



Community Development Department

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

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

MEMORANDUM

TO: Newberg Planning Commission
FROM: Keith Leonard, Associate Planner
SUBJECT: Supplemental packet for September 13, 2018 Planning Commission meeting
DATE: September 10, 2018

We have received additional information to supplement your Planning Commission Packet including the following:

1. Public Comment from Beth Bernier
2. Forwarded email indicating the Department of State Lands received a Joint Permit Application for Crestview Crossing.
3. Agency Comment update from PGE confirming they will accept 8 foot wide PUEs on private streets "as long as there are no sidewalks within the PUE".
4. Supplemental Memorandum from attorney Jeffrey Kleinman, document from Clemow Associates, LLC., document from Pacific Groundwater Group and letter from James Bennett.

Please review this testimony and add this to your meeting packet for September 13, 2018.

RECEIVED

SEP 05 2018

Initial: _____

**Beth Bernier
1811 Leo Lane
Newberg, OR 97132**

September 1, 2018

City of Newberg
Community Development Department
P.O. Box 970
Newberg, Oregon 97123

Re: File No. MISC 318-0001

To Whom It May Concern:

I am writing to make you aware of my strong objections with regard to the proposed development of what is being referenced as Crestview Crossing and is currently a greenspace. I am a local resident living adjacent to the site of the proposed development and I am of the view that the proposed developments will have a serious negative impact on my standard and quality of living.

My backyard faces the current greenspace and wetlands that have been undisturbed for years. I enjoy the wildlife that the greenspace is home to. The greenspace permits me peace and tranquility of enjoying my backyard and balcony in privacy. The trees that make up the greenspace are a natural noise barrier to the traffic on 99W and keep it from being a noise nuisance.

From 99W the area may look like just an empty lot but it backs up to the greenspace and wetlands that touches established neighborhoods. I work in a high stressful field and I have come to rely on the solitude and tranquility of being in my backyard facing the greenspace to permit me to decompress and relax it has become my safe haven and an important part of my quality of life.

Impact on highway and residential streets

Highway 99W is already heavily congested during peak times and weekends due to commuter traffic. The proposed development would have a negative effect on the operation of the main intersection of 99W and Springbrook due to congestion which is already congested during peak hours.

Springbrook has become a heavily traveled street giving the earmarks of a highway almost to a capacity it was not designed to handle. Commuters have been trying to locate side streets to eliminate having to travel on either of these streets which have impacted neighborhoods into becoming bypass streets.

The development proposed will increase traffic on our already heavily traveled roads proving that their allege traffic study is inaccurate. Anyone who travels on 99W and/or Springbrook will tell you the traffic into and out of Newberg is almost equivalent to traffic in the bigger cities and just about as unbearable. Adding additional development of apartments and row houses will cause gridlock and increase accidents within this overburdened area.

The development will have an adverse effect on surrounding neighborhoods as they become congested with the overflow of additional vehicles that 99W, Springbrook, and adjoining neighborhoods cannot accommodate.

Conservation of the natural environment

The current greenspace and wetlands earmarked to be leveled is host to different species of birds, bats, deer, fox, and a huge array of other wildlife that will perish and/or be displaced as a result of the proposed development.

The current greenspace acts as a natural noise and ventilation barrier from traffic on 99W. Clear cutting the trees and developing the property with row houses will permit the sound of the traffic and pollution from 99W and destroy all the adjacent residence's quality of living.

If this development is approved, the developer should be required to have a substantial buffer and setback between the proposed development and the preexisting neighborhoods to protect the current neighborhoods from the large row houses and keep them from being built directly behind existing homes and impeding on the homeowners right to privacy and visual quality. I have been told by others who have lived in the neighborhood longer than I have that this was the original agreement on developing this parcel of land.

Visually Unappealing

The developers are not vested in Newberg or care about the appearance, needs, of our town or the residents that reside in Newberg and how the development will affect anyone.

The proposed development does not integrate with the neighborhood character. These row houses are planned to be built up to established single family homes that are single or double level and the proposed row houses are expected to be half the size of a normal home and three stories which is visually unacceptable and intrudes upon the expected privacy of the existing homes. The row houses conflicts with that of the adjacent and surrounding properties and will disturb contextual flow.

The greenspace has old growth trees that should be protected and used as a barrier between the unsightly row houses being planned by the developer and in consideration of the established homes where the home owners have come to expect a level of privacy and quality of living that this developer wants to impede on.

The visual impact of the row houses will significantly impact the character of the area. The developer refers to the buildings as "gingerbread houses" in an attempt to make them sound more appealing but they are row houses built to minimize the amount of space needed and to permit the developer to build more houses, close together, for higher financial gain. Consideration was not taken into account the existing greenspace and what they could do to incorporate the greenspace and taking into account the living quality of the homeowners.

The development plan is for row housing to overlook adjoining residences which will create a loss of privacy in private personal spaces. The use of balconies overlooking my home will also result in unacceptable noise levels.

The density of the development is excessive. If this high density living is approved, the increase in residential capacity will be dramatic. This will have a significant impact on residential noise volumes affecting the adjacent properties.

A proper study needs to be done on the development that has already been submitted and a more accurate study of the number of buildings for sale/lease/rent currently on the market. The same is true for the housing and rental market in Newberg. The rental market is higher than what it should be but, unfortunately that is everywhere. New apartments are not going to force the market to be affordable unless rental controls are put into place and adhere to. Renters face a rent increase yearly and renters are usually forced out due to the rent increase which causes constant turnovers and/or empty apartments. Adding additional apartments, even if you call them or any other building affordable does not make them affordable. It does add to a problem that already exists if people are price out of a place to call home.

Not a Value Solution

The row houses are being marketed by the developer as being affordable new homes ranging from the mid to upper 300k even though they are only half the size of a normal home. This does not translate into "affordable" new housing. A quick search produces 56 homes for sale, in just Newberg not counting surrounding areas, which are full size homes in the 200k to 400k price range. This does not include homes that are in the process of foreclosure.

An example of row houses can be seen when traveling on 99W through Sherwood. They are an unsightly in appearance and give a bad impression of Sherwood. The row houses stand-out and look out of place as if it was just thrown in without any thought or planning. The parking lot is poorly designed and not sufficient to accommodate the residents or visitors.

Shortly after they were originally built, we took a tour through a couple of them to get an idea of the layout. They are as poorly designed inside as they are outside with the only individuals benefitting from these monstrosity are the developers. The row houses are rented out and it is apparent with the lack of pride and responsibility for upkeep and care.

The greenspace and wetlands behind my home has permitted me to have a tranquil and peaceful area that I can enjoy along with privacy when I am in my home or backyard. The canopy of trees helps with providing me with my privacy, noise reduction from the highway, and an array of wildlife that have been living among the greenspace.

The development will not alleviate any of the problems that Newberg might be thinking this is addressing but it will leave in time, if permitted to be constructed, a large negative impact on Newberg. The only thing this development will do is leave a black eye on our town for everyone to see as people enter and leave Newberg.

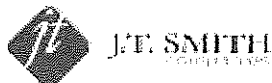
Tearing down the greenspace and permitting the development of the area will not enhance the surrounding neighborhoods or the city of Newberg. Newberg is losing the greenspaces it was previously known for very quickly to development and is beginning to have the feel of another overdeveloped city instead of a family friendly town.

Keith Leonard

From: Jesse Nemec <jnemec@jtsmithco.com>
Sent: Friday, September 07, 2018 11:55 AM
To: Andrew Tull; Jamie Howsley; Keith Leonard
Subject: FW: 58464-RF Complete Application

FYI

Jesse Nemec
Sr Development Manager
503-730-8620



From: CARY Dan <dan.cary@state.or.us>
Sent: Friday, September 7, 2018 11:35:03 AM
To: Ryan Cain
Cc: 'Martin Schott'; Support Services
Subject: 58464-RF Complete Application

Dear Mr. Cain:

The Department of State Lands has received your application for the proposed residential and commercial project in T. 3S, R. 2W, Section 16AC, Tax Lots 13800, 1100, Newberg, Yamhill County. You can view a copy of the application and check the status.

Your application is complete, fee received. Your application will soon be circulated for the 30 day public comment period (PRP). You may view electronic comments and the status at <http://www.statelandsonline.com>. After PRP ends, comments will be forwarded to you for an opportunity to address any concerns. A permit decision will be made within 60 days of the close of the PRP unless you otherwise request an extension.

There are items related to the proposed project that will require further discussion. Please wait until after receiving public comments to see if additional changes are needed. This way the response is submitted as one (1) single document/submittal for DSL review. The response should either be in the form of updates that replace existing sections or new information submitted as a new complete attachment or addendum.

1. Technically, Mud Slough does not have credits for stream impacts. To use wetland mitigation credits for stream impacts requires special consideration by the Department.

Please call me if you have any questions.

