunk Pump Station Preliminary Design Report dated April 2008. This is the report used to design and build the HWY240 Pump Station.

Section 3 of the report summarizes the design flow determination:

Service Area: UGB – 150 ac, URA – 370 ac
Flow Diversion Plan: 2008 – 600 gpm
2015 – 1,000 gpm
2040 – 2,500 gpm

Recommended initial pumps station design capacity: 1,000 gpm

Current flows at the pump station: Not available at the time of this memo.

Proposed Development:

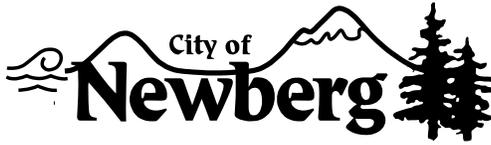
Service Area: The proposed land to annex is within the UGB area identified in the report as part of the area to be served by the pump station. See attached map.

Annexations: Very little of the identified UGB area has been annexed since the 2008 report, estimated to be less than 10 acres of the identified 150 acre UGB service area.

Conclusion:

The proposed annexation is within the design service area. Since the 2008 report, the rate of annexation and development has not met projections due to the economic downturn, so it is reasonable to expect that the full 1,000 gpm estimate by 2015 has not been achieved. Therefore, the pump station should have more than adequate capacity to accommodate the proposed annexation.

Should current pump station flow data become available and it is determined that there's insufficient pumping capacity, then this can be remedied by the installation of higher rated pumps and potentially controllers. This is best determined at the time of subdivision development application so that more accurate flow estimates can be prepared. In any event, this is not an insurmountable issue.



Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132

503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

NOTIC OF PLANNING COMMISSION HEARING ANNEXATION AND ZONING AMENDMENT

A property owner in your neighborhood submitted an application to the City of Newberg for an annexation and zoning amendment. The Newberg Planning Commission will hold a hearing on **May 12, 2016** at 7pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would annex three tax lots into the city and amend the zoning from the Yamhill County designation of VLDR-1 to City designation of MDR (R2)

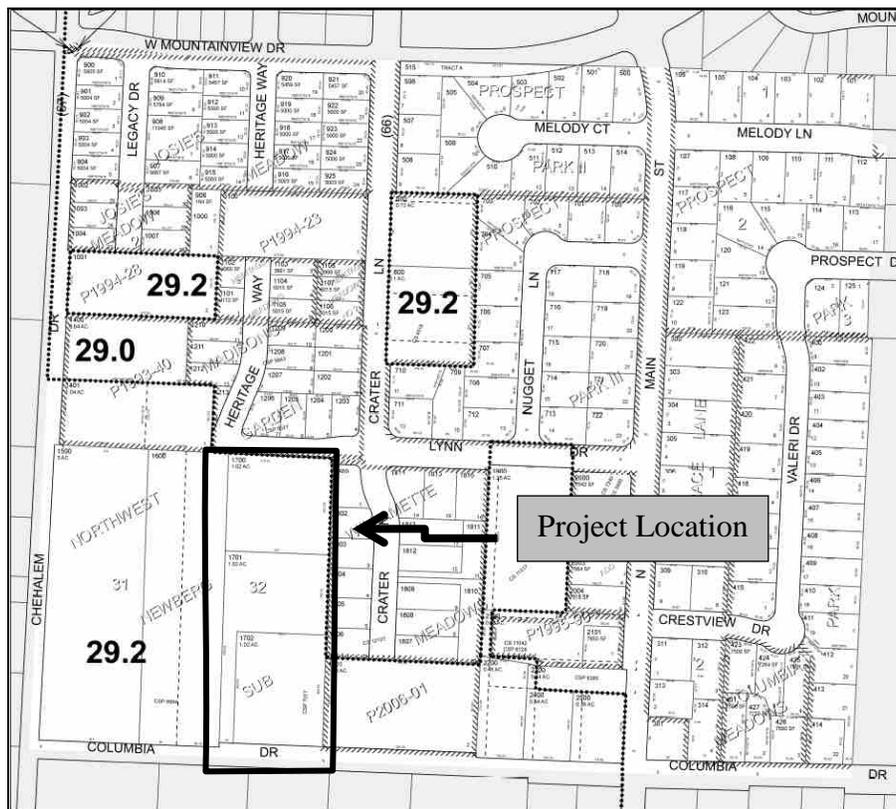
APPLICANT: *Del Boca Vista, LLC*

TELEPHONE: *503 590-8600*

PROPERTY OWNERS: *Jo Daklin (TL 1700 and 1701)*
Richard and Merrilee Lee (Tax Lot 1702)

LOCATION: *See map below*

TAX LOT NUMBER: *Yamhill County Tax Map 3218AB Tax Lot Numbers 1700, 1701 and 1702*



Working Together For A Better Community-Serious About Service"

We are mailing you information about this project because you own land within 500 feet of the proposed historic review. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File ***ANX-15-001***
City of Newberg Community Development Department
PO Box 970 Newberg, OR 97132

All written comments must be received by 4:30 p.m. on ***May 5, 2016***. Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

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The Planning Commission will make a decision at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, we will send you information about any decision made by the City relating to this project.

Date Mailed: ***April 5, 2016***

DRAFT POSTED NOTICE

Land Use Notice

FILE # ANX-15-001

PROPOSAL: Annexation and Zoning Amendment

FOR FURTHER INFORMATION, CONTACT:
City of Newberg
Community Development Department
414 E First Street
Phone: 503-537-1240

3'

2'

Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.



ORDINANCE No. 2016-2803

AN ORDINANCE ANNEXING 3.06 ACRES OF PROPERTY LOCATED NORTH OF COLUMBIA DRIVE, SOUTH OF LYNN DRIVE, TAX LOTS 3218AB-1700, -1701 AND -1702, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE NEWBERG CITY LIMITS, WITHDRAWING IT FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT, AND CHANGING THE ZONING FROM YAMHILL COUNTY VLDR-1 TO NEWBERG R-2

RECITALS:

1. Del Boca Vista, LLC submitted an application to annex 3.06 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County VLDR-1 to Newberg R-2. The R-2 zoning is consistent with the adopted MDR (medium density residential) Comprehensive Plan designation on the site. The property is located directly west and south of the current Newberg city limits, north of Columbia Drive, south of Lynn Drive, on Yamhill County tax lots 3218AB-1700, -1701, and -1702.
2. The property is located within the Newberg urban growth boundary and is adjacent to the Newberg city limits. Adequate public services and utilities are or can be made available to serve the property within three years.
3. The Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, deliberated, and voted to approve Planning Commission Resolution No. 2016-319 recommending that the City Council approve the annexation request and concurrent zone change as conditioned.
4. State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.
5. After proper notice, the Newberg City Council held a hearing on July 5, 2016 to consider the proposed annexation and concurrent zone change. After the staff report and public testimony, the City Council finds the proposal has met the required criteria as conditioned.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The property shown in Exhibit "A" and described in Exhibit "B" is hereby annexed into the Newberg city limits and withdrawn from the Newberg Rural Fire Protection District, and the zoning of the property is changed from Yamhill County VLDR-1 to Newberg R-2. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.

2. This decision is based on the findings shown in Exhibit "C" and the findings that the property meets ORS 222.111 criteria as set forth in Recital #4 above. Exhibit "C" is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 4, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of July, 2016, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this 7th day of July, 2016.

Bob Andrews, Mayor

**Exhibit "B" to Ordinance 2016-2803
Legal Description – Columbia Estates Annexation**

Date: 21 January 2016

Proposed Annexation - Legal Description (3.2 Ac. more or less)

A tract of land in Section 18, Township 3 South, Range 2 West, City of Newberg, Yamhill County, Oregon, being more particularly described as follows:

Beginning at the northeast corner of Tract 32 of the NORTHWEST NEWBERG SUBDIVISION; thence North 89°46'12" West 220.00 feet along the north line of said Tract 32; thence South 00°11'00" East 637.61 feet parallel with the east line of said Tract 32 to the center line of Columbia Drive; thence South 89°43'00" East 220.00 feet along said centerline to the southerly extension of the east line of said Tract 32; thence North 00°11'00" West 637.82 feet more or less along the east line of said Tract 32 to the point of beginning as shown by Exhibit "B".

Also described as the East 220 feet for Tract 32 of the NORTHWEST NEWBERG SUBDIVISION as shown by Exhibit "B".

Matt Dunckel
Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 503-472-7904
Fax: 503-472-0367
E-Mail: matt@macdonaldsurveying.com

**Exhibit “C” to Ordinance 2016-2803
Findings –File ANX-16-003 – Columbia Estates**

A. 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 proposed annexation site, located on Yamhill County tax lots 3218AB-1700, -1701, and -1702, is within the Newberg urban growth boundary and contiguous to the existing city limits on its north boundary and most of its east boundary. The legal description of the area to be annexed extends to the centerline of the Columbia Drive right-of-way, which provides for future continuity of the city limits. This criterion is met.

B. 15.250.030 Quasi-judicial annexation criteria.

The following criteria shall apply to all annexation requests:

A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

Finding: The property has a Comprehensive Plan designation of MDR (Medium Density Residential), which corresponds with the requested zoning of R-2 (Medium Density Residential). The R-2 zone allows either single-family, duplex or multifamily development, with a minimum lot area per unit of 3,000 square feet, and a minimum lot size of 3,000 square feet. The applicant’s concept development plan shows a single-family home subdivision with a minimum lot size of 3,000 square feet, and a 54 foot wide public right-of-way for a street. The applicant is not bound by the concept development plan, and approval of the annexation would not approve a subdivision for the site. If the applicant wishes to apply for a subdivision as shown in the concept development plan then they would need to submit a subdivision application after the property was annexed. The concept development does show a use (single-family homes) and a lot size (3,000 square feet) that comply with the R-2 zone and the MDR Comprehensive Plan designations. This criterion is met.

*B. An adequate level of urban services must be available, or made available, within three years’ time of annexation, except as noted in subsection (E) of this section.
An adequate level of urban services shall be defined as:*

1. Municipal wastewater and water service meeting the requirements

enumerated in the Newberg comprehensive plan for provision of these services.

2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

Finding: City water and sewer lines are currently in place along Lynn Drive, which could be used to serve the site. The sanitary sewer line flows to the Highway 240 Pump Station. A very preliminary assessment provided by the applicant's engineer has determined that the pump station could serve the additional flows contributed by this development. If necessary, upgrades to the pump station could be completed by the developer to provide the capacity needed. At the time of development, a detailed analysis of the Highway 240 sanitary sewer pump station is required, and any necessary upgrades to the pump station would be completed by the developer.

The site stormwater management would be designed to comply with the stormwater requirements of the municipal code and public works design and construction standards manual in effect at the time of site development.

The property has road frontage along Columbia Drive and Lynn Drive. Future development of this property will necessitate roadway frontage improvements, along both property frontages, to City standards. A Yamhill County Permit is required for all improvements along Columbia Drive. The applicant was not required to complete a full traffic impact analysis for the site, as the expected impact (29 new trips in the PM peak hour) from development is below the 40 trips in the PM peak hour that would trigger a requirement for a traffic study. City Engineering staff noted that this development would add trips to the Main Street/Lynn Drive intersection, which currently does not have traffic controls. It would be appropriate to require a limited traffic study to evaluate this intersection to see if the impact of this development would require traffic controls or other improvements at the intersection. The Planning Commission recommended an additional condition, based on public testimony, that the limited traffic study also look at the stretch of Columbia Drive east to Main Street. Therefore, at the time of development, a limited traffic study will be required to evaluate the intersection of Main Street and Lynn Drive, and to evaluate Columbia Drive.

C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

Finding: The city sent the application information out to the Police and Fire Departments, Chehalem Parks and Recreation District (CPRD), and the Newberg School District, among other agencies, for comments prior to the staff report. The School District commented "reviewed, no conflict." There is

no information to suggest that city services could not support the addition of the 3.06 acres of property, plus the area of the adjacent right-of-way, to the city limits, and in fact future development of the site helps fund these city services and other System Development Charge or permit fee funded services such as the School District and CPRD. It should be noted that the City of Newberg does not do future planning for the Parks District or the School District; however, the city coordinates with those agencies on a regular basis in regards to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area.

D. The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the applicant.

Finding: The applicant submitted adequate information to allow the city to make findings to the applicable criteria.

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 subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater 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 city 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 because adequate urban services are found to be available within the three year time frame.

**C. 15.302.030 Procedures for comprehensive plan map and zoning map amendments.
A.3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:**

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

Finding: The property has a Comprehensive Plan designation of MDR (Medium Density Residential), which corresponds with the requested zoning of R-2 (Medium Density Residential). The Comprehensive Plan Housing Goal says “To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.” Annexations meet the intent of the Goal because they provide land to meet the needs of City residents. The proposed change is consistent with and promotes the goals and policies of Newberg’s comprehensive plan. This criterion is met.

b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

Finding: As demonstrated in the finding to 15.250.030.B. above, the applicant has demonstrated that adequate public facilities and services can be reasonably made available to support future development of the property at R-2 permitted densities.

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

Finding: Annexation of the property complies with the State Transportation Planning Rule (TPR) (OAR 660-012-0060) because it meets the requirements for an amendment to a zoning map that does not significantly affect an existing or planned transportation facility as permitted by Subsection (9) of the TPR: the proposed zoning of R-2 is consistent with the existing comprehensive plan map designation of MDR; the City of Newberg has an acknowledged TSP which included this area in the urban reserve as planned future urbanizable land; this property was brought into the urban growth boundary in 2006 as part of a larger urban growth boundary amendment that included a full report with adequate justifications for transportation and other public facilities. The TPR report submitted by the applicant's traffic engineer states that, in order to comply with the TPR, development should be limited to 29 single-family homes or acceptable uses that generate less than the 300 trips anticipated in the Comprehensive Plan.

OAR 660-012-0060(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

[Subsection (1) of OAR 660-012-0060]

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. 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) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

- D. Conclusion:** Based on the above findings, the application, as conditioned, meets the criteria of the Newberg Development Code.

Conditions of approval

1. At the time of development, a detailed analysis of the Highway 240 sanitary sewer pump station is required, and any necessary upgrades to the pump station would be completed by the developer.
2. At the time of development, a limited traffic study will be required to evaluate the intersection of Main Street and Lynn Drive, and to evaluate Columbia Drive.
3. The TPR report submitted by the applicant's traffic engineer states that, in order to comply with the TPR, development should be limited to 29 single-family homes or acceptable uses that generate less than the 300 trips anticipated in the Comprehensive Plan.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ____	Ordinance <u>XX</u>	Resolution ____	Motion ____	Information ____
No.	No. 2016-2804	No.		

SUBJECT: An Ordinance annexing property located at 520 W. Third Street, Yamhill County Tax Lot 3219BD-1000, into the Newberg City limits and withdrawing it from the Newberg Rural Fire Protection District, and changing the current zoning from Yamhill County HI to City M-2

**Contact Person (Preparer) for this Motion: Steve Olson, AICP
Dept.: Community Development
File No.: ANX-16-002**

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION: Adopt Ordinance No. 2016-2804 annexing property located at 520 W. Third Street, Yamhill County Tax Lot 3219BD-1000, into the Newberg City limits and withdrawing it from the Newberg Rural Fire Protection District, and changing the current zoning from Yamhill County HI to City M-2.

EXECUTIVE SUMMARY:

The proposed annexation is for 1.41 acres located at 520 W. Third Street, directly west of the current city limits. The eastern part of the lot is already inside the city limits. This annexation would add the western part of the lot to the city limits, except for a small portion of the southwest corner that is outside of the urban growth boundary. The property is located within the Newberg urban growth boundary and has a Newberg Comprehensive Plan designation of IND (Industrial), with a Stream Corridor overlay on part of the site. The annexation would change the zoning of the property from Yamhill County HI (Heavy Industrial) to Newberg M-2 (Light Industrial), which corresponds with the IND Comprehensive Plan designation, and with a Stream Corridor zoning overlay on part of the site. The City Public Works Maintenance yard will expand into the site.

The property takes access from W. Third Street. There are adequate public utilities in place now to serve the site.

The Department of State Lands (DSL) commented that Chehalem Creek, on the southwest side of the site, has been designated Essential Salmonid Habitat. Based on the information provided, work within the developed footprint of this tax lot should not impact jurisdictional wetlands or waters. DSL will require a permit for any impact to the creek and its associated wetlands; contact DSL prior to any work outside of the developed footprint of the site to determine if a permit and/or wetland inspection will be needed.

State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg’s (and other cities) requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city’s adopted Development Code criteria for annexation. This property meets those criteria as outlined in Exhibit “C” to Ordinance No. 2016-2804 and will not be sent to a public vote. The City Council will make the final local decision on this application for annexation.

FISCAL IMPACT: No direct fiscal impact to the city.

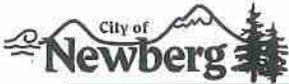
STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): Approval of the proposed annexation helps further the following Council goal: #5 – “Maintain and modernize the city’s transportation and utilities infrastructure” because annexation of this site will allow the expansion of the Public Works Maintenance yard as needed to maintain public infrastructure in the city.

ATTACHMENTS:

1. Planning Commission Resolution 2016-318 (with Exhibits “A”, “B”, and “C” by reference only and attached to Ordinance No. 2016-2804)
2. Aerial Photo
3. Concept Development Plan
4. Comprehensive Plan Map
5. Zoning Map
6. Comments received to date
7. Application

Ordinance No. 2016-2804 with:

- Exhibit “A”: Property Map
- Exhibit “B”: Legal Description
- Exhibit “C”: Findings



PLANNING COMMISSION RESOLUTION 2016-318

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF 1.41 ACRES OF PROPERTY INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY HI TO NEWBERG M-2, FOR PROPERTY LOCATED AT 520 W. THIRD STREET, THE WESTERN PORTION OF TAX LOT 3219BD-1000

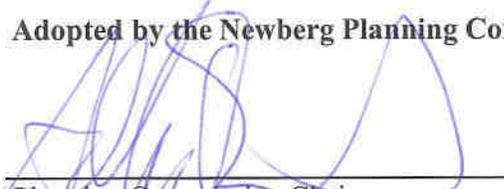
RECITALS

1. The City of Newberg Public Works Department submitted an application to annex 1.41 acres of property into the City of Newberg and change the zoning from Yamhill County HI to Newberg M-2. The annexation site is the western portion of 520 W. Third Street, Yamhill County tax lot 3219BD-1000.
2. After proper notice, the Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the application, as conditioned, meets the applicable Newberg Development Code criteria as shown in the findings in Exhibit "C".
4. State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission recommends that the City Council annex the property shown in Exhibit "A" and described in Exhibit "B", as conditioned, along with a zone change to M-2, and withdraw the property from the Newberg Rural Fire Protection District. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. This recommendation is based on the findings shown in Exhibit "C". Exhibit "C" is hereby adopted and by this reference incorporated.

Adopted by the Newberg Planning Commission this 12th day of May, 2016.



Planning Commission Chair

ATTEST:

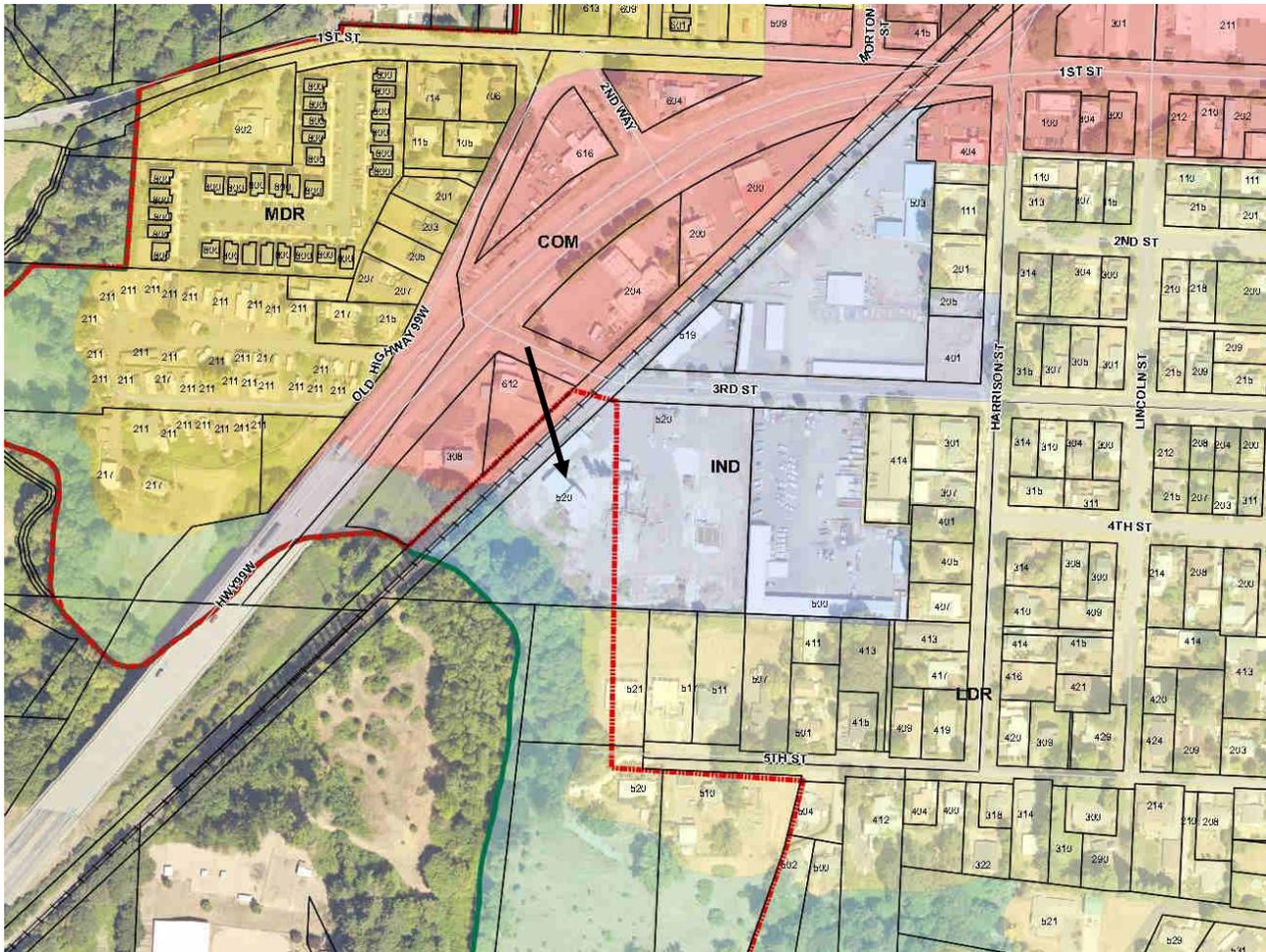


Planning Commission Secretary

Attachment 2: Aerial Photo

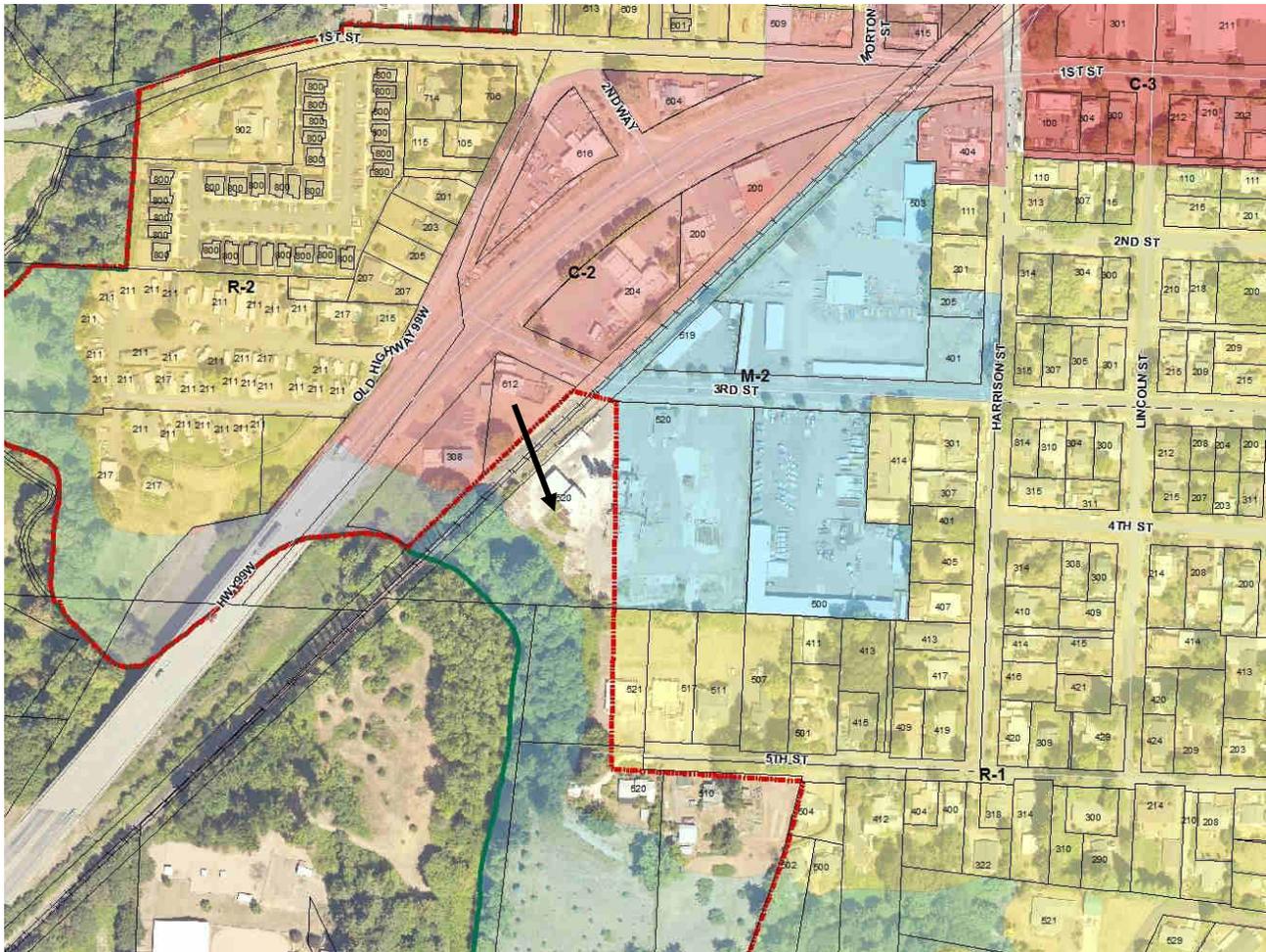


Attachment 4: Comprehensive Plan Map IND (Industrial) with Stream Corridor overlay on SW corner



Attachment 5: Zoning Map

Existing County HI (Heavy Industrial), Proposed City M-2 (Light Industrial) with Stream Corridor overlay on SW corner



Attachment 6: Comments received to date



WETLAND LAND USE NOTIFICATION RESPONSE
OREGON DEPARTMENT OF STATE LANDS
775 Summer Street NE, Suite 100, Salem, OR 97301-1279
Phone (503) 986-5200
www.oregonstatelands.us

DSL File Number: WN2016-0136

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Steve Olson from city of Newberg submitted a WLUN pertaining to local case file # ANX-16-002.

Activity location:

township: 03N range: 02W section: 19 quarter-quarter section:
tax lot(s): 1000 (part)
street address: 520 W Third St, Newberg
city: Newberg county: Yamhill
latitude: 45.297951 longitude: -122.985329

Mapped wetland/waterway features:

- The national wetlands inventory shows a wetland/waterway on the property.
- The property includes designated essential salmonid habitat.

Oregon Removal-Fill requirement (s):

- A state permit is required for any amount of fill, removal, and/or other ground alteration in essential salmonid habitat and within adjacent off-channel rearing or high-flow refugia habitat with a permanent or seasonal surface water connection to the stream.

Your activity:

- It appears that the proposed project may impact essential salmonid habitat and therefore may require a permit.

Contacts:

- For permit information and requirements contact DSL Resource Coordinator (see website for current list) http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Wetlands_Waterways
- For wetland delineation report requirements and information contact DSL Wetlands Specialist (see website for current list) http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Wetlands_Waterways
- For removal-fill permit and/or wetland delineation report fees go to http://www.oregon.gov/DSL/PERMITS/docs/ff_fees.pdf
- A permit may be required by the U.S. Army Corps of Engineers (503-808-4373).

- This is a preliminary jurisdictional determination and is advisory only.

Comments: Annexation of property does not fall within DSL's jurisdiction. However, based on a review of the available information, work within the developed footprint of this tax lot should not impact jurisdictional wetlands or waters. Chehalem Creek, on the western side has been designated Essential Salmonid Habitat. DSL will require a permit for any impact to the creek and its associated wetlands.

For future information, please contact DSL prior to any work outside of the developed footprint to determine if a permit and/or wetland inspection will be needed.

Response by: Christie Atkinson date: 04/25/2016

ANNEXATION APPLICATION FOR 520 W. 3RD STREET

DATE: March 16, 2016

SUBMITTED TO: City of Newberg
Planning Department
414 E. First Street
Newberg, Oregon 97132

APPLICANT: City of Newberg Public Works Department
Kaaren Hofmann, P.E., City Engineer
414 E. First Street
Newberg, Oregon 97132



12965 SW Herman Road, Suite 100
Tualatin, OR 97062
P: (503) 563-6151
F: (503) 563-6152
www.aks-eng.com

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EXHIBITS

- Exhibit A:** Application Form
 - Exhibit B:** City Application Checklists
 - Exhibit C:** Public Notice Information
 - Exhibit D:** Lot Book Service Title Report
 - Exhibit E:** Annexation Consent Form
 - Exhibit F:** Legal Description and Exhibit Map of Affected Territory
 - Exhibit G:** Vicinity Map/General Land Use Plan of Area to be Annexed
 - Exhibit H:** Concept Development Plan
 - Exhibit I:** Transportation Planning Rule (OAR 660-012-0060) Analysis
 - Exhibit J:** Property Owner Address List
-

ANNEXATION APPLICATION FOR 520 W. 3RD STREET

APPLICANT: City of Newberg Public Works Department
Kaaren Hofmann, P.E., City Engineer
414 E. First Street
Newberg, Oregon 97132
(503) 537-1273

PROPERTY OWNER: City of Newberg
414 E. First Street
Newberg, Oregon 97132

APPLICANT'S CONSULTANT: AKS Engineering & Forestry, LLC
12965 SW Herman Road, Suite 100
Tualatin, OR 97062
(503) 563-6151
Contact: Chris Goodell

PROPERTY ADDRESS: 520 W. 3rd Street
Newberg, Oregon 97132

**COUNTY ASSESSOR'S
MAP AND TAX LOT:** 3219BD-1000

PROPERTY SIZE: 1.41 acres

**COMPREHENSIVE PLAN
DESIGNATION:** Industrial

**YAMHILL COUNTY ZONING
DESIGNATION:** HI (Heavy Industrial)

CITY ZONING UPON ANNEXATION: M-2 (Light Industrial District)



APPLICATION DESCRIPTION

The City of Newberg Public Works Department is submitting for the annexation of approximately 1.41 acres of land at 520 W. 3rd Street. The City purchased this property, following the unanimous approval of Resolution No. 2015-3179 on April 8, 2015, for the purpose of improving and adding to the current Public Works Operations Facility located immediately east of this site to enhance services to the City's residents. This application does not involve redevelopment on the subject property.

SITE DESCRIPTION

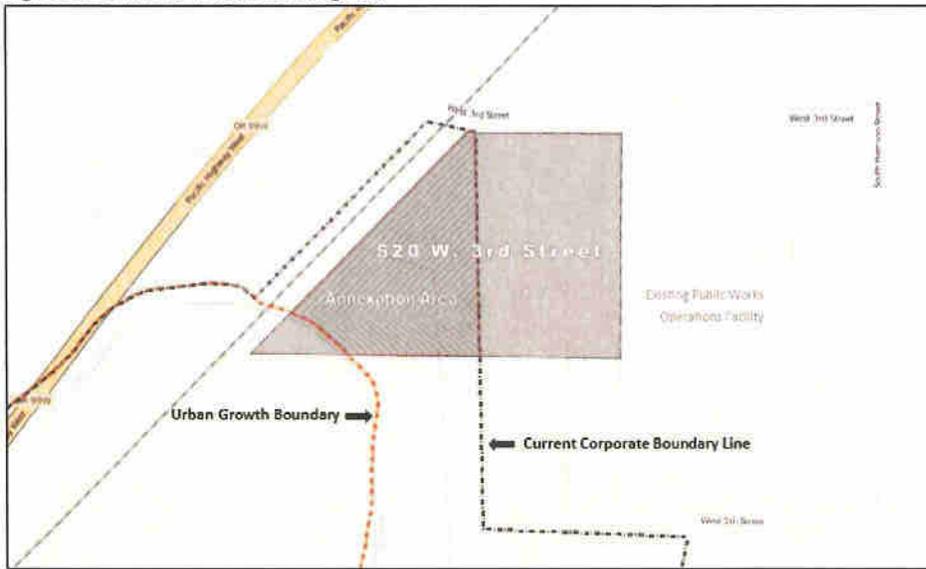
The subject property is located on the west end of the City of Newberg and is south and east of the intersection of Oregon State Highway 99 West and West 3rd Street. The property is approximately 3.8 acres in size and currently lies both within and outside of the City's corporate limits (see Figure 1, below). A small portion of the property (approximately 0.10 acres) also lies outside of the City's Urban Growth Boundary (UGB). This application includes annexation of the 1.6-acre portion of the property that is currently located outside of the City limits and inside of the UGB.

The property is bounded by Union Pacific-owned rail right-of-way and Chehalem Creek along its west end, W. 3rd Street right-of-way on its north end, the City's Public Works Operations Facility to the east, and a handful of single-family residences to the south.

Prior to the City's purchase of this property in April of 2015, the property was used as a cement manufacturing plant, most recently by Cal Portland. Materials processing facilities formerly located on this site were removed following the City's purchase of the property, however, storage buildings from the previous use remain.

The property has direct access to a full range of municipal utilities. A 15-inch diameter sewer main runs north and south through the site along its eastern property line and ties into an 8-inch main in W. 3rd Street and a 15-inch main in W. 5th Street. Two ¾-inch water laterals serve the property and are fed by a 12-inch main in W. 3rd Street. A stormwater drain is located in the W. 3rd Street right-of-way at the north end of the site. The property is served by Newberg Police and Newberg Fire, as well as the Newberg School District.

Figure 1: Annexation Area Diagram



Source: City of Newberg GIS, 2016

DESCRIPTION OF SURROUNDING AREA

Area	Jurisdiction	Zoning	Land Uses
North	City of Newberg	M-2	Small Engine Sales and Service
South	City of Newberg	R-1	Residential
East	City of Newberg	M-2	Newberg Public Works Operations
West	City of Newberg	C-2	Automotive Repair/Indoor Garden Supply

PUBLIC UTILITIES

Service	Provider	Size	Location	Distance from site
Water	City of Newberg	12"	W. 3 rd Street	Adjacent (N)
Sanitary Sewer	City of Newberg	15"	Along east property line	On-site
Storm Sewer	City of Newberg	Unknown	W. 3 rd Street	Adjacent (N)

TRANSPORTATION

The site is located south and east of OR Hwy 99W and west of OR Hwy 240 (Yamhill-Newberg Hwy). Under existing conditions, W. 3rd Street is a paved Minor Collector street with a 60-foot wide cross-section consisting of 5-foot wide sidewalks, 8-foot wide landscape strips, a concrete curb, and an 18-foot wide shared travel/parking lane on either side of the centerline. This segment of W. 3rd Street provides access to OR Hwy 99W to the west and downtown Newberg to the east. The site currently has access to W. 3rd Street at three points. As shown in the Applicant’s Conceptual Development Plan (Exhibit H), the Public Works Division may consolidate a number of these access points as part of a future project to improve the City’s operations/maintenance yard to the east, including this property. A new internal connection between this property and the existing operations/maintenance yard to the east will likely eliminate the need to use W. 3rd Street to move material and equipment between the two properties.

OR Hwy 99W is under the jurisdiction of ODOT and is generally a five-lane facility with a posted speed of 30 MPH near the site. Per the City's Transportation System Plan, in 2005, the intersection of OR Hwy 99W and W. 3rd Street operated at a LOS E during the evening peak hour, even though observed traffic volumes accounted for only one-fifth of available capacity. This relatively low LOS was due to traffic delays for vehicles making left turns from this unsignaled intersection onto OR Hwy 99W during the peak hour. Rather than encourage access to OR Hwy 99W from its intersection with W. 3rd Street, the TSP encourages these motorists to instead use the signaled intersection at OR Hwy 99W and Main Street; hence, the TSP does not identify specific capital projects planned for the intersection of W. 3rd Street and OR Hwy 99W.

The 2005 TSP does identify a preferred set of capacity and non-capacity improvements, including the Newberg-Dundee bypass currently under construction, that are anticipated to improve the performance at the intersection of W. 3rd Street and OR Hwy 99W to LOS C. As discussed in greater detail below, the future use of this site is projected to generate fewer peak hour vehicle trips than its former use and is, therefore, assumed to reduce the site's overall impact to the City's transportation system.

PROJECT DESCRIPTION

The property at 520 W. 3rd Street currently straddles the City of Newberg's corporate boundary. The property is approximately 3.8 acres in size, with approximately 2.3 acres in the City limits and 1.5 acres outside of the City limits. Additionally, approximately 0.1 acres of the 1.7-acre portion outside of the City limits is also outside of the Newberg Urban Growth Boundary (UGB). The City of Newberg Public Works Department is submitting this application to annex approximately 1.6 acres of this property that is currently outside of the City limits and within the UGB. This annexation will allow for a future project that can improve and integrate this property within the City's Public Works Operations/Maintenance Yard (Tax Lot 1100), immediately east of this site.

STATEMENT OF FINANCIAL SOLVENCY TO PROVIDE NECESSARY PUBLIC FACILITIES

The subject property is currently served by water, sanitary, and storm sewer facilities, as provided above. The Applicant does not anticipate additional public facilities will be necessary to serve the planned future use of this site.

POTENTIAL POSITIVE AND NEGATIVE PHYSICAL, AESTHETIC, AND RELATED SOCIAL EFFECTS OF THE PROPOSED DEVELOPMENT

This application will result in numerous physical, aesthetic, and social benefits to the City of Newberg, including:

- The site is planned to provide needed maintenance and related activities that are essential to ensure the continued availability of Newberg's police, fire, and parks services. Activities that will occur on this site include the periodic maintenance of emergency service vehicles, storage and operation of street cleaning and repair apparatus, and storage of parks maintenance equipment and materials, among other things. This site, and the activities that will be provided thereon, are essential in ensuring the long-term health and well-being of Newberg's residents by enhancing the City's ability to carry out these responsibilities.
- The property is already served by water, sanitary, and storm sewer facilities that will be necessary to accommodate the intended future use of this site. Therefore, annexation of the property represents an efficient use of land within the City's existing UGB.

-
- This application represents a proactive approach on behalf of the City to provide the infrastructure and services that will be necessary to accommodate future growth in the City of Newberg.
 - Currently, riparian areas on this site are not protected through Yamhill County's land use regulations. Once annexed to the City, the riparian corridor on this site will receive certain protections through the Newberg Development Code. Specifically, NMC Subtitle 15.342 includes provisions that limit development in and near open space, scenic, and natural resources.

CITY REVIEW CRITERIA

NEWBERG COMMUNITY DEVELOPMENT CODE

Subtitle 15.250 – Annexations

15.250.010 Statement of purpose.

The city finds that annexation is the first step to converting future urbanizable lands to urbanizable land within the Newberg urban growth boundary, and that as such it is an important part of the process of providing timely and orderly urban development. The city also recognizes that the development of lands at an urban density must include the provision of an adequate level of required urban services such as wastewater, water, and roads. Policies and procedures adopted in this code are intended to carry out the directives of the citizens of Newberg and the Newberg comprehensive plan, and to ensure that annexation of lands to the city is incorporated into the process of providing a timely and orderly conversion of lands to urban uses. The city Charter requires that, unless otherwise mandated by state law, annexation may only be approved by a majority of those voting.

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.

Response: The Vicinity Map in Exhibit G illustrates that the subject property is located within the Newberg Urban Growth Boundary. Exhibit G further illustrates that the subject site abuts and is contiguous to (and is in fact partially within) the City limits. These conditions for annexation are met.

15.250.030 Quasi-judicial annexation criteria.

Quasi-judicial annexation applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:

- A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

Response: This application will continue the City's M-2 Light Industrial Zoning District designation from the east onto the remaining piece of this property that is currently outside of the City limits but within the UGB. Per Newberg Municipal Code (NMC) Section 15.302.032.K., the M-2 district is intended to create, preserve, and enhance areas containing a range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-2 district is consistent with the Industrial (IND) designation of the Comprehensive Plan. This application is consistent with applicable goals and policies of the City's Comprehensive Plan as outlined below:

Newberg Comprehensive Plan Chapter II. Goals and Policies:

- A. Citizen Involvement:** Newberg's Citizen Involvement Goal strives to maintain a citizen involvement program that offers citizens the opportunity to be involved in all phases of the planning process.

The NMC implements this Goal through Subtitle 15.250.040, which establishes a robust process for public involvement during annexations. This process includes a public notice posted on site, mailed to nearby property owners, and published in the local newspaper; a public hearing before the Planning Commission; and a public hearing before the City Council. Additionally, the process allows for appeals where interested parties are not satisfied with the City's decision. Citizen involvement is further provided through a public election required for all annexations in the City of Newberg. The application is therefore consistent with the Citizen Involvement Goal of the Newberg Comprehensive Plan.

- B. Land Use Planning:** The Land Use Planning Goal memorializes the City's desire to maintain an ongoing land use planning program that implements State and local planning goals while respecting the City's natural and cultural resources.

The City's Comprehensive Plan, supporting documents (e.g., Transportation System Plan, Sanitary Sewer Master Plan, Water Master Plan, Drainage Master Plan, etc.), and Development Code establish the local land use planning program and implement State and local planning goals. These plans are periodically updated to reflect changes in the physical, economic, and social environment of the City. This application is consistent with this Goal as it is being administered through the process established for annexations and zoning map amendments in the Newberg Development Code.

Additionally, this annexation and zoning map amendment have been initiated for the purpose of facilitating future enhancement and incorporation of this site within the City's existing Public Works Operations/Maintenance yard. The site is particularly well suited to a future City operations/maintenance yard due to the fact that nearly one-half of the property is already zoned for such a use and the City's existing operations/maintenance yard is located immediately east. It is important to note that annexation does not approve future development on this site. Future improvements on this site will be subject to the City's Site Design Review process.

Finally, this application represents foresight and a proactive approach on behalf of the City in providing the infrastructure and services that will be necessary to accommodate future growth. These characteristics epitomize the land use values expressed in the Newberg Comprehensive Plan. The application is therefore consistent with the Land Use Planning Goal of the Newberg Comprehensive Plan.

- D. Wooded Areas:** This Goal and related policies seek to limit development in and near wooded and riparian areas to encourage the preservation of natural resources for habitat and recreational value.

As illustrated in Exhibit G, Chehalem Creek and its associated riparian corridor occupy the southwest corner of this property. Currently, riparian areas on this site are not protected through Yamhill County's land use regulations. Once annexed to the City, the riparian corridor on this site will receive certain protections through the Newberg Development Code. Specifically, NMC Subtitle 15.342 includes provisions that limit development in and near open space, scenic, and natural resources. As such, this application is consistent with the applicable Goals and policies stated herein.

- E. Air, Water, and Land Resource Quality:** This Comprehensive Plan Goal and related policies articulate the City's desire to limit impacts to the environment through successive phases of urbanization. Applicable policies from this Goal are implemented through NMC Subtitles 15.220 (Site Design Review), 15.303 (Use Categories), 15.342 (Stream Corridor Overlay District), and elsewhere.

Future conversion of this site from a cement manufacturing plant to a City maintenance/operations yard represents a less intensive reuse of this site in many respects and is likely to entail fewer noise, dust, vibration, and related impacts to surrounding properties. Additionally, reusing existing developed industrial lands reduces pressure on vacant land in the UGB and subsequently reduces pressure to urbanize farm and/or forest land outside of the existing UGB. Also, as mentioned above, annexation of this property into the City of Newberg will afford certain environmental protections to Chehalem Creek and its riparian corridor that are not in place under Yamhill County's zoning jurisdiction. This application is therefore consistent with the Air, Water, and Land Resource Quality Goal of the Comprehensive Plan.

- J. Urban Design, 2. Industrial Area Policies:** Industrial uses are encouraged by this Goal to provide good access, buffering from adjacent uses, and landscaping. Where they abut residential uses, industrial uses are encouraged to use special setback, screening, building height, and architectural feature standards appropriate for the site. The City's Development Code (15.220) includes provisions related to the design of industrial sites where they abut residential uses. Additionally, the Development Code promotes screening and buffering, as well as good access to transportation facilities. As mentioned above, this annexation in and of itself does not approve development on this site. Future development will be subject to the City's Site Design Review, Stream Corridor Overlay, and building permit provisions. This application is therefore consistent with the Industrial Area Policies of the Urban Design Goal of the Newberg Comprehensive Plan.

- K. Transportation:**

Goal 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

- d. The City shall maintain development regulations that provide adequate off-street parking and truck loading areas for commercial and industrial uses, especially in areas adjacent to arterial and collector routes, to promote efficient traffic movement through the city.

An analysis of the relative transportation impacts between the planned potential future use on this site and the former use of the site is included below. This application is therefore consistent with Transportation Goal 2 of the Newberg Comprehensive Plan.

