

### **Attachment 3: Public Comments**

## Doug Rux

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**From:** Charles McClure <chuck@nutfarm.com>  
**Sent:** Saturday, April 30, 2022 9:57 AM  
**To:** Doug Rux  
**Cc:** christiandebenedetti@me.com; Ellen McClure  
**Subject:** Crestview Green- Dense Buffer required, Keeping Open Benjamin Road  
**Attachments:** DENSE BUFFER.pdf

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello again Doug,

Our historic property also needs a light buffer from any street lights along Benjamin road, which could be accomplished by street lights that only cast beams downward and not horizontally.

Please respond and assure me that my comments to by email about buffering are now a part of the record for the May 12th hearing, so that I will not have to deliver them by hard copy to the City as suggested in the notice.

Thank You,

Charles McClure

Hello Doug,

The Crestview Green Plan does not provide for a buffer next to Benjamin Road as required by the annexation conditions for the property. It states:

“A 20 foot wide dense buffer will be required along Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm”

The reason for this provision was twofold: to separate the urban property from the rural property to the east, and to protect the ambiance of the home of ours on the National Historic Register across Benjamin Road.

The Crestview Green Plan proposes to change the commercial part of the property to very high density residential, with 32 feet tall buildings in stark modern design with jagged roof lines. This is in high contrast to rural property and our beautiful historic home, and makes the buffer even more necessary.

Blocking the sight of these tall buildings is the most important issue. This can only be done with a tall, dense, vegetative buffer. I can find no definition for this kind of buffer in Newberg's comprehensive plan, so I suggest that you follow the definition of a high density buffer in the Kershaw County SC Planning Code attached, substituting 20 feet for 30 feet. This was what I was able to find on the internet. There are probably are other definitions out there that would work.

There should be specification of the types of trees and shrubs and sizes, and provisions for planting and maintenance, particularly for watering in our increasingly hot summers. The buffering vegetation should be of a type that would be well on its way to providing the required buffering in 3 years.

We support Yamhill County's position to keep Benjamin Road open. We are consulting a land use attorney on that issue and will have further comments.

Thank you for your consideration.

Charles McClure

**A. Type “D” Buffer Area** - The Type “D” Buffer Area is a high density screen designed to provide maximum buffering and screening, to exclude all visual contact between uses, and to create spatial separation. The buffer area shall be a minimum width of thirty (30) feet. Per 100 lineal feet or fraction thereof, not including driveway and walkway widths, the screen shall consist of a combination of not less than:

1. Three (3) large-maturing shade trees planted twenty (20) to forty (40) feet on center.
2. Sixteen (16) to eighteen (18) evergreen trees and seven (7) to nine (9) medium-maturing trees planted in triple-staggered rows twelve (12) to fourteen (14) feet on center.
3. Forty (40) perennial shrubs.

## Doug Rux

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**From:** Charles McClure <chuck@nutfarm.com>  
**Sent:** Monday, April 25, 2022 1:25 PM  
**To:** Doug Rux  
**Cc:** christiandebenedetti@me.com; Ellen McClure  
**Subject:** Crestview Green- Dense Buffer required, Keeping Open Benjamin Road  
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3. Forty (40) perennial shrubs.

## Doug Rux

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**From:** Charles McClure <chuck@nutfarm.com>  
**Sent:** Saturday, April 23, 2022 9:53 AM  
**To:** Doug Rux  
**Subject:** Crestview Green- Buffer to McClure property along Benjamin Road

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Doug,

Could you please email me a copy of the provisions in the annexation documents requiring the buffer along Benjamin Road that we talked about yesterday.

As a start, I think that you should strongly consider retaining the present trees and foliage on and about the west bank of Benjamin Road. To tear that out and start entirely anew would remove what is already a helpful barrier, and would immediately leave an entirely open space.

Thanks.

Chuck McClure

Tuesday, May 3, 2022

RE: Written Comments: Re. File No. CUP22-0001/PUD22-0001

FROM: Christian DeBenedetti, Founder  
Wolves & People Farmhouse Brewery  
30203 NE Benjamin Rd.  
Newberg, OR 97132

TO: City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132

To the City of Newberg Community Development Dept.,

As a Newberg native, current resident, business founder, and lease-holder on historic Springbrook Farm, which directly borders the newly proposed development, I write to express our staunch opposition to the complete closure of Benjamin Rd. at 99W. It will pose hardships to our business and to our neighbors on and around Benjamin Road.

I offer commentary on behalf of my company, Springbrook Beer LLC d.b.a. Wolves & People Farmhouse Brewery, and on behalf of the owners of Springbrook Farm (Ellen & Charles McClure, who are also landlords for the business, and my parents). I also hope to speak for many of our neighbors who enthusiastically patronize the farm brewery.

As we will welcome Crestview Green's new residents to area with open arms, and as we hope they will become interested in our family-owned business and farm-grown hazelnuts and in other neighbor enterprises such as the Allison Inn and Rex Hill/A to Z Wineworks, we must also raise serious concerns about these plans, which have not allowed for sufficient review.

The following describes the hardships the plans will create as proposed, and our ideas for potential solutions:

**HARDSHIP:** The proposed closure of Benjamin Rd. will be a hardship for neighbors and our area businesses. As proposed, visitors will have an extra 8/10ths of a mile in order to arrive via large intersections traversing modern residential and retail developments, and may endure months or years of heavy construction, which will directly impact our businesses and inconvenience current area residents.



## POTENTIAL SOLUTION:

- Make Benjamin Rd. at 99W a right- and left-turn-in only off of 99W. Eliminate left turns out of Benjamin to 99W.

## REASONING:

- Benjamin Road, which is a county road and not in the city of Newberg, would now become a one-way section at 99W, and will be safer, retaining some sense of its peaceful aura and views. Simultaneously, lower the speed limit to 25 (or even 15mph), and add speed bumps and signage to remind drivers they are in a rural area home to neighbors, pets, livestock, and wild animals. Jory Road, which is classified as a minor collector street, should not be expected to handle the regular traffic of an established county route.

- Relatedly, eliminate the proposed connection between Willakenzie Street to Benjamin Road. Use the open area for additional green/habitat space. It is all too-close-for-comfort to Springbrook Creek's protected waters and serves little purpose. If Crestview Green dwellers want to access Benjamin Road, they can do so via the proposed Jory Street and "Private Streets A, B, C, or D" to access Benjamin Road.

- make the proposed Jory Street yield to Benjamin's historically established local traffic via stop sign or other posted rule. In the event there are cars backing up, it is safer for them to do so on the proposed collector Jory Street rather than on 99W or Benjamin Road.

- While the existing intersection is currently not ideal at Benjamin Road, nor is it statistically much more dangerous. Let us take this opportunity to make it safer as a right in/left in only, and more secluded from the coming changes.

## ENVIRONMENTAL CONCERNS:

- The shaded and bucolic nature of Benjamin Road as it now is worth saving and should be altered responsibly. After all, the route is named for local pioneer Benjamin Heater (1821-1914). Springbrook Farm was established on land that had been Heater's, and the area of our farm closest to the proposed development once belonged to Neuburg, Germany native Sebastian Brutscher (1826-1922), who named the town Newberg and became its first postmaster and school superintendent. He even had a sawmill on Springbrook Creek. Direct descendants of both Heater and Brutscher have paid our farm brewery many happy visits. The bucolic arrival to our area is something we and our customers value deeply.

- the developers should be required to use properly shaded and environmentally sensitive lighting (if any more is necessary at all) that can be proven will have no negative impact on human neighbors, or on wildlife of the Springbrook creek area including bald eagles, red tail hawks, quail, doves, great blue herons, horned owls, red wing blackbirds, Pacific salamanders, hummingbirds, beavers, and migratory species such as geese and Western swallowtail butterflies. An unnecessary and brightly-lit intersection at Willakenzie Road and Benjamin Road would negatively impact these species, which we have the responsibility to safeguard and can do so without too much effort.

#### CONTEXT & SUMMARY:

Springbrook Farm gained its four historic, well-preserved Craftsman buildings in 1912, and became home to my family in 1967. It was wonderful to grow up on this peaceful landmark property, which has been slowly but surely surrounded by development. Wolves & People, founded in 2014 and opened in 2016, has been ranked as both the best brewery in Oregon in 2018 (*Outside Magazine*) and as the 18th best small brewery in the world in 2021 (*Craft Beer & Brewing Magazine*), among other accolades. It is the first ever farm-based brewery in Yamhill County and among the first in the state and nation. We are proud of our hyperlocal approach and of our mission to bring back barley farming and malting to Newberg and Yamhill County. The brewery attracts a respectful clientele from Newberg and neighboring areas, the city of Portland, and across the US and from abroad, and has donated to several local charities including our neighboring Providence Hospital.

The vast majority of our guests arrive via the leafy, secluded-feeling Benjamin Rd., which I am old enough to fondly remember as Route 4. Let's keep it as beautiful and serene as we can while making our new neighbors welcome and well-accommodated.

Sincerely,



Christian DeBenedetti  
Founder, Wolves & People Farmhouse Brewery  
Springbrook Farm, Newberg, OR  
[christian@wolvesandpeople.com](mailto:christian@wolvesandpeople.com)  
Ph. 503-487-5873

## **Attachment 4: Five Party Agreement**

City of Newberg

"City"

Yamhill County  
535 NE Fifth St.  
McMinnville, OR 97128

"County"

Oxberg Lake Homeowners Association.

"Association"

Ken Austin  
Joan Austin

"Austin"

JT Smith Companies  
(T3S R2W Tax Lot 13800)

"JT Smith"

MeadowWood Development, LLC  
(T3S R2W Tax Lots 900, 1000 and 1100)

"MeadowWood"

Dated: April 10, 2006

**RECITALS**

A. City's Transportation System Plan ("TSP") calls for a northerly arterial via Crestview Drive connecting to Hwy. 99W (the "TSP Northern Arterial").

B. Association has expressed its concern about a northerly arterial Crestview Drive terminating at Hwy. 99W.

C. Austin intends to submit for master plan approval for the development of an approximately 400-acre site (the "Austin Master Plan") located in the City. Austin desires a transportation system that will have adequate capacity to serve the development on the Austin Master Plan parcel.

D. County has contracted with JRH Transportation Engineering ("JRH") to determine the transportation impacts of an alternative to the TSP Northern Arterial (the "Springbrook Northern Arterial Plan"). The Springbrook Northern Arterial designates Springbrook Road between HWY 99W and Crestview as the northern arterial and amends the designation of Crestview from Springbrook to Hwy 99W as a major collector.

E. Association has requested certain stipulations on the Crestview Drive to Hwy. 99W link which are also under study by JRH.

F. The Springbrook Northern Arterial Plan is diagrammatically depicted on Exhibit "A" attached hereto.

G. The JRH study has demonstrated the feasibility and transportation system adequacy of the Springbrook Northern Arterial Plan, assuming year 2025 projections and buildout of the Austin Master Plan.

H. 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.

#### AGREEMENT

1. The parties hereto agree to accept the Springbrook Northern Arterial Plan attached hereto as Exhibit "A" and specifically accept and rely upon the JRH study attached hereto as Exhibit "B".

2. City will initiate a process to amend its TSP to designate Springbrook Road as the Northern Arterial for the City. The City Manager and City Engineer will support this effort through the Planning Commission and City Council with the intended modification to the TSP as described. All parties to this Agreement will support this designation. If the City considers amending the Northern Arterial designation of Springbrook Road in the future it will be by public process.

3. City will initiate a process to amend its TSP to designate Crestview Drive as a Major Collector, with the general design and alignment of the road as depicted in Exhibit A. The City Manager and City Engineer will support this effort through the Planning Commission and City Council with the intended modification to the TSP as described. All parties to this Agreement will support this designation. If the City considers amending the Major Collector designation of Crestview Drive in the future it will be by public process.

4. 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 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.

5. Improvements on the proposed Crestview Drive Major Collector will be paid for as a capital improvement subject to City's transportation SDC program.

6. The parties agree to support an amendment to County Board Order 06-070 to delete the condition requiring a study and County approval before the City can construct a roundabout on Springbrook Road.

7. County will expeditiously initiate a process to surrender jurisdiction of that portion of Crestview Drive as originally requested by City.

8. The parties agree with the findings of the initial study that the capacity in the transportation system achieved through the Springbrook Northern Arterial Plan will have virtually no effect on Springbrook Road operations and will maintain the capacity and functionality of the City of Newberg's Transportation System Plan.

9. This agreement has no bearing on the City's consideration to annex or not annex Oxberg Lake Estates.

10. Each party hereto represents to the other parties that the party has all necessary power and authority to perform under and be bound by the terms and conditions of this Agreement.

11. All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, successors, and assigns.

12. Counterparts and facsimile signatures. The parties may execute this agreement in counterparts, each of which shall be deemed to be an original thereof. The parties agree that facsimile signatures shall be accepted as original signatures with respect to this agreement.

CITY OF NEWBERG

By: *JM Bennett*  
Its: CITY MANAGER

OXBERG LAKE HOMEOWNERS ASSOCIATION

By: *Jack Katoona*  
Its: President

JT SMITH COMPANIES

By: *[Signature]*  
Its: REPRESENTATIVE

YAMHILL COUNTY

By: *Jessie A. Owens*  
Its: Chair, Yamhill County Commissioners

KEN AUSTIN  
JOAN AUSTIN

By: *George K. Austin J*  
Its: *Joan Austin*

MEADOWWOOD DEVELOPMENT LLC

By: *[Signature]* TIMOTHY SPEAKMAN  
Its: MEMBER / MANAGER

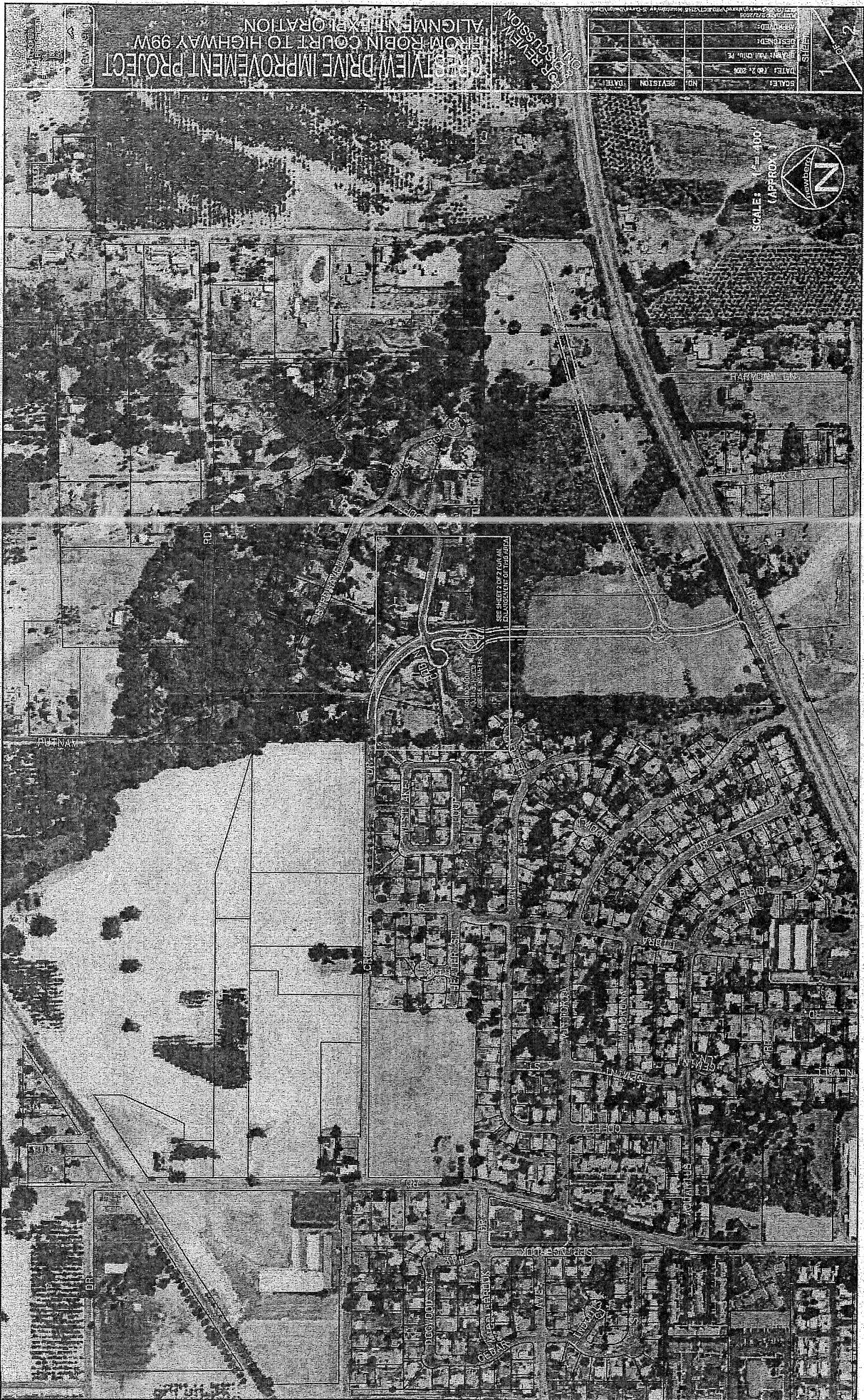
Accepted by Yamhill County Board of Commissioners on

4/19/06 by Board Order

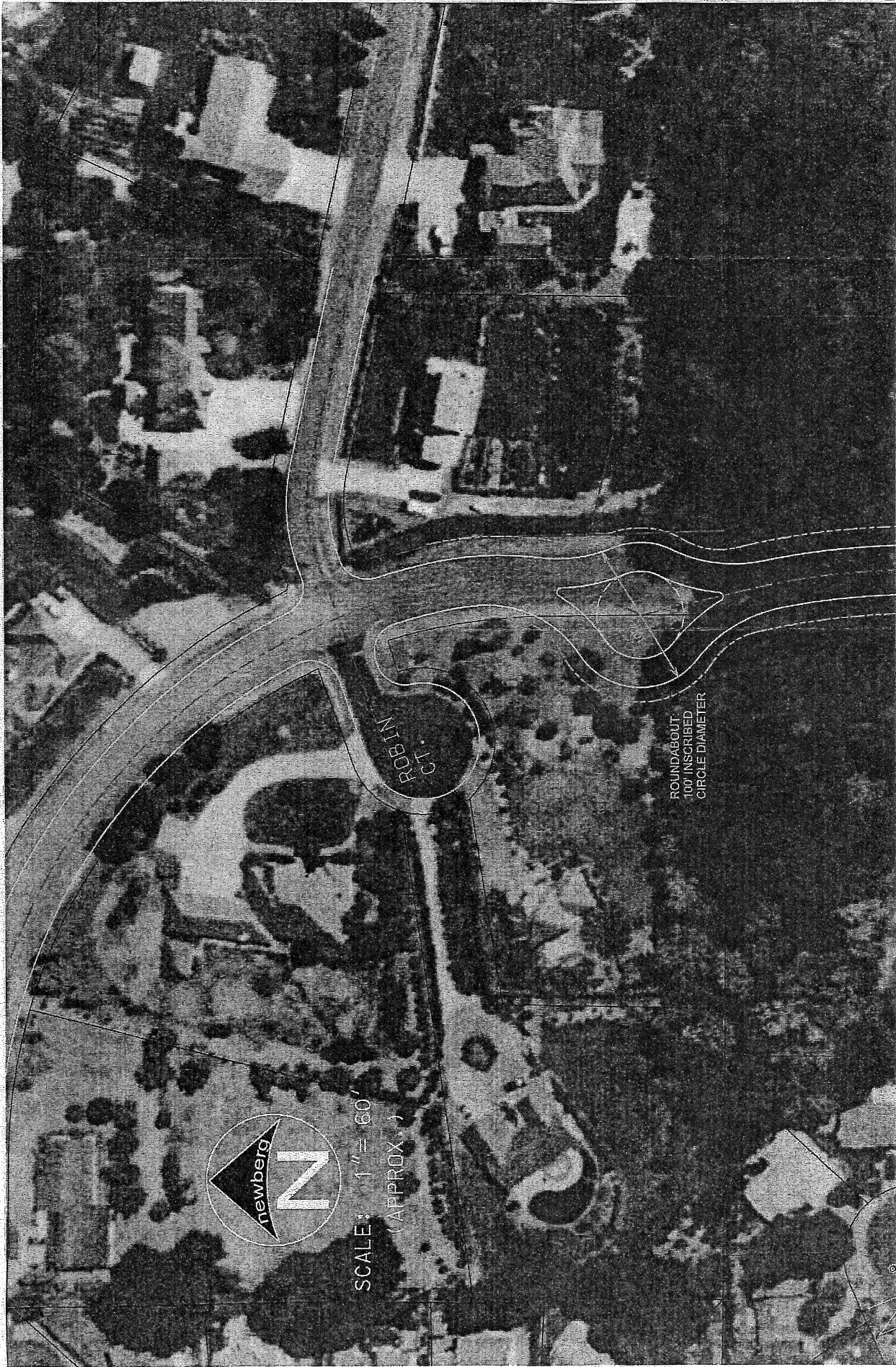
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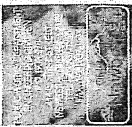
# EXHIBIT A







CRESTVIEW DRIVE IMPROVEMENT PROJECT  
 ALIGNMENT EXPLORATION  
 FROM ROBIN COURT TO HIGHWAY 99W

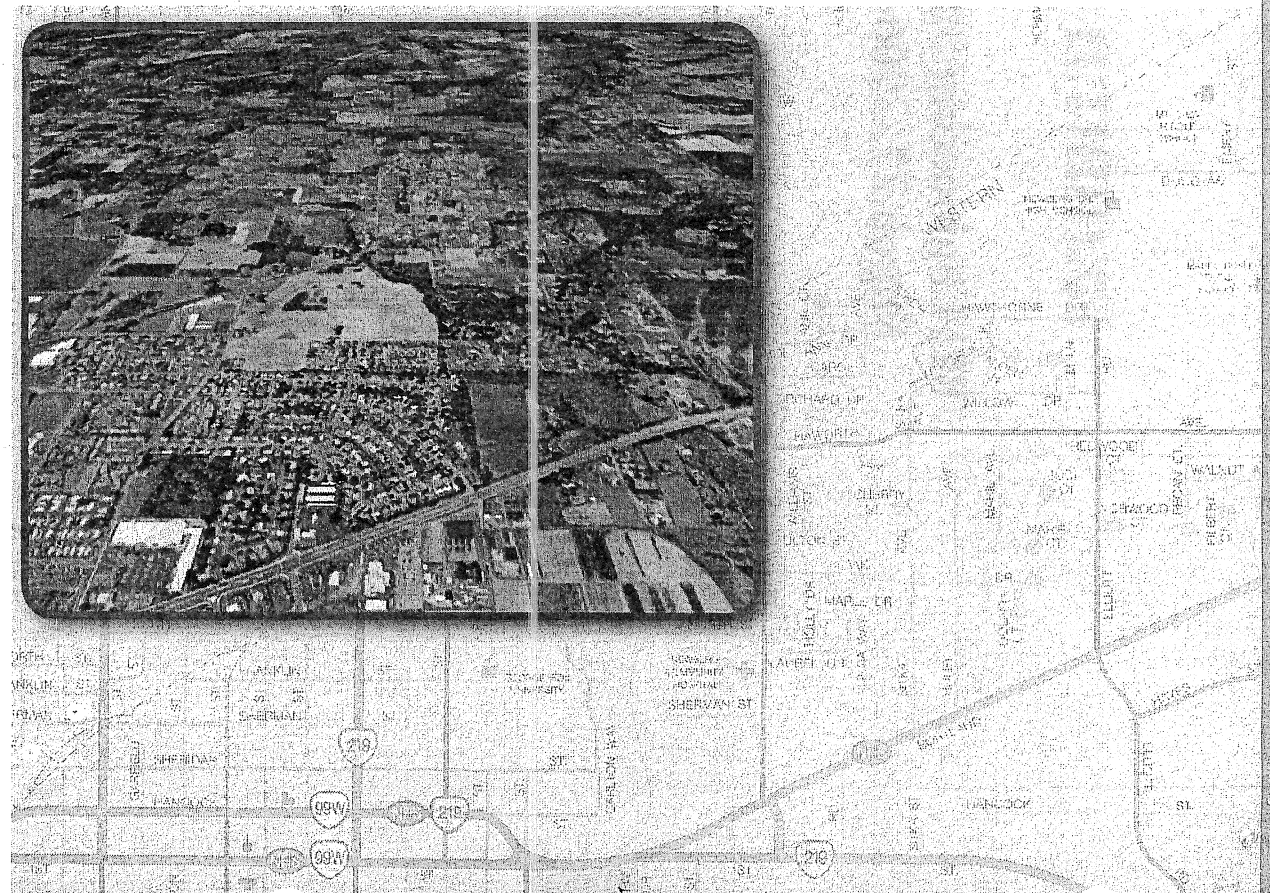


# EXHIBIT B

JRH Engineering Study  
March 27, 2006

B.0.06-265

THE EFFECT ON SPRINGBROOK STREET  
 OF CONVERTING THE NEWBERG NORTHERN ARTERIAL  
 (CRESTVIEW DRIVE) TO A MAJOR COLLECTOR



March 27, 2006



# THE EFFECT ON SPRINGBROOK STREET OF CONVERTING THE NEWBERG NORTHERN ARTERIAL (CRESTVIEW DRIVE) TO A MAJOR COLLECTOR

This memo outlines JRH Transportation Engineering's findings relating to the effect on Springbrook Street resulting from changing the Newberg Northern Arterial (Crestview Drive) from an arterial classification to a traffic-calmed major collector.

Briefly stated, the conclusions of the report are:

- 1) The physical capacity of Crestview Drive will not be materially reduced. Therefore, capacity restrictions will not divert traffic from Crestview Drive to Springbrook Street.
- 2) A ten mile per hour operating speed reduction on Crestview Drive (as might be expected from the reclassification of the street and the addition of traffic calming measures) would have virtually no effect on Springbrook Street operations.

The following contains the analysis used to develop these conclusions.

## BACKGROUND

The City of Newberg Transportation System Plan envisions a northern arterial connecting Mountain View Drive at the north, crossing the railroad tracks and continuing east from Springbrook Street along the alignment of Crestview Drive to the Oxburg neighborhood, and then south to an intersection with ORE 99W. Residents along the proposed arterial are concerned that this facility would have a negative effect on the livability of their neighborhood. They have proposed that this arterial be changed to a major collector with traffic calming to reduce operating speeds to 25 miles per hour to help mitigate traffic impacts.

There is concern by others that this downgrading of classification on Crestview Drive will produce traffic spill over onto Springbrook Street. This, in turn, would require additional transportation mitigation should vacant property be developed. Our challenge is to evaluate the relative traffic demand on Springbrook, resulting from the conversion of Crestview from an arterial to a major collector.

There are two ways that this conversion might impact Springbrook. The first would be the reduction in capacity on Crestview Drive to the extent that traffic would be forced to divert from Crestview to Springbrook. The second question is, would reducing speeds on Crestview Drive make Springbrook become relatively more attractive and, thus, increase traffic volumes? This memo analyzes both effects.

## EFFECT ON CRESTVIEW CAPACITY

A review of the projected traffic volumes along this collector shows that there will be adequate capacity along Crestview to meet the traffic demand. Under roadway design standards contained in the Newberg Transportation System Plan (TSP), the primary difference between a major collector and a minor arterial is that the arterial has a continuous two way left-turn lane, while the major collector has turn lanes, where appropriate, at intersections. Given the traffic volumes projected, both of these would have sufficient capacity to handle future traffic demands.

The two capacity constraints on both the original Northern Arterial as proposed in the Newberg TSP and the neighborhood proposed Crestview Drive major collector are at the intersections with Springbrook Street and at OR 99W. The geometry and thus the capacity at both intersections are not anticipated to change under either scenario. At the north end, the design of the roundabout between Springbrook and Crestview does not change with the proposed change in Crestview classification. At the south end, the design will be dictated by the needs of the commercial development along Crestview and will have more lanes than commonly associated with a major collector.

Future development may dictate that new intersections be constructed on Crestview between Springbrook and OR 99W. The design of these intersections will be subject to a traffic impact analysis to ensure the capacity is adequate to meet demands. Intersection turn lanes may be required; however, the low traffic volumes projected midway between Springbrook and OR 99W make it unlikely that even these minimal improvements will be required.

Traffic calming measures may also influence capacity; however, these impacts are more closely evaluated by examining speed reductions. This is the subject of the next portion of this report.

Because intersection geometry does not change, intersection capacity is not affected and, because capacity does not change, capacity constraints will not divert traffic from the Northern Arterial (Crestview Drive) to Springbrook Street.

## EFFECT OF SPEED REDUCTION

The second way the change of classification could impact Springbrook is the result of the change in travel speed between two classifications. If the relative speed on Springbrook between Crestview diminishes, then there may be additional trips induced onto Springbrook. This report is primarily focused on determining the impacts of these induced trips. In conducting this analysis, we looked effect on the traffic volumes using two separate methodologies.

For the first methodology, we reviewed the year 2025 projections for both Crestview and Springbrook as shown in Figure 2 of the Newberg Transportation System Plan. Appendix 1 contains this figure. The amount of through traffic on Crestview was determined by subtracting existing traffic and traffic from future development along Crestview from the projected 2025 turning movement volumes on Crestview, as shown in the Transportation System Plan.

After calculating southbound traffic, similar methodology was used to develop the northbound traffic on Crestview. The number of driveways, intersections, etc., along Springbrook, makes it difficult to determine the thru traffic on Springbrook. As a result, we developed



the thru traffic volumes on Springbrook using California Department of Transportation “Freeway Diversion” curves.<sup>1</sup> These calculations determine relative traffic volumes along parallel routes based on differentials in time and distance. We calculated the arterial travel times along Crestview assuming a 35 MPH speed for traffic driven on that route as well as a 35 MPH speed for Springbrook. To these travel times, we placed a delay factor on Springbrook for delay at signalized intersections along OR 99W, between Springbrook and the proposed intersection between Crestview and OR 99W.

Table 1 provides the Year 2025 projected through traffic volumes for Crestview and Springbrook with Crestview as an arterial and as a collector assuming a ten MPH reduction in speed.

A ten mile per hour speed differential was selected using information contained in Appendix A “Traffic Calming, State of the Proactive”, by ITE/ FHWA. This is available on the web at <http://ite.org/traffic/tcstate.htm#tcsop>

A review of the data indicates that a ten MPH speed is a reasonable best case for effective traffic calming measures, and conservative for use in determining the impacts on Springbrook. If the speed reduction is less, then fewer cars will transfer from Crestview to Springbrook and the impacts will be less.

<sup>1</sup> Freeway Diversion curves, more properly, should be called parallel route diversion curves. They are using relative time and distance as variable. Appendix 4 provides the Freeway Diversion Curves.

Merely knowing the difference in numbers is not sufficient to determine the impact on Springbrook. To do this difference, we adjusted 2025 turning movements shown in the Transportation System Plan to reflect the increase in traffic on Springbrook. We then ran these adjusted traffic volumes using the SYNCHRO traffic evaluation model to determine the effect on level of service at both the Crestview intersection with ORE 99W, and the Springbrook intersection with ORE 99W. These volumes were compared with the traffic volumes in a SYNCHRO run using the unadjusted volumes representing the current classification. Both of these runs were for the year 2025. The results of this analysis are shown in Table 2. As can be seen, the traffic volumes change is so small that there is no effect in level of service or volume-to-capacity ratio at Springbrook and Highway 99 West. There is a 0.1 second increase in delay at Crestview and OR 99W due to a diversion of vehicles turning right onto Crestview changing to through traffic on OR 99W. Appendix 2 contains the outputs from the SYNCHRO runs.

**TABLE 1: Year 2025 Through Traffic Volumes Crestview/Springbrook Intersection to Crestview/OR 99W Intersection**

	<b>CRESTVIEW SPEED</b>			
	<b>35 MPH</b>		<b>25 MPH</b>	
	<b>Northbound</b>	<b>Southbound</b>	<b>Northbound</b>	<b>Southbound</b>
Crestview Drive	473	317	426	291
Springbrook Street	214	117	261	143



Analysis is based on 2025 traffic volumes in Newberg Transportation System Plan (Figure 2).

As a check to this methodology, we obtained a model run for the two alternatives for the year 2030 from ODOT's Transportation Planning Analysis Unit (TPAU). These analysis numbers allow us to directly calculate the difference in traffic volumes along the two, and furthermore, allow calculation of the volume to capacity ratios in levels of service at critical intersections potentially impacted by the reclassification. The TPAU model is based on a change in classification and roadway geometry, as well as a speed reduction. Appendix 3 contains the ODOT TPAU 2030 model runs.

Table 3 compares the entering and exiting volumes on Springbrook and Crestview at Highway 99 using the ODOT numbers with the volumes generated earlier in this report.

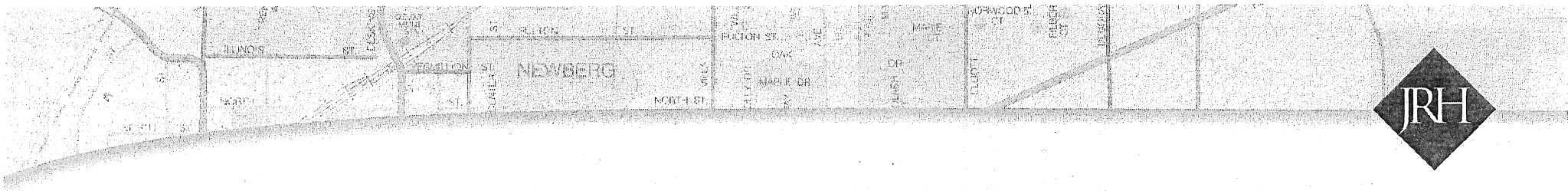
This table indicates that the regional model methodology used by ODOT and the "Freeway Diversion" curve methodology track very closely. The traffic volumes generated by JRH indicate a diversion in traffic volumes of 73 trips from Crestview to Springbrook. The TPAU Model indicates a diversion of 63 trips from Crestview and an increase in traffic to 16 trips to Springbrook. Both indicate that the traffic volumes diverted from Crestview to Springbrook as a result of the reclassification and reduction in speed is expected to not exceed more than a total of 75 trips for both the northbound and southbound movements. The methodology following the Freeway Diversion

**TABLE 2: Traffic Operational Effect of Changing Crestview From Minor Arterial to Major Collector.**

Functional Classification	Additional Trips To Springbrook At Highway 99		Springbrook at Highway 99		Crestview at Highway 99	
	SB Left	WB Right	Delay (seconds) (LOS)	Volume to Capacity	Delay (seconds) (LOS)	Volume to Capacity
Minor Arterial	N/A	N/A	34.4 (C)	0.83	46.4 (D)	0.85
Major Collector	26	47	34.4 (C)	0.83	46.3 (D)	0.85

**TABLE 3: Comparison of Entering and Exiting Volumes On Springbrook and Crestview at Highway 99.**

TPAU Model TPAU Volumes Adjustment to TSP Volumes for Diverted Traffic Total Diverted Traffic	Crestview as a Minor Arterial				Crestview as a Major Arterial			
	Springbrook at Highway 99		Crestview at Highway 99		Springbrook at Highway 99		Crestview at Highway 99	
	Entering	Exiting	Entering	Exiting	Entering	Exiting	Entering	Exiting
	719	702	396	445	719	718	370	402
	730	630	770	680				
					777	656	723	654
TPAU Model TPAU Volumes	N/A	N/A	N/A	N/A	16*	73*	69**	73**



Curve indicates a higher traffic volume estimated to be diverted and, therefore, represents a more conservative analysis.

All of the analysis in this study assumes land development in accordance with the adopted Comprehensive Plan. In discussions with ODOT staff, they indicated that this development includes full development of the Austin Industries property. It should be noted, however, that property may develop with more or less intensity than anticipated in the Plan. This should not impact the conclusions of this study, as this study is focused on the relative impact on Springbrook due to changes in the functional classification of Crestview. It is not focused on the absolute impacts on Springbrook due to any specific land use.



**Attachment 5: Newberg Urban Area Management Commission  
(NUAMC) Resolution No. 2006-18**

## NUAMC RESOLUTION NO. 2006-18

**A RESOLUTION OF THE NEWBERG URBAN AREA MANAGEMENT COMMISSION RECOMMENDING APPROVAL AS CONDITIONED OF FILE UGB-06-002, AN URBAN GROWTH BOUNDARY AMENDMENT AND COMPREHENSIVE PLAN AMENDMENT TO COM (COMMERCIAL), LDR (LOW DENSITY RESIDENTIAL, MDR (MEDIUM DENSITY RESIDENTIAL) WITH A SC (STREAM CORRIDOR OVERLAY) FOR PROPERTY LOCATED AT 4505, 4813, 4821 & 4825 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOTS 3216-900, -1000, -1100.**

## RECITALS

1. On August 25, 2006, NewB Properties LLC submitted a request for an urban growth boundary amendment and comprehensive plan change to COM (Commercial), HDR (High Density Residential), MDR (Medium Density Residential), and LDR (Low Density Residential) for approximately 30 acres located at 4505, 4813, 4821 & 4825 Portland Road, Yamhill County Tax Lots 3216-900, -1000, and -1100.
2. On November 4, 2006 notice of this proposed urban growth boundary amendment was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet.
3. On November 11, 2006, notice was published in the *Graphic* Newspaper and in four public places.
4. On November 30, 2006, the Newberg Urban Area Management Commission (NUAMC) held a hearing to consider the request. The hearing was continued to December 6, 2006.
5. On December 6, 2006, NUAMC held the continued hearing. The applicant submitted a new proposal for the site which changed the portion of the site planned for HDR to MDR.
6. NUAMC finds that the applicable criteria have been met, and that approval of the application as conditioned is in the best interests of the community.

**NOW THEREFORE, BE IT RESOLVED** by the Newberg Urban Area Management Commission that it recommends that the City Council and Yamhill County Board of Commissioners:

1. Include the property shown in Exhibit A and described in Exhibit B in the Newberg Urban Growth Boundary.
2. Amend the comprehensive plan to include the subject property in the COM (Commercial), MDR (Medium Density Residential) and LDR (Low Density Residential) as shown in document presented by applicant at the 12/6/06 public hearing (Exhibit C).
3. Amend the comprehensive plan to include a SC (Stream Corridor) overlay on the northeast corner of the site. The SC delineation shall be at the top of bank or 50 feet from the wetland, whichever is greater.

4. Approval is contingent on final adoption of amendments to the Newberg Transportation System plan as initiated by Resolution 2006-2661.
5. Require that, upon future development of the property, the development contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook/99W intersection.
6. A refined traffic study will be required upon future development. No direct access to Highway 99W will be allowed, but the east-west connector on site could connect to a frontage road along the proposed bypass. If the bypass is not built then the east-west connector should connect to Benjamin Road as far north as possible. The traffic study should determine the appropriate mitigation for the unacceptable levels of service at the Crestview Drive/Highway 99W intersection, Crestview Drive/east-west connector intersection.
7. A wetland determination and delineation report, following state and federal standards, shall be prepared prior to development on the site. Development shall comply with applicable state and federal wetland standards.
8. Require a 30 foot setback from the northern property line of these parcels for all future buildings on the site.
9. Require a 20 foot wide dense buffer along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
10. Require that development 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.
11. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W must be in place at the time of development.

This recommendation is based on the staff report, findings and testimony.

**DATED** this 6<sup>th</sup> day of December, 2006.

AYES: 6                      NAYS: 0                      ABSTAIN: 0                      ABSENT: 1  
Halstead

ATTEST:

  
 Recording Secretary

  
 NUAMC Chair

Exhibits:

- Exhibit A: Legal Description and Map
- Exhibit B: Findings
- Exhibit C: Comprehensive Plan Map

# EXHIBIT A: LEGAL DESCRIPTION AND MAP



## EXHIBIT "A"

LEGAL DESCRIPTION  
URBAN GROWTH BOUNDARY EXPANSION  
TAX LOTS 900, 1000, 1100 AND BENJAMIN ROAD  
TAX MAP NO. 3 2 16

JOB NO. 0428-0005

A PARCEL OF LAND LOCATED IN THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, IN THE NORTHWEST ONE-QUARTER OF SECTION 15, AND THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739 A POINT ON THE NORTH LINE OF THE BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C., AN ANGLE POINT IN THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, BEARS NORTH 89°22'47" WEST 678.12 FEET; THENCE ALONG SAID D.L.C. LINE SOUTH 89°22'47" EAST 1640.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF BENJAMIN ROAD (COUNTY ROAD NO. 54); THENCE CONTINUING ON SAID D.L.C. LINE SOUTH 89°22'47" EAST 40.17 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID ROADWAY; THENCE LEAVING SAID D.L.C. LINE ALONG THE EAST RIGHT-OF-WAY LINE SOUTH 04°43'17" EAST 185.29 FEET; THENCE SOUTH 03°16'13" WEST 301.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY 99W (40.00 FEET NORTH, RIGHT ANGLE MEASURE OF THE CENTERLINE OF SAID HIGHWAY); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE ON A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 5494.225 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 12°10'04" EAST, THROUGH A CENTRAL ANGLE OF 00°26'00", AN ARC LENGTH OF 41.54 FEET (CHORD BEARS SOUTH 77°36'57" WEST 41.54 FEET) TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID BENJAMIN ROAD; THENCE CONTINUING ON THE NORTH RIGHT-OF-WAY LINE ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°57'01", AN ARC LENGTH OF 858.27 FEET (CHORD BEARS SOUTH 72°55'26" WEST 857.40 FEET); THENCE ON AN OFFSET SPIRAL CURVE ON SAID NORTH RIGHT-OF-WAY LINE SOUTH 67°02'39" WEST 405.57 FEET; THENCE SOUTH 66°20'47" WEST 506.07 FEET TO THE SOUTHWEST CORNER OF PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG THE WEST LINE OF SAID PROPERTY NORTH 00°55'10" EAST 1125.92 FEET TO THE POINT OF BEGINNING.