Dan

Dan Cary, PWS
Aquatic Resource Coordinator Columbia and Clatsop Counties

Aquatic Resource Management Program
Oregon Department of State Lands
775 Summer Street NE, Suite 100
Salem OR 97301-1279
Phone: (503) 986-5302
DSL websites: www.oregon.gov/dsl; www.statelandsonline.com

Keith Leonard

From: Rick Schiedler <Rick.Schiedler@pgn.com>
Sent: Wednesday, September 05, 2018 11:46 AM
To: Keith Leonard
Subject: RE: Crestview

Keith,

Yes, we are OK with 8 ft. PUE's on the private streets for Crestview as long as there are no sidewalks within the PUE.

When I sent the review sheet back to the Planning Dept. I just added our standard sticker that shows a 10 ft. PUE being required.

Thanks Rick

From: Keith Leonard <Keith.Leonard@newbergoregon.gov>
Sent: Thursday, August 30, 2018 9:41 AM
To: Rick Schiedler <Rick.Schiedler@pgn.com>
Subject: FW: Crestview

Please take care when opening links, attachments or responding to this email as it originated outside of PGE.

Hi Rick,

I need to confirm that you are still requiring a 10' POE on ALL road frontages included private and public streets. Your second review of Crestview still lists 10' PUE on all street frontages which conflicts with the email below. Are you okay with 8' PUEs on private streets?

Keith Leonard, AICP | Associate Planner
City of Newberg
(503) 537-1215
keith.leonard@newbergoregon.gov



From: Aaron Murphy [<mailto:aaron.murphy@3j-consulting.com>]
Sent: Wednesday, August 08, 2018 10:52 AM
To: Rick Schiedler <Rick.Schiedler@pgn.com>; Andrew Tull <andrew.tull@3j-consulting.com>
Cc: Keith Leonard <Keith.Leonard@newbergoregon.gov>; Jesse Nemecek <jnemecek@jtsmithco.com>; Chase Welborn <chase.welborn@3j-consulting.com>
Subject: RE: Crestview

Good morning Rick,

Thank you for taking my call.

To summarize our discussion, it appears that PGE will require 10' PUEs along the frontages of all public roads. PUEs of 8' must be provided for private streets with the goal to have 8' clear space (no sidewalks). The PUEs on the private streets will be provided typically on one side of the street and will accommodate the space necessary for 644 vaults and pad mount transformers.

Our plans currently show 10' PUEs along the frontages of all public roads and a single 8' PUE for all private streets. Once we begin developing the construction drawings, 3J Consulting will work with PGE to identify the location of the 644 vaults and pad mount transformers.

Best Regards,

Aaron Murphy, P.E. | Senior Project Manager | **3J Consulting**
O: 503.946.9365 x.218 | C: 720.220.3915

From: Rick Schiedler <Rick.Schiedler@pgn.com>
Sent: Tuesday, August 7, 2018 4:47 PM
To: Aaron Murphy <aaron.murphy@3j-consulting.com>; Andrew Tull <andrew.tull@3j-consulting.com>
Subject: RE: Crestview

Yes, give me a call at 503-463-6184.

From: Aaron Murphy <aaron.murphy@3j-consulting.com>
Sent: Tuesday, August 07, 2018 4:24 PM
To: Andrew Tull <andrew.tull@3j-consulting.com>; Rick Schiedler <Rick.Schiedler@pgn.com>
Subject: RE: Crestview

Please take care when opening links, attachments or responding to this email as it originated outside of PGE.

Hi Rick,

We have a City commission meeting on this project this Thursday and need to urgently discuss this item with you. Do you have availability tomorrow to discuss?

Thanks,

Aaron Murphy, P.E. | Senior Project Manager | **3J Consulting**
O: 503.946.9365 x.218 | C: 720.220.3915

From: Aaron Murphy
Sent: Wednesday, August 1, 2018 12:14 PM
To: Andrew Tull <andrew.tull@3j-consulting.com>; Rick.Schiedler@pgn.com
Subject: RE: Crestview

Hi Rick,

Any chance we can call you to discuss this matter at your earliest convenience?

Best Regards,

Aaron Murphy, P.E. | Senior Project Manager | **3J Consulting**
O: 503.946.9365 x.218 | C: 720.220.3915

From: Andrew Tull
Sent: Wednesday, July 25, 2018 11:54 AM
To: Rick.Schiedler@pgn.com
Cc: Aaron Murphy <aaron.murphy@3j-consulting.com>
Subject: Crestview

Hi Rick,

Could we please request a brief call from you today to talk about the PUE widths proposed at Crestview. Aaron and I would be available pretty much any time after 2:30.

Thanks,

Andrew Tull

Principal Planner

3J Consulting, Inc.

5075 Griffith Drive, Suite 150

Beaverton, OR 97005

PH: (503) 545-1907

andrew.tull@3j-consulting.com

Land Use Planning – Civil Engineering – Water Resources

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TELEPHONE (503) 248-0808
FAX (503) 228-4529
EMAIL KleinmanJL@aol.com

S U P P L E M E N T A L M E M O R A N D U M

To: Newberg Planning Commission
From: Jeffrey L. Kleinman
Date: September 6, 2018
Re: Crestview Crossing, File No. PUD18-0001/CUP18-0004

I. INTRODUCTION

I represent the Oxberg Lakes Estates Homeowners' Association ("Oxberg"). This memorandum supplements our memorandum to you dated August 2, 2018. For the reasons identified in our earlier submittal as supplemented here, Oxberg continues to object to the above application. In spite of the additional time allowed to the applicant for the filing of new materials in support, the applicant has failed to meet the requisite burden of proof under the city's approval criteria.

II. BACKGROUND OF THE SIX-PARTY AGREEMENT AND OBLIGATION TO PROVIDE MEASURES TO CALM TRAFFIC ON CRESTVIEW THROUGH OXBERG LAKE ESTATES

We incorporate by reference here our discussion of the Six-Party Agreement, set out in our memorandum of August 2, 1918.

The most concise statement of the history leading to my client's position in this case is contained in the city's Ordinance 2007-2665. This ordinance followed the 2006 execution of the Six-Party Agreement. It is entitled, *"An Ordinance Amending the Newberg Transportation System Plan and Comprehensive Plan to Reclassify Crestview Drive from Springbrook Road to Highway 99W as a Major Collector with Certain Traffic Calming Measures, and Redesignating Springbrook Road as the Northern Arterial."*

The Request for Council Action on the ordinance, dated February 20, 2007, states in part:

"1. Newberg's Transportation System Plan designates Crestview Drive as a minor arterial. The plan calls for the extension of Crestview Drive from its current terminus to 99W at Providence Drive.

2. Residents along Crestview Drive have been very concerned about the impacts of this roadway. In order to address these concerns, a 5-party team met several times in early 2006. The 5-party team consisted of representatives from the City of Newberg, the Oxberg Lake Homeowners Association, Yamhill County, and nearby property owners Smith, Speakman and Austin.

3. The 5-party team identified several major concerns including the potential speed of traffic traveling the road, large trucks traveling the road, noise and environmental impacts, and the need the road to fulfill its primary purpose in carrying vehicles. The group focused on a potential solution to these issues of reclassifying Crestview Drive as a major collector street and adding certain traffic calming features to the road.

4. Newberg and Yamhill County contracted with JRH Transportation Engineers to analyze the effects of this reclassification. Their report is Exhibit B.

5. After reviewing the study, the 5-party team agreed to pursue the proposed amendment. The agreement is in Attachment 2.

6. On July 17, 2006, the Newberg City Council initiated this amendment to the Newberg Transportation System Plan (See Attachment 1)."

(Request at 1-2)

The findings adopted in support of the ordinance are attached to it as Exhibit A.

They provide the pertinent history:

“I. BACKGROUND

Beginning in March 2002 the City of Newberg, in conjunction with the Oregon Department of Transportation (ODOT), began the process for updating the City's Transportation System Plan (TSP). This effort resulted in an updated Newberg TSP dated May 2005, by Ordinance 2006-2619. During the course of this TSP update study, the Oxberg Lake Homeowners Association strongly objected to any plans to make Crestview the Northern Arterial and testified that Crestview Drive was subject to prior agreements dating back to the 1980s restricting road upgrades (including a September 16, 1988 letter from Yamhill County to Will Spangler and a subsequent Yamhill County Board of Commissioners Order 88-661, October 26, 1988, which specifically allows Oxberg Lakes Estates to remonstrate against any local improvement district formed to upgrade Crestview Drive). Yamhill County wrote a letter to the Newberg Planning Commission (January 26, 2005), voicing objections to the Northern Arterial routing, stating concerns about the impacts of the route, and requesting an alternatives analysis be conducted.