L. Public Facilities and Services:

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

1. All Facilities & Services Policies

- a. The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.
- b. The extension of publicly-owned facilities and services into currently undeveloped areas shall occur only in accordance with the Public Facilities and Service Plan.
- c. New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.
- d. Services shall be planned to meet anticipated community needs.
- e. Owners of properties which are located on unimproved streets should be encouraged to develop their streets to City standards.
- f. Maximum efficiency for existing urban facilities and services will be encouraged through infill of vacant City land.
- g. Public facilities and services necessary to meet the special needs of industrial activities should be planned for those areas designated industrial on the comprehensive plan map and should be provided at a level sufficient to support proposed activities, if public funds are available.

This application has been initiated for the purpose of enhancing and incorporating this site within the City's existing Public Works Operations/Maintenance yard and fulfills all of the policies stated above. This application furthers the City's desire to be proactive and efficient and to appropriately locate infrastructure and public facilities necessary to provide enhanced services to existing residents and businesses, as well as accommodate future growth in Newberg. The application is therefore consistent with the Public Facilities and Services Goal of the Newberg Comprehensive Plan.

N. Urbanization: This Goal seeks, “to provide for an orderly and efficient transition from rural to urban land uses.” The City’s Development Code implements this Goal and its related policies through criteria that require availability of adequate public facilities and services, financial means to provide public services where they are not available, consistency with the Comprehensive Plan, and consideration of impacts within the City’s TSP. As described throughout this narrative, the annexation and zoning map amendment included in this application will enhance and incorporate this site within the City’s existing operations/maintenance yard on Tax Lot 1000 (immediately east of this site) for the purposes of improving services to existing residents and businesses and accommodating future growth in the City of Newberg. This application is therefore consistent with the Urbanization Goal of the Newberg Comprehensive Plan.

- B.** An adequate level of urban services must be available, or made available, within three years’ time of annexation, except as noted in subsection (E) of this section. An “adequate level of urban services” shall be defined as:
1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.
 2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

Response: Adequate urban services are currently available to the property. An 8-inch sewer line in W. 3rd Street and a 12-inch sewer line near the site’s east property line currently provide sanitary sewer service to the property. Additionally, a 12-inch water main and two ¾-inch laterals in W. 3rd Street provide water service to the site. Stormwater is currently conveyed via an existing main in W. 3rd Street.

As illustrated in Table 1, the anticipated future use of this site is expected to generate fewer vehicle trips and reduced impacts to the City’s transportation system than the previous use of the site.

Table 1: Approximate Trip Generation from Previous and Anticipated Future Uses at 520 W. 3rd Street

Use Category	Weekday PM Peak Hour Trip Generation Rate (per acre)	Estimated Weekday PM Peak Hour Trip Impact
Cement Plant (ITE Land Use Code 140 – Manufacturing)	8.35	31
Operations/Maintenance Yard (ITE Land Use Code 110 – Light Industrial)	7.62	28

Source: ITE Trip Generation Manual, 8th Edition

- C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

Response: The City's operations/maintenance yard hosts maintenance related activities that are essential to the continued availability of police, fire, and parks services in the City of Newberg. From periodic maintenance to emergency service vehicles, to the storage and operation of street cleaning and repair apparatuses, to parks maintenance equipment and materials storage, this site and the work that occurs thereon must be considered a related piece of the above-listed public services. For this reason, this application is necessary to ensure the long-term health and well-being of Newberg's residents. The criterion is met.

- D. The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the applicant.

Response: The responses in this narrative are provided by the Applicant in support of this application. The criterion is met.

- 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 subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater 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 city 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.

Response: As detailed above, urban services are available to serve the property. The criterion does not apply.

Subtitle 15.302 – Districts and Their Amendment

15.302.030 Procedures for comprehensive plan map and zoning map amendments.

This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the comprehensive plan map, zoning map and land use regulations.

- A. Type III Plan and Zoning Map Amendments – One Parcel or Small Group of Parcels.
 - 3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:
 - a. The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;
 - b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

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

Response:

The City’s Type III Land Use Application packet contains language that is contradictory to NMC 15.250.080(B) regarding the applicability of Subtitle 15.302 to this request. Page 19 of the City’s Land Use packet states that, “an application for a zoning map amendment is required to be submitted concurrently with an annexation application.” Conversely, NMC 15.250.080(B) states that, “Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of NMC 15.302.030 shall not be required.”

Classification	Appropriate Zoning Classification
IND	M-1, M-2, M-3, M-4, or AI

While the Applicant believes that the Municipal Code prevails in such a situation, responses to the applicable criteria in 15.302 are included below in the event that prior interpretations of this standard have proven otherwise.

This application will result in a change from Yamhill County’s Heavy Industrial (HI) designation to Newberg’s M-2 (Light Industrial) designation for an approximately 1.4-acre portion of this property, as shown in Exhibit G. Per NMC Subtitle 15.302.032.K., this zoning designation is consistent with the City’s IND Comprehensive Plan designation. Further, and as discussed above, this is consistent with and promotes applicable Goals and Policies in the Newberg Comprehensive Plan and its supporting documents. Also as described above, the property is served by the full range of public facilities and services necessary to accommodate the intended future use of this site; no public facility improvements are expected to be necessary.

Per Oregon Administrative Rule (OAR) 660-012-0060(9), a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if (a) the proposed zoning is consistent with the existing Comprehensive Plan Map designation (and the amendment does not change the Comprehensive Plan Map); (b) the proposed zoning is consistent with the City’s acknowledged TSP; and (c) the TSP accounts for urbanization of the subject property. The zoning map amendment included in this application is consistent with, and does not alter, the City’s Comprehensive Plan and is consistent with and accounted for in the City’s 2005 TSP. This zoning map amendment therefore satisfies all of the above-referenced conditions and the City can find that it does not significantly affect a transportation facility.

Further, OAR 660-012-0060(1) clearly defines those amendments to a plan or land use regulation that are considered to significantly affect a transportation facility. These amendments include plan or land use regulation amendments that would (a) change the functional classification of an existing or planned transportation facility; (b) change standards implementing a functional classification system; or (c) result in types or levels of travel or access that are inconsistent with the functional classification of an existing or

planned transportation facility; degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or Comprehensive Plan; or degrade the performance of an existing or planned transportation facility that is otherwise projected not to meet the performance standards identified in the TSP or Comprehensive Plan.

The zoning map amendment included in this application will not change the functional classification of any existing or planned roadways in the City of Newberg nor will it change the standards implementing a functional classification system. Finally, as shown in Table 1 above, and as described in more detail in the following paragraphs, the future zoning designation will not result in the degradation of performance of any transportation facilities that provide access to and from the property.

The property takes access from, and is intended to continue to take access from, W. 3rd Street, which is classified as a Minor Collector street in the City's TSP. In 2005, the intersection of OR Hwy 99W and W. 3rd Street operated at a LOS E during the evening peak hour, even though observed traffic volumes accounted for only one-fifth of available capacity. This relatively constrained LOS was due to traffic delays for vehicles making left turns from this unsignaled intersection onto OR Hwy 99W during the peak hour.

Rather than encourage access to OR Hwy 99W from its intersection with W. 3rd Street, the TSP encourages these motorists to instead use the signaled intersection at OR Hwy 99W and Main Street; hence, the TSP does not identify specific capital projects planned for the intersection of W. 3rd Street and OR Hwy 99W. Further, under the 2025 Preferred Network Alternative (which includes the Newberg-Dundee Bypass currently under construction), the TSP forecasts that this intersection will operate at a LOS C (which exceeds the LOS E performance standard).

The intended future use of this site creates fewer impacts to the City's transportation facilities than the former use of the site. The ITE Trip Generation Manual estimates a PM peak hour trip generation rate of 8.35 trips per acre for manufacturing uses (Land Use Code 140), such as the cement manufacturing plant that previously occupied this site. This equates to 31 PM peak hour trips for this approximately 3.8-acre property (see Table 1, above).

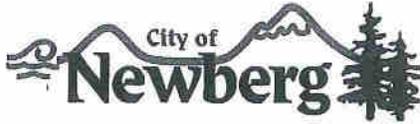
The ITE Trip Generation manual does not include a land use category for government operated maintenance yards, such as that intended for the future use of this site; the most similar use category listed in the ITE Trip Generation Manual is general light industrial (Land Use Code 110). ITE estimates a PM peak hour trip generation rate of 7.62 trips per acre for light-industrial uses. This equates to 28 PM peak hour trips for this approximately 3.8-acre property. Based on ITE estimates, PM peak hour trips generated from the intended use on this site will be slightly less than those previously generated on site. Because the trip impacts from the anticipated uses on this site are lower than those that existed on this site when the 2005 TSP was adopted and because the TSP accounted for all land within the UGB, we conclude this annexation will not significantly affect a transportation facility. The criteria are met.

CONCLUSION

The submittal requirements have been met and the required responses have been provided for all applicable approval criteria. These findings serve as the basis for the City of Newberg to approve the application and are supported by substantial evidence in the application materials. Therefore, the City can rely upon this information in its approval of the application.



EXHIBIT A: APPLICATION FORM



TYPE III APPLICATION - 2016 (QUASI-JUDICIAL REVIEW)

File #: _____

TYPES – PLEASE CHECK ONE:

- Annexation
- Comprehensive Plan Amendment (site specific)
- Zoning Amendment (site specific)
- Historic Landmark Modification/alteration

- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: City of Newberg Public Works Department, Contact: Kaaren Hofmann, P.E.
 ADDRESS: 414 E. First Street
 EMAIL ADDRESS: Kaaren.Hofmann@newbergoregon.gov
 PHONE: (503) 537-1273 MOBILE: _____ FAX: (503) 537-1277
 OWNER (if different from above): _____ PHONE: _____
 ADDRESS: _____
 ENGINEER/SURVEYOR: AKS Engineering & Forestry, LLC, Contact: Chris Goodell PHONE: (503) 563-6151
 ADDRESS: 12965 SW Herman Road, Suite 100, Tualatin, OR 97062

GENERAL INFORMATION:

PROJECT NAME: 520 W. 3rd Street Annexation PROJECT LOCATION: 520 W. 3rd Street
 PROJECT DESCRIPTION/USE: Annexation to the City of Newberg and associated Zoning Map Amendment
 MAP/TAX LOT NO. (i.e. 3200AB-400): Portion of 3219BD-1000 ZONE: HI SITE SIZE: 1.58 SQ. FT. ACRE
 COMP PLAN DESIGNATION: Industrial (IND) TOPOGRAPHY: Mostly flat with increasing slopes in Chehalem Creek Corridor
 CURRENT USE: Cement Plant
 SURROUNDING USES:
 NORTH: Small engine repair and sales SOUTH: Vacant
 EAST: City Public Works Operations Facility WEST: Automotive garage/servicing, Indoor/outdoor gardening supply

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexationp. 15
 Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
 Conditional Use Permitp. 21
 Historic Landmark Modification/Alterationp. 23
 Planned Unit Developmentp.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

[Signature] 2/29/16
 Applicant Signature Date
Kaaren Hofmann
 Print Name

[Signature] 2/29/16
 Owner Signature Date
STEVE RHODER
 Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists



EXHIBIT B: CITY APPLICATION CHECKLISTS

COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT CHECKLIST

The following information shall be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division staff regarding additional requirements for your project.

N/A FEES

PUBLIC NOTICE INFORMATION – Draft of mailer notice and sign; mailing list to all properties within 500’.

Submit one original 8-1/2" x 11" or 11" x 17" reproducible document together with 17 copies of the following information.

WRITTEN CRITERIA RESPONSE – Address the criteria listed on page 19. The written response should detail how the proposed comprehensive plan map/zoning map amendment meets the goals and policies of the Newberg Comprehensive Plan. The written response should also address the location and size of existing public utilities to serve the site, or if none are currently available, detail how public utilities will be extended to serve the site.

CURRENT TITLE REPORT

N/A **MEASURE 49 WAIVER**

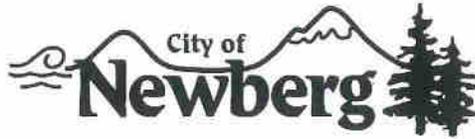
MAP AND LEGAL DESCRIPTION OF THE PROPERTY – Provide a map and a corresponding written legal description of the area to be changed. The map and legal description must be capable of closure and be certified by a registered engineer or surveyor. If not certified, the map and description must be approved by the Department of Revenue per ORS 308.225.

GENERAL LAND USE PLAN – Indicate types and intensities of proposed development, transportation routes (for pedestrians and vehicles), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and any development on adjacent properties.

TRAFFIC STUDY – A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation in excess of 40 trips per p.m. peak hour. This requirement may be waived by the Director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed, which adequately mitigate any traffic impacts and/or the proposed use is not in a location, which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the Director for changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. If required, the traffic study shall be conducted according to the City of Newberg design standards.



EXHIBIT C: PUBLIC NOTICE INFORMATION



Planning and Building Department
P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

Notice of a Planning Commission Hearing on an Annexation

A property owner in your neighborhood submitted an application to the City of Newberg for an Annexation and Zone Change (from Heavy Industrial – Yamhill County to Light Industrial – City of Newberg) for a portion of the property at 520 W. 3rd Street in Newberg. The Newberg Planning Commission will hold a hearing on **Date of Hearing** at 7 pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application would: add 1.41 acres to the City of Newberg Corporate limits to allow for the enhancement and incorporation of the City of Newberg's existing Public Works Operations/Maintenance yard (on the property immediately east) onto this site to improve Public Works services for Newberg residents.

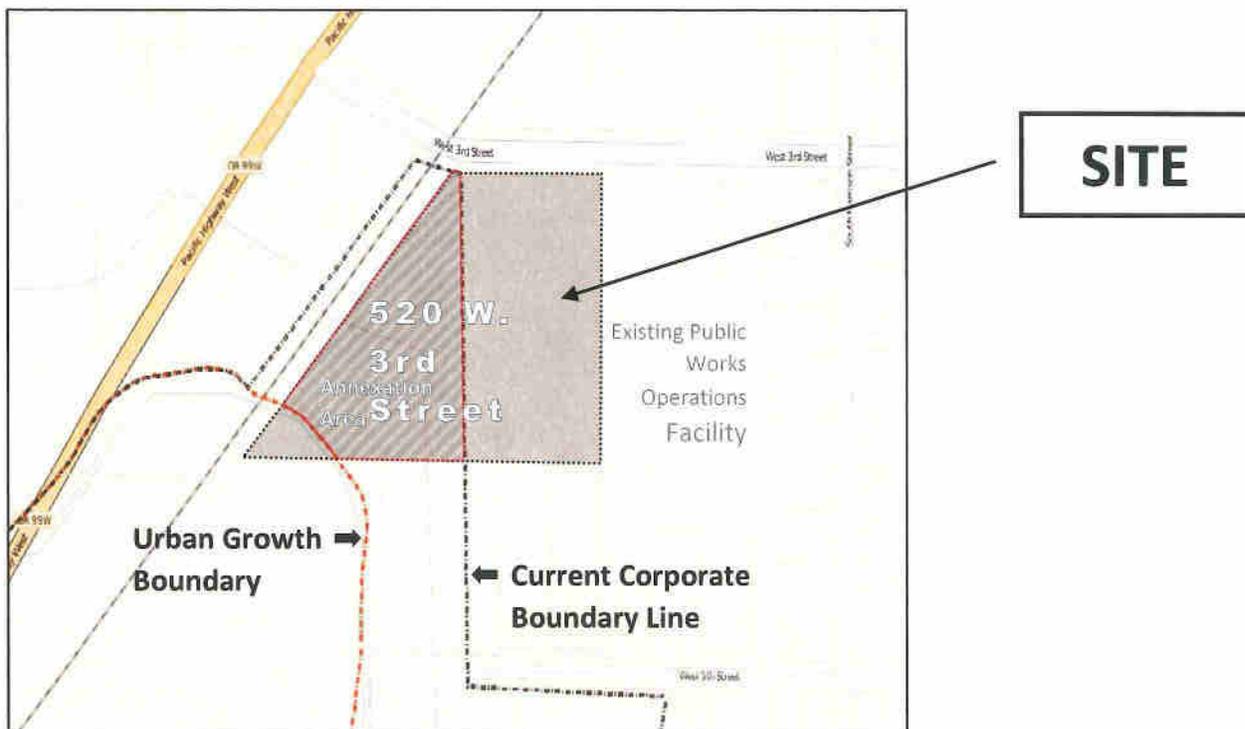
APPLICANT: City of Newberg Public Works

TELEPHONE: 503-537-1273

PROPERTY OWNER: City of Newberg

LOCATION: 520 W. 3rd Street, Newberg, OR 97132

TAX LOT NUMBER: Yamhill County 3219BD-1000



We are mailing you information about this project because you own land within 500 feet of the annexation. We invite you to participate in the land use hearing scheduled before the Planning Commission. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: **File No.XX**

City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

The Planning Commission asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Planning Commission on the night of the meeting for consideration and a vote to accept or not accept it into the record.

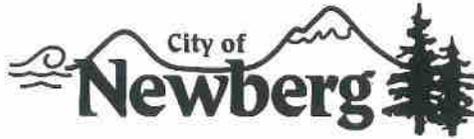
You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a comprehensive plan map and zone change are found in Newberg Development Code Section 15.302.030(A) (3).

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The Planning Commission will make a decision on the application at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: **Date notice is mailed**



Planning and Building Department
P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

Notice of a City Council Hearing on an Annexation

A property owner in your neighborhood submitted an application to the City of Newberg for an Annexation and Zone Change (from Heavy Industrial – Yamhill County to Light Industrial – City of Newberg) for a portion of the property at 520 W. 3rd Street in Newberg. The Newberg City Council will hold a hearing on **Date of Hearing** at 7 pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the City Council. For more details about giving comments, please see the back of this sheet.

The application would: add 1.41 acres to the City of Newberg Corporate limits to allow for the enhancement and incorporation of the City of Newberg's existing Public Works Operations/Maintenance yard (on the property immediately east) onto this site to improve Public Works services for Newberg residents.

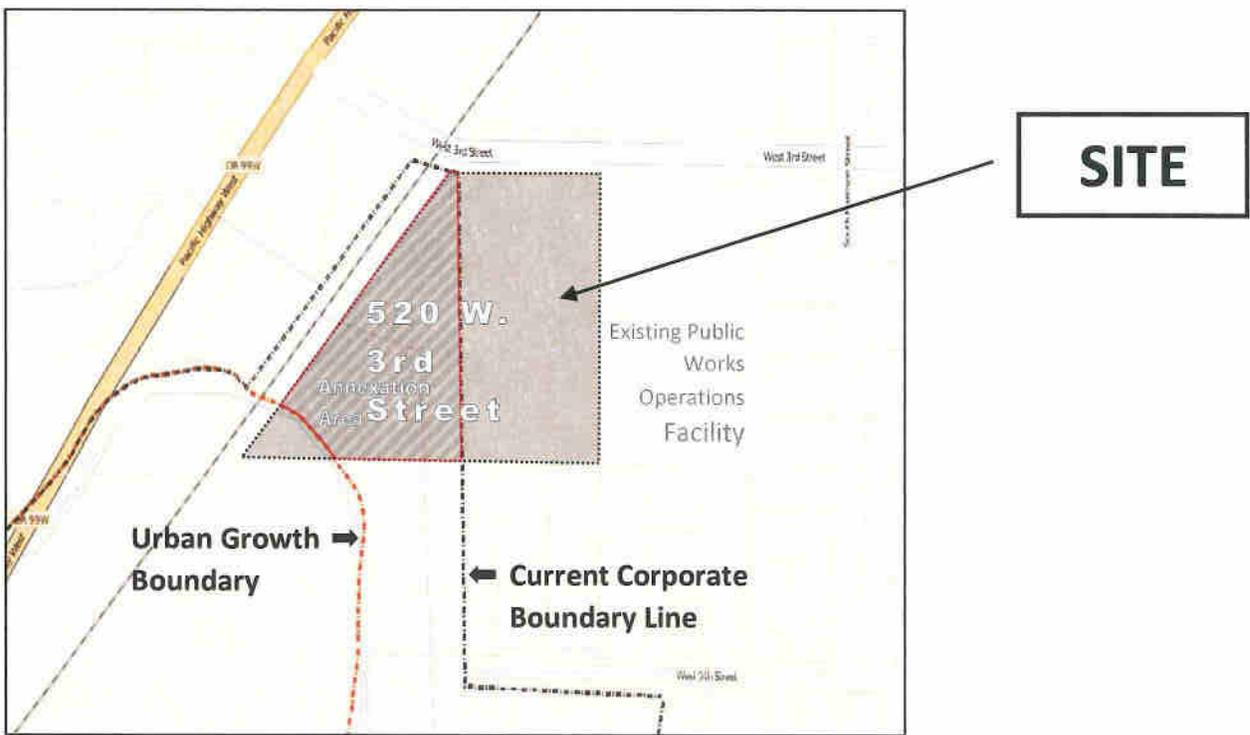
APPLICANT: City of Newberg Public Works

TELEPHONE: 503-537-1273

PROPERTY OWNER: City of Newberg

LOCATION: 520 W. 3rd Street, Newberg, OR 97132

TAX LOT NUMBER: Yamhill County 3219BD-1000



We are mailing you information about this project because you own land within 500 feet of the annexation. We invite you to participate in the land use hearing scheduled before the City Council. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: **File No.XX**

City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the City Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a comprehensive plan map and zone change are found in Newberg Development Code Section 15.302.030(A) (3).

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The City Council will make a decision on the application at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: **Date notice is mailed**

**520 W. 3rd Street Annexation
SAMPLE POSTED NOTICE**

Land Use Notice

FILE # (insert the file number assigned to you at the time of application)

PROPOSAL: Annex approximately 1.41 acres of land into the City of
Newberg

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Planning & Building Department
414 E First Street
Phone: 503-537-1240

2'

3'

Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.



**EXHIBIT D: LOT BOOK SERVICE TITLE
REPORT**



First American

First American Title Company of Oregon

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

YAMHILL COUNTY TITLE UNIT

FAX (866)800-7294

Title Officer: **Clayton Carter**

(503)376-7363

ctcarter@firstam.com

LOT BOOK SERVICE

AKS Engineering & Forestry LLC
12965 SW Herman RD STE 100
Tualatin, OR 97062

Order No.: 1039-2611644

March 08, 2016

Attn: Jacki Herb
Phone No.: (503)925-8799 - Fax No.: (503)925-8969
Email: herbj@aks-eng.com

Re:

Fee: \$125.00

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

The land referred to in this report is described in Exhibit A attached hereto.

and as of March 03, 2016 at 8:00 a.m.

We find that the last deed of record runs to

City of Newberg, an Oregon Municipal Corporation

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

1. Taxes, including the current fiscal year, not assessed because of ORS Exemption. If the exempt status is terminated an additional tax may be levied. Account No. 52908.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Reservations in deed, including the terms and provisions thereof:
Recording Information: August 23, 1950, Book 158, Page 482, Deed Records
Reserved By: United States of America

4. Easement, including terms and provisions contained therein:
Recording Information: June 27, 1962, Film Volume 23, Page 421, Deed and Mortgage
Records
In Favor of: City of Newberg
For: Sewer

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

NONE

We find the following unpaid taxes and city liens:

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

Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

TRACT I:

Part of Lots 4 and 5 of HURLEY'S FRUITLAND SUBDIVISION of the City of Newberg, Yamhill County, State of Oregon, being a part of the Original Donation Land Claim of John H. Hess and Seby Hess, his wife, Claims No. 39 and 60 in Township 3 South, Range 2 West of the Willamette Meridian in said County and State, said part being bounded and particularly described as follows:

BEGINNING at the Northwest corner of Lot 5, said point being on the South line of Third Street in Newberg, Oregon; thence East along the South line of Third Street, 165 feet; thence South parallel to the West line of said Lot 5, a distance of 378 feet to the South line of Lot 4 of HURLEY'S FRUITLAND SUBDIVISION; thence West along the South line of Lots 4 and 5, 165 feet to the Southwest corner of Lot 5; thence North along the West line of Lot 5, a distance of 378 feet to the POINT OF BEGINNING.

TRACT II:

That portion of the South half of the Original Donation Land Claim of John H. Hess and Seby Hess, his wife, being Claims No. 39 and 60 in Township 3 South, Range 2 and 3 West of the Willamette Meridian in Yamhill County, Oregon, lying or being bounded on the East by the West line of Tract 5 of HURLEY'S FRUITLAND SUBDIVISION, being also designated upon the plats and maps as Lot 5, HURLEY'S & LARGE'S ADDITION to the Town (now city) of Newberg, as platted and of record in the office of the County Clerk of said County and State, on the West by the Southern Pacific Railroad right of way; on the South by the line of said Claim and on the North by Third Street in said City; the above described tract being also recorded as Lot 6 of said subdivision.

NOTE: This Legal Description was created prior to January 01, 2008.



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey



VOL. 23-421
GRANT OF EASEMENT

THIS INDENTURE, made and entered into this 8 day of JUNE,
1962, by and between JOHN P. MACAULAY and ELSIE T. MACAULAY, husband
and wife, hereinafter referred to as the Parties of the First Part, and
the CITY OF NEWBERG, a municipal corporation of Yamhill County, State
of Oregon, hereinafter referred to as the Party of the Second Part,

WITNESSETH:

That for and in consideration of the sum of TEN AND NO/100 DOLLARS,
cash in hand paid to the parties of the First Part, the receipt of which
is hereby acknowledged, and for other valuable considerations, the
Parties of the First Part have this day bargained and sold, and by
these presents do bargain, sell, convey, transfer and deliver unto
the Party of the Second Part, its successors and assigns, a permanent
easement and right of way for a sewer, as hereinafter described, includ-
ing the perpetual right to enter upon the real estate hereinafter des-
cribed, at any time that it may see fit, and construct, maintain and
repair underground sewer lines and works, including both sanitary sewer
lines and storm sewer lines, together with such connections and equip-
ment as may be necessary or desirable to be used in connection therewith,
for the purpose of conveying sewage and storm drainage through and under
the land hereinafter described, together with the right to excavate and
refill ditches and/or trenches for the location of said sewer lines and
equipment and the further right to excavate and refill the same for the
purpose of inspection, maintenance and repair of said sewer lines and
equipment and the replacement thereof, and the further right to remove
trees, bushes, undergrowth and other obstructions interfering with the
location, construction, inspection, repair and maintenance of said
sewer lines, equipment and connections.

The land affected by the grant of this Easement and Right of Way
hereinafter described as the "Principal Tract", is located in the City
of Newberg, County of Yamhill and State of Oregon, and is more particu-
larly described as follows:

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Yamhill County Tax Lot No. 1932-137-1, and being Lot No. 4 of Hurley's Fruit Land Subdivision in said City of Newberg.

The Easement and Right of Way hereby granted is more particularly described as follows, to-wit:

A part of a sewer easement 20 feet in width having the following described center line, to-wit:

Beginning at a point on an existing 10 inch sewer line approximately 442.5 feet West of the intersection of Third Street and Harrison Street in the City of Newberg, Oregon, said place of beginning being North of a point on the North line of Lot #4 of Hurley's Fruitland Subdivision, 155 feet Easterly of the Northwest corner of Lot 5 of said Subdivision; thence South 00°04' West, 668.0 feet to a point in Fifth Street; thence East 702.0 feet to the intersection of Fifth and Lincoln Streets; thence South 00°37' West, 205.0 feet to a point; thence South 22°33' West, 346.05 feet to a point; thence South 07°15' West, 306.7 feet; thence South 56°25' East, 101.3 feet to a point in Dayton Avenue, said point being 208.8 feet North 41°17' East from a city monument; thence South 56°25' East, 255.3 feet; thence South 43° East, 151 feet to the pumping station.

The part of said sewer easement hereby granted being the portion thereof which lies upon and across said "Principal Tract" as hereinabove defined and described.

TO HAVE AND TO HOLD said Easement and Right of Way unto the Party of the Second Part and unto its successors and assigns forever.

The Parties of the First Part have and do hereby covenant with the Party of the Second Part that they are lawfully seized and possessed of the real property above described and granted; and that they have a good and lawful right to convey it, or any part of it; and that it is free from all encumbrances except as hereinafter stated, and that they will forever warrant and defend title thereto against the lawful claims of all persons whomsoever, except as hereinafter stated.

ENCUMBRANCES AS FOLLOWS:

Reservations and Exceptions in Deed from the Reconstruction Finance Corporation to Cargo Lumber and Timber Corporation, recorded August 23, 1950 in Book 158, Page 482, Deed Records. Reserves fissionable minerals, if any.

The Parties of the First Part have and do hereby further remise, release and quitclaim unto the Party of the Second Part, its successors and assigns, all of their right, title and interest in and to any portion of the within described Easement and Right of Way running from said Third Street to said Pumping Station, not lying within the "Principal Tract",

VT 23 - 423

as hereinabove defined and described.

IN WITNESS WHEREOF, we have hereunto set our hands the day and year first hereinabove written.

John P. Macaulay (SEAL)
Elsie T. Macaulay (SEAL)
Parties of the First Part

STATE OF Oregon }
County of Jamhill } ss.

BE IT REMEMBERED, That on this 8 day of JUNE, 1962, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named JOHN P. MACAULAY and ELSIE T. MACAULAY, husband and wife, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



W. Gilbert
NOTARY PUBLIC FOR OREGON
My Commission Expires:
12th December 1965 Dec. 12, 1965

ACCEPTED by the City of Newberg, a Municipal Corporation of the State of Oregon, this 27th day of JUNE, 1962, by Order of the Council.

STATE OF OREGON, 67917 W. Gilbert
RECORDER

27 day of June Beeds 62 3:54
35
LACK P...
Miss Sherill

QUITCLAIM DEED AND BILL OF SALE

KNOW ALL MEN BY THESE PRESENTS, That RECONSTRUCTION FINANCE CORPORATION, a Corporation created by Act of Congress, in consideration of SIX THOUSAND AND NO/100 DOLLARS (\$6,000.00) cash, receipt of which is hereby acknowledged, and the execution and delivery concurrently herewith of a Note in the sum of TWELVE THOUSAND AND NO/100 DOLLARS (\$12,000.00), secured by a Mortgage made by CAROO LUMBER & TIMBER CORP., a Corporation organized and existing under the Laws of the State of New York, does hereby remise, release and forever quitclaim to CAROO LUMBER & TIMBER CORP., its successors and assigns, all its right, title and interest in and to the following described real property, with the tenements, hereditaments and appurtenances, situate in the County of Yamhill, State of Oregon, bounded and described as follows, to-wit:

- (1) Part of Lots Numbered 4 and 5 of Hurley's Fruit Land Subdivision of the City of Newberg, Yamhill County, State of Oregon, being a part of the Original Donation Land Claim of John H. Hess and Selby Hess, his wife, Claims No. 39 and 40 in Township 3 South, Ranges 2 and 3 West of the Willamette Meridian in said County and State, said part being bounded and particularly described as follows:

Beginning at the Northwest corner of Lot Numbered 3, said point being on the South line of Third Street in Newberg, Oregon, thence East along the South line of Third Street 165 feet, thence South parallel to the West line of said Lot Numbered 3, 378 feet to the South line of Lot Numbered 4 of Hurley's Fruit Land Subdivision; thence West along the South line of Lots Numbered 4 and 5, 165 feet to the Southwest corner of Lot Numbered 5; thence North along the West line of Lot Numbered 5, 378 feet to the point of beginning.

- (2) That portion of the South Half of the original Donation Land Claim of John H. Hess and Selby Hess, his wife, being Claims No. 39 and 40 in Township 3 South, Ranges 2 and 3 West of the Willamette Meridian in Yamhill County, Oregon, lying or being bounded on the East by the West line of Tract 5 of Hurley's Fruit Land Subdivision, being also designated upon the plat and map as Lot 5, Hurley & Large's Addition to the Town (now City) of Newberg as platted and of record in the office of the County Clerk of said County and State; on the West by the Southern Pacific Railroad Right-of-way; on the South by the line of said Claim and on the North by Third Street in said City; the above described tract being also recorded as Lot 6 of said Subdivision. - -

And excepting from this conveyance and reserving to the United States of America, in accordance with Executive Order 9908, approved on December 5, 1947, (12 Fed. Reg. 8223), all uranium, thorium, and all other materials determined pursuant to section 5 (b) (1) of the Atomic Energy Act of 1946 (60 Stat. 761), to be peculiarly

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essential to the production of fissionable material, contained, in whatever concentration, in deposits in the lands covered by this instrument are hereby reserved for the use of the United States, together with the right of the United States through its authorized agents or representatives at any time to enter upon the land and prospect for, mine, and remove the same, making just compensation for any damage or injury occasioned thereby. However, such land may be used, and any rights otherwise acquired by this disposition may be exercised, as if no reservation of such materials had been made; except that, when such use results in the extraction of any such material from the land in quantities which may not be transferred or delivered without a license under the Atomic Energy Act of 1946, as it now exists or may hereafter be amended, such material shall be the property of the United States Atomic Energy Commission, and the Commission may require delivery of such material to it by any possessor thereof after such material has been separated as such from the ores in which it was contained. If the Commission requires the delivery of such material to it, it shall pay to the person mining or extracting the same, or to such other person as the Commission determines to be entitled thereto, such sums, including profits, as the Commission deems fair and reasonable for the discovery, mining, development, production, extraction, and other services performed with respect to such material prior to such delivery, but such payment shall not include any amount on account of the value of such material before removal from its place of deposit in nature. If the commission does not require delivery of such material to it, the reservation hereby made shall be of no further force or effect.

RECONSTRUCTION FINANCE CORPORATION further transfers, sells, delivers and conveys to CARGO LUMBER & TIMBER CORP. the mill machinery and equipment located on the above described premises in its present condition and location without any representations or warranties whatsoever, either expressed or implied, which mill machinery and equipment includes the following:

- 1 Goulds Pump - 2" V-belt drive, no motor, Figure 7769 - broken castings
- 1 Ponds Saw - Iron Frame, 8' blade with friction clutch. Powered by G. E. 5 h.p. Motor No. 593506 with starter switch
- 1 Iron-saw Filing Frame
- 3 Peavies
- 1 8' Power Saw Blade
- 2 Pike Poles - 10' Aluminum Handle
- 1 Log Haul Drum with Line and Hook, 10" x 30", Gear Reduction, Friction Drive, from Head Rig
- 1 Log Turner, Drum and Cable with Hook, Friction Drive from Head Rig
- 1 Kicker and Turner, Friction Drive, H.M.
- 1 24' Carriage, S.M., 3 Block 48" opening with Electric Set Works, Cleveland Gear Reducer Size 50 AT - 29-1 ratio, No. 46-94829 and 5 h.p. G.E. Motor

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- 1 Friction Feed Works, Chain driven from Head Rig
- 1 Head Rig, 2 52" Saws, Mandrels, Shafting Bearings, Wood Frame with Belt Drive to Top Saw. Powered by G. E. 150 h.p. Motor No. 323508 - 440 volt, with Counter Shaft, Sheaves and Bearing and 150 h.p. Allis-Chalmers Starter and Switch
- 1 6-line Roll-off Bearer Chain Driven by G.E. Gear Motor, 3 h.p. Model K28401629, Speed 1150 - No. 105577
- 1 Iron Frame 3-chain Transfer Chain to Edger, Gear Drive
- 1 Set 5-line Rolls, Belt Drive, 6" x 30" Rolls
- 1 3-saw Edger, Newport No. J
- 1 3-chain Transfer to Trim Saw, Iron Frame, S.M., Driven by Master Gearhead 2 h.p. Motor No. TD12802 with Starter and Control Station
- 5 3" x 14" Rollers in Wood Case
- 1 Fay & Egon Swing Mandrel Saw
- 1 7-3" x 30" Rolls in Iron Case
- 1 3-chain Green Chain, 75' long, Wood Frame, with Shafting, Sprockets, Bearings and Chain Drive; driven by 7-1/2 h.p. G.E. Gear Motor No. 6560672
- 1 Swing Mandrel Saw, S.M., Steel Frame, Belt Drive, driven by 10 h.p. Westinghouse Motor, no number, Gibbs Electric Co.
- 1 Wood Roll Case, 16 Rolls, 6" x 20"
- 1 Wood Conveyor to Bunker, 50' long with Shafting, Sprockets and #82 Chain
- 1 Trim Conveyor, 30' with Chain, Sprockets, Shafting and Bearings, driven by Master Gearhead Motor, 2 h.p., No. GA5369 - 48 r.p.m. Chain Drive
- 1 Sawdust Conveyor, 40' long with Chain, Shafting, Bearings and Sprockets, driven from Head Rig
- 1 American No. 80 Planer, driven by 40 h.p. Allis Chalmers Motor No. R13360194-33 and 50 h.p. G.E. Motor No. XE6681430 with 2 Trumbull Master Switches No. 243554 and G.E. Starter, 35 h.p. No. 1537905 and 50 h.p. Starter, no number
- 1 Blower - 60" Archer, with Ducts and Pipe to Pit, approx. 225', Powered by 50 h.p. Skeen Electric Motor, no number
- 1 Double Drum Yarding Donkey, powered by Ford V-8 Motor, no number, with Cable, Yarding Blocks, Log Tongs and Cold Deck and Unloading Rigging
- 1 Chevrolet Truck, 1941 - 1-1/2 ton
- 1 Trailer, 1941 Trombley Dual Axle
- 7 Lengths 4" Irrigation Pipe
- 1 3" Pump, Centrifugal with Foot Valve and Pipe - Broken Casing and Rotor
- 1 Willamette Carrier, Model G.P. 2 - No. 612, 1940 Model
- 1 4" B.S. Vise
- 1 52" Hoe Saw
- 1 Dismantled 6' Chain Saw, Parts Only

The following items of machinery and equipment are expressly excluded from the foregoing list, and are subject to any or all claims that one J. N. HESS, as a Sublessee, may assert with respect thereto, arising out of the installation thereof by the said J. N. HESS, or otherwise, upon the above described premises:

- 1 Cutler Hammer 50 H.P. Starter
- 1 Planer Feeder H.M., Belt driven by 2 H.P. G.E. Motor 5K221V88 with controls
- 2 2" 4 blade side heads
- 2 4" 6 knife blades
- 1 short portable green chain w/1/2 H.P. Motor

TO HAVE AND TO HOLD the same to the said CARGO LUMBER & TIMBER CORP. and to its successors and assigns forever.

This DEED AND BILL OF SALE is without warranty and representation as to

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location, as to title, quantity or condition of real and personal property, or in any other respect whatsoever.

IN WITNESS WHEREOF, RECONSTRUCTION FINANCE CORPORATION has executed this instrument this 16th day of August, 1950, by WILLIAM KENNEDY, its Attorney in Fact, hereto fully authorized by power of attorney, duly executed and recorded.

RECONSTRUCTION FINANCE CORPORATION

By William Kennedy

Attorney in Fact

STATE OF OREGON)
 : ss
County of Multnomah)

On this 18th day of August, 1950, before me personally appeared

WILLIAM KENNEDY, who, being duly sworn, did say that he is the Attorney in Fact for RECONSTRUCTION FINANCE CORPORATION, and that he executed the foregoing instrument by authority of, and on behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.

Before me:

Olga Batten

Notary Public for Oregon

My Commission Expires: 1-25-54

(Notarial Seal)

25759

STATE OF OREGON,) ss.
County of Yamhill,

I, A. R. McLAUGHLIN, County Clerk in and for said County and State, do hereby certify that the within Instrument of Writing was received and has been by me duly recorded on Page _____ of Volume _____ of the Records of _____ for said County, on this 23rd day of Aug A. D. 1950, at 8:40 o'clock A.M.

In testimony whereof, I have hereto subscribed my name and affixed my Official Seal.

A. R. McLAUGHLIN, County Clerk
By Olga Batten Deputy

CISTOT000004MAR0716

NEXT ACTIVITY

YAMHILL COUNTY

STATEMENT OF ACCOUNT

PIN#: R3219BD 01000 001 ACCOUNT 52908 INT/DISC TO: 03152016 EXT PIN

START YEAR: 2009

03/15/2016

YEAR	LEVIED TAX	UNPAID TAX	FEE(S)	INT/DISC	PAYMENTS	AMOUNT DUE
2015						
2014	5960.99+				5960.99-	
2013	5766.63+				5766.63-	
2012	5581.71+				5581.71-	
2011	5405.01+				5405.01-	
2010	5547.74+				5547.74-	
2009	5357.27+				5357.27-	

TOTAL DUE:

----- ACTIONS -----

SI: 520 W 3RD ST

NEWBERG CITY OF
414 E 1ST ST
NEWBERG OR 97132

TXBL: 372099+

PEN: M#:

OMIT/HIST:

DQTX: LEVY CODES: 29.0 29.2

LEGAL: HURLEY & LARGE'S ADDITION = 4.40 ACRES 4.4 AC IN LT 5 & 6 & P

XMT | NEXT | BACK

PARI T000005MAR0716

EXEMPT
CITY OF NEWBERG

YAMHILL COUNTY
REAL PROP ASSESSMENT INQUIRY #1

NEXT ACTIVITY:

PIN#: R3219BD 01000

1 ACCOUNT#: 52908

LEVY CODE(S): 29.0 29.2

PCA: 9413 STAT CLASS: 680 NBRHOOD: INW3

OWNER: NEWBERG CITY OF
BUYER:
AGENT:
ADDRESS: 414 E 1ST ST

NEWBERG OR 97132 -

EXEMPTION-ORS #: 307.090
EXEMPT: X
1/4 %:
SR CIT:
DISABLED CIT:

CURRENT YR (2015) ASS'D VALUES		CURRENT YR RMV:	PRIOR YR (2014) VALUES		
ASSESSED VALUE:	372,099+	LAND:	261,244	RMV:	877,782
TOTAL EXEMPTIONS:	372,099+	IMPS:	616,538	TAXABLE:	361,264
TOTAL TAXABLE:		TOTL:	877,782		

SPECIAL ASSESSMENTS

PERSONAL PROP: P13074 MORE PP

-TYPE- -UNITS-

RELATED PIN'S: R3219BD 01000 00A0

DISQ TAX:
DISQ REASON:

DISQ DATE:

RELATED MFD STR:

XMT | NEXT | BACK

PAR2 T000006MAR0716

NEXT ACTIVITY

EXEMPT
CITY OF NEWBERG

YAMHILL COUNTY
REAL PROP ASSESSMENT INQUIRY #2

PIN#: R3219BD 01000

1 ACCOUNT#: 52908

SITUS:	HOUSE #:	520	STREET:	W 3RD ST
	UNIT:		CITY:	NEWBERG

LEGAL: HURLEY & LARGE'S ADDITION = 4.40 ACRES
4.4 AC IN LT 5 & 6 & PT LT 4

VOL/PAGE:	/ 0000	INSTR YR/NBR:	2015/05496	PARENT PIN#:
COURT DEC:				PAR1 MH#:
REVIEW:				MH PIN#:
BOPTA:				MH PIN#:
MAGISTRATE:				MH PIN#:
D OF R:				
TAX CT:				

NOTES: AFF #9788 & AFF #9789
AFF #11180 1996 INCORRECT
VALUES ENTERED

ZONES: M2

AFFIDAVITS:

SPECIAL CONDITION CODE:

LAST UPDATE: 07/13/2015

XMT	NEXT	BACK
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LEGAL000007MAR0716
EXEMPT
CITY OF NEWBERG

NEXT ACTIVITY

YAMHILL COUNTY
LEGAL DESCRIPTION

PIN#: R3219BD 01000

001 ACCOUNT #: 52908 EXT PIN

LOT/BLOCK/SUBDIV:

HURLEY & LARGE'S ADDITION

ACREAGE: 4.40

SQUARE FOOTAGE: 0 NEXT LEGAL 0'

A/C/D	DESCRIPTION	LINE
<input type="checkbox"/>	4.4 AC IN LT 5 & 6 & PT LT 4	1
<input type="checkbox"/>		2
<input type="checkbox"/>	#2010/04377 RE-RECORDED AS #2010/005654	6
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0
A		0

CARTOG NOTES: NO
 YES
 GO

REVISION REMARKS: NO
 YES
 GO

XMT | NEXT | BACK



EXHIBIT E: ANNEXATION CONSENT FORM

ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned City of Newberg

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) a portion of 520 W. 3rd Street and (tax lot) a portion of 3219BD-1000, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

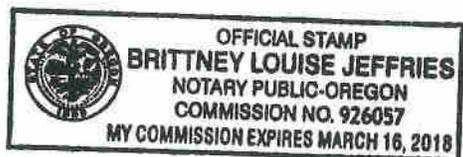
IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 29th day of Feb, 2016.

Stephen A. Rhodes

STATE OF Oregon, County of Yamhill ss 2 / 29 / 2016
Month / day / year

Personally appeared the above named Stephen Rhodes, City Manager
Pro-Tem

and acknowledged the foregoing instrument to be his voluntary act and deed.