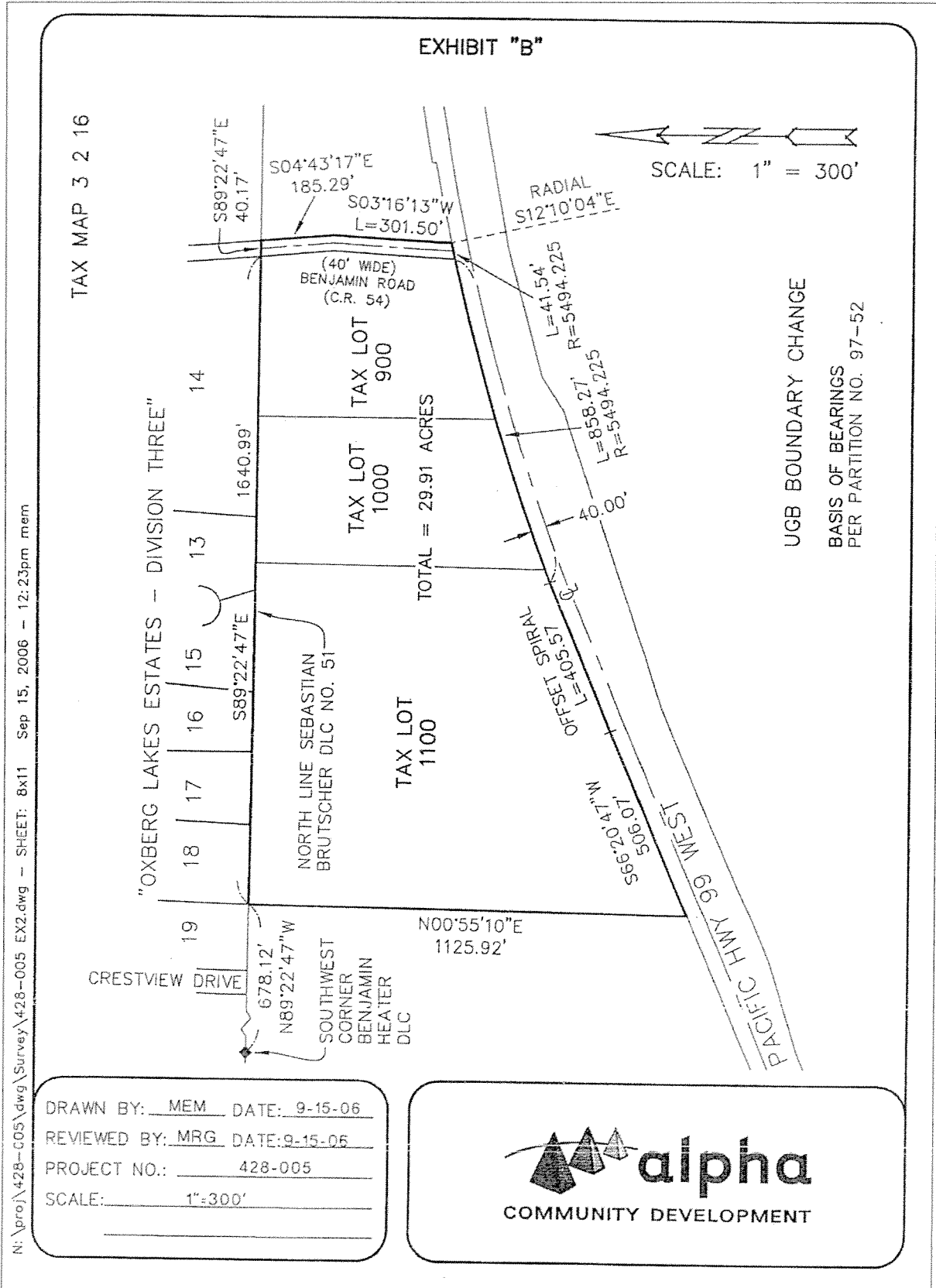
CONTAINING APPROXIMATELY 29.91 ACRES.

THE BASIS OF BEARINGS FOR THE DESCRIPTION IS PARTITION PLAT NO. 97-52 YAMHILL COUNTY, PLAT RECORDS.

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EXHIBIT A: LEGAL DESCRIPTION AND MAP (CONTINUED)



## EXHIBIT B: URBAN GROWTH BOUNDARY FINDINGS

### UGB-06-002

#### Approval of an urban growth boundary amendment for 30 acres.

##### ORS Standards:

**ORS 197.298.** *ORS 197.298 establishes priorities for land to be included within an urban growth boundary. ORS 197.298 (1)(a) states: "In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities: (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan."*

**Finding:** The property under review is designated as Urban Reserve land, as adopted by the City of Newberg and Yamhill County in 1993, and therefore is first priority for inclusion in the Urban Growth Boundary.

##### OAR Standards:

**660-021-0060 *Urban Growth Boundary Expansion.*** *All lands within urban reserve areas established pursuant to this division shall be included within an urban growth boundary before inclusion of other lands, except where an identified need for a particular type of land cannot be met by lands within an established urban reserve area.*

**Finding:** The property under review is designated as Urban Reserve land, as adopted by the City of Newberg and Yamhill County in 1993, and therefore is first priority for inclusion in the Urban Growth Boundary.

##### Statewide LCDC Goals:

Goals 4, 15, 16, 17, 18, and 19 do not apply to this application. The remaining goals are addressed below:

##### ***Goal 1. Citizen Involvement.***

**Finding:** The property under review is located within the Study Area C of the Newberg Urban Reserve Area Project adopted by the City and Yamhill County in 1995. A public involvement program was implemented as part of the initial Urban Reserve Area Project in 1992 and 1993. In 1997, a study was prepared that examined the six Urban Reserve Areas (URAs) in detail. The study provided a buildable lands inventory and a land use needs analysis, preliminary infrastructure and transportation plans, and an amended urban services agreement between the City of Newberg and Yamhill County. In conjunction with this 1997 study, a citizen involvement and inter-governmental coordination program was prepared and implemented to assure that the results of the study accurately reflected the desires of residents and property owners in the City and County. In 1997, approximately 70 people attended two workshops for property owners and other parties interested in the URAs. A questionnaire was also distributed at that time to solicit additional input in the URA planning process. Additionally, in 2004, the Newberg City Council created the Ad Hoc Committee on Newberg's Future (the Committee) to provide a forum for citizen involvement in planning for Newberg's future land use patterns. Between April 2004 and June 2005, the Ad Hoc Committee on Newberg's Future sought the input from the general public. During that time, the Committee held two open houses, conducted two surveys, received

comments at each of their meetings, and received several letters. The hearing process for this request also fulfills the citizen involvement requirements.

### ***Goal 2. Land Use Planning.***

**Finding:** This goal stipulates that land use decisions be made in accordance with a comprehensive plan and that suitable "implementation ordinances" to the plan's policies must be adopted. It requires that plans be based on "factual information," that local plans and ordinances are coordinated with those of other jurisdictions and agencies, and that plans be reviewed periodically and amended as needed.

The proposed amendment is based on a wealth of factual information including recently adopted population projections and land needs assessments, the report of the Ad Hoc Committee on Newberg's future, Newberg's recently adopted Transportation System Plan, the City's recently adopted Economic Opportunity Analysis, and site information and utility information as described in the application.

This amendment is being concurrently reviewed by Yamhill County and the City of Newberg. Referrals of this application have been sent to a number of agencies, including ODOT, DLCDC, DSL, Newberg School District, and utility companies.

Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation. In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement 11. Under the recently revised Statewide Planning Goal 14, a goal exception is no longer required for amending an Urban Growth Boundary.

### ***Goal 3. Agricultural Lands.***

**Finding:** This goal requires local governments to inventory agricultural lands and to "preserve and maintain" them for farm use. The property under review is currently planned AFSH and is zoned AF-10 (Agriculture/Forestry Small Holding) under the County Zoning Ordinance. In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement 11. The exception land definition identified the general area as having a mixture of soil types ranging from Class II to Class VI soil type. The City of Newberg *Inventory of Natural and Cultural Resources* indicates that most soils in the vicinity are flat and at least moderately fertile, though nearly all types have some problems with drainage. According to the Soil Conservation Service of the US Department of Agriculture, the subject site contains three soil types, including Woodburn Silt Loam (0-7%), Woodburn silt loam (12-20%) and Amity Silt Loam (0%). All of these are considered Class II agricultural soils, based on DLCDCs hierarchy of soil types. However, virtually all of the soils surrounding the current Newberg UGB bear Class II and III designations, and thus this was taken into consideration by Yamhill County in granting the Goal 2 exception and during the URA designation process. The properties are all used for single family residential, with a veterinary clinic on one lot. The Exceptions Statement II document includes a discussion noting that the area involved is characterized by good roads, rural fire service, fair or better water availability, and has mostly fair soil suitability for septic systems. This area is currently committed to rural residential development. The Inventory of Natural and Cultural Resources report states the City's recognition that urban expansion will undoubtedly occur on prime Class II soils, but notes that wasteful land use practices should be discouraged. The proposed addition of the project site into

the UGB would provide needed land for urban expansion adjacent to the City where services are available or can be readily extended, thereby avoiding leap-frog development or other land consumptive practices.

***Goal 5. Open Spaces, Scenic and Historic Areas, and Natural Resources.***

**Finding:** This goal encompasses twelve resource types, including wildlife habitats, mineral resources, and wetlands and waterways. Goal 5 requires inventories of resources to be conducted and policies to be adopted whereby the local jurisdiction can manage these resources. The City of Newberg prepared an inventory of natural and cultural resources in 1981 as part of its comprehensive planning program. This inventory includes the following resources: agricultural lands; forest lands; mineral and aggregate resources; fish and wildlife; water; air quality; and open space, scenic, natural, historic, and recreational resources. The property under review consists primarily of Woodburn Silt Loam (0-7%), Woodburn silt loam (12-20%) and Amity Silt Loam (0%). All of these are considered Class II agricultural soils.

The parcels contain wooded areas that will be largely be replaced by development. Woods within the small Stream Corridor area in the NE corner will be retained.

Residential development on the west and north of the property currently releases all their storm water onto this parcel. This has resulted in the development of some very low quality wetlands along the drainage ditches created by off site stormwater runoff. Further information is needed to determine whether these are jurisdictional wetlands or waterways and what protections may be needed. The City's study of lands within the URA also located a stream corridor that covers a small portion of the NE corner of the site.

One public comment (McClure) stated that the 9.5 acre farm ensemble directly across Benjamin Road from this site is listed on the National Historic Register and requested buffering on the commercial property so that the buildings and light sources there cannot be seen from the historic property. There is value in protecting historic properties in and around the city, and there is already some buffering between the sites. The Benjamin Road right of way is 40 feet wide, and any development on the Speakman site will probably be required to dedicate 10 feet of additional right of way for Benjamin Road. Any development on the commercial portion of the site will be required to have a minimum 10 foot front yard setback from the property line. The HDR portion of the site will be required to have a minimum 12 foot front yard setback, and the LDR portion of the site will be required to have a minimum 15 foot front yard setback from the property line. The front yard setbacks are required to be landscaped, and required to include street trees. Any development on the commercial portion of the site will probably be at least 60 feet away from the McClure property line, and buffered by at least 10 feet of landscaping with street trees. The City development code limits light trespass from the site to no more than 0.5 foot-candles at the property line, so very little light would reach across Benjamin Road. The lights could still be seen from the McClure site, however, unless blocked by landscaping. The farmhouse on the McClure property is separated from Benjamin Road by a pond and some substantial trees, so it is not immediately adjacent to Benjamin Road. NUAMC recommends that a 20 foot wide dense buffer be added along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.



***Goal 6. Air, Water and Land Resources Quality.***

**Finding:** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations regarding air, water, and land resources quality. The Newberg Comprehensive Plan, Ordinance 1967 contains several policies intended to ensure conformance with state and federal regulations governing air, water, and land resources quality. Negligible impacts are anticipated to existing air quality in the area. A C-2 land use designation is intended for local service retail uses. This will reduce the distance that Newberg residents need to travel for goods and services, and therefore improve air quality. The proposed UGB amendment would be consistent with the City's Comprehensive Plan policies by providing water and sanitary sewer services capable of supporting future urban level development in the vicinity. Any development on the site will be required to follow best management practices for stormwater.

***Goal 7. Areas Subject to Natural Disasters and Hazards***

**Finding:** The subject site does not include any flood hazard areas or other areas especially subject to natural disasters or hazards.

***Goal 8. Recreation Needs***

**Finding:** This goal requires a community to evaluate its areas and facilities for recreation and to develop plans to deal with the projected demand for them. The City's Comprehensive Plan includes policies designed to ensure recreational facilities and services are expanded to meet growing recreation demands of the community. Chehalem Park and Recreation District (CPRD) has established a neighborhood park along the west border of the Gueldner property, just west of this site.

***Goal 9. Economic Development***

**Finding:** This goal requires local governments to provide adequate opportunities for a variety of economic activities. It requires local governments to analyze economic opportunities and constraints in the area. It requires local governments to provide an adequate supply of land to meet the needs identified. Further, it requires limits on uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

Newberg has recently adopted an economic opportunity analysis and land needs projections. Those projections identify a need for additional commercial land in the community. In particular, the plans identify a need for 2-3 community commercial centers of 10-15 acres each. The subject property was identified as a potential property for meeting this identified need. Thus, inclusion of this 30 acre property, with approximately 17.64 acres designated commercial, would help partly meet the community's need for a community commercial center.

The property abuts a future urban property to the west (pending UGB amendment for commercial/residential development), rural residential/farm across Benjamin Road to the east, and Providence Hospital to the south. These are compatible land uses. On the north side, however, the property is zoned rural residential and contains a rural residential subdivision. The applicant has proposed leaving a strip of low density residential development and medium density residential between the commercial development and that subdivision. The LDR/MDR section would provide a buffer for compatibility between the uses. A 30 foot setback from the northern property line within the LDR section will provide additional buffering and improve compatibility with the rural residential subdivision to the north.

**Goal 10. Housing**

**Finding:** This goal requires a community to plan for and accommodate needed housing types, including multifamily and manufactured housing. The community is also required to inventory developable residential lands, conduct an analysis of projected future demand for various housing types, and to plan and zone enough buildable land to meet those needs. The goal prohibits local plans from discriminating against needed housing types. The goals for housing in the City of Newberg's Comprehensive Plan are to provide for diversity in the type, density, and location of housing to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. The proposed LDR section serves as a buffer for the low density subdivision to the north. The MDR section also serves to buffer the LDR section and the rural residential subdivision to the north from the commercial area. The dimensions of the LDR and MDR sections align closely with the pending UGB amendment for the property to the west (Gueldner).

The Newberg Comprehensive Plan projects a future population of 38,352 by 2025 and 54,097 by 2040. There is a projected shortfall by 2025 of 130 acres of LDR land. There is no current shortage of MDR land, but it is necessary to include MDR to allow the density on site to step up near the commercial area, as a buffer for the rest of the residential area. Inclusion of these properties into the UGB will help offset the City's projected shortfall of land for residential development.

Plan Designation	Buildable	Built Land 2004-2006	Buildable	Buildable	Surplus	Buildable	Buildable	Surplus
	Acres Needed 2005-2025		Acres Needed 2006-2025	Acres in UGB (2006)	(Deficit) for 2006-2025	Acres Needed 2026-2040	Acres In URA 1 (2006)	(Deficit) 2026- 2040
LDR	612	57	555	425	(130)	735		
MDR	173	26	147	189	42	191		
HDR	89	0	89	29	(60)	83		
COM	111	26	85	65	(20)	109		
IND	50	12	38	70	32	37		
IND (Large Site)	100	0	100	40	(60)	120		
P	85	0	85	9	(76)	115		
I, PQ, or other Inst.	164	5	159	38	(121)	233		
<b>Total</b>	<b>1,384</b>	<b>125</b>	<b>1259</b>	<b>865</b>	<b>(394)</b>	<b>1623</b>	<b>248</b>	<b>(1375)</b>

<sup>1</sup> Land within the Urban Reserve Area is not currently assigned to specific comprehensive plan districts.

Definitions	Corresponding Zone(s)
LDR	Low Density Residential R-1
MDR	Medium Density Residential R-2
HDR	High Density Residential R-3
COM	Commercial C-1, C-2, C-3, C-4
IND	Industrial M-1, M-2, M-3
P	Parks CF or others
PQ	Public/Quasi-Public I or others

Source: Newberg Planning and Building Department  
Data subject to change

### ***Goal 11. Public Facilities and Services.***

**Finding:** This goal aims for efficient planning of public services such as sewers, water, law enforcement and fire protection. It encourages planning of public services to meet the community's needs and capacities rather than responding to development as it occurs. Newberg's comprehensive plan includes the goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development.

**Sewer** service is anticipated to be provided by extending an existing sewer main in Klimek Lane to the property. Some upgrades to the Fernwood Road pump station may be needed to serve the property. General sewage treatment capacity for the community is addressed in the City's sewage master plan.

**Water** service is anticipated to be extended from the new Crestview Drive extension west of the site. General water capacity for the community is addressed in the City's water master plans.

**Storm drainage** for the property is currently provided by two storm drainage ditches that currently cross the western half of the property and drain to a 24-inch diameter culvert under Highway 99W. This culvert is identified in the Newberg Drainage Master Plan as undersized and needing to be replaced with a 36-inch culvert. Certain improvements to the storm drainage system will be required upon development, which may include some combination of new storm drainage lines and storm water detention. All development on the site shall follow best management practices for stormwater.

Overall, the Public Works Director has determined that public facilities can be provided to the site.

City police and fire services will be provided upon annexation. Separate findings of the availability of these services will be required upon annexation. The property has excellent access to Providence Newberg Hospital.

### ***Goal 12. Transportation***

**Finding:** The primary objective of this goal is to provide a safe, convenient and economic transportation system. The City's comprehensive plan contains several goals and policies designed to guide the planning and provision of a safe, convenient, and economic transportation system in cooperation with state, county, and neighboring communities in the region. The City recently adopted a new Transportation System Plan. This plan evaluated not only the transportation needs of the future development within the Urban Growth Boundary, but also the transportation needs of development of the designated urban reserve areas. The transportation plan used the land use assumption that the subject property would be designated commercial. Therefore, this plan can be relied upon for consideration of this UGB amendment.

Newberg's Transportation System Plan (TSP) includes several planned road improvements in the general vicinity of the site. They include: Northern Arterial Street Connection - Existing Crestview Drive to Oregon 99W. The City's existing TSP recommends that Crestview Drive be completed through the Gueldner property to OR Highway 99W. The City has initiated a proposal to change the arterial designation of this section to a major collector (see next paragraph). The TSP also includes an east-west connection between the Crestview Drive extension and Benjamin Road.

Through extensive public involvement effort, the City has initiated a change to the TSP. This change is based on a report from JRH Transportation Engineers that evaluate potential changes to the designations of Crestview Drive and Springbrook Road. The study supports the

redesignation of Crestview Drive to a major collector from the middle of the Gueldner Property to Springbrook and incorporating traffic calming improvements. The Gueldner property will provide a central traffic circle at the center intersection to provide traffic calming in compliance with the JRH recommendations.

The applicant has proposed an east-west connection between the Crestview Drive extension and the eastern edge of the property, which is in accordance with the TSP. If the bypass is not built or if this project is developed in advance of the bypass then the east-west connector road will need to extend to Benjamin Road to provide adequate connectivity. This connection would need to be made as far north as possible to avoid impacting the Benjamin Road/Highway 99W intersection. If the bypass is built then the east-west connector could connect to the frontage road along the bypass, as shown on the applicant's concept plan.

A Traffic Impact Study was prepared for this project by the Lancaster Engineering, which assumed that the Crestview Drive extension to Highway 99W would be built. The proposed conceptual commercial and residential development on the site is expected to generate a total of 8,306 new daily, and 847 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,610 weekday daily and 242 weekday PM peak hour passby trips would be generated by the project, and a total of 1,926 weekday internal trips and 192 weekday PM peak internal trips are generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

The study concludes that if the City of Newberg takes jurisdiction over Highway 99W then the intersections at Highway 99W and Springbrook Road and Highway 99W and Crestview Drive will operate acceptably and no mitigation will be required. This could only happen if the bypass was built and the City agreed to take jurisdiction, however. The study found that if ODOT retains jurisdiction over 99W then both of these intersection would have unacceptable levels of service and mitigation would be required. If the actual development is similar to that projected in the conceptual plan, then the development will need to mitigate these impacts. The report stated that the mitigation could include adding a third westbound travel lane on Highway 99W between Crestview and Springbrook, or one northbound and one southbound travel lanes on Springbrook Road. In a similar case of Providence Hospital, the hospital was required to make a payment for a proportional share of improvements to the intersection of Highway 99W and Springbrook Road. A similar requirement could be made for this project to mitigate these impacts. In addition, the study found that the intersection of Crestview Drive and the east-west connector would operate unacceptably in 2025, with or without the addition of site traffic from this proposed development. Mitigation at this intersection could include adding a traffic signal with exclusive left turn lanes, or building a roundabout. The traffic study will need to be refined at the time of development to determine the most appropriate mitigation for these problems.

In general, with the improvements included in the transportation plan and traffic mitigation measures, and including the recommendations of the JRH study and Lancaster Engineering study, adequate transportation facilities will be available to serve the proposed use.

**Goal 13. Energy Conservation**

**Finding:** This goal states that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. This particular amendment will aid the conservation of energy largely by providing opportunities for shorter automobile trips. Currently, many shoppers in Newberg travel outside the community for various goods and services. Development of a community shopping center on this site will provide the opportunity for these Newberg shoppers to meet their needs in Newberg without traveling to shopping areas outside the area.

**Goal 14. Urbanization**

This goal is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The goal requires that cities and counties establish urban growth boundaries to meet future land needs. The goal establishes land need factors and boundary location factors that must be addressed for any change to the urban growth boundary. The following addresses these factors.

**Land Need**

*Establishment and change of urban growth boundaries shall be based on the following:*

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

**Finding:** The City of Newberg has acknowledged population projections for the Newberg UGB. These projections are shown in Table III-2 in the Comprehensive Plan, and are as follows:

**Table III-2. Future Population Forecast – Newberg Urban Area**

<b>Year</b>	<b>Population Forecast</b>
2000	18,438
2005	21,132
2010	24,497
2015	28,559
2020	33,683
2025	38,352
2030	42,870
2035	48,316
2040	54,097

The City has received a population coordination letter from the County, agreeing with the population forecast in Table III-2 above.

The Newberg Comprehensive identifies a shortfall of 20 acres of commercial land for the period 2005-2025. It also identifies a need for 2-3 community commercial centers of 10-15 acres each. This amendment would partly meet Newberg’s future commercial needs by providing a

site for a community commercial center. There is a projected shortfall by 2025 of 130 acres of LDR land. These projections are shown in the Land Needs table included under Goal 10: Housing (above). Inclusion of these properties into the UGB will help offset the City's projected shortfall of land for residential and commercial development. There is no current shortage of MDR land, but its inclusion is necessary as a buffer between the LDR and commercial area.

*In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.*

**Finding:** The *Ad Hoc Committee on Newberg's Future, Report to Newberg City Council: Recommendations for Newberg's Future* (July 21, 2005) addresses the above factors. This report is incorporated into these findings by reference. The report examined various site characteristics that would make land suitable for commercial needs. The report identifies the subject property as particularly suitable for commercial needs based on its size, topography, ownership patterns, level of development, natural features, access, shape, services, and compatibility. That report also examined a number of potential sites that potentially could meet the need for community commercial uses. These include the Mountainview/Zimri site and the Riverfront site. While both of these areas are suitable for commercial uses, both are already designated commercial, and contribute to meeting the overall commercial land needs. With these, there is still a deficit of commercial land. Therefore, that report concluded that there were inadequate sites within the urban growth boundary to accommodate the need, and therefore sites outside the UGB should be included to meet the future land needs.

***Boundary Location*** *The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:*

- (1) Efficient accommodation of identified land needs;*
- (2) Orderly and economic provision of public facilities and services;*
- (3) Comparative environmental, energy, economic and social consequences; and*
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

**Finding:** The subject site is locating within the Newberg Urban Reserve Area. As such, it is the highest priority for inclusion in the UGB under ORS 107.298. All alternative boundary locations outside the Urban Reserve Area would not be as high priority, thus can be dismissed for consideration of this amendment. The Ad Hoc Committee's report examines a number of potential sites for community commercial centers within the existing Urban Reserve.

The study identified several parcels large enough to accommodate commercial development in the urban reserve areas south of Bell Road and North Valley Road. These sites do not have adequate access to arterial streets however, and could not efficiently provide for commercial needs. In addition, they cannot orderly and economically be provided with public facilities due to their elevation above the existing water service level. There would be severe negative environmental, energy, economic,

and social (EEES) consequences, including incompatibility with proposed residential uses in this area, significant grading necessary to accommodate commercial uses, and energy consequences caused by commercial traffic traveling to the this area.

There are several parcels along Wyooski Street that have the needed site characteristics for a community commercial center. These parcels, however are intermixed in an existing industrial area, and are anticipated to be designated industrial upon inclusion in the UGB. Designating these as commercial would have severe negative EEES consequences, including loss of job opportunities in the community, and increase need for residents of Newberg to commute to other communities for employment. It would have negative consequences to the functioning of the proposed Highway 219/Bypass interchange. Commercial use also may not be compatible with adjacent industrial uses. Some of the industrial uses are heavy industry, and generate noise and dust that may not be compatible with retail uses. The industrial uses also generate substantial truck traffic, which could conflict with the customer car traffic generated by a commercial use.

The result of that analysis was a recommendation that only the Northeast Urban Reserve (of which the subject property is a part) would be suitable for community commercial uses. The findings of this report are incorporated herein by reference.

The property can efficiently accommodate the proposed commercial land needs. The property has the site characteristics needed for commercial development. In particular, its good access to 99W and its proximity to other commercial services make the property efficient for meeting future commercial land needs. Public facilities and services can be provided orderly and economically to this site, as addressed in the findings under Goal 11: Public Facilities and Services. It would have positive environmental and energy consequences of providing for shorter auto travel trips, as addressed under Goal 12: Transportation. It would provide positive economic and social consequences of providing areas for shopping, commercial services, and employment within Newberg, as addressed under Goal 9: Economic Development.

The property abuts a future urban property to the west (pending UGB amendment for commercial/residential development), and Providence Hospital to the south. These are compatible land uses. On the north side, however, the property is zoned rural residential and contains a rural residential subdivision. The applicant has proposed leaving a strip of low density residential development between the medium density residential/commercial development and that subdivision. The LDR strip would provide a buffer for compatibility between the uses. A thirty foot setback from the northern property line would provide an additional buffer for the subdivision to the north. The property to the east contains a historic farm, and needs additional buffering to protect the historic resource from the impacts of the commercial development. A 20 foot wide dense buffer along the Benjamin Road commercial frontage to block light, noise and sight could include vegetative elements, a wall and a berm, and would provide adequate buffering for the historic farm.

**Newberg Urban Area Management Agreement -Urban Growth Boundary Amendment**

**Criteria:** *Amendment of the Urban Growth Boundary shall be treated as a map amendment to*

both City and County Comprehensive Plan maps. Change of the boundary shall be based upon consideration of the following factors:

- (a) Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;
- (b) Need for housing, employment opportunities, and livability;
- (c) Orderly and economic provision for public facilities and services;
- (d) Maximum efficiency of land uses within and on the fringe of the existing urban area;
- (e) Environmental, energy, economic and social consequences;
- (f) Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and
- (g) Compatibility of the proposed urban uses with other adjacent uses.

**Finding:** These criteria are all addressed under previous findings.

**Newberg Comprehensive Plan Amendment - Newberg Development Code, Section § 151.122:**

*The applicant 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;*

The following addresses particular comprehensive plan policies.

**A. Citizen Involvement.**

**Goal:** *To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.*

**Finding:** A citizen involvement program was a part of the 1997 Urban Reserve Project. In recent months, members of the public have been invited to and involved in community meetings with the Ad Hoc Committee and Newberg Urban Area Management Committee to discuss UGB expansion opportunities in Newberg. Additionally, with respect to this project, public notices have been provided to property owners within 500 feet of the property.

**B. Land Use Planning.**

**Goal:** *To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.*

**Finding:** Inclusion of this property into the UGB aligns with the city's and state's goal of providing enough land for growth. As land designated Urban Reserve and abutting the edge of the City's current limit, this property is appropriate in which to efficiently expand the City's boundary.

**C. Agricultural Lands.**

**Goal:** *To provide for the orderly and efficient transition from rural to urban lands.*

**Policy (1):** *The conversion of land from agricultural to urban land uses shall be orderly and efficient.*

**Finding:** In 1992 and 1993 an urban reserve area project was completed. The Urban Reserve Area land supply was intended to provide adequate land for the City's needs to 2020. Expanding the UGB to include this property would be a natural progression of the City's expansion. The property abuts the current city boundary and would be an appropriate place for the UGB to expand. It would be adjacent, or in very close proximity, to an anticipated interchange built on Highway 99W. The land will provide an opportunity to



develop a gateway to the city and local neighborhoods and serve as a buffer between the planned Highway 99W interchange and existing residential development.

**Policy (2):** *Inclusion of lands in agricultural use within the Urban Growth Boundary is recognition of a commitment of future urbanization, as such lands are necessary to meet long-range population and economic needs, based on criteria outlined in the statewide Urbanization Goal.*

**Finding:** Expanding the UGB to include the property within its boundary would contribute to alleviating the projected shortfall for commercial and residential development.

#### **D. Wooded Areas**

**Goal:** *To retain and protect wooded areas.*

**Policy (1):** *Existing wooded areas shall be encouraged to remain as open areas for wildlife habitat and limited recreational uses.*

**Policy (2):** *Development in drainageways shall be limited in order to prevent erosion and protect water quality. Trees provide needed protection from erosion and should be maintained.*

**Finding:** There is an extensive wooded area on taxlot 1100, and some wooded areas on taxlots 1000 and 900. It will be necessary to remove most of these woods upon development in order to develop the site near the planned density. Any woods within the stream corridor on the NE corner of the site will be retained. The applicant will obtain a wetland determination for the drainageways on the site and comply with all State and Federal requirements.

#### **E. Air, Water, and Land Resource Quality.**

**Goal:** *To maintain, and where feasible, enhance air water and land resource qualities within the community.*

**Policy(3):** *As public sanitary sewer becomes available all development shall connect to the public system.*

**Policy (4):** *The Newberg airshed shall be protected from excessive pollution levels resulting from urbanization.*

**Finding:** The completed Fernwood Road pump station can serve future development within the project area and adjoining properties currently inside the City limits, possibly with some upgrades, thereby reducing the overall number of pump stations that might be needed to serve these areas as development occurs. The proposed sanitary sewer line will extend north along the Klimek right-of-way across Highway 99W. The airshed shall be protected by the reduction of vehicle miles traveled by the residents of Newberg, as noted under Goal 12: Transportation.

#### **K. Transportation**

**Goal 4, Policies m and q**

- m.** *To enable the City and ODOT to adequately plan land uses and local circulation for the interchange areas, the City of Newberg will retain existing base zoning within the Interchange Overlay District in the interim period before IAMPs are prepared and adopted, except as follows. Annexations will be allowed if the associated zone change is consistent with the acknowledged Newberg Comprehensive Plan designation for the property in effect at the date of adoption of the Interchange Overlay. Consistent with the exception under policy q. below for the East Newberg interchange, for the land*

*north of Highway 99W within the Urban Reserve Area C, the City may adopt a comprehensive plan designation and implement that comprehensive plan map designation with a zoning map amendment consistent with its annexation requirements. Permitted and conditional uses that are authorized under existing base city zones will generally be allowed within the Interchange Overlay, with certain limitations on commercial uses in the industrial zones.*

- q. The City agrees not to approve expansion of the Newberg UGB or Urban Reserve Areas around the East Newberg or Oregon 219 interchanges until IAMPs for the two interchanges are prepared and adopted by ODOT, Yamhill County and the City of Newberg. An exception to this policy will be allowed for a limited expansion of the Newberg UGB into the westerly portion of Urban Reserve Area C to accommodate construction of the Northern Arterial in the general location shown on the City of Newberg acknowledged Transportation System Plan, including that land north of Highway 99W within Urban Reserve Area C.*

**Finding:** The property is within Urban Reserve Area C, north of Highway 99W, and thus falls within the exception above. The property was also shown on the map of the exception area, modified by Ordinance 2006-2648. Note that completion and adoption of the IAMP may involve additional conditions or mitigation measures.

***Goal 9: Create effective circulation and access for the local transportation system.***

**Finding:** Effective circulation on the site will be provide by the east-west connector between Crestview Drive and either the bypass frontage road or Benjamin Road. The scope of these improvements and the impact on operations will be coordinated with ODOT and the City.

***L. Public Facilities and Services.***

***Policy 1(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.***

***Policy 2(c): Developments with urban densities should be encouraged to locate within the area which can be served by Newberg's present sanitary sewer system.***

**Finding:** New public utilities-including a pump station in Fernwood Road-have been completed in the near vicinity which will serve this site, possibly with some upgrades, and the balance of the Springbrook Oaks development. A 10-inch waterline fronts the property to the west, and will be extended north in Crestview Drive. Storm drainage ditches traverse the western half of the property and connect to a culvert under Highway 99W. This site can be efficiently served by public facilities and services.

***N. Urbanization. Goal 1: To provide for the orderly and efficient transition from rural to urban land uses.***

**Finding:** The land is within Newberg's urban reserve area. The urban reserve is intended to maintain an adequate of supply land for the City's needs by 2020. Lands designated "Urban Reserve" are the most appropriate to include within a UGB expansion. Conversion of this property from rural to urban uses would qualify as orderly and efficient transition. Projected road improvements will be linked to adjacent urbanized area within the City of Newberg.

*Policy l(f): In expanding or otherwise altering the Urban Growth Boundary, the Boundary shall follow road rights-of-way, lot lines, or natural features.*

**Finding:** The proposed UGB expansion would modify the existing boundary to extend to the east edge boundary of the property. Overall, the UGB expansion will follow the property's lot line.

*Policy l(h): The designated Urban Reserve Area identifies the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to provide a thirty (30) to fifty (50) year land supply. Designated Urban Reserve Area lands will be included within the Urban Growth Boundary on a phased basis at periodic review. Property owners will also have the opportunity to request that land within the designated Urban Reserve Area be included within the Newberg Urban Growth Boundary based on the criteria outlined in the LCDC Goal 14 and the Urban Growth Management [Agreement].*

**Finding:** The Urban Reserve Areas were evaluated and prioritized for inclusion in the UGB approximately eight to ten years ago. Since that time, few URAs have been incorporated into the City's UGB. These amendments have been small and have not provided adequate lands to meet the growth needs of the City. The City initiated the NW UGB expansion for approximately 200 acres in NW Newberg, which is pending approval by the County and DLCDC. This UGB expansion will still not meet the growth needs of the City, however. This application demonstrates compliance with criteria specified in Statewide Goal 14, Urbanization. Responses to Goal 14 criteria are found at the beginning of this report.

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

**Finding:** See the findings under Goal 11: Public Facilities and Services.

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

**Finding:** See the findings under Goal 12: Transportation

### **Yamhill Comprehensive Plan Policies**

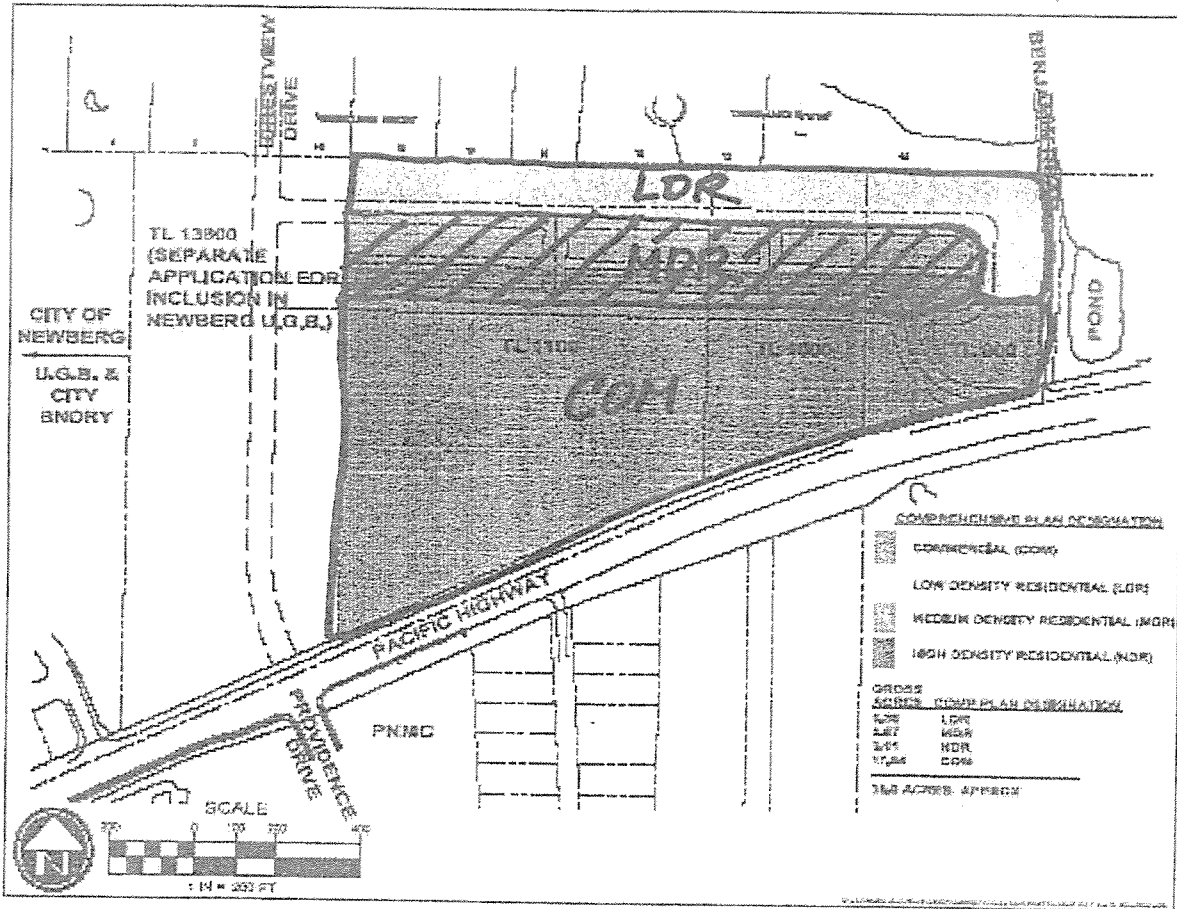
Yamhill County comprehensive plan policies are addressed in the Yamhill County staff report and in the application.

### **CONCLUSION:**

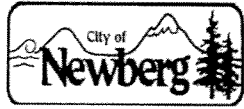
Based on all of the above mentioned findings, and with the conditions noted, the application meets the criteria for an Urban Growth Boundary amendment.

# EXHIBIT C: COMPREHENSIVE PLAN MAP

FIGURE 11  
PROPOSED DEVELOPMENT PLAN



**Attachment 6: City Council Order No. 2007-001**



## ORDER NO. 2007-0001

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AN ORDER INCLUDING CERTAIN PROPERTY LOCATED AT 4505, 4813, 4821 & 4825 E. PORTLAND RD, YAMHILL COUNTY TAX LOTS 3216-900, -1000, -1100, IN THE URBAN GROWTH BOUNDARY AND IN THE COM, MDR AND LDR COMPREHENSIVE PLAN DISTRICTS

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### RECITALS:

1. On August 25, 2006, NewB Properties LLC submitted a request for an urban growth boundary amendment and comprehensive plan change to COM (Commercial), HDR (High Density Residential), MDR (Medium Density Residential), and LDR (Low Density Residential) for approximately 30 acres located at 4505, 4813, 4821 & 4825 Portland Road, Yamhill County Tax Lots 3216-900, -1000, and -1100.
2. After proper notice, on November 30, 2006, the Newberg Urban Area Management Commission heard the request. The hearing was continued to December 6, 2006. The applicant submitted a new proposal for the site which changed the portion of the site planned for HDR to MDR. The Commission recommended approval of the urban growth boundary amendment, and approval of the applicant's revised proposal from December 6, 2006, with conditions.
3. After proper notice, on January 2, 2007, the Newberg City Council held a hearing to consider the request.
4. 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 ORDERS AS FOLLOWS:

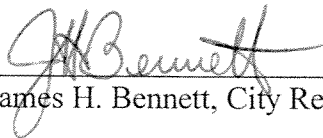
1. The property described in Exhibit "A" is hereby included within the Newberg Urban Growth Boundary.
2. The property described in Exhibit "A" is hereby changed to a COM (Commercial), MDR (Medium Density Residential) and LDR (Low Density Residential) Comprehensive Plan designation as shown on Exhibit "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 findings which are attached hereto as Exhibit "C" are incorporated herein. This order is subject to the following:
  - A. Adoption of the same Urban Growth Boundary and Comprehensive Plan changes by Yamhill County.

- B. Amendment of the Comprehensive Plan designation for the property described in Exhibit "A" to include a SC (Stream Corridor) overlay on the northeast corner of the site. The SC delineation shall be at the top of bank or 50 feet from the wetland, whichever is greater.
- C. Final adoption of amendments to the Newberg Transportation System plan as initiated by Resolution 2006-2661. The effective date of the UGB amendment is contingent upon final approval of amendments to the acknowledged Newberg Transportation System Plan as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
- D. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook/99W intersection.
- E. Upon future development of the property, a refined traffic study will be required to determine the appropriate mitigation for the unacceptable levels of service at the Crestview Drive/Highway 99W intersection, and Crestview Drive/east-west connector intersection. No direct access to Highway 99W will be allowed, but the east-west connector on site could connect to a frontage road along the proposed bypass. If the bypass is not built then the east-west connector should connect to Benjamin Road as far north as possible.
- F. A wetland determination and delineation report, following state and federal standards, shall be prepared prior to development on the site. Development shall comply with applicable state and federal wetland standards.
- G. A thirty foot setback from the northern property line of the parcels described in Exhibit "A" is required for all future buildings on the site.
- H. A twenty foot wide dense buffer is required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
- I. 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.

- J. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Highway 99W. The Crestview Drive extension from Oxberg Lakes to 99W must be in place at the time of development.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: January 3, 2007.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 2<sup>nd</sup> day of January, 2007.

  
\_\_\_\_\_  
James H. Bennett, City Recorder

**ATTEST** by the Mayor this 4<sup>th</sup> day of January, 2007.

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

### **QUASI-JUDICIAL HISTORY**

By and through Newberg Urban Area Management Commission Committee at 11/30/06 and 12/6/06 meetings.

Exhibits:

Exhibit "A": Legal Description and Map

Exhibit "B": Comprehensive Plan Map Designations

Exhibit "C": Findings



# EXHIBIT "A": LEGAL DESCRIPTION AND MAP



## EXHIBIT "A"

LEGAL DESCRIPTION  
URBAN GROWTH BOUNDARY EXPANSION  
TAX LOTS 900, 1000, 1100 AND BENJAMIN ROAD  
TAX MAP NO. 3 2 16

JOB NO. 0428-0005

A PARCEL OF LAND LOCATED IN THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, IN THE NORTHWEST ONE-QUARTER OF SECTION 15, AND THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739 A POINT ON THE NORTH LINE OF THE BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C., AN ANGLE POINT IN THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, BEARS NORTH 89°22'47" WEST 678.12 FEET; THENCE ALONG SAID D.L.C. LINE SOUTH 89°22'47" EAST 1640.99 FEET TO THE WEST RIGHT-OF-WAY LINE OF BENJAMIN ROAD (COUNTY ROAD NO. 54); THENCE CONTINUING ON SAID D.L.C. LINE SOUTH 89°22'47" EAST 40.17 FEET TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF SAID ROADWAY; THENCE LEAVING SAID D.L.C. LINE ALONG THE EAST RIGHT-OF-WAY LINE SOUTH 04°43'17" EAST 185.29 FEET; THENCE SOUTH 03°16'13" WEST 301.50 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY 99W (40.00 FEET NORTH, RIGHT ANGLE MEASURE OF THE CENTERLINE OF SAID HIGHWAY); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE ON A CURVE CONCAVE TO THE SOUTH HAVING A RADIUS OF 5494.225 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 12°10'04" EAST, THROUGH A CENTRAL ANGLE OF 00°26'00", AN ARC LENGTH OF 41.54 FEET (CHORD BEARS SOUTH 77°36'57" WEST 41.54 FEET) TO A POINT OF INTERSECTION WITH THE WEST RIGHT-OF-WAY LINE OF SAID BENJAMIN ROAD; THENCE CONTINUING ON THE NORTH RIGHT-OF-WAY LINE ON SAID CURVE, THROUGH A CENTRAL ANGLE OF 08°57'01", AN ARC LENGTH OF 858.27 FEET (CHORD BEARS SOUTH 72°55'26" WEST 857.40 FEET); THENCE ON AN OFFSET SPIRAL CURVE ON SAID NORTH RIGHT-OF-WAY LINE SOUTH 67°02'39" WEST 405.57 FEET; THENCE SOUTH 66°20'47" WEST 506.07 FEET TO THE SOUTHWEST CORNER OF PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG THE WEST LINE OF SAID PROPERTY NORTH 00°55'10" EAST 1125.92 FEET TO THE POINT OF BEGINNING.