The Oxberg Lake Homeowners Association grew concerned that these prior agreements may have been violated when the City proposed a large traffic circle at the intersection of Springbrook and Crestview which had a design feature of a large unconnected stub pointing at their community. They solicited legal advice and filed an appeal to the Newberg Planning Commission. The Planning Commission denied the appeal, not to minimize the appellants concerns, but simply stating that they should be addressed in a different forum.

In the latter part of 2005, with County and neighborhood concerns mounting and various actions to block road transfers being discussed, Newberg City Manager Jim Bennett proposed that a Newberg Northern Alliance Stakeholders Team (then called the 5-Party Team) be formed to develop road and development plans that all stakeholders could support. This stakeholders' team responsibility was to make a recommendation on this aspect of the project and JRH was retained to do a detailed traffic study. The Stakeholders Group developed language for a consensus agreement and all affected members signed the final document. Key sections of this agreement included recommendations, as follows:

Springbrook Drive be designated the Northern Arterial, the Crestview Drive street classification be changed to a Major Collector, and the road design, sound walls, and traffic calming features for Crestview Drive in the referenced traffic study be adopted.

Based on the 5-Party Team Agreement and a letter signed by the City of Newberg to use best practices to protect the Oxberg Lake's State-Licensed Commercial Water system, the County and Oxberg Lakes agreed to transfer portions of Mountainview and Crestview to the City to facilitate construction during 2006. The JRH traffic study was essentially completed by June of 2006, and part of the 5-Party Team Agreement was that this was to be used to drive public process to update Newberg's TSP. Based on this Agreement property development applications submitted by signatories are now proceeding through public process.”

(Ordinance 2007-2665, Ex. A at 3; emphasis added.)

We note here that the Six-Party Agreement says what it says and is not open to “legal” interpretation by the applicant’s traffic engineer. It does not provide for the substitution of ostensibly similar traffic calming measures elsewhere for a roundabout south of Robin Court. It is a binding agreement and will be enforced as to the signing parties and their successors.

III. RESPONSE FROM OXBERG’S TRAFFIC ENGINEER

Oxberg retained Christopher M. Clemow PE, PTOE, of Clemow & Associates, LLC to review the applicant’s proposal and the letter of Kittelson & Associates dated August 14, 2018, filed by the applicant. Mr. Clemow’s letter is attached. In a nutshell, Mr. Clemow points out that Kittelson essentially misses the key point. As sited, the new Crestview roundabout on the subject property will *not* serve the purpose of calming traffic and limiting speeds to 25mph, as contemplated and previously agreed, between the common property line and the existing roundabout located at the intersection of

Crestview, Birdhaven, and Robin Court. To achieve such traffic calming, a roundabout or functionally equivalent traffic calming measure must be placed at the common property line.

Further, contrary to Kittelson's suggestion, none of the roundabouts already installed on Crestview with Oxberg's agreement and at the city's expense comprise the roundabout required by paragraph 4 of the Six-Party Agreement. The latter roundabout was always to be the responsibility of the developer(s) of Crestview Crossing, at the time of development. Those installed by the city pursuant to the city's Intergovernmental Agreement with Yamhill County, authorized by City Council Resolution No. 2009-2861, did not include those planned for the intersection of Crestview and Westlake Loop, or on Crestview south of Robin Court. These were and are the responsibility of the ultimate developers. The city's work does not absolve the applicant of its obligations under the Six-Party Agreement.

In practical terms, it would not matter if the applicant installed five or 10 roundabouts elsewhere on its site. The critical element is traffic calming on Crestview north of the property line, and that has not been proposed or provided.

IV. IMPACTS UPON OXBERG WATER SYSTEM

We incorporate by reference here our discussion of wetlands and water supply issues in our August 2 memorandum. In addition, we observe that the city has been clear in its requirement that best practices will be required for the development of Crestview Crossing in order to protect Oxberg's water supply. This is set forth, for example, in the

City Council's Order No. 2007-002 regarding the annexation of the applicant's property into the city. Paragraph 3E contains the following condition:

"E. Future development of the property shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06."

(Order at 2)

We have previously provided a copy of Mr. Bennett's letter to the Board of County Commissioners, and an additional copy is attached. The letter states in material part:

"Another area of concern for the residents of Oxberg Lake Estates has been the protection of their commercial water system and aquifer. This issue is a significant concern to the City of Newberg as well. We are confident that the construction of this next section of the northern arterial road, referred to herein as the Mountainview Road s-curve, will not have any impact on the commercial water system or aquifer that serves Oxberg Lake Estates.

The City of Newberg requires the use of best practices for storm water management for not only its own public works projects, but for all new construction and development within the City of Newberg. These best practices will be used for the construction of the Mountainview Road s-curve and for all future development within and adjacent to that area, including the master plan for the Austin property. The City will also comply with all State regulations and administrative rules that govern the protection of aquifers with respect to the aforementioned construction and development.

It is our hope that both these assurances will demonstrate the commitment of the City of Newberg to protect the interests of all affected stakeholders in the northern arterial project and allow the requested transfer of road jurisdiction to be completed."

The applicant has submitted a letter from GeoEngineers dated August 9, 2018, attempting to show that the concerns of the Oxberg Water System are unfounded. Oxberg requested Glen Wallace, PhD, LG, RG, an Associate Geologist with Pacific Groundwater

Group, to review the underlying file materials as well as GeoEngineers' August 9 letter. Dr. Wallace's response is also attached. He makes clear that the applicant still has not demonstrated that the aquifer upon which Oxberg Water System relies will be adequately protected upon buildout of the development, much less that "best practices" for stormwater management will be applied.

At the risk of being redundant, we reiterate that the applicant bears the burden of proof as to each of the city's approval standards. This is another instance in which that burden has not been met.

V. FAILURE TO SHOW COMPLIANCE WITH NEWBERG COMPREHENSIVE PLAN GOALS AND POLICIES

In our August 2 memorandum, we pointed out that the applicant has failed to demonstrate compliance with the comprehensive plan goals and policies relevant to the development of so much commercially zoned land with residential uses instead. Such compliance is required under the city's planned unit development criteria, specifically Newberg Development Code Section 15.240.030.C.

The primary "substitution" proposed here is to allow residential use on C-2 Community Commercial zoned property. Development Code Section 15.302.032G defines the C-2 Zoning District as follows:

"G. C-2 Community Commercial District. The C-2 community commercial district is intended to create, preserve and enhance areas with a wide range of retail sales, commercial services, and office establishments. Typical development types include individual commercial buildings on small and large sites, community shopping centers, and some outdoor retail uses. This district is typically located along highways and arterials. This district also includes some

development which does not strictly fit the description of 'commercial' but also does not merit a separate zoning district. *The C-2 district is intended to be consistent with the commercial (COM) and mixed use (MIX) designations of the comprehensive plan.*"

(Emphasis added)

Apparently, the C-2 district is *incompatible* with residential zoning districts. The substitution in this case is simply impermissible.

Goal H of the comprehensive plan is the Economy Goal: "To develop a diverse and stable economic base." General Policy 1G provides: "The City shall encourage business and industry to locate within the Newberg City limits." Commercial Areas Policies 3b and c provide:

"b. Adequate neighborhood commercial areas will be provided to serve localized needs.

c. Commercial development will be encouraged to be clustered and to develop off-street parking facilities in conjunction with other nearby developments."

The application for this site approved in 2008 in Casefile No. SUB3-08-003 was primarily for commercial uses in full compliance with these policies. The applicant has failed to prove compliance in light of the flip in uses herein. Why not provide appropriate retail within walking distance of such a concentration of new housing? Once again, the requisite burden of proof has not been met.

///

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VI. THE 2008 DEVELOPMENT AGREEMENT

Staff has already provided the Commission with a copy of the 2008 "Development Agreement" between GC Commercial (Mr. Smith's LLC), on the one hand, and the owners of three lots in Oxberg adjoining the Crestwood Crossing site. An additional copy is attached for reference.

The recitals to the Development Agreement state in part:

"D. The Homeowners anticipate significant negative impacts from the GC Development, including reduced security, increased noise, light pollution, increased traffic, and may experience problems with storm drainage and the Oxberg Lake Estates water system and aquifer.

E. GC desires to help mitigate any potential negative impacts to which the Project and the GC Development might subject the Homeowners."