Before me: [Signature]
Notary Public for City of Newberg
My commission expires 3/16/2018



**EXHIBIT F: LEGAL DESCRIPTION AND
EXHIBIT MAP OF AFFECTED TERRITORY**



AKS ENGINEERING & FORESTRY, LLC
12965 SW Herman Road, Suite 100, Tualatin, OR 97062
P: (503) 563-6151 F: (503) 563-6152

AKS Job #5157

OFFICES IN: TUALATIN, OR - VANCOUVER, WA - SALEM-KEIZER, OR

EXHIBIT A

Annexation Legal Description for the City of Newberg

A tract of land located in the Northwest One-Quarter of Section 19, Township 3 South, Range 2 East, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the northwesterly corner of Lot 16 of the plat "Little Homes", said point being on the southerly line of Document Number 201505496, Yamhill County Records; thence along said southerly line South 89°52'20" West 83.90 feet to a point on the City of Newberg city limits line, and also being the True Point of Beginning of the tract of land herein described; thence continuing along said southerly line South 89°52'20" West 189.09 feet to the centerline of Chehalem Creek, and also being the Urban Growth Boundary line; thence along said Urban Growth Boundary line Northwesterly 129.6 feet, more or less, to the southeasterly right-of-way line of Southern Pacific Railroad (30.00 feet from centerline); thence along said southeasterly right-of-way line North 43°46'29" East 416.16 feet to the southerly right-of-way line of W 3rd Street (30.00 feet from centerline), and also being a point on the City of Newberg city limits line; thence along said city limits line South 00°05'05" East 378.00 feet to the True Point of Beginning.

The above described tract of land contains 1.41 acres, more or less.

3/14/2016

REGISTERED
PROFESSIONAL
LAND SURVEYOR

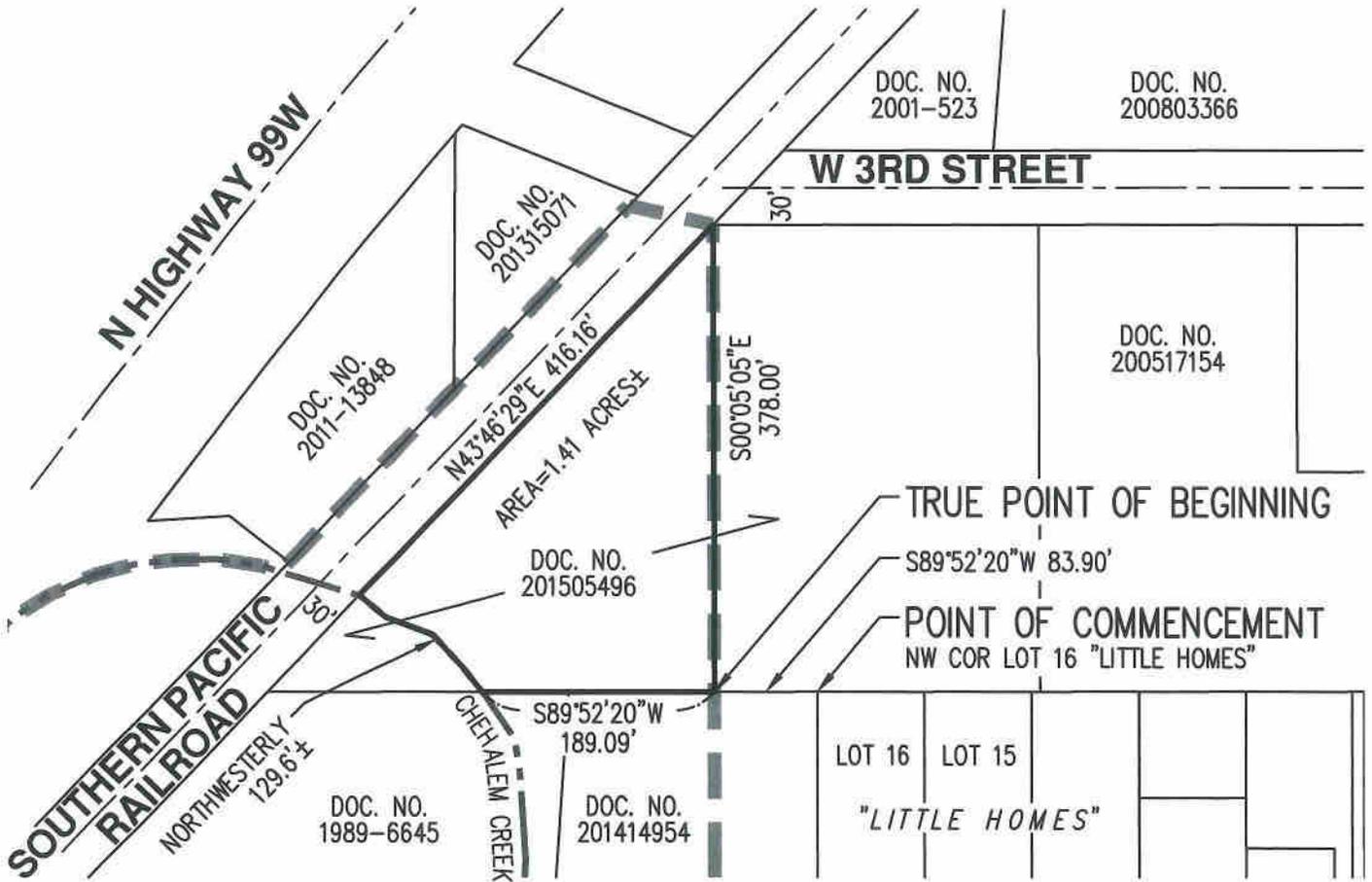
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

EXHIBIT B

CITY OF NEWBERG ANNEXATION

A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON



LEGEND

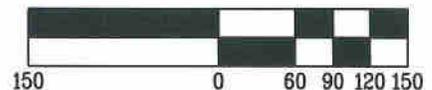
- URBAN GROWTH BOUNDARY
- CITY OF NEWBERG CITY LIMITS

03/14/2016

PREPARED FOR

CITY OF NEWBERG
414 EAST FIRST STREET
NEWBERG, OR 97132

SCALE 1" = 150 FEET



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

ANNEXATION EXHIBIT
520 W 3RD STREET - NEWBERG

AKS ENGINEERING & FORESTRY, LLC
12965 SW HERMAN RD, STE 100
TUALATIN, OR 97062
P: 503.563.6151 F: 503.563.6152 aks-eng.com



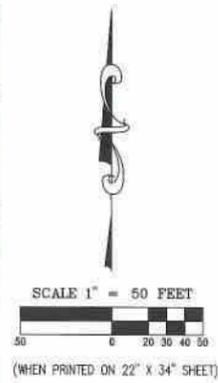
EXHIBIT
B

DRWN: WCB
CHKD: NSW

AKS JOB:
5157



**EXHIBIT G: VICINITY MAP/GENERAL
LAND USE PLAN OF AREA TO BE ANNEXED**



- NOTES:**
1. THIS MAP IS FOR PLANNING PURPOSES ONLY AND DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
 2. THE PROPERTY LINES SHOWN HEREON ARE DERIVED FROM YAMHILL AND COUNTY ASSESSOR'S INFORMATION.
 3. THE CONTOURS SHOWN HEREON ARE PER NOAA NAD83 LIDAR DATED 2007 WITH AN INTERVAL OF 1 FOOT.
 4. THE AERIAL PHOTOGRAPH IS FROM GOOGLE EARTH.

LEGEND

	ZONING BOUNDARIES
	NEWBERG CITY LIMITS
	URBAN GROWTH BOUNDARY

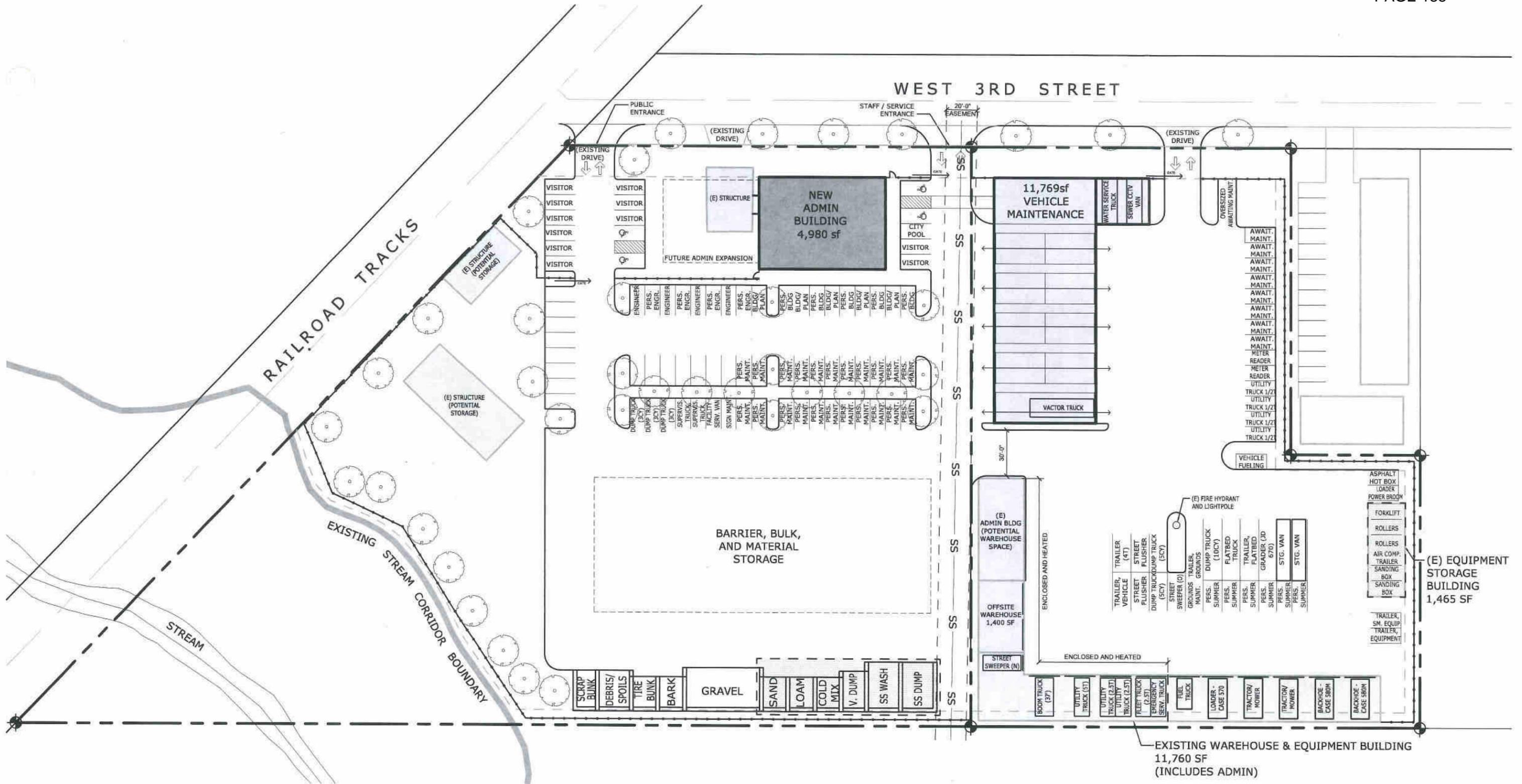
DESIGNED BY:	
DRAWN BY:	
CHECKED BY:	NW
SCALE:	AS NOTED
DATE:	03/15/2016

PRELIMINARY

REVISIONS:	
JOB NUMBER	5157
SHEET	01



**EXHIBIT H: CONCEPT DEVELOPMENT
PLAN**



CITY OF NEWBERG MAINTENANCE YARD - Conceptual Site Study - DRAFT

500 W. 3rd Street, Newberg, Oregon 97132
1" = 60'-0"
November 16, 2015

150200

620 SW 5th Avenue, Suite 500
Portland, Oregon 97204
503.236.6000
www.myhregroup.com

Myhre Group Architects, Inc. These drawings are the property of Myhre Group Architects and are not to be reproduced in any manner except with the prior written approval of Myhre Group Architects.





**EXHIBIT I: TRANSPORTATION PLANNING
RULE (OAR 660-012-0060) ANALYSIS**

March 16, 2016

Steve Olson, AICP
Senior Planner
City of Newberg
414 E. First Street
Newberg, OR 97132

RE: Transportation Planning Rule Analysis – 520 W. 3rd Street

Dear Mr. Olson,

We are submitting this analysis of Oregon Administrative Rule 660-012-0060, more commonly known as the Oregon Transportation Planning Rule, as it relates to the annexation of an approximately 1.4 acre portion of the property at 520 W. 3rd Street.

Per Oregon Administrative Rule (OAR) 660-012-0060(9), a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if, (a) the proposed zoning is consistent with the existing comprehensive plan map designation (and the amendment does not change the comprehensive plan map); (b) the proposed zoning is consistent with the City's acknowledged TSP; and (c) the TSP accounts for urbanization of the subject property. The zoning map amendment included in this application seeks to change the current Yamhill County Heavy Industrial (HI) designation to Newberg's Light Industrial (M-2) designation and is consistent with, and does not alter, the City's Comprehensive Plan. Further this property was included in the Urban Growth Boundary and was accounted for in the City's 2005 TSP. This zoning map amendment therefore satisfies all of the above-referenced conditions and the City can find that it does not significantly affect a transportation facility.

Further OAR 660-012-0060(1) clearly defines those amendments to a plan or land use regulation that are considered to significantly affect a transportation facility. These amendments include, plan or land use regulation amendments that would: (a) Change the functional classification of an existing or planned transportation facility; (b) Change standards implementing a functional classification system; or (c) result in ((A) types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The zoning map amendment included in this application will not change the functional classification of any existing or planned roadways in the City of Newberg nor will it change the standards implementing a functional classification system. Finally, as shown in Table 1 below, and as described in more detail in the following paragraphs, the future zoning designation will not result in the degradation of performance of any transportation facilities that provide access to and from the property.

Table 1 Approximate Trip Generation from Previous and Anticipated Future Uses at 520 W. 3rd Street

Use Category	Weekday PM Peak Hour Trip Generation Rate (per acre)	Estimated Weekday PM Peak Hour Trip Impact
Cement Plant (ITE Land Use Code 140 – Manufacturing)	8.35	31
Operations/Maintenance Yard (ITE Land Use Code 110 – Light Industrial)	7.62	28

Source: ITE Trip Generation Manual, 8th Edition

The property takes access from and is intended to continue to take access from W. 3rd Street, which is classified as a minor collector street in the City’s TSP. In 2005, the intersection of OR Hwy 99W and W. 3rd Street operated at a LOS E during the evening peak hour even though observed traffic volumes accounted for only one-fifth of available capacity. This relatively constrained LOS is due to delay for vehicles making left turns from this unsignalized intersection onto OR Hwy 99W during the peak hour.

Rather than encourage access to OR Hwy 99W from its intersection with W. 3rd Street, the TSP encourages these motorists to instead use the signalized intersection at OR Hwy 99W and Main Street, hence the TSP does not identify specific capital projects planned for the intersection of W. 3rd Street and OR Hwy 99W. Further, under the 2025 Preferred Network Alternative (which includes the Newberg-Dundee Bypass that is currently under construction), the TSP forecasts that this intersection will operate at a LOS C (which exceeds the LOS E performance standard).

The intended future use of this site creates fewer impacts to the City’s transportation facilities than the former use of the site. The ITE Trip Generation Manual estimates a Weekday PM peak hour trip generation rate of 8.35 trips per acre for manufacturing uses (Land Use Code 140), such as the cement manufacturing plant that previously occupied this site. This equates to 31 PM peak hour trips for this approximately 3.8 acre property (see Table 1, above).

The ITE Trip Generation manual does not include a land use category for government operated maintenance yards, such as that intended for the future use of this site; the most similar use category listed in the ITE Trip Generation Manual is general light industrial (Land Use Code 110). ITE estimates a Weekday PM peak hour trip generation rate of 7.62 trips per acre for light-industrial uses. This equates to 28 PM peak hour trips for this approximately 3.8 acre property. Based on ITE estimates, PM peak hour trips generated from the intended use on this site will be slightly less than those previously generated on-site. Because the trip impacts from the anticipated uses on this site are lower than those which existed on this site when the 2005 TSP was adopted and because the TSP accounted for all land within the UGB, we conclude this annexation will not significantly affect a transportation facility. Please feel free to contact me anytime to discuss this matter.

Sincerely,
AKS ENGINEERING & FORESTRY, LLC

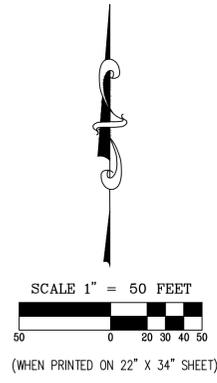


Chris Goodell, AICP, LEED^{AP}



**EXHIBIT J: PROPERTY OWNER ADDRESS
LIST**

First Name	Last Name	Address	City	State	ZIP
Apolinar	Perez	4205 SE Riverside Lp	McMinnville	OR	97128
Todd	Albertson	400 W 5th St	Newberg	OR	97132
Danika	Porter	3221 SW Primrose St	Portland	OR	97219-5314
Lawrence & Gracia	Landes	420 S Harrison St	Newberg	OR	97132
Ronald & Patricia	Hamilton	414 S Harrison St	Newberg	OR	97132
Eric	Hanson	416 S Harrison St	Newberg	OR	97132
Gary & Nancy	Mehlhoff	1150 NE 17th St	McMinnville	OR	97128
Roger & Katherine	Muckey	13650 NW Willis Rd	McMinnville	OR	97128
Carol	Miller	314 W 3rd St	Newberg	OR	97132
Angela	Vachter	315 W 4th St	Newberg	OR	97132
	Us Bank	115 Old Highway 99w	Newberg	OR	97132-4604
Ray & Janet	Goedel	201 Old Highway 99w	Newberg	OR	97132
Cong Ly	Voong	105 Old Highway 99w	Newberg	OR	97132
Ray & Janet	Goedel	201 Old Highway 99w	Newberg	OR	97132
Derek & Nicholette	McGraw	15048 Swallow Ct	Klamath Falls	OR	97601
Scott	Johnson	205 Old Highway 99w	Newberg	OR	97132
	Jsh LLC	23167 NE Sunnycrest Rd	Newberg	OR	97132
Jose	Pena	215 Old Highway 99w	Newberg	OR	97132
James & Carolyn	Keller	217 Old Highway 99w No 36	Newberg	OR	97132
	Nwt Development LLC	PO Box 490	Newberg	OR	97132
Adam	Drew	800 W 1st St No 7	Newberg	OR	97132
	Hurl Bros LLC	720 NW Michelbook Ct	McMinnville	OR	97128
Donald & Patricia & Samuel	Hulse	1203 N Main St	Newberg	OR	97132
Jason & Emanuela	Martin	111 S Harrison St	Newberg	OR	97132
Gary	Peters	201 S Harrison St	Newberg	OR	97132
Joyce	Colling	959 SW 7th St	Dundee	OR	97115
	Hurl Bros LLC	720 NW Michelbook Ct	McMinnville	OR	97128
	Newberg City Of	414 E 1st St	Newberg	OR	97132
	Dto LLC	18467 Ballinger Way NE	Lake Forest Park	WA	98155
	Yamhill County	434 NE Evans St	McMinnville	OR	97128
John & Lalonie	Self	301 S Harrison St	Newberg	OR	97132
	Triangle Holdings II LLC	3121 SW Moody Ave	Portland	OR	97239
Nancy	Fox	20805 NE Highway 240	Newberg	OR	97132
Gary & Karen	Burkholder	405 S Harrison St	Newberg	OR	97132
Leatrice	Wyatt	407 S Harrison St	Newberg	OR	97132
Cecelia	Glaser	5136 Perth Glen Dr	Antelope	CA	95843
Mario	Sanchez	560 SE Locust St	Dundee	OR	97115-9693
Donald & Orpha	Thumler	3558 Bursell Rd	Central Point	OR	97502
Alfred & Karen	Littau	409 W 5th St	Newberg	OR	97132
Brian	Behner	419 S Harrison St	Newberg	OR	97132
Mario	Sanchez	560 SE Locust St	Dundee	OR	97115-9693
Jorge Fonseca	Reyes	411 W 5th St	Newberg	OR	97132
Silvio	Carbone	8253 Tivoli Cove Dr	Las Vegas	NV	89128
Reed	Burch	501 W 5th St	Newberg	OR	97132
Brian	Fox	507 W 5th St	Newberg	OR	97132-2505
Lucas & Michelle	Buyas	517 W 5th St	Newberg	OR	97132
Melanie	Harrison	511 W 5th St	Newberg	OR	97132
James & Mary	Forkner	521 W 5th St	Newberg	OR	97132
	Sewatt Properties LLC	7881 SW Peters Rd	Tigard	OR	97224
	Pacwest Energy LLC	3450 Commercial Ct	Meridian	ID	83642
	Newberg Marine Center LLC	12128 NE Honey Ln	Newberg	OR	97132
Joseph & Joseph	Clements	604 W 1st St	Newberg	OR	97132
Jamie	Nibler	616 W 1st St	Newberg	OR	97132
John & Janice	Bertoglio	412 W 5th St	Newberg	OR	97132
Adrian & Marnie	Kole	504 W 5th St	Newberg	OR	97132
Jonathan & Laura	Umfleet	502 W 5th St	Newberg	OR	97132
Wendy	Ross	1205 W Highland Ave No A2	Hermiston	OR	97838
Dwight & Carolyn	Hageman	510 W 5th St	Newberg	OR	97132
Allen	King	520 W 5th St	Newberg	OR	97132
Jimmy & Mary	Parrack	24400 NE Zard Ln	Newberg	OR	97132
James & Carolyn	Keller	217 Old Highway 99w No 36	Newberg	OR	97132



NOTES:

1. THIS MAP IS FOR PLANNING PURPOSES ONLY AND DOES NOT CONSTITUTE A PROPERTY BOUNDARY SURVEY.
2. THE PROPERTY LINES SHOWN HEREON ARE DERIVED FROM YAMHILL AND COUNTY ASSESSOR'S INFORMATION.
3. THE CONTOURS SHOWN HEREON ARE PER NOAA NAD83 LIDAR DATED 2007 WITH AN INTERVAL OF 1 FOOT.
4. THE AERIAL PHOTOGRAPH IS FROM GOOGLE EARTH.

LEGEND

- - - - - ZONING BOUNDARIES
- - - - - NEWBERG CITY LIMITS
- - - - - URBAN GROWTH BOUNDARY

DESIGNED BY: _____
 DRAWN BY: _____
 CHECKED BY: _____ NW
 SCALE: _____ AS NOTED
 DATE: 03/15/2016

PRELIMINARY

REVISIONS

JOB NUMBER
5157

SHEET
01



ORDINANCE No. 2016-2804

AN ORDINANCE ANNEXING PROPERTY LOCATED AT 520 W. THIRD STREET, YAMHILL COUNTY TAX LOT 3219BD-1000, INTO THE NEWBERG CITY LIMITS AND WITHDRAWING IT FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT, AND CHANGING THE CURRENT ZONING FROM YAMHILL COUNTY HI TO CITY M-2

RECITALS:

1. The City of Newberg Public Works Department submitted an application to annex 1.41 acres of property into the City of Newberg and change the zoning from Yamhill County HI to Newberg M-2. The annexation site is the western portion of 520 W. Third Street, Yamhill County tax lot 3219BD-1000.
2. The property is located within the Newberg urban growth boundary and is adjacent to the Newberg city limits. The Comprehensive Plan designation of the property is IND (Industrial), which is consistent with the proposed zoning of M-2 (Light Industrial). There is a Stream Corridor overlay on the southwest corner of the property. Adequate public services and utilities are available to serve the property within three years.
3. After proper notice, the Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, deliberated, and voted to approve Planning Commission Resolution No. 2016-318 recommending that the City Council approve the annexation request and concurrent zone change.
4. State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.
5. After proper notice, the Newberg City Council held a hearing on July 5, 2016 to consider the proposed annexation and concurrent zone change. After the staff report and public testimony, the City Council finds the proposal has met the required criteria.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The property shown in Exhibit "A" and described in Exhibit "B" is hereby annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District, and the zoning of the property is changed from Yamhill County HI to Newberg M-2. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. This decision is based on the findings shown in Exhibit "C" and the findings that the property meets ORS 222.111 criteria as set forth in Recital #4 above. Exhibit "C" is hereby adopted and by this

reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 4, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of July, 2016, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

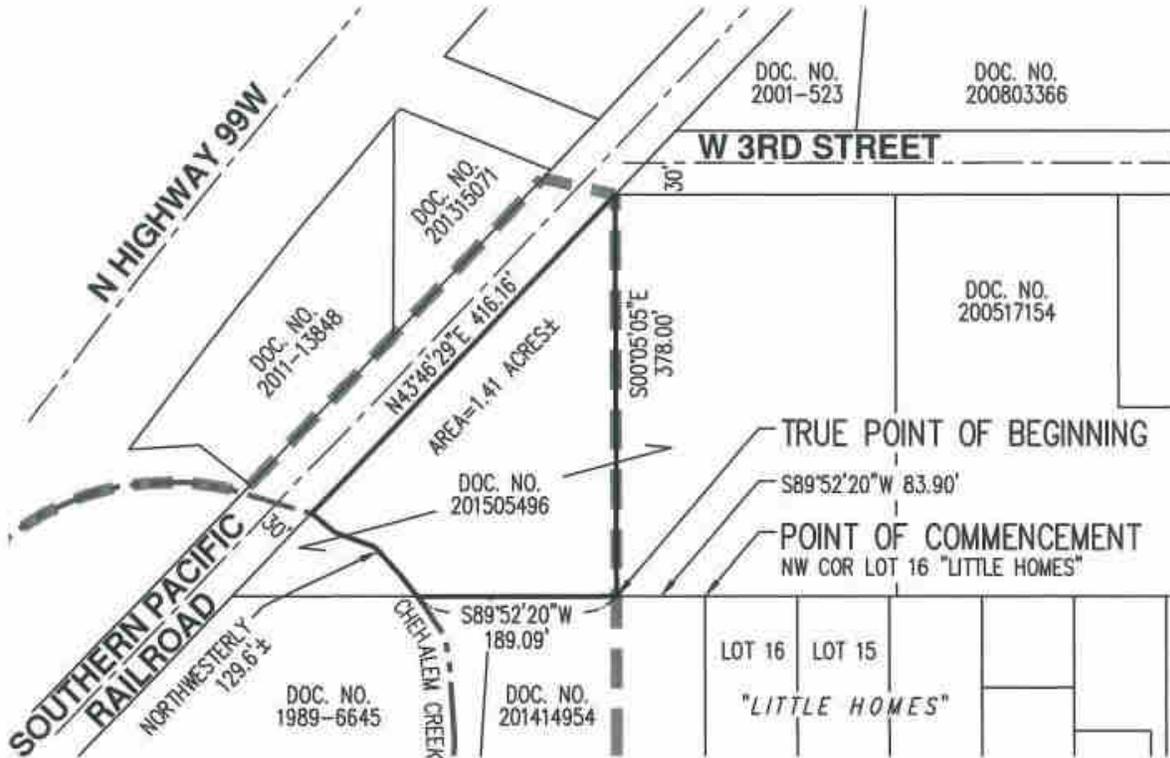
Sue Ryan, City Recorder

ATTEST by the Mayor this 7th day of July, 2016.

Bob Andrews, Mayor

**Exhibit "A" to Ordinance No. 2016-2804
Annexation Map – 520 W. Third Street**

CITY OF NEWBERG ANNEXATION
A TRACT OF LAND LOCATED IN THE NORTHWEST 1/4 OF SECTION 19,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON



LEGEND

- URBAN GROWTH BOUNDARY
- CITY OF NEWBERG CITY LIMITS

03/14/2016

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Nick White

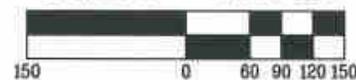
OREGON
JANUARY 9, 2007
NICK WHITE
70652LS

RENEWS: 6/30/16

PREPARED FOR

CITY OF NEWBERG
414 EAST FIRST STREET
NEWBERG, OR 97132

SCALE 1" = 150 FEET



ANNEXATION EXHIBIT 520 W 3RD STREET - NEWBERG		EXHIBIT B
AKS ENGINEERING & FORESTRY, LLC 12965 SW HERMAN RD, STE 100 TUALATIN, OR 97062 P: 503.563.6151 F: 503.563.6152 aks-eng.com		DRWN: WCB CHKD: NSW AKS JOB: 5157



**Exhibit "B" to Ordinance No. 2016-2804
Legal Description – 520 W. Third Street Annexation**

Annexation Legal Description for the City of Newberg

A tract of land located in the Northwest One-Quarter of Section 19, Township 3 South, Range 2 East, Willamette Meridian, City of Newberg, Yamhill County, Oregon and being more particularly described as follows:

Commencing at the northwesterly corner of Lot 16 of the plat "Little Homes", said point being on the southerly line of Document Number 201505496, Yamhill County Records; thence along said southerly line South 89°52'20" West 83.90 feet to a point on the City of Newberg city limits line, and also being the True Point of Beginning of the tract of land herein described; thence continuing along said southerly line South 89°52'20" West 189.09 feet to the centerline of Chehalem Creek, and also being the Urban Growth Boundary line; thence along said Urban Growth Boundary line Northwesterly 129.6 feet, more or less, to the southeasterly right-of-way line of Southern Pacific Railroad (30.00 feet from centerline); thence along said southeasterly right-of-way line North 43°46'29" East 416.16 feet to the southerly right-of-way line of W 3rd Street (30.00 feet from centerline), and also being a point on the City of Newberg city limits line; thence along said city limits line South 00°05'05" East 378.00 feet to the True Point of Beginning.

The above described tract of land contains 1.41 acres, more or less.

3/14/2016



**Exhibit “C” to Ordinance No. 2016-2804
Findings & Conditions –File ANX-16-002 – 520 W. Third Street**

A. 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 520 W. Third Street, is located within the urban growth boundary and is contiguous to the existing city limits on its east boundary.

B. 15.250.030 Quasi-judicial annexation criteria.

The following criteria shall apply to all annexation requests:

A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

Finding: The property has a Comprehensive Plan designation of IND (Industrial), with a Stream Corridor overlay on the southwest corner. The applicant has requested M-2 (Light Industrial) zoning for the site. The M-2 zoning district is consistent with the IND comprehensive plan designation, and a Stream Corridor zoning overlay will be placed on the southwest corner of the site. This criterion is met.

The Department of State Lands (DSL) commented that Chehalem Creek, on the southwest side of the site, has been designated Essential Salmonid Habitat. Based on the information provided, work within the developed footprint of this tax lot should not impact jurisdictional wetlands or waters. DSL will require a permit for any impact to the creek and its associated wetlands; contact DSL prior to any work outside of the developed footprint of the site to determine if a permit and/or wetland inspection will be needed.

B. An adequate level of urban services must be available, or made available, within three years’ time of annexation, except as noted in subsection (E) of this section. An adequate level of urban services shall be defined as:

1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

Finding: Adequate urban services are currently available to the property. There is a 15-inch diameter wastewater line that runs north-south through the site along its eastern property line, and an 8-inch diameter wastewater line in Third Street. A 12-inch water main and two ¾-inch laterals in Third Street provide water service to the site. Stormwater is currently connected via an existing main in Third Street.

The proposed use as part of the Public Works Maintenance yard is expected to generate fewer trips than the previous use as a cement plant. Future redevelopment of the property may require improvements to the street frontage along Third Street. This criterion is met.

C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

Finding: The city sent the application information out to the Police and Fire Departments, Chehalem Parks and Recreation District (CPRD), and the Newberg School District, among other agencies, for comments prior to the staff report. No departments or agencies noted any problems with providing services to the proposed annexation site. The public services provided by the Public Works Maintenance Division support the services provided by these other public departments and agencies. Police, fire, parks and school services are found to be adequate for the proposed annexation.

D. The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the applicant.

Finding: The applicant submitted adequate information to allow the city to make findings to the applicable criteria.

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 subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater 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 city 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 because adequate urban services are found to be available within the three year time frame.

C. 15.302.030 Procedures for comprehensive plan map and zoning map amendments.

A.3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:

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

Finding: The property has a Comprehensive Plan designation of IND (Industrial), with a Stream

Corridor overly on the southwest corner of the site. The requested M-2 (Light Industrial) zoning designation, with a Stream Corridor zoning overlay on the southwest corner of the site, corresponds to the Comprehensive Plan designation. The proposed zone change is therefore consistent with the Newberg Comprehensive Plan, and this criterion is met.

b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

Finding: As demonstrated in the finding to 15.250.030.B. above, the applicant has demonstrated that adequate public facilities and services are available to the property.

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

Finding: Annexation of the property complies with the State Transportation Planning Rule (TPR) (OAR 660-012-0060) because it meets the requirements for an amendment to a zoning map that does not significantly affect an existing or planned transportation facility as permitted by Subsection (9) of the TPR: the proposed zoning of M-2 is consistent with the existing comprehensive plan map designation of IND; the City of Newberg has an acknowledged TSP and the proposed zoning is consistent with the TSP; the TSP accounts for the future urbanization of this property.

OAR 660-012-0060(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

[Subsection (1) of OAR 660-012-0060]

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. 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) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan;
or*

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

- D. Conclusion:** Based on the above-mentioned findings, the application meets the criteria of the Newberg Development Code, as conditioned.

Conditions of approval

1. Department of State Lands: DSL will require a permit for any impact to the creek and its associated wetlands; contact DSL prior to any work outside of the developed footprint of the site to determine if a permit and/or wetland inspection will be needed.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ___	Ordinance <u>XX</u>	Resolution ___	Motion ___	Information ___
No.	No. 2016-2805	No.		

SUBJECT: An Ordinance annexing 10.37 acres of property located at 24950 NE North Valley Road, plus the area of the adjacent rights-of-way, into the City of Newberg and changing the zoning from Yamhill County AF-10 to Newberg R-1

**Contact Person (Preparer) for this Motion: Jessica Pelz, AICP
Dept.: Community Development
File No.: ANX-16-001**

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION: Adopt Ordinance No. 2016-2805, annexing 10.37 acres of property located at 24950 NE North Valley Road, plus the area of the adjacent rights-of-way, into the City of Newberg and changing the zoning from Yamhill County AF-10 to Newberg R-1.

EXECUTIVE SUMMARY: This is an annexation request for 10.37 acres of property plus the area of the adjacent rights-of-way of property that is already identified as being within the Newberg urban growth boundary. The property has a Comprehensive Plan designation of PQ (Public/Quasi-Public), which corresponds with the requested zoning of R-1 (Low Density Residential) per section 15.250.080 of the Newberg Development Code. According to the most recent analysis completed as part of the recent “Martell Commons” Comprehensive Plan Map and Zone Map amendment, the city has a deficit of 37 acres of LDR land to meet 2030 housing needs. Annexation of this property will provide additional residential development opportunities to meet future housing demands.

Adequate public utilities are available to serve the site within three years – there are both public water and wastewater lines located at the intersection of Foothills Drive and Chehalem Drive. Future development will require the public utilities to be extended north along Chehalem Drive adjacent to the school property and park property to the site, and then to and through the site to serve future development.

The site is located at the southeast corner of the Chehalem Drive/North Valley Road intersection. Both roads are designated as major collectors in the Yamhill County TSP Functional Classification Map (TSP – Appendix). Street improvements to both frontages will be required at the time of development, and there will likely be a requirement for a sidewalk to be extended south along Chehalem Drive to connect at Foothills Drive. In addition, future development will likely require a traffic study, which will identify other necessary mitigation measures, including improvements to the site distance issue at the intersection.

State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg’s (and other cities) requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city’s adopted Development Code criteria for annexation. This property meets those criteria as outlined in the findings in Exhibit “C” and will not be sent to a public vote. The City Council will make the final local decision on this application for annexation.

FISCAL IMPACT: No direct fiscal impact to the city other than the addition of the 10.37 acres to the

property tax base.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS): Approval of the proposed annexation helps further the following Council goals: #4 – “Foster and encourage economic development in the community” because the property will provide additional residential building land; and #5 – “Maintain and modernize the city’s transportation and utilities infrastructure” because development of this property will require infrastructure improvements, including sidewalks, intersection, and utilities.

ATTACHMENTS:

1. Planning Commission Resolution 2016-317 (with Exhibits “A”, “B”, and “C” by reference only and attached to Ordinance No. 2016-2805)
2. Aerial Photo
3. Concept Development Plan
4. Current Comprehensive Plan/Zoning Map
5. Application
6. Public Comments

Ordinance No. 2016-2805 with:

- Exhibit “A”: Property Map
- Exhibit “B”: Legal Description
- Exhibit “C”: Findings



PLANNING COMMISSION RESOLUTION 2016-317

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF 10.37 ACRES OF PROPERTY, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY AF-10 TO NEWBERG R-1, FOR PROPERTY LOCATED AT 24950 NE NORTH VALLEY ROAD, TAX LOT 3207-00900

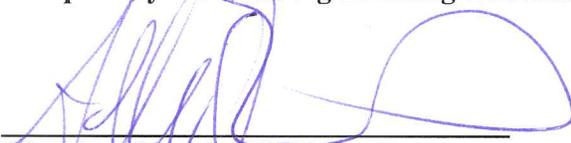
RECITALS

1. The Newberg First Baptist Church submitted an application to annex 10.37 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County AF-10 to Newberg R-1. The property is located directly north of the current Newberg city limits at the southeast corner of the Chehalem Drive/North Valley Road intersection, Tax Lot 3207-00900.
2. After proper notice, the Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable Newberg Development Code criteria as shown in the findings in Exhibit "C".
4. State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission recommends that the City Council annex the property shown in Exhibit "A" and described in Exhibit "B", along with a zone change to R-1, and withdraw the property from the Newberg Rural Fire Protection District. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. This recommendation is based on the findings shown in Exhibit "C". Exhibit "C" is hereby adopted and by this reference incorporated.

Adopted by the Newberg Planning Commission this 10th day of March, 2016.



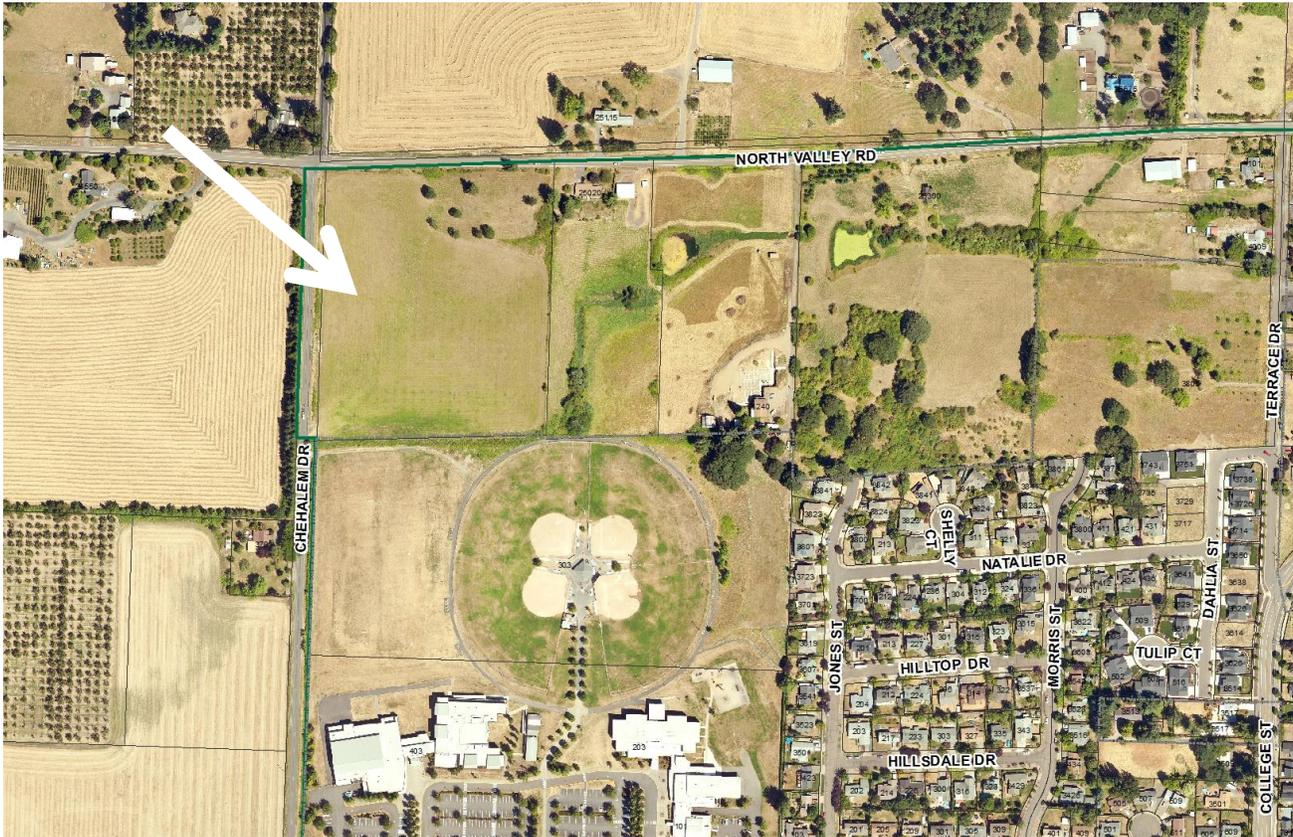
Planning Commission Chair

ATTEST: 



Planning Commission Secretary

**Attachment 2 to RCA ORD 2805:
Aerial Photo**



Attachment 3 to RCA ORD 2805: Concept Development Plan



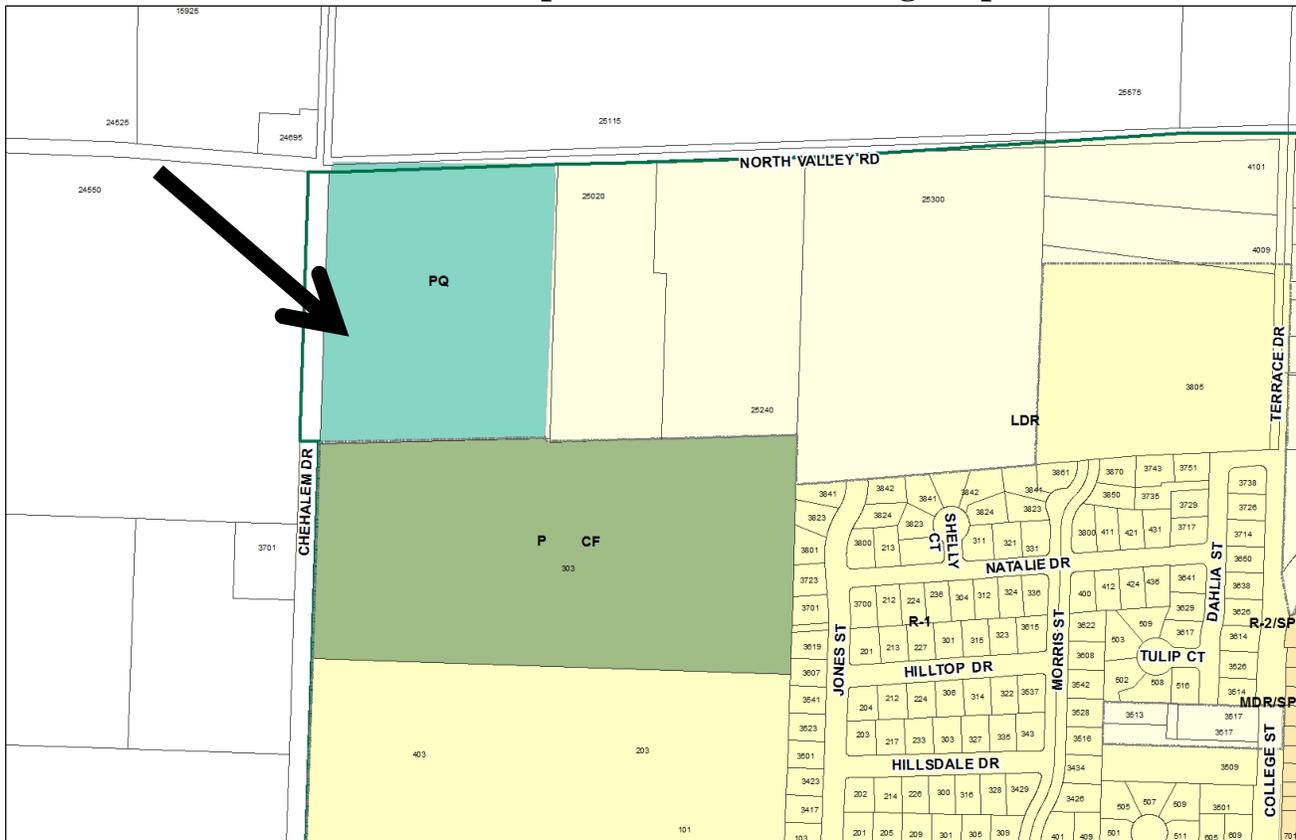
<u>Legend</u>	
	Water Extension
	Sewer Extension
	Open Space
	Single Family Lots
	Street ROW's

Notes

This site layout is conceptual and representation of what could be developed on the site.

Typical Lot size will range between 5,000 and 10,000 S.F.