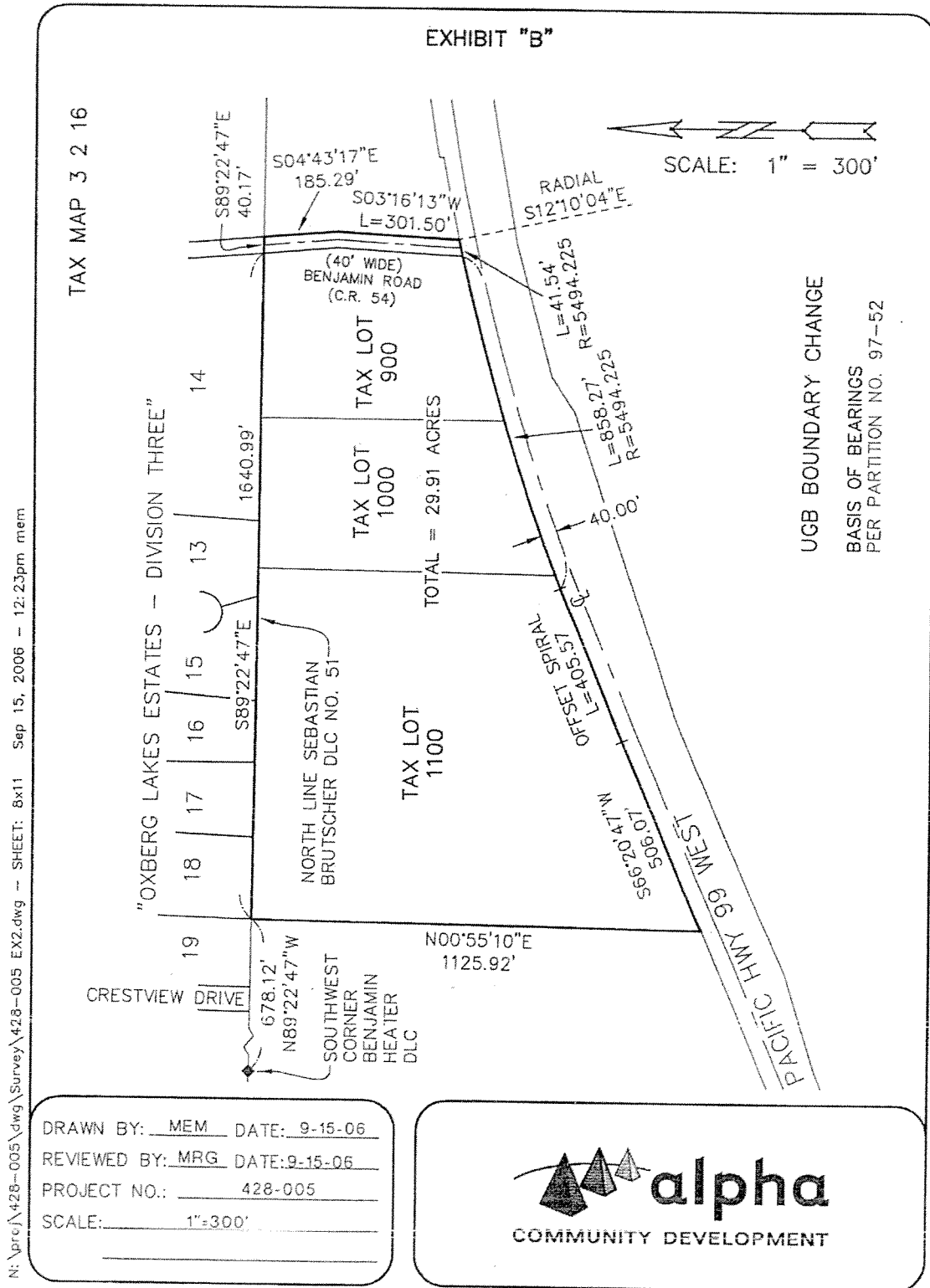
CONTAINING APPROXIMATELY 29.91 ACRES.

THE BASIS OF BEARINGS FOR THE DESCRIPTION IS PARTITION PLAT NO. 97-52 YAMHILL COUNTY, PLAT RECORDS.

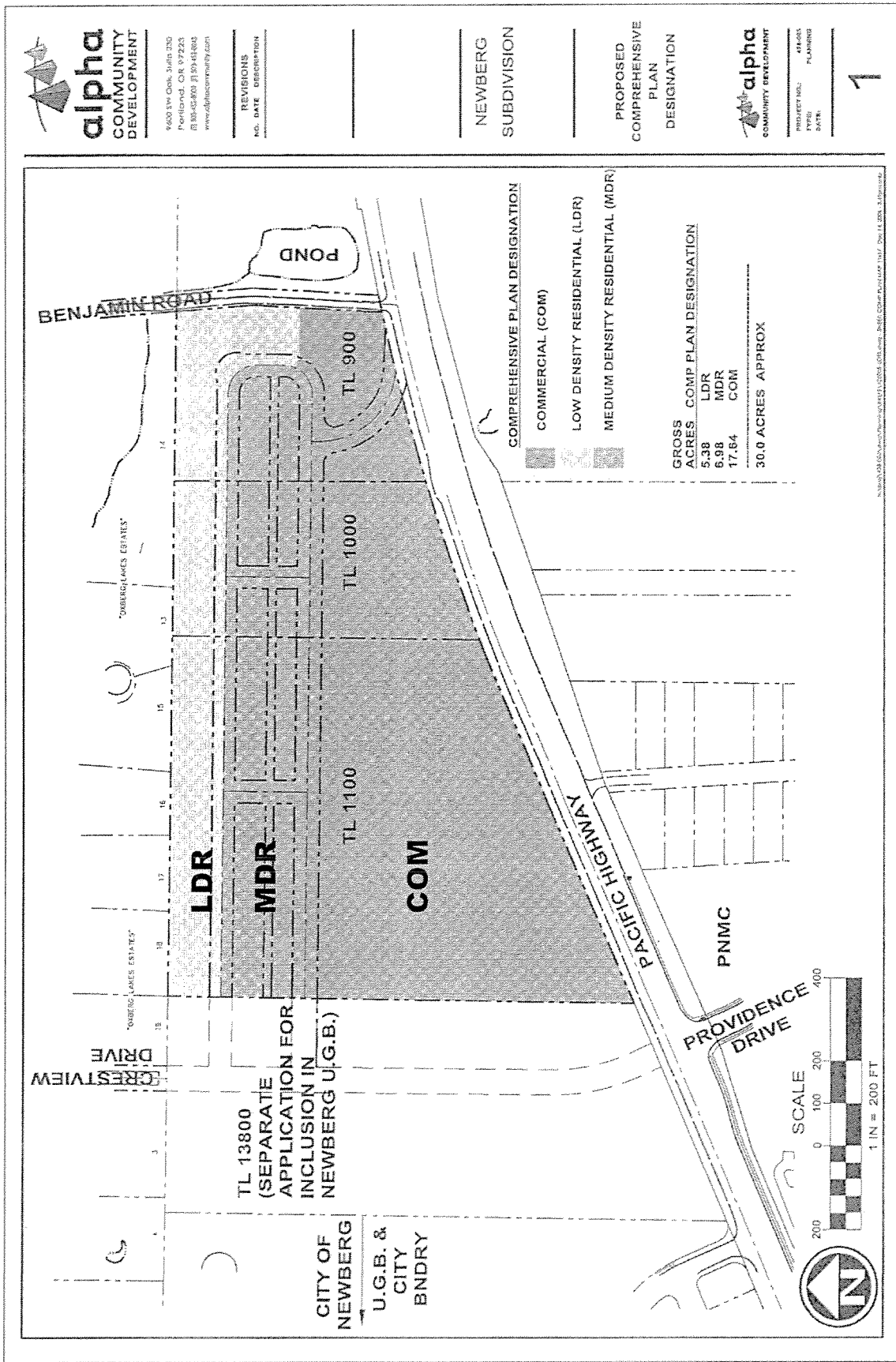
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EXHIBIT "A": LEGAL DESCRIPTION AND MAP (CONTINUED)



# EXHIBIT "B": COMPREHENSIVE PLAN MAP DESIGNATIONS



**EXHIBIT "C": URBAN GROWTH BOUNDARY FINDINGS UGB-06-002**  
**Approval of an urban growth boundary amendment for 30 acres.**

**ORS Standards:**

**ORS 197.298.** *ORS 197.298 establishes priorities for land to be included within an urban growth boundary. ORS 197.298 (1)(a) states: "In addition to any requirements established by rule addressing urbanization, land may not be included within an urban growth boundary except under the following priorities: (a) First priority is land that is designated urban reserve land under ORS 195.145, rule or metropolitan service district action plan."*

**Finding:** The property under review is designated as Urban Reserve land, as adopted by the City of Newberg and Yamhill County in 1993, and therefore is first priority for inclusion in the Urban Growth Boundary.

**OAR Standards:**

**660-021-0060** *Urban Growth Boundary Expansion. All lands within urban reserve areas established pursuant to this division shall be included within an urban growth boundary before inclusion of other lands, except where an identified need for a particular type of land cannot be met by lands within an established urban reserve area.*

**Finding:** The property under review is designated as Urban Reserve land, as adopted by the City of Newberg and Yamhill County in 1993, and therefore is first priority for inclusion in the Urban Growth Boundary.

**Statewide LCDC Goals:**

Goals 4, 15, 16, 17, 18, and 19 do not apply to this application. The remaining goals are addressed below:

***Goal 1. Citizen Involvement.***

**Finding:** The property under review is located within the Study Area C of the Newberg Urban Reserve Area Project adopted by the City and Yamhill County in 1995. A public involvement program was implemented as part of the initial Urban Reserve Area Project in 1992 and 1993. In 1997, a study was prepared that examined the six Urban Reserve Areas (URAs) in detail. The study provided a buildable lands inventory and a land use needs analysis, preliminary infrastructure and transportation plans, and an amended urban services agreement between the City of Newberg and Yamhill County. In conjunction with this 1997 study, a citizen involvement and inter-governmental coordination program was prepared and implemented to assure that the results of the study accurately reflected the desires of residents and property owners in the City and County. In 1997, approximately 70 people attended two workshops for property owners and other parties interested in the URAs. A questionnaire was also distributed at that time to solicit additional input in the URA planning process. Additionally, in 2004, the Newberg City Council created the Ad Hoc Committee on Newberg's Future (the Committee) to provide a forum for citizen involvement in planning for Newberg's future land use patterns. Between April 2004 and June 2005, the Ad Hoc Committee on Newberg's Future sought the input from the general public. During that time, the Committee held two open houses, conducted two surveys, received comments at each of their meetings, and received several letters. The hearing process for this request also fulfills the citizen involvement requirements.

### ***Goal 2. Land Use Planning.***

**Finding:** This goal stipulates that land use decisions be made in accordance with a comprehensive plan and that suitable "implementation ordinances" to the plan's policies must be adopted. It requires that plans be based on "factual information," that local plans and ordinances are coordinated with those of other jurisdictions and agencies, and that plans be reviewed periodically and amended as needed.

The proposed amendment is based on a wealth of factual information including recently adopted population projections and land needs assessments, the report of the Ad Hoc Committee on Newberg's future, Newberg's recently adopted Transportation System Plan, the City's recently adopted Economic Opportunity Analysis, and site information and utility information as described in the application.

This amendment is being concurrently reviewed by Yamhill County and the City of Newberg. Referrals of this application have been sent to a number of agencies, including ODOT, DLCD, DSL, Newberg School District, and utility companies.

Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation. In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement 11. Under the recently revised Statewide Planning Goal 14, a goal exception is no longer required for amending and Urban Growth Boundary.

### ***Goal 3. Agricultural Lands.***

**Finding:** This goal requires local governments to inventory agricultural lands and to "preserve and maintain" them for farm use. The property under review is currently planned AFSH and is zoned AF-10 (Agriculture/Forestry Small Holding) under the County Zoning Ordinance. In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement 11. The exception land definition identified the general area as having a mixture of soil types ranging from Class II to Class VI soil type. The City of Newberg *Inventory of Natural and Cultural Resources* indicates that most soils in the vicinity are flat and at least moderately fertile, though nearly all types have some problems with drainage. According to the Soil Conservation Service of the US Department of Agriculture, the subject site contains three soil types, including Woodburn Silt Loam (0-7%), Woodburn silt loam (12-20%) and Amity Silt Loam (0%). All of these are considered Class II agricultural soils, based on DLCDs hierarchy of soil types. However, virtually all of the soils surrounding the current Newberg UGB bear Class II and III designations, and thus this was taken into consideration by Yamhill County in granting the Goal 2 exception and during the URA designation process. The properties are all used for single family residential, with a veterinary clinic on one lot. The Exceptions Statement II document includes a discussion noting that the area involved is characterized by good roads, rural fire service, fair or better water availability, and has mostly fair soil suitability for septic systems. This area is currently committed to rural residential development. The Inventory of Natural and Cultural Resources report states the City's recognition that urban expansion will undoubtedly occur on prime Class II soils, but notes that wasteful land use practices should be discouraged. The proposed addition of the project site into the UGB would provide needed land for urban expansion adjacent to the City where services

are available or can be readily extended, thereby avoiding leap-frog development or other land consumptive practices.

***Goal 5. Open Spaces, Scenic and Historic Areas, and Natural Resources.***

**Finding:** This goal encompasses twelve resource types, including wildlife habitats, mineral resources, and wetlands and waterways. Goal 5 requires inventories of resources to be conducted and policies to be adopted whereby the local jurisdiction can manage these resources. The City of Newberg prepared an inventory of natural and cultural resources in 1981 as part of its comprehensive planning program. This inventory includes the following resources: agricultural lands; forest lands; mineral and aggregate resources; fish and wildlife; water; air quality; and open space, scenic, natural, historic, and recreational resources. The property under review consists primarily of Woodburn Silt Loam (0-7%), Woodburn silt loam (12-20%) and Amity Silt Loam (0%). All of these are considered Class II agricultural soils.

The parcels contain wooded areas that will be largely be replaced by development. Woods within the small Stream Corridor area in the NE corner will be retained.

Residential development on the west and north of the property currently releases all their storm water onto this parcel. This has resulted in the development of some very low quality wetlands along the drainage ditches created by off site stormwater runoff. Further information is needed to determine whether these are jurisdictional wetlands or waterways and what protections may be needed. The City's study of lands within the URA also located a stream corridor that covers a small portion of the NE corner of the site.

One public comment (McClure) stated that the 9.5 acre farm ensemble directly across Benjamin Road from this site is listed on the National Historic Register and requested buffering on the commercial property so that the buildings and light sources there cannot be seen from the historic property. There is value in protecting historic properties in and around the city, and there is already some buffering between the sites. The Benjamin Road right of way is 40 feet wide, and any development on the Speakman site will probably be required to dedicate 10 feet of additional right of way for Benjamin Road. Any development on the commercial portion of the site will be required to have a minimum 10 foot front yard setback from the property line. The MDR and LDR portions of the site will be required to have a minimum 15 foot front yard setback from the property line. The front yard setbacks are required to be landscaped, and required to include street trees. Any development on the commercial portion of the site will probably be at least 60 feet away from the McClure property line, and buffered by at least 10 feet of landscaping with street trees. The City development code limits light trespass from the site to no more than 0.5 foot-candles at the property line, so very little light would reach across Benjamin Road. The lights could still be seen from the McClure site, however, unless blocked by landscaping. The farmhouse on the McClure property is separated from Benjamin Road by a pond and some substantial trees, so it is not immediately adjacent to Benjamin Road. NUAMC recommends that a 20 foot wide dense buffer be added along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.

***Goal 6. Air, Water and Land Resources Quality.***

**Finding:** This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations regarding air, water, and land resources quality. The Newberg Comprehensive Plan, Ordinance 1967 contains several policies intended to ensure conformance with

state and federal regulations governing air, water, and land resources quality. Negligible impacts are anticipated to existing air quality in the area. A C-2 land use designation is intended for local service retail uses. This will reduce the distance that Newberg residents need to travel for goods and services, and therefore improve air quality. The proposed UGB amendment would be consistent with the City's Comprehensive Plan policies by providing water and sanitary sewer services capable of supporting future urban level development in the vicinity. Any development on the site will be required to follow best management practices for stormwater.

***Goal 7. Areas Subject to Natural Disasters and Hazards***

**Finding:** The subject site does not include any flood hazard areas or other areas especially subject to natural disasters or hazards.

***Goal 8. Recreation Needs***

**Finding:** This goal requires a community to evaluate its areas and facilities for recreation and to develop plans to deal with the projected demand for them. The City's Comprehensive Plan includes policies designed to ensure recreational facilities and services are expanded to meet growing recreation demands of the community. Chehalem Park and Recreation District (CPRD) has established a neighborhood park along the west border of the Gueldner property, just west of this site.

***Goal 9. Economic Development***

**Finding:** This goal requires local governments to provide adequate opportunities for a variety of economic activities. It requires local governments to analyze economic opportunities and constraints in the area. It requires local governments to provide an adequate supply of land to meet the needs identified. Further, it requires limits on uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

Newberg has recently adopted an economic opportunity analysis and land needs projections. Those projections identify a need for additional commercial land in the community. In particular, the plans identify a need for 2-3 community commercial centers of 10-15 acres each. The subject property was identified as a potential property for meeting this identified need. Thus, inclusion of this 30 acre property, with approximately 17.64 acres designated commercial, would help partly meet the community's need for a community commercial center.

The property abuts a future urban property to the west (pending UGB amendment for commercial/residential development), rural residential/farm across Benjamin Road to the east, and Providence Hospital to the south. These are compatible land uses. On the north side, however, the property is zoned rural residential and contains a rural residential subdivision. The applicant has proposed leaving a strip of low density residential development and medium density residential between the commercial development and that subdivision. The LDR/MDR section would provide a buffer for compatibility between the uses. A 30 foot setback from the northern property line within the LDR section will provide additional buffering and improve compatibility with the rural residential subdivision to the north.

***Goal 10. Housing***

**Finding:** This goal requires a community to plan for and accommodate needed housing types, including multifamily and manufactured housing. The community is also required to inventory developable residential lands, conduct an analysis of projected future demand for various housing types, and to plan and zone enough buildable land to meet those needs. The goal prohibits local plans from discriminating against needed housing types. The goals for housing in the City of Newberg's Comprehensive Plan are to provide for diversity in the type, density, and location of housing to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. The proposed LDR section serves as a buffer for the low density subdivision to the north. The MDR section also serves to buffer the LDR section and the rural residential subdivision to the north from the commercial area. The dimensions of the LDR and MDR sections align closely with the pending UGB amendment for the property to the west (Gueldner).

The Newberg Comprehensive Plan projects a future population of 38,352 by 2025 and 54,097 by 2040. There is a projected shortfall by 2025 of 130 acres of LDR land. There is no current shortage of MDR land, but it is necessary to include MDR to allow the density on site to step up near the commercial area, as a buffer for the rest of the residential area. Inclusion of these properties into the UGB will help offset the City's projected shortfall of land for residential development.

### Future Land Needs and Supply, Newberg Urban Area

Updated as of November 16, 2006

Plan Designation	Buildable	Built Land 2004-2006	Buildable	Buildable	Surplus	Buildable	Buildable	Surplus (Deficit) 2026- 2040
	Acres Needed 2005-2025		Acres Needed 2006-2025	Acres in UGB (2006)	(Deficit) for 2006-2025	Acres Needed 2026-2040	Acres In URA 1 (2006)	
LDR	612	57	555	425	(130)	735		
MDR	173	26	147	189	42	191		
HDR	89	0	89	29	(60)	83		
COM	111	26	85	65	(20)	109		
IND	50	12	38	70	32	37		
IND (Large Site)	100	0	100	40	(60)	120		
P	85	0	85	9	(76)	115		
I, PQ, or other Inst.	164	5	159	38	(121)	233		
<b>Total</b>	<b>1,384</b>	<b>125</b>	<b>1259</b>	<b>865</b>	<b>(394)</b>	<b>1623</b>	<b>248</b>	<b>(1375)</b>

<sup>1</sup> Land within the Urban Reserve Area is not currently assigned to specific comprehensive plan districts.

Definitions	Corresponding Zone(s)
LDR	Low Density Residential R-1
MDR	Medium Density Residential R-2
HDR	High Density Residential R-3
COM	Commercial C-1, C-2, C-3, C-4
IND	Industrial M-1, M-2, M-3
P	Parks CF or others
PQ	Public/Quasi-Public I or others

Source: Newberg Planning and Building Department  
Data subject to change



**Goal 11. Public Facilities and Services.**

**Finding:** This goal aims for efficient planning of public services such as sewers, water, law enforcement and fire protection. It encourages planning of public services to meet the community's needs and capacities rather than responding to development as it occurs. Newberg's comprehensive plan includes the goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development.

**Sewer** service is anticipated to be provided by extending an existing sewer main in Klimek Lane to the property. Some upgrades to the Fernwood Road pump station may be needed to serve the property. General sewage treatment capacity for the community is addressed in the City's sewage master plan.

**Water** service is anticipated to be extended from the new Crestview Drive extension west of the site. General water capacity for the community is addressed in the City's water master plans.

**Storm drainage** for the property is currently provided by two storm drainage ditches that currently cross the western half of the property and drain to a 24-inch diameter culvert under Highway 99W. This culvert is identified in the Newberg Drainage Master Plan as undersized and needing to be replaced with a 36-inch culvert. Certain improvements to the storm drainage system will be required upon development, which may include some combination of new storm drainage lines and storm water detention. All development on the site shall follow best management practices for stormwater. Overall, the Public Works Director has determined that public facilities can be provided to the site.

City police and fire services will be provided upon annexation. Separate findings of the availability of these services will be required upon annexation. The property has excellent access to Providence Newberg Hospital.

**Goal 12. Transportation**

**Finding:** The primary objective of this goal is to provide a safe, convenient and economic transportation system. The City's comprehensive plan contains several goals and policies designed to guide the planning and provision of a safe, convenient, and economic transportation system in cooperation with state, county, and neighboring communities in the region. The City recently adopted a new Transportation System Plan. This plan evaluated not only the transportation needs of the future development within the Urban Growth Boundary, but also the transportation needs of development of the designated urban reserve areas. The transportation plan used the land use assumption that the subject property would be designated commercial. Therefore, this plan can be relied upon for consideration of this UGB amendment.

Newberg's Transportation System Plan (TSP) includes several planned road improvements in the general vicinity of the site. They include: Northern Arterial Street Connection - Existing Crestview Drive to Oregon 99W. The City's existing TSP recommends that Crestview Drive be completed through the Gueldner property to OR Highway 99W. The City has initiated a proposal to change the arterial designation of this section to a major collector (see next paragraph). The TSP also includes an east-west connection between the Crestview Drive extension and Benjamin Road.

Through extensive public involvement effort, the City has initiated a change to the TSP. This change is based on a report from JRH Transportation Engineers that evaluate potential changes to the designations of Crestview Drive and Springbrook Road. The study supports the redesignation of Crestview Drive to a major collector from the middle of the Gueldner Property to Springbrook and incorporating traffic calming improvements. The Gueldner property will provide a central traffic

circle at the center intersection to provide traffic calming in compliance with the JRH recommendations.

The applicant has proposed an east-west connection between the Crestview Drive extension and the eastern edge of the property, which is in accordance with the TSP. If the bypass is not built or if this project is developed in advance of the bypass then the east-west connector road will need to extend to Benjamin Road to provide adequate connectivity. This connection would need to be made as far north as possible to avoid impacting the Benjamin Road/Highway 99W intersection. If the bypass is built then the east-west connector could connect to the frontage road along the bypass, as shown on the applicant's concept plan.

A Traffic Impact Study was prepared for this project by the Lancaster Engineering, which assumed that the Crestview Drive extension to Highway 99W would be built. The proposed conceptual commercial and residential development on the site is expected to generate a total of 8,306 new daily, and 847 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,610 weekday daily and 242 weekday PM peak hour passby trips would be generated by the project, and a total of 1,926 weekday internal trips and 192 weekday PM peak internal trips are generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

The study concludes that if the City of Newberg takes jurisdiction over Highway 99W then the intersections at Highway 99W and Springbrook Road and Highway 99W and Crestview Drive will operate acceptably and no mitigation will be required. This could only happen if the bypass was built and the City agreed to take jurisdiction, however. The study found that if ODOT retains jurisdiction over 99W then both of these intersection would have unacceptable levels of service and mitigation would be required. If the actual development is similar to that projected in the conceptual plan, then the development will need to mitigate these impacts. The report stated that the mitigation could include adding a third westbound travel lane on Highway 99W between Crestview and Springbrook, or one northbound and one southbound travel lanes on Springbrook Road. In a similar case of Providence Hospital, the hospital was required to make a payment for a proportional share of improvements to the intersection of Highway 99W and Springbrook Road. A similar requirement could be made for this project to mitigate these impacts. In addition, the study found that the intersection of Crestview Drive and the east-west connector would operate unacceptably in 2025, with or without the addition of site traffic from this proposed development. Mitigation at this intersection could include adding a traffic signal with exclusive left turn lanes, or building a roundabout. The traffic study will need to be refined at the time of development to determine the most appropriate mitigation for these problems.

In general, with the improvements included in the transportation plan and traffic mitigation measures, and including the recommendations of the JRH study and Lancaster Engineering study, adequate transportation facilities will be available to serve the proposed use.

**Goal 13. Energy Conservation**

**Finding:** This goal states that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. This particular amendment will aid the conservation of energy largely by providing opportunities for shorter automobile trips. Currently, many shoppers in Newberg travel outside the community for various goods and services. Development of a community shopping center on this site will provide the opportunity for these Newberg shoppers to meet their needs in Newberg without traveling to shopping areas outside the area.

**Goal 14. Urbanization**

This goal is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities. The goal requires that cities and counties establish urban growth boundaries to meet future land needs. The goal establishes land need factors and boundary location factors that must be addressed for any change to the urban growth boundary. The following addresses these factors.

**Land Need**

*Establishment and change of urban growth boundaries shall be based on the following:*

- (1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and*
- (2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).*

**Finding:** The City of Newberg has acknowledged population projections for the Newberg UGB. These projections are shown in Table III-2 in the Comprehensive Plan, and are as follows:

**Table III-2. Future Population Forecast – Newberg Urban Area**

<b>Year</b>	<b>Population Forecast</b>
2000	18,438
2005	21,132
2010	24,497
2015	28,559
2020	33,683
2025	38,352
2030	42,870
2035	48,316
2040	54,097

The City has received a population coordination letter from the County, agreeing with the population forecast in Table III-2 above.

The Newberg Comprehensive identifies a shortfall of 20 acres of commercial land for the period 2005-2025. It also identifies a need for 2-3 community commercial centers of 10-15 acres each. This amendment would partly meet Newberg’s future commercial needs by providing a site

for a community commercial center. There is a projected shortfall by 2025 of 130 acres of LDR land. These projections are shown in the Land Needs table included under Goal 10: Housing (above). Inclusion of these properties into the UGB will help offset the City's projected shortfall of land for residential and commercial development. There is no current shortage of MDR land, but its inclusion is necessary as a buffer between the LDR and commercial area.

*In determining need, local government may specify characteristics, such as parcel size, topography or proximity, necessary for land to be suitable for an identified need. Prior to expanding an urban growth boundary, local governments shall demonstrate that needs cannot reasonably be accommodated on land already inside the urban growth boundary.*

**Finding:** The *Ad Hoc Committee on Newberg's Future, Report to Newberg City Council: Recommendations for Newberg's Future* (July 21, 2005) addresses the above factors. This report is incorporated into these findings by reference. The report examined various site characteristics that would make land suitable for commercial needs. The report identifies the subject property as particularly suitable for commercial needs based on its size, topography, ownership patterns, level of development, natural features, access, shape, services, and compatibility. That report also examined a number of potential sites that potentially could meet the need for community commercial uses. These include the Mountainview/Zimri site and the Riverfront site. While both of these areas are suitable for commercial uses, both are already designated commercial, and contribute to meeting the overall commercial land needs. With these, there is still a deficit of commercial land. Therefore, that report concluded that there were inadequate sites within the urban growth boundary to accommodate the need, and therefore sites outside the UGB should be included to meet the future land needs.

**Boundary Location** *The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:*

- (1) Efficient accommodation of identified land needs;*
- (2) Orderly and economic provision of public facilities and services;*
- (3) Comparative environmental, energy, economic and social consequences; and*
- (4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.*

**Finding:** The subject site is locating within the Newberg Urban Reserve Area. As such, it is the highest priority for inclusion in the UGB under ORS 107.298. All alternative boundary locations outside the Urban Reserve Area would not be as high priority, thus can be dismissed for consideration of this amendment. The Ad Hoc Committee's report examines a number of potential sites for community commercial centers within the existing Urban Reserve.

The study identified several parcels large enough to accommodate commercial development in the urban reserve areas south of Bell Road and North Valley Road. These sites do not have adequate access to arterial streets however, and could not efficiently provide for commercial needs. In addition, they cannot orderly and economically be provided with public facilities due to their elevation above the existing water service level. There would be severe negative environmental, energy, economic, and social (EEES) consequences,

including incompatibility with proposed residential uses in this area, significant grading necessary to accommodate commercial uses, and energy consequences caused by commercial traffic traveling to the this area.

There are several parcels along Wynooski Street that have the needed site characteristics for a community commercial center. These parcels, however are intermixed in an existing industrial area, and are anticipated to be designated industrial upon inclusion in the UGB. Designating these as commercial would have severe negative EEES consequences, including loss of job opportunities in the community, and increase need for residents of Newberg to commute to other communities for employment. It would have negative consequences to the functioning of the proposed Highway 219/Bypass interchange. Commercial use also may not be compatible with adjacent industrial uses. Some of the industrial uses are heavy industry, and generate noise and dust that may not be compatible with retail uses. The industrial uses also generate substantial truck traffic, which could conflict with the customer car traffic generated by a commercial use.

The result of that analysis was a recommendation that only the Northeast Urban Reserve (of which the subject property is a part) would be suitable for community commercial uses. The findings of this report are incorporated herein by reference.

The property can efficiently accommodate the proposed commercial land needs. The property has the site characteristics needed for commercial development. In particular, its good access to 99W and its proximity to other commercial services make the property efficient for meeting future commercial land needs. Public facilities and services can be provided orderly and economically to this site, as addressed in the findings under Goal 11: Public Facilities and Services. It would have positive environmental and energy consequences of providing for shorter auto travel trips, as addressed under Goal 12: Transportation. It would provide positive economic and social consequences of providing areas for shopping, commercial services, and employment within Newberg, as addressed under Goal 9: Economic Development.

The property abuts a future urban property to the west (pending UGB amendment for commercial/residential development), and Providence Hospital to the south. These are compatible land uses. On the north side, however, the property is zoned rural residential and contains a rural residential subdivision. The applicant has proposed leaving a strip of low density residential development between the medium density residential/commercial development and that subdivision. The LDR strip would provide a buffer for compatibility between the uses. A thirty foot setback from the northern property line would provide an additional buffer for the subdivision to the north. The property to the east contains a historic farm, and needs additional buffering to protect the historic resource from the impacts of the commercial development. A 20 foot wide dense buffer along the Benjamin Road commercial frontage to block light, noise and sight could include vegetative elements, a wall and a berm, and would provide adequate buffering for the historic farm.

***Newberg Urban Area Management Agreement -Urban Growth Boundary Amendment Criteria:***  
*Amendment of the Urban Growth Boundary shall be treated as a map amendment to both City and County Comprehensive Plan maps. Change of the boundary shall be based upon consideration of*

the following factors:

- (a) *Demonstrated need to accommodate long-range urban population growth requirements consistent with LCDC goals;*
- (b) *Need for housing, employment opportunities, and livability;*
- (c) *Orderly and economic provision for public facilities and services;*
- (d) *Maximum efficiency of land uses within and on the fringe of the existing urban area;*
- (e) *Environmental, energy, economic and social consequences;*
- (f) *Retention of agricultural land as defined, with Class I being the highest priority for retention and Class VI the lowest priority; and*
- (g) *Compatibility of the proposed urban uses with other adjacent uses.*

**Finding:** These criteria are all addressed under previous findings.

**Newberg Comprehensive Plan Amendment - Newberg Development Code, Section § 151.122:** *The applicant 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;*

The following addresses particular comprehensive plan policies.

#### ***A. Citizen Involvement.***

***Goal:*** *To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.*

**Finding:** A citizen involvement program was a part of the 1997 Urban Reserve Project. In recent months, members of the public have been invited to and involved in community meetings with the Ad Hoc Committee and Newberg Urban Area Management Committee to discuss UGB expansion opportunities in Newberg. Additionally, with respect to this project, public notices have been provided to property owners within 500 feet of the property.

#### ***B. Land Use Planning.***

***Goal:*** *To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.*

**Finding:** Inclusion of this property into the UGB aligns with the city's and state's goal of providing enough land for growth. As land designated Urban Reserve and abutting the edge of the City's current limit, this property is appropriate in which to efficiently expand the City's boundary.

#### ***C. Agricultural Lands.***

***Goal:*** *To provide for the orderly and efficient transition from rural to urban lands.*

***Policy (1):*** *The conversion of land from agricultural to urban land uses shall be orderly and efficient.*

**Finding:** In 1992 and 1993 an urban reserve area project was completed. The Urban Reserve Area land supply was intended to provide adequate land for the City's needs to 2020. Expanding the UGB to include this property would be a natural progression of the City's expansion. The property abuts the current city boundary and would be an appropriate place for the UGB to expand. It would be adjacent, or in very close proximity, to an anticipated interchange built on Highway 99W. The land will provide an opportunity to develop a gateway to the city and local neighborhoods and serve as a buffer between the planned Highway 99W interchange

and existing residential development.

**Policy (2):** *Inclusion of lands in agricultural use within the Urban Growth Boundary is recognition of a commitment of future urbanization, as such lands are necessary to meet long-range population and economic needs, based on criteria outlined in the statewide Urbanization Goal.*

**Finding:** Expanding the UGB to include the property within its boundary would contribute to alleviating the projected shortfall for commercial and residential development.

#### **D. Wooded Areas**

**Goal:** *To retain and protect wooded areas.*

**Policy (1):** *Existing wooded areas shall be encouraged to remain as open areas for wildlife habitat and limited recreational uses.*

**Policy (2):** *Development in drainageways shall be limited in order to prevent erosion and protect water quality. Trees provide needed protection from erosion and should be maintained.*

**Finding:** There is an extensive wooded area on tax lot 1100, and some wooded areas on tax lots 1000 and 900. It will be necessary to remove most of these woods upon development in order to develop the site near the planned density. Any woods within the stream corridor on the NE corner of the site will be retained. The applicant will obtain a wetland determination for the drainageways on the site and comply with all State and Federal requirements.

#### **E. Air, Water, and Land Resource Quality.**

**Goal:** *To maintain, and where feasible, enhance air water and land resource qualities within the community.*

**Policy(3):** *As public sanitary sewer becomes available all development shall connect to the public system.*

**Policy (4):** *The Newberg airshed shall be protected from excessive pollution levels resulting from urbanization.*

**Finding:** The completed Fernwood Road pump station can serve future development within the project area and adjoining properties currently inside the City limits, possibly with some upgrades, thereby reducing the overall number of pump stations that might be needed to serve these areas as development occurs. The proposed sanitary sewer line will extend north along the Klimek right-of-way across Highway 99W. The airshed shall be protected by the reduction of vehicle miles traveled by the residents of Newberg, as noted under Goal 12: Transportation.

#### **K. Transportation**

##### **Goal 4, Policies m and q**

- m.** *To enable the City and ODOT to adequately plan land uses and local circulation for the interchange areas, the City of Newberg will retain existing base zoning within the Interchange Overlay District in the interim period before IAMPs are prepared and adopted, except as follows. Annexations will be allowed if the associated zone change is consistent with the acknowledged Newberg Comprehensive Plan designation for the property in effect at the date of adoption of the Interchange Overlay. Consistent with the exception under policy q. below for the East Newberg interchange, for the land north of Highway 99W within the Urban Reserve Area C, the City may adopt a comprehensive plan designation and implement that comprehensive plan map designation with a zoning map amendment consistent with its annexation requirements. Permitted and conditional uses*

*that are authorized under existing base city zones will generally be allowed within the Interchange Overlay, with certain limitations on commercial uses in the industrial zones.*

- q. The City agrees not to approve expansion of the Newberg UGB or Urban Reserve Areas around the East Newberg or Oregon 219 interchanges until IAMPs for the two interchanges are prepared and adopted by ODOT, Yamhill County and the City of Newberg. An exception to this policy will be allowed for a limited expansion of the Newberg UGB into the westerly portion of Urban Reserve Area C to accommodate construction of the Northern Arterial in the general location shown on the City of Newberg acknowledged Transportation System Plan, including that land north of Highway 99W within Urban Reserve Area C.*

**Finding:** The property is within Urban Reserve Area C, north of Highway 99W, and thus falls within the exception above. The property was also shown on the map of the exception area, modified by Ordinance 2006-2648. Note that completion and adoption of the IAMP may involve additional conditions or mitigation measures.

***Goal 9: Create effective circulation and access for the local transportation system.***

**Finding:** Effective circulation on the site will be provide by the east-west connector between Crestview Drive and either the bypass frontage road or Benjamin Road. The scope of these improvements and the impact on operations will be coordinated with ODOT and the City.

***L. Public Facilities and Services.***

***Policy 1(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.***

***Policy 2(c): Developments with urban densities should be encouraged to locate within the area which can be served by Newberg's present sanitary sewer system.***

**Finding:** New public utilities-including a pump station in Fernwood Road-have been completed in the near vicinity which will serve this site, possibly with some upgrades, and the balance of the Springbrook Oaks development. A 10-inch waterline fronts the property to the west, and will be extended north in Crestview Drive. Storm drainage ditches traverse the western half of the property and connect to a culvert under Highway 99W. This site can be efficiently served by public facilities and services.

***N. Urbanization. Goal 1: To provide for the orderly and efficient transition from rural to urban land uses.***

**Finding:** The land is within Newberg's urban reserve area. The urban reserve is intended to maintain an adequate of supply land for the City's needs by 2020. Lands designated "Urban Reserve" are the most appropriate to include within a UGB expansion. Conversion of this property from rural to urban uses would qualify as orderly and efficient transition. Projected road improvements will be linked to adjacent urbanized area within the City of Newberg.

***Policy 1(f): In expanding or otherwise altering the Urban Growth Boundary, the Boundary shall follow road rights-of-way, lot lines, or natural features.***

**Finding:** The proposed UGB expansion would modify the existing boundary to extend to the east edge boundary of the property. Overall, the UGB expansion will follow the property's lot line.



*Policy l(h): The designated Urban Reserve Area identifies the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to provide a thirty (30) to fifty (50) year land supply. Designated Urban Reserve Area lands will be included within the Urban Growth Boundary on a phased basis at periodic review. Property owners will also have the opportunity to request that land within the designated Urban Reserve Area be included within the Newberg Urban Growth Boundary based on the criteria outlined in the LCDC Goal 14 and the Urban Growth Management [Agreement].*

**Finding:** The Urban Reserve Areas were evaluated and prioritized for inclusion in the UGB approximately eight to ten years ago. Since that time, few URAs have been incorporated into the City's UGB. These amendments have been small and have not provided adequate lands to meet the growth needs of the City. The City initiated the NW UGB expansion for approximately 200 acres in NW Newberg, which is pending approval by the County and DLCD. This UGB expansion will still not meet the growth needs of the City, however. This application demonstrates compliance with criteria specified in Statewide Goal 14, Urbanization. Responses to Goal 14 criteria are found at the beginning of this report.

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

**Finding:** See the findings under Goal 11: Public Facilities and Services.

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

**Finding:** See the findings under Goal 12: Transportation

### **Yamhill Comprehensive Plan Policies**

Yamhill County comprehensive plan policies are addressed in the Yamhill County staff report and in the application.

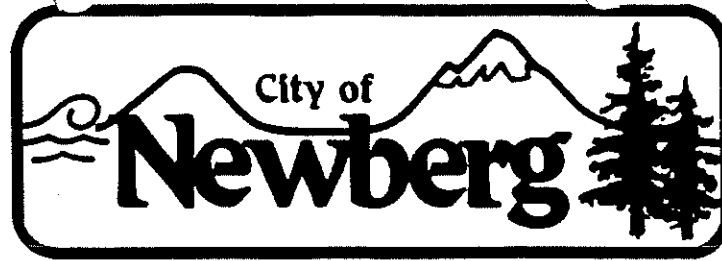
### **CONCLUSION:**

Based on all of the above mentioned findings, and with the conditions noted, the application meets the criteria for an Urban Growth Boundary amendment.

**Attachment 7: Order 2008-0014**

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 5<sup>th</sup> 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.


CITY MANAGER'S OFFICE: e-mail: [nctymgr@ci.newberg.or.us](mailto:nctymgr@ci.newberg.or.us) Fax: 537-5013

Building: 537-1240 • Community Development: 537-1240 • Finance: 537-1201 • Fire: 537-1230  
Library: 538-7323 • Municipal Court: 537-1203 • Police: 538-8321 • Public Works: 537-1233 • Utilities: 537-1205  
Municipal Court Fax: 538-5393 • Community Development Fax: 537-1272 • Library Fax: 538-9720

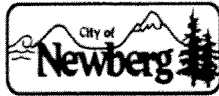
The City of Newberg requires the use of best practices for storm water management for not only its own public works projects, but for all new construction and development within the City of Newberg. These best practices will be used for the construction of the Mountainview Road s-curve and for all future 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

**Attachment 8: Ordinance 2008-2701**



## **ORDER No. 2008-0014**

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**AN ORDER FINDING THAT PROPERTY LOCATED AT 4813 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-1000, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2 AND C-2**

---

### **RECITALS:**

1. On March 26, 2008 NewB Properties LLC submitted an application to annex one parcel (approximately 5.8 acres) into the City of Newberg with a concurrent zone change to R-1 (Low Density Residential), R-2 (Medium Density Residential) and C-2 (Community Commercial) for property located at 4813 E. Portland Road, Yamhill County tax lot 3216-1000.
2. The Newberg Planning Commission heard the annexation and zoning amendment on June 12, 2008, took public testimony, and continued the hearing to July 10, 2008 to allow ODOT time to review the supplemental traffic study and revised findings. The Planning Commission continued the hearing on July 10, 2008, reviewed the supplemental traffic study and revised findings, reviewed ODOT's comment that they had no further objections to the annexation request, and recommended approval of the annexation as conditioned and placement on the November 4, 2008 ballot per Resolution 2008-253. The annexation of this property is conditional on the approval of the annexation of the Gish parcel to the west.
3. After proper notice, on August 4, 2008, the Newberg City Council held a hearing to consider the annexation and zoning amendment request.
4. The City Council finds that the applicable criteria have been met as conditioned, and that approval of the application is in the best interests of the community.

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

1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria as conditioned and adopts the findings, which are attached hereto as Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. Annexation requires the City Council to adopt an ordinance annexing the property, and requires approval at a public vote. If the annexation is approved through these procedures, then the City orders the following:
  - A. The zoning of the property described in Exhibit "C" is changed to portions of R-1 (Low Density Residential), R-2 (Medium Density Residential), and C-2 (Community Commercial) as shown on the map in Exhibit "E". Exhibits "C" and "E" are hereby adopted and by this

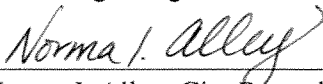
reference incorporated.

3. This order is subject to the following:

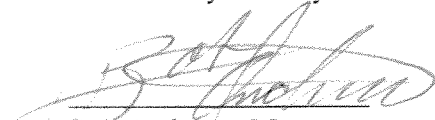
- A. Annexation of the Kimball property is conditional on the approval of the adjacent Gish property annexation request by the voters.
- B. A refined traffic study out to year 2025 will be required upon development showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
- C. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- D. A 30 ft building setback along the north property line will be required upon development of the site.
- E. Development 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.
- F. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
- G. Existing home and veterinary clinic to connect to sewer and water or be removed within two years of annexation.
- H. Upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent properties to the west.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: August 5, 2008.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 4<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 7th day of August, 2008.