The substantive provisions of the agreement include the following:

"2. Construction of the Sound Wall.

a. GC shall construct or cause to be constructed, at its sole cost and expense, a pre-cast concrete wall approximately six (6) feet in height along the boundary shared by the GC Development and the Homeowners' Parcels (the "Sound Wall"). The approximate location and length of the Sound Wall are more particularly illustrated on the attached Exhibit "B." However, the exact location and length of the Sound Wall shall be determined by GC in compliance with applicable plans approved by the City of Newberg, or any other governmental agency having jurisdiction. The design style of the Sound Wall and its construction type shall be consistent with Exhibit "C" attached hereto.

b. GC shall construct and install the Sound Wall in such a manner as to preserve, to the best of GC's ability, those trees with trunks greater than twelve (12) inches in diameter that are located along the boundary shared by the GC Development and the Homeowners' Parcels.

c. GC shall provide the Homeowners with copies of any proposed designs and drawings of the Sound Wall, and consider, in good faith, all timely

comments GC receives from the Homeowners with respect to the Sound Wall. However, the final design and specifications of the Sound Wall shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction.

d. GC shall include a ten-foot (10') wide landscape buffer zone along the boundary shared by the GC Development and the Homeowners' Parcels (the "Landscape Buffer Zone"), and a 30-foot (30') setback (the "Setback Zone") between the Sound Wall and any buildings in any subdivision plat maps for its respective parcels submitted for approval to any governmental entity with jurisdiction over the GC Development. The Landscape Buffer Zone and Setback Zone shall be negative easements, binding GC and its successors in interest by encumbering the lots along the boundary shared by the GC Development and the Homeowners' Parcels.

e. GC shall complete the construction and installation of the Sound Wall on or before the date of final lift of asphalt concrete within the GC Development.

3. Construction of the Storm Water Drainage System

a. GC shall construct and install, at its sole cost and expense a storm water and surface water drainage system on a portion of the Homeowners' Parcels adjacent to the GC Development (the "Storm Water Drainage System").

b. GC shall provide the Homeowners with copies of any proposed designs and drawings of the Storm Water Drainage System and consider, in good faith, all timely comments GC receives from the Homeowners with respect to the Storm Water Drainage System. However, the final design and specifications of the Storm Water Drainage System shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction.

c. GC shall complete the construction and installation of the Storm Water Drainage System on or before the date installation of the Sound Wall begins.”

The application before you does not contain a showing of compliance with the above provisions. Paragraphs 8 and 12 of the agreement make it binding upon the parties and their successors and assigns. The Planning Commission should not approve the

application until and unless the applicant provides a detailed showing of such compliance.
compliance.

VII. CONCLUSION

For each of the reasons described in Oxberg's original memorandum and in this supplemental memorandum, the applicant has failed to meet the burden of proof required of it herein. That burden falls squarely upon the applicant alone, and not upon other parties.

This application must be denied.

Respectfully submitted,

Jeffrey L. Kleinman

Jeffrey L. Kleinman, OSB #743726
Attorney for Oxberg Lakes Estates Homeowners'
Association



September 6, 2018

Oxberg Lake Homeowners Association
c/o Jeffrey L. Kleinman, Attorney at Law
Attention: Jeffrey L. Kleinman
1207 SW 6th Avenue
Portland, Oregon 97204

Re: Crestview Crossing Development – Newberg, Oregon
Transportation Facilities Review – Crestview Drive and Six-Party Agreement

City of Newberg File Number PUD 18-0001/CUP 18-0004
C&A Project Number 20180804.00

Dear Mr. Kleinman,

This letter provides an evaluation of the Crestview Crossing Development materials submitted to the City of Newberg as part of File Number PUD 18-0001/CUP 18-0004. Materials contained in this letter are specific to the public roadway improvements identified in the April 10, 2006 5-Party Team Agreement (Yamhill County Board Order 06-265, also known as the “Six-Party Agreement”) as they relate to the roundabout on Crestview Drive immediately south of Robin Court and the applicant’s currently proposed Crestview Crossing roadway improvements. Items specifically addressed include:

1. Background
2. Crestview Crossing Development Proposal
3. Traffic Calming
4. Summary

1. BACKGROUND

Beginning in March 2002 the City of Newberg, in conjunction with the Oregon Department of Transportation (ODOT), began the process for updating the City's Transportation System Plan (TSP). This effort resulted in an updated Newberg TSP dated May 2005, by Ordinance 2006-2619. During the course of this TSP update study, the Oxberg Lake Homeowners Association strongly objected to any plans to make Crestview the Northern Arterial and testified that Crestview Drive was subject to prior agreements dating back to the 1980s restricting road upgrades.

In the latter part of 2005, with County and neighborhood concerns mounting and various actions to block road transfers being discussed, Newberg City Manager Jim Bennett proposed that a Newberg Northern Alliance Stakeholders Team (then called the 5-Party Team) be formed to develop road and development plans that all stakeholders could support. This stakeholders' team responsibility was to make a recommendation on this aspect of the project and JRH Transportation Engineers was retained to do a detailed traffic study. The Stakeholders Group developed language for a consensus agreement and all affected members signed the final document. Key sections of this agreement included recommendations, as follows: Springbrook Drive be designated the Northern Arterial, the Crestview Drive street classification be changed to a Major Collector, and the road design, sound walls, and traffic calming features for Crestview Drive in the referenced traffic study be adopted.

The purpose and intent of the 5-party Team Agreement (aka Six-Party Agreement) are stated in the recitals. Specific to the extension of Crestview Drive to OR 99W, Recital E states, “[Oxberg Lake Homeowners] Association has requested certain stipulations on the Crestview Drive to Hwy. 99W link which are also under study by JRH [Transportation Engineering].” and Recital H states, “The purpose of this Agreement is to finalize the agreement of the parties and to begin the process of amending City's TSP to implement the Springbrook Northern Arterial Plan.”

The intent of the Six-Party Agreement was carried out by the terms of the agreement. Specific to the extension of Crestview Drive to OR 99W, Agreement Item 4 states, “The proposed design of the Crestview Drive Major Collector will be posted as “no through trucks” and be designed to encourage a 25mph speed limit. Truck size limitation language for posted signs will be determined by JRH. City will maintain Crestview Drive as a two-lane road between the roundabout immediately to the south of Robin Court extending to the western edge of the Oxberg Lake Estates property. Turn lane features, if required, will be determined at a later date.”

Attachment A of the Six-Party Agreement contains two figures depicting the extension of Crestview Drive to OR 99W. These figures clearly depict **two** roundabouts: one roundabout immediately south of Robin Court – as specifically identified Six-Party Agreement Item 4, and one roundabout mid-applicant's property.

In May 2008, plans and specifications for Crestview Drive improvements, including the entire portion of Crestview Drive across the Oxberg Lake Estates property, were prepared for the City of Newberg. Per City Resolution 2009-2861, these roadway improvements were to be fully funded and constructed by the City. It is important to note these improvements included the traffic calming circles at the Birdhaven Loop and Robin Court intersections on Crestview Drive but did not contemplate the roundabout immediately south of Robin Court identified in the Six-Party Agreement – leading to the assumption this roundabout would be constructed on the applicant's property to the south.

In 2011/2012, the City of Newberg constructed the Crestview Drive improvements, including traffic calming circles at the Birdhaven Loop and Robin Court intersections on Crestview Drive. Again, it is noted these improvements did not include the roundabout immediately south of Robin Court identified in the Six-Party Agreement – again leading to the assumption this roundabout would be constructed on the applicant's property to the south.

The specific purpose of the roundabout immediately south of Robin Court is to provide traffic calming by limiting northbound Crestview Drive travel speeds to 25 MPH as the vehicles enter the Oxberg Lake Estates property from the south. The need for traffic calming at this location was not eliminated by construction of traffic circles at Birdhaven Loop and Robin Court and it is now necessary with the proposed extension of Crestview Drive to OR 99W.

2. CRESTVIEW CROSSING DEVELOPMENT PROPOSAL

As identified in Crestview Crossing submittal materials and more specifically in the August 15, 2018 Kittelson Memorandum, JT Smith Companies (the applicant) is proposing to construct a portion of the Crestview Improvement Project, connecting Highway 99W to the existing terminus of Crestview Drive at the southern boundary of the Oxberg Lake subdivision. As part of these improvements, the applicant is proposing to construct a mid-property roundabout, consistent with the Six-Party Agreement, but is not proposing to construct the roundabout immediately south of Robin Court which was also specifically contemplated in the Six-Party Agreement.

3. TRAFFIC CALMING

The Six-Party Agreement anticipated Crestview Drive would extend to OR 99W and non-local traffic would use this roadway to travel through the Oxberg Lake Estates property. As such, the purpose of the roundabout immediately south of Robin Court is to provide traffic calming by limiting northbound Crestview Drive travel speeds to 25 MPH as the vehicles enter the property.

Notwithstanding the applicant's argument that the necessary traffic calming is provided by the Birdhaven Loop and Robin Court traffic calming circles, and the applicant's proposed mid-property roundabout, there is no proposed traffic calming feature at the edge of the Oxberg Lake Estates property to limit northbound vehicle speeds to 25 MPH. It is further noted the distance between the Robin Court traffic calming circle and the applicant's proposed mid-property roundabout is approximately 910 feet. This is the approximate length of 3 Newberg city blocks and is sufficient distance for northbound vehicles to be traveling well in excess of 25 MPH prior to entering the Oxberg Lake Estates property.