Attachment 4 to RCA ORD 2805: Current Comprehensive Plan/Zoning Map



Newberg Annexation

24950 NE North Valley Road, Newberg, OR 97132

March 7, 2016

Annexation Application

Prepared for:
Newberg First Baptist Church

Prepared by:
Westlake Consultants, Inc.
15115 SW Sequoia Parkway, Suite 150
Tigard, Oregon 97224
Phone: 503.684.0652
Fax: 503.624.0157

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Exhibits

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 - B Map and Legal Description
 - C General Land Use Plan
 - D Development Concept Statement
 - E Public Facilities Financing Statement
 - F Positive and Negative Effects Statement
 - G Concept Pedestrian Connection Plan
 - H Memo for Sewer Availability
 - I Measure 49 Waiver
 - J Annexation Consent Forms
 - K Application Form
 - L Transportation Planning Rule Consistency

Application and Subject Site Summary

SUBJECT PROPERTY: Tax Map R3207 Tax Lot 00900

PROPERTY LOCATION: 24950 NE North Valley Road, Newberg, OR 97132

PROPOSAL: Annexation into City of Newberg with R-1 zoning

SITE SIZE: 10.37 acres

COUNTY ZONING DESIGNATION: AF-10 Agriculture/Forestry Small Holding District

COMPREHENSIVE PLAN DESIGNATION: PQ – Public/Quasi-Public

REQUESTED ZONING: R-1 Low Density Residential

PROPERTY OWNER & APPLICANT: Newberg First Baptist Church

Application Description

Introduction

The applicant, Newberg First Baptist Church, is the owner of the property at 24950 NE North Valley Road, Newberg, OR 97132. The church is seeking to annex the 10.37 acre parcel into the City of Newberg as R-1 Residential. A Pre-Application meeting was held with the City of Newberg in February of 2016 to discuss the annexation process and requirements.

Proposal

This annexation application requests that the site be annexed with R-1 zoning. This zoning will allow the site to be developed with detached single family homes consistent with surrounding developments in the area. Current zoning regulations would allow the 10 acre site to be developed at approximately 6 to 7 lots per acre resulting in the potential to add 60 to 70 new homes to the site.

Existing Conditions

As depicted below by Figure 1, aerial photograph, the subject site is surrounded on the east, north, and west by large lot residential and farmland. To the south of the site is Crater Park and the Darnell Wright Sports Complex. South of the park, are the Chehalem Valley Middle School and Antonia Crater Elementary School. The site is currently vacant with an open field and a few trees in the NE corner.

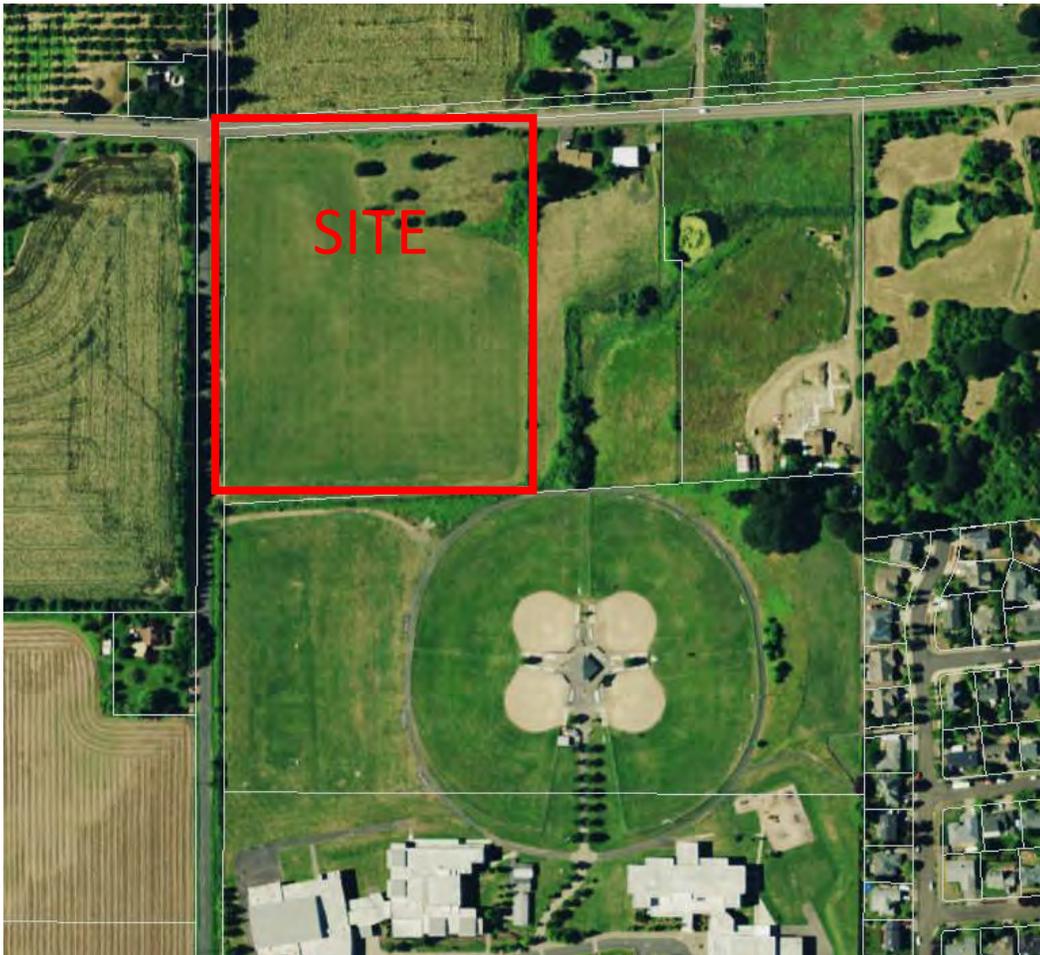


Figure 1 – Aerial Photograph

Public Facilities

1. Sanitary Sewer: There is a City of Newberg 8” sewer main located south of the site along Chehalem Drive. A public sanitary pump station is located approximately 2,600 feet south of the site along Chehalem Drive.
2. Water Service: There is a City of Newberg 8” water main located south of the site along Chehalem Drive.
3. Stormwater Management: There are stormwater lines south of the site located along Chehalem Drive.
4. Streets: Chehalem Drive and NE North Valley Road are both 2 lane roads. They are classified as Major Collectors.

City of Newberg Annexation Criteria

Applicant Narrative

The City of Newberg Municipal Code sections applicable to this Annexation Request include:

Chapter 15.250 ANNEXATIONS

- *15.250.020 Conditions for Annexation*
- *15.250.030 Quasi-judicial Criteria*
- *15.250.040 Quasi-judicial procedures*
- *15.250.050 Application requirements for quasi-judicial annexations*
- *15.250.080 Comprehensive plan and zoning designations*
- *15.250.09*

The specific applicable sub-sections from these Articles and the Applicant Responses demonstrating compliance with each are as follows:

Chapter 15.250 ANNEXATIONS

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. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.261.]*

APPLICANT'S RESPONSE:

The subject site is located within the Newberg Urban growth boundary. The subject site is contiguous to the existing city limits.

15.250.030 Quasi-judicial annexation criteria

Quasi-judicial annexation applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:

- A. *The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.*

APPLICANT'S RESPONSE:

The current Newberg Comprehensive Plan labels the site as PQ – Public/Quasi-public. As discussed further in this narrative, 15.250.080 states that land designated as PQ can be zoned as any type of zoning designation when being annexed into the City. The annexation application is requesting R-1, Low Density Residential be applied upon annexation to match the existing development and zoning in the area. The R-1 will also allow the future development of the site for detached single family residential.

- B. *An adequate level of urban services must be available, or made available, within three years' time of annexation, except as noted in subsection (E) of this section. An "adequate level of urban services" shall be defined as:*

1. *Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.*

APPLICANT'S RESPONSE:

The subject site can be served by municipal wastewater and water service with the extension of main lines to the site within the Chehalem Drive public right-of-way. The memo in Exhibit H demonstrates the ability of the site to be adequately and timely served by the extension of sewer services with capacity.

2. *Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.*

APPLICANT'S RESPONSE:

Street improvements will be conditioned as required through review and approval of the future development of the site as a single family residential subdivision. Consistent with the applicable provisions of this section, the Development Concept Statement demonstrates the type of development that is proposed for the site. There are no conditions present on the property preventing compliance with a waiver of remonstrance for road improvements nor participation along with the City in traffic improvement costs associated with the future development of the property.

- C. *Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.*

APPLICANT'S RESPONSE:

The Newberg School District was contacted about the annexation request. The district verified that it had the capacity to serve a 70 home residential development on the site. The Newberg Fire and Police Departments were contacted and verified that there not be any issues with providing service to the site. These agencies will also receive this application for annexation to provide further comments during the process. Parks replies are pending and will be provided through the review process of this application.

- D. *The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the applicant.*

- 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 subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater 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 city 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. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2640, 2-21-06; Ord. 2451, 12-2-96. Code 2001 § 151.262.]*

APPLICANT'S RESPONSE:

As addressed in this application, urban services are available or can be made readily available within 3 years through development of the property as a detached single family residential subdivision. Thus, this section is not applicable.

15.250.040 Quasi-judicial annexation procedures.

All quasi-judicial annexation requests approved by the city council shall be referred to the voters in accordance with the requirements of this code and ORS Chapter 222. [procedural regulations omitted for brevity]

APPLICANT'S RESPONSE:

The applicant is aware of the procedures for the annexation. This application for annexation is submitted to the City of Newberg to be considered before the Planning Commission and City Council for their vote to refer the annexation to the November 2016 general election ballot.

15.250.050 Application requirements for quasi-judicial annexations.

Applications for quasi-judicial annexations shall be made on forms provided by the planning division and include the following material:

- A. *Written consent to the annexation signed by the requisite number of affected property owners, electors, or both to conduct an election within the area to be annexed, as provided by state law. The consent shall include a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.*
- B. *Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.*
- C. *Vicinity map and map of the area to be annexed including adjacent city territory.*
- D. *General land use plan indicating types and intensities of proposed development, transportation corridors (including pedestrian and vehicular corridors), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and adjoining development.*
- E. *Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced.*
- F. *Annexation fees, as set by city council resolution.*
- G. *Statement outlining method and source of financing to provide additional public facilities.*
- H. *Comprehensive narrative of potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part and proposed actions to mitigate such effects.*
- I. *Concurrent with application for annexation, the property may be assigned one of the following methods for development plan review:*
 - 1. *A planned unit development approved through a Type III procedure.*
 - 2. *A development agreement approved by the city council.*

- 3. A contract annexation as provided for in the state statutes. Development plans must be approved and an annexation contract must be signed by the city council in order to use the contract annexation process. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2693 § 1 (Exh. A(4)), 3-3-08; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.264.]

APPLICANT'S RESPONSE:

The applicant is aware of the process for the application. All applicable materials listed in this section for the submittal of this annexation are included with this application.

15.250.080 Comprehensive plan and zoning designations

- A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.
- B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of NMC 15.302.030 shall not be required.

Comprehensive

Plan Classification	Appropriate Zoning Classification
OS	Any zoning classification
LDR	R-1
MDR	R-2, R-4
HDR	R-3, R-4
COM	C-1, C-2, or C-3 as determined by the director
MIX	C-2, M-1, or M-2 as determined by the director
IND	M-1, M-2, M-3, M-4, or AI
PQ	Any zoning classification
P	CF

- C. If a zoning classification is requested by the applicant for other than that described in subsection (B) of this section, the criteria of NMC 15.302.030 shall apply. This application shall be submitted concurrently with the annexation application.
- D. In the event that the annexation request is denied, the zone change request shall also be denied. [Ord. 2747 § 1 (Exh. A § 6), 9-6-11; Ord. 2720 § 1(9), 11-2-09; Ord. 2451, 12-2-96. Code 2001 § 151.267.]

APPLICANT'S RESPONSE:

The applicant is requesting that the property be zoned to R-1, Low Density Residential to match the existing development and zoning in the area. The R-1 zoning will allow the site to be developed with detached single family homes. Annexation of the property and zoning the land R-1 adds residential land to the city meeting the housing and land use goals of the Comprehensive Plan. The residential use is compatible and appropriate given surrounding residential, agricultural, and public facilities development.

CONCLUSION

As demonstrated with this narrative and the attached exhibits, the annexation of this property meets the applicable criteria and will benefit the City of Newberg. The applicant requests that the Planning Commission and City Council approve this application and refer this annexation on to the November 2016 general election ballot.

Exhibit A

Title Report



Ticor Title Company of Oregon

STATUS OF RECORD TITLE REPORT

1433 SW 6th Avenue, Portland, OR 97201
(503)646-4444 FAX:

March 1, 2016

TO: Keller Williams Realty Portland Premier
Attn: Kelly Hagglund
215 N Blaine Street
Newberg, OR 97132

Title Number: 471816047899-TTMIDWIL18
Regarding: 24950 North Valley Road, Newberg, OR 97132
Property Address: 24950 North Valley Road
Newberg, Oregon 97132
County: Yamhill
DATED AS OF: February 26, 2016, 08:00-AM

PROPERTY

We have searched our Tract Indices as to the following described real property:
See Exhibit A Attached Hereto

VESTING

The First Baptist Church of Newberg, an Oregon non-profit corporation, which acquired title as Newberg First Baptist Church

RECORDED INFORMATION

Said property is subject to the following on record matter(s):

1. Rights of the public to any portion of the Land lying within streets, roads and highways.
2. Development Agreement with Consent to Annexation Agreement, including the terms and provisions thereof,

Executed by: The First Baptist Church of Newberg and the City of Newberg
Recording Date: July 8, 2003
Recording No.: 200316344

END OF EXCEPTIONS

ADDITIONAL REQUIREMENTS / NOTES:

STATUS OF RECORD TITLE REPORT
(Continued)

A. Note: Property taxes for the fiscal year shown below are paid in full.

Fiscal Year: 2015-2016
Amount: \$1,688.33
Levy Code: 29.2
Account No.: 23334
Map No.: R3207 00900

Prior to close of escrow, please contact the Tax Collector's Office to confirm all amounts owing, including current fiscal year taxes, supplemental taxes, escaped assessments and any delinquencies.

THIS REPORT IS TO BE UTILIZED FOR INFORMATION ONLY.

Any use of this report as a basis for transferring, encumbering or foreclosing the real property described will require payment in an amount equivalent to applicable title insurance premium as required by the rating schedule on file with the Oregon Insurance Division.

The liability for Ticor Title Company of Oregon is limited to the addressee and shall not exceed the \$350.00 paid hereunder.

Ticor Title Company of Oregon

Deborah Clark
deborah.clark@titlegroup.fntg.com

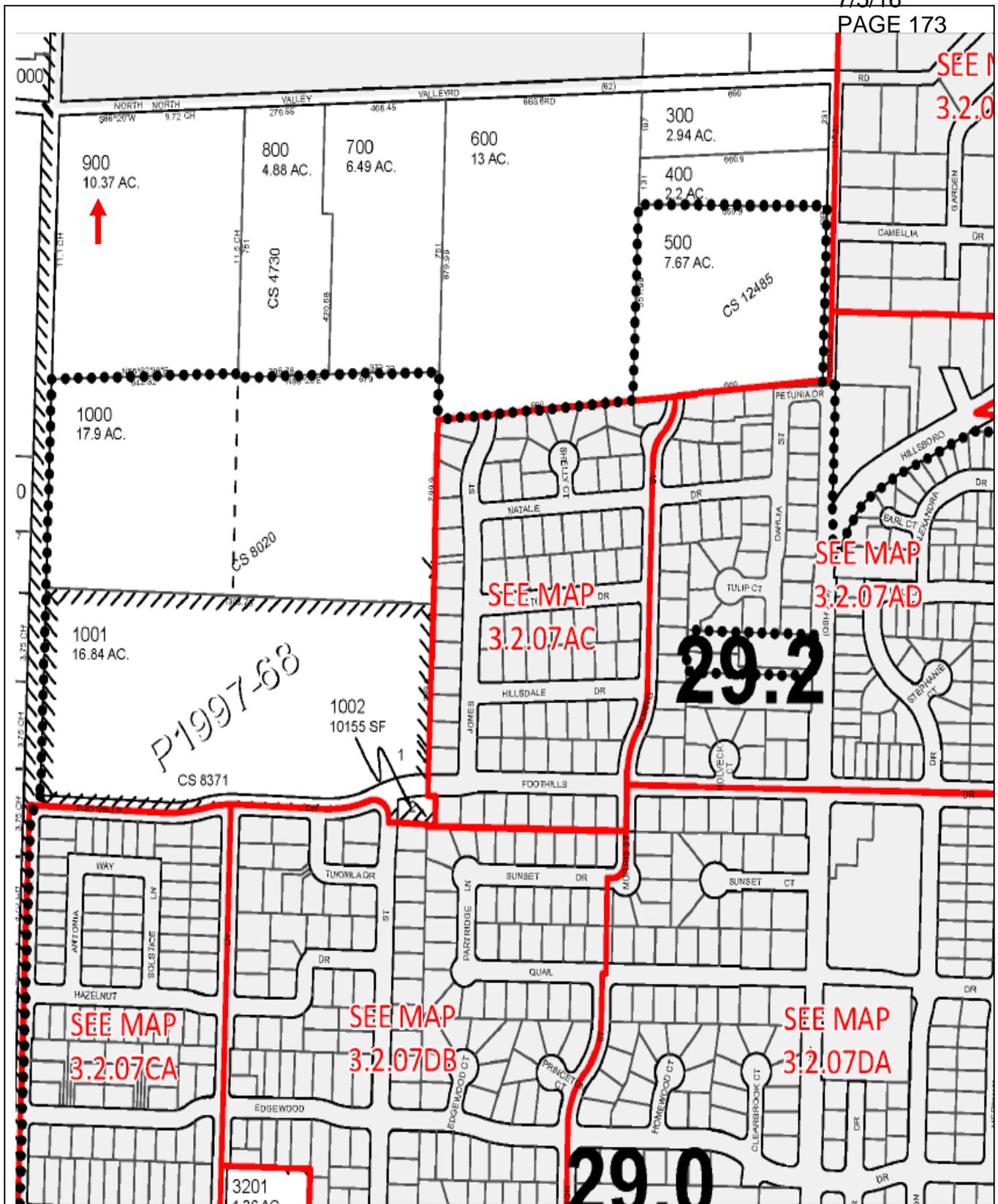
Order No.: 471816047899-TTMIDWIL18

EXHIBIT "A"

A tract of land in Yamhill County, Oregon, and being more particularly described as follows:

Being a part of the Donation Land Claim of James Morris and Lydia Morris, husband and wife, Notification No. 478, Claim No. 46 in Section 7, Township 3 South, Range 2 West of the Willamette Meridian in said County and State, and more particularly described as beginning at a point 1467.16 feet South of the Northwest corner of said Donation Land Claim in Section 7 of said Township and Range, County and State, said point also being the Northwest corner of that tract of land described in Judgment, Antonia Crater vs. Ovy D. Pratt et ux, et al, in Circuit Court, Yamhill County, Oregon, Case No. 82-1390, in which Judgment was entered October 31, 1983; thence North $86^{\circ}32'30''$ East 642.35 feet along a fence now there (July 1982), passing an iron rod at 30.06 feet, to an iron rod; thence North 11.33 chains, more or less, to center of county road; thence South $86^{\circ}20'$ West 9.72 chains, more or less, to a point exactly North of the true place of beginning of the tract herein described; and thence South 11.61 chains, more or less, to the true point of beginning.

SEE MAP
3.2.0



THIS MAP IS MADE SOLELY FOR THE PURPOSE OF ASSISTING IN LOCATING SAID PREMISES, AND THE COMPANY ASSUMES NO LIABILITY FOR VARIATIONS, IF ANY, IN DIMENSIONS, AREAS, AND LOCATIONS AS CERTAINED BY ACTUAL SURVEY.





THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Newberg First Baptist Church
PO Box 1
Newberg, OR 97132

Until a change is requested all tax statements shall be sent to the following address:
Newberg First Baptist Church
PO Box 1
Newberg, OR 97132

Recorded in Official Yamhill County Records
CHARLES STERN, COUNTY CLERK

Escrow No. 00040719
Title No. 71289

31.00
00041159200013388002
200013388 4:01:04 PM 09/15/2000
DMR DDMR 1 - 1 TONYA
10.00 10.00 11.00

STATUTORY WARRANTY DEED

Marian Jean Poindexter, Grantor, conveys and warrants to Newberg First Baptist Church, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See attached Exhibit "A" for legal description.

This property is free of liens and encumbrances, EXCEPT: Easements, Restrictions, Reservations, Covenants, Conditions and Agreements of record, if any, and taxes for 2000-2001, a lien not yet payable.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS, BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$125,000.00 (here comply with the requirements of ORS 93.030)

Dated this 14 day of September, 2000.

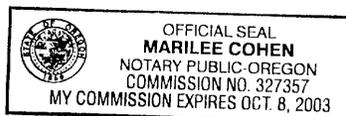
Marian Jean Poindexter
Marian Jean Poindexter

STATE OF OREGON
County of Washington } ss.

This instrument was acknowledged before me on this 14 day of September, 2000 by Marian Jean Poindexter.

Marilee Cohen
Notary Public for Oregon

My commission expires: 10/08/2003



NORTHWEST TITLE COMPANY

1/2

EXHIBIT "A"

A tract of land in the County of Yamhill and State of Oregon and being more particularly described as follows, to-wit:

Being a part of the Donation Land Claim of James Morris and Lydia Morris, husband and wife, Notification No. 478, Claim No. 46 in Sections 7 and 18 in Township 3 South, Range 2 West of the Willamette Meridian in said County and State, and more particularly described as beginning at a point 86.9 rods South of the Northwest corner of said Donation Land Claim in Section 7 of said Township and Range, County and State; thence East 9.71 chains; thence North 11.50 chains to center of county road; thence South 86°20' West 9.72 chains, more or less, to a point exactly North of the true place of beginning of the tract herein described; and thence South 11.10 chains, more or less to the true point of beginning.

2/2

Exhibit B

Map and Legal Description

Vicinity Map

24950 North Valley Rd
Newberg, OR

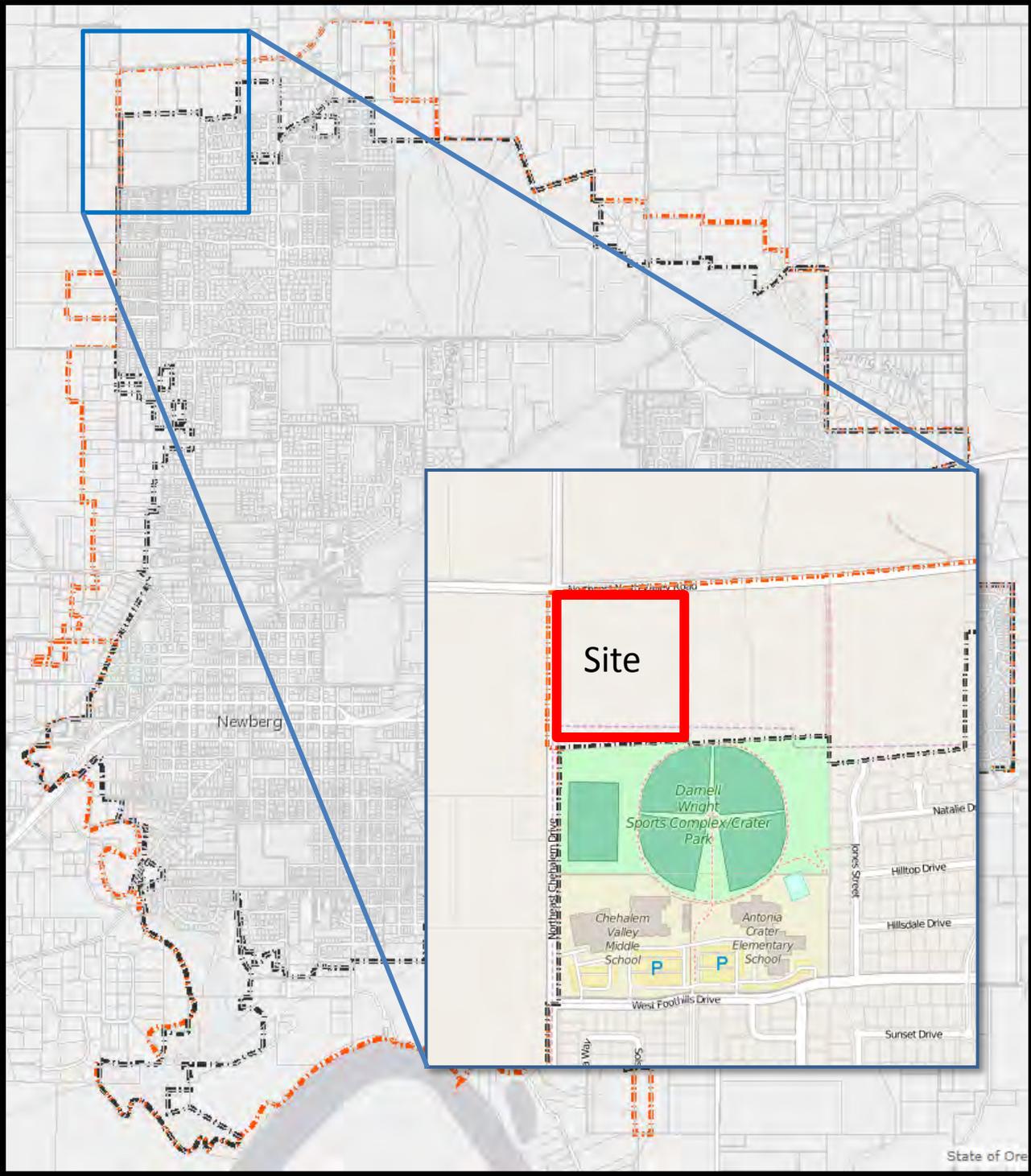


Exhibit "A"

Newberg First Baptist Church
Proposed Annexation
February 2, 2016
Project P131-042

PROPERTY DESCRIPTION

A tract of land; situated in the North 1/2 of Section 7, T 3 S., R 2 W., W.M. Yamhill County, Oregon; being more particularly described as follows:

Beginning at a point along the West line of the J. Morris DLC # 46, which point bears South 1,467.16 feet from the northwest corner thereof, said point also being at the intersection of the north line extended to the west of that tract conveyed to "The Chehelam Park & Recreation District" as recorded in Book 308, Page 0627, Yamhill County Deed Records and the east right of way line of Chehalem Drive (Co. Rd. 67);

thence, along said north line and its westerly extension, North 86°32'30" East 642.35 feet, more or less, to the west line of that tract of land conveyed to "Robert Edward Phillips, Jr. and Barbara Jean Phillips" as recorded in Book 109, Page 1140, Yamhill County Deed Records;

thence, along last said west line, North 758.91 feet, more or less, to the northerly right of way line of North Valley Road (Co. Rd. 62);

thence, along said northerly right of way line, South 86°20'00" West 682.58 feet, more or less, to the west right of way line of said Chehalem Drive;

thence, along said west right of way line, South 756.42 feet, more or less, to its intersection with said north line extended to the west of said tract conveyed to "The Chehelam Park & Recreation District";

thence, along said westerly extension, North 86°32'30" East 40.07 feet to the Point of Beginning.

Containing 11.848 acres or 516,106 square feet, more or less.

Bearings are based upon Yamhill County Survey #8020.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 25, 1990
GARY R. ANDERSON
2434

RENEWS: 12/31/17



0 100' 200'
SCALE: 1"=200'

NW CORNER
J MORRIS
DLC 46

NORTH VALLEY ROAD (CO. RD. 62)

CHEHALEM DRIVE (CO. RD. 67)

"NEWBERG FIRST
BAPTIST CHURCH"
DOC. NO. 200013387

"PHILLIPS"
BOOK 109,
PAGE 1140

P.O.B.

"THE CHEHALEM PARK &
RECREATION DISTRICT"
BOOK 308, PAGE 0627

EXHIBIT B

PROPOSED ANNEXATION

LOCATED IN THE NORTH 1/2 OF SECTION 7
TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.
YAMHILL COUNTY, OREGON

DATE	3/2/16
DRAWN BY	GRA
CHECKED BY	KLS
REVISION	0
JOB NO.	P131-042

WESTLAKE
CONSULTANTS INC.

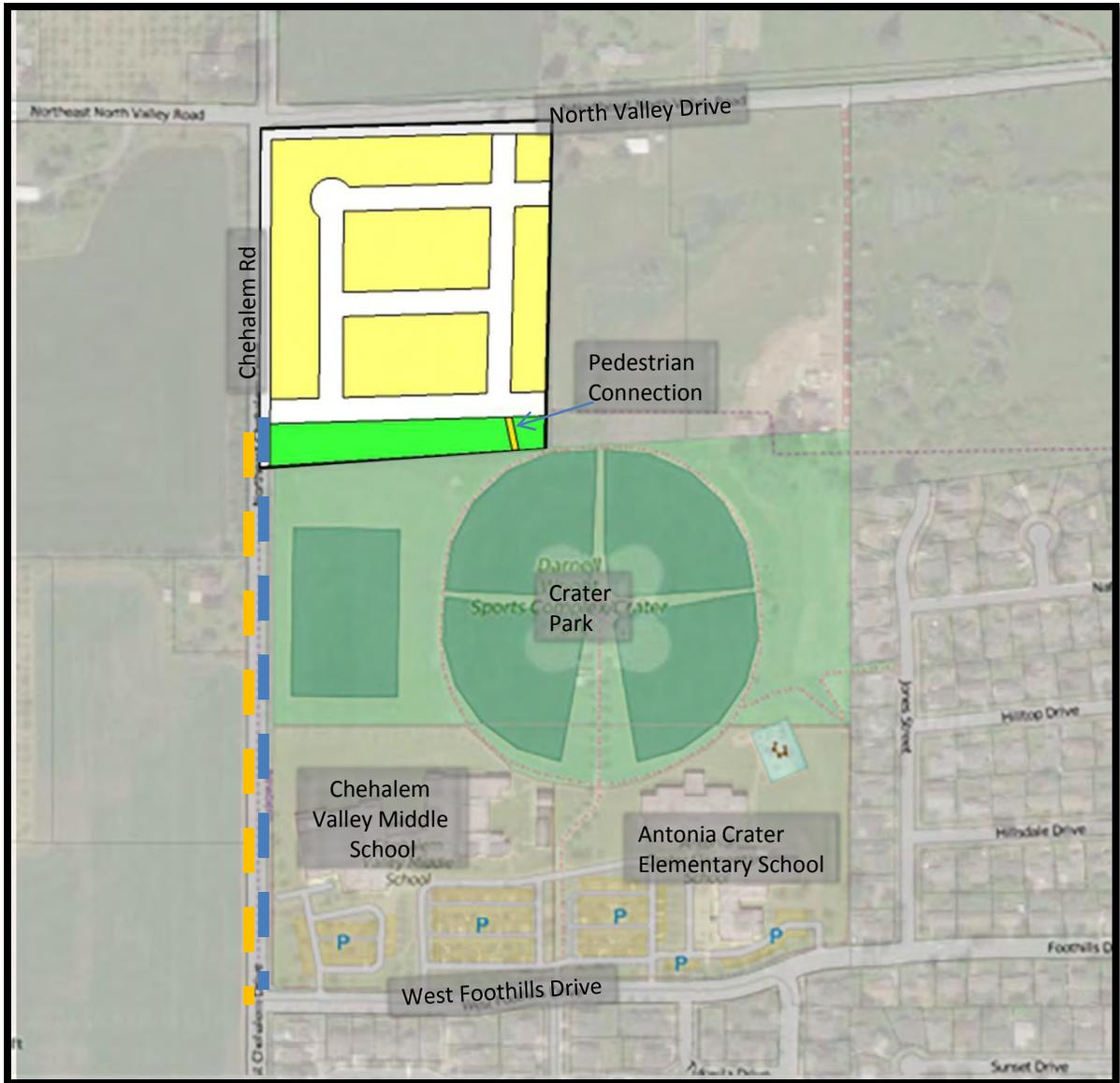
ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 FAX (503) 624-0157

DRAWING NAME: L:\PROMO\PI31-042 10-ACRE ANNEXATIONWORK IN PROGRESS\PI31-42 WSDWG MAR 03, 2016 - 6:57AM - GRA

Exhibit C

General Land Use Plan



Legend

-  Water Extension
-  Sewer Extension
-  Open Space
-  Single Family Lots
-  Street ROW's

Notes

This site layout is conceptual and representation of what could be developed on the site.

Typical Lot size will range between 5,000 and 10,000 S.F.

Exhibit D

Development Concept Statement

Development Concept Statement

This annexation application requests that the site be annexed in with the R-1 zoning. This zoning will allow the site to be developed with single family homes consistent with surrounding developments in the area. Current zoning regulations would allow the 10 acre site to be developed at approximately 6 to 7 lots per acre resulting in the potential to add 60 to 70 new homes to the site.

Development of the site for single family residential would follow the City of Newberg's Type II subdivision application process. All necessary requirements and improvements for the site would be made prior to final approval. Typical improvements will include new streets and sidewalks, extension of public utilities, and landscaping. A future connectivity plan has been included to ensure accessibility and connections are provided to existing and future development of the adjacent property.

The inclusion of the site into the City of Newberg as residential will allow for development which is appropriate given the neighboring park and school facilities. The proximity of the site to an elementary and middle school will allow for pedestrian connections within a walkable area supporting the policies of the Comprehensive Plan.

A pedestrian/bikeway connection can be provided to the existing recreational path at Crater Park which ties into the Antonia Crater Elementary and Chehalem Middle Schools. Street and pedestrian connection stubs to the east would connect future development of the adjacent property to a proposed pathway to the schools/park as shown on the concept pedestrian connection plan submitted with this application.

Expected street improvements to Chehalem Dr. and North Valley Rd. frontages would bring these streets to City standards with the likely addition of bike lanes, sidewalks, and planting strips.

Exhibit E

Public Facilities Financing Statement

Public Facilities Financing Statement

The extension of public infrastructure and street improvements necessary to serve future development of the site will be financed through a combination of system development charges determined at the time of building permit applications, and on-site improvements constructed by the developer and conditioned via the land division approval process. The developer will bear the cost of any on-site improvements necessary for the development of the property.

Exhibit F

Positive and Negative Effects Statement

Positive and Negative Effects Statement

Consistent with the current Quasi-Public Comprehensive Plan designation of the property, this annexation application requests that the site be annexed into the City of Newberg and that R-1 zoning be applied upon annexation. This zoning will allow the site to be developed with detached single family homes consistent with surrounding developments in the area. Current zoning regulations would allow the approximately 10 acre site to be developed at roughly 6 to 7 lots per acre, resulting in the potential to add 60 to 70 new homes to the site.

Positive Effects

At a macro level, the annexation of the property into the City of Newberg will add new land for low density residential development, upholding the policies of the City Comprehensive Plan, which highlights a need for increased residential zoning within the City to meet the projected population growth.

The annexation and development of this site will also increase the City's jurisdiction for tax purposes and development review. Future development of the property will be required to be reviewed and approved through the City's Development process ensuring it meets applicable site development and zoning requirements.

At a micro level, the annexation and development of the site with detached single family homes will be consistent with the current development pattern in the surrounding area. A residential development will be harmonious and beneficial to adjacent residences, as well as Crater Park and Chehalem Valley Middle School and Antonia Crater Elementary School.

Annexation of the site will result in the City regulating future development, including the site's connection to surrounding properties. One major benefit will be the City's ability to ensure that pedestrian connections are provided to Crater Park, as well as Chehalem Valley Middle School and Antonia Crater Elementary School, which are adjacent to the site's southern property line.

Negative Effects

An increase in population in the area with a new residential development will put an increased demand on infrastructure and city services. Traffic in the immediate vicinity will increase and new residents will add to the school population. Additionally, the development will require water and sewerage service to the site, and the existing open space of the site will become housing.

Mitigation

In order to mitigate the effects of annexation of the property, applicable City code and development standards will condition needed infrastructure improvements. Any required future infrastructure improvements for the site will be reviewed and determined through the future subdivision process. Anticipated improvements will include the extension of water and sewage facilities to the site, street improvements and stormwater management.

Sewer

Provided with this annexation application is a memo from Westlake Consultants' Engineering division which addresses the ability of this property to be connected to the existing sewer infrastructure in the area via an upgrade to the existing sanitary sewer pump station on Chehalem Road south of the property.

Water

Water service is available and can be extended to the site along with stubs to provide for future development of neighboring properties, as well as the ability to loop the system.

Streets and Pedestrian Connections

Chehalem Drive and NE North Valley Road would have roadway frontage improvements including the dedication of any additional Right of Way needed along the property's frontages. Construction of half-street improvements to the frontages along both rights-of-way would be to City standards. Future development may also include a sidewalk extension on the east side of Chehalem Drive, south to Foothills Drive.

A pedestrian connection to the existing recreational path at Crater Park may also be considered at the time of future development. This connection would provide a pedestrian/bicycle route to the schools that can be tied into future developments of the adjacent parcels. The major benefit would be a pedestrian route separated from major streets that follows the principles of the Safe Routes to Schools Program.

Schools

The Newberg School District has stated that school capacity at the affected schools would not be an issue for the potential 60 to 70 home development at the site.

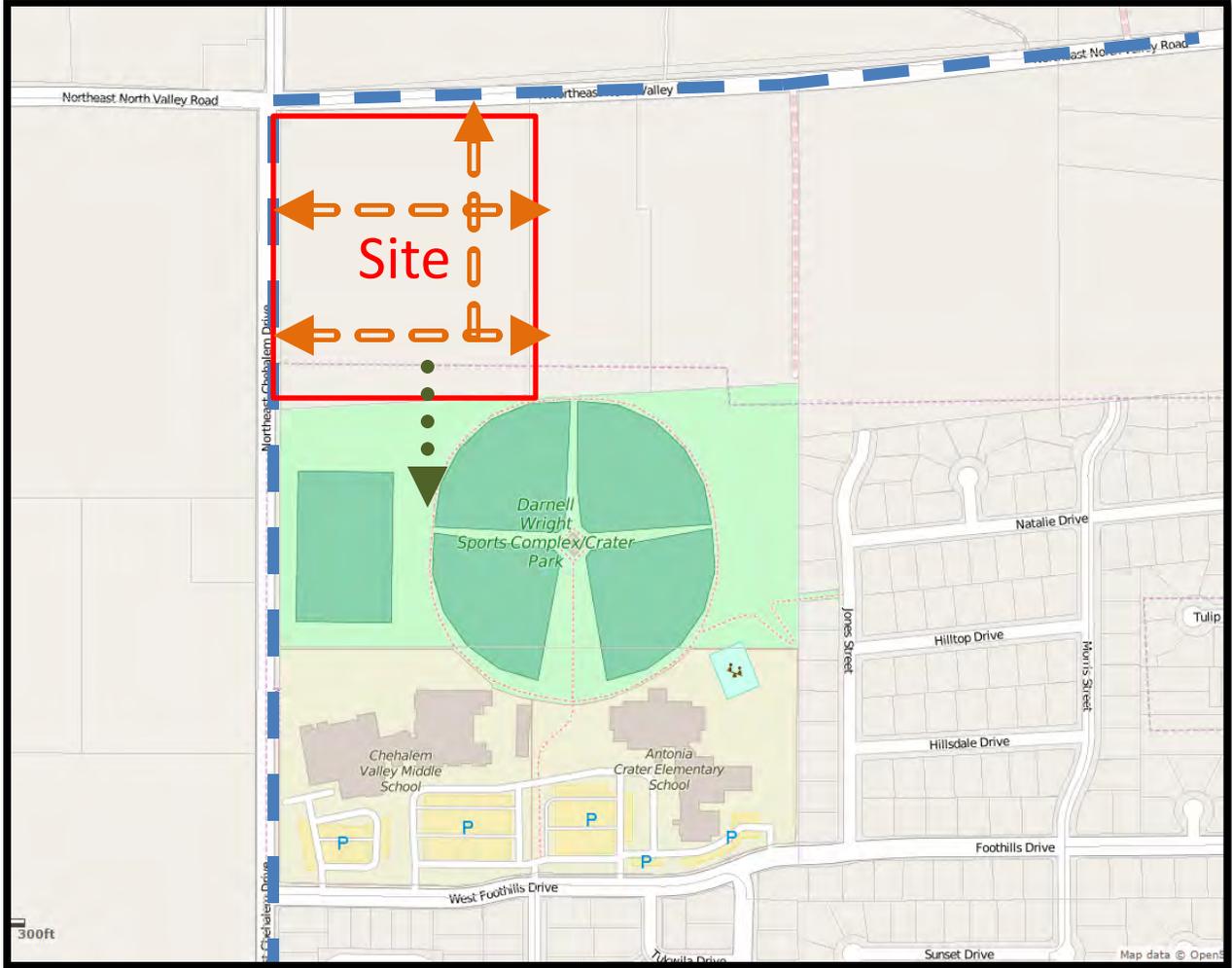
Conclusion

The annexation of the site and R-1 zoning as requested will provide the City of Newberg the ability to regulate the type of development that occurs on the site. It will increase the amount of residential acreage within the City; meeting goals of the Comprehensive Plan. Any negative effects of the development to the community will be mitigated. Furthermore, the positive benefits of this annexation clearly outweigh the negative effects.

Exhibit G

Concept Pedestrian Connection Plan

Concept Pedestrian Connection Plan



Legend

-  Future Bike Lanes
-  Road and Pedestrian Connections
-  Pedestrian Connections

Notes

All connections shown are conceptual. City standards and requirements during the subdivision process would stipulate the actual connections and locations.

Exhibit H

Memo for Sewer Availability



March 4, 2016

City of Newberg
Planning Department
414 E. 1st St.
Newberg, OR 97132

RE: Memo for Sewer Availability – Proposed Annexation of 24950 NE North Valley Road, Newberg OR 97132 (Tax Map R3207, Tax Lot 00900)

To the City of Newberg:

The purpose of this memorandum is to address the availability of municipal sanitary sewer service to the subject property. Documents reviewed include:

- City of Newberg Preliminary Engineer's Report for Crater Lane LID, dated December 2001.
- City of Newberg Technical Memorandum Regarding Parcels Adjacent to Crater Lane LID, dated February 18, 2002.
- City of Newberg Chehalem Drive Pump Station Project Summary, dated May 9, 2003.
- GIS Mapping available on the City of Newberg Website.

The subject property is located approximately 2,600 feet north of the Chehalem Drive pump station on Chehalem Drive. The pump station is located approximately 1,300 feet south of Foothills Drive. An existing gravity sewer that drains to the pump station is located approximately 1,300 feet south of the subject property. The proposed annexation site consisting of approximately 10.37 acres could be served by an extension of the gravity sanitary sewer line in Chehalem Drive. An extension of the gravity sanitary sewer line is anticipated to occur at the time of development of the subject property.

According to the City of Newberg Chehalem Drive Pump Station Project Summary, dated May 9, 2003, the pump station pump capacity is 630 gpm with a peak design flow of 554 gpm. The design flow of 554 gpm is consistent with the design flow stated in the City of Newberg Preliminary Engineer's Report for Crater Lane LID, dated December 2001. A design flow of 554 gpm compared to the pump capacity of 630 gpm indicates that there is an available additional capacity of 72 gpm at the Chehalem Drive Pump Station. The City of Newberg Technical Memorandum Regarding Parcels Adjacent to Crater Lane LID, dated February 18, 2002 indicates that seven parcels north of the LID could be served by the Crater Lane LID (Chehalem Drive) pump station, provided there was an extension of the gravity sewer in Chehalem Drive and a larger capacity pump were installed. No changes to the pump station wet well depth were anticipated to serve adjacent lots to the north.

The subject property is the western most of the seven lots referenced in the Technical Memorandum of February 18, 2002, utilizing design assumptions listed in the referenced City of Newberg documents, the approximately 10.37 acre site proposed for annexation could yield approximately 50 to 55 lots when developed. Utilizing these design assumptions preliminary estimates are for sanitary sewer flows from the developed site to be 60 to 65



gpm with an available capacity of 72 gpm at the Chehalem Drive Pump Station. Thus, based on the design assumptions listed in the referenced 2002 and 2003 documents, the Chehalem Drive Pump Station could accommodate the subject site without major modifications. Utilizing a more current density ratio the subject site could yield to 60 to 70 lots when developed. Preliminary estimates are for sanitary sewer flows from the developed site with a potential 60 to 70 lots to be 65 to 80 gpm. Development of the site at the current density ratio yielding more lots than anticipated in the City of Newberg Technical Memorandum Regarding Parcels Adjacent to Crater Lane LID, dated February 18, 2002, would likely require an upgraded pump size to be installed at the Chehalem Drive Pump Station.

At the time of development of the subject property a detailed analysis of the pump station's available capacity and developed sanitary sewer flows from the subject site is anticipated as part of infrastructure designs. At that time, a final determination of any needed upgrade in pump size could be made based on the final lot count at the time of development.

Sincerely,
WESTLAKE CONSULTANTS, INC.

Brett Musick, PE
Project Manager

BEM/mrd

Exhibit I

Measure 49 Waiver

AFTER RECORDING RETURN TO:
City of Newberg
Planning and Building Department
PO Box 970 – (414 E. First Street)
Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

- 1) The undersigned, Newberg First Baptist Church and _____ (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to Annexation, _____ for the real property described in **Exhibit A** which is attached hereto and incorporated herein.
- 2) Pursuant to the enactment of **Ballot Measure 49** (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.
- 3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.
- 4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.
- 5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.
- 2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

- 3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.
- 4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

Dan Swanson

OWNER

STATE OF OREGON)

County of Yamhill) ss.

This instrument was acknowledged before me on this 2nd day of MARCH, 2016, by DAN SWANSON and _____.

[Signature]

Notary Public for Oregon
My Commission expires: 9/14/2019



CITY OF NEWBERG

Norma I. Alley, City Recorder

Dated: _____

APPROVED AS TO FORM:

Terrence D. Mahr, City Attorney

Dated: _____

Exhibit J

Annexation Consent Forms

ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Newberg First Baptist Church

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) 24950 N Valley Rd, OR and (tax lot) 3207 - 900, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 2 day of March, 20 16.

Dan Swanson
Dan Swanson

STATE OF Oregon, County of Yamhill ss 3/2/2016
Month / day / year

Personally appeared the above named DAN SWANSON

and acknowledged the foregoing instrument to be _____ voluntary act and deed.