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

## **QUASI-JUDICIAL HISTORY**

By and through Planning Commission Committee at 6/12/2008 & 7/10/2008 meetings.  
*(committee name)* *(date)*

### Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Annexation Map
- Exhibit "C": Legal Description
- Exhibit "D": Comprehensive Plan Map
- Exhibit "E": Proposed Zoning Map



## EXHIBIT "A": FINDINGS

### ANX-08-004

Annexation of 5.8 acres for property located at 4813 E. Portland Road

#### I. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.261 CONDITIONS FOR ANNEXATION

*(A) The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.*

**FINDING:** The site was included within the Newberg Urban Growth Boundary by Order 2007-0001 on January 2, 2007. Certain conditions were placed on the property by Order 2007-0001 and have been included within the recommended annexation conditions of approval.

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

**FINDING:** The subject site is separated from the Newberg city limits by the Gish property. The owner of the Gish property has concurrently applied for annexation, so the annexation of the Kimball property will be conditional on the approval of the Gish annexation.

#### II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI-JUDICIAL 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 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 comprehensive plan designation of the site was changed concurrently with the urban growth boundary amendment application that was approved by Order 2007-0001 on January 2, 2007. The current comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) that exactly matches the comprehensive plan designations.

The east-west connector road (Gueldner Drive) will be extended eastward through the site towards Benjamin Road in accordance with the comprehensive plan map and the Newberg Transportation System Plan.

A wetland delineation map shows that there are no wetlands on this site. The wetland delineation has been approved by the Department of State Lands.

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

- (1) *Municipal sanitary sewer 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:** As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

Water: The property can connect to an existing 10-inch mainline that runs along Hwy 99W at the property's southern border, and will extend the line within Gueldner Drive on the site.

Storm water: Storm water drainage appears to primarily sheet flow to a drainage ditch along 99W. Improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system.

Sewer: Sewer service will be provided by connecting to the new line extended north by the Crestview Crossing project and extended east within Gueldner Drive. At time of development, the developer will need to verify the capacity of the Fernwood pump station. Improvements may be necessary. All public sewer lines must be gravity flow.

Roads: The subject property is adjacent to Hwy 99W on its southern side. Upon development, Hwy 99W shall be improved with curbs, gutters, and sidewalks.

The Crestview Drive extension and the Gueldner Drive extension on the properties to the west must be in place prior to development on this site. The applicant has proposed extending Gueldner Drive to the east, which is in accordance with the TSP. The TSP shows Gueldner Drive connecting ultimately to Benjamin Road. This connection would need to be made as far north as possible to avoid impacting the Benjamin Road/Highway 99W intersection. The applicant's concept plan shows an additional road north of and parallel to Gueldner Drive, which provides access for the residential lots.

A Traffic Impact Study was prepared for this project by Lancaster Engineering, which assumed that the Crestview Drive extension to Highway 99W would be built. The proposed conceptual commercial and residential development on the site plus the Gish property to the west and the Thomas property to the east is expected to generate a total of 8,306 new daily, and 847 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,610 weekday daily and 242 weekday PM peak hour passby trips would be generated by the project, and a total of 1,926 weekday internal trips and 192 weekday PM peak internal trips would be generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

One important point from the traffic study that has not been sufficiently emphasized to date is that commercial development on this site will reduce the number of shopping trips that Newberg residents currently need to make to Sherwood, McMinnville, Wilsonville, and other communities. One of the primary goals of the State Transportation Planning Rule is to reduce vehicle miles traveled, and the annexation and development of the commercial portion of this site would help meet this goal for the residents of Newberg.

The study concludes that if the City of Newberg takes jurisdiction over Highway 99W then the intersections at Highway 99W and Springbrook Road and Highway 99W and Crestview Drive will operate acceptably and no mitigation will be required. This could only happen if the bypass was built and the City agreed to take jurisdiction, however. The study found that if ODOT retains jurisdiction over 99W then both of these intersection would have unacceptable levels of service and mitigation would be required. The study also found that the intersection of Crestview Drive and the east-west frontage road (now Gueldner Drive) would operate unacceptably and would require mitigation, such as the construction of a roundabout. The report stated that the mitigation for the Crestview/99W and the Springbrook/99W intersections could include adding a third westbound travel lane on Highway 99W between Crestview and Springbrook, or one northbound and one southbound travel lanes on Springbrook Road.

ODOT has commented that the proposed zones do match the City's comprehensive plan and that the Bypass is included within the City's TSP. The Bypass is not considered a planned improvement by ODOT, however, because there is no funding plan in place. They comment that the TIS is therefore flawed because its recommendations depend on the construction of the bypass by 2025 and the downgrading of Hwy 99W to a District level highway. ODOT requested that action be deferred on the annexation until the TIS can be corrected so that its recommendations can be used to support findings that the annexation is consistent with the Transportation Planning Rule. DLCDC has also commented that the TIS analysis cannot depend on the construction of the Bypass, since ODOT has stated that the construction of the bypass is not reasonably likely by 2025.

ODOT's supplemental comments on June 12, 2008 referenced a 2005 LUBA decision (Just v. City of Lebanon) that found that the Transportation Planning Rule does apply to zone changes that occur as part of annexations, even though the zone changes correspond to the existing comprehensive plan designations. ODOT's interpretation appears to be correct, so the Transportation Planning Rule applies if it is determined that the proposed annexation will have a significant effect on transportation facilities. ODOT reiterated their request that the transportation studies be revised to not depend on the bypass, as they do not consider it a planned facility because it is unfunded.

The TIS is intended to evaluate the annexation's compatibility with the adopted Newberg TSP and the State highway plan. Both of these plans include the Newberg-Dundee bypass, however, so the applicant must include the potential impact of the bypass in their TIS analysis or the City would find that the analysis is incomplete. The TIS must also consider the project's impact on transportation facilities if the bypass is not built, however. While the bypass is a planned facility in the State Highway Plan, by TPR definitions it is not a "planned facility" and therefore cannot be relied on to mitigate the impacts of development. Lancaster Engineering submitted a supplemental traffic impact analysis on June 11, 2008

that addresses ODOT's concerns. The supplemental analysis does not rely on the bypass to mitigate transportation impacts.

The supplemental traffic impact analysis examined the impact in the year 2025 of the development of the Kimball property. The report pointed out that the Crestview/99W intersection is projected to operate with a v/c ratio in excess of ODOT's 0.70 standard in 2025 under background traffic conditions (with no new development on the Kimball property). If the Kimball property is annexed into the city and developed with the proposed zoning then it is projected to result in 36 additional trips through the Crestview/99W intersection. This equates to an increase of approximately 0.65% over background traffic levels. The supplemental report concludes that annexing this property and rezoning to the proposed City zoning is not expected to have a significant effect upon any existing or planned transportation improvements either with or without construction of the bypass, thus complying with the State's TPR. The Crestview improvements that are being completed by the Crestview Crossing project go beyond the improvements called for in the City's TSP, and the proportionate share costs that will be contributed by development towards future capacity enhancements at Springbrook/99W will mitigate the traffic impacts generated by development on the annexation site. ODOT's supplemental comments dated July 3, 2008 acknowledged receipt of the supplemental traffic analysis and found that the report had been prepared using methodologies that are acceptable to ODOT. ODOT also commented that they looked forward to reviewing the findings regarding the Transportation Planning Rule issues, and pledged to continue to work with the City of Newberg to address congestion issues on OR 99W that result from existing and future proposed development.

If this site is annexed and developed then most of the trips that are generated will impact the Gueldner Drive/Crestview intersection, the Crestview/99W intersection, and the Springbrook/99W intersection. The developer of the Crestview Crossing project on the Gueldner parcel is currently designing (and will construct) the Crestview Drive extension from Oxberg Lakes to 99W and the roundabout and eastward extension of Gueldner Drive. The City is requiring the developer to oversize the Crestview Drive extension and roundabout to meet year 2025 traffic conditions, including the expected development of the Gish, Kimball and Thomas properties. ODOT is currently deeply involved with the City and the Crestview Crossing developer in the design of these improvements. It is therefore reasonable to assume that future development of this parcel will not trigger a need for further improvements at the Gueldner/Crestview roundabout intersection or the Crestview/99W intersection, as both intersections are being designed to accommodate the year 2025 build-out of the Gish, Kimball and Thomas properties. The only remaining intersection of concern is the Springbrook/99W intersection.

The Springbrook/99W intersection does not currently meet ODOT's v/c ratio standards. Development of the Kimball property will add some trips to this intersection and would worsen the performance of the intersection if no mitigation was done. The City of Newberg has already identified this intersection as one that needs improvement, however, and has charged recent developments in the area with impact fees based on the number of trips they added to the intersection. The fees could be used for street improvements that would improve the performance of the intersection, whether those improvements were directly at the intersection or were for a nearby street (such as the future completion of Hayes Street) that would reduce the number of trips at the Springbrook/99W intersection. The new Providence Hospital paid towards the future Springbrook/99W intersection performance improvement based on their trip generation estimates, and the Crestview Crossing development will also be required to pay towards

this performance improvement based on their trip generation estimates. The City will therefore require that, upon development of the Kimball site, the developer pays an impact fee based on trip generation towards the performance improvement of the Springbrook/99W intersection. A refined traffic study will be required at the time of development to estimate trip generation based on the actual proposed development (instead of on the conceptual development shown in the annexation application). This will ensure that the impact of the development of the Kimball site on the Springbrook/99W intersection will be mitigated by future improvements at or near the intersection.

State Transportation Planning Rule:

**660-012-0060**

***Plan and Land Use Regulation Amendments***

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

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
  - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
  - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
  - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

**Finding:** The zone change that will automatically occur upon annexation into the city is not a comprehensive plan amendment. A relatively recent LUBA ruling (*Just v. City of Lebanon*), however, found that the zone change upon annexation could be considered a land use regulation amendment. The Transportation Planning Rule would therefore apply to the project if it is determined that the proposed annexation will have a significant effect on transportation facilities.

The question then becomes whether or not the annexation would significantly affect an existing or planned transportation facility. The annexation would not change the functional classification of a facility or change standards implementing a functional classification system. If there was no mitigation then the annexation would worsen the performance of the existing Springbrook/99W intersection, which already performs below ODOT's standards. The City has already established a precedent for mitigation of traffic impacts at the Springbrook/99W intersection, however, and this site was conditioned to mitigate the traffic impact as part of the UGB amendment process. The Providence Hospital project has paid an impact fee and the Crestview Crossing project will pay an impact fee for transportation improvements based on the number of trips that the project adds to the Springbrook/99W intersection. The developer of the Gish property will pay a similar impact fee based upon the number of trips that the Gish development would add to the Springbrook/99W intersection. The impact fee will be used for improvements at the intersection or for improvements to nearby roads that would reduce the number of trips at the Springbrook/99W intersection. The completion of the Hayes Street/Providence Drive

connection is an example of the type of improvement that would reduce the amount of traffic at the Springbrook/99W intersection. The supplemental traffic analysis, which excluded the impact of the proposed bypass, found that annexation and development of the Kimball property would not have a significant effect on an existing or planned transportation improvement, thus complying with the TPR.

*(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:*

*(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

*(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

*(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

*(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

*(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

*(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*

*(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*

*(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*

*(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*

*(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

*(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*

*(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

*(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*

*(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*

*(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*

*(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*

*(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*

*(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*

*(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.*

*(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:*

*(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or*

*(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.*

*(d) As used in this section and section (3):*

*(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;*

*(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and*

*(C) Interstate interchange area means:*

*(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or*

*(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*

*(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*

**Finding:** Sections 2-4 are not applicable because, as determined above, the annexation will not have a significant effect on an existing or planned transportation facility.

In general, with the improvements included in the transportation plan and traffic mitigation measures, adequate transportation facilities will be available to serve the proposed use.

*(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:** Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. The annexation and development of the property will generate additional needs for police and fire services. The annexation and development also will generate additional revenues to pay for those services, including property tax revenues, franchise fee revenues, and cigarette and liquor tax revenues. Recent growth in these revenues has increased to the point that four additional police officers are proposed in the General Fund budget for FY08-09. However, property tax limitations have capped the growth in assessed value on existing and new properties within the city. Because of this, property tax revenues have not increased sufficiently to cover existing and new needs for public safety personnel. The Budget Committee's proposed budget for FY08-09 would fund an additional three officers with a public safety fee yet to be established. If this fee is established, then this annexed property also would pay. With this fee, annexation and development of this property should generate sufficient revenue to cover increased public safety service needs. The residential development of the property may also increase the demand for parks and school facilities, which will be partially offset by the system development charges for parks and the school construction excise tax.

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

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

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

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

### ***NDC § 151.267 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 § 151.122 shall not be required.*

***Comprehensive Plan    Appropriate Zoning Classification  
Classification***

<i>OS</i>	<i>Any zoning classification</i>
<i>LDR</i>	<i>R-1</i>
<i>MDR</i>	<i>R-2</i>
<i>HDR</i>	<i>R-3</i>
<i>COM</i>	<i>C-1, C-2, or C-3 as determined by the Director</i>
<i>MIX</i>	<i>C-2, M-1, or M-2 as determined by the Director</i>
<i>IND</i>	<i>M-1, M-2, or M-3</i>
<i>PQ</i>	<i>Any zoning classification</i>
<i>P/PP</i>	<i>Any zoning classification</i>

- (C) *If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of § 151.122 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. 96-2451, passed 12-2-96)*

**Finding:** The applicant has requested zoning designations of R-1, R-2 and C-2 that exactly match the comprehensive plan designations on the site. They are therefore not required by the Newberg Development Code to address the criteria under § 151.122, which are the criteria for a comprehensive plan map amendment or zoning map amendment. The zone change from County to City zoning is an automatic change and is not a zoning map amendment because the zones match the comprehensive plan designations. This is significant because the criteria for § 151.122 (below) call for the applicant to make findings addressing the State Transportation Planning Rule. Newberg’s development code does not require the applicant to make findings addressing the State Transportation Planning Rule if the requested zones match the comprehensive plan designations.

***NDC § 151.122(3) Procedures for Comprehensive Plan Map and Zoning Map Amendments – Amendment 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 reasonable made available to support the uses allowed by the proposed change.*
- (c) *Compliance with the State Transportation Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.*

**Timing Consideration:**

***NDC § 151.263 Annexation Procedures***

*All annexation requests approved by the City Council shall be referred to the voters in accordance with the requirements of this code and O.R.S. 222.*

*(A) Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even numbered years. Applications for annexation shall be filed with the Planning Division before 5:00 p.m. on October 1 for a primary ballot election in May and before 5:00 p.m. on April 1 for a general ballot election in November. An applicant may request that the Council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This division does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.*

*(B) The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the Director receives a completed application for annexation, he/she shall schedule a recommendation hearing before the Planning Commission. The Planning Commission shall make a recommendation to the City Council as to whether or not the application meets the criteria contained in § 151.262. This decision shall be a quasi-judicial determination and not a legislative determination. The Planning Commission may also recommend denial of an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*(C) Following the Planning Commission hearing, the Director shall schedule a City Council hearing to consider the request. The City Council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in § 151.262. The hearing at the City Council shall be considered a new hearing. If additional testimony is submitted, the Council may, at its own discretion, return the application to the Planning Commission for further review and recommendation. The City Council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*(D) If the City Council approves the annexation request, the proposal may, at the City Council's sole discretion, be placed before the voters of the city as follows:*

- (1) The biennial primary or general elections which are held in May and November of even numbered years, or*

(2) *An available special election.*

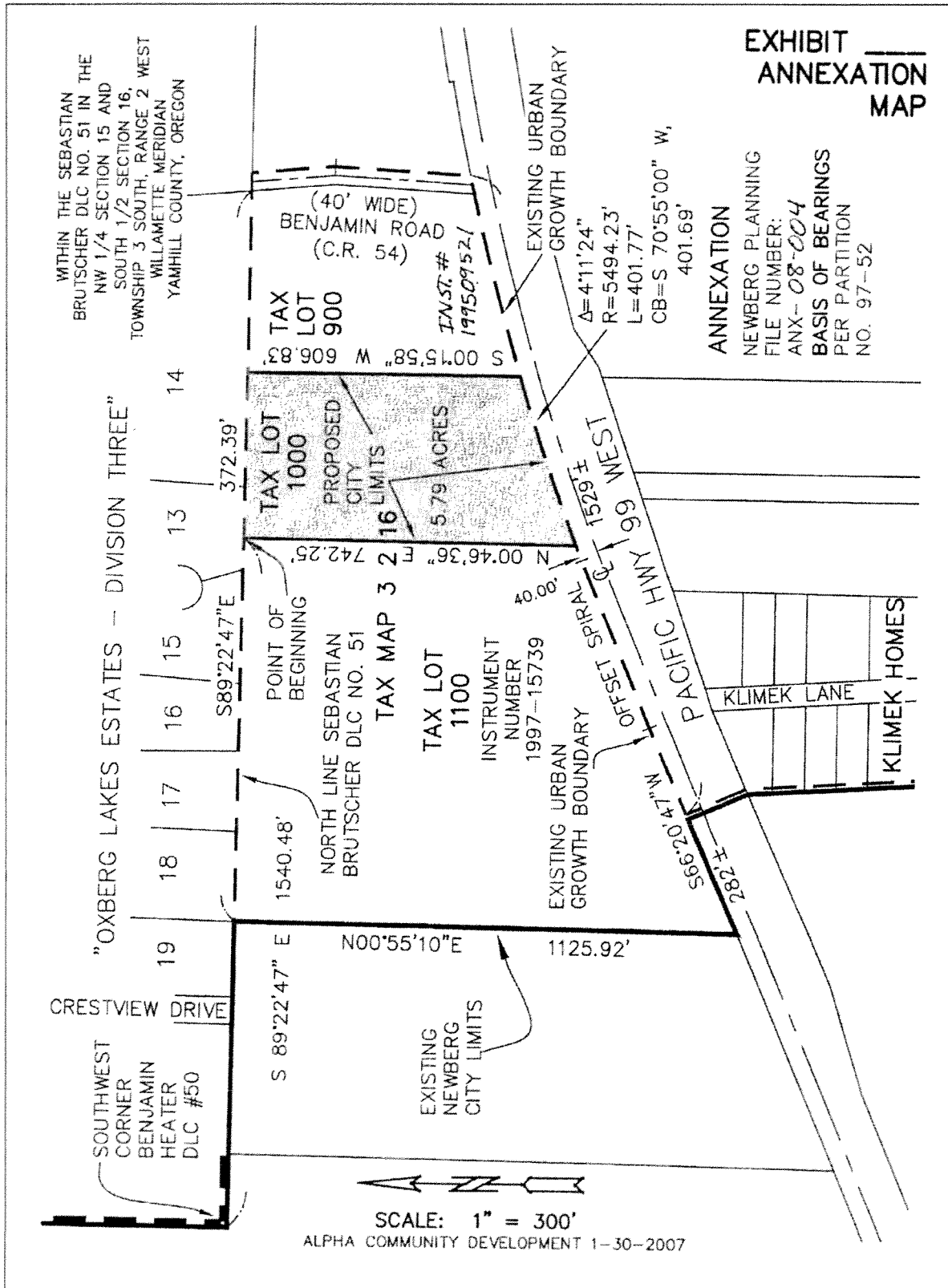
**Recommendation:** The applicant has requested that this annexation application be approved by the City Council and placed before the voters at the November 4, 2008 election. If the Council approves the annexation they are not bound to place the annexation on the next available ballot. The decision on when to send an approved annexation to the ballot is at the City Council's sole discretion. In this case staff recommends that the Planning Commission discuss the timing issue and make a recommendation to the City Council based on what they think is in the best interests of the city. Pros: If all three annexation applications (Gish, Kimball, and Thomas) are sent to the ballot at the same time then the benefits of the Gueldner Drive extension to Benjamin Road could be shown. The November 2008 election will have a large voter turnout, which may improve the chances for approval of the annexations. Cons: This annexation is conditional on the approval of the Gish annexation, which may confuse the voters. Also, if the Gish annexation fails then this annexation also would not be approved, despite a potential positive vote. The Planning Commission recommends that this annexation be placed on the November 2008 ballot.

**CONDITIONS OF APPROVAL**  
**ANX-08-004**

The following conditions of approval apply to the annexation of the property located at 4813 E. Portland Road, Yamhill County Tax Lot 3216-1000.

- A refined traffic study out to year 2025 will be required showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- Development 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.
- Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
- Existing home and veterinary clinic to connect to sewer and water or be removed within two years of annexation.

EXHIBIT "B": ANNEXATION MAP



**EXHIBIT "C": LEGAL DESCRIPTION**

MARCH 25, 2008

**LEGAL DESCRIPTION**

**JOB NO. 0428-0005**

ANNEXATION TO THE CITY OF NEWBERG  
TAX LOT 1000, TAX MAP NO. 3 2 16  
4813 NE PORTLAND ROAD  
CITY OF NEWBERG PLANNING FILE NUMBER:

ANX-08-004

A PARCEL OF LAND LOCATED IN THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, IN THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739, YAMHILL COUNTY DEED RECORDS, A POINT ON THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C. NO. 50, (AN ANGLE POINT IN SAID NORTH LINE OF D.L.C. NO. 51), BEARS NORTH 89°22'47" WEST 1540.48 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°22'47" EAST 372.39 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1995-09521; THENCE LEAVING SAID LINE ALONG THE WEST LINE OF SAID PROPERTY, SOUTH 00°15'58" WEST 606.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY 99 WEST (40.00 FEET NORTHERLY, RIGHT ANGLE MEASURE, FROM THE CENTERLINE THEREOF); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 5494.23 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 16°59'18" EAST THROUGH A CENTRAL ANGLE OF 04°11'24" AN ARC LENGTH OF 401.77 FEET (CHORD BEARS SOUTH 70°55'00" WEST 401.69 FEET) TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NO. 1997-15739; THENCE ALONG THE EAST LINE OF SAID PROPERTY NORTH 00°46'36" EAST 742.25 FEET TO A POINT OF BEGINNING.

CONTAINING APPROXIMATELY 5.79 ACRES.

THE BASIS OF BEARINGS FOR THE DESCRIPTION IS PARTITION PLAT NO. 97-52 YAMHILL COUNTY, PLAT RECORDS.

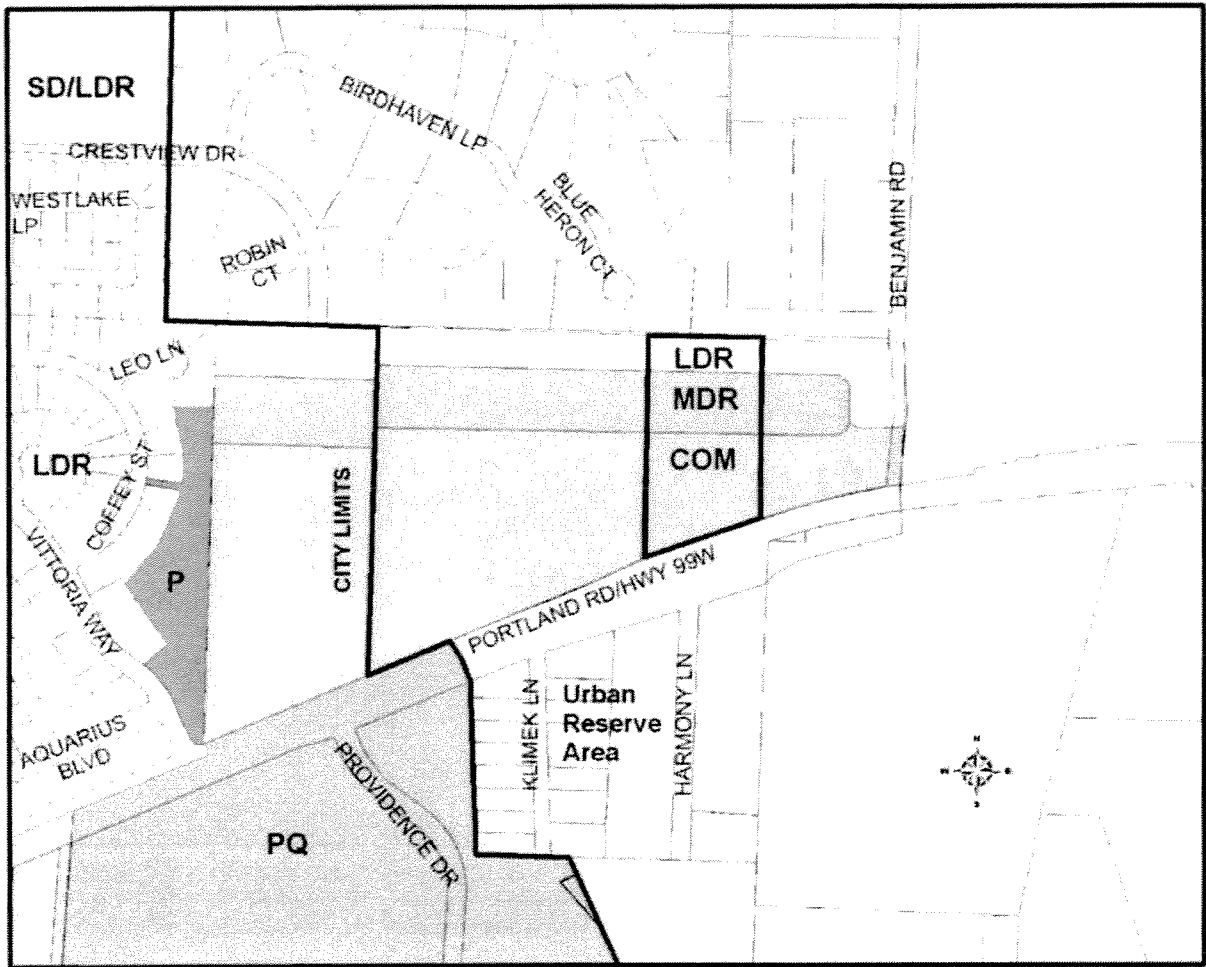
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael R. Gates*

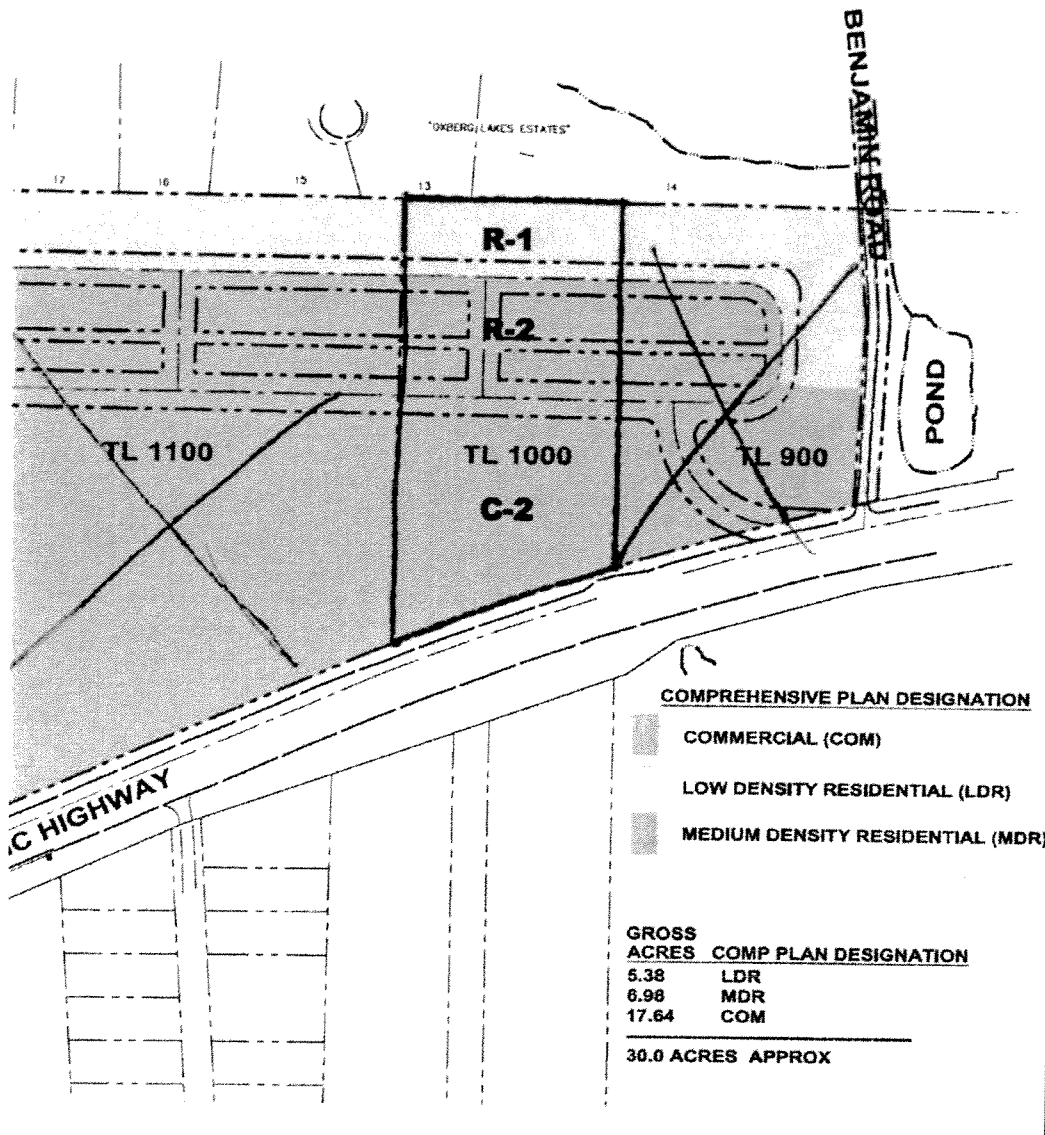
OREGON  
JULY 25, 1990  
MICHAEL R. GATES  
2449

VALID UNTIL 6-30-07

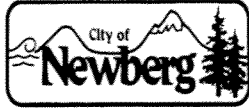
**EXHIBIT "D": COMPREHENSIVE PLAN MAP**



**EXHIBIT "E": PROPOSED ZONING MAP**







## ***ORDINANCE No. 2008-2701***

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**AN ORDINANCE DECLARING PROPERTY LOCATED AT 4813 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-1000, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY**

---

### **RECITALS:**

1. NewB Properties LLC submitted an application for annexation and consent to annex on March 26, 2008, for property located at 4813 E. Portland Road, Yamhill County tax lot 3216-1000.
2. After proper notice, on August 4, 2008, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
3. On August 4, 2008, the City Council adopted Order 2008-0014 which affirmed that the annexation as conditioned met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
5. The applicant has requested, and the Planning Commission has recommended, that this matter be placed before the voters at the November 4, 2008 general election.

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

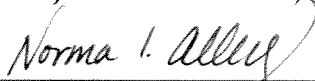
1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the November 4, 2008, special election. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. The City Council directs that all costs associated with placing the item on the ballot be paid for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot. Owners may be required to place monies in escrow to cover the costs of election(s).

3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.
4. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
6. Should this annexation request and the adjacent Gish property annexation request be approved by a majority of the electorate of the City of Newberg at the identified election date, the property shown in Exhibit "A" and described in Exhibit "B", shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
  - A. The City of Newberg land use inventory data and GIS data, including the comprehensive plan map and zoning map, will be updated to reflect the new addition.
  - B. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.


➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 17, 2008.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of August, 2008, by the following votes:

**AYE: 4    NAY: 2 (CURRIER, ANDREWS)    ABSENT: 0    ABSTAIN: 0    VACANT: 1**

  
 \_\_\_\_\_  
 Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 19<sup>th</sup> day of August, 2008.

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

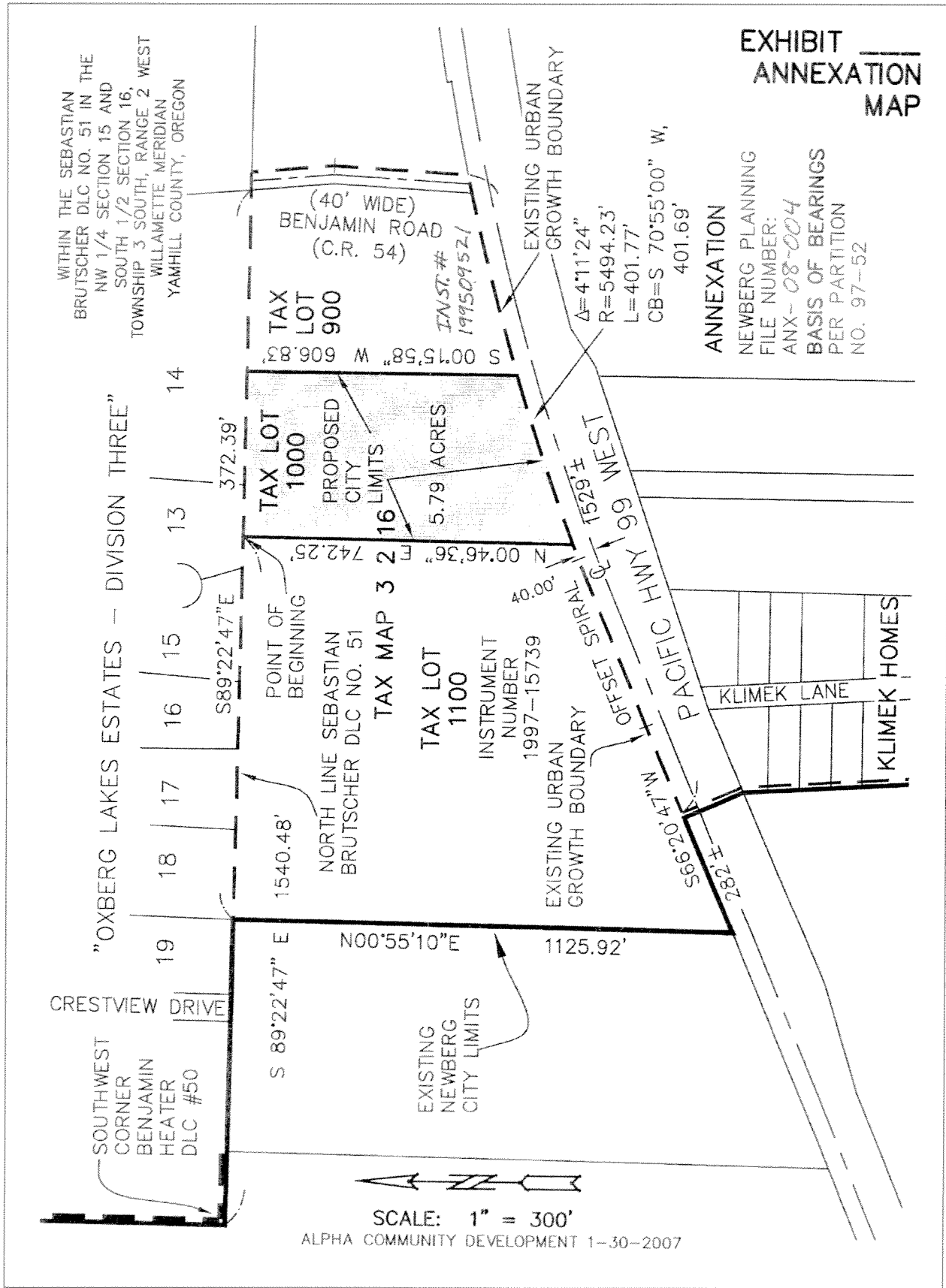
### LEGISLATIVE HISTORY

By and through Planning Commission Committee at 6/12/2008 & 7/10/2008 meetings.  
(committee name) (date)

Exhibits:

- Exhibit "A": Annexation Map
- Exhibit "B": Legal Description

EXHIBIT "A": ANNEXATION MAP



**EXHIBIT "B": LEGAL DESCRIPTION**

MARCH 25, 2008

**LEGAL DESCRIPTION**

**JOB NO. 0428-0005**

ANNEXATION TO THE CITY OF NEWBERG

TAX LOT 1000, TAX MAP NO. 3 2 16

4813 NE PORTLAND ROAD

CITY OF NEWBERG PLANNING FILE NUMBER: ANX-08-004

A PARCEL OF LAND LOCATED IN THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, IN THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739, YAMHILL COUNTY DEED RECORDS, A POINT ON THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C. NO. 50, (AN ANGLE POINT IN SAID NORTH LINE OF D.L.C. NO. 51), BEARS NORTH 89°22'47" WEST 1540.48 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°22'47" EAST 372.39 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1995-09521; THENCE LEAVING SAID LINE ALONG THE WEST LINE OF SAID PROPERTY, SOUTH 00°15'58" WEST 606.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY 99 WEST (40.00 FEET NORTHERLY, RIGHT ANGLE MEASURE, FROM THE CENTERLINE THEREOF); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 5494.23 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 16°59'18" EAST THROUGH A CENTRAL ANGLE OF 04°11'24" AN ARC LENGTH OF 401.77 FEET (CHORD BEARS SOUTH 70°55'00" WEST 401.69 FEET) TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NO. 1997-15739; THENCE ALONG THE EAST LINE OF SAID PROPERTY NORTH 00°46'36" EAST 742.25 FEET TO A POINT OF BEGINNING.

CONTAINING APPROXIMATELY 5.79 ACRES.

THE BASIS OF BEARINGS FOR THE DESCRIPTION IS PARTITION PLAT NO. 97-52 YAMHILL COUNTY, PLAT RECORDS.

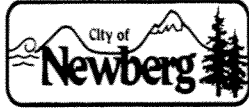
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael R. Gates*

OREGON  
JULY 25, 1990  
MICHAEL R. GATES  
2449

VALID UNTIL 6-30-07

**Attachment 9:      Order 2008-0015**



## ***ORDINANCE No. 2008-2701***

---

**AN ORDINANCE DECLARING PROPERTY LOCATED AT 4813 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-1000, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY**

---

### **RECITALS:**

1. NewB Properties LLC submitted an application for annexation and consent to annex on March 26, 2008, for property located at 4813 E. Portland Road, Yamhill County tax lot 3216-1000.
2. After proper notice, on August 4, 2008, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
3. On August 4, 2008, the City Council adopted Order 2008-0014 which affirmed that the annexation as conditioned met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
5. The applicant has requested, and the Planning Commission has recommended, that this matter be placed before the voters at the November 4, 2008 general election.

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

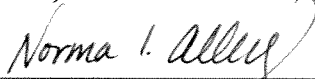
1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the November 4, 2008, special election. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. The City Council directs that all costs associated with placing the item on the ballot be paid for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot. Owners may be required to place monies in escrow to cover the costs of election(s).

3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.
4. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
6. Should this annexation request and the adjacent Gish property annexation request be approved by a majority of the electorate of the City of Newberg at the identified election date, the property shown in Exhibit "A" and described in Exhibit "B", shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
  - A. The City of Newberg land use inventory data and GIS data, including the comprehensive plan map and zoning map, will be updated to reflect the new addition.
  - B. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.


➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 17, 2008.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of August, 2008, by the following votes:

**AYE: 4    NAY: 2 (CURRIER, ANDREWS)    ABSENT: 0    ABSTAIN: 0    VACANT: 1**

  
 \_\_\_\_\_  
 Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 19<sup>th</sup> day of August, 2008.

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

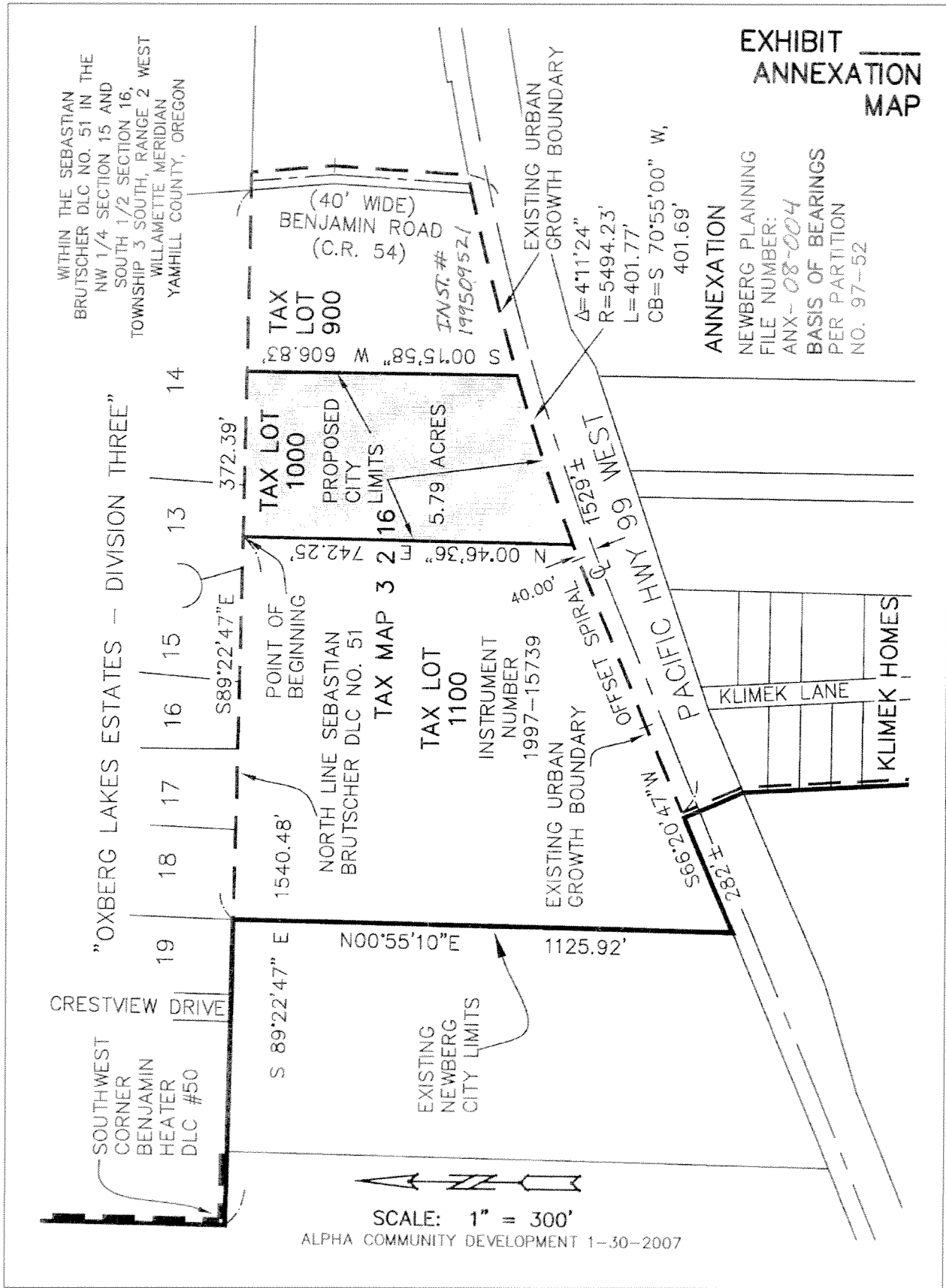
### LEGISLATIVE HISTORY

By and through Planning Commission Committee at 6/12/2008 & 7/10/2008 meetings.  
(committee name) (date)

Exhibits:

- Exhibit "A": Annexation Map
- Exhibit "B": Legal Description

EXHIBIT "A": ANNEXATION MAP





**EXHIBIT "B": LEGAL DESCRIPTION**

MARCH 25, 2008

**LEGAL DESCRIPTION**

**JOB NO. 0428-0005**

ANNEXATION TO THE CITY OF NEWBERG

TAX LOT 1000, TAX MAP NO. 3 2 16

4813 NE PORTLAND ROAD

CITY OF NEWBERG PLANNING FILE NUMBER: ANX-08-004

A PARCEL OF LAND LOCATED IN THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, IN THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739, YAMHILL COUNTY DEED RECORDS, A POINT ON THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C. NO. 50, (AN ANGLE POINT IN SAID NORTH LINE OF D.L.C. NO. 51), BEARS NORTH 89°22'47" WEST 1540.48 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°22'47" EAST 372.39 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1995-09521; THENCE LEAVING SAID LINE ALONG THE WEST LINE OF SAID PROPERTY, SOUTH 00°15'58" WEST 606.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY 99 WEST (40.00 FEET NORTHERLY, RIGHT ANGLE MEASURE, FROM THE CENTERLINE THEREOF); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 5494.23 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 16°59'18" EAST THROUGH A CENTRAL ANGLE OF 04°11'24" AN ARC LENGTH OF 401.77 FEET (CHORD BEARS SOUTH 70°55'00" WEST 401.69 FEET) TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NO. 1997-15739; THENCE ALONG THE EAST LINE OF SAID PROPERTY NORTH 00°46'36" EAST 742.25 FEET TO A POINT OF BEGINNING.