As also shown in the August 15, 2018 Kittelson Memorandum – Crestview Drive Design Exhibit, there is a proposed east-west roadway intersecting Crestview Drive between the applicant's proposed mid-property roundabout and the Oxberg Lake Estates property. This intersection will have two-way stop-control on the minor east-west roadway and the major roadway (Crestview Drive) will be free flowing; i.e., this intersection does not reduce vehicle speeds or provide traffic calming for north or southbound traffic. As such, this intersection has no bearing on the traffic calming discussion.

4. SUMMARY

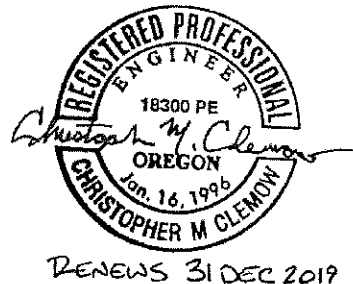
The following conclusions are made based on the materials presented in this letter.

1. The purpose of the roundabout immediately south of Robin Court is to provide traffic calming by limiting northbound Crestview Drive travel speeds to 25 MPH as the vehicles enter the property.
2. In 2011/2012, the City of Newberg constructed the Crestview Drive improvements, including traffic calming circles at the Birdhaven Loop and Robin Court intersections on Crestview Drive. These improvements did not include the roundabout immediately south of Robin Court identified in the Six-Party Agreement – leading to the assumption this roundabout would be constructed on the applicant's property to the south.
3. Based on the applicant's proposed design, there is sufficient distance for northbound vehicles on Crestview Drive to be traveling well in excess of 25 MPH prior to entering the Oxberg Lake Estates property.
4. There is sufficient spacing on Crestview Drive to construct a traffic calming roundabout immediately south of Robin Court at the location required by 2006 Six-Party Agreement. Traffic calming is required at this location to limit northbound travel speeds to 25 MPH.
5. A Crestview Drive roadway connection should not be made at the southern edge of the Oxberg Lake Estates unless traffic calming limiting northbound travel speeds to 25 MPH is provided.

Sincerely,



Christopher M. Clemow, PE, PTOE
Transportation Engineer



PACIFIC groundwater GROUP

September 6, 2018

Jeffrey L. Kleinman
Attorney at Law
The Ambassador
1207 SW Sixth Avenue
Portland, OR 97204

Re: Hydrogeologic Support for Oxberg Water Co.
Crestview Crossing, File No. PUD18-0001/CUP18-0004
Draft Attorney-Client Privileged Communication

Dear Jeffrey,

This letter report reviews a GeoEngineers hydrogeologic analysis of potential impacts to the Oxberg water supply well by the proposed Crestview Crossing development. The PGG review included a review of the completeness of the hydrogeologic conceptual model and whether the GeoEngineers conceptual model supports their evaluation of potential impacts to the Oxberg well.

EVALUATION OF CONCEPTUAL MODEL

The GeoEngineers analysis relies on general understanding of the area geology, review of the Oxberg well (YAMH 2385; Appendix A), a summary of well construction depths and water levels in the surrounding area, and infiltration testing conducted in support of storm-water design (GeoEngineers, 2018). GeoEngineers concludes that the Crestview Crossing development has little to no potential to impact recharge rates for the Oxberg wells, or impact water quality at the Oxberg Wells based on the following observations (GeoEngineers, 2018):

- The Oxberg wells are in a confined aquifer that has limited to no hydraulic connection to the Site.
- In the unlikely event that there was a hydraulic connection between the confined aquifer the Oxberg wells pump water from, measured surface infiltration (recharge) rates are extremely low to non-existent, indicating little or no local recharge to the underlying confined aquifer.

PGG's review of the GeoEngineers report and supporting information referenced therein does not support the GeoEngineers findings listed above.

- Well construction and water level data do not require the conclusion that the basalt aquifer that the Oxberg well is completed in is confined. Instead, water level data indicate at least localized equilibration between surface and groundwater levels.

- While the shallow clay layer described in the Oxberg well log and inferred by infiltration tests are consistent with limited recharge, the soils at the Crestview Crossing site may be laterally variable with some areas presenting more infiltration risk.

The basis for these conclusions and summary observations is discussed below.

Is the Aquifer Confined?

GeoEngineers incorrectly interprets available data to infer that the that the aquifer the Oxberg well is completed in is confined. Whether or not the Oxberg well is confined is important because a confined aquifer is less likely to have water quality impacted by surface releases of contaminants or other changes. The GeoEngineers conclusion that the aquifer is confined is inferred from static water levels measured within the well casing above the well screen interval. As stated in their report:

“Following well completion, the static depth to water was between 21 and 29 feet bgs which is many tens of feet above the water producing interval, suggesting the well is open to a confined aquifer in the CRBG, and not shallow unconfined water near the ground surface.”

Use of water level elevations in this way does not require that the well is confined. The water producing interval is a qualitative measure based on water return during drilling. While it is likely that the shallow permeability is lower, and possibly indicative of semi-confined conditions, the data do not require that interval between the screen interval and water level are effective barriers to groundwater flow. GeoEngineers appears to have carried the interpretation of confined conditions forward from the 2004 Source Water Assessment (ODHS, 2004), where ODHS made a similar inference based on the description of a “water bearing zone” and higher static water level. Instead, the weathered basalt is likely highly variable with a discontinuous mix of weathered rock and scattered clays derived from chemical weathering of the basalt. These clay layers do not appear to form continuous confining layers that would be required for the aquifer to be confined. In this conceptual model, the “water bearing zone” noted by drillers is simply the first place that the borehole intersects one of these zones. The well log description of geologic materials encountered while drilling has one unit from 25 to 152 feet below ground surface consistent with a weathered basalt. A pump test with measurement of water levels during pumping and recovery would provide a more compelling case for confining conditions, if present.

The regional installation of wells 100 to 200 feet deep with long screen intervals is likely more reflective of a heterogeneous, low-yield aquifer with irregularly distributed intervals of higher permeability than the presence of a regional shallow confining layer. As discussed below, apparent equilibration of water levels in deep wells with local surface water features suggests hydraulic continuity. These semi-confined conditions will reduce, but not eliminate the potential for contaminants to migrate vertically through the aquifer.

Water Level Comparisons

Comparison of water levels in wells and surface water features can be useful in understanding the potential for hydraulic connection between them, and relationship to geologic observations. Similar water levels in wells and adjacent surface water features are consistent with hydraulic communication. Table 1 summarizes elevations for water levels in wells in the Oxberg area from the Oxberg well log and values reported by the USGS (1978) in addition to the elevations of other relevant topographic and geologic features. Key observations from the Table 1 include:

- Water level elevations at the Oxberg well are similar to the surface water in the adjacent pond (named Oxberg Pond in this report for convenience).
- The Oxberg well log describes a clay layer from 0- to 25-feet bgs, which places the contact with underlying weathered basalt at approximately 186 feet elevation. The Oxberg Pond is thus in contact with the underlying basalt aquifer.
- Water levels in other wells west and south of the Oxberg well are also similar in elevation to nearby surface water features, including Well 16 ada, located immediately east of the proposed Crestview Crossing development.
- Water levels in wells along the drainage upstream from Oxberg Pond appear to be lower than stream water levels consistent with either losing reaches of the stream or that the stream is perched on the clayey soils with poor hydraulic connection between surface and groundwater in those areas.

The elevations of water levels do not require a confined aquifer and are instead consistent with at least localized hydraulic continuity between surface water features and the underlying aquifer in the vicinity of the proposed Crestview Crossing development.

GeoEngineers Infiltration Testing

GeoEngineers cites field infiltration tests with rates of 0.0 to 0.1 inches per hour (GeoEngineers, 2018). The report documenting the field infiltration these tests was not reviewed by PGG. The cited infiltration rates are consistent with limited recharge on the project site, and consistent with the description of clay in the Oxberg well log. These shallow clayey soils reduce, but do not eliminate the risk for releases of contaminants at the surface or in stormwater ponds to impact the underlying aquifer.

For the clayey soils to be protective, they need to be present across the site, and in particular near the stormwater detention facilities after regrading of the site. The geologic contact between the clayey soils and underlying weathered basalt bedrock is likely to undulate and the thickness of the clayey soils may vary across the proposed project site. If the infiltration tests are not representative of conditions across the entire site, the site may not be as protective as indicated by the slow infiltration rates.

The Source Water Assessment indicated that soils on the Crestview Crossing proposed development site within the 15-year capture zone of the Oxberg well include high

sensitivity soils for infiltration (ODHS, 2004). The variability in potential infiltration rate indicated by the soils map in the Source Water Assessment indicate that areas of the Crestview Crossing site may have higher infiltration rates than indicated by the infiltration tests cited by GeoEngineers.