Before me: [Signature]
Notary Public for Oregon
My commission expires 9/14/2019

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned
Newberg First Baptist Church

_____ as
owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which
consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-
year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some
other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the
City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 2 day
of March, 20 16.

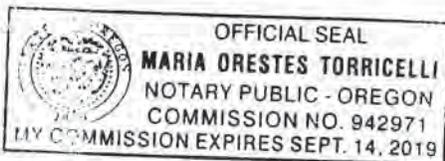
Dan Swanson

Dan Swanson

STATE OF Oregon, County of Yamhill ss 3/2/2016
month/day/year

Personally appeared the above named DAN SWANSON

and acknowledged the foregoing instrument to be _____ voluntary act and deed.



Before me: [Signature]

Notary Public for:
Oregon

My commission expires:
9/14/19

Exhibit K

Annexation Form



TYPE III APPLICATION - 2016 (QUASI-JUDICIAL REVIEW)

File #: _____

TYPES – PLEASE CHECK ONE:

- Annexation
- Comprehensive Plan Amendment (site specific)
- Zoning Amendment (site specific)
- Historic Landmark Modification/alteration

- Conditional Use Permit
- Type III Major Modification
- Planned Unit Development
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Newberg First Baptist Church
 ADDRESS: PO Box 1 Newberg OR 97132
 EMAIL ADDRESS: bgilmore@coca-cola.com
 PHONE: 503-538-7468 MOBILE: 503-754-2883 FAX: 503-554-5858
 OWNER (if different from above): Newberg First Baptist Church PHONE: _____
 ADDRESS: PO Box 1, Newberg, OR 97132
 ENGINEER/SURVEYOR: Westlake Consultants PHONE: 503-684-0652
 ADDRESS: 15115 SW Sequoia PKWY, Tigard, OR 97224

GENERAL INFORMATION:

PROJECT NAME: Annexation PROJECT LOCATION: 24950 N Valley Rd
 PROJECT DESCRIPTION/USE: Annexation of Land for Residential Subdivision Development
 MAP/TAX LOT NO. (i.e. 3200AB-400): R3207 00900 ZONE: _____ SITE SIZE: 10 SQ. FT. ACRE
 COMP PLAN DESIGNATION: PQ Public - Quasi Public TOPOGRAPHY: Flat, cleared land with few trees in NE section
 CURRENT USE: Vacant Land
 SURROUNDING USES:
 NORTH: Agricultural SOUTH: Recreational and Athletic Fields
 EAST: Large Lot Residential WEST: Agricultural

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: Fees Public Notice Information Current Title Report Written Criteria Response Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexationp. 15
 Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
 Conditional Use Permitp. 21
 Historic Landmark Modification/Alterationp. 23
 Planned Unit Developmentp.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Dan Swanson 3-2-2016
 Applicant Signature Date

Dan Swanson 3-2-2016
 Owner Signature Date

Dan Swanson
 Print Name

Dan Swanson
 Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

Exhibit L

Transportation Planning Rule Consistency

Transportation Planning Rule Consistency

In determination of the effect of the Newberg First Baptist Church annexation of 10-acres on the City transportation system, analysis of the Transportation Planning Rule must be completed.

Division 12 of the Statewide Planning Goals implements planning regulations. Specifically, Oregon Administrative Rules (“OAR”) Section 660-012-0060 stipulates requirements for plan and land use regulation amendments which include annexations.

After review of OAR 660-012-0060, the following subsection is found applicable to the annexation request for this property with text shown in *italics*. The applicant’s findings are shown in **bold**.

OAR 660-012-0060

(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

Applicant Response:

Facts: The current Newberg Comprehensive Plan map designated the Newberg Baptist Church property as Public/Quasi Public (“PQ”). As per Section 15.250.080 of the City of Newberg Municipal Code, property designated PQ is to be assigned any requested zoning designation when annexing into the City. To be consistent with existing City zoning in the surrounding area, this applicant is requesting and proposing R1, low density residential.

Finding: The zoning proposed through this annexation application is consistent with the existing Newberg Comprehensive Plan and does not change the Comprehensive Plan map. This requirement is met.

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

Applicant Response:

Facts: Attached are copies of pages from the Newberg Transportation System Plan (“TSP”), one is a Street System map depicting the subject property designated within an Urban Reserve Area (“URA”) and the other page is from TSP Section 3.2 confirming that the TSP study area includes URA. As addressed herein above, the requested proposed R1 zoning is consistent with the TSP.

Finding: The City of Newberg has an acknowledged TSP dated June 2005. The subject property proposed zoning is consistent with the TSP. This requirement is met.

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

Applicant Response:

Facts: Attached is a copy of City of Newberg Ordinance #2006-2661, an ordinance approved by the Newberg City Council amending the Urban Growth Boundary (UGB). This ordinance includes the subject property and approval placing the subject property within the Newberg UGB. As stated in the approval Justification Report, Pages 32 and 49 attached, transportation impacts for Urban Reserve Areas, including the subject property, were reviewed and found to be consistent with the TPR requirements upon adoption of Ordinance #2006-2661.

Finding: The subject property was not exempted from the TPR rule at the time of Urban Growth Boundary (UGB) amendment approval. This requirement is met.

Based upon satisfaction of the above TPR requirements, this annexation application of 10-acres into the City of Newberg does not significantly affect the existing or planned transportation system. As contained within this application submittal, future development of the property at R1 zoning will involve an estimated 60-70 single family detached residential houses which are estimated at 10 trips per day per residential house. Future development of the subject property will be required to provide a traffic study assessing affected intersections (e.g. levels of service, traffic volumes, sight distance, etc.). Future development will be required to dedication additional right-of-way meeting TSP requirements along the subject property's Chehalem Drive and North Valley Road frontages. Further, future development will be required to construct frontage improvements to these same two frontages.

Attachment A

Newberg Transportation Systems Plan Excerpt

Existing Conditions

3.1 INTRODUCTION

Transportation is one of the most important aspects of the economic viability and livability for a city. The City of Newberg is situated approximately 25 miles to the south and west of Portland and has experienced a population increase from 10,400 in 1980 to approximately 18,100 in 2000, an annual average growth rate of 3.7%. The growth of Newberg has placed increased demands on transportation modes in, and around the City. This section provides a summary of the existing transportation system conditions within the Newberg urban area.

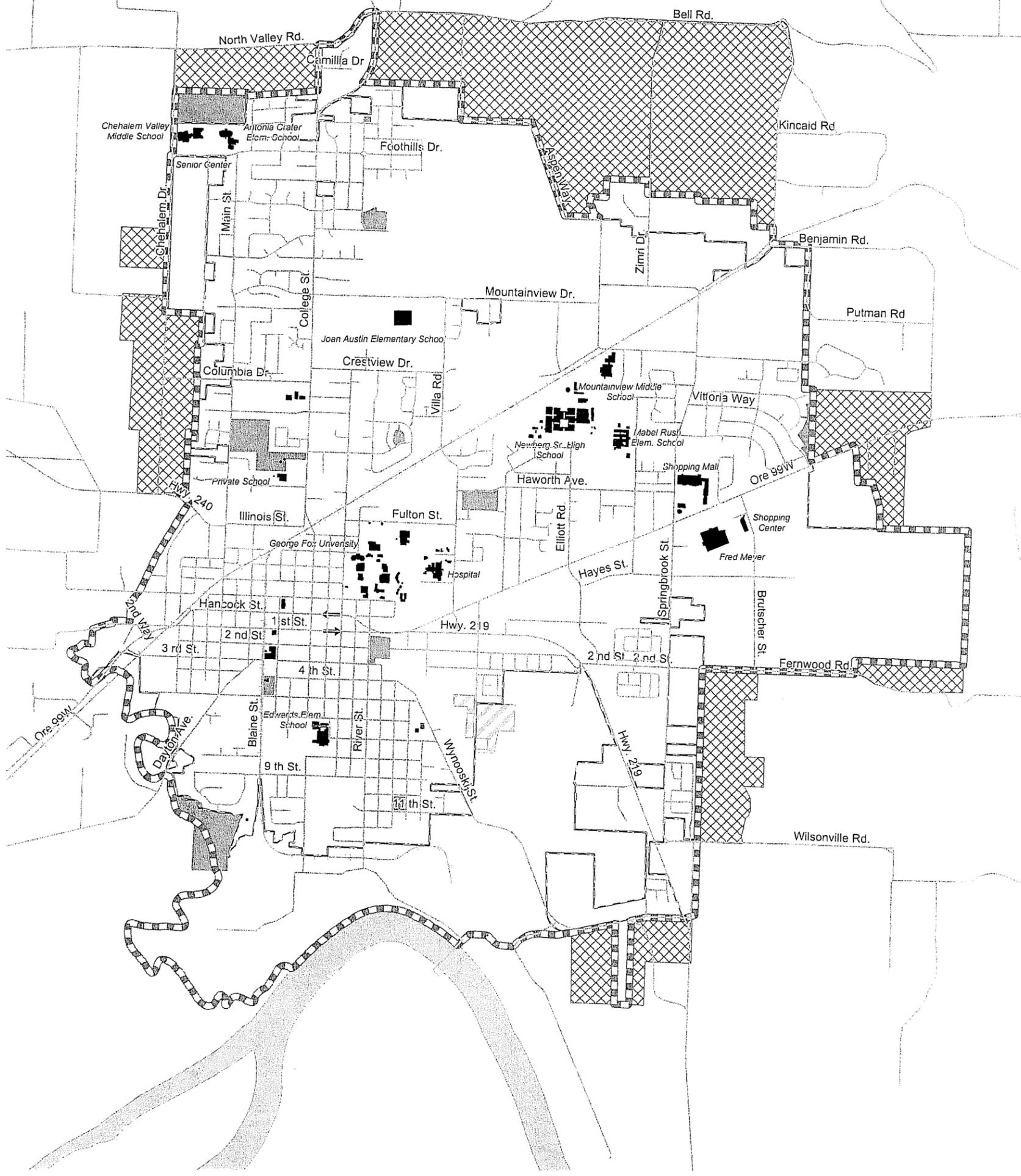
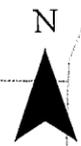
This section describes the existing condition of the City's transportation system, covering the highway, pedestrian, bicycle, transit, rail, air, water, freight movement, and pipeline/transmission transportation modes. Each mode's current performance and deficiencies are described. Also included is an inventory of existing transportation facilities. The findings of this existing conditions analysis serve as a baseline to which future conditions can be compared.

This section is a fact-finding document, in that it describes existing conditions, but does not recommend solutions to identified problems. Its findings will be combined with the findings of two other sections (plan and policy review, and future conditions) to provide a comprehensive overview of Newberg's transportation needs. Once this complete set of needs has been identified, subsequent sections will describe solution alternatives developed to meet these needs.

3.2 STUDY AREA AND LAND USE

Figure 3-1 is a street map of Newberg as of May 2004 and its immediate vicinity, with the city limits and Urban Growth Boundary (UGB) indicated. The base map used in Figure 3-1 and other maps included in this chapter provide a reference for locating other features of Newberg's transportation system. They do not depict the condition or public status of a particular roadway. The study area for the TSP generally consists of the area within the UGB and the Urban Reserve Area (URA), although in some instances areas outside the study area are also addressed, where transportation issues extend beyond the City.

Based on the requirements of Oregon's Transportation Planning Rule, only significant streets within the study area—those that can be classified as arterials or collectors—and intersections of these streets are generally addressed. Local street issues such as street connectivity and safety issues are also discussed where appropriate. Local traffic and safety issues on other roadways will be addressed in subsequent chapters through the primary analysis of the public involvement process, while the future conditions chapter presents a more extensive analysis of Newberg's development potential. However, because of the requirements of Oregon's Transportation Planning Rule, the TSP will only consider those areas currently within the City's planning area boundary (i.e., those areas currently covered by the City's comprehensive plan) when making assumptions about where Newberg will grow in the next 20-25 years.



LEGEND

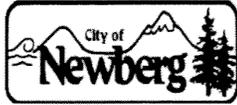
- Urban Growth Boundary
- City Limits
- Urban Reserve Area
- Activity Centers
- Parks
- Cemetery
- Railroad
- Streets
- River

NOTE: STREET SYSTEM AS OF MAY 2004

**STREET SYSTEM MAP
NEWBERG, OR.** **FIGURE
3-1**

Attachment B

Urban Growth Boundary Expansion Excerpt



ORDINANCE No. 2006-2661

AN ORDINANCE AMENDING THE URBAN GROWTH BOUNDARY TO ADD APPROXIMATELY 200 ADDITIONAL ACRES, AND APPLYING THE FOLLOWING COMPREHENSIVE PLAN DESIGNATIONS: PQ (PUBLIC/QUASI-PUBLIC), LDR (LOW DENSITY RESIDENTIAL), LDR/1A (LOW DENSITY RESIDENTIAL, 1 UNIT PER ACRE), MDR (MEDIUM DENSITY RESIDENTIAL), AND HDR (HIGH DENSITY RESIDENTIAL)

RECITALS:

1. On July 21, 2005, the Newberg City Council adopted Resolution 2005-2590, initiating amendments to the Newberg Comprehensive Plan and Development Code, generally as described in the recommendations of the Ad Hoc Committee on Newberg's Future, and directed City staff to undertake the activities needed to initiate and support a number of actions for the City to consider these amendments.
2. Consistent with Paragraph 2.c. of Resolution 2005-2590, City staff held neighborhood meetings in each general area that the Committee had recommended for addition to the Urban Growth Boundary to define specific boundaries, and is proceeding with the hearings process to create a new Urban Growth Boundary.
3. After proper notice, on September 21, 2006 a hearing was held by the Newberg Urban Area Management Commission on a specific proposal to amend the Newberg Urban Growth Boundary in the north and west. The Commission recommended approval of the urban growth boundary amendment, and recommended that the amendment areas be designated a combination of PQ (Public/Quasi-Public), LDR (Low Density Residential), LDR/1A (Low Density Residential, 1 unit per acre), MDR (Medium Density Residential), and HDR (High Density Residential). This area includes portions of Chehalem Creek as mapped and described in the June 2006 "Water Features Inventory" report appendix to the "Justification and Findings Report" (Exhibit "C").
4. After proper notice, on November 6, 2006, the Newberg City Council held a hearing to consider the request.
5. The City Council finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

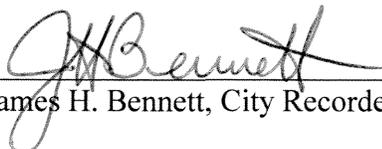
1. The property described in Exhibit "A" and shown in Exhibit "B" is hereby included within the Newberg Urban Growth Boundary.

2. The Comprehensive Plan Designations for the property described in Exhibit "A" and shown in Exhibit "B" are hereby changed to Low Density Residential (LDR), Low Density Residential 1 Dwelling Unit Per Acre (LDR-1), Medium Density Residential (MDR), High Density Residential (HDR), and Public/Quasi-Public (PQ) as shown in Exhibit "B". The "Newberg, Oregon Comprehensive Plan Map" shall be amended to indicate this change. The Newberg Comprehensive Plan supply and demand tables shall be amended to reflect this change.
3. The stream corridors and generalized locations for future park sites shown in Exhibit "B" shall be added to the City's Inventory of Natural and Cultural Resources. Upon annexation, the stream corridors will be added to the Stream Corridor Overlay Sub-District (SC).
4. The findings which are attached hereto as Exhibit "C" are incorporated herein.
5. This ordinance is subject to adoption of the same Urban Growth Boundary and Comprehensive Plan changes by Yamhill County.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: December 6, 2006.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of November, 2006, by the following votes:

AYE: **NAY:** **ABSENT:** **ABSTAIN:**



James H. Bennett, City Recorder

ATTEST by the Mayor this 9th day of November, 2006.



Bob Stewart, Mayor

LEGISLATIVE HISTORY

By and through Newberg Urban Area Management Commission at 9/21/2006 meeting.

Exhibits

- Exhibit "A": List of Tax Lots
- Exhibit "B": Comprehensive Plan Map Designations
- Exhibit "C": Findings

EXHIBIT "A"
LIST OF TAX LOTS
UGB-05-011

LDRIA	LDR		MDR	HDR	PQ
3218CD 00205	3218BA 00400	3218BD 00900	3207 04100	3218CA 01900	3207 00900
3218CD 00206	3218BA 00301	3218BD 00800	3207 04000	3218CA 01800	3208 02701
3218CD 00202	3218BA 00700	3218BD 00702	3207 03900	3218CA 01700	3208 02802
3218CD 00203	3207 00300	3218BD 00700	3218AB 01401		3208 02800
3218CD 00204	3207 00600	3218BD 00701	3218AB 01500		3208 02801
3218CD 00211	3207 00700	3218BA 00900	3218AB 01600		3208 02703
3218CD 00210	3207 00800	3218BA 00800	3218AB 01700		3208 02702
3218CD 00209	3207 00400	3218BA 00600	3218AB 01701		3208 02700
3218CD 00220	3207 00500	3218BA 00500	3218AB 01702		
3218CD 00200	3218BD 00200	3218BA 00302	3218CD 01000		
3218CD 00208	3218BD 00100	3218BA 00303	3218CD 01400		
3218CD 00201	3218BD 00500	3218BA 00304	3218CD 00702		
3219BB 00102	3218BD 01000	3218BA 00300	3218CD 00700		
3219BB 00101	3218BD 00401	3218BA 00100	3218CD 00701		
3219BB 00100	3218BD 00600	3218BA 00101	3218CD 00900		
3218CD 00218	3218CA 02500	3218BA 00200	3218CD 01100		
3218CD 00217	3218CA 02400	3208 02900	3218CD 01200		
3218CD 00219	3218CA 02300	3218CA 02201	3218CD 01300		
3218CD 00214	3218CA 02100	3218CA 02200	3218CD 01600		
3218CD 00215	3218CA 02000	3218BD 00403	3218CD 00300		
3218CD 00216	3218CA 03300	3218BD 00402			
3218CD 00213	3218CA 03400	3218BD 00400			
3218CD 00207	3218CA 03200	3218BD 00300			
	3218CA 03100	3218BD 00301			
	3218CA 03500	3218CA 02800			
	3218CA 03000	3218CA 02801			
	3218CA 02900				
	3218CA 02700				
	3218CA 02600				
	3218BD 01100				

Note: Some parcels may be only partially in the amendment area. See map.

Exhibit "B"
Newberg Comprehensive Plan Designations

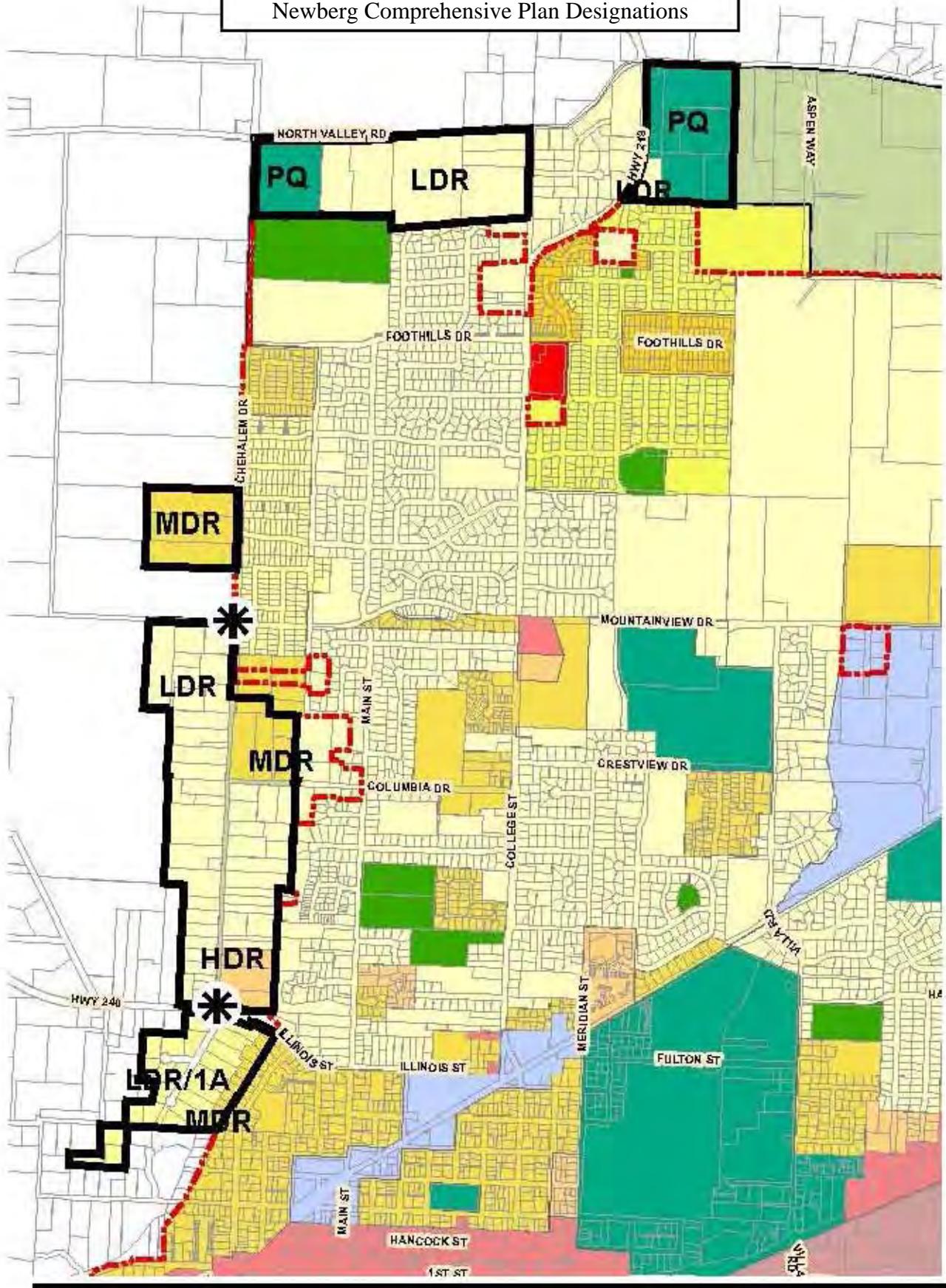


Exhibit “C”

Please see “Northwest Newberg 2006 UGB Expansion,
Justification & Findings Report,”
City of Newberg, Oregon, August 3, 2006
(provided as a separately bound document)

NORTHWEST NEWBERG

2006 UGB EXPANSION

JUSTIFICATION & FINDINGS REPORT

**City of Newberg, Oregon
Adopted November 6, 2006**

In evaluating alternative areas for possible inclusion in the UGB, these factors require consideration of each Urban Reserve Area's relative serviceability and efficiency in accommodating identified land needs. The City of Newberg determined which Urban Reserve Areas could be most efficiently developed for identified land needs and economically provided with public facilities and services.

Transportation System Extension

In 2005, the Newberg City Council adopted the Newberg Transportation System Plan (TSP).²⁵ The findings adopting the TSP addressed Statewide Planning Goal 14 – Urbanization as follows:

Statewide Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

Finding: *The study area for the TSP update includes the Newberg Urban Growth Boundary and Urban Reserve areas. In order to provide an orderly and efficient transition from rural to urban land use, a comprehensive transportation plan is necessary. This plan provides that comprehensive system. Small segments of a few transportation facilities are currently shown on rural lands, which are not currently under the jurisdiction of Newberg. These facilities are not planned to accommodate any urban uses outside Urban Growth Boundaries. Any such recommended improvements will need to be coordinated with Yamhill County. All the facilities can be approved without an exception to Goal 14, as stated in the findings addressing Goal 3 above. Thus, the plan is consistent with Goal 14.*

Thus, the TSP specifically addressed transportation impacts resulting from planned development within the 2004 UGB plus the 1995 URA. Map 5, Transportation Systems Plan for UGB Expansion Areas (2005)²⁶, shows Chehalem Drive, North Valley Road, Foothills Drive, College Street, Main Street, Columbia Drive, Highway 240 (Illinois Street), and Aspen Way as the primary collector and arterial street system serving the 2006 UGB Expansion Areas.

Section 6.2 of the TSP identifies the intersection improvements necessary to accommodate increased traffic resulting in part from anticipated development within the 2006 UGB Expansion Areas. Specific transportation projects identified in the TSP include substantial improvements to Main Street, Chehalem Drive, Oregon Highway 240, Illinois Street, Columbia Drive, College Street and Foothill Drive. With these improvements, the local and state transportation system will have the capacity to accommodate planned development within the 2004 UGB and the 2006 UGB Expansion Areas.

Efficiency and Serviceability

Newberg Public Works evaluated the cost of extending sewer, water, and storm drainage services to each of the Urban Reserve Areas. (See *Newberg Urban Reserve Area Public Facilities Cost Estimates*, Planning and Building Department (2006).)

²⁵ See Ordinance 2005-2619.

²⁶ This map is identified as Figure 6-1, Functional Classification Plan, in the adopted Newberg TSP.

D. AGRICULTURAL LANDS GOAL STATEMENT

1. *To conserve Yamhill County's farm lands for the production of crops and livestock and to ensure that the conversion of farm land to urban use where necessary and appropriate occurs in an orderly and economical manner.*

Proposed Findings

Goal 14 – Urbanization and ORS 197.298 balance the competing land needs of agriculture and forestry on the one hand, and future urban growth on the other. Goal 14 requires that cities provide enough land for 20-year growth needs. ORS 197.298 defines land within URAs as the “highest priority” for expanding urban growth boundaries to meet 20-year land needs. Since Newberg is expanding almost exclusively on high priority URA land, the agricultural policies listed above are met. Agricultural lands are not affected by the decision to expand into the Aspen Estates rural residential exception areas, because (a) exception areas are not defined as “agricultural land,” and (b) none of the lots included within the UGB abut agricultural land.

E. TRANSPORTATION GOAL STATEMENT

1. *To provide and encourage an efficient, safe, convenient and economic transportation and communication system, including road, rail, waterways, public transit and air, to serve the needs of existing and projected urban and rural development within the county, as well as to accommodate the regional movement of people and goods and the transfer of energy, recognizing the economic, social and energy impacts of the various modes of transportation.*

Policies

- e. *Yamhill County will cooperate with and support the State Highway Division, the Mid-Willamette Valley Council of Governments, and any other county or regional transportation agency in an effort to establish a viable and productive regional transportation planning process and operations system geared to identifying, prioritizing and resolving both present and future transportation needs, with special reference to our county and regional network.*
- k. *All county transportation-related decisions will be made in particular consideration of energy efficiency and conservation.*
- o. *All transportation-related decisions will be made in support of the efficient and economic movement of people, goods, and services throughout the region, and will be based on the location and adequacy of facilities for such goods and services.*

Proposed Findings

The 2005 Newberg TSP addresses transportation impacts resulting from development within the 2004 UGB plus all URAs adopted by the City and County in 1995.

We are mailing you information about this proposal because you own land within 500 feet of the proposed annexation site. We invite you to send any written comments about the proposal to the Planning Division at:

Written Comments
File No. ANX-16-001
Newberg Planning Division
PO Box 970
Newberg, OR 97132

All written comments must be received by 12:00 p.m. on May 9, 2016. Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

All interested persons may appear and provide testimony at the hearings. Only those persons who participate either orally or in writing during the hearing proceedings leading to the adoption of any action may appeal the decision. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for annexation are found in Newberg Development Code Sections 15.250.050.

The Planning Commission will make a recommendation to the Newberg City Council about this proposal. The Planning Commission recommendation will be forwarded to City Council for a hearing in the near future. If you participate in the hearing process, either orally or in writing, we will send you information about any decision made by the City relating to this project.

Date mailed: April 18, 2016

We continue to have many serious traffic accidents at the corner of Chehalum Drive and North Valley. Something must be done about this dangerous corner particularly if another 50+ houses are built on the adjoining property. At minimum the intersection should be aligned to avoid the jog required traveling on Chehalum Drive. I don't see how it makes any sense to allow this development unless this intersection fix is part of the deal.

Sincerely,
Paul Jellum
15925 NE Chehalum Dr.

REC
4/21/16
JP



ORDINANCE No. 2016-2805

AN ORDINANCE ANNEXING 10.37 ACRES OF PROPERTY LOCATED AT 24950 NE NORTH VALLEY ROAD, TAX LOT 3207-00900, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGING THE ZONING FROM YAMHILL COUNTY AF-10 TO NEWBERG R-1

RECITALS:

1. The Newberg First Baptist Church submitted an application to annex 10.37 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County AF-10 to Newberg R-1. The property is located directly north of the current Newberg city limits at the southeast corner of the Chehalem Drive/North Valley Road intersection, Tax Lot 3207-00900.
2. The property is located within the Newberg urban growth boundary and is adjacent to the Newberg city limits. The Comprehensive Plan designation of the property is PQ (Public/Quasi-Public), which is consistent with the proposed zoning of R-1 (Low Density Residential). Adequate public services and utilities are or can be made available to serve the property within three years.
3. The Newberg Planning Commission held a hearing on May 12, 2016, to consider the application. The Commission considered testimony, deliberated, and voted to approve Planning Commission Resolution No. 2016-317 recommending that the City Council approve the annexation request and concurrent zone change.
4. State law recently changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.
5. After proper notice, the Newberg City Council held a hearing on July 5, 2016 to consider the proposed annexation and concurrent zone change. After the staff report and public testimony, the City Council finds the proposal has met the required criteria.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The property shown in Exhibit "A" and described in Exhibit "B" is hereby annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District, and the zoning of the property is changed from Yamhill County AF-10 to Newberg R-1. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.

2. This decision is based on the findings shown in Exhibit "C". Exhibit "C" is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: August 5, 2016.

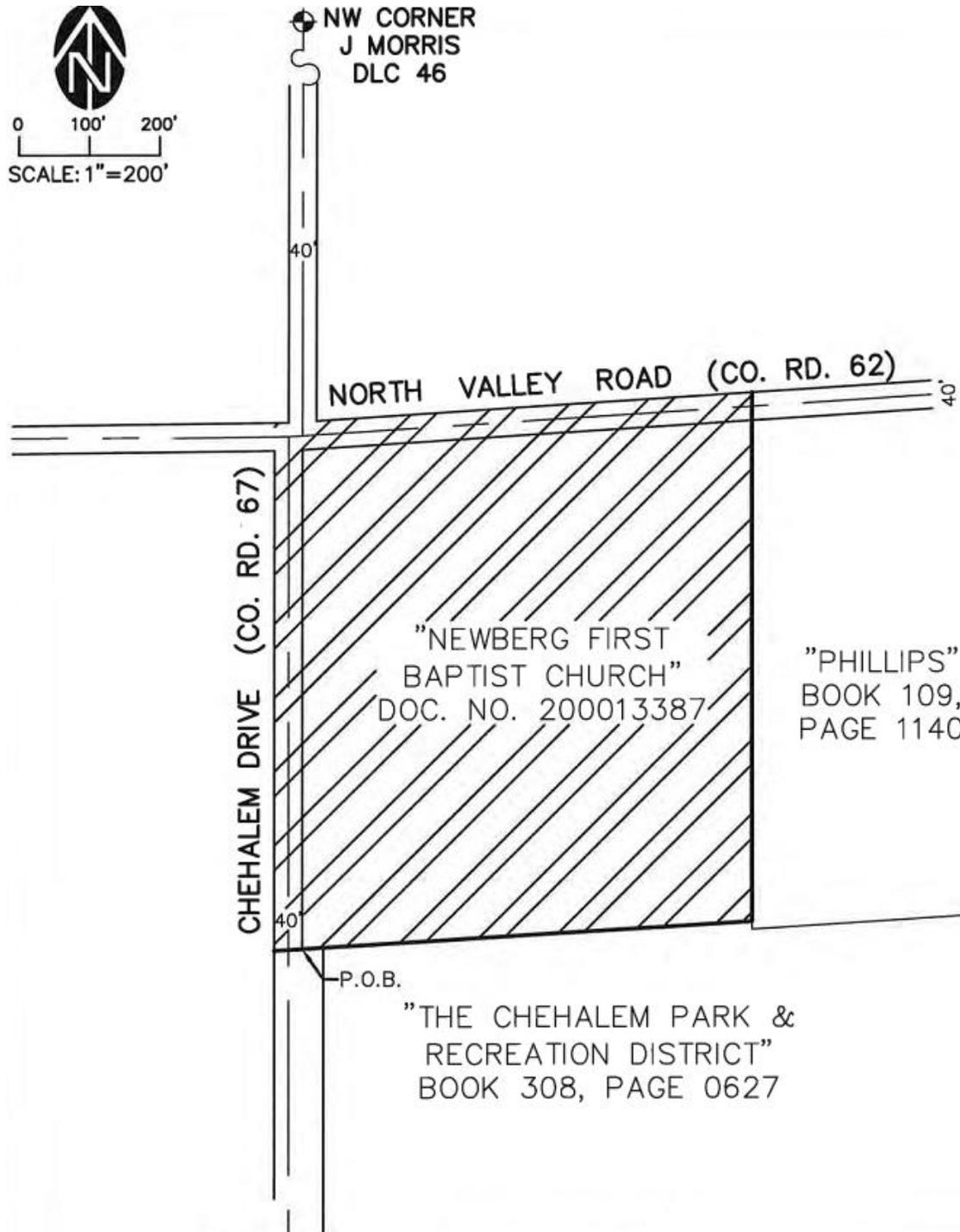
ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of July, 2016, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this 7th day of July, 2016.

Bob Andrews, Mayor

**Exhibit "A" to Ordinance No. 2016-2805
Property Map – First Baptist Annexation**



**EXHIBIT B
PROPOSED ANNEXATION**
LOCATED IN THE NORTH 1/2 OF SECTION 7
TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.
YAMHILL COUNTY, OREGON

DATE	3/2/16
DRAWN BY	GRA
CHECKED BY	KLS
REVISION	0
JOB NO.	D131-049

WESTLAKE CONSULTANTS INC.	ENGINEERING ♦ SURVEYING ♦ PLANNING
	PACIFIC CORPORATE CENTER 15115 S.W. SEQUOIA PARKWAY, SUITE 160 (503) 684-0662 TIGARD, OREGON 97224 FAX (503) 624-0157

**Exhibit "B" to Ordinance No. 2016-2805
Legal Description – First Baptist Annexation**

Newberg First Baptist Church
Proposed Annexation
February 2, 2016
Project P131-042

PROPERTY DESCRIPTION

A tract of land; situated in the North 1/2 of Section 7, T 3 S., R 2 W., W.M. Yamhill County, Oregon; being more particularly described as follows:

Beginning at a point along the West line of the J. Morris DLC # 46, which point bears South 1,467.16 feet from the northwest corner thereof, said point also being at the intersection of the north line extended to the west of that tract conveyed to "The Chehelam Park & Recreation District" as recorded in Book 308, Page 0627, Yamhill County Deed Records and the east right of way line of Chehalem Drive (Co. Rd. 67);

thence, along said north line and its westerly extension, North 86°32'30" East 642.35 feet, more or less, to the west line of that tract of land conveyed to "Robert Edward Phillips, Jr. and Barbara Jean Phillips" as recorded in Book 109, Page 1140, Yamhill County Deed Records;

thence, along last said west line, North 758.91 feet, more or less, to the northerly right of way line of North Valley Road (Co. Rd. 62);

thence, along said northerly right of way line, South 86°20'00" West 682.58 feet, more or less, to the west right of way line of said Chehalem Drive;

thence, along said west right of way line, South 756.42 feet, more or less, to its intersection with said north line extended to the west of said tract conveyed to "The Chehelam Park & Recreation District";

thence, along said westerly extension, North 86°32'30" East 40.07 feet to the Point of Beginning.

Containing 11.848 acres or 516,106 square feet, more or less.

Bearings are based upon Yamhill County Survey #8020.

REGISTERED
PROFESSIONAL
LAND SURVEYOR



OREGON
JULY 25, 1990
GARY R. ANDERSON
2434

RENEWS: 12/31/17

**Exhibit “C” to Ordinance No. 2016-2805
Findings –File ANX-16-001 – First Baptist Annexation**

A. 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 First Baptist property, located at 24950 NE North Valley Road, Tax Lot 3207-00900, is located within the urban growth boundary and is contiguous to the Newberg city limits along its southern boundary. The legal description of area to be annexed includes the adjacent Chehalem Drive and North Valley Road rights-of-way, which provides for future continuity of the city limits. This criterion is met.

B. 15.250.030 Quasi-judicial annexation criteria.

The following criteria shall apply to all annexation requests:

A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

Finding: The property has a Comprehensive Plan designation of PQ (Public/Quasi-Public), which corresponds with the requested zoning of R-1 (Low Density Residential). Section 15.250.080 of the Newberg Development Code says that any zoning designation is consistent with the PQ Comprehensive Plan designation. The PQ designation is typically used to indicate the location of public/quasi-public uses such as schools and churches; these uses are typically permitted in any zone, which is why any zone can be applied under a PQ designation. The PQ designation was likely applied at the time of the urban growth boundary expansion in consultation with the property owners to pave the way for a future church on the site; however, the property owners would be permitted to develop the property with any permitted or conditionally permitted use in the R-1 zone and not held to only a PQ type of development. This criterion is met.

B. An adequate level of urban services must be available, or made available, within three years’ time of annexation, except as noted in subsection (E) of this section. An adequate level of urban services shall be defined as:

1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and

the ability of the city to provide for those costs.

Finding: City water, sanitary sewer and stormwater lines are not located adjacent to this property. The nearest services are located at the intersection of Foothills Drive and Chehalem Drive, but there is adequate capacity for the utilities to be extended to the property within three years. At the time of development, services could be extended to the north along Chehalem Drive to serve the property. Downstream of the property, the sanitary sewer flows to the Chehalem Pump Station. At the time of development, an analysis of the pump station is required, and any necessary upgrades to the pump station would be completed by the developer.

There appears to be wetlands located at the southern end of the property. At the time of development, a wetland delineation/determination will be required, along with all associated permits.

The property has road frontage along Chehalem Drive and North Valley Road. Future development of this property will necessitate roadway frontage improvements, along all property frontages, to City standards. Due to limited sight distance at the intersection of North Valley Road and Chehalem Drive, improvements to this intersection will be necessary to meet engineering sight distance standards. Additionally, a pedestrian sidewalk will be required to be installed from the property south along Chehalem Drive to Foothills Drive.

C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

Finding: The city sends the application information out to the Police and Fire Departments, Chehalem Parks and Recreation District (CPRD), and the Newberg School District, among other agencies, for comments prior to the staff report. In addition, the applicants indicate that they contacted the Newberg School District and the Police and Fire Departments, and verified that there were no issues with serving future development on this site. The School District did comment that a future pedestrian path from the development to the adjacent park would be critical due to the unsafe pedestrian conditions on Chehalem Drive. There is no information to suggest that city services could not support the addition of the 10.37 acres of property, plus the area of the adjacent rights-of-way, to the city limits, and in fact future development of the site helps fund these city services and other System Development Charge or permit fee funded services such as the School District and CPRD. It should be noted that the City of Newberg does not do future planning for the Parks District or the School District; however, the city coordinates with those agencies on a regular basis in regards to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

D. The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the applicant.

Finding: The applicant submitted adequate information to allow the city to make findings to the applicable criteria.

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 subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater 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 city 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 because adequate urban services are found to be available within the three year time frame.

C. 15.302.030 Procedures for comprehensive plan map and zoning map amendments.

A.3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:

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

Finding: The property has a Comprehensive Plan designation of PQ (Public/Quasi-Public), which corresponds with the requested zoning of R-1 (Low Density Residential) as section 15.250.080 of the Newberg Development Code says that any zoning designation is consistent with the PQ Comprehensive Plan designation. The Comprehensive Plan Housing Goal says “To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.” Annexations meet the intent of the Goal because they provide land to meet the needs of City residents. The buildable land data in the Comprehensive Plan is rather outdated, but the most recent analysis done for a recent zone change showed a need for 37 acres of LDR land. Annexation of this property would help the city meet this deficiency. This criterion is met.

b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

Finding: As demonstrated in the finding to 15.250.030.B. above, the applicant has demonstrated that adequate public facilities and services can be reasonably made available to support future development of the property at R-1 permitted densities.

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

Finding: Annexation of the property complies with the State Transportation Planning Rule (TPR) (OAR 660-012-0060) because it meets the requirements for an amendment to a zoning map that does not significantly affect an existing or planned transportation facility as permitted by Subsection (9) of the TPR: the proposed zoning of R-1 is consistent with the existing comprehensive plan map designation of PQ; the City of Newberg has an acknowledged TSP which included this area in the urban reserve as planned future urbanizable land; this property was brought into the urban growth boundary in 2006 as part of a larger urban growth boundary amendment that included a full report with adequate justifications for transportation and other public facilities.

OAR 660-012-0060(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

[Subsection (1) of OAR 660-012-0060]

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. 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) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

*(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan;
or*

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

D. Conclusion: Based on the above-mentioned findings, the application meets the criteria of the Newberg Development Code.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ___	Ordinance ___	Resolution ___	Motion ___	Information <u>XX</u>
No.	No.	No.		

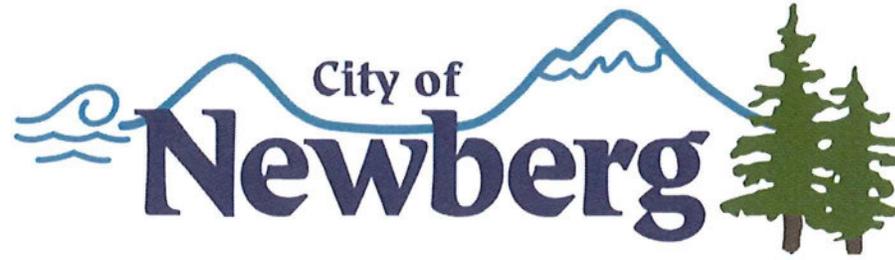
SUBJECT: Capital Improvement Plan

**Contact Person (Preparer) for this
Item: Kaaren Hofmann, City Engineer
Dept.: Engineering Services
File No.:**

EXECUTIVE SUMMARY:

The Capital Improvement Program (CIP) is the implementation plan for identified facility, transportation, storm drainage, water, and wastewater projects. The capital infrastructure needs within the CIP are identified through a variety of sources, including Master Plans. Other sources used to identify capital projects are: City Council goals, operational needs, and regulatory obligations. Attached is our proposed Five Year Plan for public improvements. The projects that are funded by rate funds; water, wastewater and stormwater; have been incorporated into the rates that were recommended by the Rate Review Committee and approved by the City Council.

Engineering Services works closely with Public Works Operations and Maintenance to complete the identified projects on an annual basis. The fiscal year 2015-2016 Capital Improvement Program implements the planning, design, and construction of the capital infrastructure needs of the City by prioritizing projects based on an analysis of the master plans and other studies in combination with the availability of funding. The scheduled projects in the years beyond FY 2015-16 are not intended to be a spending commitment, but are included to show a proposed plan for the projects that are considered to be a priority at this particular snapshot in time. The Capital Improvement Projects for FY 2016-17 will be discussed.



2016-2021 CAPITAL IMPROVEMENT PROGRAM



The Capital Improvement Program (CIP) is the implementation plan for identified software, City facilities, transportation, storm drainage, water, and wastewater projects. The capital infrastructure needs within the CIP are identified through a variety of sources, including Master Plans. Other sources used to identify capital projects are: City Council goals, operational needs, and regulatory obligations.

In keeping with the Department's Vision Statement, Staff has begun a program to reduce the amount of inflow and infiltration (I&I) that enters the wastewater system. I&I is the term used to describe surface and subsurface water that enters the wastewater piping system, caused primarily by aging infrastructure that needs to be repaired or replaced. The water enters into the wastewater pipes through cracks, holes, joint failures, faulty connections, and through holes in manhole covers. During large storm events I&I can create an overflow situation as the system is not built to handle the additional water. Although I&I is essentially 'clean water', the additional water flows to the wastewater treatment plant and must be treated with the normal wastewater flows. Normal dry weather processing at the wastewater treatment plant is approximately 3 million gallons per day, whereas, during heavy rainfall events the peak flows at the wastewater treatment plant are in excess of 20 million gallons per day. This additional flow due to excessive I&I create added operational and maintenance costs to the wastewater system.

Projects based on the adopted plan will be proposed for the next 5 fiscal years to aggressively repair and/or replace inadequate portions of the system. Although the costs to repair the aging wastewater collection system will be significant, it can no longer be postponed. Two projects were completed last fiscal year and there has been a noticeable reduction in I & I in those basins already.

Engineering Services is also committed to providing well maintained streets to our citizens. Although, this work started in 2012, there is a substantial amount of road repair yet to be completed. The road maintenance program budget continues to be underfunded, as identified in the 2014 City wide Pavement Management System Implementation Report. Staff has embarked on a project to determine and implement new funding sources. Phase 1 of this project is expected to be complete within the year.

Oregon Department of Transportation (ODOT) remains committed to constructing the Newberg/Dundee Bypass. Since this state highway system runs through Newberg, the City is required to pay a share of the cost of the bypass. ODOT has agreed to loan the money to the City with interest only payments begun in 2014. Full payments begin in 2018. These payments will be made using the Federal Funds Exchange.

Since 2007, there has been a major effort to upgrade the City's Wastewater Treatment Plant. A new expanded influent pump station, headworks, screw press dewatering equipment, secondary clarifier, and a septage receiving station has been added and upgraded. The City will continue the upgrade with the addition of a hypochlorite

generation, roofing repairs and structural repairs to the existing oxidation ditches in 2016-17. The next major upgrades will be determined after an update to the Master Plan is completed in 2017.