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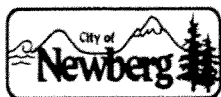
THE BASIS OF BEARINGS FOR THE DESCRIPTION IS PARTITION PLAT NO. 97-52 YAMHILL COUNTY, PLAT RECORDS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael R. Gates*

OREGON  
JULY 25, 1990  
MICHAEL R. GATES  
2449

VALID UNTIL 6-30-07



## **ORDER No. 2008-0014**

---

**AN ORDER FINDING THAT PROPERTY LOCATED AT 4813 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-1000, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2 AND C-2**

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### **RECITALS:**

1. On March 26, 2008 NewB Properties LLC submitted an application to annex one parcel (approximately 5.8 acres) into the City of Newberg with a concurrent zone change to R-1 (Low Density Residential), R-2 (Medium Density Residential) and C-2 (Community Commercial) for property located at 4813 E. Portland Road, Yamhill County tax lot 3216-1000.
2. The Newberg Planning Commission heard the annexation and zoning amendment on June 12, 2008, took public testimony, and continued the hearing to July 10, 2008 to allow ODOT time to review the supplemental traffic study and revised findings. The Planning Commission continued the hearing on July 10, 2008, reviewed the supplemental traffic study and revised findings, reviewed ODOT's comment that they had no further objections to the annexation request, and recommended approval of the annexation as conditioned and placement on the November 4, 2008 ballot per Resolution 2008-253. The annexation of this property is conditional on the approval of the annexation of the Gish parcel to the west.
3. After proper notice, on August 4, 2008, the Newberg City Council held a hearing to consider the annexation and zoning amendment request.
4. The City Council finds that the applicable criteria have been met as conditioned, and that approval of the application is in the best interests of the community.

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

1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria as conditioned and adopts the findings, which are attached hereto as Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. Annexation requires the City Council to adopt an ordinance annexing the property, and requires approval at a public vote. If the annexation is approved through these procedures, then the City orders the following:
  - A. The zoning of the property described in Exhibit "C" is changed to portions of R-1 (Low Density Residential), R-2 (Medium Density Residential), and C-2 (Community Commercial) as shown on the map in Exhibit "E". Exhibits "C" and "E" are hereby adopted and by this

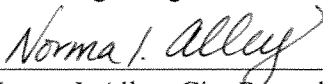
reference incorporated.

3. This order is subject to the following:

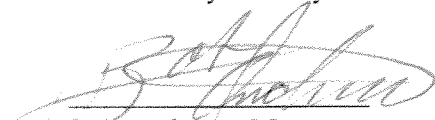
- A. Annexation of the Kimball property is conditional on the approval of the adjacent Gish property annexation request by the voters.
- B. A refined traffic study out to year 2025 will be required upon development showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
- C. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- D. A 30 ft building setback along the north property line will be required upon development of the site.
- E. Development 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.
- F. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
- G. Existing home and veterinary clinic to connect to sewer and water or be removed within two years of annexation.
- H. Upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent properties to the west.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: August 5, 2008.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 4<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 7th day of August, 2008.

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

## **QUASI-JUDICIAL HISTORY**

By and through Planning Commission Committee at 6/12/2008 & 7/10/2008 meetings.  
*(committee name)* *(date)*

### Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Annexation Map
- Exhibit "C": Legal Description
- Exhibit "D": Comprehensive Plan Map
- Exhibit "E": Proposed Zoning Map

## EXHIBIT "A": FINDINGS

### ANX-08-004

Annexation of 5.8 acres for property located at 4813 E. Portland Road

#### I. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.261 CONDITIONS FOR ANNEXATION

*(A) The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.*

**FINDING:** The site was included within the Newberg Urban Growth Boundary by Order 2007-0001 on January 2, 2007. Certain conditions were placed on the property by Order 2007-0001 and have been included within the recommended annexation conditions of approval.

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

**FINDING:** The subject site is separated from the Newberg city limits by the Gish property. The owner of the Gish property has concurrently applied for annexation, so the annexation of the Kimball property will be conditional on the approval of the Gish annexation.

#### II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI-JUDICIAL 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 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 comprehensive plan designation of the site was changed concurrently with the urban growth boundary amendment application that was approved by Order 2007-0001 on January 2, 2007. The current comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) that exactly matches the comprehensive plan designations.

The east-west connector road (Gueldner Drive) will be extended eastward through the site towards Benjamin Road in accordance with the comprehensive plan map and the Newberg Transportation System Plan.

A wetland delineation map shows that there are no wetlands on this site. The wetland delineation has been approved by the Department of State Lands.

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

- (1) *Municipal sanitary sewer 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:** As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

Water: The property can connect to an existing 10-inch mainline that runs along Hwy 99W at the property's southern border, and will extend the line within Gueldner Drive on the site.

Storm water: Storm water drainage appears to primarily sheet flow to a drainage ditch along 99W. Improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system.

Sewer: Sewer service will be provided by connecting to the new line extended north by the Crestview Crossing project and extended east within Gueldner Drive. At time of development, the developer will need to verify the capacity of the Fernwood pump station. Improvements may be necessary. All public sewer lines must be gravity flow.

Roads: The subject property is adjacent to Hwy 99W on its southern side. Upon development, Hwy 99W shall be improved with curbs, gutters, and sidewalks.

The Crestview Drive extension and the Gueldner Drive extension on the properties to the west must be in place prior to development on this site. The applicant has proposed extending Gueldner Drive to the east, which is in accordance with the TSP. The TSP shows Gueldner Drive connecting ultimately to Benjamin Road. This connection would need to be made as far north as possible to avoid impacting the Benjamin Road/Highway 99W intersection. The applicant's concept plan shows an additional road north of and parallel to Gueldner Drive, which provides access for the residential lots.

A Traffic Impact Study was prepared for this project by Lancaster Engineering, which assumed that the Crestview Drive extension to Highway 99W would be built. The proposed conceptual commercial and residential development on the site plus the Gish property to the west and the Thomas property to the east is expected to generate a total of 8,306 new daily, and 847 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,610 weekday daily and 242 weekday PM peak hour passby trips would be generated by the project, and a total of 1,926 weekday internal trips and 192 weekday PM peak internal trips would be generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

One important point from the traffic study that has not been sufficiently emphasized to date is that commercial development on this site will reduce the number of shopping trips that Newberg residents currently need to make to Sherwood, McMinnville, Wilsonville, and other communities. One of the primary goals of the State Transportation Planning Rule is to reduce vehicle miles traveled, and the annexation and development of the commercial portion of this site would help meet this goal for the residents of Newberg.

The study concludes that if the City of Newberg takes jurisdiction over Highway 99W then the intersections at Highway 99W and Springbrook Road and Highway 99W and Crestview Drive will operate acceptably and no mitigation will be required. This could only happen if the bypass was built and the City agreed to take jurisdiction, however. The study found that if ODOT retains jurisdiction over 99W then both of these intersection would have unacceptable levels of service and mitigation would be required. The study also found that the intersection of Crestview Drive and the east-west frontage road (now Gueldner Drive) would operate unacceptably and would require mitigation, such as the construction of a roundabout. The report stated that the mitigation for the Crestview/99W and the Springbrook/99W intersections could include adding a third westbound travel lane on Highway 99W between Crestview and Springbrook, or one northbound and one southbound travel lanes on Springbrook Road.

ODOT has commented that the proposed zones do match the City's comprehensive plan and that the Bypass is included within the City's TSP. The Bypass is not considered a planned improvement by ODOT, however, because there is no funding plan in place. They comment that the TIS is therefore flawed because its recommendations depend on the construction of the bypass by 2025 and the downgrading of Hwy 99W to a District level highway. ODOT requested that action be deferred on the annexation until the TIS can be corrected so that its recommendations can be used to support findings that the annexation is consistent with the Transportation Planning Rule. DLCDC has also commented that the TIS analysis cannot depend on the construction of the Bypass, since ODOT has stated that the construction of the bypass is not reasonably likely by 2025.

ODOT's supplemental comments on June 12, 2008 referenced a 2005 LUBA decision (Just v. City of Lebanon) that found that the Transportation Planning Rule does apply to zone changes that occur as part of annexations, even though the zone changes correspond to the existing comprehensive plan designations. ODOT's interpretation appears to be correct, so the Transportation Planning Rule applies if it is determined that the proposed annexation will have a significant effect on transportation facilities. ODOT reiterated their request that the transportation studies be revised to not depend on the bypass, as they do not consider it a planned facility because it is unfunded.

The TIS is intended to evaluate the annexation's compatibility with the adopted Newberg TSP and the State highway plan. Both of these plans include the Newberg-Dundee bypass, however, so the applicant must include the potential impact of the bypass in their TIS analysis or the City would find that the analysis is incomplete. The TIS must also consider the project's impact on transportation facilities if the bypass is not built, however. While the bypass is a planned facility in the State Highway Plan, by TPR definitions it is not a "planned facility" and therefore cannot be relied on to mitigate the impacts of development. Lancaster Engineering submitted a supplemental traffic impact analysis on June 11, 2008

that addresses ODOT's concerns. The supplemental analysis does not rely on the bypass to mitigate transportation impacts.

The supplemental traffic impact analysis examined the impact in the year 2025 of the development of the Kimball property. The report pointed out that the Crestview/99W intersection is projected to operate with a v/c ratio in excess of ODOT's 0.70 standard in 2025 under background traffic conditions (with no new development on the Kimball property). If the Kimball property is annexed into the city and developed with the proposed zoning then it is projected to result in 36 additional trips through the Crestview/99W intersection. This equates to an increase of approximately 0.65% over background traffic levels. The supplemental report concludes that annexing this property and rezoning to the proposed City zoning is not expected to have a significant effect upon any existing or planned transportation improvements either with or without construction of the bypass, thus complying with the State's TPR. The Crestview improvements that are being completed by the Crestview Crossing project go beyond the improvements called for in the City's TSP, and the proportionate share costs that will be contributed by development towards future capacity enhancements at Springbrook/99W will mitigate the traffic impacts generated by development on the annexation site. ODOT's supplemental comments dated July 3, 2008 acknowledged receipt of the supplemental traffic analysis and found that the report had been prepared using methodologies that are acceptable to ODOT. ODOT also commented that they looked forward to reviewing the findings regarding the Transportation Planning Rule issues, and pledged to continue to work with the City of Newberg to address congestion issues on OR 99W that result from existing and future proposed development.

If this site is annexed and developed then most of the trips that are generated will impact the Gueldner Drive/Crestview intersection, the Crestview/99W intersection, and the Springbrook/99W intersection. The developer of the Crestview Crossing project on the Gueldner parcel is currently designing (and will construct) the Crestview Drive extension from Oxberg Lakes to 99W and the roundabout and eastward extension of Gueldner Drive. The City is requiring the developer to oversize the Crestview Drive extension and roundabout to meet year 2025 traffic conditions, including the expected development of the Gish, Kimball and Thomas properties. ODOT is currently deeply involved with the City and the Crestview Crossing developer in the design of these improvements. It is therefore reasonable to assume that future development of this parcel will not trigger a need for further improvements at the Gueldner/Crestview roundabout intersection or the Crestview/99W intersection, as both intersections are being designed to accommodate the year 2025 build-out of the Gish, Kimball and Thomas properties. The only remaining intersection of concern is the Springbrook/99W intersection.

The Springbrook/99W intersection does not currently meet ODOT's v/c ratio standards. Development of the Kimball property will add some trips to this intersection and would worsen the performance of the intersection if no mitigation was done. The City of Newberg has already identified this intersection as one that needs improvement, however, and has charged recent developments in the area with impact fees based on the number of trips they added to the intersection. The fees could be used for street improvements that would improve the performance of the intersection, whether those improvements were directly at the intersection or were for a nearby street (such as the future completion of Hayes Street) that would reduce the number of trips at the Springbrook/99W intersection. The new Providence Hospital paid towards the future Springbrook/99W intersection performance improvement based on their trip generation estimates, and the Crestview Crossing development will also be required to pay towards



this performance improvement based on their trip generation estimates. The City will therefore require that, upon development of the Kimball site, the developer pays an impact fee based on trip generation towards the performance improvement of the Springbrook/99W intersection. A refined traffic study will be required at the time of development to estimate trip generation based on the actual proposed development (instead of on the conceptual development shown in the annexation application). This will ensure that the impact of the development of the Kimball site on the Springbrook/99W intersection will be mitigated by future improvements at or near the intersection.

State Transportation Planning Rule:

**660-012-0060**

***Plan and Land Use Regulation Amendments***

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

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
  - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
  - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
  - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

**Finding:** The zone change that will automatically occur upon annexation into the city is not a comprehensive plan amendment. A relatively recent LUBA ruling (*Just v. City of Lebanon*), however, found that the zone change upon annexation could be considered a land use regulation amendment. The Transportation Planning Rule would therefore apply to the project if it is determined that the proposed annexation will have a significant effect on transportation facilities.

The question then becomes whether or not the annexation would significantly affect an existing or planned transportation facility. The annexation would not change the functional classification of a facility or change standards implementing a functional classification system. If there was no mitigation then the annexation would worsen the performance of the existing Springbrook/99W intersection, which already performs below ODOT's standards. The City has already established a precedent for mitigation of traffic impacts at the Springbrook/99W intersection, however, and this site was conditioned to mitigate the traffic impact as part of the UGB amendment process. The Providence Hospital project has paid an impact fee and the Crestview Crossing project will pay an impact fee for transportation improvements based on the number of trips that the project adds to the Springbrook/99W intersection. The developer of the Gish property will pay a similar impact fee based upon the number of trips that the Gish development would add to the Springbrook/99W intersection. The impact fee will be used for improvements at the intersection or for improvements to nearby roads that would reduce the number of trips at the Springbrook/99W intersection. The completion of the Hayes Street/Providence Drive

connection is an example of the type of improvement that would reduce the amount of traffic at the Springbrook/99W intersection. The supplemental traffic analysis, which excluded the impact of the proposed bypass, found that annexation and development of the Kimball property would not have a significant effect on an existing or planned transportation improvement, thus complying with the TPR.

*(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:*

*(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

*(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

*(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

*(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

*(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

*(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*

*(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*

*(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*

*(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*

*(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

*(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*

*(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

*(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*

*(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*

*(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*

*(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*

*(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*

*(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*

*(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.*

*(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:*

*(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or*

*(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.*

*(d) As used in this section and section (3):*

*(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;*

*(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and*

*(C) Interstate interchange area means:*

*(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or*

*(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*

*(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*

**Finding:** Sections 2-4 are not applicable because, as determined above, the annexation will not have a significant effect on an existing or planned transportation facility.

In general, with the improvements included in the transportation plan and traffic mitigation measures, adequate transportation facilities will be available to serve the proposed use.

*(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:** Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. The annexation and development of the property will generate additional needs for police and fire services. The annexation and development also will generate additional revenues to pay for those services, including property tax revenues, franchise fee revenues, and cigarette and liquor tax revenues. Recent growth in these revenues has increased to the point that four additional police officers are proposed in the General Fund budget for FY08-09. However, property tax limitations have capped the growth in assessed value on existing and new properties within the city. Because of this, property tax revenues have not increased sufficiently to cover existing and new needs for public safety personnel. The Budget Committee's proposed budget for FY08-09 would fund an additional three officers with a public safety fee yet to be established. If this fee is established, then this annexed property also would pay. With this fee, annexation and development of this property should generate sufficient revenue to cover increased public safety service needs. The residential development of the property may also increase the demand for parks and school facilities, which will be partially offset by the system development charges for parks and the school construction excise tax.

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

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

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

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

### ***NDC § 151.267 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 § 151.122 shall not be required.*

***Comprehensive Plan    Appropriate Zoning Classification  
Classification***

<i>OS</i>	<i>Any zoning classification</i>
<i>LDR</i>	<i>R-1</i>
<i>MDR</i>	<i>R-2</i>
<i>HDR</i>	<i>R-3</i>
<i>COM</i>	<i>C-1, C-2, or C-3 as determined by the Director</i>
<i>MIX</i>	<i>C-2, M-1, or M-2 as determined by the Director</i>
<i>IND</i>	<i>M-1, M-2, or M-3</i>
<i>PQ</i>	<i>Any zoning classification</i>
<i>P/PP</i>	<i>Any zoning classification</i>

- (C) *If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of § 151.122 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. 96-2451, passed 12-2-96)*

**Finding:** The applicant has requested zoning designations of R-1, R-2 and C-2 that exactly match the comprehensive plan designations on the site. They are therefore not required by the Newberg Development Code to address the criteria under § 151.122, which are the criteria for a comprehensive plan map amendment or zoning map amendment. The zone change from County to City zoning is an automatic change and is not a zoning map amendment because the zones match the comprehensive plan designations. This is significant because the criteria for § 151.122 (below) call for the applicant to make findings addressing the State Transportation Planning Rule. Newberg’s development code does not require the applicant to make findings addressing the State Transportation Planning Rule if the requested zones match the comprehensive plan designations.

***NDC § 151.122(3) Procedures for Comprehensive Plan Map and Zoning Map Amendments – Amendment 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 reasonable made available to support the uses allowed by the proposed change.*
- (c) *Compliance with the State Transportation Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.*

**Timing Consideration:**

***NDC § 151.263 Annexation Procedures***

*All annexation requests approved by the City Council shall be referred to the voters in accordance with the requirements of this code and O.R.S. 222.*

*(A) Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even numbered years. Applications for annexation shall be filed with the Planning Division before 5:00 p.m. on October 1 for a primary ballot election in May and before 5:00 p.m. on April 1 for a general ballot election in November. An applicant may request that the Council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This division does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.*

*(B) The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the Director receives a completed application for annexation, he/she shall schedule a recommendation hearing before the Planning Commission. The Planning Commission shall make a recommendation to the City Council as to whether or not the application meets the criteria contained in § 151.262. This decision shall be a quasi-judicial determination and not a legislative determination. The Planning Commission may also recommend denial of an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*(C) Following the Planning Commission hearing, the Director shall schedule a City Council hearing to consider the request. The City Council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in § 151.262. The hearing at the City Council shall be considered a new hearing. If additional testimony is submitted, the Council may, at its own discretion, return the application to the Planning Commission for further review and recommendation. The City Council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*(D) If the City Council approves the annexation request, the proposal may, at the City Council's sole discretion, be placed before the voters of the city as follows:*

- (1) The biennial primary or general elections which are held in May and November of even numbered years, or*

(2) *An available special election.*

**Recommendation:** The applicant has requested that this annexation application be approved by the City Council and placed before the voters at the November 4, 2008 election. If the Council approves the annexation they are not bound to place the annexation on the next available ballot. The decision on when to send an approved annexation to the ballot is at the City Council's sole discretion. In this case staff recommends that the Planning Commission discuss the timing issue and make a recommendation to the City Council based on what they think is in the best interests of the city. Pros: If all three annexation applications (Gish, Kimball, and Thomas) are sent to the ballot at the same time then the benefits of the Gueldner Drive extension to Benjamin Road could be shown. The November 2008 election will have a large voter turnout, which may improve the chances for approval of the annexations. Cons: This annexation is conditional on the approval of the Gish annexation, which may confuse the voters. Also, if the Gish annexation fails then this annexation also would not be approved, despite a potential positive vote. The Planning Commission recommends that this annexation be placed on the November 2008 ballot.

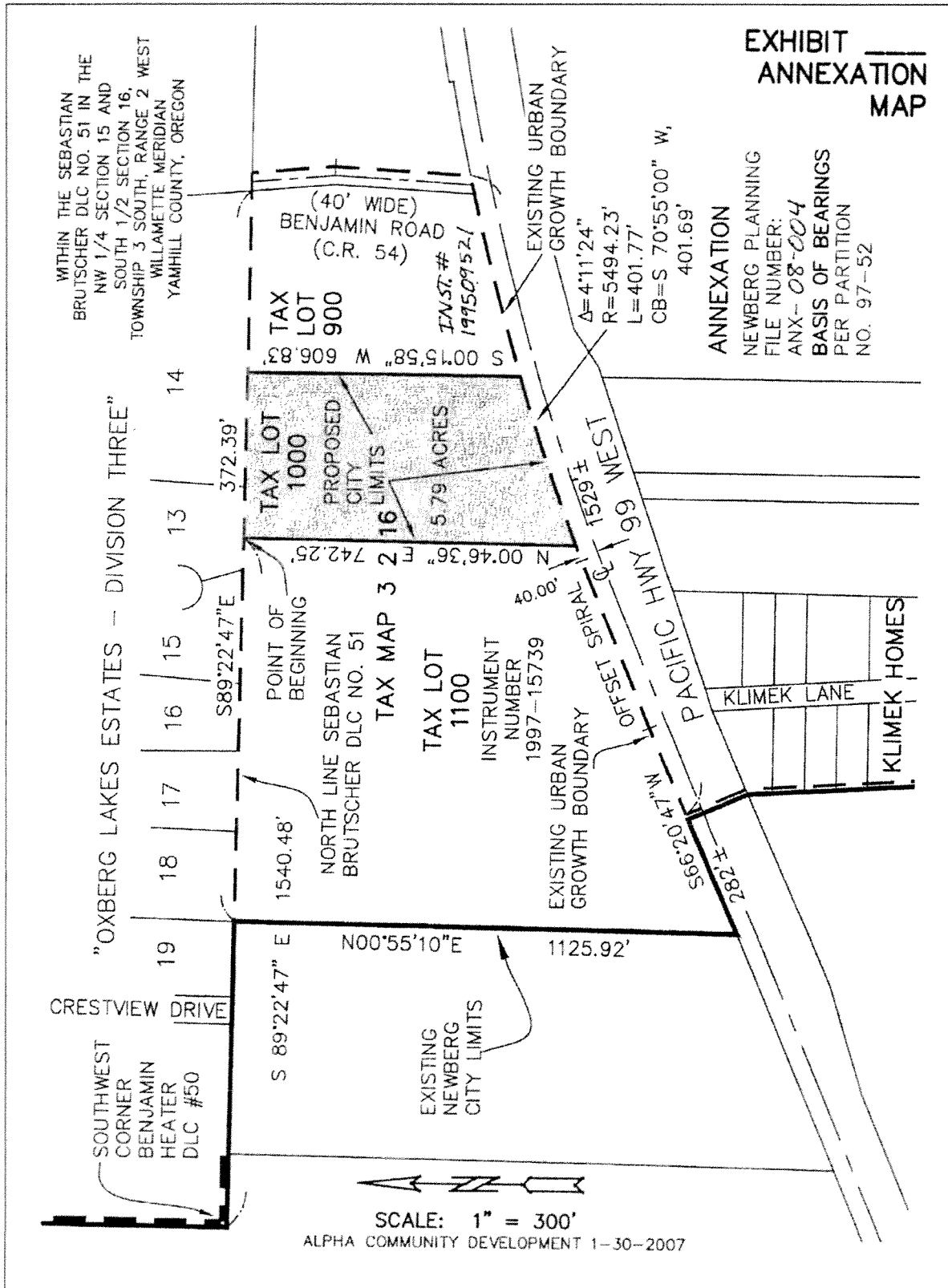
**CONDITIONS OF APPROVAL**  
**ANX-08-004**

The following conditions of approval apply to the annexation of the property located at 4813 E. Portland Road, Yamhill County Tax Lot 3216-1000.

- A refined traffic study out to year 2025 will be required showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- Development 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.
- Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
- Existing home and veterinary clinic to connect to sewer and water or be removed within two years of annexation.



EXHIBIT "B": ANNEXATION MAP



**EXHIBIT "C": LEGAL DESCRIPTION**

MARCH 25, 2008

**LEGAL DESCRIPTION**

**JOB NO. 0428-0005**

ANNEXATION TO THE CITY OF NEWBERG  
TAX LOT 1000, TAX MAP NO. 3 2 16  
4813 NE PORTLAND ROAD  
CITY OF NEWBERG PLANNING FILE NUMBER:

ANX-08-004

A PARCEL OF LAND LOCATED IN THE SEBASTIAN BRUTSCHER D.L.C. NO. 51, IN THE EAST ONE-HALF OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1997-15739, YAMHILL COUNTY DEED RECORDS, A POINT ON THE NORTH LINE OF THE SEBASTIAN BRUTSCHER D.L.C. NO. 51 FROM WHICH THE SOUTHWEST CORNER OF THE BENJAMIN HEATER D.L.C. NO. 50, (AN ANGLE POINT IN SAID NORTH LINE OF D.L.C. NO. 51), BEARS NORTH 89°22'47" WEST 1540.48 FEET; THENCE CONTINUING ALONG SAID NORTH LINE SOUTH 89°22'47" EAST 372.39 FEET TO THE NORTHWEST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NUMBER 1995-09521; THENCE LEAVING SAID LINE ALONG THE WEST LINE OF SAID PROPERTY, SOUTH 00°15'58" WEST 606.83 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY LINE OF PACIFIC HIGHWAY 99 WEST (40.00 FEET NORTHERLY, RIGHT ANGLE MEASURE, FROM THE CENTERLINE THEREOF); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, ON A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 5494.23 FEET, THE RADIUS POINT OF WHICH BEARS SOUTH 16°59'18" EAST THROUGH A CENTRAL ANGLE OF 04°11'24" AN ARC LENGTH OF 401.77 FEET (CHORD BEARS SOUTH 70°55'00" WEST 401.69 FEET) TO THE SOUTHEAST CORNER OF THE PROPERTY DESCRIBED IN INSTRUMENT NO. 1997-15739; THENCE ALONG THE EAST LINE OF SAID PROPERTY NORTH 00°46'36" EAST 742.25 FEET TO A POINT OF BEGINNING.

CONTAINING APPROXIMATELY 5.79 ACRES.

THE BASIS OF BEARINGS FOR THE DESCRIPTION IS PARTITION PLAT NO. 97-52 YAMHILL COUNTY, PLAT RECORDS.

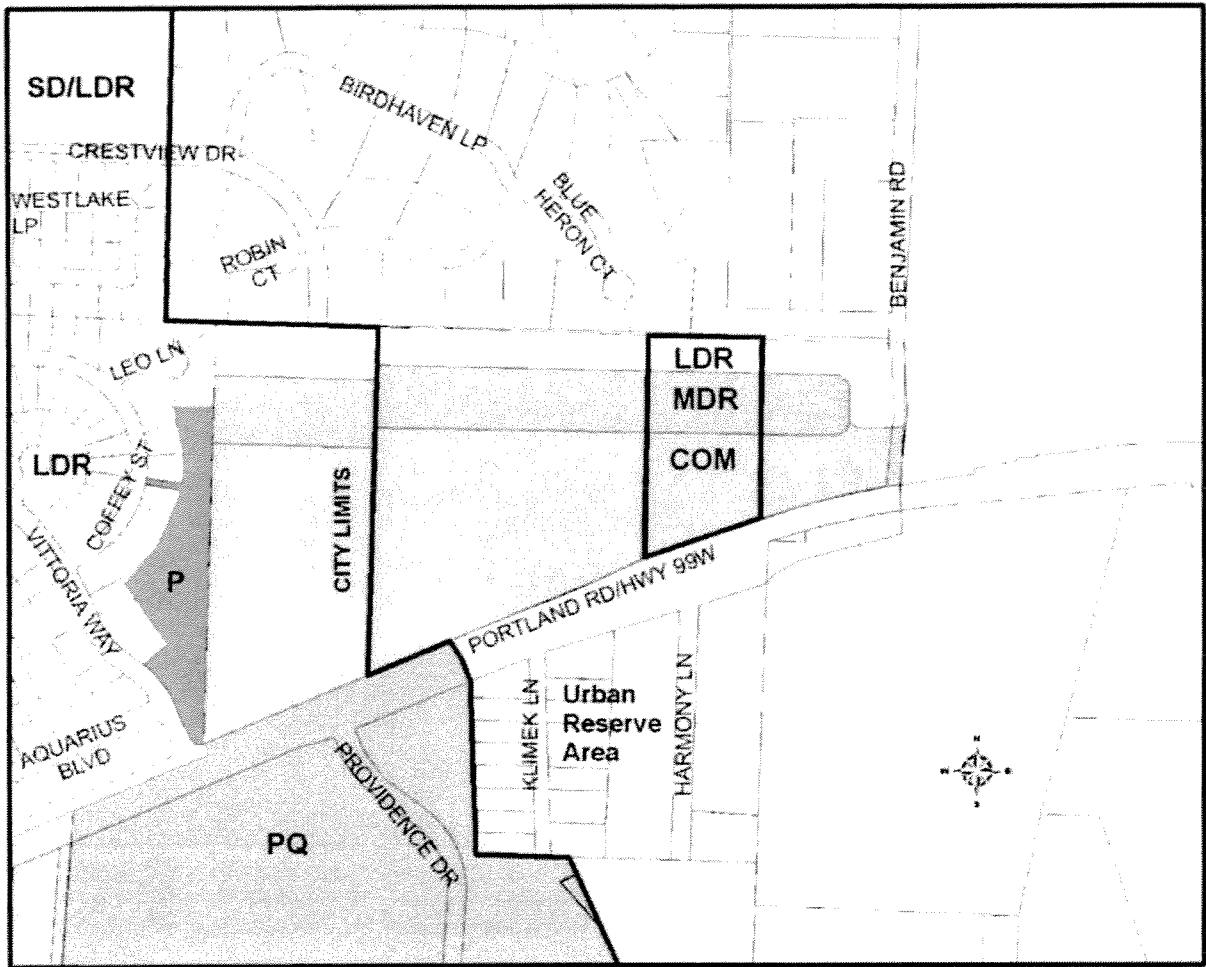
REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Michael R. Gates*

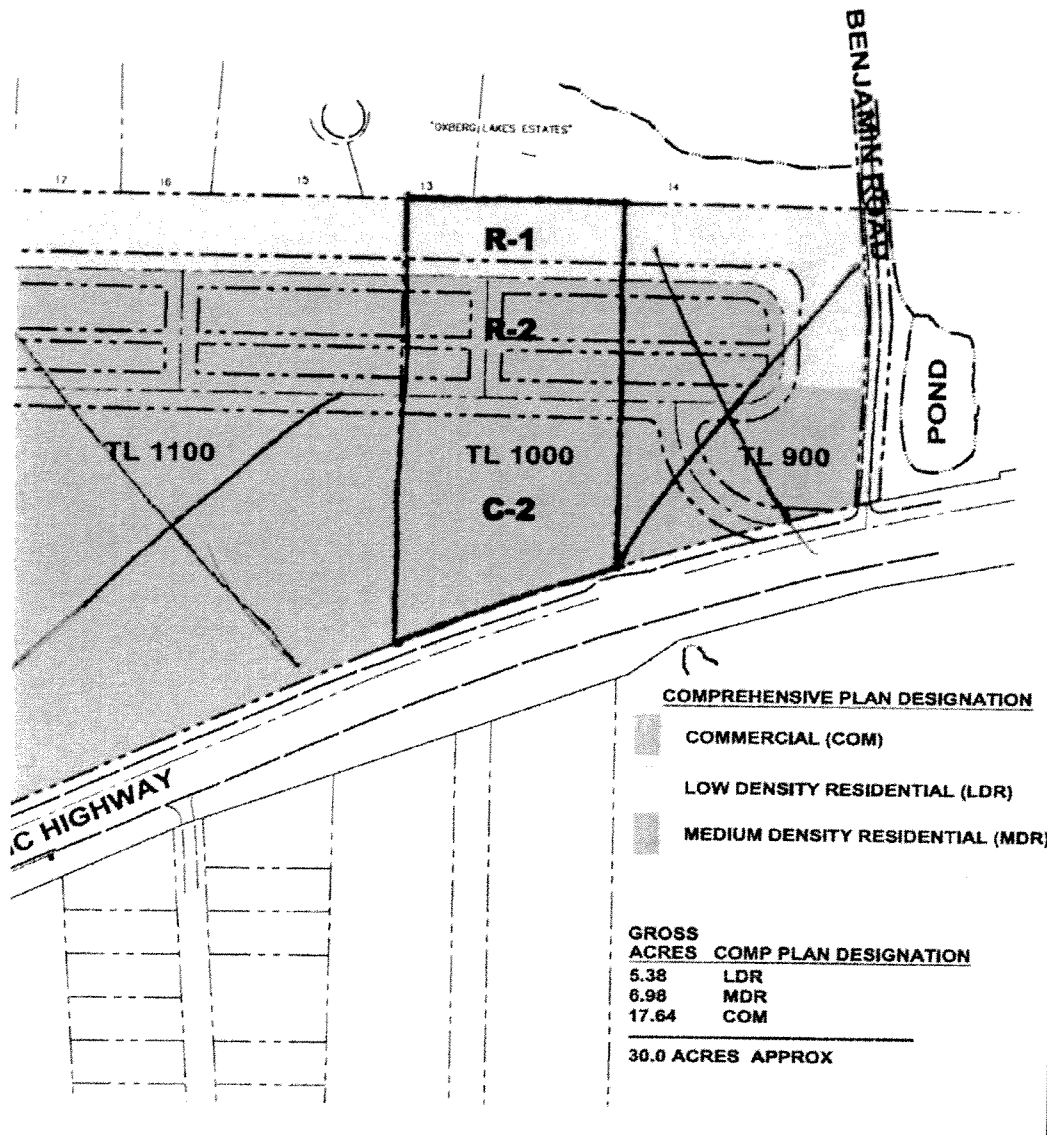
OREGON  
JULY 25, 1990  
MICHAEL R. GATES  
2449

VALID UNTIL 6-30-07

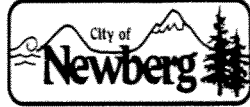
**EXHIBIT "D": COMPREHENSIVE PLAN MAP**



**EXHIBIT "E": PROPOSED ZONING MAP**



**Attachment 10: Ordinance 2008-2702**



## ***ORDINANCE No. 2008-2702***

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**AN ORDINANCE DECLARING PROPERTY LOCATED AT 4821 & 4825 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-900, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY**

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### **RECITALS:**

1. Bruce and Valerie Thomas submitted an application for annexation and consent to annex on April 1, 2008 for property located at 4821 & 4825 E. Portland Road, Yamhill County tax lot 3216-900.
2. After proper notice, on August 4, 2008, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
3. On August 4, 2008, the City Council adopted Order 2008-0015 which affirmed that the annexation as conditioned met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
5. The applicant has requested, and the Planning Commission has recommended, that this matter be placed before the voters at the November 4, 2008 general election.

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

1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the November 4, 2008 special election. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. The City Council directs that all costs associated with placing the item on the ballot be paid for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot. Owners may


be required to place monies in escrow to cover the costs of election(s).

3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.
4. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
6. Should this annexation request and the adjacent Gish property and Kimball property annexation requests be approved by a majority of the electorate of the City of Newberg at the identified election date, the property shown in Exhibit "A" and described in Exhibit "B", shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
  - A. The City of Newberg land use inventory data and GIS data, including the comprehensive plan map and zoning map, will be updated to reflect the new addition.
  - B. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 17, 2008.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of August, 2008, by the following votes:

**AYE: 5      NAY: 1 (CURRIER)      ABSENT: 0      ABSTAIN: 0      VACANT: 1**

  
\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 21<sup>st</sup> day of August, 2008.

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

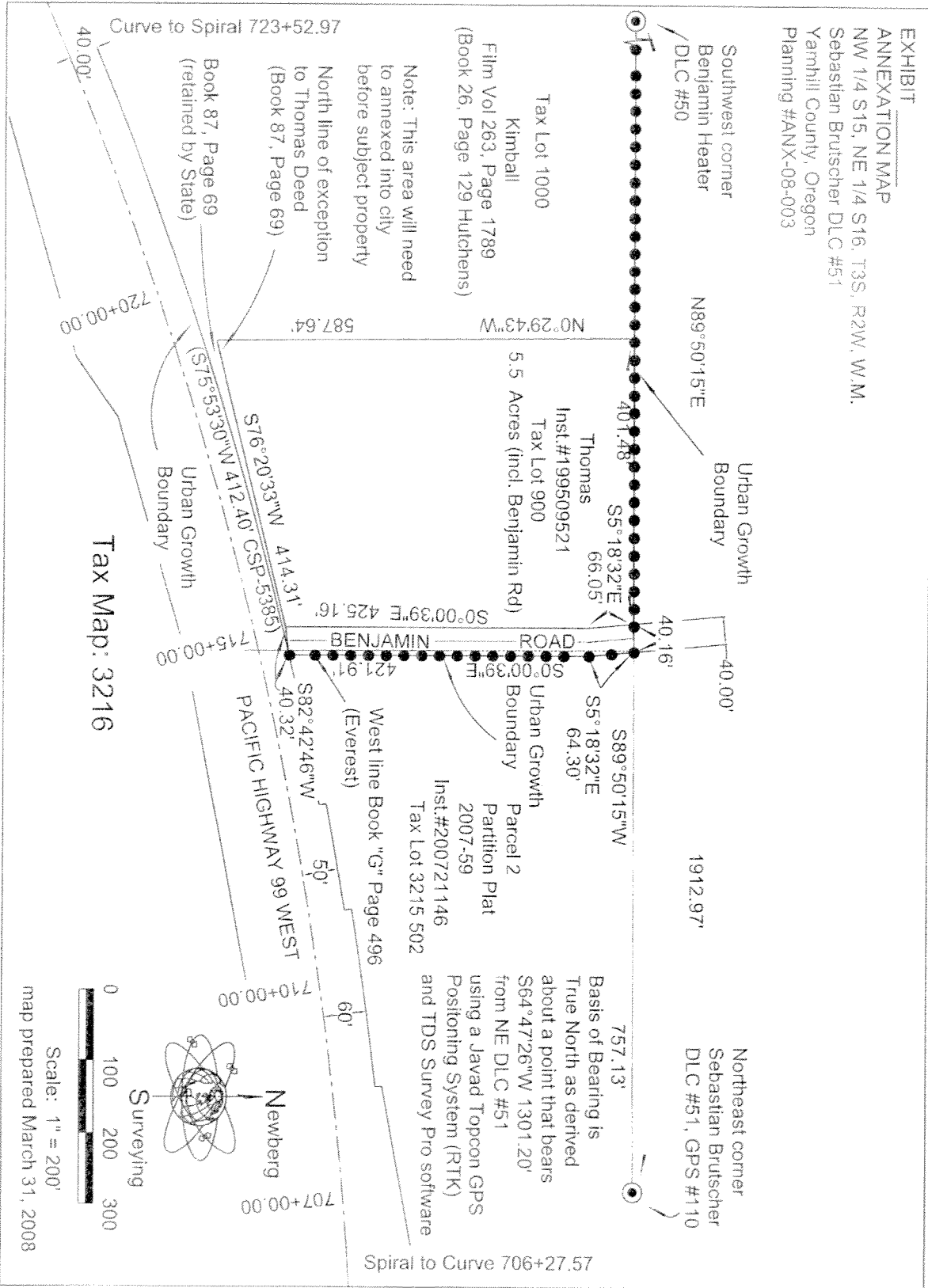
#### **LEGISLATIVE HISTORY**

By and through Planning Commission Committee at 6/12/2008 & 7/10/2008 meetings.  
(committee name) (date)

Exhibits:

- Exhibit "A": Annexation Map
- Exhibit "B": Legal Description

# EXHIBIT "A": ANNEXATION MAP





## EXHIBIT "B": LEGAL DESCRIPTION

Newberg



Surveying

Newberg Surveying, Inc  
1205 NE Evans  
McMinnville, OR 97128  
(503)-474-4742 • (503)-474-3752 FAX

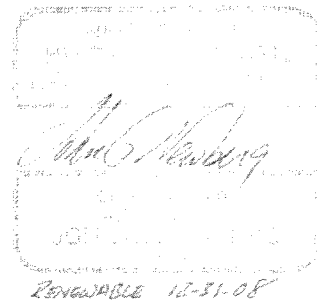
Newberg Annexation File # ANX-08-003

March 31, 2008

Legal Description  
Annexation Map  
Tax Lot 900  
Tax Map 3216

A parcel of land located within the Sebastian Brutscher DLC #51, in portions of the Northwest 1/4 Section 15, and the Northeast 1/4 Section 16, Township 3 South, Range 2 West, Willamette Meridian in Yamhill County, Oregon being more particularly described as follows:

Beginning at the intersection point of the easterly margin of Benjamin Road (#54) with the North line of the Sebastian Brutscher Donation Land Claim #51 said point bears South 89° 50' 15" West 757.13 feet from the Northeast corner of said Donation Land Claim; thence southerly along the easterly margin of Benjamin Road South 5° 18' 32" East 64.30 feet; thence South 0° 00' 39" East 421.91 feet to the northerly margin of the Pacific Highway 99W; thence along the northerly margin of Pacific Highway 99W South 82° 42' 46" West 40.32 feet to the point of intersection of the westerly margin of Benjamin Road with the northerly margin of that strip of land retained by the State of Oregon as described in Book 87, Page 69 Yamhill County Deed Records; thence South 76° 20' 33" West 414.31 feet to the easterly margin of land described in Book 26, Page 129 (Hutchens) Yamhill County Deed Records, said boundary also being the easterly boundary of that land described and recorded in Film Volume 263, Page 1789 and referred to as Exhibit "A" recorded in Film Volume 257, Page 1875 Yamhill County Deed Records; thence leaving the northerly margin of Pacific Highway 99W, North 0° 29' 43" West 587.64 feet more or less along the easterly margin of Kimball property to the North boundary of the Sebastian Brutscher Donation Land Claim; thence North 89° 50' 15" East 401.48 feet to the westerly margin of Benjamin Road; thence North 89° 50' 15" East 40.16 feet to the Point of Beginning, containing 5.5 Acres more or less.





## **ORDER NO. 2008-0015**

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**AN ORDER FINDING THAT PROPERTY LOCATED AT 4821 & 4825 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-900, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2 AND C-2**

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### **RECITALS:**

1. On April 1, 2008 Bruce and Valerie Thomas submitted an application to annex one parcel (approximately 5.3 acres) into the City of Newberg with a concurrent zone change to R-1 (Low Density Residential), R-2 (Medium Density Residential) and C-2 (Community Commercial) for property located at 4821 & 4825 E. Portland Road, Yamhill County tax lot 3216-900.
2. The Newberg Planning Commission heard the annexation and zoning amendment on June 12, 2008, took public testimony, and continued the hearing to July 10, 2008 to allow ODOT time to review the supplemental traffic study and revised findings. The Planning Commission continued the hearing on July 10, 2008, reviewed the supplemental traffic study and revised findings, reviewed ODOT's comment that they had no further objections to the annexation request, and recommended approval of the annexation as conditioned and placement on the November 4, 2008 ballot per Resolution 2008-253. The annexation of this property is conditional on the approval of the annexations of the Gish parcel and Kimball parcel to the west
3. After proper notice, on August 4, 2008, the Newberg City Council held a hearing to consider the annexation and zoning amendment request.
4. The City Council finds that the applicable criteria have been met as conditioned, and that approval of the application is in the best interests of the community.

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

1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria as conditioned and adopts the findings, which are attached hereto as Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. Annexation requires the City Council to adopt an ordinance annexing the property, and requires approval at a public vote. If the annexation is approved through these procedures, then the City orders the following:
  - A. The zoning of the property described in Exhibit "C" is changed to portions of R-1 (Low Density Residential), R-2 (Medium Density Residential), and C-2 (Community Commercial)


as shown on the map in Exhibit "E". Exhibits "C" and "E" are hereby adopted and by this reference incorporated.