CONCLUSIONS

The conclusion that the Oxberg well is completed in a confined aquifer is not warranted by the available observations. Water level data instead indicate that there may be effective hydraulic communication with the surface as indicated by local equilibration between surface water and groundwater levels. A semi-confined aquifer with irregularly distributed productive intervals is more consistent with the geologic and water level observations. While the infiltration tests conducted by GeoEngineers are encouraging regarding potential impacts from infiltration, the representativeness of those results across the Crestview Crossing project site remains uncertain.

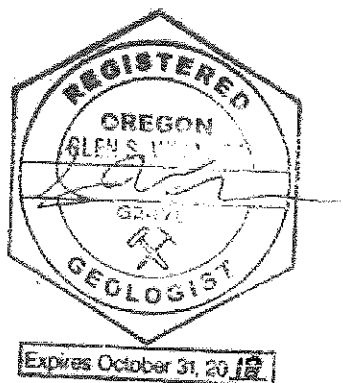
CLOSING

Our professional services were performed, our findings obtained, and our documentation prepared in accordance with generally accepted hydrogeologic practices. Work products are intended for the exclusive use by Jeffrey Kleinman and the Oxberg Water Co. for application to the project site. This warranty is in lieu of all other warranties, express or implied.

We trust that this report provides the information that you need. Please do not hesitate to contact us if you have any additional questions or comments.

Sincerely,

Pacific Groundwater Group



Glen Wallace, PhD, LG, RG
Associate Geologist

Attachments:

Table 1. Summary of Elevations

Appendix A: Selected pages from USGS (1978) and the Source Water Assessment (ODHS, 2004)

PGG Review 9-6-18.docx

REFERENCES

GeoEngineers, 2018. Revised Geologic and Hydrogeologic Technical Memorandum, Crestview Crossing Project, Newburg, Oregon. File No. 6748-002-03. August 9, 2018.

Oregon Department of Human Services (ODHS), 2004. Source Water Assessment, Summary of Analysis, Oxberg Water System, Newberg Oregon, Yamhill County, PWS# 4105308. April, 2004.

USGS, 1978. Groundwater in the Newberg Area, Northern Willamette Valley, Oregon. Ground Water Report No. 27.

Table 1. Elevation Comparison

Oxberg Well, Newburg, Oregon

Feature	Surface Elevation	Depth to Feature or Water	Calculated Elevation	Nearest Surface Water	
				Elevation	Notes
Oxberg Well Features					
Wellhead	211	0	211		Water surface elevation
Static Water Level	211	29	182	184	From well log
Depth to Base of Clay	211	25	186		From well log
Oxberg Pond	184	0	184		Approximately 200 feet NE of Oxberg well
Benjamin Road Pond	161	0	161		NW corner of intersection of 99 and Benjamin Road
USGS Water Levels (see Appendix A)					
Well 15 cab	190	44.72	145	145	Stream bottom west of Trails End Lane
Well 16 aaa	190	35	155	184	Oxberg Pond
Well 16 aab	210	36.45	174	184	Oxberg Pond
Well 16 ada	185	26.88	158	161	Benjamin Road Pond
Well 17 abc	210	41.33	169	168	Stream bottom east of E Hess Creek Road
Well 9 cda	250	70	180	234	Stream bottom east of well.

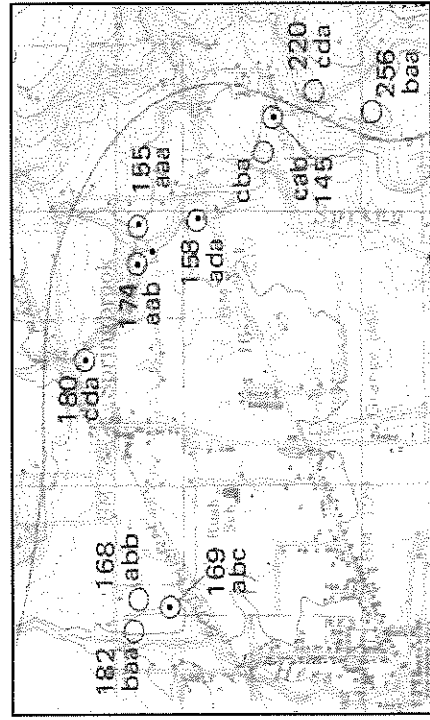
Notes:

All units in feet

The names Oxberg and Benjamin Road ponds are used only in this report for convenience. These features may have other names locally.

Map inset below is from Plate 1 of USGS (1978); wells are named as <Section Number> <Letter Code>.

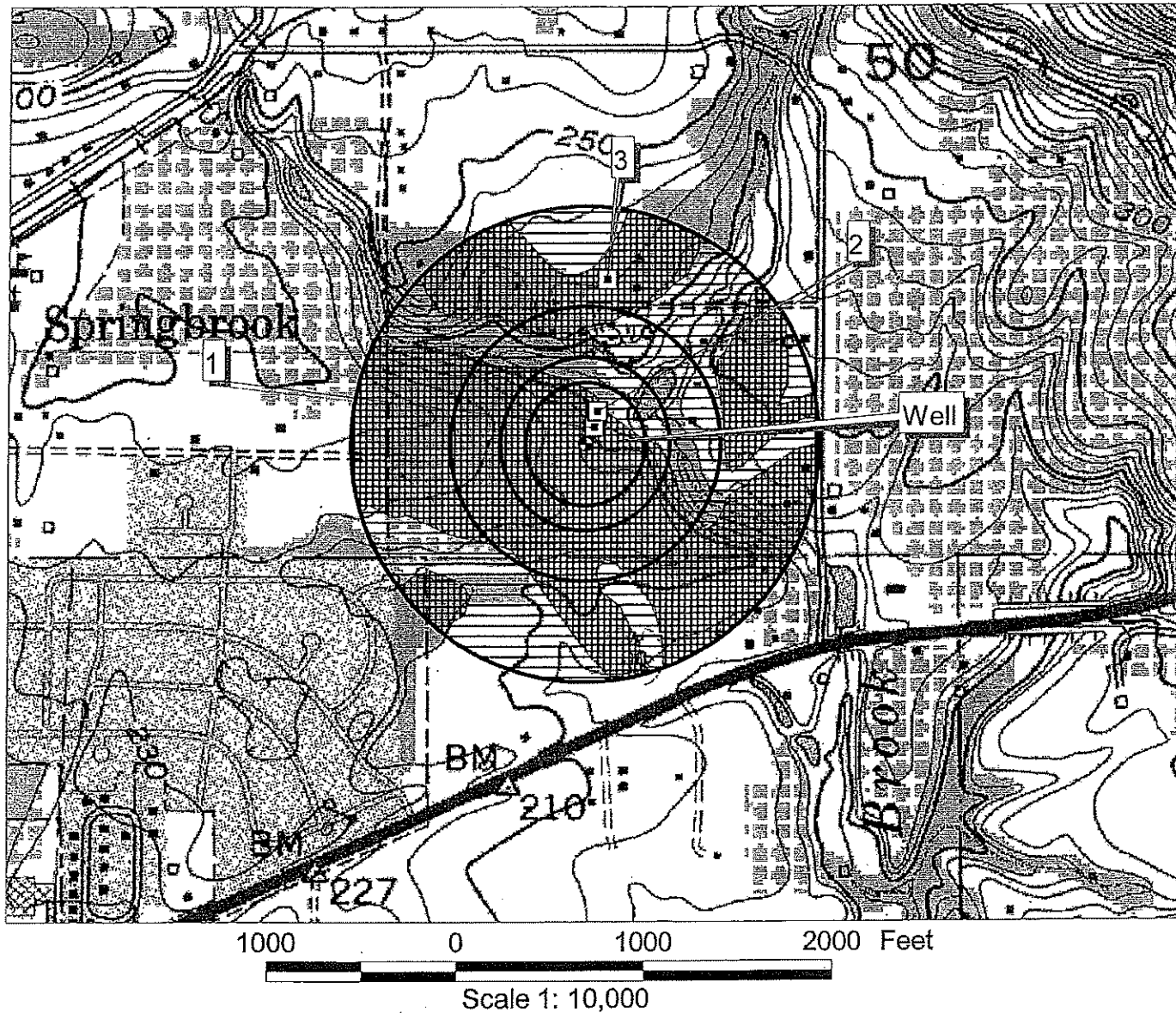
Red dots indicated downward vertical gradient, blue dots indicate similar water levels with surface water features.



APPENDIX A

Selected pages from USGS (1978) and the Source Water Assessment (ODHS, 2004)

Oxberg Water System Drinking Water Source Susceptibility



Drinking Water Protection Area (DWPA)
1, 2, 5, and 15 Year Time of Travel (TOT)
Calculated Fixed Radius Method

Potential Contaminant Sources

- ⊕ Higher Relative Risk
- ▣ Moderate Relative Risk
- △ Low Relative Risk

Sensitivity Analysis

- ▨ High Soil Sensitivity
- ▤ Medium Soil Sensitivity
- ▥ Low Soil Sensitivity

Note: Sites and areas noted in this figure are potential sources of contamination to the drinking water as identified by Oregon Drinking Water Protection Staff.