The City continues to focus its efforts towards establishing a high quality and adequate potable water supply, storage, and distribution system. A new well was just completed and improvements to two existing reservoirs are underway. With the completion of the Master Plan in the fall of 2016, additional projects will be added to the CIP.

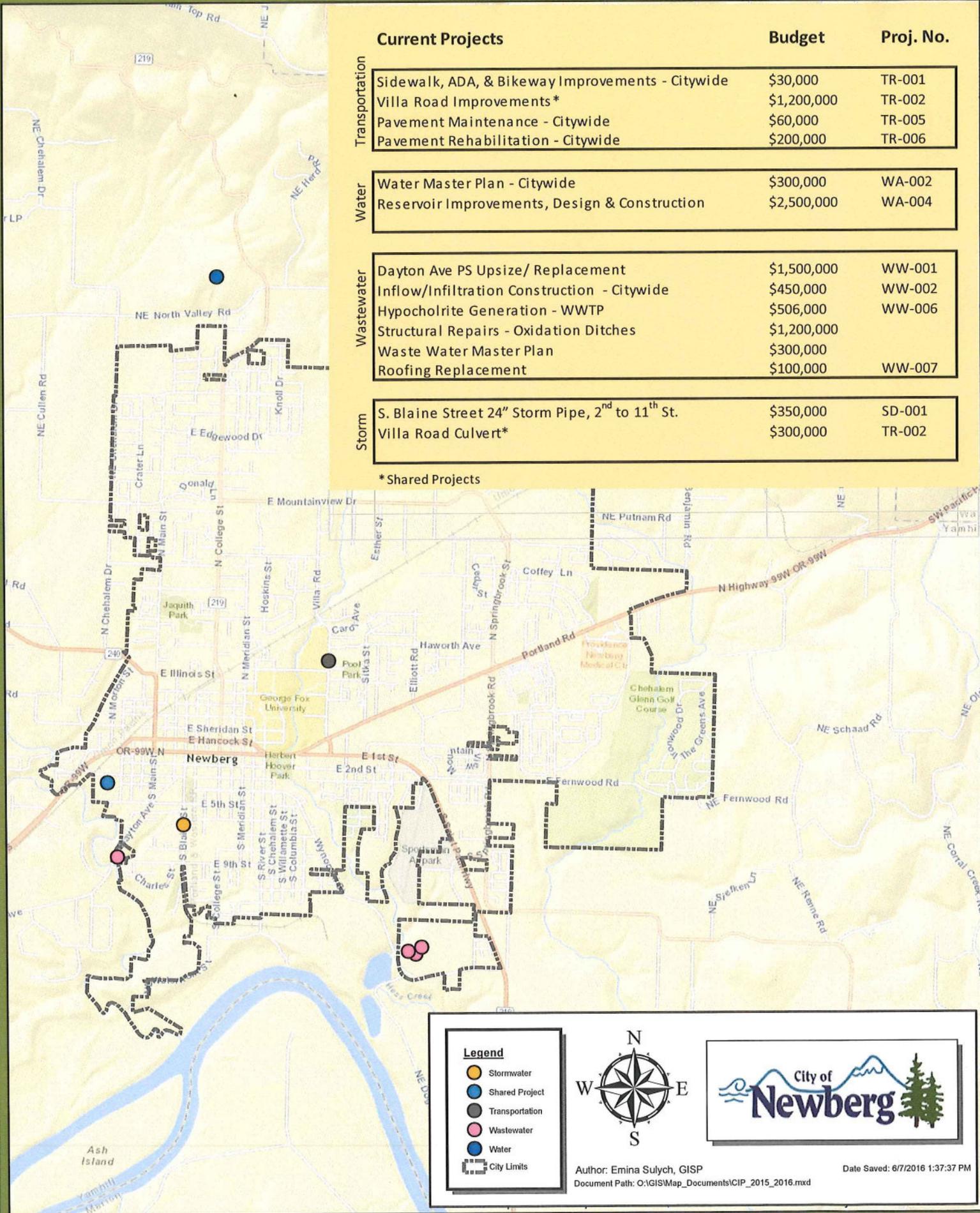
Engineering Services works closely with Public Works Operations and Maintenance to complete the identified projects on an annual basis. The fiscal year 2015-2016 Capital Improvement Program implements the planning, design, and construction of the capital infrastructure needs of the City by prioritizing projects based on an analysis of the master plans and other studies in combination with the availability of funding. The scheduled projects in the years beyond FY 2015-16 are not intended to be a spending commitment, but are included to show a proposed plan for the projects that are considered to be a priority at this particular snapshot in time.

The Capital Improvement Projects for FY 2016-17 are shown on the following page.

Capital Improvement Projects 2015-2016

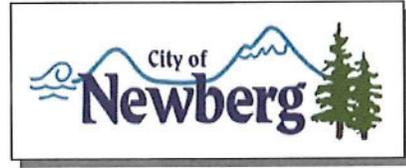
	Current Projects	Budget	Proj. No.
Transportation	Sidewalk, ADA, & Bikeway Improvements - Citywide	\$30,000	TR-001
	Villa Road Improvements*	\$1,200,000	TR-002
	Pavement Maintenance - Citywide	\$60,000	TR-005
	Pavement Rehabilitation - Citywide	\$200,000	TR-006
Water	Water Master Plan - Citywide	\$300,000	WA-002
	Reservoir Improvements, Design & Construction	\$2,500,000	WA-004
Wastewater	Dayton Ave PS Upsize/ Replacement	\$1,500,000	WW-001
	Inflow/Infiltration Construction - Citywide	\$450,000	WW-002
	Hypochlorite Generation - WWTP	\$506,000	WW-006
	Structural Repairs - Oxidation Ditches	\$1,200,000	
	Waste Water Master Plan	\$300,000	
	Roofing Replacement	\$100,000	WW-007
Storm	S. Blaine Street 24" Storm Pipe, 2 nd to 11 th St.	\$350,000	SD-001
	Villa Road Culvert*	\$300,000	TR-002

* Shared Projects



Legend

- Stormwater
- Shared Project
- Transportation
- Wastewater
- Water
- City Limits



MULTI-FUNDED PROJECTS

The following project summary sheets were developed from a variety of sources. The projects affect all of the enterprise funds and include things like improvements to City facilities and major software purchases.

Facilities Program Project Summary Sheet

Sungard/TrakIT Permitting Software

Criteria Met:

Fiscal Year	Costs
2016/2017	\$330,000
Project Total	\$330,000

	Safety/Liability
x	Council Goals
	Maintenance
	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
x	Cost Reduction
	Future Capacity

Project Description:

The implementation of this permitting software will improve transparency, enhance interdepartmental communication and will utilize our existing Geographical Information System. This addresses several of the Council Strategic Priorities specifically technology and improving our communication between our citizens and allowing for expanded ability to do business electronically.

Proposed Funding Sources:

This project is funded by the Utility, SDC and General Funds.



Facilities Program

Project Summary Sheet

Maintenance Facility

Criteria Met:

Fiscal Year	Costs
2017/2018	\$400,000
2018/2019	\$750,000
2020/2021	\$1,000,000
2021/2022	\$1,000,000
Project Total	\$3,150,000

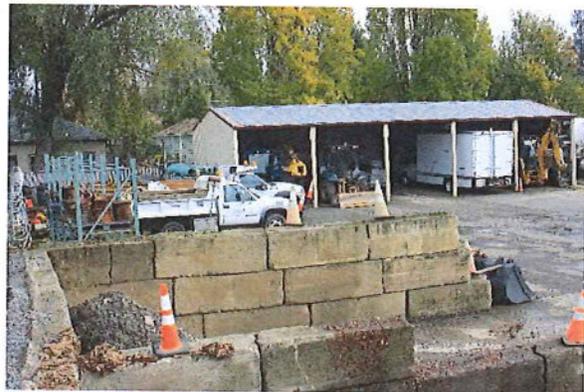
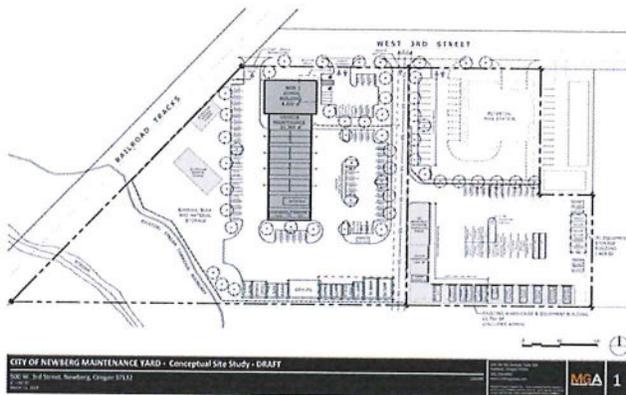
x	Safety/Liability
x	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
x	Cost Reduction
	Future Capacity

Project Description:

A master plan has been completed on what the newly expanded maintenance yard could look like. In the past fiscal year, some frontage improvements have been constructed. Next year there will be a remodel of the existing office building. The rest of the improvements include major site work, construction of a new fleet building and eventually a new administration building.

Proposed Funding Sources:

The project is to be funded by utility funds, and system development charges.



Facilities Program
Project Summary Sheet
Cartegraph Software

Criteria Met:

Fiscal Year	Costs
2016/2017	\$300,000
Project Total	\$300,000

x	Safety/Liability
x	Council Goals
x	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
x	Cost Reduction
	Future Capacity

Project Description:

The current city's Computerized Maintenance Management System is Cartegraph Navigator. This system has been in use since 2004, and is the asset database and maintenance management system used that contains the city's infrastructure work requests, work orders, and other maintenance history of each identified component of the city street, water, wastewater, storm and fleet systems.

Navigator has become obsolete, and is being replaced by OMS(Operational Maintenance System), which supports newer technology, including field based terminals(iPads). Navigator is entering a maintenance only mode, with no future enhancements or upgrades. Without upgrading to OMS, or another current similar system, with historical data transfer, we will not be able to support enhanced field terminals, continue to have to rely on handwritten reports and manual data input, and the potential loss of system maintenance history as the system becomes incompatible with technology upgrades to hardware and software, or as the unsupported Cartegraph Navigator software corrupts or fails.

Proposed Funding Sources:

The project is to be funded by utility funds, and system development charges.

Facilities Program
Project Summary Sheet
 Wonderware Software

Criteria Met:

Fiscal Year	Costs
2017/2018	\$100,000
Project Total	\$100,000

x	Safety/Liability
x	Council Goals
	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

Wonderware is the Operator Interface System (OIS) at the Water and Wastewater plants that allows communications between the operators, the PLC's and the individual inputs and outputs out in the field. An input or output could be anything from a valve that has to be open or closed to a flow meter whose readings need to be registered and compiled. An input/output could be a pump that needs to start or stop, a reservoir level or an alarm that would call and operator. Wonderware has been in use as our OIS since 1997. The version of Wonderware we are currently using is a generation that uses the Windows 7 operating system. The windows 7 operating system will eventually become unsupported so the current version of Wonderware will become obsolete and it will be necessary to purchase a new OIS. Whether that OIS is an updated version of Wonderware or another OIS is yet to be determined.

Proposed Funding Sources:

The project is to be funded by utility funds, and system development charges.

TRANSPORTATION PROJECTS

The Transportation Program provides planning, engineering, and construction for improvements to the City's transportation systems that safely preserve existing infrastructure, increase roadway capacity, improve mobility and/or enhance neighborhood livability.

The primary funding source for the roadway maintenance budget is the City's share of the state gas tax revenue. This revenue source has been in decline since 2005-06 due to the public's response to increased fuel prices, higher mile per gallon vehicles, and only moderate economic growth. A secondary funding source for roadway improvements is federal funding distributed by ODOT through the Surface Transportation Program (STP), and can only be used for new roadway construction or full reconstruction of existing roadways, not maintenance projects.

The following project summary sheets were developed from the Transportation System Master Plan and associated studies while considering the available funds from state gas tax revenue, surface transportation program (federal funds exchange) and system development charges.

Transportation Program Project Summary Sheet

ADA/Bicycle/Pedestrian Improvements

Criteria Met:

Fiscal Year	Costs
2015/2016	\$30,000
2016/2017	\$30,000
Project Total	--

x	Safety/Liability
x	Council Goals
	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

City Council established a comprehensive bicycle program in 2011 to implement the policies and recommended improvements in the ADA/Pedestrian/Bike Route Improvement Plan.

Projects are selected based on the City’s need and available funding for each fiscal year. The ADA/Pedestrian/Bike Route Improvement Plan is a resource the City often utilizes in selecting improvement projects. Current utility maintenance projects include replacement or installation of ADA accessible barriers identified in the plan. The ADA/Pedestrian/Bike Route Improvement Plan can be found on the city website.

Proposed Funding Sources:

This project is funding by the gas taxes that the City receives from the State of Oregon. A portion (1%) of the gas tax the City receives must be spent on bicycle projects in the right-of-way. The funding is split in the budget between the Street Capital Fund and the Street Maintenance Fund.



Transportation Program Project Summary Sheet

Villa Road Improvements

Criteria Met:

Fiscal Year	Costs
2015/2016	\$320,000
2016/2017	\$1,200,000
2017/2018	~\$1,400,000
Project Total	\$2,920,000

x	Safety/Liability
x	Council Goals
	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
	Cost Reduction
x	Future Capacity

Project Description:

Villa Road north of 99W is a two lane major collector roadway that has intermittent sections of curb and sidewalk improvements. The proposed roadway improvement project is to construct a full width street improvement project consisting of curbs, sidewalk, and bike lanes, from Fulton Street to Crestview Drive.

The 2007 ADA/Pedestrian/Bike Route Improvement Plan identified the project as a primary critical pedestrian and bikeway route. The incomplete sidewalk connections are unsafe as it forces pedestrians onto the roadway shoulders.

This project also coordinates with a stormwater project of the same name.

Proposed Funding Sources:

The project is to be funded by stormwater funds, gas tax revenue, system development charges and the Federal Funds Exchange.



Transportation Program Project Summary Sheet

Pavement Maintenance

Criteria Met:

Fiscal Year	Costs
2015/2016	\$225,000
2016/2017	\$200,000
Project Total	--

x	Safety/Liability
x	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
	Future Capacity

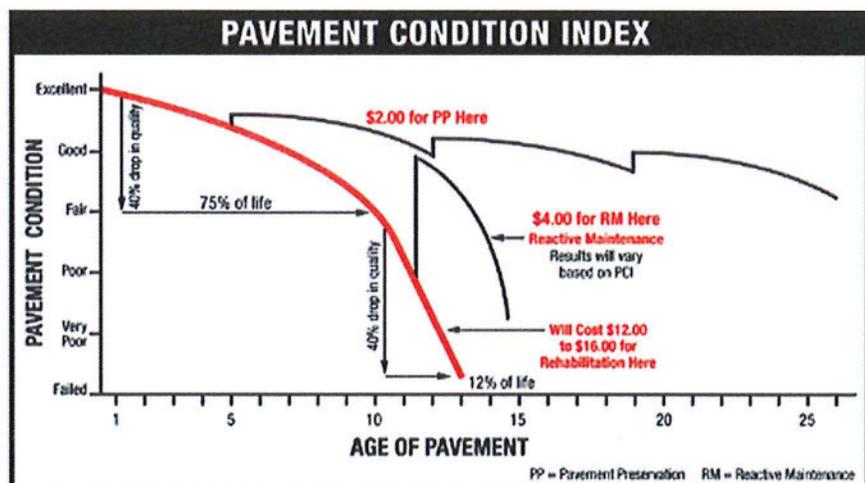
Project Description:

Yearly maintenance of the pavement surfaces in the City is needed to minimize water intrusion and damage to the pavement structure. Studies have shown that it is much more cost effective to regularly seal the pavement surface every 5-7 years, than it is to overlay or grind/inlay the pavement every 15-20 years.

The proposed roadway maintenance measures are mainly targeted to the roadways in good/fair/poor condition in the City to preserve the surface from water intrusion and premature pavement failure.

Proposed Funding Sources:

This project is funding by the gas taxes that the City receives from the State of Oregon. The funding is split in the budget between the Street Capital Fund and the Street Maintenance Fund.



Transportation Program
Project Summary Sheet
 College Street Bikelanes and Sidewalk

Criteria Met:

Fiscal Year	Costs
2017/2018	\$250,000
Project Total	\$250,000

x	Safety/Liability
x	Council Goals
	Maintenance
	Required per Regulation
x	Coordinates with Larger Project
x	Existing Capacity
	Cost Reduction
x	Future Capacity

Project Description:

The 2007 ADA/Pedestrian/Bike Route Improvement Plan identified the project as a primary critical pedestrian and bikeway route. The incomplete sidewalk connections are unsafe as it forces pedestrians onto the roadway shoulders.

Proposed Funding Sources:

This project will be funded by the STP and gas tax revenues.



Transportation Program Project Summary Sheet

Elliot Road; 99W to Newberg High School

Criteria Met:

Fiscal Year	Costs
2018/2019	\$350,000
2019/2020	\$750,000
2020/2021	\$750,000
Project Total	\$1,850,000

x	Safety/Liability
x	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
	Cost Reduction
x	Future Capacity

Project Description:

The TSP has identified this project as a high priority as it provides direct access to the high school. This project will construct full street improvements to include sidewalks and bike lanes. It will also include storm drainage improvements.

Proposed Funding Sources:

This project will be funded by gas tax revenues and system development charges.



Transportation Program Project Summary Sheet

Crestview Drive; 99W to Springbrook Road

Criteria Met:

Fiscal Year	Costs
2017/2018	\$1,100,000
Project Total	\$1,100,000

	Safety/Liability
x	Council Goals
	Maintenance
	Required per Regulation
x	Coordinates with Larger Project
x	Existing Capacity
	Cost Reduction
x	Future Capacity

Project Description:

Crestview Drive is an important transportation link to the north portion of the City. It will connect 99W at Providence Drive to N. Springbrook Road. The two sections on either end of the alignment have not been constructed. This improvement will include curbs, gutters, bike lanes and sidewalks.

Proposed Funding Sources:

The overall project is projected to cost \$5,000,000. The Transportation SDC will contribute \$1,100,000, the state will contribute \$740,000 and the balance will be funded by Springbrook Properties and Gramor Development.



Transportation Program Project Summary Sheet

N. Springbrook Road; 99W to Crestview

Criteria Met:

Fiscal Year	Costs
2015/2016	\$30,000
2016/2017	\$30,000
Project Total	--

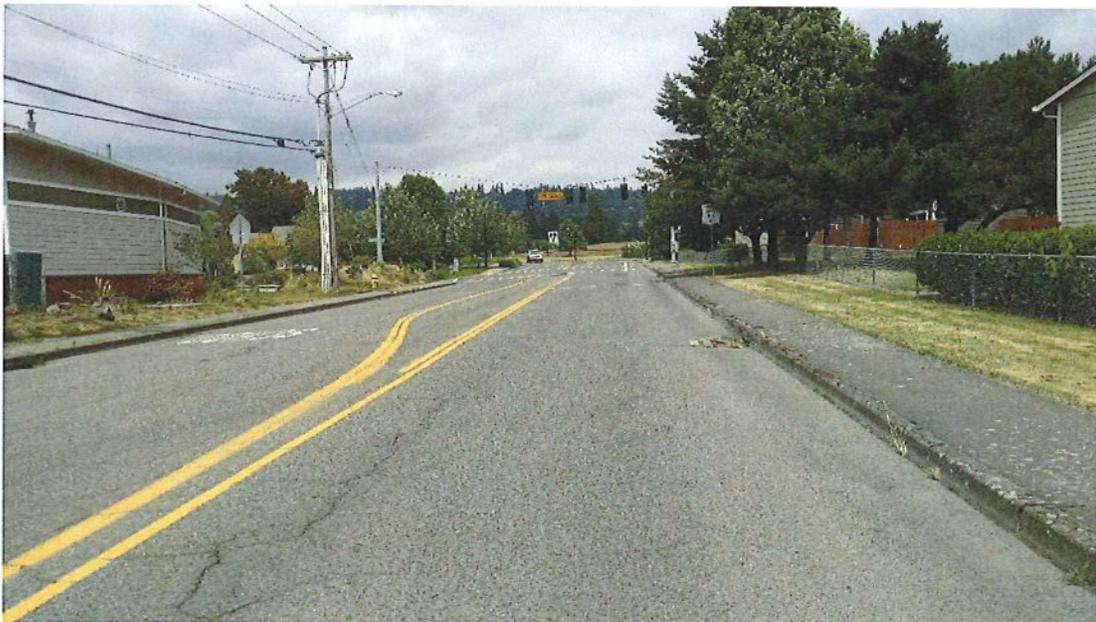
x	Safety/Liability
x	Council Goals
	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

This project will complete bike lanes and sidewalks along N. Springbrook Road. It will also be constructed in conjunction with storm drainage, waterline and wastewater line improvements.

Proposed Funding Sources:

This project is funded by the gas taxes that the City receives from the State of Oregon and Transportation SDCs paid by developers. A portion (1%) of the gas tax the City receives must be spent on bicycle projects in the right-of-way.



Transportation Program
Project Summary Sheet
 LED Street Light Conversion

Criteria Met:

Fiscal Year	Costs
2016/2017	\$200,000
Project Total	--

x	Safety/Liability
x	Council Goals
x	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
x	Cost Reduction
	Future Capacity

Project Description:

This project will start the conversion of our existing street lights to an LED light. This will transition all of the City owned street lights from being maintained by PGE to being maintained by the City.

Proposed Funding Sources:

This project is funded by the gas taxes that the City receives from the State of Oregon.



STORMWATER PROJECTS

The Stormwater Program provides planning, design and construction of improvements for the City's public storm drainage system. This program includes the surface water conveyance and water quality systems.

The 2014 Drainage Master Plan Update is used to plan for improvements to the overall City storm drainage system. Funding for the stormwater program is provided through stormwater utility rates and system development charges.

Stormwater Program Project Summary Sheet

S. Blaine Street; Hancock – 11th Street

Criteria Met:

Fiscal Year	Costs
2015/2016	\$450,000
2016/2017	\$350,000
2017/2018	\$300,000
2018/2019	\$300,000
Project Total	\$1,350,000

x	Safety/Liability
	Council Goals
x	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
	Future Capacity

Project Description:

Flooding occurs in the 10 year storm event including Second Street, Howard Street and at 6th Street and Blaine Street. Large segments of the existing pipe are constructed of corrugated metal and are near end of life. The project will decommission the existing stormwater pipes (shown in green below) and construct a new 24” stormwater mainline (shown in red) along South Blaine and 2nd Streets. Sections of the existing piping system will also be upsized to convey existing and future flows (shown in gold). This project will also include the storm system adjacent to 99W and the Second Street Parking Lot.

Due to funding constraints, the project is scheduled to be constructed in phases over several fiscal years. The 1st phase of construction will begin in FY15-16.

Proposed Funding Sources: This project is funded by the stormwater utility fee and a small amount of projects in the right-of-way.



Stormwater Program Project Summary Sheet

Villa Road Improvements at Hess Creek

Criteria Met:

Fiscal Year	Costs
2015/2016	\$120,000
2016/2017	\$300,000
Project Total	\$420,000

x	Safety/Liability
	Council Goals
	Maintenance
x	Required per Regulation
x	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
x	Future Capacity

Project Description:

See the Villa Road Improvement project description in the Transportation section. This reconstruction of the two culverts under Villa Road will both be required to meet fish passage requirements per State permits.

Proposed Funding Sources:

This project is funded through the stormwater utility and stormwater SDCs.



Stormwater Program Project Summary Sheet

S. Center Street; 3rd Street to 9th Street

Criteria Met:

Fiscal Year	Costs
2018/2019	\$180,000
2019/2020	\$300,00
2020/2021	\$930,000
Project Total	\$1,410,000

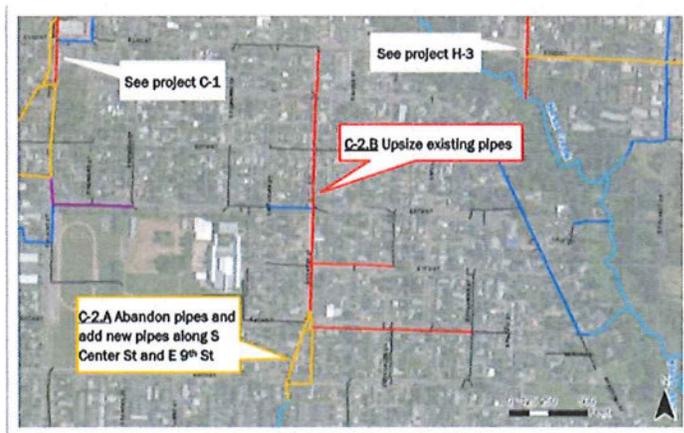
x	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

There are sections of the existing 21” storm drainage system that crosses underneath multiple structures. In the 10 year storm event, 7th, 8th and Center Streets flood. This project will upsize existing pipes and will realign portions of the pipe out into the public right-of-way.

Proposed Funding Sources:

This project is funded through the stormwater utility.



Stormwater Program Project Summary Sheet

N. Springbrook Road; 99W to Crestview

Criteria Met:

Fiscal Year	Costs
2021/2022	\$150,000
2022/2023	\$800,000
Project Total	\$950,000

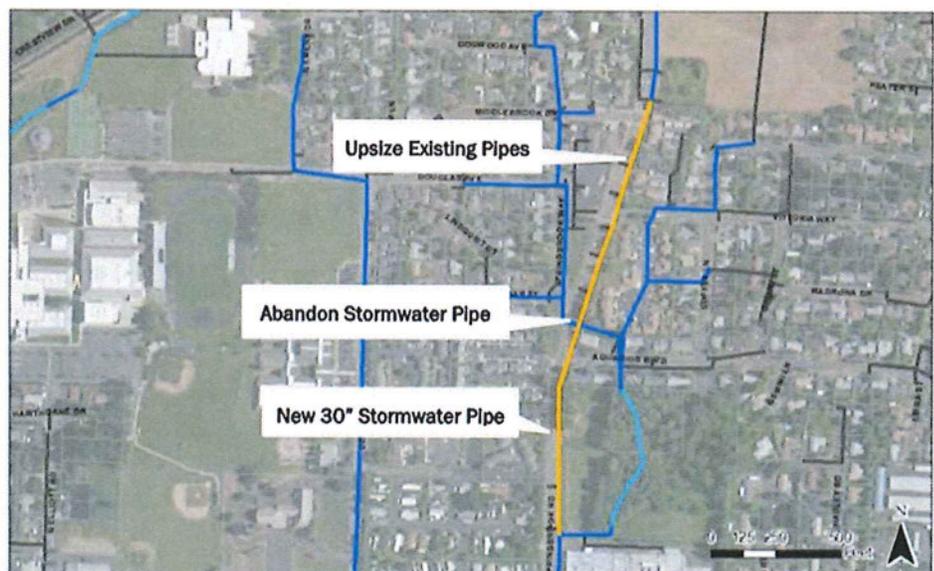
x	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
x	Coordinates with Larger Project
x	Existing Capacity
	Cost Reduction
x	Future Capacity

Project Description:

There are existing flooding problems along Springbrook Road. This project will upsize all of the pipe to be 30” in diameter and will be constructed with the larger roadway project. See the N. Springbrook Road Improvement project description in Transportation for more information about that work.

Proposed Funding Sources:

This project is funded through the stormwater utility and stormwater SDCs. Approximately 10% of this project is attributed to growth.



Stormwater Program Project Summary Sheet

E. Columbia Drive

Criteria Met:

Fiscal Year	Costs
2021/2022	\$100,000
Project Total	--

	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
x	Future Capacity

Project Description:

The storm drainage system in E. Columbia Drive is constrained by three 18” pipes. Most of the system in this area is 24” pipe. Overflow from manholes can be expected from a 10 year storm event in this location. This project will replace those sections of pipe with 24” pipe.

Proposed Funding Sources:

This project is funded through the stormwater utility and SDCs. This project is 15% growth related.



Stormwater Program Project Summary Sheet

N. Elliot

Criteria Met:

Fiscal Year	Costs
2019/2020	\$250,000
Project Total	\$250,000

x	Safety/Liability
	Council Goals
	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
	Cost Reduction
x	Future Capacity

Project Description:

There is no public storm drainage system in N. Elliot Road resulting in frequent ponding. This project would add 18” storm pipe to the system as a part of the larger roadway project. See the N. Elliot Road Improvement project description in Transportation for more information.

Proposed Funding Sources:

This project is funded through the stormwater utility and SDCs. This project is 5% attributable to future growth.



Stormwater Program Project Summary Sheet

TMDL Implementation Plan/Water Quality Improvements

Criteria Met:

Fiscal Year	Costs
2017/2018	\$50,000
2018/2019	\$50,000
2019/2020	\$50,000
Project Total	—

x	Safety/Liability
	Council Goals
x	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
x	Cost Reduction
	Future Capacity

Project Description:

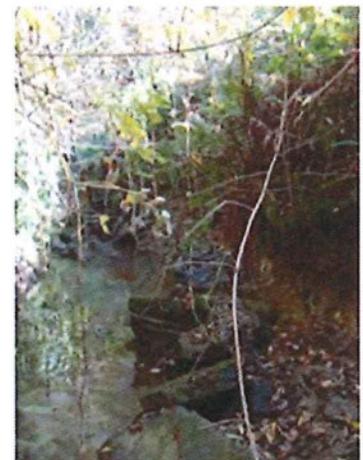
The City currently has an approved Total Maximum Daily Load (TMDL) Implementation Plan. Although a great portion of the plan has been implemented due to staffing and budgetary shortfalls, it is mostly a reactive program. These dollars will help move towards a more proactive program. Those elements might include additional GIS mapping efforts, maintenance activities, storm facility inspection and retrofit and possibly an education/enforcement program for private facilities.

Proposed Funding Sources:

This project is funded through the stormwater utility.



Hess Creek (DS of Mountainview Drive)
Residential Stormwater Outfall



West Bank Chehalem Creek
Streambank Erosion

WASTEWATER PROJECTS

The Wastewater Program provides planning, design and construction of improvements for the City's public wastewater utility system. This program area includes the pump stations, wastewater treatment plant, and wastewater collection and conveyance system. The majority of the wastewater budget is allocated to the needed improvements at the wastewater treatment plant.

The following project list was developed from the Sewerage Master Plan, the 2007 Wastewater Treatment Facilities Plan Update and other associated studies, while considering the available funds from the wastewater utility rates and system development charges.

Wastewater Program Project Summary Sheet

Inflow and Infiltration Projects

Criteria Met:

Fiscal Year	Costs
2016/2017	\$450,000
2017/2018	\$450,000
2018/2019	\$450,000
2019/2020	\$600,000
2020/2021	\$600,000
Project Total	--

	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
x	Future Capacity

Project Description:

The 2015 Inflow and Infiltration Report identified the need for significant replacements/rehabilitation of the older sections of the wastewater collections system throughout the City. The goal of the project is to replace the aging pipe infrastructure to reduce the maintenance costs and the stormwater inflow and infiltration into the system based on the priorities listed in the report.

Proposed Funding Sources:

This project is funded through the wastewater utility and SDCs. This project is 50% growth related.



Wastewater Program Project Summary Sheet

Dayton Avenue Pump Station

Criteria Met:

Fiscal Year	Costs
2015/2016	\$300,000
2016/2017	\$1,500,000
2017/2018	\$2,500,000
Project Total	\$4,300,000

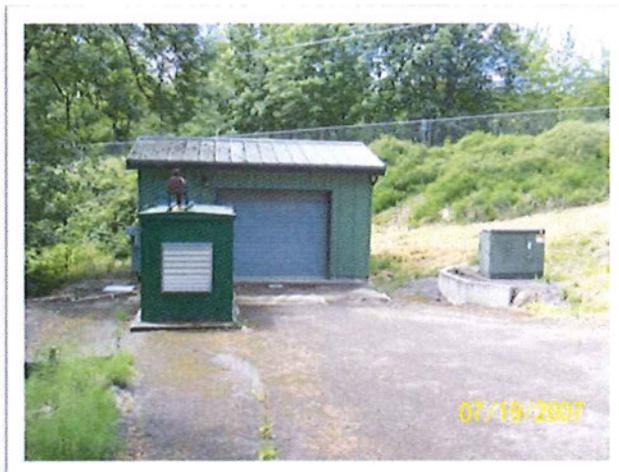
x	Safety/Liability
	Council Goals
x	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
x	Future Capacity

Project Description:

The existing Dayton Avenue pump station and the 4,000 foot long 12-inch force main were constructed in 1993. The Gorman-Rupp top-side dry pumps are nearing the end of their service life and the volume of the station wet well is significantly undersized for the flows to the station. The station overflows into Chehalem Creek during very high flow events. The City hired RH2 Engineering to complete a feasibility analysis and preliminary design. This project will begin implementing these recommendations.

Proposed Funding Sources:

This project is funded through the wastewater utility.



Wastewater Program Project Summary Sheet

Compost Facility

Criteria Met:

Fiscal Year	Costs
2016/2017	\$50,000
2017/2018	\$55,000
2022/2023	\$50,000
Project Total	--

	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

Historically the conveyor chain in the compost facility has needed to be replaced every 4-5 years due to wear and stretching. The last replacements were done in 2011, and at that time Staff changed the flights from steel to UHMW which seems to be increasing the lifespan as the chain is still in decent shape. Without having a better history with this new setup, Staff erred on the side of caution and has included the replacement twice assuming a 4 year lifespan.

Proposed Funding Sources:

This project is funded through the wastewater utility.



Wastewater Program Project Summary Sheet

Roofing Replacement at WWTP

Criteria Met:

Fiscal Year	Costs
2016/2017	\$100,000
2018/2019	\$150,000
2022/2023	\$70,000
Project Total	\$350,000

	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

The maintenance of roofs on the existing buildings at the treatment plant has been deferred. The buildings include: Composter Building, Tunnels Building, Gutters and Soffits, Screw Press Room, Disinfection Building; Administration Building and the Secondary Building.

Proposed Funding Sources:

This project is funded through the wastewater utility.



Wastewater Program Project Summary Sheet

Coating on Pump Stations

Criteria Met:

Fiscal Year	Costs
2017/2018	\$100,000
2020/2021	\$100,000
Project Total	\$200,000

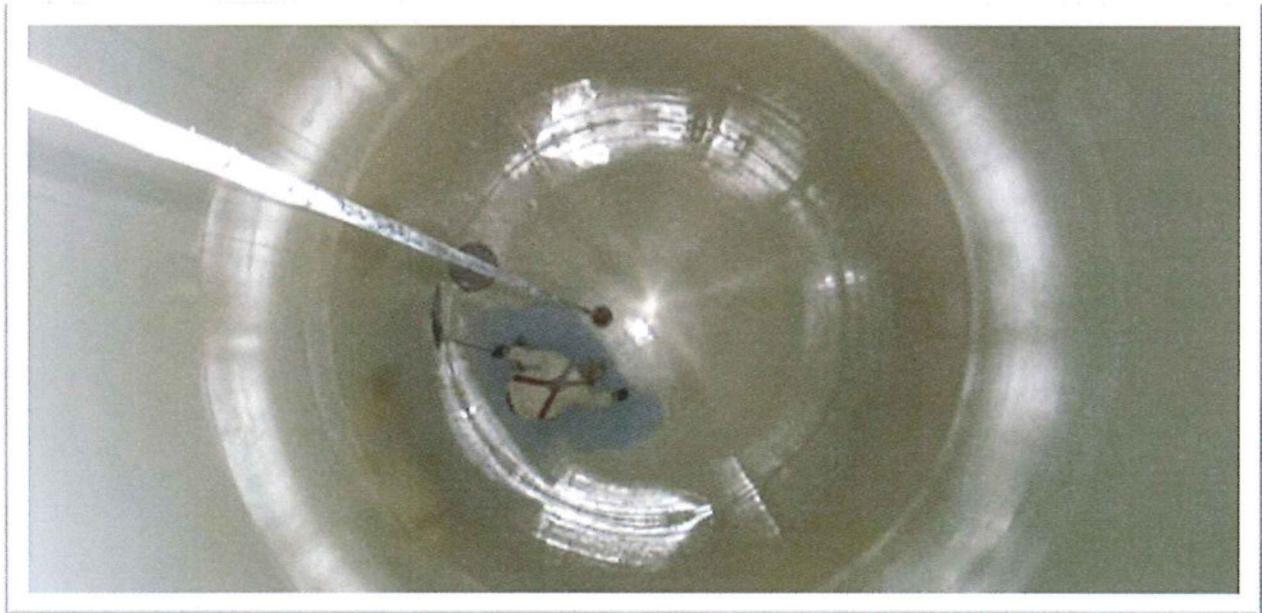
	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
x	Cost Reduction
	Future Capacity

Project Description:

As pump stations age, the interiors can degrade due to the corrosive properties of wastewater. Coating the interiors can extend the life and reduce maintenance of the stations. This project is to coat the Fernwood Road and Creekside pump stations.

Proposed Funding Sources:

This project is funded through the wastewater utility.



Wastewater Program Project Summary Sheet

Wastewater Master Plan

Criteria Met:

Fiscal Year	Costs
2016/2017	\$300,000
Project Total	\$300,000

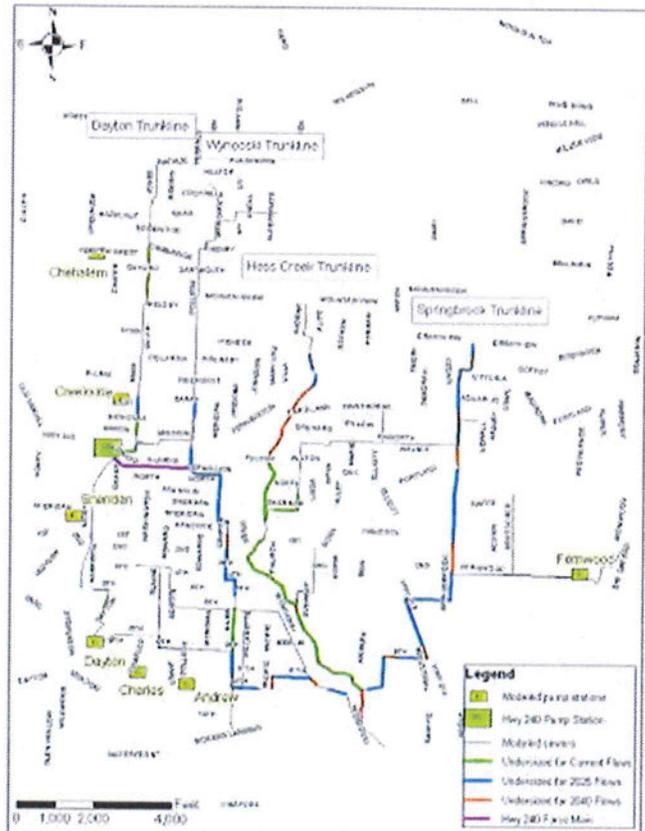
	Safety/Liability
	Council Goals
	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

The last Wastewater Master Plan was completed in 2007. Per ORS they are required to be updated every 10 years. This update will include modeling the capacity of the system, including the treatment plant, and identify projects to address system deficiencies.

Proposed Funding Sources:

This project is funded through the wastewater utility.



Wastewater Program Project Summary Sheet

Existing Oxidation Ditches

Criteria Met:

Fiscal Year	Costs
2016/2017	\$1,200,000
2019/2020	\$1,000,000
Project Total	\$2,200,000

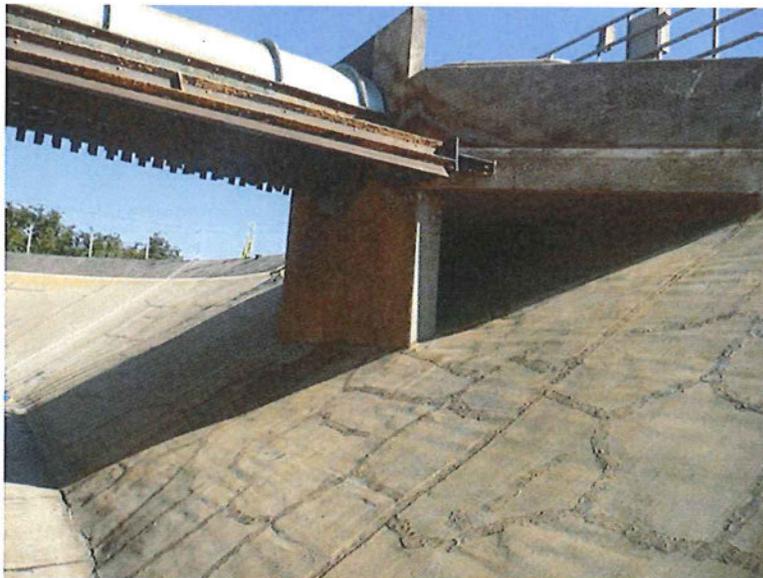
x	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
x	Future Capacity

Project Description:

The construction of new oxidation ditches is proposed to start in FY20/21. In order to maximize our existing ditches they need to be structurally rehabilitated. Only one ditch can be offline at any one time, therefore, they are shown to be completed over several years.

Proposed Funding Sources:

This project is funded through the wastewater utility and SDCs. This project is 10% growth related.



Wastewater Program Project Summary Sheet

Inflow and Infiltration Report

Criteria Met:

Fiscal Year	Costs
2019/2020	\$200,000
Project Total	\$200,000

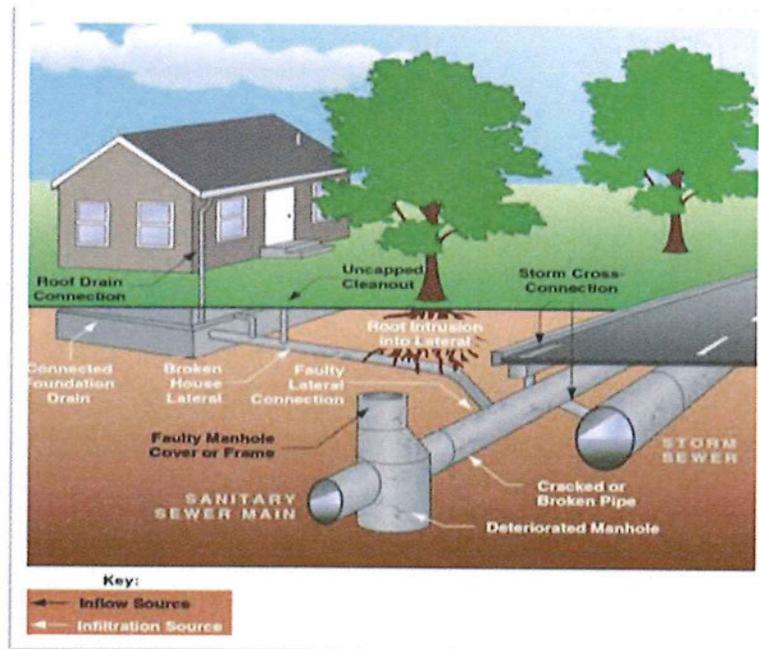
	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
x	Future Capacity

Project Description:

The 2015 report focused on the Dayton and Wynooski Basins. This report will evaluate the Hess and Springbrook Basins and update the information for completed inflow and infiltration projects.

Proposed Funding Sources:

This project is funded through the wastewater utility and SDCs. This project is 50% growth related.



Wastewater Program Project Summary Sheet

Hess Creek Trunk Line

Criteria Met:

Fiscal Year	Costs
2020/2021	\$600,000
2021/2022	\$1,000,000
2022/2023	\$1,000,000
2023/2024	\$900,000
Project Total	\$3,500,000

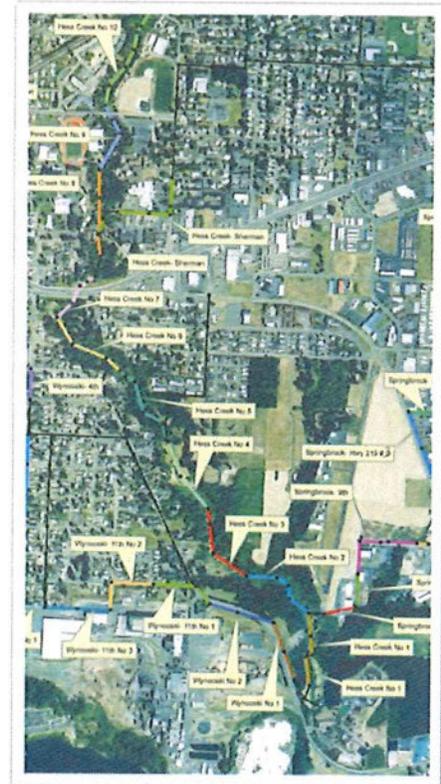
x	Safety/Liability
	Council Goals
	Maintenance
	Required per Regulation
x	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
x	Future Capacity

Project Description:

The existing wastewater trunk line is aging and undersized for future development. Additionally a great portion of the line is within the Hess Creek Stream corridor. This project will upsize 3900' of existing pipe and will move it out of the creek bed where possible.

Proposed Funding Sources:

This project is funded through the wastewater utility and SDCs. This project is 80% growth related.