3. This order is subject to the following:
  - A. Annexation of the Thomas property is conditional on the approval of the adjacent Kimball property and Gish property annexation requests by the voters
  - B. A refined traffic study out to year 2025 will be required upon development showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
  - C. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
  - D. A 30 ft building setback along the north property line will be required upon development of the site.
  - E. A 20 foot wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
  - F. The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.
  - G. The location and protection of the Svendsen private water line is a private matter between the Thomases and Mrs. Svendsen. Upon development, the property owner shall discuss this issue with Mrs. Svendsen or subsequent owner to seek a mutually acceptable solution.
  - H. Development 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.
  - I. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Complete street frontage improvements along Hwy 99W and Benjamin Road. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development.

J. Existing homes to connect to sewer and water or be removed within two years of annexation.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: August 19, 2008.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of August, 2008.

  
\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 19<sup>th</sup> day of August, 2008.

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

### **QUASI-JUDICIAL HISTORY**

By and through Planning Commission Committee at 6/12/2008 & 7/10/2008 meetings.  
(committee name) (date)

Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Annexation Map
- Exhibit "C": Legal Description
- Exhibit "D": Comprehensive Plan Map
- Exhibit "E": Proposed Zoning Map

## EXHIBIT "A": FINDINGS

### ANX-08-003

Annexation of 5.3 acres for property located at 4821 & 4825 E. Portland Road

#### I. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.261 CONDITIONS FOR ANNEXATION

*(A) The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.*

**FINDING:** The site was included within the Newberg Urban Growth Boundary by Order 2007-0001 on January 2, 2007. Certain conditions were placed on the property by Order 2007-0001 and have been included within the recommended annexation conditions of approval.

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

**FINDING:** The subject site is separated from the Newberg city limits by the Gish and Kimball properties. The owners of the Gish and Kimball properties have concurrently applied for annexation, so the annexation of the Thomas property will be conditional on the approval of the Gish and Kimball annexations.

#### II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI- JUDICIAL 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 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 comprehensive plan designation of the site was changed concurrently with the urban growth boundary amendment application that was approved by Order 2007-0001 on January 2, 2007. The current comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) that exactly matches the comprehensive plan designations and therefore complies with the comprehensive plan map.

The east-west connector road (Gueldner Drive) will be extended eastward through the site to Benjamin Road upon development in accordance with the comprehensive plan map and the Newberg Transportation System Plan.

A wetland delineation map shows that there are no wetlands on this site. The wetland delineation has been approved by the Department of State Lands.

There is a SC (stream corridor) overlay on the northeast corner of the site. This overlay was placed on the property when it was brought within Newberg's urban growth boundary in 2007. A stream corridor

study, which had been completed earlier for lands within Newberg's urban reserve area, showed that there was a stream corridor along the northeast corner of this property which needed protection. DLCD has commented that annexation applications need to address Goal 5 resources, including wetlands and riparian corridors. The wetlands delineation showed that there are no wetlands on this site. The stream corridor on this site is protected by the Newberg stream corridor overlay. Newberg adopted Stream Corridor overlays as part of the development code in 1996 in order to protect Goal 5 riparian corridors and the Willamette River Greenway. The boundaries were established by an ecologist analyzing several environmental values. The stream corridor study included a Goal 5 ESEE (Economic, Social, Environment and Energy Consequences) analysis. The boundaries of the SC Overlay are typically located at a logical top of bank, or where no obvious top of bank exists, are located at a distance of 50 feet from the edge of the wetland.

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

- (1) Municipal sanitary sewer 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:** As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

Water: The property can connect to an existing 10-inch mainline that runs along Hwy 99W at the property's southern border, and will extend the line within Gueldner Drive on the site.

Private water line to Svendsen property: During the previous annexation application for this property in 2006 Frances Svendsen submitted a letter stating that she is on a City water line, which runs along the eastern edge of tax lot 3216-900 and the property to the north (the Shepherd property). At that time a condition was placed on the annexation approval that "The water line along the eastern edge of taxlot 3216-900 will need to be located at the time of development. The water service will need to be protected, and an easement for the water line may be required." That annexation application was rejected by the voters and withdrawn by the applicant, so the condition no longer applies to this property. As part of the current application the property owner, Bruce Thomas, has submitted a letter stating that he objects to keeping this condition. He stated that Mrs. Svendsen did have an existing water line running along the edge of Benjamin Road which began leaking. Mr. Thomas did give approval a few years ago to run the replacement line across his property in order to let Mrs. Svendsen avoid the extra cost and complication of running a replacement water line along the edge of Benjamin Road, where other utilities are located. He wrote that he expressly stated that he was granting no permanent rights and

that the line would have to be removed when he developed the property in the future. He received no compensation for this use of his property and has no written agreement with Mrs. Svendsen. He does not mind leaving the line in place if it does not interfere with his rights or cause him expense but does not want to be obligated to protect it.

Staff has verified that the Svendsen water meter is located at the corner of Hwy 99W and Benjamin Road, where it connects to the 10 inch public water line along 99W. This means that the water line extending across the Thomas property to the Svendsen house is a private water lateral and is not a public water line. The location and protection of this private water line is a private matter between the two parties. We recommend that the applicant work with Mrs. Svendsen and come to a mutually acceptable agreement.

Storm water: Storm water drainage appears to primarily sheet flow to a drainage ditch along 99W. Improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system.

Sewer: Sewer service will be provided by connecting to the new line extended north by the Crestview Crossing project and extended east within Gueldner Drive. At time of development, the developer will need to verify the capacity of the Fernwood pump station. Improvements may be necessary. All public sewer lines must be gravity flow.

Roads: The subject property is adjacent to Hwy 99W on its southern side and Benjamin Road on its eastern side. Upon development, Hwy 99W shall be improved with curbs, gutters, and sidewalks. Benjamin Road may require the dedication of additional right of way, and shall be improved with at least a half-street improvement including curbs, gutters and sidewalks.

The Crestview Drive extension and the Gueldner Drive extension on the properties to the west must be in place prior to development on this site. The applicant's concept plan shows Gueldner Drive extending to Benjamin Road, which is in accordance with the TSP. This connection would need to be made as far north as possible to avoid impacting the Benjamin Road/Highway 99W intersection. The applicant's concept plan shows an additional road north of and parallel to Gueldner Drive, which provides access for the residential lots. The actual street layout on the site will be determined before development occurs at the subdivision or design review phase, whichever comes first.

A Traffic Impact Study was prepared for this project (plus the Gish and Kimball projects) by Lancaster Engineering, which assumed that the Crestview Drive extension to Highway 99W would be built. The proposed conceptual commercial and residential development on the site plus the Gish and Kimball properties to the west are expected to generate a total of 8,306 new daily, and 847 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,610 weekday daily and 242 weekday PM peak hour passby trips would be generated by the project, and a total of 1,926 weekday internal trips and 192 weekday PM peak internal trips would be generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

One important point from the traffic study that has not been sufficiently emphasized to date is that commercial development on this site will reduce the number of shopping trips that Newberg residents currently need to make to Sherwood, McMinnville, Wilsonville, and other communities. One of the primary goals of the State Transportation Planning Rule is to reduce vehicle miles traveled, and the annexation and development of the commercial portion of this site would help meet this goal for the residents of Newberg.

The study concludes that if the City of Newberg takes jurisdiction over Highway 99W then the intersections at Highway 99W and Springbrook Road and Highway 99W and Crestview Drive will operate acceptably and no mitigation will be required. This could only happen if the bypass was built and the City agreed to take jurisdiction, however. The study found that if ODOT retains jurisdiction over 99W then both of these intersections would have unacceptable levels of service and mitigation would be required. The study also found that the intersection of Crestview Drive and the east-west frontage road (now Gueldner Drive) would operate unacceptably and would require mitigation, such as the construction of a roundabout. The report stated that the mitigation for the Crestview/99W and the Springbrook/99W intersections could include adding a third westbound travel lane on Highway 99W between Crestview and Springbrook, or one northbound and one southbound travel lanes on Springbrook Road.

ODOT has commented that the proposed zones do match the City's comprehensive plan and that the Bypass is included within the City's TSP. The Bypass is not considered a planned improvement by ODOT, however, because there is no funding plan in place. They comment that the TIS is therefore flawed because its recommendations depend on the construction of the bypass by 2025 and the downgrading of Hwy 99W to a District level highway. ODOT requested that action be deferred on the annexation until the TIS can be corrected so that its recommendations can be used to support findings that the annexation is consistent with the Transportation Planning Rule. DLCD has also commented that the TIS analysis cannot depend on the construction of the Bypass, since ODOT has stated that the construction of the bypass is not reasonably likely by 2025.

ODOT's supplemental comments on June 12, 2008 referenced a 2005 LUBA decision (*Just v. City of Lebanon*) that found that the Transportation Planning Rule does apply to zone changes that occur as part of annexations, even though the zone changes correspond to the existing comprehensive plan designations. ODOT's interpretation appears to be correct, so the Transportation Planning Rule applies if it is determined that the proposed annexation will have a significant effect on transportation facilities. ODOT reiterated their request that the transportation studies be revised to not depend on the bypass, as they do not consider it a planned facility because it is unfunded.

The TIS is intended to evaluate the annexation's compatibility with the adopted Newberg TSP and the State highway plan. Both of these plans include the Newberg-Dundee bypass, however, so the applicant must include the potential impact of the bypass in their TIS analysis or the City would find that the analysis is incomplete. The TIS must also consider the project's impact on transportation facilities if the bypass is not built, however. While the bypass is a planned facility in the State Highway Plan, by TPR definitions it is not a "planned facility" and therefore cannot be relied on to mitigate the impacts of development. Lancaster Engineering submitted a supplemental traffic impact analysis on June 11, 2008 for the adjacent Kimball property that addresses ODOT's concerns. The supplemental analysis does not rely on the bypass to mitigate transportation impacts.



The supplemental traffic impact analysis examined the impact in the year 2025 of the development of the Kimball property. The report pointed out that the Crestview/99W intersection is projected to operate with a v/c ratio in excess of ODOT's 0.70 standard in 2025 under background traffic conditions (with no new development on the Kimball property). If the Kimball property is annexed into the city and developed with the proposed zoning then it is projected to result in 36 additional trips through the Crestview/99W intersection. This equates to an increase of approximately 0.65% over background traffic levels. The supplemental report concludes that annexing this property and rezoning to the proposed City zoning is not expected to have a significant effect upon any existing or planned transportation improvements either with or without construction of the bypass, thus complying with the State's TPR. The Crestview improvements that are being completed by the Crestview Crossing project go beyond the improvements called for in the City's TSP, and the proportionate share costs that will be contributed by development towards future capacity enhancements at Springbrook/99W will mitigate the traffic impacts generated by development on the annexation site. ODOT's supplemental comments dated July 3, 2008 acknowledged receipt of the supplemental traffic analysis and found that the report had been prepared using methodologies that are acceptable to ODOT. ODOT also commented that they looked forward to reviewing the findings regarding the Transportation Planning Rule issues, and pledged to continue to work with the City of Newberg to address congestion issues on OR 99W that result from existing and future proposed development.

The applicant, Bruce Thomas, submitted a traffic impact comment for his property on 7/3/08 referencing the Lancaster Engineering supplemental traffic impact analysis that was recently submitted for the Kimball property. The Lancaster study found that the 5.8 acre Kimball site would not have a significant impact on transportation facilities, so the applicant has concluded that his smaller 5.3 acre parcel, which will have less commercial area than the Kimball property, will have even less of an impact. This is a reasonable assumption. ODOT submitted supplemental comments on July 3, 2008 that said that, in general, the supplemental traffic analysis by Lancaster had been prepared using methodologies that are acceptable to ODOT, and that they looked forward to revised findings regarding the Transportation Planning Rule issues raised in previous comments.

If this site is annexed and developed then most of the trips that are generated will impact the Gueldner Drive/Crestview intersection, the Crestview/99W intersection, and the Springbrook/99W intersection. The developer of the Crestview Crossing project on the Gueldner parcel is currently designing (and will construct) the Crestview Drive extension from Oxberg Lakes to 99W and the roundabout and eastward extension of Gueldner Drive. The City is requiring the developer to oversize the Crestview Drive extension and roundabout to meet year 2025 traffic conditions, including the expected development of the Gish, Kimball and Thomas properties. ODOT is currently deeply involved with the City and the Crestview Crossing developer in the design of these improvements. It is therefore reasonable to assume that future development of this parcel will not trigger a need for further improvements at the Gueldner/Crestview roundabout intersection or the Crestview/99W intersection, as both intersections are being designed to accommodate the year 2025 build-out of the Gish, Kimball and Thomas properties. The only remaining intersection of concern is the Springbrook/99W intersection.

The Springbrook/99W intersection does not currently meet ODOT's v/c ratio standards. Development of the Thomas property will add some trips to this intersection and would worsen the performance of the

intersection if no mitigation was done. The City of Newberg has already identified this intersection as one that needs improvement, however, and has charged recent developments in the area with impact fees based on the number of trips they added to the intersection. The fees could be used for street improvements that would improve the performance of the intersection, whether those improvements were directly at the intersection or were for a nearby street (such as the future completion of Hayes Street) that would reduce the number of trips at the Springbrook/99W intersection. The new Providence Hospital paid towards the future Springbrook/99W intersection performance improvement based on their trip generation estimates, and the Crestview Crossing development will also be required to pay towards this performance improvement based on their trip generation estimates. The City will therefore require that, upon development of the Thomas site, the developer pays an impact fee based on trip generation towards the performance improvement of the Springbrook/99W intersection. A refined traffic study will be required at the time of development to estimate trip generation based on the actual proposed development (instead of on the conceptual development shown in the annexation application). This will ensure that the impact of the development of the Thomas site on the Springbrook/99W intersection will be mitigated by future improvements at or near the intersection.

State Transportation Planning Rule:

**660-012-0060**

***Plan and Land Use Regulation Amendments***

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

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
  - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
  - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
  - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

**Finding:** The zone change that will automatically occur upon annexation into the city is not a comprehensive plan amendment. A relatively recent LUBA ruling (*Just v. City of Lebanon*), however, found that the zone change upon annexation could be considered a land use regulation amendment. The Transportation Planning Rule would therefore apply to the project if it is determined that the proposed annexation will have a significant effect on transportation facilities.

The question then becomes whether or not the annexation would significantly affect an existing or planned transportation facility. The annexation would not change the functional classification of a facility or change standards implementing a functional classification system. If there was no mitigation then the annexation would worsen the performance of the existing Springbrook/99W intersection, which

already performs below ODOT's standards. The City has already established a precedent for mitigation of traffic impacts at the Springbrook/99W intersection, however, and this site was conditioned to mitigate the traffic impact as part of the UGB amendment process. The Providence Hospital project has paid an impact fee and the Crestview Crossing project will pay an impact fee for transportation improvements based on the number of trips that the project adds to the Springbrook/99W intersection. The developer of the Gish and Kimball properties will pay a similar impact fee based upon the number of trips that the Gish and Kimball developments would add to the Springbrook/99W intersection. The impact fee will be used for improvements at the intersection or for improvements to nearby roads that would reduce the number of trips at the Springbrook/99W intersection. The completion of the Hayes Street/Providence Drive connection is an example of the type of improvement that would reduce the amount of traffic at the Springbrook/99W intersection. The Lancaster supplemental traffic analysis, which excluded the impact of the proposed bypass, found that annexation and development of the adjacent Kimball property would not have a significant effect on an existing or planned transportation improvement. Since the Lancaster study found that the 5.8 acre Kimball site would not have a significant impact on transportation facilities, the applicant has concluded that his smaller 5.3 acre parcel, which will have less commercial area than the Kimball property, will have even less of an impact. This is a reasonable assumption. The Thomas property annexation would therefore not have a significant impact on transportation facilities, thus complying with the TPR.

*(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:*

*(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

*(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

*(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

*(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

*(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

*(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*

*(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*

*(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*

*(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*

*(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

*(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*

*(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

*(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*

*(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*

*(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*

*(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*

*(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*

*(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*

*(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.*

*(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:*

*(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or*

*(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.*

*(d) As used in this section and section (3):*

*(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;*

*(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and*

*(C) Interstate interchange area means:*

*(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or*

*(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*

*(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*

**Finding:** Sections 2-4 are not applicable because, as determined above, the annexation will not have a significant effect on an existing or planned transportation facility.

In general, with the improvements included in the transportation plan and traffic mitigation measures, adequate transportation facilities will be available to serve the proposed use.

*(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:** Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. The annexation and development of the property will generate additional needs for police and fire services. The annexation and development also will generate additional revenues to pay for those services, including property tax revenues, franchise fee revenues, and cigarette and liquor tax revenues. Recent growth in these revenues has increased to the point that four additional police officers are proposed in the General Fund budget for FY08-09. However, property tax limitations have capped the growth in assessed value on existing and new properties within the city. Because of this, property tax revenues have not increased sufficiently to cover existing and new needs for public safety personnel. The Budget Committee's proposed budget for FY08-09 would fund an additional three officers with a public safety fee yet to be established. If this fee is established, then this annexed property also would pay. With this fee, annexation and development of this property should generate sufficient revenue to cover increased public safety service needs. The residential development of the property may also increase the demand for parks and school facilities, which will be partially offset by the system development charges for parks and the school construction excise tax.

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

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

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

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

***NDC § 151.267 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 § 151.122 shall not be required.

<b><i>Comprehensive Plan Classification</i></b>	<b><i>Appropriate Zoning Classification</i></b>
<i>OS</i>	<i>Any zoning classification</i>
<i>LDR</i>	<i>R-1</i>
<i>MDR</i>	<i>R-2</i>
<i>HDR</i>	<i>R-3</i>
<i>COM</i>	<i>C-1, C-2, or C-3 as determined by the Director</i>
<i>MIX</i>	<i>C-2, M-1, or M-2 as determined by the Director</i>
<i>IND</i>	<i>M-1, M-2, or M-3</i>
<i>PQ</i>	<i>Any zoning classification</i>
<i>P/PP</i>	<i>Any zoning classification</i>

- (C) *If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of § 151.122 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. 96-2451, passed 12-2-96)*

**Finding:** The applicant has requested zoning designations of R-1, R-2 and C-2 that exactly match the comprehensive plan designations on the site. They are therefore not required by the Newberg Development Code to address the criteria under § 151.122, which are the criteria for a comprehensive plan map amendment or zoning map amendment. The zone change from County to City zoning is an automatic change and is not a zoning map amendment because the zones match the comprehensive plan designations. This is significant because the criteria for § 151.122 (below) call for the applicant to make findings addressing the State Transportation Planning Rule. Newberg’s development code does not require the applicant to make findings addressing the State Transportation Planning Rule if the requested zones match the comprehensive plan designations.

***NDC § 151.122(3) Procedures for Comprehensive Plan Map and Zoning Map Amendments – Amendment 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 reasonable made available to support the uses allowed by the proposed change.*
- (c) *Compliance with the State Transportation Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.*

**Timing Consideration:**

***NDC § 151.263 Annexation Procedures***

*All annexation requests approved by the City Council shall be referred to the voters in accordance with the requirements of this code and O.R.S. 222.*

*(A) Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even numbered years. Applications for annexation shall be filed with the Planning Division before 5:00 p.m. on October 1 for a primary ballot election in May and before 5:00 p.m. on April 1 for a general ballot election in November. An applicant may request that the Council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This division does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.*

*(B) The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the Director receives a completed application for annexation, he/she shall schedule a recommendation hearing before the Planning Commission. The Planning Commission shall make a recommendation to the City Council as to whether or not the application meets the criteria contained in § 151.262. This decision shall be a quasi-judicial determination and not a legislative determination. The Planning Commission may also recommend denial of an*

*application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*(C) Following the Planning Commission hearing, the Director shall schedule a City Council hearing to consider the request. The City Council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in § 151.262. The hearing at the City Council shall be considered a new hearing. If additional testimony is submitted, the Council may, at its own discretion, return the application to the Planning Commission for further review and recommendation. The City Council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*(D) If the City Council approves the annexation request, the proposal may, at the City Council's sole discretion, be placed before the voters of the city as follows:*

- (1) The biennial primary or general elections which are held in May and November of even numbered years, or*
- (2) An available special election.*

**Recommendation:** The applicant has requested that this annexation application be approved by the City Council and placed before the voters at the November 4, 2008 election. If the Council approves the annexation they are not bound to place the annexation on the next available ballot. The decision on when to send an approved annexation to the ballot is at the City Council's sole discretion. In this case staff recommends that the Planning Commission discuss the timing issue and make a recommendation to the City Council based on what they think is in the best interests of the city. Pros: If all three annexation applications (Gish, Kimball, and Thomas) are sent to the ballot at the same time then the benefits of the Gueldner Drive extension to Benjamin Road could be shown. The November 2008 election will have a large voter turnout, which may improve the chances for approval of the annexations. Cons: This annexation is conditional on the approval of the Gish and Kimball annexations, which may confuse the voters. Also, if either of the other annexations fail then this annexation also would not be approved, despite a potential positive vote. The Planning Commission recommends that this annexation be placed on the November 2008 ballot.

### **CONDITIONS OF APPROVAL ANX-08-003**

The following conditions of approval apply to the annexation of the property located at 4821 and 4825 E. Portland Road, Yamhill County Tax Lot 3216-900.

- A refined traffic study out to year 2025 will be required showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development



proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.

- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- A 20 foot wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
- The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.
- The location and protection of the Svendsen private water line is a private matter between the Thomases and Mrs. Svendsen. Upon development, the property owner shall discuss this issue with Mrs. Svendsen or subsequent owner to seek a mutually acceptable solution.
- Development 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.
- Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Complete street frontage improvements along Hwy 99W and Benjamin Road. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
- Existing homes to connect to sewer and water or be removed within two years of annexation.



## EXHIBIT "C": LEGAL DESCRIPTION

Newberg



Surveying

Newberg Surveying, Inc  
1205 NE Evans  
McMinnville, OR 97128  
(503)-474-4742 • (503)-474-3752 FAX

Newberg Annexation File # ANX-08-003

March 31, 2008

Legal Description  
Annexation Map  
Tax Lot 900  
Tax Map 3216

A parcel of land located within the Sebastian Brutscher DLC #51, in portions of the Northwest 1/4 Section 15, and the Northeast 1/4 Section 16, Township 3 South, Range 2 West, Willamette Meridian in Yamhill County, Oregon being more particularly described as follows:

Beginning at the intersection point of the easterly margin of Benjamin Road (#54) with the North line of the Sebastian Brutscher Donation Land Claim #51 said point bears South 89° 50' 15" West 757.13 feet from the Northeast corner of said Donation Land Claim; thence southerly along the easterly margin of Benjamin Road South 5° 18' 32" East 64.30 feet; thence South 0° 00' 39" East 421.91 feet to the northerly margin of the Pacific Highway 99W; thence along the northerly margin of Pacific Highway 99W South 82° 42' 46" West 40.32 feet to the point of intersection of the westerly margin of Benjamin Road with the northerly margin of that strip of land retained by the State of Oregon as described in Book 87, Page 69 Yamhill County Deed Records; thence South 76° 20' 33" West 414.31 feet to the easterly margin of land described in Book 26, Page 129 (Hutchens) Yamhill County Deed Records, said boundary also being the easterly boundary of that land described and recorded in Film Volume 263, Page 1789 and referred to as Exhibit "A" recorded in Film Volume 257, Page 1875 Yamhill County Deed Records; thence leaving the northerly margin of Pacific Highway 99W, North 0° 29' 43" West 587.64 feet more or less along the easterly margin of Kimball property to the North boundary of the Sebastian Brutscher Donation Land Claim; thence North 89° 50' 15" East 401.48 feet to the westerly margin of Benjamin Road; thence North 89° 50' 15" East 40.16 feet to the Point of Beginning, containing 5.5 Acres more or less.

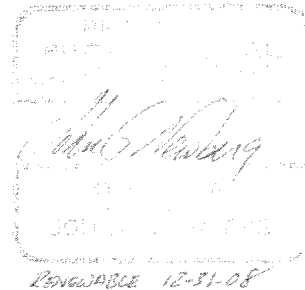
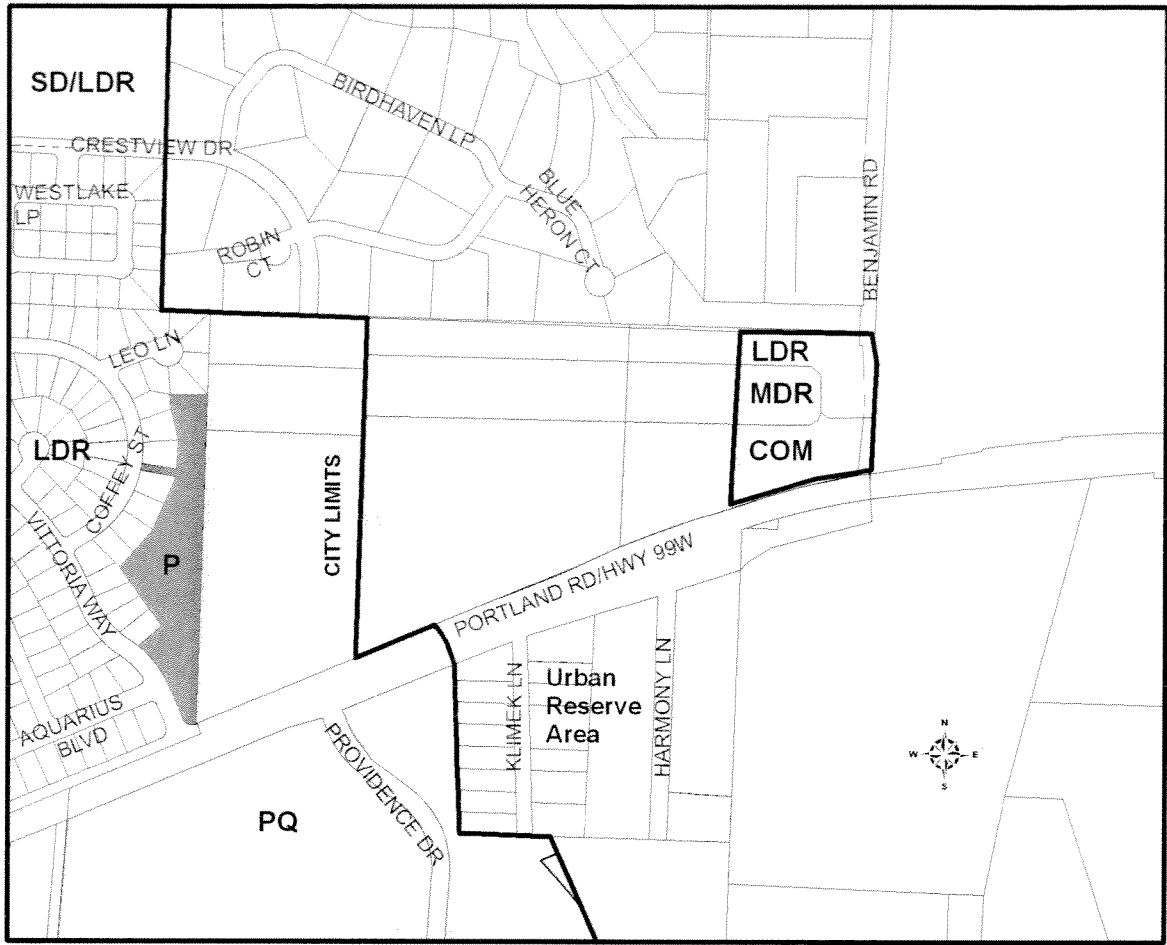
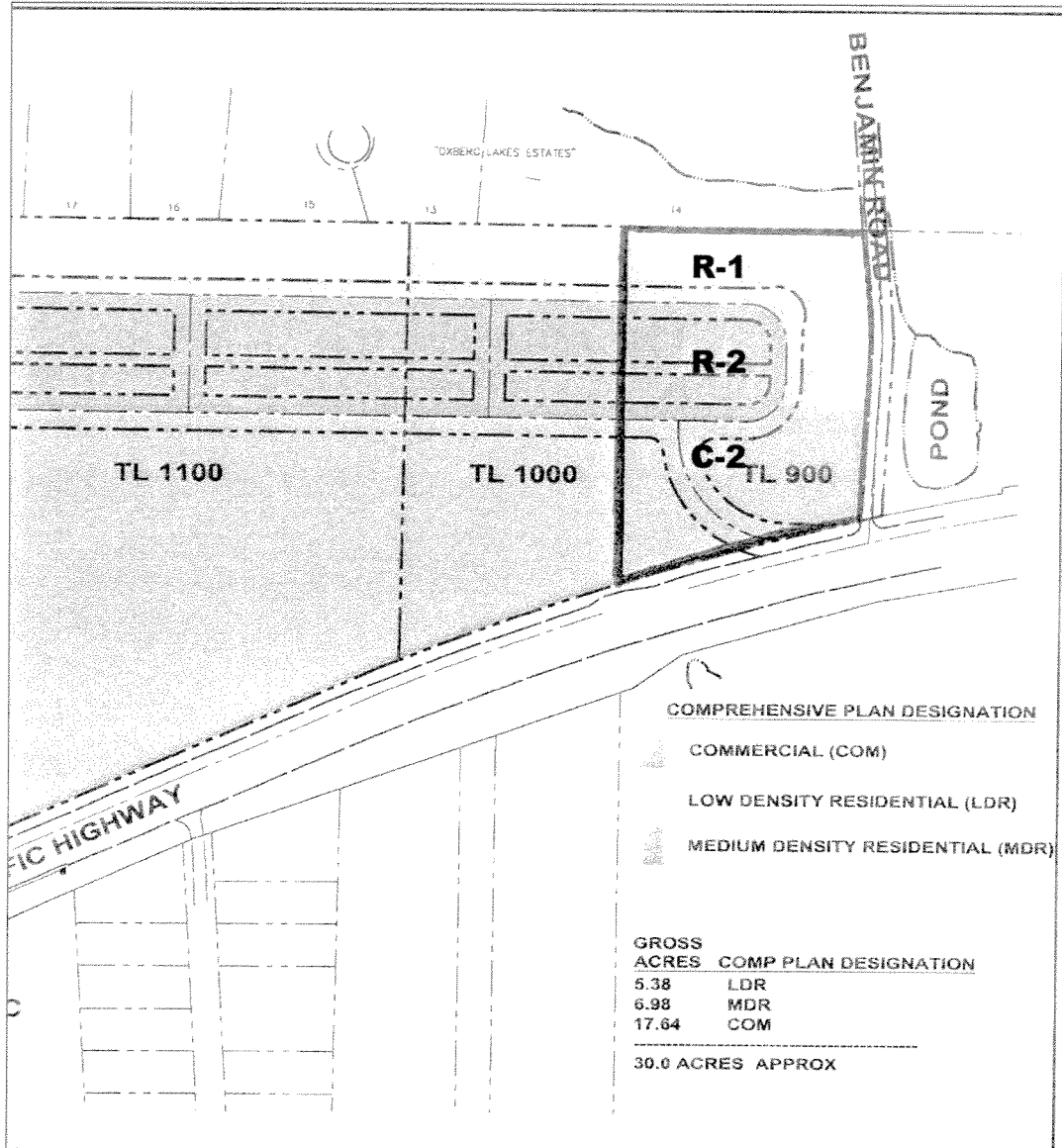


EXHIBIT "D": COMPREHENSIVE PLAN MAP



**EXHIBIT "E": PROPOSED ZONING MAP**





## **ORDER NO. 2008-0015**

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**AN ORDER FINDING THAT PROPERTY LOCATED AT 4821 & 4825 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-900, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2 AND C-2**

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### **RECITALS:**

1. On April 1, 2008 Bruce and Valerie Thomas submitted an application to annex one parcel (approximately 5.3 acres) into the City of Newberg with a concurrent zone change to R-1 (Low Density Residential), R-2 (Medium Density Residential) and C-2 (Community Commercial) for property located at 4821 & 4825 E. Portland Road, Yamhill County tax lot 3216-900.
2. The Newberg Planning Commission heard the annexation and zoning amendment on June 12, 2008, took public testimony, and continued the hearing to July 10, 2008 to allow ODOT time to review the supplemental traffic study and revised findings. The Planning Commission continued the hearing on July 10, 2008, reviewed the supplemental traffic study and revised findings, reviewed ODOT's comment that they had no further objections to the annexation request, and recommended approval of the annexation as conditioned and placement on the November 4, 2008 ballot per Resolution 2008-253. The annexation of this property is conditional on the approval of the annexations of the Gish parcel and Kimball parcel to the west
3. After proper notice, on August 4, 2008, the Newberg City Council held a hearing to consider the annexation and zoning amendment request.
4. The City Council finds that the applicable criteria have been met as conditioned, and that approval of the application is in the best interests of the community.

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

1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria as conditioned and adopts the findings, which are attached hereto as Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. Annexation requires the City Council to adopt an ordinance annexing the property, and requires approval at a public vote. If the annexation is approved through these procedures, then the City orders the following:
  - A. The zoning of the property described in Exhibit "C" is changed to portions of R-1 (Low Density Residential), R-2 (Medium Density Residential), and C-2 (Community Commercial)


as shown on the map in Exhibit “E”. Exhibits “C” and “E” are hereby adopted and by this reference incorporated.

3. This order is subject to the following:
  - A. Annexation of the Thomas property is conditional on the approval of the adjacent Kimball property and Gish property annexation requests by the voters
  - B. A refined traffic study out to year 2025 will be required upon development showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
  - C. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
  - D. A 30 ft building setback along the north property line will be required upon development of the site.
  - E. A 20 foot wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
  - F. The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.
  - G. The location and protection of the Svendsen private water line is a private matter between the Thomases and Mrs. Svendsen. Upon development, the property owner shall discuss this issue with Mrs. Svendsen or subsequent owner to seek a mutually acceptable solution.
  - H. Development 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.
  - I. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Complete street frontage improvements along Hwy 99W and Benjamin Road. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development.

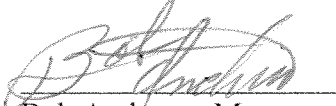
J. Existing homes to connect to sewer and water or be removed within two years of annexation.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: August 19, 2008.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of August, 2008.

  
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Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 19<sup>th</sup> day of August, 2008.

  
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Bob Andrews, Mayor

### **QUASI-JUDICIAL HISTORY**

By and through Planning Commission Committee at 6/12/2008 & 7/10/2008 meetings.  
(committee name) (date)

Exhibits:

- Exhibit "A": Findings
- Exhibit "B": Annexation Map
- Exhibit "C": Legal Description
- Exhibit "D": Comprehensive Plan Map
- Exhibit "E": Proposed Zoning Map



## EXHIBIT "A": FINDINGS

### ANX-08-003

Annexation of 5.3 acres for property located at 4821 & 4825 E. Portland Road

#### I. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.261 CONDITIONS FOR ANNEXATION

*(A) The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.*

**FINDING:** The site was included within the Newberg Urban Growth Boundary by Order 2007-0001 on January 2, 2007. Certain conditions were placed on the property by Order 2007-0001 and have been included within the recommended annexation conditions of approval.

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

**FINDING:** The subject site is separated from the Newberg city limits by the Gish and Kimball properties. The owners of the Gish and Kimball properties have concurrently applied for annexation, so the annexation of the Thomas property will be conditional on the approval of the Gish and Kimball annexations.

#### II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI- JUDICIAL 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 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 comprehensive plan designation of the site was changed concurrently with the urban growth boundary amendment application that was approved by Order 2007-0001 on January 2, 2007. The current comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) that exactly matches the comprehensive plan designations and therefore complies with the comprehensive plan map.

The east-west connector road (Gueldner Drive) will be extended eastward through the site to Benjamin Road upon development in accordance with the comprehensive plan map and the Newberg Transportation System Plan.

A wetland delineation map shows that there are no wetlands on this site. The wetland delineation has been approved by the Department of State Lands.

There is a SC (stream corridor) overlay on the northeast corner of the site. This overlay was placed on the property when it was brought within Newberg's urban growth boundary in 2007. A stream corridor

study, which had been completed earlier for lands within Newberg's urban reserve area, showed that there was a stream corridor along the northeast corner of this property which needed protection. DLCD has commented that annexation applications need to address Goal 5 resources, including wetlands and riparian corridors. The wetlands delineation showed that there are no wetlands on this site. The stream corridor on this site is protected by the Newberg stream corridor overlay. Newberg adopted Stream Corridor overlays as part of the development code in 1996 in order to protect Goal 5 riparian corridors and the Willamette River Greenway. The boundaries were established by an ecologist analyzing several environmental values. The stream corridor study included a Goal 5 ESEE (Economic, Social, Environment and Energy Consequences) analysis. The boundaries of the SC Overlay are typically located at a logical top of bank, or where no obvious top of bank exists, are located at a distance of 50 feet from the edge of the wetland.

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

- (1) Municipal sanitary sewer 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:** As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

Water: The property can connect to an existing 10-inch mainline that runs along Hwy 99W at the property's southern border, and will extend the line within Gueldner Drive on the site.

Private water line to Svendsen property: During the previous annexation application for this property in 2006 Frances Svendsen submitted a letter stating that she is on a City water line, which runs along the eastern edge of tax lot 3216-900 and the property to the north (the Shepherd property). At that time a condition was placed on the annexation approval that "The water line along the eastern edge of taxlot 3216-900 will need to be located at the time of development. The water service will need to be protected, and an easement for the water line may be required." That annexation application was rejected by the voters and withdrawn by the applicant, so the condition no longer applies to this property. As part of the current application the property owner, Bruce Thomas, has submitted a letter stating that he objects to keeping this condition. He stated that Mrs. Svendsen did have an existing water line running along the edge of Benjamin Road which began leaking. Mr. Thomas did give approval a few years ago to run the replacement line across his property in order to let Mrs. Svendsen avoid the extra cost and complication of running a replacement water line along the edge of Benjamin Road, where other utilities are located. He wrote that he expressly stated that he was granting no permanent rights and

that the line would have to be removed when he developed the property in the future. He received no compensation for this use of his property and has no written agreement with Mrs. Svendsen. He does not mind leaving the line in place if it does not interfere with his rights or cause him expense but does not want to be obligated to protect it.

Staff has verified that the Svendsen water meter is located at the corner of Hwy 99W and Benjamin Road, where it connects to the 10 inch public water line along 99W. This means that the water line extending across the Thomas property to the Svendsen house is a private water lateral and is not a public water line. The location and protection of this private water line is a private matter between the two parties. We recommend that the applicant work with Mrs. Svendsen and come to a mutually acceptable agreement.

Storm water: Storm water drainage appears to primarily sheet flow to a drainage ditch along 99W. Improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system.

Sewer: Sewer service will be provided by connecting to the new line extended north by the Crestview Crossing project and extended east within Gueldner Drive. At time of development, the developer will need to verify the capacity of the Fernwood pump station. Improvements may be necessary. All public sewer lines must be gravity flow.

Roads: The subject property is adjacent to Hwy 99W on its southern side and Benjamin Road on its eastern side. Upon development, Hwy 99W shall be improved with curbs, gutters, and sidewalks. Benjamin Road may require the dedication of additional right of way, and shall be improved with at least a half-street improvement including curbs, gutters and sidewalks.

The Crestview Drive extension and the Gueldner Drive extension on the properties to the west must be in place prior to development on this site. The applicant's concept plan shows Gueldner Drive extending to Benjamin Road, which is in accordance with the TSP. This connection would need to be made as far north as possible to avoid impacting the Benjamin Road/Highway 99W intersection. The applicant's concept plan shows an additional road north of and parallel to Gueldner Drive, which provides access for the residential lots. The actual street layout on the site will be determined before development occurs at the subdivision or design review phase, whichever comes first.

A Traffic Impact Study was prepared for this project (plus the Gish and Kimball projects) by Lancaster Engineering, which assumed that the Crestview Drive extension to Highway 99W would be built. The proposed conceptual commercial and residential development on the site plus the Gish and Kimball properties to the west are expected to generate a total of 8,306 new daily, and 847 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,610 weekday daily and 242 weekday PM peak hour passby trips would be generated by the project, and a total of 1,926 weekday internal trips and 192 weekday PM peak internal trips would be generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

One important point from the traffic study that has not been sufficiently emphasized to date is that commercial development on this site will reduce the number of shopping trips that Newberg residents currently need to make to Sherwood, McMinnville, Wilsonville, and other communities. One of the primary goals of the State Transportation Planning Rule is to reduce vehicle miles traveled, and the annexation and development of the commercial portion of this site would help meet this goal for the residents of Newberg.

The study concludes that if the City of Newberg takes jurisdiction over Highway 99W then the intersections at Highway 99W and Springbrook Road and Highway 99W and Crestview Drive will operate acceptably and no mitigation will be required. This could only happen if the bypass was built and the City agreed to take jurisdiction, however. The study found that if ODOT retains jurisdiction over 99W then both of these intersections would have unacceptable levels of service and mitigation would be required. The study also found that the intersection of Crestview Drive and the east-west frontage road (now Gueldner Drive) would operate unacceptably and would require mitigation, such as the construction of a roundabout. The report stated that the mitigation for the Crestview/99W and the Springbrook/99W intersections could include adding a third westbound travel lane on Highway 99W between Crestview and Springbrook, or one northbound and one southbound travel lanes on Springbrook Road.

ODOT has commented that the proposed zones do match the City's comprehensive plan and that the Bypass is included within the City's TSP. The Bypass is not considered a planned improvement by ODOT, however, because there is no funding plan in place. They comment that the TIS is therefore flawed because its recommendations depend on the construction of the bypass by 2025 and the downgrading of Hwy 99W to a District level highway. ODOT requested that action be deferred on the annexation until the TIS can be corrected so that its recommendations can be used to support findings that the annexation is consistent with the Transportation Planning Rule. DLCDC has also commented that the TIS analysis cannot depend on the construction of the Bypass, since ODOT has stated that the construction of the bypass is not reasonably likely by 2025.

ODOT's supplemental comments on June 12, 2008 referenced a 2005 LUBA decision (*Just v. City of Lebanon*) that found that the Transportation Planning Rule does apply to zone changes that occur as part of annexations, even though the zone changes correspond to the existing comprehensive plan designations. ODOT's interpretation appears to be correct, so the Transportation Planning Rule applies if it is determined that the proposed annexation will have a significant effect on transportation facilities. ODOT reiterated their request that the transportation studies be revised to not depend on the bypass, as they do not consider it a planned facility because it is unfunded.

The TIS is intended to evaluate the annexation's compatibility with the adopted Newberg TSP and the State highway plan. Both of these plans include the Newberg-Dundee bypass, however, so the applicant must include the potential impact of the bypass in their TIS analysis or the City would find that the analysis is incomplete. The TIS must also consider the project's impact on transportation facilities if the bypass is not built, however. While the bypass is a planned facility in the State Highway Plan, by TPR definitions it is not a "planned facility" and therefore cannot be relied on to mitigate the impacts of development. Lancaster Engineering submitted a supplemental traffic impact analysis on June 11, 2008 for the adjacent Kimball property that addresses ODOT's concerns. The supplemental analysis does not rely on the bypass to mitigate transportation impacts.

The supplemental traffic impact analysis examined the impact in the year 2025 of the development of the Kimball property. The report pointed out that the Crestview/99W intersection is projected to operate with a v/c ratio in excess of ODOT's 0.70 standard in 2025 under background traffic conditions (with no new development on the Kimball property). If the Kimball property is annexed into the city and developed with the proposed zoning then it is projected to result in 36 additional trips through the Crestview/99W intersection. This equates to an increase of approximately 0.65% over background traffic levels. The supplemental report concludes that annexing this property and rezoning to the proposed City zoning is not expected to have a significant effect upon any existing or planned transportation improvements either with or without construction of the bypass, thus complying with the State's TPR. The Crestview improvements that are being completed by the Crestview Crossing project go beyond the improvements called for in the City's TSP, and the proportionate share costs that will be contributed by development towards future capacity enhancements at Springbrook/99W will mitigate the traffic impacts generated by development on the annexation site. ODOT's supplemental comments dated July 3, 2008 acknowledged receipt of the supplemental traffic analysis and found that the report had been prepared using methodologies that are acceptable to ODOT. ODOT also commented that they looked forward to reviewing the findings regarding the Transportation Planning Rule issues, and pledged to continue to work with the City of Newberg to address congestion issues on OR 99W that result from existing and future proposed development.