Environmental contamination is not likely to occur when chemicals are used and managed properly.

Features or activities that are identified as high or moderate risk that occur within an area designated as high or moderate sensitivity pose a greater risk to drinking water quality than those in areas of low sensitivity.

Numbers indicate potential contaminant sources indexed to Appendix C, Table 2.



STATE OF OREGON
 WATER WELL REPORT
 as required by ORS 537.765)

DEC 26 1986

WELL # 2

11/24/86

OWNER: OXBERG
 name OXBERG WATER RESOURCES DEPT.
 Address P.O. BOX 467 W. OREGON
 City NEWBERG State OREG Zip 97132

(2) TYPE OF WORK:
 New Well Deepen Recondition Abandon

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:
 Domestic Community Industrial Irrigation
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION:
 Special Construction approval Yes No Depth of Completed Well 200 ft.
 Yes No
 Explosives used Type _____ Amount _____

HOLE			SEAL			Amount sacks or pounds
Diameter	From	To	Material	From	To	
12	0	139	CEMENT	0	30	20
8	139	200				

How was seal placed: Method A B C D E
 Other
 Backfill placed from _____ ft. to _____ ft. Material _____
 Gravel placed from 30 ft. to 139 ft. Size of gravel 3/4" TO 1/2"

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 8	+1	162	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner: 6	160	200	160 LB	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Vertical location of shoe(s)

(7) PERFORATIONS/SCREENS:
 Perforations Method MILLS KNIFE
 Screens Type _____ Material _____

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
50	162		475	1/4"		<input checked="" type="checkbox"/>	<input type="checkbox"/>
162	200		160	1/4"		<input type="checkbox"/>	<input checked="" type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian
 Yield gal/min Drawdown Drill stem at Time

45	50		1 hr.
----	----	--	-------

Temperature of water _____ Depth Artesian Flow Found _____
 Was a water analysis done? Yes By whom _____
 Did any strata contain water not suitable for intended use? Too little
 Salty Muddy Odor Colored Other _____
 Depth of strata: _____

(9) LOCATION OF WELL by legal description:
 County YAMHILL Latitude _____ Longitude _____
 Township 35 N or S, Range 2W E or W, WM.
 Section 16 _____
 Tax Lot _____ Lot _____ Block _____ Subdivision _____
 Street Address of Well (or nearest address) 4100 E. CRESTVIEW NEWBERG, OREGON

(10) STATIC WATER LEVEL:
29 ft. below land surface. Date 12/11/86
 Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:
 Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
50	200	45	29

(12) WELL LOG: Ground elevation _____

Material	From	To	SWL
TOP SOIL	0	2	
BROWN CLAY	2	25	
SOFT DECOMPOSED BROWN ROCK WITH CLAY STREAKS	25	152	29
SOFT BROWN ROCK	152	172	29
BROWN CLAY	172	178	29
SOFT BROWN ROCK	178	200	29

Date started 11/24/86 Completed 12/11/86

(unbonded) Water Well Constructor Certification:
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.
 Signed _____ Date _____ WWC Number _____

(bonded) Water Well Constructor Certification:
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.
 Signed CK Keller Date 12/24/86 WWC Number 462

Table 4. -- Records of Representative Wells -- Continued

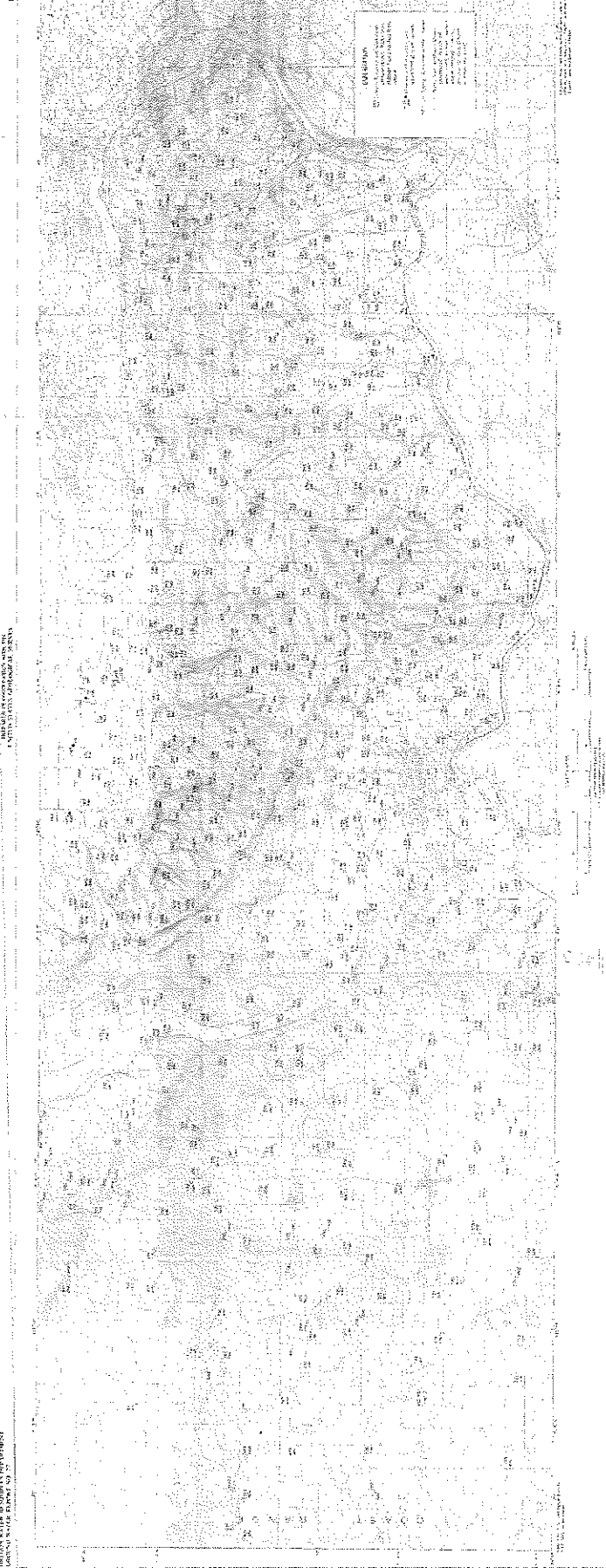
Well number	Owner	Type of well	Year completed	Depth of well (feet)	Diameter of well (inches)	Depth of casing (feet)	Finish	Water-bearing zone(s)		Altitude (feet)	Water level		Specific conductance of water	Type of pump and hp	Well performance		Remarks	
								Depth (feet)	Thickness (feet)		Character of material	Fast bore datum			Date	Yield (gallons per min)		Draw-down (feet)
8bdd	J. C. James	Dr	1962	100	6	35	B	95	5	250	20	4-5-62	675	S, 3/4	14	63	D	B 1 hr, L.
9abc	David Vance	Dr	1974	305	6	20	B	140	--	420	111.40	10-1-75	120	S	11	--	D	At 1 hr.
9aca	Jim DeYoung	Dr	1972	260	6	117	B	175	--	420	135	11-11-72	--	S, 1 1/2	17	--	D	Do.
9bdd	William Krause	Dr	1974	135	6	80	P, 81-134	107	15	345	52.90	10-1-75	115	S, 3/4	30	79	D	Do.
9eda	Lyle Lockabill	Dr	1968	205	5	109	P, 105-205	185	20	250	70	6-8-68	600	S, 1	7	135	D	B 1 hr.
10aaa	Lloyd Metz	Dr	1968	160	6	100	P, 40-100	42	11	520	43.77	7-10-75	100	S	15	85	D	Do.
10bbb	James Bernard	Dr	1971	440	6	48	B	140	--	590	28.09	do	130	S	25	--	D	At 1 hr.
11aaa	Chehalen Mountain Water Co.	Dr	1967	320	6	31	B	265	7	460	143.75	7-16-75	175	S, 2	65	320	PS	P 1 hr, L. Well supplies water for 17 homes.
11bac	F. W. Berlinger	Dr	1956	600	8	20	B	167	13	600	132.71	do	175	S, 2	20	30	D	B.
11ddb	Oscar Mueller	Dr	--	115	6	--	--	--	--	320	82.2	do	100	S, 1	12	--	D	
12aab	W. O. Pannier	Dr	1973	440	6	48	B	320	--	440	131.85	7-17-75	160	S, 2	10	--	D	At 1 hr.
12bab	F. W. Berlinger	Dr	1966	113	6	91	B	86	--	260	35	11-7-66	180	J, 3/4	20	25	D	B 1 hr.
12cdc	A. F. Knudsen	Dr	1968	388	6	137	B	--	--	1,100	--	--	--	--	--	--	--	
13bda	G. H. Cress	Dr	1970	570	6	69	B	162	9	1,110	315.35	9-26-75	--	N	10	115	U	P 2 hr.
14beb	Paul Cramer	Dr	1969	445	6	41	B	--	--	515	240	8-18-69	195	S	12	--	D	At 1 hr.
14bcc	C. V. Sloyer	Dr	1973	445	6	40	B	618	--	540	324.8	7-11-75	185	S, 1 1/2	25	--	D	At 1 hr, L, Ca.
15cab	John Halley	Dr	1973	150	5	94	P, 82-150	65	--	190	44.72	10-3-75	210	S, 1	16	75	D	B 1 hr. Well equipped with water softener and iron filter.
15eba	Harvey Portier	Dr	1974	87	6	87	B	87	--	160	30	7-16-74	210	S, 3	30	50	D	At 2 hr.
15eda	John Rehak	Dr	1966	335	5	266	P, 95-125, 240-335	--	--	300	80	5-12-66	360	S, 1	5	255	D	B 1/2 hr.
16aaa	Ethel Bixby	Dr	1973	152	6	150	P, 75-150	87	--	190	35	5-5-73	200	S	14	100	PS	B 1/2 hr. This community well supplies water to five families; water reported to be high in iron.
16aab	J. J. Fortone	Dr	1975	145	6	145	P, 105-145	105	40	210	36.45	10-13-73	220	S, 1	9	55	D	P 2 hr.