Wastewater Program Project Summary Sheet

N. Springbrook Road Trunk Line

Criteria Met:

Fiscal Year	Costs
2021/2022	\$709,000
2022/2023	\$955,000
Project Total	\$1,664,000

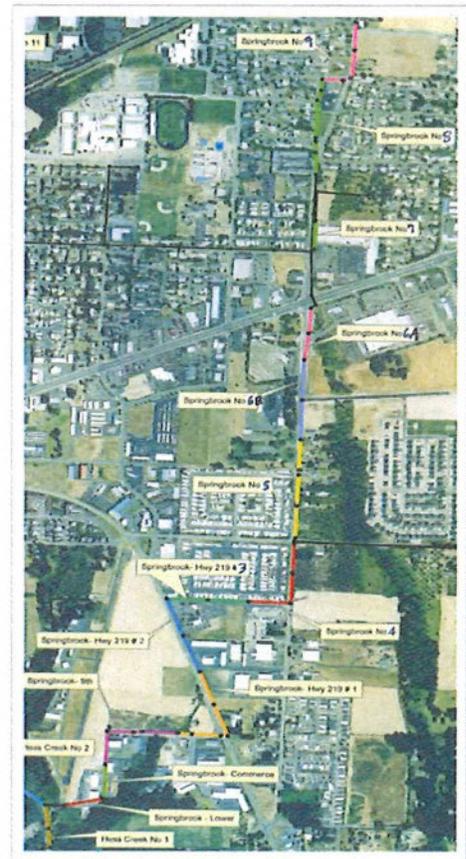
	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
x	Future Capacity

Project Description:

The existing 10-12” lines will need to be upsized for future growth. This project will be constructed along with the storm, water and street improvements.

Proposed Funding Sources:

This project is funded through the wastewater utility and SDCs. This project is 50% growth related.



**Wastewater Program
Project Summary Sheet**
N. Springbrook Road Trunk Line

Criteria Met:

Fiscal Year	Costs
2016/2017	\$509,000
Project Total	\$--

x	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

The Wastewater Treatment Plant currently uses chlorine gas to disinfect the effluent. Chlorine gas facilities are a safety concern. In order to alleviate this concern, a hypochlorite generator will be installed. This project started this fiscal year and will continue into the next fiscal year.

Proposed Funding Sources:

This project is funded through the wastewater utility.



Water Projects

The Water Program provides planning, design and construction of improvements for the City's public water utility system. This program area includes the well field, storage reservoirs, water treatment plant, and water distribution system.

The following project list was developed from the Water Master Plan and other associated studies while considering the available funds from the water utility rates and system development charges.

Water Program Project Summary Sheet

Water Master Plan

Criteria Met:

Fiscal Year	Costs
2015/2016	280,000
2016/2017	\$20,000
Project Total	\$300,000

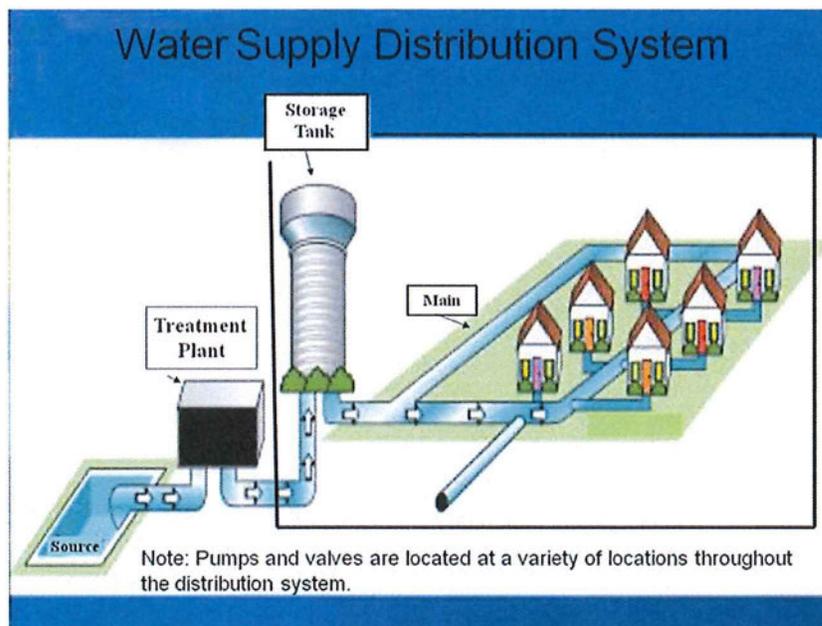
	Safety/Liability
x	Council Goals
x	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
x	Future Capacity

Project Description:

The last Water Master Plan was adopted in 2004. Master Plans are generally updated every 10 years. The master plan will look at everything from source to distribution. This process is underway and will be completed in Summer/Fall of 2016. This plan will lay out the capital needs and revenues over the next 20 years.

Proposed Funding Sources:

This project is funded through the water utility. This project is 25% growth related.



**Water Program
Project Summary Sheet**
North Valley Reservoirs

Criteria Met:

Fiscal Year	Costs
2015/2016	\$1,700,000
2016/2017	\$925,000
Project Total	\$2,625,000

x	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

There are two existing 4 mg concrete reservoirs on this site. They were constructed in 1960 and 1977. Little to no structural maintenance has been completed on these reservoirs. In order to provide some surety in the event of an earthquake, NV#2 will be seismically retrofitted. Both reservoirs will be given an interior coating and a water mixing system. NV#2 is currently underway and NV#1 will occur next fall.

Proposed Funding Sources:

This project is funded through the water utility. This project is 15% growth related.



Water Program Project Summary Sheet

Hypochlorite Generator

Criteria Met:

Fiscal Year	Costs
2018/2019	\$500,000
Project Total	\$500,000

x	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

The existing generator at the Water Treatment Plant is nearing end of life. This project would replace the existing generator and would be compatible with the system that will be installed at the Wastewater Treatment Plant.

Proposed Funding Sources:

This project is funded through the water utility.



Water Program Project Summary Sheet

Valves on College Street

Criteria Met:

Fiscal Year	Costs
2018/2019	\$200,000
Project Total	\$200,000

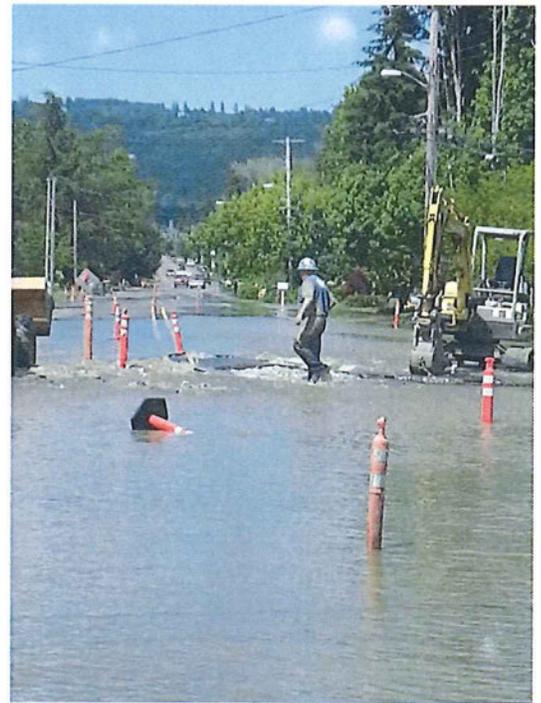
x	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
x	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
	Future Capacity

Project Description:

One of the reasons for the massive amount of flooding in 2014 when the waterline in College Street broke is the lack of valves on the existing line to shut the flow of water off. This project would add valves in strategic locations to minimize future problems. It will be coordinated some with the College Street Relocation project.

Proposed Funding Sources:

This project is funded through the water utility.



Water Program
Project Summary Sheet
College Street Relocation

Criteria Met:

Fiscal Year	Costs
2017/2018	\$470,000
Project Total	\$470,000

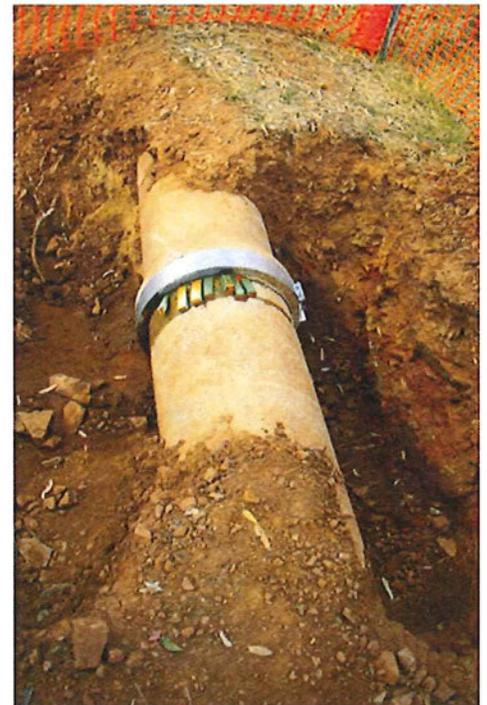
	Safety/Liability
	Council Goals
	Maintenance
	Required per Regulation
x	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

The Oregon Department of Transportation will be extending sidewalks and bike lanes further north on the east side of College Street. As a part of this project the City's existing water line will need to be lowered as it is too shallow. This work is scheduled to begin in 2017/2018 and will be coordinated with the Valves project.

Proposed Funding Sources:

This project is funded through the water utility.



Water Program Project Summary Sheet

New Hydrants and Valves

Criteria Met:

Fiscal Year	Costs
2016/2017	\$20,000
2017/2018	\$20,000
2018/2019	\$20,000
Project Total	--

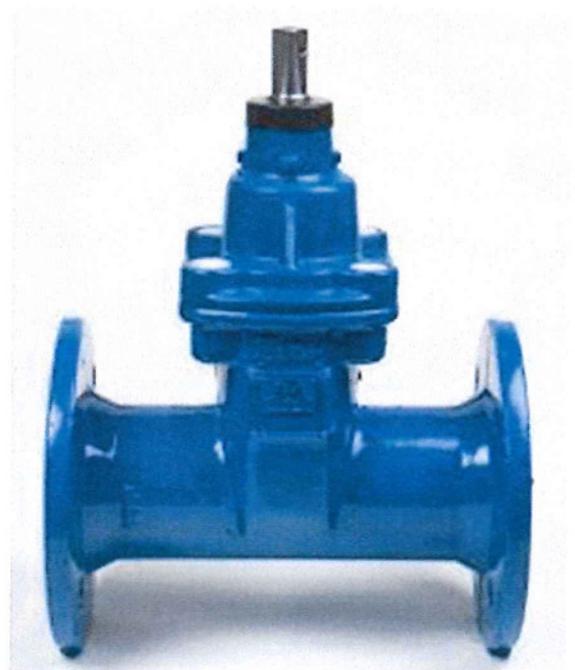
	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

This funding would allow for the systematic replacement of valves and hydrants as they near their end of life.

Proposed Funding Sources:

This project is funded through the water utility.



Water Program Project Summary Sheet

Fixed Based Radio Read

Criteria Met:

Fiscal Year	Costs
2019/2020	\$1,000,000
2020/2021	\$25,000
Project Total	--

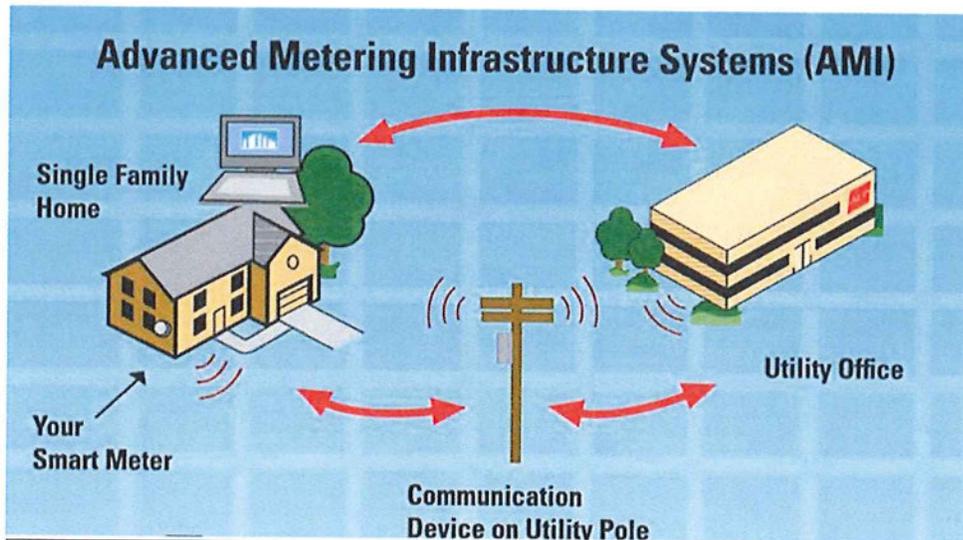
	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
x	Cost Reduction
	Future Capacity

Project Description:

The existing meter reading system requires that someone drive through the entire city to read the meters. The fixed based system will allow for the meters to be read from the maintenance yard in real time. This will cut down on labor costs and could help catch a leak sooner.

Proposed Funding Sources:

This project is funded through the water utility and SDCs. This project is 5% growth related.



Water Program Project Summary Sheet

Water Conservation Master Plan

Criteria Met:

Fiscal Year	Costs
2018/2019	\$100,000
Project Total	\$100,000

	Safety/Liability
	Council Goals
x	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
x	Future Capacity

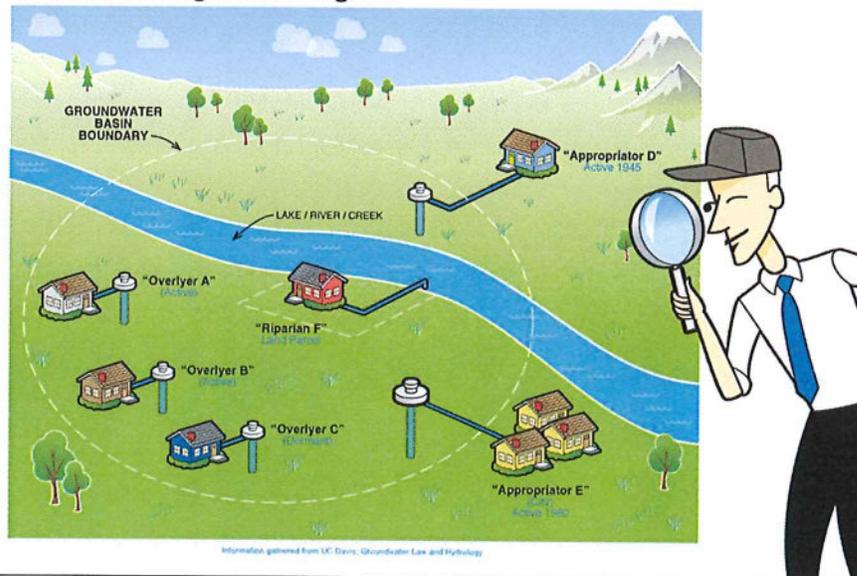
Project Description:

The City is required by state law to have a water conservation plan. The last plan was adopted in 2007. This plan would also review our existing water rights and apply for reconfiguration if necessary.

Proposed Funding Sources:

This project is funded through the water utility and SDCs. This project is 50% growth related.

Understanding Water Rights



Water Program Project Summary Sheet

Decommission Wells #1 & #2

Criteria Met:

Fiscal Year	Costs
2018/2019	\$200,000
Project Total	\$200,000

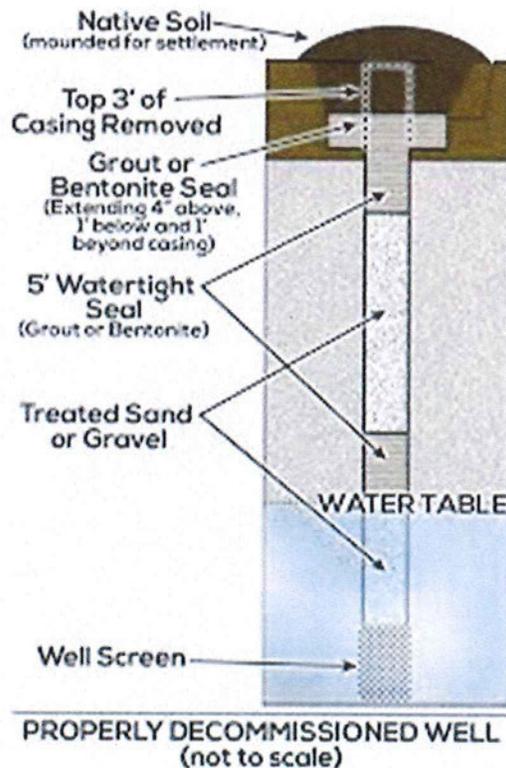
x	Safety/Liability
	Council Goals
	Maintenance
x	Required per Regulation
	Coordinates with Larger Project
	Existing Capacity
	Cost Reduction
	Future Capacity

Project Description:

Wells #1 & #2 have reached the end of life and are not being utilized. This project would properly decommission the wells per state standards.

Proposed Funding Sources:

This project is funded through the water utility.



Water Program Project Summary Sheet

General Piping Projects

Criteria Met:

Fiscal Year	Costs
2017/2018	\$100,000
2018/2019	\$100,000
2019/2020	\$100,000
2020/2021	\$100,000
Project Total	--

	Safety/Liability
	Council Goals
x	Maintenance
	Required per Regulation
	Coordinates with Larger Project
x	Existing Capacity
x	Cost Reduction
x	Future Capacity

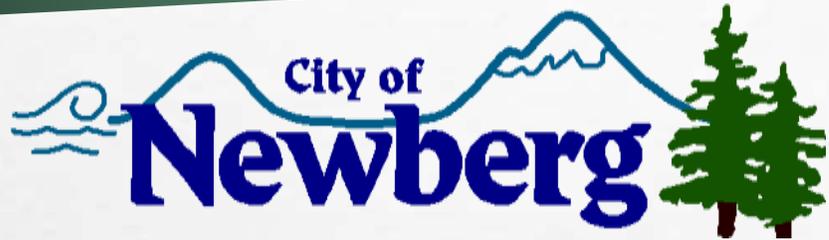
Project Description:

This is a basic line to cover pipe looping, upsizing or replacements over the next 5 years. Once the master plan is completed, the City will have a better idea of which projects this might entail.

Proposed Funding Sources:

This project is funded through the stormwater utility and SDCs. This project is 50% growth related.





CAPITAL IMPROVEMENT PLAN

FISCAL YEAR 2016/2017



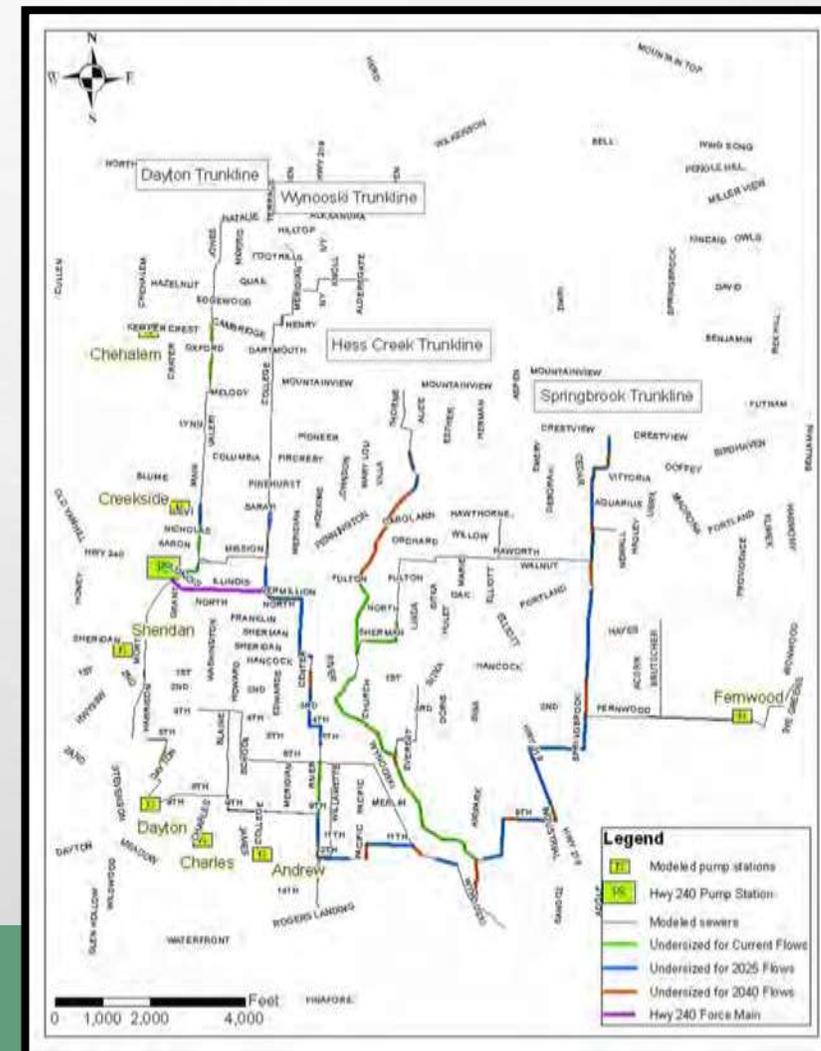
INFLOW & INFILTRATION

- **\$450,000 IN THIS FISCAL YEAR**
- **REDUCE PEAK FLOWS TO THE WWTP**
- **DELAY CAPACITY RELATED PIPELINE PROJECTS**
- **AQUARIUS/ N. SPRINGBROOK**
- **6TH STREET, SCHOOL-WILLAMETTE**



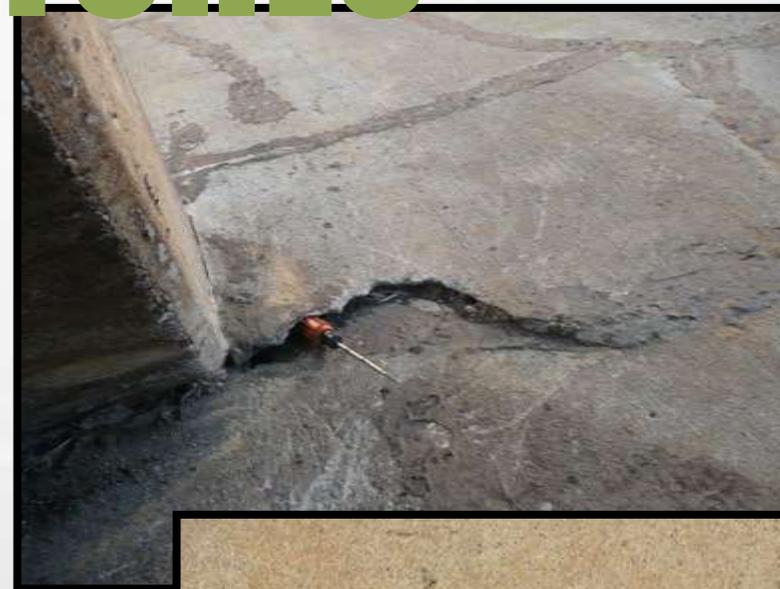
WASTEWATER MASTER PLAN

- **\$300,000 IN THIS FISCAL YEAR**
- **MASTER PLANS ARE UPDATED EVERY 10 YEARS**
- **OUR LAST PLAN WAS ADOPTED IN 2007**
- **WILL INCLUDE PIPELINES, TREATMENT PLANT, PUMP STATIONS**
- **AN AD-HOC CITIZEN REVIEW COMMITTEE WILL BE FORMED**



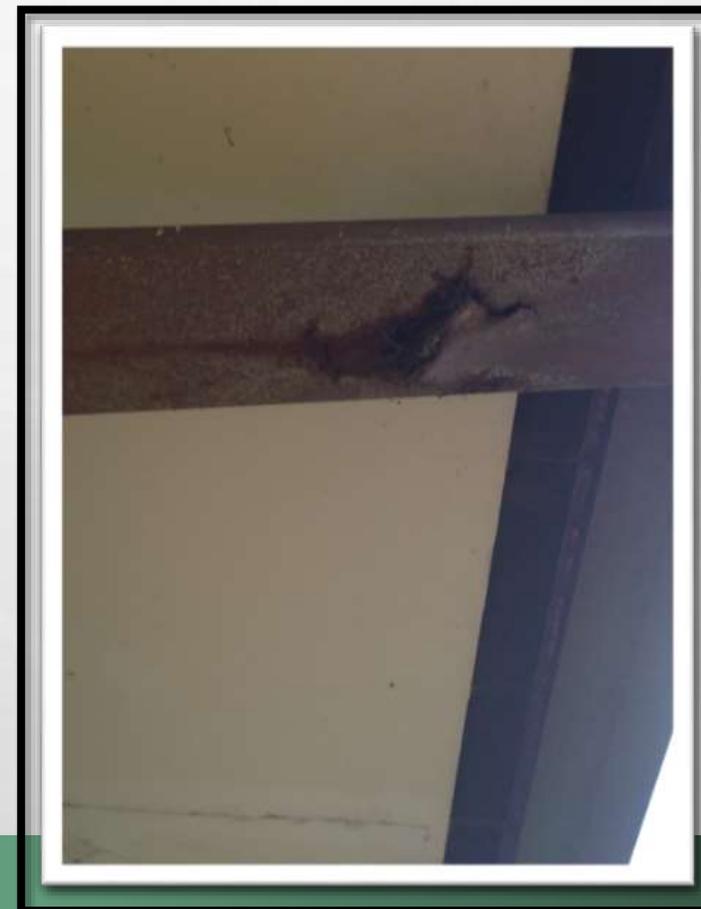
WWTP OXIDATION DITCHES

- **\$1,200,000 IN THIS FISCAL YEAR**
- **STRUCTURAL REPAIRS OF THE EXISTING DITCHES ARE NECESSARY**
- **ONE DITCH WILL BE REPAIRED**
- **REPAIR OF THE 2ND DITCH IS SEVERAL YEARS AWAY**



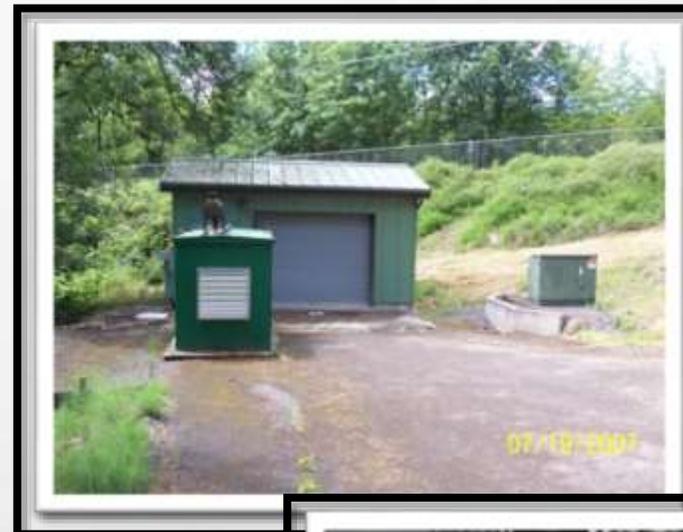
ROOFING AT TREATMENT PLANT

- **THE MAJORITY OF THE ROOFS AT THE WWTP WERE INSTALLED IN 1988**
- **PROJECT WILL REPLACE THE ROOFS AT THE COMPOSER AND DISINFECTION BUILDING**
- **\$100,000 IN THIS FISCAL YEAR**
- **REMAINING ROOFS ARE SCHEDULED TO BE REPLACED OVER THE NEXT 5 YEARS**



DAYTON AVENUE PUMP STATION

- **\$1,500,000 IN THIS FISCAL YEAR**
- **REGULARLY OVERFLOWS INTO CHEHALEM CREEK**
- **PRELIMINARY DESIGN REPORT/FEASIBILITY STUDY COMPLETE FY15/16**
- **FINAL DESIGN AND CONSTRUCTION OVER THE NEXT 2 YEARS**

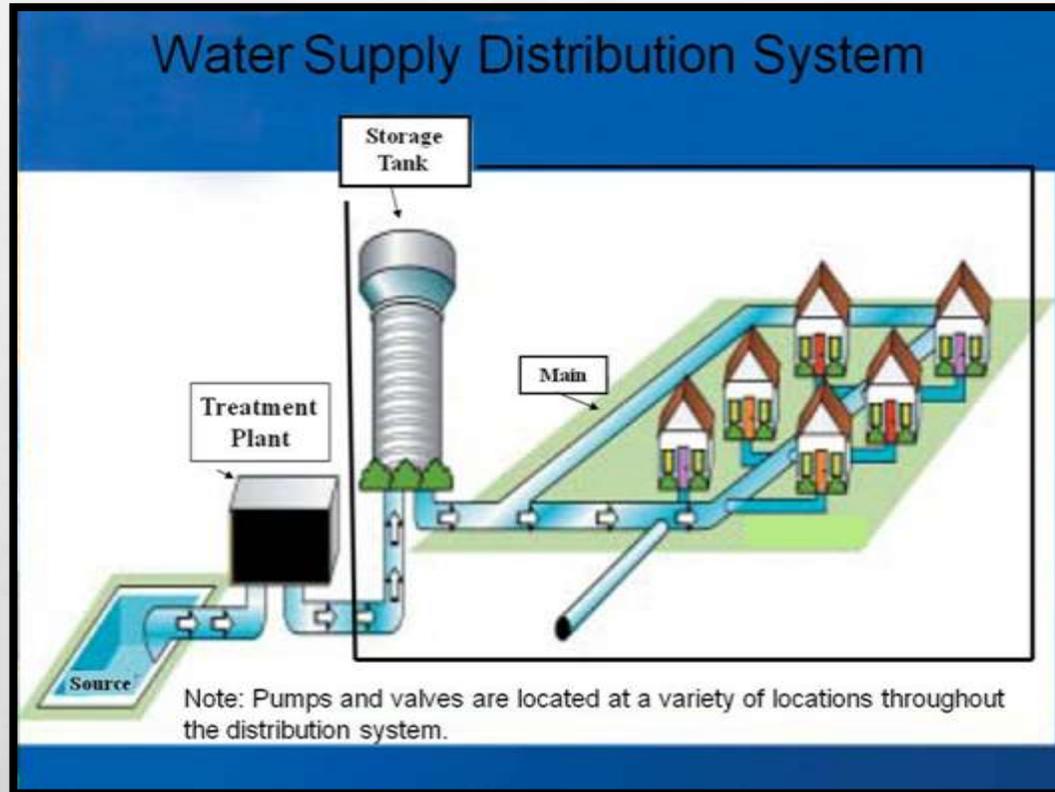


HYPOCHLORITE GENERATOR

- **\$506,000 IN THIS FISCAL YEAR**
- **WILL REPLACE EXISTING CHLORINE GAS FACILITY AT WWTP**
- **CONTRACT AWARDED APRIL 18TH – COMPLETE IN FALL OF 2016**

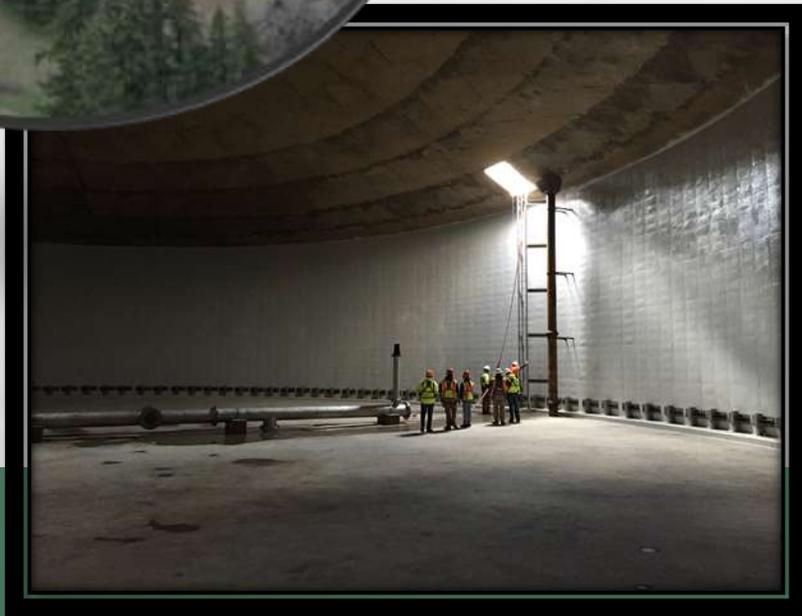


WATER MASTER PLAN



- **\$20,000 IN THIS FISCAL YEAR**
- **INCLUDES PIPING, SOURCE, STORAGE AND NON-POTABLE SYSTEM**
- **PROJECT IS UNDERWAY – COMPLETE IN FALL 2016**

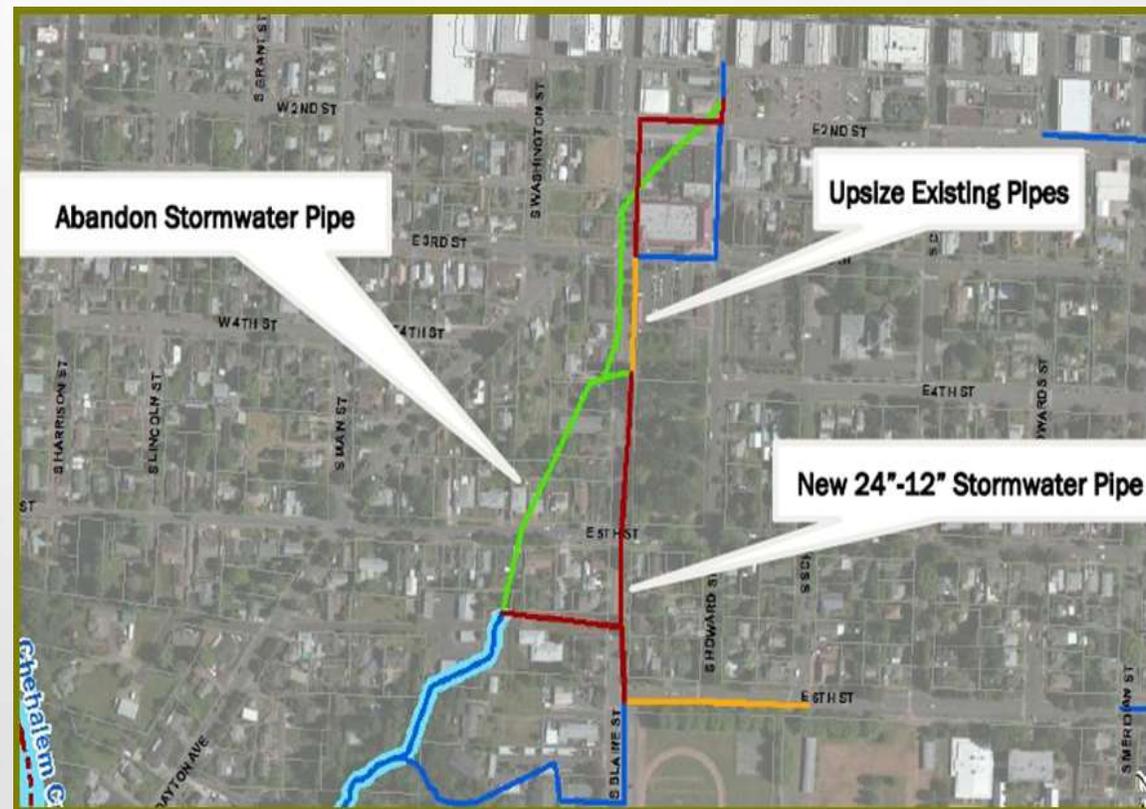
N. VALLEY RESERVOIR IMPROVEMENTS



- **\$925,000 IN THIS FISCAL YEAR**
- **INCLUDED SEISMIC RETROFITS, MIXING SYSTEMS , PAINTING & SEALING OF RESERVOIRS**
- **CONSTRUCTION UNDERWAY – NV2 COMPLETE, NV1 WILL BE COMPLETED IN FALL 2016**

BLAINE STREET STORMWATER

- **REPLACES UNDERSIZED AND STRUCTURALLY DEFICIENT PIPE**
- **PROJECT TO BE COMPLETED IN PHASES**
- **\$350,000 IN THIS FISCAL YEAR**
- **PHASE 1 – BIDS WERE REJECTED**
– **REDESIGN/RETOOLING IS UNDERWAY**



VILLA ROAD IMPROVEMENTS

- **\$1,200,000 IN ROAD - \$300,000 IN STORM IN THIS FISCAL YEAR**
- **BUILD IN PHASES**
- **PHASE 1 (CULVERT WORK) AWARDED MAY 2ND**
- **PHASE 2 (ROAD WORK) TO CONSTRUCT SUMMER 2017**



PAVEMENT REHABILITATION



Elliot Road



Springbrook Road

- **\$200,000 IN THIS FISCAL YEAR**
- **ELLIOT ROAD: FROM OLD MILL THROUGH HAWORTH INTERSECTION**
- **N. SPRINGBROOK ROAD: FROM SAFEWAY TO NORTH OF FIRE STATION (NO CENTER LANE WORK)**

LED STREET LIGHT CONVERSION

- **\$200,000 IN THIS FISCAL YEAR**
- **TOTAL STREET LIGHT CONVERSION OF CITY OWNED LIGHTS IS ESTIMATED AT ~\$1,000,000**
- **ENERGY SAVINGS ESTIMATED AT \$61,000/YEAR**
- **WOULD POTENTIALLY START TO FUND THE CONVERSION**



MAINTENANCE YARD

- **THE CITY ACQUIRED THE PROPERTY NEXT DOOR IN 2015**
- **IMPROVEMENTS IN PROCESS OVER NEXT 5 YEARS**



REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ___	Ordinance ___	Resolution <u>X</u>	Motion ___	Information ___
No.	No.	No. 2016-3312		

SUBJECT: A Resolution Initiating an amendment to the Newberg Municipal Code, Title 15 Development Code to reconcile Place, Time and Manner Regulations for Medical Marijuana Growers, Processors and Dispensaries; and Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers.

**Contact Person (Preparer) for this Motion: Doug Rux, Director
Dept.: Community Development
File No.: DCA-16-003**

RECOMMENDATION:

Adopt Resolution No. 2016-3312, initiating an amendment to the Newberg Municipal Code, Title 15 Development Code to reconcile Place, Time and Manner Regulations for Medical Marijuana Growers, Processors and Dispensaries; and Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers.

EXECUTIVE SUMMARY:

On March 19, 2014, Senate Bill 1531 was signed into law. SB 1531 gives local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries, including the ability to impose a moratorium for a period of time up until May 1, 2015. Newberg enacted such a moratorium on April 7, 2014.

On April 6, 2015 the City Council passed Ordinance No. 2015-2780 for place, time and manner regulations for medical marijuana dispensaries.

The Oregon Legislature enacted four bills during the 2015 legislative session related to the Oregon Medical Marijuana Act and Measure 91. House Bill (HB) 3400 was the omnibus bill covering recreational marijuana and modifications to the medical marijuana program. HB 2014 was enacted addressing taxes on the sale of recreational marijuana, SB 460 related to limited retail sales of marijuana from medical marijuana dispensaries, and SB 844 enacted a task force on researching the medical and public health properties of cannabis. In addition to the enacting of the four bills the Oregon Liquor Control Commission adopted temporary Oregon Administrative Rules (OAR's) on November 20, 2015 for recreational marijuana under Chapter 845, Division 25 which were subsequently amended in December 2015.

On September 8, 2015 the Newberg City Council was provided background information on medical and recreational marijuana at its Work Session. At its Business Session on September 8th the City Council established the Marijuana Subcommittee (Subcommittee) comprised of Councilors Rourke, Bacon and McKinney along with non-voting member Mayor Andrews. The City Council also directed staff to bring back an ordinance with a ban of the sale of recreational marijuana from Medical Marijuana Dispensaries.

On September 21, 2015 the Newberg City Council passed ordinance 2015-2787 declaring a ban on the early sale of recreational marijuana by medical marijuana dispensaries and declared an emergency.

The Subcommittee held four meetings. On November 19, 2015 they reviewed the similarities and differences of medical marijuana and recreational marijuana. On December 9, 2015 medical marijuana growers and processors and modifications for dispensaries were reviewed. At the January 12, 2016 meeting they reviewed recreational marijuana producers and processors. On March 3, 2016 the Subcommittee reviewed marijuana taxes and paraphernalia.

The City Council subsequently adopted Ordinance No. 2016-2793 for medical marijuana growers and processors and modifications for dispensaries; Ordinance No. 2016-2798 for recreational marijuana producers and processors; and Ordinance No. 2016-2801 for recreational marijuana wholesalers, laboratories, research certificates and retailers. The City Council chose not direct staff to bring forward a proposal to modify the existing ordinance on marijuana taxes based on their discussion on April 4, 2016. Modifications to the Newberg Municipal Code on paraphernalia are being prepared by the Legal Department based on the Subcommittee direction to bring forward to the City Council for consideration. The City Council also passed Ordinance No. 2016-2802 repealing Newberg Municipal Code 9.10.025, Ban on Early Marijuana Sales (recreational sales from medical dispensaries).

The Oregon Legislature met in its short session in early 2016 and passed several new bills related to marijuana. These include SB 1601 (Taxes), SB 1511, HB 4014, SB 1598 and HB 4094 (Banking). The State also took prior legislation and incorporated them into ORS 475B – Cannabis Regulation (2015 Edition).

The Subcommittee was reformatted after Councilor Rourke's resignation on the City Council and he was replaced with Councilor Patrick Johnson. The Subcommittee met on May 10, 2016 to discuss the new State legislation and what reconciliation needed to occur for land use place, time and manner regulations based on locally adopted ordinances and the ordinance that was pending before the City Council on May 16, 2016.

The Subcommittee subsequently passed a motion 3-0 directing staff to create a Request for Council Action to initiate the Development Code amendment process to reconcile Place, Time and Manner Regulations for Medical Marijuana Growers, Processors and Dispensaries; and Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers.

The proposed amendment would include the following changes for place, time and manner:

1. Modifications to the districts (zones) which allow medical marijuana dispensaries to align with recreational marijuana retail operations.
2. Modify the districts which allow medical marijuana processors to align with recreational processors.
3. Establish districts which allow medical marijuana wholesalers consistent with recreational wholesalers.
4. Modify the subdistricts allowing recreational processors to align with medical marijuana processors.

The City Council is not asked to make a decision on these proposed changes at this time; only to initiate the amendment so that these proposed changes can be studied through the public hearing process. If the Council initiates the amendment a hearing will be scheduled at the Planning Commission for a recommendation and then at the City Council for a final decision.

FISCAL IMPACT:

No fiscal impact at this time.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Initiating the Development Code Amendment will help meet Goal #1 – Create a clear vision for the future of Newberg, maintain its small town feel and Objective 1.1 – Support and encourage efforts to create a specific vision for Newberg. The Development Code Amendment also relates to Goal #3 – Provide a high level of Public Safety Services and Objective 3.4 – Identify and develop regulations and codes addressing the changing laws regarding the distribution and use of marijuana.



RESOLUTION No. 2016-3312

A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE TO RECONCILE PLACE, TIME AND MANNER REGULATIONS FOR MEDICAL MARIJUANA GROWERS, PROCESSORS AND DISPENSARIES; AND RECREATIONAL MARIJUANA WHOLESALERS, LABORATORIES, RESEARCH CERTIFICATES AND RETAILERS

RECITALS:

1. The Oregon Legislature enacted four bills during the 2015 legislative session related to the Oregon Medical Marijuana Act and Measure 91. House Bill (HB) 3400 was the omnibus bill covering recreational marijuana and modifications to the medical marijuana program.
2. On September 8, 2015 the Newberg City Council was provided background information on medical and recreational marijuana at its Work Session. At its Business Session on September 8th the City Council established the Marijuana Subcommittee (Subcommittee) comprised of Councilors Rourke, Bacon and McKinney along with non-voting member Mayor Andrews.
3. The Subcommittee held four meetings. On November 19, 2015 they reviewed the similarities and differences of medical marijuana and recreational marijuana. On December 9, 2015 medical marijuana growers and processors and modifications for dispensaries were reviewed. At the January 12, 2016 meeting they reviewed recreational marijuana producers and processors. On March 3, 2016 the Subcommittee reviewed marijuana taxes and paraphernalia.
4. The Oregon Legislature met in its short session in early 2016 and passed several new bills related to marijuana. These include SB 1601 (Taxes), SB 1511, HB 4014, SB 1598 and HB 4094 (Banking). The State also took prior legislation and incorporated them into ORS 475B – Cannabis Regulation (2015 Edition).
5. The Subcommittee was reformatted after Councilor Rourke’s resignation on the City Council and he was replaced with Councilor Patrick Johnson. The Subcommittee met on May 10, 2016 to discuss the new State legislation and what reconciliation needed to occur for land use place, time and manner regulations based on locally adopted ordinances and the ordinance that was pending before the City Council on May 16, 2016.
6. The Subcommittee subsequently passed a motion 3-0 directing staff to create a Request for Council Action to initiate the Development Code amendment process to reconcile Place, Time and Manner Regulations for Medical Marijuana Growers, Processors and Dispensaries; and Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council initiates an amendment to the Newberg Municipal Code, Title 15 Development Code to reconcile Place, Time and Manner Regulations for Medical Marijuana Growers, Processors and Dispensaries; and Recreational Marijuana Wholesalers, Laboratories, Research Certificates and Retailers. This starts the public process to study the proposed amendments.
2. By initiating this amendment, the council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration in a public hearing.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 6, 2016

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of July, 2016.

Sue Ryan, City Recorder

ATTEST by the Mayor this 7th day of July, 2016.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ___	Ordinance ___	Resolution <u>X</u>	Motion ___	Information ___
No.	No.	No. 2016-3317		

SUBJECT: A resolution authorizing and approving amendments to the loan agreement, between the State of Oregon acting by and through its Department of Transportation (“ODOT”) and the City of Newberg, a municipal corporation of the State of Oregon (“Newberg”), dated July 1, 2013, (the “Loan Agreement”).