The applicant, Bruce Thomas, submitted a traffic impact comment for his property on 7/3/08 referencing the Lancaster Engineering supplemental traffic impact analysis that was recently submitted for the Kimball property. The Lancaster study found that the 5.8 acre Kimball site would not have a significant impact on transportation facilities, so the applicant has concluded that his smaller 5.3 acre parcel, which will have less commercial area than the Kimball property, will have even less of an impact. This is a reasonable assumption. ODOT submitted supplemental comments on July 3, 2008 that said that, in general, the supplemental traffic analysis by Lancaster had been prepared using methodologies that are acceptable to ODOT, and that they looked forward to revised findings regarding the Transportation Planning Rule issues raised in previous comments.

If this site is annexed and developed then most of the trips that are generated will impact the Gueldner Drive/Crestview intersection, the Crestview/99W intersection, and the Springbrook/99W intersection. The developer of the Crestview Crossing project on the Gueldner parcel is currently designing (and will construct) the Crestview Drive extension from Oxberg Lakes to 99W and the roundabout and eastward extension of Gueldner Drive. The City is requiring the developer to oversize the Crestview Drive extension and roundabout to meet year 2025 traffic conditions, including the expected development of the Gish, Kimball and Thomas properties. ODOT is currently deeply involved with the City and the Crestview Crossing developer in the design of these improvements. It is therefore reasonable to assume that future development of this parcel will not trigger a need for further improvements at the Gueldner/Crestview roundabout intersection or the Crestview/99W intersection, as both intersections are being designed to accommodate the year 2025 build-out of the Gish, Kimball and Thomas properties. The only remaining intersection of concern is the Springbrook/99W intersection.

The Springbrook/99W intersection does not currently meet ODOT's v/c ratio standards. Development of the Thomas property will add some trips to this intersection and would worsen the performance of the

intersection if no mitigation was done. The City of Newberg has already identified this intersection as one that needs improvement, however, and has charged recent developments in the area with impact fees based on the number of trips they added to the intersection. The fees could be used for street improvements that would improve the performance of the intersection, whether those improvements were directly at the intersection or were for a nearby street (such as the future completion of Hayes Street) that would reduce the number of trips at the Springbrook/99W intersection. The new Providence Hospital paid towards the future Springbrook/99W intersection performance improvement based on their trip generation estimates, and the Crestview Crossing development will also be required to pay towards this performance improvement based on their trip generation estimates. The City will therefore require that, upon development of the Thomas site, the developer pays an impact fee based on trip generation towards the performance improvement of the Springbrook/99W intersection. A refined traffic study will be required at the time of development to estimate trip generation based on the actual proposed development (instead of on the conceptual development shown in the annexation application). This will ensure that the impact of the development of the Thomas site on the Springbrook/99W intersection will be mitigated by future improvements at or near the intersection.

State Transportation Planning Rule:

**660-012-0060**

***Plan and Land Use Regulation Amendments***

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

- (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) Change standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:
  - (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
  - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*
  - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.**

**Finding:** The zone change that will automatically occur upon annexation into the city is not a comprehensive plan amendment. A relatively recent LUBA ruling (*Just v. City of Lebanon*), however, found that the zone change upon annexation could be considered a land use regulation amendment. The Transportation Planning Rule would therefore apply to the project if it is determined that the proposed annexation will have a significant effect on transportation facilities.

The question then becomes whether or not the annexation would significantly affect an existing or planned transportation facility. The annexation would not change the functional classification of a facility or change standards implementing a functional classification system. If there was no mitigation then the annexation would worsen the performance of the existing Springbrook/99W intersection, which

already performs below ODOT's standards. The City has already established a precedent for mitigation of traffic impacts at the Springbrook/99W intersection, however, and this site was conditioned to mitigate the traffic impact as part of the UGB amendment process. The Providence Hospital project has paid an impact fee and the Crestview Crossing project will pay an impact fee for transportation improvements based on the number of trips that the project adds to the Springbrook/99W intersection. The developer of the Gish and Kimball properties will pay a similar impact fee based upon the number of trips that the Gish and Kimball developments would add to the Springbrook/99W intersection. The impact fee will be used for improvements at the intersection or for improvements to nearby roads that would reduce the number of trips at the Springbrook/99W intersection. The completion of the Hayes Street/Providence Drive connection is an example of the type of improvement that would reduce the amount of traffic at the Springbrook/99W intersection. The Lancaster supplemental traffic analysis, which excluded the impact of the proposed bypass, found that annexation and development of the adjacent Kimball property would not have a significant effect on an existing or planned transportation improvement. Since the Lancaster study found that the 5.8 acre Kimball site would not have a significant impact on transportation facilities, the applicant has concluded that his smaller 5.3 acre parcel, which will have less commercial area than the Kimball property, will have even less of an impact. This is a reasonable assumption. The Thomas property annexation would therefore not have a significant impact on transportation facilities, thus complying with the TPR.

*(2) Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:*

*(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*

*(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*

*(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*

*(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*

*(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

*(3) Notwithstanding sections (1) and (2) of this rule, a local government may approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where:*

*(a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*

*(b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*

*(c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*

*(d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

*(e) For affected state highways, ODOT provides a written statement that the proposed funding and timing for the identified mitigation improvements or measures are, at a minimum, sufficient to avoid further degradation to the performance of the affected state highway. However, if a local government provides the appropriate ODOT regional office with written notice of a proposed amendment in a manner that provides ODOT reasonable opportunity to submit a written statement into the record of the local government proceeding, and ODOT does not provide a written statement, then the local government may proceed with applying subsections (a) through (d) of this section.*

*(4) Determinations under sections (1)-(3) of this rule shall be coordinated with affected transportation facility and service providers and other affected local governments.*

*(a) In determining whether an amendment has a significant effect on an existing or planned transportation facility under subsection (1)(c) of this rule, local governments shall rely on existing transportation facilities and services and on the planned transportation facilities, improvements and services set forth in subsections (b) and (c) below.*

*(b) Outside of interstate interchange areas, the following are considered planned facilities, improvements and services:*

*(A) Transportation facilities, improvements or services that are funded for construction or implementation in the Statewide Transportation Improvement Program or a locally or regionally adopted transportation improvement program or capital improvement plan or program of a transportation service provider.*

*(B) Transportation facilities, improvements or services that are authorized in a local transportation system plan and for which a funding plan or mechanism is in place or approved. These include, but are not limited to, transportation facilities, improvements or services for which: transportation systems development charge revenues are being collected; a local improvement district or reimbursement district has been established or will be established prior to development; a development agreement has been adopted; or conditions of approval to fund the improvement have been adopted.*

*(C) Transportation facilities, improvements or services in a metropolitan planning organization (MPO) area that are part of the area's federally-approved, financially constrained regional transportation system plan.*

*(D) Improvements to state highways that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when ODOT provides a written statement that the improvements are reasonably likely to be provided by the end of the planning period.*

*(E) Improvements to regional and local roads, streets or other transportation facilities or services that are included as planned improvements in a regional or local transportation system plan or comprehensive plan when the local government(s) or transportation service provider(s) responsible for the facility, improvement or service provides a written statement that the facility, improvement or service is reasonably likely to be provided by the end of the planning period.*

*(c) Within interstate interchange areas, the improvements included in (b)(A)-(C) are considered planned facilities, improvements and services, except where:*

*(A) ODOT provides a written statement that the proposed funding and timing of mitigation measures are sufficient to avoid a significant adverse impact on the Interstate Highway system, then local governments may also rely on the improvements identified in paragraphs (b)(D) and (E) of this section; or*



*(B) There is an adopted interchange area management plan, then local governments may also rely on the improvements identified in that plan and which are also identified in paragraphs (b)(D) and (E) of this section.*

*(d) As used in this section and section (3):*

*(A) Planned interchange means new interchanges and relocation of existing interchanges that are authorized in an adopted transportation system plan or comprehensive plan;*

*(B) Interstate highway means Interstates 5, 82, 84, 105, 205 and 405; and*

*(C) Interstate interchange area means:*

*(i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or*

*(ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*

*(e) For purposes of this section, a written statement provided pursuant to paragraphs (b)(D), (b)(E) or (c)(A) provided by ODOT, a local government or transportation facility provider, as appropriate, shall be conclusive in determining whether a transportation facility, improvement or service is a planned transportation facility, improvement or service. In the absence of a written statement, a local government can only rely upon planned transportation facilities, improvements and services identified in paragraphs (b)(A)-(C) to determine whether there is a significant effect that requires application of the remedies in section (2).*

**Finding:** Sections 2-4 are not applicable because, as determined above, the annexation will not have a significant effect on an existing or planned transportation facility.

In general, with the improvements included in the transportation plan and traffic mitigation measures, adequate transportation facilities will be available to serve the proposed use.

*(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:** Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. The annexation and development of the property will generate additional needs for police and fire services. The annexation and development also will generate additional revenues to pay for those services, including property tax revenues, franchise fee revenues, and cigarette and liquor tax revenues. Recent growth in these revenues has increased to the point that four additional police officers are proposed in the General Fund budget for FY08-09. However, property tax limitations have capped the growth in assessed value on existing and new properties within the city. Because of this, property tax revenues have not increased sufficiently to cover existing and new needs for public safety personnel. The Budget Committee's proposed budget for FY08-09 would fund an additional three officers with a public safety fee yet to be established. If this fee is established, then this annexed property also would pay. With this fee, annexation and development of this property should generate sufficient revenue to cover increased public safety service needs. The residential development of the property may also increase the demand for parks and school facilities, which will be partially offset by the system development charges for parks and the school construction excise tax.

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

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

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

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

***NDC § 151.267 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 § 151.122 shall not be required.*

<b><i>Comprehensive Plan Classification</i></b>	<b><i>Appropriate Zoning Classification</i></b>
<i>OS</i>	<i>Any zoning classification</i>
<i>LDR</i>	<i>R-1</i>
<i>MDR</i>	<i>R-2</i>
<i>HDR</i>	<i>R-3</i>
<i>COM</i>	<i>C-1, C-2, or C-3 as determined by the Director</i>
<i>MIX</i>	<i>C-2, M-1, or M-2 as determined by the Director</i>
<i>IND</i>	<i>M-1, M-2, or M-3</i>
<i>PQ</i>	<i>Any zoning classification</i>
<i>P/PP</i>	<i>Any zoning classification</i>

- (C) *If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of § 151.122 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. 96-2451, passed 12-2-96)*

**Finding:** The applicant has requested zoning designations of R-1, R-2 and C-2 that exactly match the comprehensive plan designations on the site. They are therefore not required by the Newberg Development Code to address the criteria under § 151.122, which are the criteria for a comprehensive plan map amendment or zoning map amendment. The zone change from County to City zoning is an automatic change and is not a zoning map amendment because the zones match the comprehensive plan designations. This is significant because the criteria for § 151.122 (below) call for the applicant to make findings addressing the State Transportation Planning Rule. Newberg’s development code does not require the applicant to make findings addressing the State Transportation Planning Rule if the requested zones match the comprehensive plan designations.

***NDC § 151.122(3) Procedures for Comprehensive Plan Map and Zoning Map Amendments – Amendment 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 reasonable made available to support the uses allowed by the proposed change.*
- (c) *Compliance with the State Transportation Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.*

**Timing Consideration:**

***NDC § 151.263 Annexation Procedures***

*All annexation requests approved by the City Council shall be referred to the voters in accordance with the requirements of this code and O.R.S. 222.*

*(A) Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even numbered years. Applications for annexation shall be filed with the Planning Division before 5:00 p.m. on October 1 for a primary ballot election in May and before 5:00 p.m. on April 1 for a general ballot election in November. An applicant may request that the Council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This division does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.*

*(B) The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the Director receives a completed application for annexation, he/she shall schedule a recommendation hearing before the Planning Commission. The Planning Commission shall make a recommendation to the City Council as to whether or not the application meets the criteria contained in § 151.262. This decision shall be a quasi-judicial determination and not a legislative determination. The Planning Commission may also recommend denial of an*

*application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*(C) Following the Planning Commission hearing, the Director shall schedule a City Council hearing to consider the request. The City Council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in § 151.262. The hearing at the City Council shall be considered a new hearing. If additional testimony is submitted, the Council may, at its own discretion, return the application to the Planning Commission for further review and recommendation. The City Council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.*

*(D) If the City Council approves the annexation request, the proposal may, at the City Council's sole discretion, be placed before the voters of the city as follows:*

- (1) The biennial primary or general elections which are held in May and November of even numbered years, or*
- (2) An available special election.*

**Recommendation:** The applicant has requested that this annexation application be approved by the City Council and placed before the voters at the November 4, 2008 election. If the Council approves the annexation they are not bound to place the annexation on the next available ballot. The decision on when to send an approved annexation to the ballot is at the City Council's sole discretion. In this case staff recommends that the Planning Commission discuss the timing issue and make a recommendation to the City Council based on what they think is in the best interests of the city. Pros: If all three annexation applications (Gish, Kimball, and Thomas) are sent to the ballot at the same time then the benefits of the Gueldner Drive extension to Benjamin Road could be shown. The November 2008 election will have a large voter turnout, which may improve the chances for approval of the annexations. Cons: This annexation is conditional on the approval of the Gish and Kimball annexations, which may confuse the voters. Also, if either of the other annexations fail then this annexation also would not be approved, despite a potential positive vote. The Planning Commission recommends that this annexation be placed on the November 2008 ballot.

### **CONDITIONS OF APPROVAL ANX-08-003**

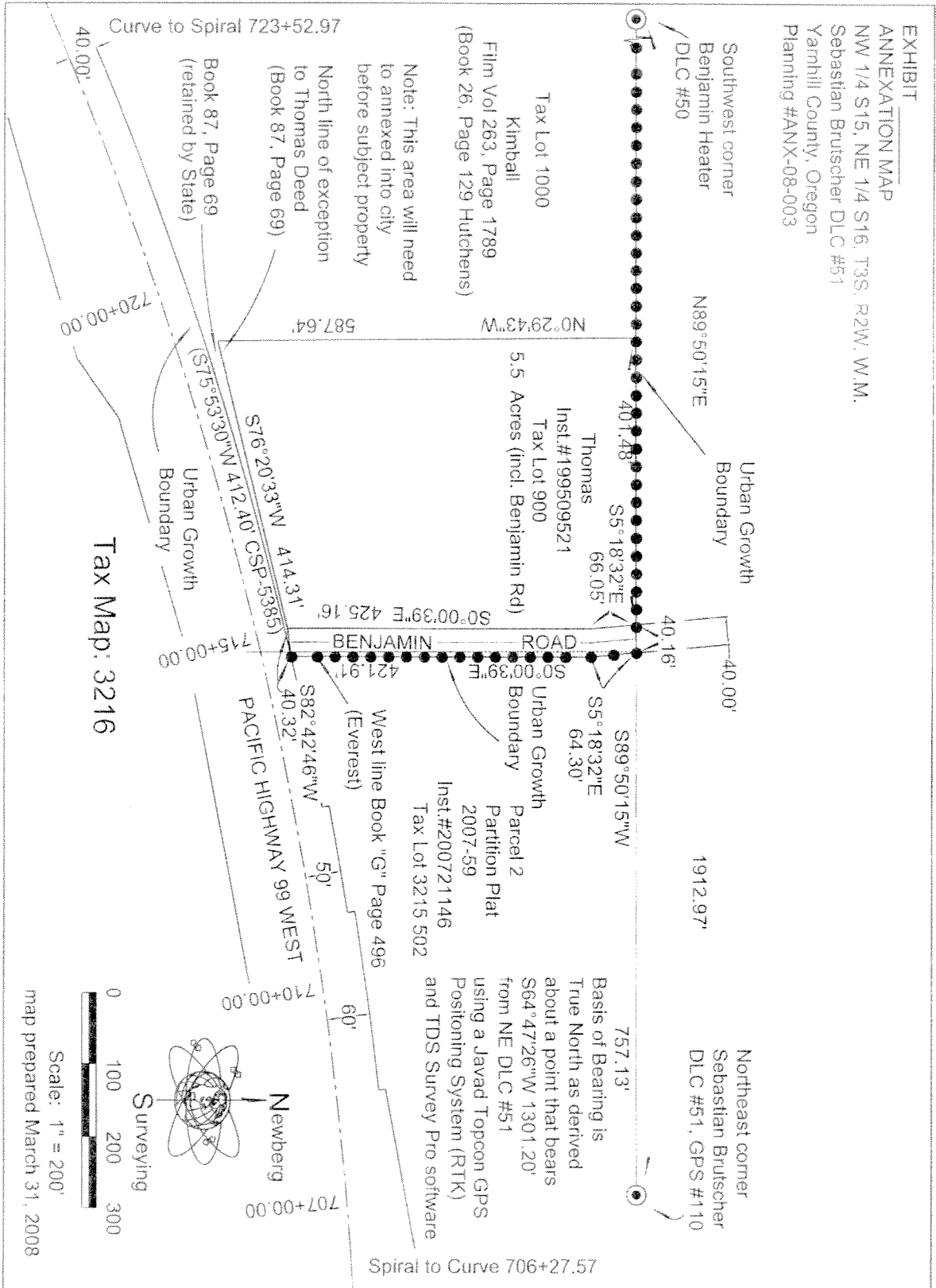
The following conditions of approval apply to the annexation of the property located at 4821 and 4825 E. Portland Road, Yamhill County Tax Lot 3216-900.

- A refined traffic study out to year 2025 will be required showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development

proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.

- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- A 20 foot wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
- The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.
- The location and protection of the Svendsen private water line is a private matter between the Thomases and Mrs. Svendsen. Upon development, the property owner shall discuss this issue with Mrs. Svendsen or subsequent owner to seek a mutually acceptable solution.
- Development 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.
- Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Complete street frontage improvements along Hwy 99W and Benjamin Road. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
- Existing homes to connect to sewer and water or be removed within two years of annexation.

# EXHIBIT "B": ANNEXATION MAP



## EXHIBIT "C": LEGAL DESCRIPTION


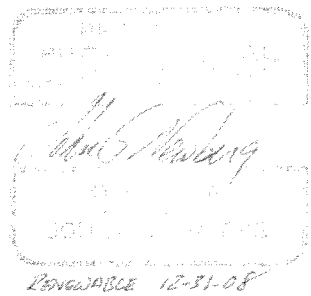
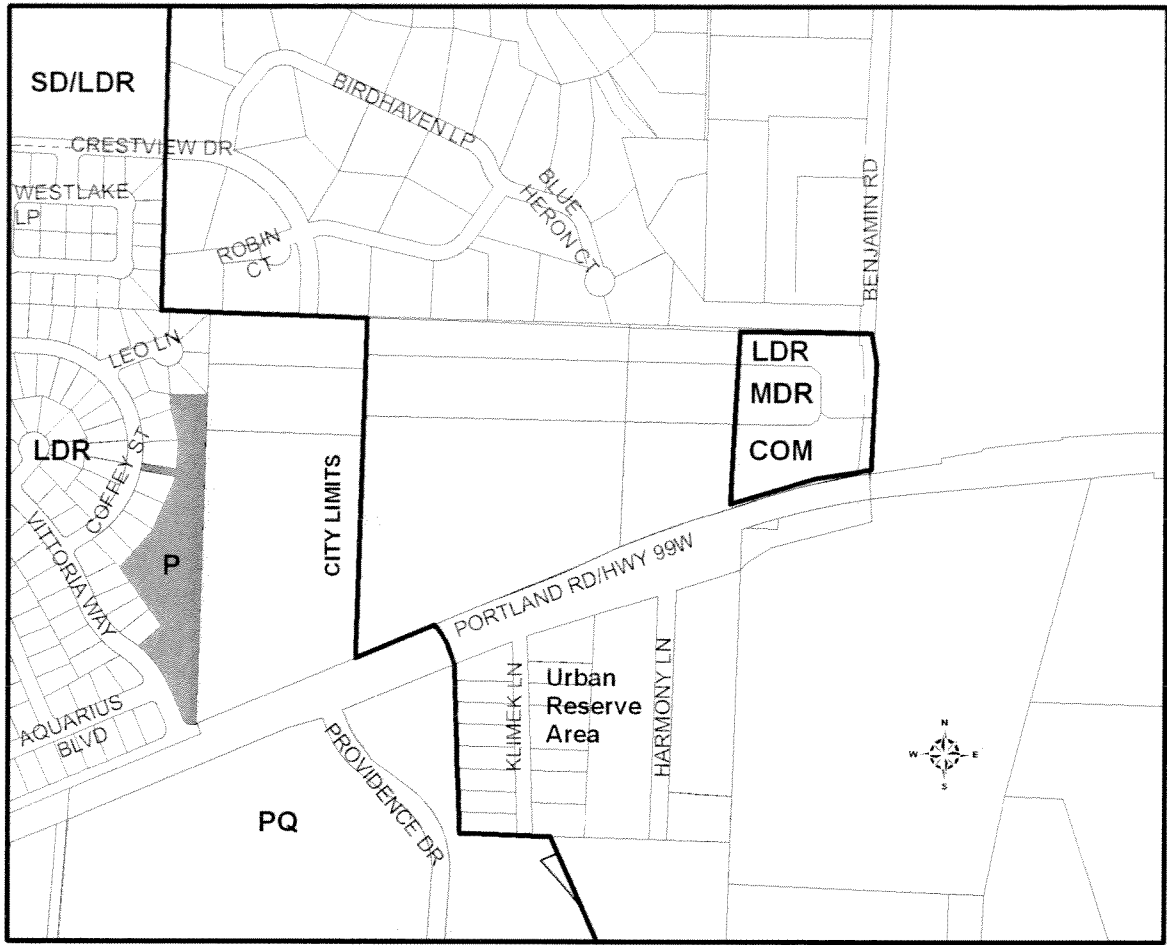
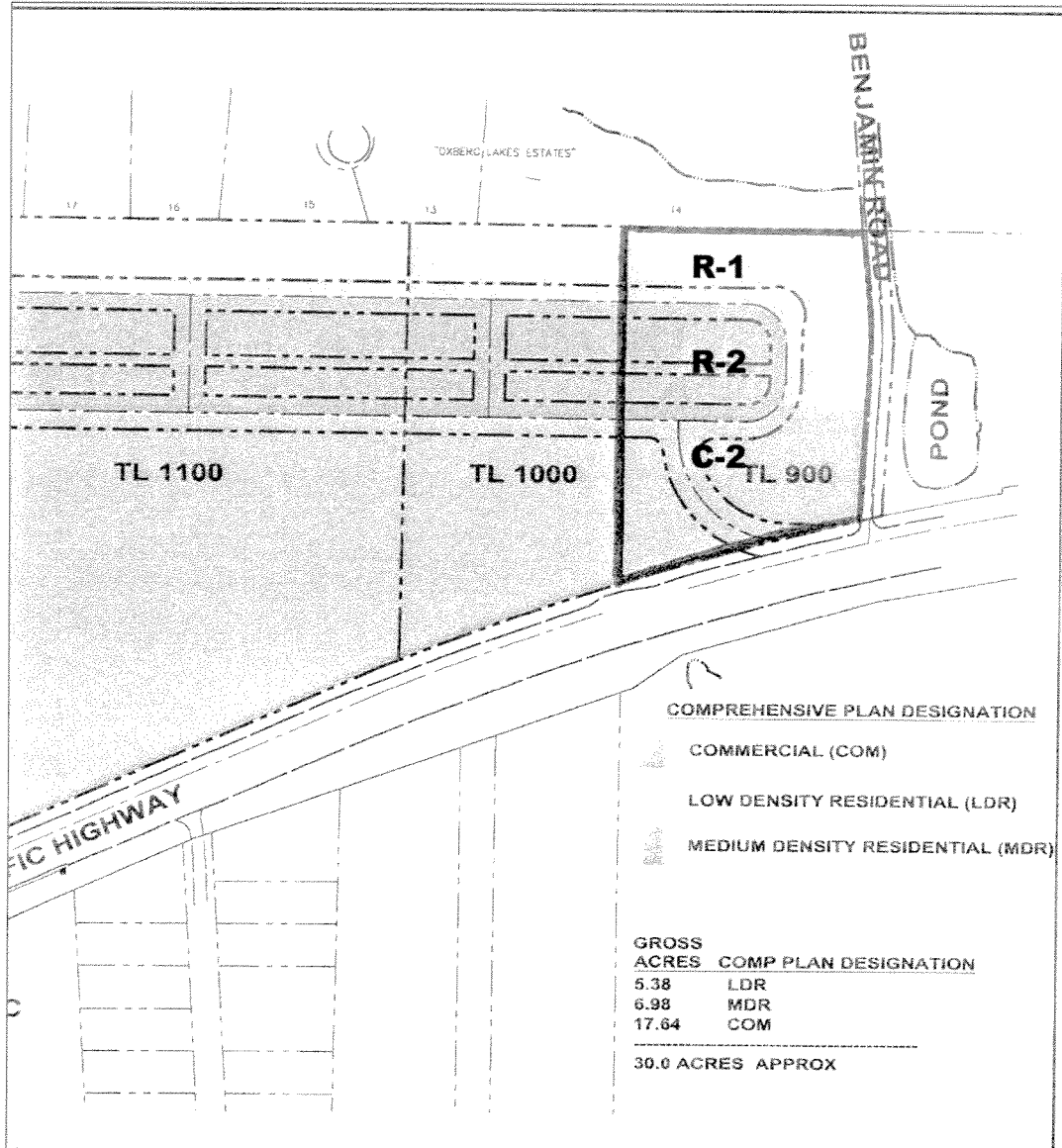
Newberg 	Newberg Surveying, Inc 1205 NE Evans McMinnville, OR 97128 (503)-474-4742 • (503)-474-3752 FAX
Surveying	Newberg Annexation File # ANX-08-003
March 31, 2008	
Legal Description Annexation Map Tax Lot 900 Tax Map 3216	
<p>A parcel of land located within the Sebastian Brutscher DLC #51, in portions of the Northwest 1/4 Section 15, and the Northeast 1/4 Section 16, Township 3 South, Range 2 West, Willamette Meridian in Yamhill County, Oregon being more particularly described as follows:</p> <p>Beginning at the intersection point of the easterly margin of Benjamin Road (#54) with the North line of the Sebastian Brutscher Donation Land Claim #51 said point bears South 89° 50' 15" West 757.13 feet from the Northeast corner of said Donation Land Claim; thence southerly along the easterly margin of Benjamin Road South 5° 18' 32" East 64.30 feet; thence South 0° 00' 39" East 421.91 feet to the northerly margin of the Pacific Highway 99W; thence along the northerly margin of Pacific Highway 99W South 82° 42' 46" West 40.32 feet to the point of intersection of the westerly margin of Benjamin Road with the northerly margin of that strip of land retained by the State of Oregon as described in Book 87, Page 69 Yamhill County Deed Records; thence South 76° 20' 33" West 414.31 feet to the easterly margin of land described in Book 26, Page 129 (Hutchens) Yamhill County Deed Records, said boundary also being the easterly boundary of that land described and recorded in Film Volume 263, Page 1789 and referred to as Exhibit "A" recorded in Film Volume 257, Page 1875 Yamhill County Deed Records; thence leaving the northerly margin of Pacific Highway 99W, North 0° 29' 43" West 587.64 feet more or less along the easterly margin of Kimball property to the North boundary of the Sebastian Brutscher Donation Land Claim; thence North 89° 50' 15" East 401.48 feet to the westerly margin of Benjamin Road; thence North 89° 50' 15" East 40.16 feet to the Point of Beginning, containing 5.5 Acres more or less.</p>	
	

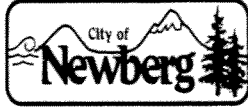
EXHIBIT "D": COMPREHENSIVE PLAN MAP





**EXHIBIT "E": PROPOSED ZONING MAP**





## **ORDINANCE No. 2008-2702**

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**AN ORDINANCE DECLARING PROPERTY LOCATED AT 4821 & 4825 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-900, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY**

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### **RECITALS:**

1. Bruce and Valerie Thomas submitted an application for annexation and consent to annex on April 1, 2008 for property located at 4821 & 4825 E. Portland Road, Yamhill County tax lot 3216-900.
2. After proper notice, on August 4, 2008, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
3. On August 4, 2008, the City Council adopted Order 2008-0015 which affirmed that the annexation as conditioned met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
5. The applicant has requested, and the Planning Commission has recommended, that this matter be placed before the voters at the November 4, 2008 general election.

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

1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the November 4, 2008 special election. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. The City Council directs that all costs associated with placing the item on the ballot be paid for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot. Owners may


be required to place monies in escrow to cover the costs of election(s).

3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.
4. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
6. Should this annexation request and the adjacent Gish property and Kimball property annexation requests be approved by a majority of the electorate of the City of Newberg at the identified election date, the property shown in Exhibit "A" and described in Exhibit "B", shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
  - A. The City of Newberg land use inventory data and GIS data, including the comprehensive plan map and zoning map, will be updated to reflect the new addition.
  - B. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.

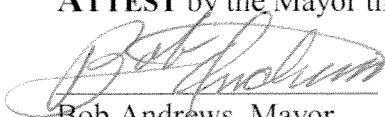
➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 17, 2008.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 18<sup>th</sup> day of August, 2008, by the following votes:

**AYE: 5      NAY: 1 (CURRIER)      ABSENT: 0      ABSTAIN: 0      VACANT: 1**

  
\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 21<sup>st</sup> day of August, 2008.

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

#### **LEGISLATIVE HISTORY**

By and through Planning Commission Committee at 6/12/2008 & 7/10/2008 meetings.  
(committee name) (date)

Exhibits:

- Exhibit "A": Annexation Map
- Exhibit "B": Legal Description



## EXHIBIT "B": LEGAL DESCRIPTION

Newberg



Surveying

Newberg Surveying, Inc  
1205 NE Evans  
McMinnville, OR 97128  
(503)-474-4742 • (503)-474-3752 FAX

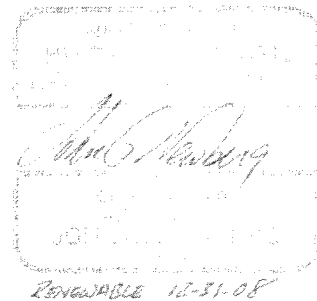
Newberg Annexation File # ANX-08-003

March 31, 2008

Legal Description  
Annexation Map  
Tax Lot 900  
Tax Map 3216

A parcel of land located within the Sebastian Brutscher DLC #51, in portions of the Northwest 1/4 Section 15, and the Northeast 1/4 Section 16, Township 3 South, Range 2 West, Willamette Meridian in Yamhill County, Oregon being more particularly described as follows:

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## MEMORANDUM

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TO: Newberg Planning Commission

FROM: Doug Rux, Community Development Director

SUBJECT: Supplemental Material CUP22-0001/PUD22-0001 Crestview Green

DATE: May 9, 2022

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Attached is supplemental material for CUP22-0001/PUD22-0001 Crestview Green. It includes:

1. Staff Report Cover Page
2. Additional Public Comments
3. Revised Finding and Condition related to the Conditional Use Permit application based on the Applicant's Supplemental Material
4. Selected revised Findings and Conditions for the Planned Unit Development based on the Applicant's Supplemental Material
5. Applicant's Supplemental Application Material

This material augments the Staff Report distributed on May 5, 2022.

**SUPPLEMENTAL PLANNING COMMISSION STAFF REPORT**  
Crestview Green – Conditional Use Permit/Planned Unit  
Development – CUP22-0001/PUD/22-0001

**FILE NO:** CUP22-0001/PUD22-0001

**REQUEST:** Development of a 111-lot subdivision consisting of 14 detached single-family homes, 96 townhouses, and a 24-unit apartment building

**LOCATION:** 4813 & 4821 E Portland Road (OR 99W and NE Benjamin Road)

**TAX LOT:** R3216 01000 and R3216 00900

**APPLICANT:** 3J Consulting – Mercedes Serra

**OWNER:** Bruce & Valerie Thomas and Danna Kemp

**ZONE:** R-1 (Low Density Residential), R-2 (Medium Density Residential), C-2 (General Commercial)

**OVERLAY:** Airport Overlay (Airport Conical Surface), Bypass Interchange Overlay (BI), Stream Corridor Overlay

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## CONTENTS

Section I: Application Information  
Section II: Exhibit A Findings  
Section III: Exhibit B Conditions

### Attachments:

1. Application Material and Supplemental Material
2. Agency Comments
3. Public Comments and Supplemental Comments
4. Five Party Agreement
5. Newberg Urban Area Management Commission (NUAMC) Resolution No. 2006-18
6. City Council Order No. 2007-001
7. Order 2008-0014
8. Ordinance 2008-2701
9. Order 2008-0015
10. Ordinance 2008-2702

## A. PUBLIC COMMENTS:

Charles McClure

“We request that we be able to participate further by way of hearings on the Benjamin Road and buffer issues. We need the chance to comment and input further our concerns as the decisions are being made, and not just be presented with a fait accompli at the end. We ask that a provision to this effect be one of the conditions to final approval of the project.”

Vicki Shepherd and the attached neighbors' signatures (Summary):

Residents of Benjamin Road and surrounding access roads are requesting the Planning Commission to seriously consider closing Benjamin Road where it intersects with Highway 99W. They note that NE Benjamin Road at Highway 99W is an extremely dangerous intersection. The full comments and petition are included in Attachment 3.

David Wall (Summary):

Mr. Wall raises two main arguments:

1. NE Benjamin Road is very dangerous at any speed especially, at either end where it narrows to winding curves.
2. Police enforcement of traffic regulations on NE Benjamin Road is not a priority and is virtually non-existent. On the 'straight-away' vehicle speeds routinely top estimated 60 -70 (or higher) mph.

He further identifies four safety related issues:

1. Vehicles traveling southbound on 99W slowing to turn into the farm stand.
2. There is no separate right-turn lane from 99W to NE Benjamin Road.
3. E Jory Street and E Willakenzie Street connecting to NE Benjamin Road will create left-turn safety hazards.
4. Egress from NE Benjamin Road onto HWY 99 creates a safety issue.

Mr. Wall concludes that “NE Benjamin Road should be 'completely' closed by HWY 99 and 'No Access' by 'The Development' to ensure the Public's safety.” The full comments are included in Attachment 3.

Jessica Potter requests to keep Benjamin Road open to 99W.

Christian DeBenedetti (Summary):

Negative impacts on historic farm and farmhouse brewery. Petition to extend the public comment period. Hardship from closure of Benjamin Road to neighbors and business. Eliminate



left turns out of Benjamin Road. Jory Road should not be extended. Environmental concerns from the development. The full comments and petition are included in Attachment 3.

Brian Barker (Summary):

Closing of Benjamin Road will create an undue hardship for the Wolves & People business. Request to reconsider closing the roadway.

**Section II: Findings – File CUP22-0001**  
**Conditional Use Permit – Crestview Green**

*15.225.100 Conditional use permit must be exercised to be effective.*

*A. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:*

- 1. The land use designation of the property has not been changed since the initial use permit approval; and*
- 2. The applicable standards in this code which applied to the project have not changed.*

*B. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit.*

**Finding:** The Applicant submitted a Phasing Plan for the proposed development but did not provide any timeframes for development of the three proposed phases. As a supplement the Applicant submitted a timeline on when the various phases would be constructed. Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025. NMC 15.225.080 L. Time period within which the proposed use shall be developed can be imposed as a condition. The Planning Commission finds the proposed timeline reasonable for construction of the townhouses and apartment building in the C-2 zone. Approval of the townhouses and apartment building in the C-2 zone shall adhere to the following phasing timeline, Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025.

### **Section III: Findings – File PUD22-0001 Planned Unit Development – Crestview Green**

Add finding on Stream corridor – grading, tree removal, etc.

#### ***15.240.020 General provisions.***

***C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.***

**Finding:** The original application proposed a two-phase development. On April 22, 2002, a revised Phasing Plan was submitted. The revised Phasing Plan identifies 3 Phases. Phase 1 consist of E Portland Road frontage improvements, seven (7) detached single family homes, fifty-six (56) townhouses, extension of E Willakenzie Street to the east edge of Phase 1, extension of E Jory Street to the to the east edge of Phase 1, Private Streets A & B, and construction of the water quality facility (Attachment 1).

Phase 2 consists of seven (7) detached single family homes, forty (40) townhouses, extension of E Willakenzie Street to NE Benjamin Road, extension of E Jory Street to NE Benjamin Road, Private Street C & D, and improvements to NE Benjamin Road along the development frontage (Attachment 1).

Phase 3 consist of the 24-unit multi-family building and associated site improvements (Attachment 1).

The Applicant through a Supplemental submittal provided a timeline on when the various phases would be constructed. Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025. The Planning Commission finds the proposed timeline reasonable for construction of the townhouses and apartment building for Crestview Green. Approval of the townhouses and apartment building for Crestview Green shall adhere to the following phasing timeline, Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025.

***O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.***

**Finding:** The Applicant has submitted a Tree Removal Plan, Sheet C110, that indicates three are 186 trees inventoried and that 170 of the trees will be removed, 16 trees will remain which are along the north property line where the sound wall will be located and discussed previously in this report.

A Grading Plan, Sheet indicates the development area will receive extensive grading. The site will be terraced from west to east. Between Private Street A and B the grading will require a wall between E Willakenzie and E Jory that will have a maximum height of 4.9 feet. Between Private Street B and C grading will require a wall Lots 58-63 and 72-22 with a maximum height of 2.3 feet. Between Private Street C and D another wall is proposed with a maximum height of 6.5 feet. Finally, the water quality facility between Private Street D and NE Benjamin Road will be a depression area to accommodate the facility.

The proposed grading encroaches into the Stream Corridor and identifies removal of trees within the Stream Corridor. Newberg Urban Area Management Commission (NUAMC) Resolution No. 2006-18 and City Council Order No. 2007-001, Condition 3 states “Amend the comprehensive plan to Include a SC (Stream Corridor) overlay on the northeast corner of the site. The SC delineation shall be at the top of bank or 50 feet from the wetland, whichever is greater.” Order 2008-0015 Condition 3.F. states “The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater.” These conditions establish the location of the Stream Corridor. On May 6, 2022, the City received confirmation from the Department of State Lands on the submitted wetland delineation report confirming the location of the wetland area at the northeast corner of the site. The Stream Corridor impacts Lot 14 and Tract B.

The City has regulations for the Stream Corridor in Chapter 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT. No Stream Corridor application has been submitted for potential impacts for grading and tree removal within the Stream Corridor. Staff would also note the proposed sound wall encroaches into the Stream Corridor.

NMC 15.342.020 Where these regulations apply.

A. New structures, additions, accessory structures, decks, addition of concrete or other impervious surfaces;

B. Any action requiring a development permit by this code;

C. Changing of topography by filling or grading;

D. Installation or expansion of utilities including but not limited to phone, cable TV, electrical, wastewater, storm drain, water or other utilities;

E. Installation of pathways, bridges, or other physical improvements which alter the lands within the stream corridor overlay subdistrict.

Because the application identifies impacts to the Stream Corridor the Applicant has two options to address site modifications within the Stream Corridor. Option 1 is to revise the proposal to remove any grading activities, tree removal, and placement of the sound wall within the Stream Corridor. Option 2 is to submit a Type II application for modifications within the Stream Corridor as part of the CUP and PUD application for review and consideration.

Due to the extensive site grading outside of the Stream Corridor preserving site natural features is difficult with proposed grades, and to make the wastewater system functional.

***15.240.030 Preliminary plan consideration – Step one.***

***C. Type III Review and Decision Criteria. Preliminary plan consideration shall be reviewed through the Type III procedure. Decisions shall include review and recognition of the potential impact of the entire development, and preliminary approval shall include written affirmative findings that:***

***2. The proposed development’s general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and***

**Finding:** This PUD request is to allow residential development (detached single-family, townhouses, and multifamily apartment building) within the R-1, R-2, and C-2 portion of the proposed Crestview Green Planned Unit Development (PUD). The proposal is within the Newberg Urban Growth Boundary on the very eastern edge of the city limits north of E Portland Rad and east of NE Benjamin Road. Oxberg Lakes Estates subdivision is located to the north in unincorporated Yamhill County with lot sizes of 1 acre and larger. To the east is Springbrook Farm across NE Benjamin Road. To the south across E Portland Road is rural residential development on varying lot or parcel sizes.

The overall development area is 10.4 acres. Along the northern property line, the applicant has proposed 14 larger lots ranging from 5,429 square feet to 6,485 square feet as a buffer to the Oxberg Lake Estates subdivision. In compliance with a condition listed in Orders No. 2007-001, 2008-0014 and 2008-0015, development plan sheets C151 and C152 shows a 30-foot setback from the northern property line.

To the west is Crestview Crossing Planned Unit Development (PUD) with lots ranging in size from 1,474 square feet to 8,176 square feet. The applicant has proposed smaller lots in the R-2 portion of the development ranging from 1,330 square feet to 2,869 square feet for the proposed townhouses between E Willakenzie Street and E Jory Street. There will be a 24-unit apartment

building at the southwest corner of the development area that will abut an apartment development approved as part of the Crestview Crossing PUD.

The design of the development incorporates extending two streets E Willakenzie Street and E Jory Street. There are four north/south private streets that connect to E Willakenzie Street and E Jory Street that will service the townhouses. The proposed townhouses will be three-story in height (35 feet). The apartment building is located south of E Jory Street and the building will also be 35 feet in height. The bulk, scale, lot coverage and density within the C-2 district will be similar to and compatible with the Crestview Crossing PUD. The design of the residential units are similar to those approved for Crestview Crossing PUD, with the difference being the units will be attached rather than detached. The apartment building will be of similar design concept to the apartment building in Crestview Crossing.

In regard to the location and distribution of recreation space there is none proposed within the development area. As noted under O. Site Modifications in this report there is a Stream Corridor that overlays a portion of Lot 14 and Tract B. A public park, Spring Meadow Park, is located to the west at the corner of E Portland Road and Vittoria Way which is approximately 1,500 feet from the development site.

The detached single-family homes north of E Willakanzie Street will be required to have two off-street parking spaces. The townhouses are required to provide a minimum of one parking space. The multi-family development is required to provide 40 parking spaces.

Access to the development will be provided by the three public streets that will have sidewalks. A pedestrian access is also provided from the multi-family development to E Portland Road.

As part of Order No. 2008-0014, a sound wall will be constructed along the north property line of the development in the R-1 district (R3216 01000) to mitigate site and sound from the proposed Crestview Green PUD. In Order No. 2008-0014, Attachment 8, a condition of approval stated "Upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent properties to the west." The applicant did not illustrate or provide a detail of a wall within their development plan set. Additionally, their narrative did not address the wall. Sheet C200 indicates that a sound wall will be constructed along the north property line of Tax Lot 1000 and 900. The wall is proposed to be jogged around a row of trees along the north property line associated with Lots 3-9. As staff understands the wall location is a compromise location with the tax lot to the north (R3216AA 01600). Because Order No. 2008-0014, applies to Tax Lot 1000 and stated upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent (Crestview Crossing development) property to the west. Conditions of approval addressing the sound wall along the

northern boundary of the applicants' properties are addressed in other sections of this staff report. A segment of the sound wall on Tax Lot 900 encroaches into the Stream Corridor on lot 14. A prior condition requires the wall to not encroach within the Stream Corridor.

Order No. 2007-001 and 2008-0014 required that a 20-foot-wide dense buffer will be required along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm. No 20-foot buffer has been proposed in the submitted PUD application material. Because a 20-foot buffer has not been identified along the commercial (C-2) frontage of NE Benjamin Road, the applicant shall provide a 20-foot-wide dense buffer along the NE Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm. A revised drawing identifying the buffer and type of improvements shall be submitted prior to Step 2 of the PUD process and submittal of Final Plans for compliance with Orders No. 2007-001 and 2008-0014.