T. 3 S., R. 2 N. -- Continued

Table 4.--Records of representative wells--Continued

Well number	Owner	Type of well	Year completed	Depth of well (feet)	Diameter of well (inches)	Depth of casing (feet)	Finish	Water-bearing zone(s)		Altitude (feet)	Water level		Specific conductance of water	Well performance		Remarks	
								Thickness (feet)	Character of material		Feet below datum	Date		Yield (gal/min)	Draw-down (feet)		Type of pump and hp
16ada	Eibert Gleason	Dr	1972	105	6	105	P, 35-103	--	Basalt	185	26.88	10-13-75	--	30	50	B 1 hr. Water has high iron content, bad odor and taste.	
17abb	Ralph Mortensen	Dr	1971	175	6	60	P, 139-175	25	do	250	82.45	10-16-75	225	30	--	At.	
17abc	Mr. Heineman	Dr	1971	212	6	176	P, 50-209	--	do	210	41.33	do	--	10	182	U	B 1 hr.
17baa	E. N. Meads	Dr	1975	145	8	140	P, 40-140	--	do	200	18	7-9-68	--	9	133	D	B 1 hr.
18abb	Eugene Zirechky	Dr	1968	105	6	105	P, 25-105	--	Clay	195	12.64	10-16-75	160	6	70	D	B 1 hr. L.
18baa	George Greer	Dr	1975	200	6	--	--	--	--	200	21.90	10-14-75	180	7	--	D	P.
18cab	H. T. Benson	Dr	1972	165	6	146	P, 70-144	30	Clay, sand, and gravel	168	33.02	10-13-75	250	10	153	D	P 10 hr. Water high in iron content. Well has iron filter.
19cab	Valley View Memorial Garden	Dr	1958	224	8	24	B	118 190	Basalt do	240	116.40	1-13-75	185	33	82	Ir	B 1 hr. L. Co.
20add	Western Helicopter	Dr	1972	98	6	98	P, 40-98	23	Clay	165	20	7-16-72	280	3 1/2	60	D	B 2 hr.
21adb	M. L. Gattman	Dr	1970	184	6	83	P, 58-68	58	Sand	135	14	9-28-70	2,100	4	62	D	P 12 hr. L. Co. Water reported to be high in iron content.
21cdd	J. L. Lezada	Dr	1971	335	6	250	B	306	Clay	150	51.10	10-9-75	--	12	170	U	B 2 hr. Water reported to be of poor quality; has high iron content, bad odor and taste.
21dcd	Lee Hall	Dr	1956	105	6	105	P, 65-105	65	do	160	17.60	10-10-75	--	7	100	D	P 1 hr.
22aaa	Richard Clay	Dr	1971	225	6	133	P, 102-180	115	Basalt	550	164.2	2-23-75	105	18	65	D	At 1 hr.
22baa	R. W. Schaad	Dr	1972	300	6	47	P, 30-80	120 220	Shale do	330	73.53	10-3-75	410	14	--	D	At 1 hr. Water reported to be high in iron content.
22cab	Cary Shuler	Dr	1972	115	6	29	P, 75-115	90	Basalt	225	35.80	7-22-75	210	150	115	Ir	At 1 hr.
22cnd	Herbert Stiefken	Dr	1974	150	6	80	P, 105-145	105	do	222	31.54	7-23-75	180	145	114	Ir	Do.
23acc	Denzell Martin	Dr	1965	230	6	111	P, 120-230	--	do	440	127.57	7-22-75	200	10	107	D	B 1 hr.
23dca	John Bauer	Dr	1975	403	6	33	B	154	do	665	228.25	7-23-75	--	12	120	D	At 1 hr.
23dca	David Bauer	Dr	1972	586	6	20	B	549	do	840	460	9-2-72	200	10	155	D	Do.
24bab	Dennis Daly	Dr	1975	178	6	90	B	140	do	1,055	107.83	7-22-75	--	10	63	D	At 2 hr.
25bbb	M. H. Johnson	Dr	1972	155	6	20	B	144	do	600	101.65	7-23-75	205	15	50	D	P 2 hr.

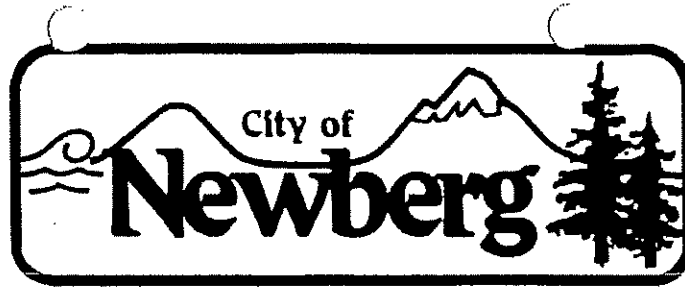
T. 3 S., R. 2 N.--Continued



MAP SHOWING WELL LOCATIONS AND GENERALIZED WATER-LEVEL ALTITUDES OF THE NEWBERG AREA, OREGON

City Manager
(503) 538-9421

City Attorney
(503) 537-1206



414 East First Street
PO Box 970
Newberg, Oregon 97132

January 30, 2006

Yamhill County Board of Commissioners
Leslie Lewis, Chair
535 NE 5th Street
McMinnville, OR 97128

Dear Chair Lewis:

The concept of a northern arterial road to relieve traffic congestion on Highway 99W and provide greater access to the northern part of Newberg has been an element of the City's comprehensive plan for more than twenty-five years. It is only within the last few years, however, that development within Newberg has allowed this project to make significant progress toward completion.

We find ourselves now with the opportunity to complete another section of this important road which will be an integral part of the future development of the master plan for the Austin property in Newberg. This opportunity, however, relies heavily upon the funding from ODOT rail for the closing of the railroad crossings at Crestview Road and Springbrook Road and the creation of a new railroad crossing on Mountainview Road.

This is a fragile process that is very time sensitive. The City needs to be able to assume road jurisdiction for those County roads that are a part of the Mountainview Road s-curve to preserve the rail funding and complete the project during the next construction season. We realize that the impact of this road and, in a greater context, the development of the Austin property is of great concern to the residents of Oxberg Lake Estates and to Yamhill County.

To that end, the City of Newberg has undertaken an alternatives analysis of the northern arterial road particularly as it affects Oxberg Lake Estates and the surrounding area. We are pleased that this initiative by the city has been endorsed by Yamhill County, the residents of Oxberg Lake Estates, the Austins and other affected stakeholders and we are anxious to get started on this work.

Another area of concern for the residents of Oxberg Lake Estates has been the protection of their commercial water system and aquifer. This issue is a significant concern to the City of Newberg as well. We are confident that the construction of this next section of the northern arterial road, referred to herein as the Mountainview Road s-curve, will not have any impact on the commercial water system or aquifer that serves Oxberg Lake Estates.

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"Working Together For A Better Community - Serious About Service"

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Yamhill County Board of Commissioners
January 30, 2006

The City of Newberg requires the use of best practices for storm water management for not only its own public works projects, but for all new construction and development within the City of Newberg. These best practices will be used for the construction of the Mountainview Road s-curve and for all future development within and adjacent to that area, including the master plan for the Austin property. The City will also comply with all State regulations and administrative rules that govern the protection of aquifers with respect to the aforementioned construction and development.

It is our hope that both these assurances will demonstrate the commitment of the City of Newberg to protect the interests of all affected stakeholders in the northern arterial project and allow the requested transfer of road jurisdiction to be completed.

Sincerely,


James H. Bennett
City Manager
City of Newberg