**Contact Person (Preparer) for this Motion: Doug Rux, Director
Dept.: Community Development
File No.: G-16-010**

RECOMMENDATION:

Adopt Resolution No. 2016-3317

EXECUTIVE SUMMARY:

The Newberg City Council adopted Resolution No. 2012-3009 on July 2, 2012 authorizing the City Manager to enter into an Intergovernmental Agreement with Yamhill County, the City of Dundee and the City of McMinnville for Phase 1 of the Newberg-Dundee Bypass project providing for joint cooperation in filing an application for a loan from the Oregon Department of Transportation (ODOT) for funding the local match for the project and authorized the City Manager to file the joint application. The Resolution noted that the match amount was \$20,000,000 of which the City of Newberg, Yamhill County, the City of Dundee and the City of McMinnville share would be \$16,000,000 with the Confederated Tribes of the Grand Ronde providing \$4,000,000. The City of Newberg’s share of the \$16,000,000 was identified as \$2,211,200.

On June 17, 2013 the Newberg City Council adopted Resolution No. 2013-3060 authorizing a loan from the Oregon Transportation Infrastructure Fund by entering into an agreement with ODOT. This loan agreement was entered into on July 1, 2013 in the amount of \$2,211,200.

Phase 1 of the Newberg-Dundee Bypass is currently estimated to have a cost savings estimated at \$10,500,000. Approximately \$9,000,000 would be State savings and \$1,500,000 from the local jurisdictions. ODOT, Yamhill County, the Confederated Tribes of the Grand Ronde and the cities of Newberg, Dundee and McMinnville have been discussing applying the cost savings to Phase 2 of the Newberg-Dundee Bypass from Highway 219 to Highway 99W rather than having the cost savings credited back. The Oregon Transportation Commission held a meeting on June 16, 2016 with an agenda item to discuss and take action on an ODOT request that the 2015-2018 Statewide Transportation Improvement Program (STIP) be amended to add a new project, Oregon 18: Newberg-Dundee Bypass (Phase 2). The local jurisdictions provided letters of support to the Oregon Transportation Commission. In the ODOT staff report and support letters the estimated cost savings from Phase 1 would be applied to Phase 2, initially to acquire right-of-way, but could also be used for engineering and construction. The Oregon Transportation Commission passed this action item on June 16, 2016. The entities are now following through with their commitment to bring forward resolutions or other affirmative action by their governing commission or council.

FISCAL IMPACT:

Newberg's share of the original \$16,000,000 local match equaled \$2,211,200 or 13.82%. The maturity date of the loan is January 25, 2036 and carries a 2.58% interest rate per annum. Accrued unpaid interest began on January 25, 2014. Installment payment of principal and interest begins on January 25, 2017 in the amount of \$142,916.

If the estimated \$1,500,000 of the local share of the overall \$10,500,000 savings was credited back to the local jurisdictions it is estimated Newberg's loan amount would be reduced by approximately \$179,000. By allocating the savings to Phase 2 the payment schedule outlined above and the overall loan amount of \$2,211,200 would stay intact.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

Council Goal #5 is to "Maintain and modernize the City's transportation and utilities infrastructure", and Objective #5.11 is to "Continue to support the completion of Phase 1 and future build out of the Newberg-Dundee Bypass." Resolution 2016-3317 furthers this goal and objective by allocating Newberg's costs savings from Phase 1 to Phase 2 for the acquisition of right-of-way, engineering and construction.



RESOLUTION No. 2016-3317

A RESOLUTION AUTHORIZING AND APPROVING AMENDMENTS TO THE LOAN AGREEMENT, BETWEEN THE STATE OF OREGON ACTING BY AND THROUGH ITS DEPARTMENT OF TRANSPORTATION (“ODOT”) AND THE CITY OF NEWBERG, A MUNICIPAL CORPORATION OF THE STATE OF OREGON (“NEWBERG”), DATED JULY 1, 2013 (THE “LOAN AGREEMENT”)

RECITALS:

1. On July 1, 2013, ODOT and Newberg entered into the Loan Agreement.
2. Pursuant to the Loan Agreement, a portion of the cost savings resulting from construction of Phase I of the Newberg-Dundee Bypass would benefit Newberg.
3. Newberg desires that any Phase 1 cost savings benefitting Newberg be allocated to Phase 2 of the Newberg-Dundee Bypass consisting of the acquisition of right of way, engineering and construction of Phase 2 of the Newberg-Dundee Bypass, beginning at Oregon Highway 219 and traveling north through Newberg and connecting to Oregon 99W.
4. It is in the interest of Newberg to so amend the Loan Agreement to allow project savings to be applied to Phase 2.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Manager is hereby authorized to sign necessary amendments to the Loan Agreement that allow project savings to be applied to Phase 2, and the City Manager is authorized and directed to execute all documents as are necessary to effectuate such Amendments to the Loan Agreement.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 6, 2016.

ADOPTED by the City Council of the City of Newberg, Oregon, this 5th day of July, 2016.

Sue Ryan, City Recorder

ATTEST by the Mayor this 7th day of July, 2016.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016

Order ___	Ordinance _	Resolution ___	Motion <u>x</u>	Information ___
No.		No.		

SUBJECT: Recommendation to award a \$4,000 community grant to the Newberg Old Fashioned Festival Committee in support of the Fireworks Display at the 2016 Festival

**Contact Person (Preparer) for this Motion: Joe Hannan
Dept.: City Manager**

RECOMMENDATION: Approve a grant of \$4,000 to the Newberg Old Fashioned Festival Committee for fireworks which would be funded by transferring funds from court appointed attorney fees line item to community support line item

EXECUTIVE SUMMARY: Newberg Old Fashioned Days (NOFF) is celebrating its 36th year with its 'Christmas in July' Festival! The all-volunteer event raises money from individual, service club and corporate sponsors. The community festival includes food, music, carnival, vendors, sidewalk chalk competition, parades, dog costume contest, Brews & BBQ's, GeoCache, 5k Run, Pancake Breakfast, Hymn Sing, Car Show, Antique Fire Apparatus Display, Kid's Talent Show and Fireworks

The City has contributed to the Festival for 14 of the past 15 years in amounts from \$5-8,000. In response to difficult financial times, the City was not able to fund the festival in 2015. Festival volunteers replaced the unfunded City request with additional fundraising. In 2016, Old Fashioned Day volunteers have requested City support of the festival fireworks in the amount of \$8,000.

The Council discussed last year's change in funding support and the committee's success replacing city contributions. Several councilors acknowledged the positive contribution of NOFF volunteers and expressed support for the Festival while also not wanting to discourage community financial support of the Festival. Several councilors stated that if the City was to contribute they did not want to access the General Fund (displacing some other city essential service). A suggestions was made to explore the use of Transient Lodging Tax (TLT) funds. The recently accepted Tourism Strategy study recommended using the bulk of the TLT funds on mandated visitor information services and on capital or matching grant programs that would enhance the destination characteristics of the City.

The study further suggested a 3-5 year role for funding special event grants (such as the NOFF). As a next step in implementing the tourism strategy staff can prepare a recommended policy and process for accepting and awarding community events grants such as the Old Fashioned Festival that would be presented to Council well in advance of the 2017 budget process. The tourism study projected annual TLT revenues of \$220,000 beyond mandated contributions to visitor information services. It is reasonable to consider allocating some portion of the un-mandated funds (\$20-50,000) to support a community grant program.

FISCAL IMPACT: The court appointed attorney fee line item of \$20,000 line item would be reduced by \$4,000. Based on 2015 and 2016 activity, it appears that the court appointed services needs can be met with the remaining \$16,000.

ATTACHMENTS:

1. Ltr, Newberg Old Fashioned Festival 6/12/2016



P.O. Box 721
Newberg, OR 97132

June 12, 2016

Mayor Andrews and City Council Member's

Newberg Old Fashioned Festival would like to request that The Council consider distribution of funds from the TLT to support the 2016 Newberg Old Fashioned Festival Grand Fireworks Show presented free of charge to the estimated 20,000 community members and out of town guests.

Our 2016 show is being produced again locally by Western Display Fireworks of Canby Oregon at a cost of \$15,000. Year after year we hear comments that our fireworks show is one of the best around.

Our estimated cost of the festival is approximately \$70,000 which includes, three stages, lighting, sound, entertainers, radios, advertising and promotions, and much more. All funds we raise are donations from our own business community. We are planning wisely and have partnered with the number one Latino radio station in the metro area el Rey who will be hosting our Mike Boyes International Stage this year which has helped us maximize our budget for this attraction.

We feel with the diversity of our events with regards to age, interest focus from art, good foods & local spirits, to the up and coming family friendly sport of disc golf to family friendly carnival. Our Geo Caching Coin Challenge held Saturday afternoon has drawn cachers from SW Washington and California. With our major focus on our Main Parade and Grand Fireworks Show we have something for everyone.

For the 2014 festival year the City of Newberg contributed \$8000 towards the fireworks show of \$14,000. We would be thrilled with a \$8000 contribution like that of the 2014 festival but the total amount for our 2016 festival year is best decided by the Council. Whatever generous amount will only further ensure the longevity of the Newberg Old Fashioned Festival.

Newberg Old Fashioned Festival would like to express endless gratitude for the partnership the Mayor, City Council, City Employees at large continue to openly provide for the festival, the community members of the City of Newberg and all our guests.

Thank you for your time and consideration,

Chairman Kimberly Zoutendijk

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 5, 2016				
Order ___	Ordinance _	Resolution ___	Motion <u>x</u>	Information ___
No.		No.		
SUBJECT: League of Oregon Cities Priorities			Contact Person (Preparer) for this Motion: Joe Hannan Dept.: City Manager	

RECOMMENDATION: Council recommended 4 priorities to the League of Oregon Cities Legislative Priorities List for the 2017 legislative session.

EXECUTIVE SUMMARY:

For several months, eight policy committees of the League of Oregon cities have been working to identify and propose specific actions as part of the League’s effort to develop a pro-active legislative agenda for the 2017 session. They identified 29 legislative objectives (attached). The objectives span a variety of issues and differ in the potential resources required to seek their achievement. It is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

Each city has being asked to review the recommendations of the policy committees and their four top issues to the LOC Board of Directors as it prepares to adopt the League’s 2017 legislative agenda.

City staff has reviewed the 29 proposals and their recommendations are as followed

Department Directors’ Top 4 Recommended Priorities

1. Property Tax Reform (League Priority H)

- It represents the largest source of income to the City.
- It is a top issue for all cities, thus has the largest opportunity to become an LOC focus rather than other issues that affect a smaller number of cities

2. Transportation Funding and Policy Package (League Priority Z)

- Transportation funding will be critical to completion of the Newberg-Dundee Bypass from Dayton to Rex Hill. Newberg also has significant funding limitations for maintenance of our local street system and providing bike/ped facilities. A funding package that address new regional and statewide transportation systems that moves goods and services will assist our local economy and economic development efforts to get these goods and services to I-5 and Port of Portland facilities. At the local level expand resources either with State dollars or the ability to raise local funding sources without impediments or limitations will allow us to improve our transportation system for our local businesses and residents.

- There is a major funding gap in the City (and other Cities) to maintain this asset
- Phase 1 of a local option of a street utility fee/street lighting fee is underway but this will only fill approximately 50% of the yearly need
- Street maintenance funding continue to be a big issue for the City, and potential for additional revenue would be a direct benefit to Newberg.

3. Rights of Way (League Priority V)

4. Needed Housing Assistance Program (League Priority A)

Affordable housing is a critical issue in Newberg for our low and moderate income families. The overall available housing supply is minimal with two different community populations vying for the same price point – low/moderate income families and George Fox University students. Data indicates that high a level of cost burdened families within the community and few tools to address providing housing to this population. Having a State program available to look at innovative ways to provide housing to our low and moderate income families would further the activities of the Newberg Affordable Housing Commission and our Affordable Housing Action Plan.

Other recommendations (by one or two directors)

Funding Water System Resilience (League Priority AA)

- All of our water supply is on the south side of the Willamette River – in case of an emergency accessing our well field could be challenging
- As part of the Water Master Plan that we are working on – the recommendation is to find a redundant source of water (to supply winter average demands) on this side of the river
- This funding could help develop that source

DOGAMI Disaster Mapping (League Priority C)

9-1-1 Emergency Communications (League Priority X)

Newberg is already seeing the compression of this revenue versus cost of service.

Marijuana Taxes (League Priority L)

PERS Reform (League Priority S)

This system is unsustainable for the long term without some drastic changes being made. And, as stated in the narrative, changes that do not invoke a long-drawn out hearing process.

Arbitration Reform (League Priority T)

Local governments have been wrestling with this issue for years; the quality of the decision is more often based on the arbitrator's attitude than on the facts of the case, and they have resulted in costly awards which smaller jurisdictions have difficulty in funding, without decimating their entire budget.

Veterans Preference Clarifications (League Priority U)

Technology Funding (League Priority Y)

- Funding broadband initiatives will improve the public's ability to communicate with local government and education.
- Emergency management and disaster recovery programs benefit from a stronger broadband infrastructure.

FISCAL IMPACT: None

ATTACHMENTS:

1. League of Oregon Cities Legislative Priorities Packet



1201 Court Street NE, Suite 200 • Salem, Oregon 97301
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

June 6, 2016

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2017 session. They have identified 29 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2017 legislative agenda. After your city council has had the opportunity to review the 29 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2017 session. **The deadline for response is July 22, 2016.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2017 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael J. McCauley".

Michael J. McCauley
Executive Director

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2017.
2. Simply place an **X** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **July 22nd** via mail, fax or e-mail to:

Paul Aljets
League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, OR 97301
Fax – (503) 399-4863
paljets@orcities.org

Thank you for your participation.

City of: _____

Please mark **4** boxes with an **X** that reflect the top 4 issues that your city recommends be the priorities for the League's 2017 legislative agenda.

Legislation

Community Development	
A. Needed Housing Assistance Program	<input type="checkbox"/>
B. Natural Hazard Land Use Reform	<input type="checkbox"/>
C. DOGAMI Disaster Mapping	<input type="checkbox"/>
D. Floodplain Technical Assistance	<input type="checkbox"/>
Energy	
E. Green Energy Technology Requirement	<input type="checkbox"/>
F. Funding Public Energy Projects	<input type="checkbox"/>
G. Updates to Oregon Energy Code	<input type="checkbox"/>
Finance and Taxation	
H. Property Tax Reform - Market Value / Local Control	<input type="checkbox"/>
I. Property Tax Reform - Fairness and Equity	<input type="checkbox"/>
J. Local Lodging Tax	<input type="checkbox"/>
K. Nonprofit Property Tax Exemption	<input type="checkbox"/>
L. Marijuana and Vaping Taxes	<input type="checkbox"/>
General Government	
M. Restore Recreational Immunity	<input type="checkbox"/>
N. Increase Local Liquor Fees	<input type="checkbox"/>
O. Marijuana Legalization Implementation	<input type="checkbox"/>
P. Mental Health Investments	<input type="checkbox"/>
Q. Qualification Based Selection	<input type="checkbox"/>
Human Resources	
R. Subsidy for Retiree Health Insurance Repeal	<input type="checkbox"/>
S. PERS Reform	<input type="checkbox"/>
T. Arbitration Reform	<input type="checkbox"/>
U. Veterans Preference Clarifications	<input type="checkbox"/>
Telecommunications	
V. Rights of Way	<input type="checkbox"/>
W. Franchise Fees	<input type="checkbox"/>
X. 9-1-1 Emergency Communications	<input type="checkbox"/>
Y. Technology Funding	<input type="checkbox"/>
Transportation	
Z. Transportation Funding and Policy Package	<input type="checkbox"/>
Water/Wastewater	
AA. Funding Water System Resilience	<input type="checkbox"/>
BB. Enhanced Prescription Drug Take-Back	<input type="checkbox"/>
CC. Water Supply Development Fund	<input type="checkbox"/>

Community Development

Legislation	Background
<p>A. <u>Needed Housing Assistance Program</u></p> <p>Create state grants and technical assistance to cities working to develop housing development programs directed at new or innovative means of providing housing solutions for low-income or senior populations.</p>	<p>Cities are looking for new ways to serve the needs of a variety of people needing housing options and putting more resources toward housing projects. However, there is a need for state resources and assistance in implementing these programs. Funds that cities could access could be used to assist in land purchases for leasing for long-term low income housing, incentives for creating single story housing for seniors, tiny housing development, and planned developments that serve a range of incomes. Technical assistance to other cities should help a city determine what programs or planning options are available tools to help cities reach the goals set in the comprehensive plan.</p>
<p>B. <u>Natural Hazard Land Use Reform</u></p> <p>Create process for communities to move the UGB from an identified hazard area to resource lands and planning for replacing significant urban areas lost after a natural disaster.</p>	<p>As science has better located some hazards areas and as regulations impact the expected development of other areas, cities need to find ways to respond more efficiently to address long-term planning for development. This requires a simplification of the process for changing the location of development, including adding new areas to the UGB, to account for lost development capacity. There also needs to be a streamlined process for a city to identify areas of new development should a disaster remove a large portion of the buildable land supply if a disaster should strike.</p>
<p>C. <u>DOGAMI Disaster Mapping</u></p> <p>Increase funding for DOGAMI to complete comprehensive disaster mapping of cities, including landslide and floodplain risk identification, and natural hazard related evacuation planning for additional potential risks such as tsunami or wildfire inundation.</p>	<p>The Oregon Department of Geology and Mineral Industries (DOGAMI) provides a number of technical resources to cities to identify hazards that could impact development. The department is also an integral partner in creating plans for the emergency response for many disasters that could occur in the state. Increasing funds for comprehensive maps will help with long-term planning for hazard mitigation, resilience, and survival.</p>
<p>D. <u>Floodplain Technical Assistance</u></p> <p>Provide DLCD funding for technical assistance to cities implementing required changes to floodplain development management practices from FEMA.</p>	<p>Because of the recent release of the Biological Opinion from the National Oceanic and Atmospheric Administration Fisheries Service related to the National Flood Insurance Program's potential to impact endangered species, there is a need for cities to receive significant assistance in implementing any changes required by the Federal Emergency Management Agency. As the federal process moves forward, the state must provide resources to help cities update comprehensive plans and development codes. This issue will have a number of impacts and assistance in the form of model codes, staff resources, grants, and other expertise will be necessary for cities trying to implement any changes or additional work.</p>

Energy

Legislation	Background
<p><u>E. Changes to 1.5 Percent Green Energy Technology Requirement</u></p> <p>Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or community solar projects.</p>	<p>Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.</p> <p>Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will work to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment. As an example, a city could use the funds on a community solar project to benefit low-income residents rather than being required to invest in solar generation at the site of the public building project.</p>
<p><u>F. Funding for Public Energy Projects</u></p> <p>Support enhanced incentives for public energy projects including grants for technical assistance, feasibility studies and resource recovery projects for energy and fuel generation.</p>	<p>There are programs that exist in Oregon for the purpose of incentivizing energy projects including renewable energy generation, alternative fuel vehicles, and energy efficiency. Programs such as the Business Energy Tax Credit (BETC), which was discontinued in 2014, and the State Energy Loan Program have been important tools for incentivizing energy projects for local governments. However, as a result of scrutiny over the administration of these incentives including private loan defaults, these programs are either no longer available, such is the case with the BETC program, or are at risk of being discontinued. It is critical for municipalities to have ongoing access to incentive opportunities as energy projects can be difficult to pencil-out and even more difficult for smaller communities to finance. The state of Oregon should take into consideration that loans for public energy projects, including cities, are lower-risk and should not be penalized in light of recent scrutiny. In addition, investments in these projects often result in environmental, social and economic benefits including long-term savings for taxpayers and reductions in greenhouse gas emissions.</p> <p>The League will work to enhance funding, including grants for technical assistance and feasibility studies for communities that currently do not have access to resources. The League will also advocate for incentives for energy and fuel generation projects. Examples of projects that warrant funding incentives include methane capture for fuel or energy generation, investments in community solar projects, renewable energy generation, and energy efficiency improvements.</p>

Energy (Continued)

Legislation	Background
<p>G. <u>Require Updates to Oregon Energy Code</u></p> <p>Require the Oregon Building Codes Division (BCD) to engage in more frequent review of the state’s energy code to reduce greenhouse gas reductions and ensure that Oregonians can more affordably and efficiently heat their homes and businesses.</p>	<p>Oregon’s statewide energy code for commercial and residential buildings is an important tool for achieving greenhouse gas reductions through decreased energy consumption while helping to ensure that Oregonians are able to more efficiently and affordably heat their homes and businesses. Federal law requires each state to certify that their state energy code is equivalent to federal model energy codes. While Oregon was once a leader in energy code adoption and implementation, the state is now in a position of falling behind the federal code. This is due, in large part, to a decision made by the Oregon Building Codes Division in 2013 which changed the code cycle from a three-year update to a six-year update. Major code changes, including adoption of national codes, will now occur every six years with minor changes occurring every three years. This change will impact Oregon’s ability to keep pace with federal standards and new technologies in energy efficiency.</p> <p>The League will work to support efforts to align new construction building codes with the state’s climate goal timelines. In addition, the League will support efforts to establish a periodic review schedule to ensure that Oregon more frequently updates the state energy code in order to reflect federal code requirements. Also, the League will encourage the state to set specific targets for increased energy efficiency in residential and commercial building construction with specific goals for increasing energy efficiency standards for affordable housing projects and increasing use of net-zero and passive house building requirements. Finally, the League will work to require BCD to make regular reports back to the legislature to update on energy code implementation and goals.</p>

Finance and Tax

Legislation	Background
<p>H. <u>Property Tax Reform – Market Value / Local Control</u></p> <p>A legislative constitutional referral to reform the property tax system:</p> <ul style="list-style-type: none"> a) to achieve equity, transitions to a market based property tax valuation system; and b) to restore choice, allows local voters to adopt tax levies and establish tax rates outside of current constitutional limits in their taxing jurisdictions. 	<p>Property taxes are regulated largely by Measure 5 (1990) and Measure 50 (1997), as provided in the Oregon Constitution. Measure 50 established a new method for assessing property, discounting the assessment at 10 percent of the real market value and calling this assessed value. Assessed value is capped at an annual growth limit of 3 percent. As a state total, due to the limits and market changes, the gap between real market value and assessed value has now grown to nearly 25 percent over the past 20 years. This gap varies widely on a property by property basis, creating considerable property tax inequities for properties that sell for similar prices in a city. In short, Oregon property taxes have become disassociated from real market value and the result is considerable inequity.</p> <p>For FY 2014-15, 60 percent of cities, 97 percent of counties, and 89 percent of school districts had some compression. This means that the Measure 5 caps of \$5 per \$1000 for education and \$10 per \$1000 for general government on real market value have been exceeded in most taxing jurisdictions. The caps are over 25 years old and were set low as voters were anticipating a sales tax to be coupled with it. Voters can no longer vote for the services they desire due to these caps. With looming PERS costs increases, paying for services with the present restrictions will become very difficult in some cities.</p>
<p>I. <u>Property Tax Reform – Fairness and Equity</u></p> <p>A bill that pursues statutory modifications to the existing property tax system that enhances the fairness and adequacy of the current system.</p>	<p>There are some adjustments to the property tax process and calculations that can be done statutorily. These include altering the changed property ratio statute and the statutory discount given to property owners who pay their taxes by November 15th. New property is added to the tax rolls using a county-wide ratio (assessed value to real market value) for determining the discount to apply to the real market value and that could be changed statutorily to a city-wide ratio in taxing districts who elect the change.</p>

Finance and Tax (Continued)

Legislation	Background
<p>J. <u>Local Lodging Tax</u></p> <p>A lodging tax bill, the outcome of which, would:</p> <ul style="list-style-type: none"> a) Provide jurisdictions greater flexibility to spend local lodging tax revenue to plan for and provide services and infrastructure related to tourism; b) Reduce or eliminate the required reimbursement charge that a lodging tax collector is allowed to retain for filing a local lodging tax return; and c) Improve efficiency and collection of local lodging taxes in cooperation with the state. 	<p>State law restricts how local lodging tax revenues may be expended. Post 2003, any new taxes or any tax increase requires a 70 percent revenue dedication to tourism promotion or tourism-related facilities. In addition, state statute provides that cities may not lower the actual percentage of lodging tax revenues that were dedicated to tourism prior to 2003. This means that cities have varied percentages of restricted local lodging taxes revenues. These numbers are arbitrary as they were set based on circumstances in 2003 that have often greatly changed. In addition, the legislative history shows that the legislature intended to provide some revenue flexibility and provide that certain infrastructure (roads, sewer lines, etc.) would qualify as tourism-related but the statutes need revision and clarification.</p> <p>State law requires local governments to provide a 5 percent collector reimbursement charge if they impose a new lodging tax or tax increase after January 1, 2001. This is a deduction from the taxes that would otherwise be due. The state also provides a 5 percent collector reimbursement charge for state lodging taxes. In addition, local governments that had a reimbursement charge, must continue it. Thus, cities have very different reimbursement requirements—some are at zero, others are at 5 percent, and some are in between. When coupled with the state deduction, the deduction seems too generous.</p> <p>The Oregon Department of Revenue now collects state lodging taxes throughout the state and could collect and enforce local lodging taxes at the same time if given statutory authority. Local governments could then enter into voluntary agreements with the state to delegate the collection. This option could make collection much more efficient and cost-effective for some local governments. In addition, cities continue to struggle with collections and auditing, particularly from online companies and private home rentals (through Airbnb, etc.) and this area of the law could be improved.</p>

Finance and Tax (Continued)

Legislation	Background
<p>K. <u>Nonprofit Property Tax Exemption</u></p> <p>Clarify and reform the statutory property tax exemption provided to nonprofit entities to address cost-benefit concerns for the continued full exemption in light of cost of city services provided to nonprofits and the changing services and business models of some nonprofit entity types.</p>	<p>Nonprofit organizations that are charitable, literary, benevolent or scientific are provided a property tax exemption that will cost more than \$194 million in the 2015-17 biennium. In addition, exemptions for the property of nonprofit religious organizations costs more than \$113 million for the biennium. For many cities, much of the city is exempt from property taxes due to the public property exemption and these nonprofit exemptions. This includes hospitals, nursing homes, etc.</p> <p>The Legislature has formed a work group to look at the nonprofit property tax exemption issue as the nature and number of nonprofits is changing and the administration of the exemption has become complex for county tax assessors. Nonprofit entities require significant services, including transportation, water, sewer, police, fire, etc. Thus, the legislature is looking at property taxes more as a service tax and considering how the full exemption could be adjusted to have nonprofits pay for their fair share of costs of services or otherwise meet a benefit test for continuing an exemption.</p>
<p>L. <u>Marijuana and Vaping Taxes</u></p> <p>Defend against restrictions and preemptions regarding local marijuana and vaping taxes and advocate for appropriate state shared revenue levels and distribution formulas for state marijuana taxes and potential vaping taxes.</p>	<p>There are no revenue use restrictions on local marijuana taxes, but the local marijuana tax rate is capped at 3 percent. There are no restrictions on local governments imposing a vaping tax. The state has not imposed a tax on vaping products to date but is considering a tax. Often when the state imposes a tax (for example, cigarette or liquor), the state preempts local governments from also imposing a tax.</p> <p>10 percent of state marijuana taxes will be distributed to cities after state administrative costs. Distributions will be made per capita for revenues received prior to July 1, 2017. After July 1, they will be distributed based on the number of the various marijuana licenses issued in a city. Cities that prohibit establishments for recreational marijuana producers, processors, wholesalers or retailers will receive no state shared revenue. Likewise, cities that prohibit a medical marijuana grow site or facility will receive no state shared revenue.</p>

General Government

Legislation	Background
<p data-bbox="99 197 792 231">M. <u>Restore Recreational Immunity</u></p> <p data-bbox="99 268 792 373">Cities should enjoy protection from unreasonable litigation when offering recreational opportunities to the public.</p>	<p data-bbox="792 197 1523 407">ORS 105.682 grants that a land owner is not liable for any personal injury, death or property damage that arises out of the use of their land for recreational purposes as long as no fee is charged in order to access that property. This statute allows cities to operate parks and trails without fear of lawsuit.</p> <p data-bbox="792 445 1523 655">However, in the recently decided Oregon Supreme Court case, <i>Johnson v Gibson</i>, It was held that even though the landowner may be immune from liability, their employees are not. As a result, two employees of the City of Portland were found liable for injuries sustained by a jogger in a park, employees who are indemnified by their employer.</p> <p data-bbox="792 693 1523 869">The practical effect of this ruling is that the immunity previously enjoyed by cities that allowed for robust park development have been eroded to the point of being non-existent. This priority directs LOC staff to seek to amend the ORS 105.682 to restore that immunity.</p>
<p data-bbox="99 909 792 942">N. <u>Increase Local Liquor Fees</u></p> <p data-bbox="99 980 792 1085">Cities play an important role in the review and investigation of liquor license applicants and should be able to recoup costs associated with that role.</p>	<p data-bbox="792 909 1523 1119">ORS 471.166 allows cities to adopt fees that are “reasonable and necessary to pay expenses” associated the review and investigation of liquor license applicants. However, the same statute limits the amounts of those fees to between \$25 and \$100 depending on the license or approval being sought by the applicant.</p> <p data-bbox="792 1157 1523 1299">This priority is to pursue changes to this statute that allow cities to recoup the actual costs associated with performing their role in the liquor licensing process and allowing for periodic increases.</p>

General Government (Continued)

Legislation	Background
<p><u>O. Continue Marijuana Legalization Implementation</u></p> <p>Allow for civil enforcement of marijuana laws. Ensure equitable distribution of marijuana shared revenues. Eliminate limitations on shared revenue use.</p>	<p>One of the promises made by marijuana legalization advocates is that illicit sales and production of marijuana would shift into a legalized and regulated market. This has occurred to a large extent but many producers and retailers continue to seek the financial benefits or participation in the marijuana industry while avoiding the inconvenience of its regulatory framework. This priority seeks legislation that gives the Oregon Liquor Control Commission (OLCC) the same civil and administrative authority to prevent unlicensed sales and production of marijuana as it has in regards to liquor.</p> <p>Beginning in 2017, state shared revenue from marijuana will be distributed to cities based in the number of OLCC licensed commercial marijuana entities exist in their jurisdiction. This priority is to alter that arrangement so that is it distributed on a per capita basis to ensure equitable distribution among cities that are incurring costs.</p> <p>Measure 91 required that money distributed by the state to cities be used exclusively for costs associated with marijuana legalization. Tracking a dollar though a city's general fund and determining if a service was related to marijuana is inefficient if not impossible, and is not imposed for the receipt of liquor revenue. This priority is to advocate for legislation that removes this burden.</p>
<p><u>P. Protect Mental Health Investments Made in 2015</u></p> <p>Oregon made significant and strategic investments in protecting and caring for the mentally ill in 2015 that should be maintained.</p>	<p>The Legislature increased access to mental health care and expanded existing, proven programs designed to de-escalate police contacts with the mentally ill. Those programs could be vulnerable in a difficult budget environment made challenging by increased PERS rates.</p> <p>This priority is defensive in nature and seeks to preserve investments that are improving the lives of mentally ill Oregonians.</p>
<p><u>Q. Remove Qualification Based Selection Mandate</u></p> <p>Cities should be allowed to consider cost when making initial contract award decisions when hiring architects and engineers.</p>	<p>Cities are currently required to use a procurement method that prevents the consideration of cost when contracting with architects and engineers for public improvements. Instead, cities must base their initial selection for these services based solely on qualifications and can only negotiate the price after an initial selection is made.</p> <p>This mandate is not a cost effective means for procuring services and is poor stewardship of the public's dollars. This priority is to seek the removal of this mandate.</p>

Human Resources

Legislation	Background
<p>R. <u>Repeal Requirement to Subsidize Retiree Health Insurance</u></p> <p>Public employers should not subsidize the health insurance of former employees when reasonable, cost competitive options exist.</p>	<p>ORS 243.303 mandates that local governments provide retirees with access to health insurance and requires that they be placed in the same risk pool as active employees. As retirees are approximately 2.5 times more expensive to insure than active employees this mandate results in employers and current employees subsidizing the health insurance costs of former employees. This subsidization, according to the Government Accounting Standards Board, must be shown on an audit as long term liability, thus creating an inaccurate perception of a city's financial condition. Further, this requirement could be described as anachronistic as individuals are now able to purchase health insurance under the Affordable Care Act.</p> <p>This priority is to eliminate ORS 243.303 from Oregon's laws.</p>
<p>S. <u>PERS Reform</u></p> <p>PERS benefits should be adjusted where legally allowable and investments should be maximized to ensure a sustainable and adequate pension system.</p>	<p>The PERS unfunded liability stands at \$22 billion and employer rates are anticipated to approach 30 percent of payroll in the coming biennium. Rates are expected to remain at that level for the next twenty years. This is not sustainable.</p> <p>This priority is to seek any equitable changes to benefits that will reduce employer rates while not pursuing options that are legally tenuous or counterproductive. Additionally, changes are to be sought to the investment portfolio that will maximize returns through improved risk management and efficiencies.</p>

Human Resources (Continued)

Legislation	Background
<p>T. <u>Arbitration Changes</u></p> <p>Public employers should have greater influence over the disciplining of their employees.</p>	<p>Currently under the Public Employee Collective Bargaining Act, contested employee discipline matters must be submitted to an outside arbitrator for adjudication. Decisions by arbitrators are binding unless the conduct was a violation of public policy as defined by the state, there was serious criminal conduct or an egregious inappropriate use of force.</p> <p>This priority is to seek the following changes to the statute:</p> <ul style="list-style-type: none"> • Arbitrator decisions should also comply with local policies; • Decisions should comply with policies related to any inappropriate use of force a; • Arbitrator decisions should recognize all criminal misconduct related to employment not just “serious”; • Employer disciplinary decisions as it regards employees who are supervisors as defined by the EEOC and BOLI should be given more weight.
<p>U. <u>Veterans Preference Clarifications</u></p> <p>Requirements that veterans be given preference in public sector hiring should be clear and unambiguous for the benefit of veterans and employers.</p>	<p>The State of Oregon requires and the League agrees that honorably discharged veterans deserve special consideration in public sector hiring. However, statutes describing how this is to be accomplished are unclear and ambiguous. Vague statutes do not serve the interests of employers or veterans.</p> <p>This priority seeks a clear definition of “preference” in the statute, ensure that recently separated veterans receive the consideration necessary for them to successfully enter the workforce and establishes clarity as to when the preference is to be applied.</p>

Telecommunications, Cable & Broadband

Legislation	Background
<p>V. <u>Rights of Way</u></p> <p>Oppose legislation that preempts local authority to manage public rights-of-way and receive compensation for their use.</p>	<p>In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of franchise fee and rights-of-way management authority discussions, proposals to restriction to this authority arise. These include a statewide franchise policy and revenue collection system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority, the ability to enter into agreements with service providers either by agreement/contract or ordinance and to derive revenues from business fees charged to users of public rights-of-way.</p>
<p>W. <u>Franchise Fees</u></p> <p>To ensure market fairness and equity, prepare legislation for possible introduction repealing ORS 221.515 (HB 2455 -7 in 2013, and HB 2172 in 2015) to remove franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers but not to competitive local exchange carriers.</p>	<p>Oregon statute currently contains a discrepancy between how cities collect franchise fees from incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). ORS 221.515 limits cities collecting franchise fees from ILECs to a maximum of 7 percent of revenues derived from dial-up services, which represents only a portion of ILEC total revenues due to the addition of a broader array of customer services. There is no such rate cap or revenue restriction on CLECs, hence the discrepancy. In the past the League has worked with CLECs to “level the playing field.” Repeal of ORS 221.515 would accomplish that.</p>
<p>X. <u>9-1-1 Emergency Communications</u></p> <p>Support legislation enhancing the effectiveness of the state’s emergency communications system through an increase in the 9-1-1 tax and/or a prohibition of legislative “sweeps” from accounts managed by the Oregon Office of Emergency Management.</p>	<p>The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 (HB 3317). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax (HB 4055). As concerns mount with regard to disaster preparedness and recovery and as new upgrades to communications technology becomes available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities. Additional funding is needed and the practice of periodically sweeping funds out of the state’s emergency management account for other uses should cease. It is worthy of note that the practice of “sweeps” disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.</p>

Telecommunications, Cable & Broadband (Continued)

Legislation	Background
<p>Y. <u>Technology Funding</u></p> <p>Seek additional funding to assist for cities in:</p> <ul style="list-style-type: none"> • Increasing high speed broadband deployment and close the digital divide. • Purchasing upgraded emergency management communications equipment. • Providing local match money for federal funding programs, such as high speed broadband deployment. 	<p>The deployment of broadband throughout the state of Oregon is critical to economic development, education, health and the ability of citizens to link with their governments. Additional funding, from various sources, including the state and federal government, needs to be allocated for this purpose. The need becomes even more acute when consideration is given to the certainty of a major seismic event. Often federal assistance comes with the requirement of a state or local match which is problematical for cities. A state mechanism for providing matching fund assistance would be helpful to those communities seeking to take control of their broadband destiny.</p>

Transportation

Legislation	Background
<p data-bbox="94 191 678 258">Z. <u>Comprehensive, Multi-modal Transportation Funding and Policy Package</u></p> <p data-bbox="94 296 760 575">The League of Oregon Cities proposes that transportation infrastructure be raised to the same level of importance as other utilities, and be funded at a level capable of maintaining appropriate standards of operation and service. Therefore, the League will help draft and advocate for a comprehensive, inter-modal and statewide transportation funding and policy package that:</p> <ol data-bbox="142 617 760 1873" style="list-style-type: none"> <li data-bbox="142 617 760 1554">1. Provides a significant increase in resources available for the preservation and maintenance of city streets by: <ul data-bbox="191 758 760 1554" style="list-style-type: none"> <li data-bbox="191 758 760 825">• Substantially increasing the state gas tax and licensing and registration fees. <li data-bbox="191 831 760 865">• Indexing the state gas tax. <li data-bbox="191 871 760 1010">• Continuing efforts to identify and implement alternative funding mechanisms (VMT, tolling, public-private partnerships, etc.). <li data-bbox="191 1016 760 1083">• Disaster resilience and seismic upgrades for all transportation modes. <li data-bbox="191 1089 760 1192">• The completion of transportation projects begun but not yet completed due to lack of funding or changes in funding criteria. <li data-bbox="191 1199 760 1266">• Providing additional funding for voluntary jurisdictional transfer. <li data-bbox="191 1272 760 1339">• Funding transportation enhancements such as bike-ped facilities. <li data-bbox="191 1346 760 1449">• Increasing funding for the statutory Special City Allotment program while maintaining the 50%-50% ODOT/city split. <li data-bbox="191 1455 760 1554">• Repealing the referral requirement (2009 Jobs and Transportation Act) on cities seeking to create/increase local gas tax. <li data-bbox="142 1591 760 1873">2. Addresses statewide needs relating to intermodal transportation through: <ul data-bbox="191 1703 760 1873" style="list-style-type: none"> <li data-bbox="191 1703 760 1770">• Additional funding for transit operations and capital projects. <li data-bbox="191 1776 760 1873">• Additional funding for freight rail capital projects and operations (<i>ConnectOregon</i>, short-line rail and transload facilities). 	<p data-bbox="787 191 1510 720">Maintenance and preservation needs have outpaced the resources available for streets, roads and highways. In its March, 2016 Infrastructure Survey Report the League identifies a \$3.7 billion capital need for highway and non-highway transportation projects (\$2.6 billion highway / \$1.1 billion non-highway). In addition, the report shows, for the 120 cities that participated, an aggregated street budget shortfall for operations and maintenance of approximately \$217 million per year. Safety and disaster resilience were cited as major challenges and needs by most cities. Cities also expressed support for a voluntary jurisdictional transfer program (the sensible alignment of highway facilities and management responsibility) provided the availability of adequate funding to facilitate the transfer and to maintain the asset.</p> <p data-bbox="787 758 1510 1220">Given the threat that inadequate funding represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets. Notwithstanding its emphasis on the need to preserve and maintain existing streets, the League of Oregon Cities agrees that the state’s transportation system and the policy and funding programs that support it must be multimodal and statewide in scope. The League will therefore work to pass legislation in 2017 that addresses funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing address such issues as:</p> <ul data-bbox="836 1262 1510 1873" style="list-style-type: none"> <li data-bbox="836 1262 1510 1329">• Connectivity and capacity (especially truck mobility/rail) <li data-bbox="836 1335 1510 1369">• Safety for all users across all modes <li data-bbox="836 1375 1510 1442">• Resiliency and recovery (seismic retrofit across all modes) <li data-bbox="836 1449 1510 1482">• Jobs and economic development <li data-bbox="836 1488 1510 1522">• Impact on climate change <li data-bbox="836 1528 1510 1562">• Active transportation and public health <li data-bbox="836 1568 1510 1635">• Transportation access available on an equitable basis to all Oregonians <li data-bbox="836 1642 1510 1766">• Continuing and extending <i>ConnectOregon</i> <li data-bbox="836 1772 1510 1873">• Ensuring adequate <u>new</u> revenues for program/equipment such as the Oregon Department of Motor Vehicles technology upgrade <li data-bbox="836 1772 1510 1873">• Creative solutions to ongoing challenges (dedicated non-roadway fund, increased local authority to fund transit, bike-ped funding, etc.)

- **Additional funding for passenger rail operations, equipment and capital projects (federal matching money and AMTRAK Cascades).**

3. Does not:

- **Preempt local government ability to self-generate transportation revenues for street maintenance and preservation.**
- **Change the dedication of State Highway Fund dollars to highway, road and street projects contained in Article 8, Section 3a of the Oregon Constitution.**
- **Reduce cities 20% share of the State Highway Fund.**
- **Create unfunded mandates requiring cities to undertake specific programs, such as greenhouse gas reduction scenarios.**
- **Further complicate the planning and regulatory process that currently governs the project delivery process.**

- **Maximizing local benefits of the federal FAST Act in Oregon**

Water & Wastewater

Legislation

AA. Funding for Water System Resilience

Secure dedicated funding for water and wastewater system resilience and emergency preparation. This would include additional funds to plan for and upgrade water systems to increase seismic resiliency and funding to better position communities to better prepare for water supply shortages due to drought, climate change or other emergency scenarios.

Background

In general, Oregon's drinking water and wastewater systems are woefully underprepared for a catastrophic earthquake event. Restoration of water supply following such an event is critical for fire suppression, first aid, and for human health and safety. In 2013, the Oregon Resilience Plan provided estimates for service recovery of water and wastewater systems in the event of a Cascadia earthquake under current infrastructure conditions. According to the plan, the estimated timeframe for service recovery in the valley ranges from one to twelve months. For the coast, service recovery is estimated between one to three years.

In addition to risks associated with significant natural disaster events, recent drought conditions in Oregon have demonstrated the need for emergency supply planning and coordination with other water users to better address water supply challenges. It is critical that communities are able to acquire alternative and back-up water supplies from multiple sources in order to better prepare for supply shortages or emergency situations, such as natural disasters or supply contamination.

The League will work to identify and secure low-interest loans or grants to seismically upgrade drinking water and wastewater system infrastructure and to help ensure that these systems are more resilient and better positioned to respond to water supply shortages resulting from drought, climate change, natural disasters, or other system failures.

Water & Wastewater (Continued)

Legislation	Background
<p>BB. <u>Promote an Enhanced Prescription Drug Take-Back</u></p> <p>Advocate for enhanced prescription drug take-back program funding and additional collection locations to reduce contamination of water from unwanted prescription drugs.</p>	<p>Unused prescription drugs are problematic from both a public health and safety perspective as well as from a water quality perspective. Drug take-back programs help to ensure that unused prescription drugs are properly disposed of which keeps them from being abused, keeps them out of the hands of children, and keeps them from entering Oregon’s waterways. Unwanted prescription drugs are often flushed down the toilet and despite wastewater treatment systems, they can end up contaminating lakes, streams and rivers. In 2014, U. S. Drug Enforcement Administration (DEA) expanded the types of locations allowed to accept unwanted medications including retail pharmacies and drug manufacturers. Prior to 2014, drug-take back programs were primarily supported through police department drop boxes. The challenge in expanding prescription drug take-back programs is now focused on the cost of transporting unused drugs from the take-back location to the disposal site and in educating the public about responsible disposal opportunities.</p> <p>The League will work with a variety of stakeholders, including public health advocates, to identify additional funding mechanisms to increase drug take-back collection locations across Oregon. Funding should support the transportation and responsible disposal of unused prescription drugs. Funds should also be dedicated for enhanced education of disposal opportunities and the establishment of convenience standards to ensure that all Oregonians have reasonable access to drug take-back locations.</p>
<p>CC. <u>Increased Funding for Water Supply Development</u></p> <p>Support additional water supply funding through the state’s Water Supply Development Account.</p>	<p>According to a survey conducted by the League, Oregon’s water and wastewater infrastructure needs for cities alone are estimated to be \$9 billion over the next twenty years. In addition, the survey identified 66 percent of respondent cities as being in need of additional water supply storage. The 2015 drought highlighted the need for additional investments in water supply infrastructure, including storage and water delivery system efficiencies. Additional storage project investments are not only critical for adequate drinking water supply, they are an important tool for supplementing streamflows and habitat restoration.</p> <p>The League will work to secure additional funding for existing water supply development programs. This includes support for feasibility grants and for the state’s Water Supply Development Account which provides funding for water supply storage, reuse, restoration and conservation projects.</p>