Order No. 2007-001 and Order N. 2008-0015 had conditions that "The SC (stream corridor) overlay on the NE corner of the site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater." Staff review indicates that the wetland has been delineated at the northeast corner adjacent to the development site, but a 50-foot buffer has not been identified from the wetland or at the top of bank, whichever is greater. Staff analysis indicates the buffer would impact Lot 14 and Tract B. Because the wetland buffer has not been identified, the applicant shall identify the Stream Corridor (stream corridor) overlay at the NE corner of the abutting site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

The operating characteristics will be similar to the Crestview Crossing development to the west. A Homeowners Association will be established to maintain common areas and the private streets in the Crestview Green PUD.

Public facilities will be extended to the development to provide water, wastewater, stormwater and transportation. Phase 1 of the development will be served by gravity wastewater lines. Phase 2 will be served by a new wastewater lift station. Phase 3 will be served by gravity water lines. A stormwater facility will be constructed adjacent to NE Benjamin Road to serve and treat the runoff from the new public and private streets as well as the homes and apartment development before being discharged into the public storm system. As proposed by the applicant NE Benjamin Road would be disconnected from E Portland Road and NE Benjamin would connect with E Jory Street. E Jory Street connects to E Crestview Drive and the traffic signal at E Portland Road and E Crestview Drive. E Willakenzie Street will also connect to NE Benjamin Road.

Overall the proposed Crestview Green development and that portion requesting Conditional Permit approval for residential development within the C-2 district based on location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

These criteria will be met with the adherence to the aforementioned conditions of approval.

***5. Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and***

**Finding:** As noted previously the site will see extensive grading to accommodate the proposed improvements and will remove of 170 inventoried trees. This grading will accommodate the required transportation system improvements, create the required stormwater improvements and water quality facility. The wetland located at the northwest corner of the site has been reserved through a lot line adjustment and is part of an abutting tax lot (R3216AA 01600). A Stream Corridor overlays a portion of Lot 14 and Tract B. Conditions have been imposed to address the Stream Corridor issue earlier in this report. A condition is imposed to comply with erosion control measures through obtaining a DEQ 1200C permit. There are no flood hazard issues on the proposed development site.

This criterion is met.

***15.420.010 Required minimum standards.***

***A. Private and Shared Outdoor Recreation Areas in Residential Developments.***

***2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any multifamily residential development, as follows:***

***a. One- or two-bedroom units: 200 square feet per unit.***

***b. Three- or more bedroom units: 300 square feet per unit.***

***c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.***



**Finding:** Through a Supplemental submittal, calculations have been provided on the Individual and Shared Areas for the multifamily development. There are 12 one-bedroom units and 12 two-bedroom units. This requires 4,800 square feet of Individual and Shared Areas. The Applicant indicates that each unit will have a balcony that is 50 square feet totaling 1,200 square feet of open space. The remaining 3,600 square feet is provided as landscape areas on the multifamily site. The Applicant indicates the open spaces area will have amenities of paths, seating areas, lawn areas and landscape garden areas. Plans are being revised to show the stated improvements. The Applicant shall provide drawings for the apartments to show compliance with 15.420.010(A)(2) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

**Exhibit “B” to Planning Commission Order 2022-06  
Conditions – File CUP22-0001/PUD22-0001  
Crestview Green**

- A. The applicant must complete the following prior to final plat approval.**
1. **Substantially Complete the Construction Improvements:** In accordance with NDC 15.240.040, submit the final plan application. Prior to final plan approval for a given phase, the applicant must substantially complete the construction improvements and secure for them in accordance with city policy. Complete construction and call for a walk-through inspection with the Engineering Division (503-537-1273).
  2. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
  3. **Conditional Use Permit Conditions:**
    - a. To ensure that conformance is met with the Newberg Municipal Code (NMC) and Title 15 Development Code the applicant shall comply with all conditions of approval relevant to the residential development in the C-2 district in the conditions of approve for PUD22-0001.
    - b. The applicant shall carry out construction, site development, and landscaping in substantial accord with the plans, drawings, conditions, sketches, and other documents approved as part of a final decision on CUP22-001 and PUD22-0001 for development within the C-2 district.
    - c. Approval of the townhouses and apartment building in the C-2 zone shall adhere to the following phasing timeline, Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025.
  4. **Planned Unit Development Conditions:**
    - a. Phasing
      1. Approval of the townhouses and apartment building for Crestview Green shall adhere to the following phasing timeline, Phase 1 – Constructed Summer 2023. Phase 2 – Constructed Summer 2024. Phase 3 – Constructed Summer 2025.
    - b. Modifications
      1. The minimum lot size allowed in the R-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.

2. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.
3. The minimum lot size allowed in the C-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.
4. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the C-2 district.
5. The minimum interior yard setback for townhouses in the C-2 district is zero feet between the C-2 and R2 districts as represented in the preliminary tentative plat drawings C151-C154.

c. Lot Coverage

1. At the time of submittal of building permits the lot coverage of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.405.040.
2. At the time of submittal of building permit the lot coverage of lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.
3. At the time of submittal of building permit the lot coverage of lots 23-29, 36-43, 50-57, 64-71, 78-85, 92-99, 105-111 in the C-2 district shall be verified to be in compliance with lot coverage requirements of NMC 15.405.040 for the R-2 district.

d. Building Height

1. At the time of submittal of building permits the building height of all structures shall be verified to be in compliance with NMC 15.415.020.

e. Dedication, Improvement and Maintenance of Public Thoroughfares

1. The Applicant shall follow City Engineer requirements for sidewalks along both sides of private streets to be a 5-foot-wide ADA accessible surface matching the applicant's cross-sectional detail on sheet C210 of the preliminary plans. The applicant's construction plans are required to satisfy requirements of the fire marshal.
2. The Planning Commission approves the private streets subject to the Declarant work with the Community Development Director to revise the draft Declaration of Protective Covenants, Conditions, Restriction and

Easements for Crestview Green prior to Step 2 of the PUD process and submittal of Final Plans for compliance with 15.240.020(L)(2).

3. The Crestview Green Homeowners Association shall provide and annual report that meets the requirements of NMC 15.240.020.L.2.b. to the Newberg Community Development Direction each year on the anniversary date of the final approval for each phase of the PUD approval.
4. The applicant is required to provide 10-foot public utility easements on public and private street frontages. Public utility easements shall not be collocated/overlapped (running parallel) with public infrastructure easements on private streets i.e. storm, sewer, water, or non-potable water lines.
5. At the time of submittal of building permits the lot coverage of lots in the R-1 district and lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.

f. Usable Outdoor Living Area

1. Prior to Step 2 in the PUD process the applicant shall provide documentation and calculations that outdoor living areas equal at least 10 percent of the gross floor area of each unit for review and approval in compliance with NMC 15.240.020(N).

g. Site Modification

1. The Applicant has two options to address site modifications within the Stream Corridor. Option 1 is to revise the proposal to remove any grading activities, tree removal, and placement of the sound wall within the Stream Corridor. Option 2 is to submit a Type II application for modifications within the Stream Corridor as part of the CUP and PUD application for review and consideration.

h. Preliminary Plan Consideration – Step one

1. The Applicant shall provide a 20-foot-wide dense buffer along the NE Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm. A revised drawing identifying the buffer and type of improvements shall be submitted prior to Step 2 of the PUD process and submittal of Final Plans for compliance with Orders No. 2007-001 and 2008-0014.

2. The Applicant shall identify the Stream Corridor (stream corridor) overlay at the NE corner of the abutting site shall be delineated at the top of bank or 50 feet from the wetland, whichever is greater prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
- i. Additional requirements for multifamily residential projects
    1. Prior to Step 2 of the PUD process and submittal of Final Plans for compliance revised and before submittal of building permits, detailed building drawings for the multi-family building shall be submitted for review for conformance with 15.220.060(B).
  - j. Lot Requirements
    1. The minimum lot size allowed in the R-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.
    2. The minimum lot size allowed in the C-2 district for townhouses is 1,330 square feet with an average minimum lot size within this district of 1,605 square feet as represented in the preliminary tentative plat drawings C151-C154.
    3. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.
    4. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the C-2 district.
    5. The applicants request to reduce the lot frontage is approved to be a minimum of 19 feet per standards of NMC 15.405.030(D)(2)(a) and NMC 15.415.050(B)(5)(a)(ii) in the R-2 district.
    6. At the time of submittal of building permits the lot coverage of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.405.040.
    7. At the time of submittal of building permits the lot coverage of lots 16-22, 30-36, 44-50, 58-64, 72-78, 86-92, an 100-105 in the R-2 district shall be verified to be in compliance with NMC 15.405.040.
    8. At the time of submittal of building permits the lot coverage of lots in the R-1 district and lots 16-22, 30-36, 44-50, 58-64, 72-78, 86-92, an 100-105

in the R-2 district shall be verified to be in compliance with NMC 15.405.040.

9. At the time of submittal of building permits the lot coverage of lots 23-29, 36-43, 50-57, 64-71, 78-85, 92-99, 105-111 in the C-2 district shall be verified to be in compliance with lot coverage requirements of NMC 15.405.040 for the R-2 district.

k. Yard Setback Requirements

1. At the time of submittal of building permits the front yard setback of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.410.020.
2. At the time of submittal of building permits the front yard setback of lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.410.020.
3. At the time of submittal of building permits the garage setback of lots 1 – 14 in the R-1 district shall be verified to be in compliance with NMC 15.410.020.
4. At the time of submittal of building permits the garage setback of lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.410.020.
5. At the time of submittal of building permits the front yard setback of lots 23-29, 36-43, 50-57, 64-71, 78-85, 92-99, 105-111 in the C-2 district shall be verified to be in compliance with setback requirements of NMC 15.410.020 for the R-2 district.
6. At the time of submittal of building permits the interior yard setbacks of lots 16-22, 30-35, 44-49, 58-63, 72-77, 86-91, an 100-104 in the R-2 district shall be verified to be in compliance with NMC 15.410.030 district shall be verified to be in compliance with NMC 15.410.030.
7. The minimum interior yard setback for townhouses in the C-2 district is zero feet between the C-2 and R2 districts as represented in the preliminary tentative plat drawings C151-C154.
8. The Applicant shall provide vision clearance triangles for all intersecting street and private streets in conformance with 15.410.060(A) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
9. The Applicant shall provide vision clearance triangles for all intersecting private drives and public streets in conformance with 15.410.060(B) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
10. The Applicant shall provide vision clearance triangles and confirm compliance with 15.410.060(C) prior to Step 2 of the PUD process and

submittal of Final Plans for compliance.

11. The Applicant shall revise the height of the wall height to not exceed 6 feet in height to comply with 15.410.070(D) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
12. Chain link fencing proposed around the perimeter of the stormwater facility shall be manufactured of corrosion-proof materials of at least 11-1/2 gauge.

1. Building and Site Design Standards

1. At the time of submittal of building permits the building height of all structures shall be verified to be in compliance with NMC 15.415.020.
2. If there are any building height exemptions necessary the buildings shall comply with NMC 15.415.030.
3. The Applicant shall provide floor plans for the townhouses to show compliance with 15.415.050(B)(2)(a) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
4. prior to Step 2 of the PUD process and submittal of Final Plans for compliance the Applicant will comply with 15.415.050(B)(2)(b)(iv).
5. The Applicant shall provide floor plans for the townhouses to show compliance with 15.415.050(B)(3) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
6. The Applicant shall provide drawings for the townhouses to show compliance with 15.415.050(B)(4) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

m. Landscaping and Outdoor Areas

1. The Applicant shall provide drawings for the townhouses to show compliance with 15.420.010(A)(1) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
2. The Applicant shall provide drawings for the apartments to show compliance with 15.420.010(A)(2) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
3. The Applicant shall provide revised landscape drawings for the multifamily development that identifies trees between the parking lot and the right-of-way along E Jory Street and E Portland Road in compliance with 15.420.010(B)(3)(c) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
4. The Applicant shall provide revised landscape drawings for the multifamily development that identifies two additional parking lot shade

trees, columnar species) in the north side of the parking lot facing E Jory Street in compliance with 15.420.010(B)(3)(h) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.

5. The Applicant shall provide revised landscape drawings that identifies a street tree north of the intersection NE Benjamin Road and E Willakenzie in compliance with 15.420.010(B)(4)(b) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
6. The Applicant shall work with staff to identify locations for street trees along the private streets prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
7. The Applicant shall provide revised landscape drawings with a notation that an automatic, underground irrigation system shall be provided for all areas required to be planted in compliance with 15.420.010(B)(5) prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
8. The Applicant shall continuously maintain all landscape areas in accordance with NMC 15.420.010(B)(6).

n. Exterior Light

1. The Applicant shall provide revised Photometric plans in compliance with 15.425.030 on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
2. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(A)(1) on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
3. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(A)(2) on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
4. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(A)(3) on the type of lighting proposed for the multifamily development site such as height of the light poles, type of lighting, type of wall lighting, etc. prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
5. The Applicant shall provide revised Photometric plans in compliance with 15.425.040(B) on the type of lighting shielding proposed for the multifamily development prior to Step 2 of the PUD process and submittal of Final Plans for compliance.



- o. Signs
  - 1. Separate sign review applications will be required in order to approve signs.
  
- p. Off-street Parking, Bicycle Parking, and Private Walkways
  - 1. To meet the parking requirements the Applicant shall identify either adding 5 additional spaces on site or 5 spaces on E Jory Street and revise the parking plan accordingly and submit the information prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
  - 2. The Applicant shall provide the type of bike rack and the size of the bike spaces in conformance with 15.440.110 prior to Step 2 of the PUD process and submittal of Final Plans for compliance.
  
- q. Public Improvements
  - 1. Water
    - i. Fire flow test results need to be submitted with building permit applications to be reviewed by the Fire Marshall for approval.
    - ii. Final plans that address requirements for water services outlined in the Public Works Design and Construction Standards are required to be submitted with the permit applications. Utility designs and alignments will be reviewed as part of the Public Improvement Permit.
  - 2. Permits
    - i. Required public improvement permit(s) for this project must be submitted, approved and issued prior to any construction for water, wastewater, storm or street improvements. Required public improvements are to be completed prior to building permits being issued.
  - 3. Transportation
    - i. The Applicant will be required to dedicate right-of-way along the NE Benjamin Road frontage sufficient for construction of the required frontage improvements.
    - ii. Final plans showing a three-quarter street improvement for NE Benjamin Road will be required as part of the public works improvement permit. A minimum of 28-feet of pavement width is

needed along the NE Benjamin Road frontage to achieve the required three-quarter street improvement. Improvements along the NE Benjamin Road frontage are also to include curb and gutter, a minimum 5.5-foot-wide planter strip, a minimum 5-foot-wide sidewalk and a minimum of 1-foot between the back of sidewalk and the right-of-way.

- iii. Improvements along the OR 99W frontage consisting of a 6-foot-wide bike lane, curb and gutter, a minimum 5.5-foot-wide planter strip and minimum 6-foot-wide sidewalk are required and will require ODOT permitting and approval. The Applicant is to apply for, and obtain, ODOT permit(s) prior to applying for the City of Newberg public improvement permit.
- iv. Final plans showing a three-quarter street improvement with a minimum of 28-feet of pavement width along the NE Benjamin Road frontage will be required with the public works improvement permit application.
- v. Final plans for E Jory Street showing the 12-foot travel lanes with sharrows are to be submitted with the public works permit application.
- vi. The final designs for E Willakenzie and E Jory Streets will need to comply with City of Newberg Public Works Design and Construction Standards.
- vii. E Jory Street, a minor collector, is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter, 0.5-foot curb, 8-foot parking lane, 12-foot travel lane with sharrow, 12-foot travel lane with sharrow, 8-foot parking lane, 0.5-foot curb, 5.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The applicant is required to dedicate sufficient right-of-way (minimum of 64-feet) to construct E Jory Street.
- viii. E Willakenzie Street, a local street, is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter, 0.5-foot curb, 7-foot parking lane, 9-foot travel lane, 9-foot travel lane, 7-foot parking lane, 0.5-foot curb, 5.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The Applicant is required to dedicate sufficient right-of-way (minimum of 56-feet) to construct E Willakenzie Street.
- ix. The Applicant will be required to obtain a Public Improvement Permit and meet the City's Transportation System Plan and Public Works Design and Construction Standards for the proposed roadway improvements. The final design of all roads within the PUD will be reviewed and approved as part of the Public

#### Improvement Permit.

- x. The Applicant will be required to obtain permit approval from Yamhill County for the NE Benjamin frontage improvements prior to the City of Newberg issuing a public improvement permit.
- xi. The Applicant will be required to coordinate with Yamhill County and ODOT regarding the proposed closure of NE Benjamin Road, including any additional analysis to determine the intersection control type and the need for deceleration lanes and/or storage related to a right-in only access from Highway 99W at NE Benjamin Road. Including meeting intersection spacing requirements. If a right-in only access from Highway 99W at NE Benjamin Road is required to be evaluated during the Yamhill County permit approval process, the Applicant will be required to obtain permit approval, or denial, from ODOT prior to the City of Newberg issuing a public improvement permit.
- xii. The applicant is required to install street name signs at all intersections within the development including those intersections with private streets.
- xiii. The Applicant will need to submit revised plans that include the 20-foot-wide dense buffer along the NE Benjamin Road frontage required by Order No. 2008-0015 for annexation of Yamhill County Tax Lot 3216-900. Revised plans for street construction will need to accommodate the required 20-foot-wide dense buffer and meet intersection spacing and sight distance requirements.
- xiv. For compliance with NMC Table 15.505.R. Access Spacing Standards, driveways for lots along the private streets within 100-feet of the curb line of E Jory Street, a minor collector, are to be located as far as possible from the intersection with E Jory Street.
- xv. Access shall be taken from the street with the lesser functional classification, and private streets are designated as having the lowest functional classification.
- xvi. To minimize conflict points, driveways for the multi-family portion are to be aligned as close as possible with private street intersections on the opposite side of E Jory Street.
- xvii. Final plans shall be submitted with the public improvement permit application showing via a lighting analysis that street lighting, including along the OR 99W frontage and the NE Benjamin Road frontage, meets City standards or provide additional Option A street lighting that is compliant with the City's Public Works Design and Construction Standards. Street lighting analysis is to extend to the center line of the NE Benjamin Road frontage.

#### 4. Easements:

- i. The Applicant will be required to submit construction plans that include necessary utility easements meeting the specifications and standards of the City's Public Works Design and Construction Standards, but not necessarily limited to:
  - 10-foot-wide public utility easement along all public and private street frontages.
  - 15-foot utility easements along all public stormwater, sewer, water, and non-potable water lines where not located within public roadway right-of-way.
- ii. Public access easements for any private streets that are required to be used to access public infrastructure.
- iii. Public access easements for all private walkaways within the PUD.

5. Wastewater:

- i. The Applicant is required to abandon or remove the existing septic systems in accordance with Yamhill County Standards. The Applicant will need to provide a certification from Yamhill County of the septic system abandonment/removal.
- ii. Final plans that address requirements for wastewater service outlined in the City of Newberg Public Works Design and Construction Standards as well as the City of Newberg Wastewater Pump Station and Force Main Design Specifications will be required with the public improvement permit application. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Sizing and design elements of the wastewater system, including for the proposed wastewater lift stations will have to be to the satisfaction of the City Engineer.
- iii. The Applicant is required to provide revised plans as part of the public improvement permit process that demonstrate that any land intended to be dedicated to the City of Newberg does not contain any wetlands, wetland buffers, stream corridor overlays or other similar encumbrances such as the dense buffer described in conditions of approval for Order No. 2008-0015.
- iv. As part of the permit plan review process the Applicant will be required to provide an updated wastewater analysis report for the proposed lift station. The wastewater analysis report is to address recommendations for the Providence Lift Station described in section 6.2.3 of the current City of Newberg Wastewater Master Plan and to demonstrate to the satisfaction of the City Engineer that the proposed lift station located within the project site will

serve the areas intended to be served by the Providence Lift Station.

6. Stormwater:
  - i. The Applicant will need to submit a final stormwater report and construction plans meeting the City's Public Works Design and Construction Standards in accordance with NMC 13.25 Stormwater Management as part of the public improvement permit process. The plans and final stormwater report will be completely reviewed at that time. The final stormwater report analysis is to include the upstream basins north of the site described in the preliminary report as not included in that report.
  - ii. The Applicant will be required to obtain a DEQ 1200 C Erosion Control Permit prior to any ground disturbing activity or issuance of a grading or public improvement permit.
  - iii. The Applicant will be required to submit construction plans to include the following:
    - Permanent maintenance access via a paved road shall extend to within 10 feet of the center of all private stormwater structures for vector truck access. Turn templates for maintenance vehicles accessing stormwater facilities shall be provided to verify that adequate site access exists.
    - Sumped stormwater structures upstream and downstream of the stormwater detention pond.
    - All stormwater mains are required to cross streets at right angles perpendicular to the street.
  - iv. The Applicant is required to obtain a Public Improvement Permit to install the stormwater system improvements. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Stormwater treatment facilities that treat stormwater runoff from both public and private streets and walkways are to be privately owned and maintained facilities.

**B. Lapse of Approval.** If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of

a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

**C. Final Plat Application Materials:**

1. Type I application form (found either at City Hall or on the website – [www.newbergoregon.gov](http://www.newbergoregon.gov) in the Planning Forms section) with the appropriate fees.
2. Compliance with requirements of NMC 15.240.040 Final plan consideration – Step Two.
3. Two preliminary paper copies of the plat are acceptable for review at the time of final plat application.
4. Write response to any conditions of approval assigned to the land division.
5. A title report for the property, current within six months of the final plat application date.
6. Copies of any required dedications, easements, or other documents.
7. Copies of all homeowner’s agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner’s association, including but not limited to a draft homeowner’s association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
8. Copies of any required maintenance agreements for common property.
9. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.
10. Any other item required by the city to meet the conditions of approval assigned to the land division.

- D. Final Mylar Copies of the Plat:** Submit final mylar copies of the corrected final plat (after red-line corrections have been made).
1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval.
- E. Required Signatures:** According to NDC 15.235.180, approval of a final plat must be acknowledged and signed by the following:
- a. Community Development Director
  - b. The County Assessor
  - c. The County Surveyor
  - d. The City Recorder
- F. Recording:** Deliver the approved plat to the office of the County Clerk for recording. The County Clerk's office is located at 414 NE Evans St, McMinnville, OR 97128.
- G. Copy returned to the City:** Return an electronic copy of the recorded plat to the Director to complete the plat process. The land division will not be considered final until the copy is returned to the Director. No permits will be issued for any development on the property after the plat is signed until the copy is returned.
- H. Development Notes:**
1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
  2. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
  3. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Division, Frontier, at 541-269-3375.
  4. **Comcast:** The developer must coordinate trench/conduit requirements with

Comcast. 971-777-0933.

5. **Tualatin Valley Fire & Rescue:** The developer shall coordinate with TVF&R on requirements noted in Attachment 2.
6. **Addresses:** The Planning Division will assign addresses for the new lots. Planning Division staff will send out notice of the new addresses after they receive a mylar copy of the recorded final plat.



## **Attachment 1: Supplemental Application Material**

# MEMORANDUM

April 28, 2022

Project #: 26677

To: Doug Rux, City of Newberg, OR  
414 E First St  
Newberg, OR 97132

CC: Carrie Martin, ODOT Rail

From: Zachary Bugg, PhD, Matt Hughart, and Diego Arguea, PE

**RE: City of Newberg Community Development Land Use Application Referral – Crestview Green**

---

This memorandum was prepared in response to comments received from ODOT Rail on the Crestview Green residential development transportation impact analysis (TIA), dated January 2022. The following provides an overview of the estimated increase in weekday daily and peak hour volume at the existing at-grade rail crossing of NE Benjamin Road at ODOT Rail Crossing No. P-751.00, USDOT 754149W as a result of the proposed development.

## Crossing Location

The at-grade rail crossing is located on NE Benjamin Road (approximately 1 mile from the proposed Crestview Green site) just to the east of N Springbrook Road in Newberg, Oregon. Passive warning devices, including crossbucks, are currently provided at the crossing, in addition to stop signs and stop bars in both directions.

## Existing Traffic Volume

While no AADT information was collected for NE Benjamin Road as part of the Crestview Green TIA, weekday AM and PM peak hour counts were collected at the immediately adjacent NE Benjamin Road/N Springbrook Road intersection. As shown in the figure below, the two-way peak hour (PM peak) volume on NE Benjamin Road on the east leg (at the rail crossing) was calculated as 104 vehicles per hour. Assuming a peak hour-to-daily volume ratio of 10%, this represents an estimated average daily traffic volumes of 1,040 vehicles at the crossing.

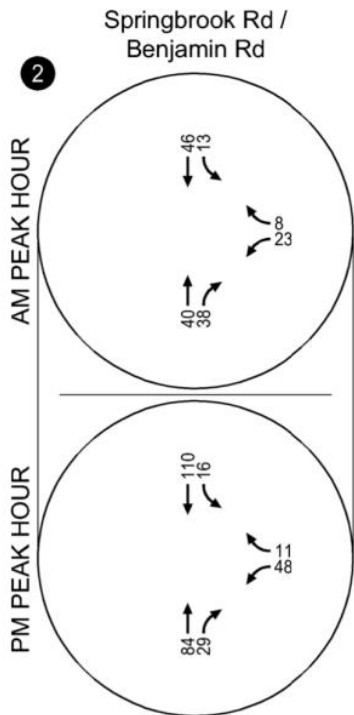


Figure 1. Existing Traffic Volumes

**Site-Generated Trips**

As documented in the Crestview Green TIA, it is expected that most trips associated with the proposed residential development will use the more-improved Crestview Drive Extension to access the Springbrook Road and Mountainview Drive corridors. However, as shown in the figure below, one trip in each direction during each peak hour was distributed to NE Benjamin Road to acknowledge some traffic may use NE Benjamin Road as a bypass of Newberg to reach N Springbrook Road. This represents approximately 2.5 percent of all peak hour trips. Under this same assumption, approximately 25 of the 1,010 weekday trips generated by Crestview Green would utilize NE Benjamin Road, increasing the estimated average daily traffic at the rail crossing to 1,065 vehicles.

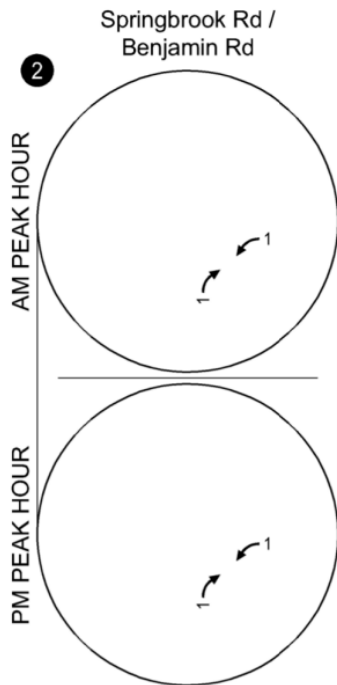


Figure 2. Site-Generated Trips

### Reassigned Trips from Crestview Crossing

The Crestview Crossing residential development has been approved by City of Newberg and ODOT and is currently under construction. The Crestview Green and Crestview Crossing developments will be connected by two east-west roadways, but the Crestview Crossing development is located much closer to the Crestview Drive Extension, which connects to N Springbrook Road toward the north—consequently, no traffic from Crestview Crossing was assumed to pass through Crestview Green and access NE Benjamin Road toward the north to reach N Springbrook Road across the rail crossing.

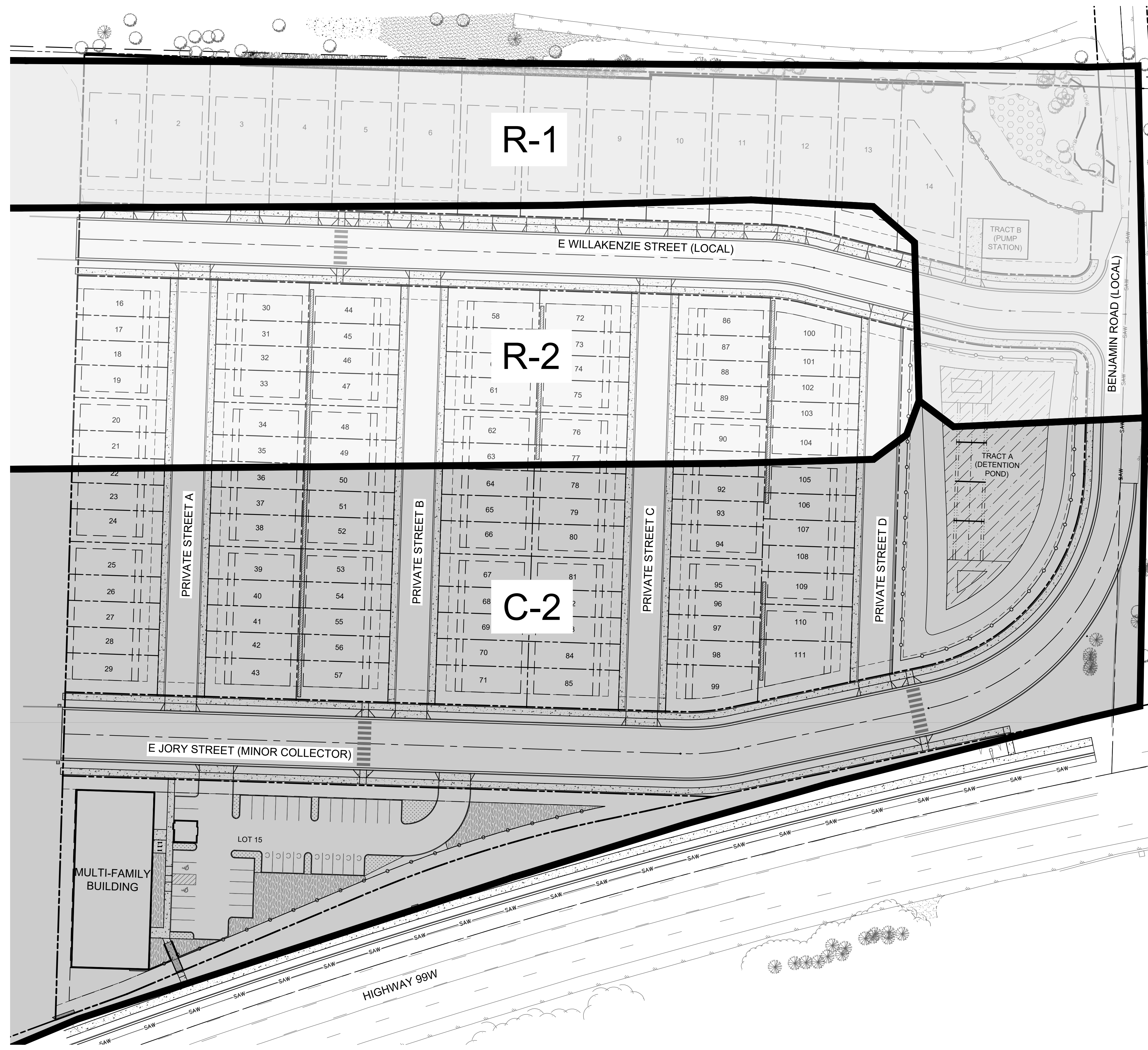
### Volume Thresholds for Rail Crossing Improvements

The *Highway-Rail Crossing Handbook*, produced by the Federal Highway Administration, provides various volume thresholds for improving crossings from passive to active warning devices based on area type (Reference 1). Specifically, the handbook notes that railroad flashers with gates may be appropriate if AADT exceeds 2,000 in urban areas or 500 in rural areas. While the crossing is located on the edge of the City of Newberg limits, it could be argued that the crossing is in an urban area as the surrounding area is becoming developed. The existing and projected AADTs (as a result of Crestview Green development) at the crossing are not estimated to exceed these thresholds, and furthermore, the increase in traffic from Crestview Green is projected to be minimal relative to existing AADT at the crossing. Therefore, no additional improvements are recommended as a result of Crestview Green.

### Reference

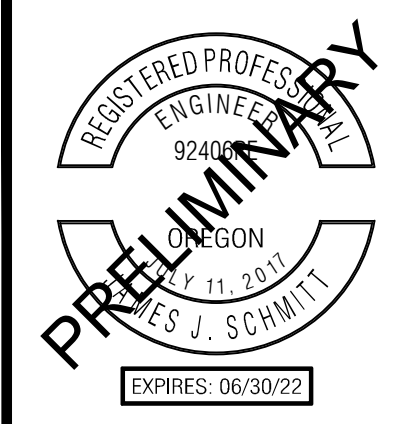
1. Ogden, B., and C. Cooper. *Highway-Rail Crossing Handbook, 3<sup>rd</sup> Edition*. Federal Highway Administration and Federal Railroad Administration: Washington, DC, 2019.

P:\21701-CRESTVIEW GREEN\CADD\21701- EXISTING ZONING MAP.DWG



- LEGEND**
- EXISTING WETLANDS
  - PROPOSED LOT LINE
  - PROPOSED RIGHT OF WAY
  - PROPOSED CENTERLINE
  - PROPOSED SETBACK LINE
  - PROPOSED CURB AND GUTTER
  - PROPOSED CONCRETE
  - PROPOSED BUILDING LINE
  - PROPOSED FENCE
  - PROPOSED MAJOR CONTOUR
  - PROPOSED MINOR CONTOUR
  - PROPOSED DETENTION POND
  - PROPOSED RETAINING WALL
  - PROPOSED SOUND WALL
  - PROPOSED SAWCUT LINE

ZONE	GROSS SIZE (ACRE)	DENSITY POINTS / GROSS ACRE	MAX. DENSITY POINTS ALLOWED
R-1	2.36	175	413
R-2	2.88	310	892.80
C-2	5.16	310	1599.60
<b>TOTAL</b>	<b>10.4</b>	<b>785</b>	<b>2905.40</b>



PUBLISH DATE  
**04/28/2022**

ISSUED FOR  
**LAND USE DOCUMENTS**

REVISIONS

**EXISTING ZONING MAP**  
**CRESTVIEW GREEN**  
**PLANNED UNIT DEVELOPMENT**  
 WESTWOOD HOMES LLC  
 NEWBERG, OR

**3J CONSULTING**

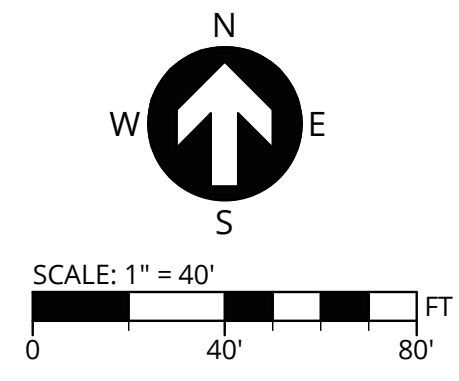
CIVIL ENGINEERING  
WATER RESOURCES  
COMMUNITY PLANNING

9600 SW NIMBUS AVE., SUITE 100, BEAVERTON, OR 97008

PROJECT INFORMATION

3J PROJECT # | 21701  
 TAX LOT(S) | 3S2W16 900, 1000  
 LAND USE # | TBD  
 DESIGNED BY | JMF, SRC, JGW  
 CHECKED BY | JJS

SHEET NUMBER  
**C202**



## Doug Rux

---

**From:** Aaron Murphy <aaron.murphy@3j-consulting.com>  
**Sent:** Monday, May 2, 2022 2:47 PM  
**To:** Mercedes Serra  
**Subject:** FW: WD2021-0706 Crestview Green Delineation Review Questions

FYI

**Aaron Murphy, PE | Senior Project Manager | 3J Consulting**  
he/him | O: 503.946.9365 x218 | C: 720.220.3915

\*\*\*\*I'll be out on vacation from Friday May 6<sup>th</sup> to May 13<sup>th</sup> . I'll be checking emails as time allows and will have cell phone service for urgent requests. \*\*\*\*

---

**From:** EVANS Daniel \* DSL <Daniel.EVANS@dsl.oregon.gov>  
**Sent:** Friday, April 29, 2022 8:39 AM  
**To:** Joe Thompson <jt@pacifichabitat.com>  
**Cc:** Todd Boyce <Todd@westwoodhomesllc.com>; Aaron Murphy <aaron.murphy@3j-consulting.com>  
**Subject:** RE: WD2021-0706 Crestview Green Delineation Review Questions

Thanks for the information Joe. My confusion with the southern boundary is that the LiDAR shows the tax lot boundary right to the edge of the highway fill, and with the hill shade, it "looked" like a ditch. Anyways, since its all surveyed, so I'm moving on from that line of questioning, as that takes care of it. Thanks for the other details, including what was meant by base survey.

When Lisa updated the tax lot boundary on the map, the north/south lot line between TL 900 and 1000 wasn't included. Assuming that everyone wants this out asap, I darkened that last line on the final map so it consistently stands out with the rest of the other tax lot line darkening Lisa did. Reach back out and send me a PHS updated version, if you feel the need. I'm proceeding with drafting the concurrence documents, having everything I need.

Onwards,

**Daniel Evans, PWS**

Jurisdictional Coordinator

*Columbia, Clatsop, Marion, Polk, Tillamook, Yamhill,*

[Oregon Department of State Lands](#)

Desk: 503-986-5271 | Cell: 503-428-8188 | Fax: 503-378-4844

---

**From:** Joe Thompson <jt@pacifichabitat.com>  
**Sent:** Thursday, April 28, 2022 3:48 PM  
**To:** EVANS Daniel \* DSL <Daniel.EVANS@dsl.oregon.gov>  
**Cc:** Todd Boyce <Todd@westwoodhomesllc.com>; Aaron Murphy <aaron.murphy@3j-consulting.com>  
**Subject:** RE: WD2021-0706 Crestview Green Delineation Review Questions

Hi Daniel,

My responses are in red below your questions.

- *It looks like there are uninvestigated roadside ditches within the tax lot. Please clarify if the study area boundaries are for only a partial lot delineation and this area is intentionally excluded. The southern study area boundary on the Wetland Figure does not match the boundary on the tax lot figure (which shows full lot investigation). The report does not call out that this is a partial lot investigation.*

The study area is equal to the surveyed tax lot boundaries. I had Lisa put the tax lot layer in the legend on Figure 6 and make the tax lot lines more prominent on the wetland delineation figure. Her study area boundary was slightly off in one location, so I had her fix that as well. The delineation covered the entirety of Tax Lots 900 and 1000. Figures 1 and 2 also cover the entirety of the study area tax lots. I think that what's deceiving is the surveyed driveway crosses in the road right-of-way and the edge of pavement, which is not labeled looks like it should be the edge of the tax lot.

As for the ditches, Sample Point 5 was taken at the base of the slope, where you would expect a roadside ditch to be. I didn't call it a ditch, because there's no actual ditch morphology and no evidence of ponding or seasonal flow. About all you can tell from the photo is that it's in a dense stand of Himalayan blackberry, although there's also some hazelnut and snowberry in there as well.

- *Please resubmit Figure 6 so tax lot lines are clear on map and in legend.*

A revised version of Figure 6 is attached.

- *Resubmit Figures 1 and 2 (for the concurrence package) as needed, so that Figures 1, 2, and 6 all have the exact same study area boundary.*

As far as I can tell, Figures 1 and 2 correctly represent the boundaries shown in ORMAPP, so if I'm correct, no changes are needed.

- *Please update the Figure 6 mapping method statement so it specifically calls out the study area boundary mapping method/accuracy. The Wetland figure mapping method statement doesn't specifically describe how study area boundary was mapped, unless this is covered by "base survey". Reminder to more specifically call out study area in this statement, as it is called for in OAR.*

OK, I added a sentence onto the accuracy statement stating that the tax lots were also surveyed and represent the study area in their entirety. We've always assumed "base survey" to include the study area, but will specifically call it out in the future.

- *Plot 1. Clarify the upper profile saturation at SP 1, Was the pit closed before water table equilibration or is something else occurring here?*

Plot 1 was epi-saturated, i.e. a "perched water table." Water filled the pit from above, but did not appear to be saturated below the upper 5 inches prior to excavating the pit; however, gleyed soils below 5 inches indicate that it certainly infiltrates to lower depths and stays saturated for long periods.

Thanks for your review Daniel, I hope my answers are sufficient, but don't hesitate if you have any follow-up questions or comments.

Sincerely,

**Joe Thompson, PWS**

**Pacific Habitat Services, Inc.** | Environmental Consultants  
O 503.570.0800

**From:** EVANS Daniel \* DSL <[Daniel.EVANS@dsl.oregon.gov](mailto:Daniel.EVANS@dsl.oregon.gov)>  
**Sent:** Monday, April 25, 2022 3:05 PM  
**To:** Joe Thompson <[jt@pacifichabitat.com](mailto:jt@pacifichabitat.com)>  
**Cc:** Todd Boyce <[Todd@westwoodhomesllc.com](mailto:Todd@westwoodhomesllc.com)>  
**Subject:** WD2021-0706 Crestview Green Delineation Review Questions

Hi Joe,

Thanks for turning in the Crestview Green Wetland Delineation. I appreciate the really clear details on mapping accuracy and methods in this report. Thank you for making that so clear. I've just a few questions before moving forward to concurrence.

- It looks like there are uninvestigated roadside ditches within the tax lot. Please clarify if the study area boundaries are for only a partial lot delineation and this area is intentionally excluded. The southern study area boundary on the Wetland Figure does not match the boundary on the tax lot figure (which shows full lot investigation). The report does not call out that this is a partial lot investigation.
  - Please resubmit Figure 6 so tax lot lines are clear on map and in legend.
  - Resubmit Figures 1 and 2 (for the concurrence package) as needed, so that Figures 1, 2, and 6 all have the exact same study area boundary.
  - Please update the Figure 6 mapping method statement so it specifically calls out the study area boundary mapping method/accuracy. The Wetland figure mapping method statement doesn't specifically describe how study area boundary was mapped, unless this is covered by "base survey". Reminder to more specifically call out study area in this statement, as it is called for in OAR.
  
- Plot 1. Clarify the upper profile saturation at SP 1, Was the pit closed before water table equilibration or is something else occurring here?

Comment-no response required

- Plot 3 meets wetland vegetation criteria: it has 2/3 FAC or wetter veg dominance. Doesn't change overall upland rating.
- The Dry-season water table indicator is dug to 24" rather than 20"-see plots 2 and 3. If you're going to use this, gotta go all the way-which is not fun in summer dry soils.
- Reminder to mention in report and on WD coversheet which lots are only partially investigated. I'll add any notes to the WD coversheet, if needed, before the concurrence goes out.

Thanks!

**Daniel Evans, PWS**

Jurisdictional Coordinator

*Columbia, Clatsop, Marion, Polk, Tillamook, Yamhill,*

[Oregon Department of State Lands](#)

Desk: 503-986-5271 | Cell: 503-428-8188 | Fax: 503-378-4844





# Oregon

Kate Brown, Governor

## Department of State Lands

775 Summer Street NE, Suite 100

Salem, OR 97301-1279

(503) 986-5200

FAX (503) 378-4844

[www.oregon.gov/dsl](http://www.oregon.gov/dsl)

### State Land Board

May 4, 2022

Westwood Homes LLC  
Attn: Todd Boyce  
12700 NW Cornell Road  
Portland, OR 97229

Kate Brown  
Governor

Shemia Fagan  
Secretary of State

Re: WD # 2021-0706 **Approved**  
Delineation Report for Crestview Green Residential Subdivision  
Yamhill County; T3S R2W S16 TLs 900 and 1000

Tobias Read  
State Treasurer

Dear Todd Boyce:

The Department of State Lands has reviewed the wetland delineation report prepared by Pacific Habitat Services, Inc. for the site referenced above. Based upon the information presented in the report, and additional information submitted upon request, we concur with the wetland and waterway boundaries as mapped in Figure 6 of the report. Please replace all copies of the preliminary wetland map with this final Department-approved map.

Within the study area, one wetland (Wetland A, totaling approximately 0.04 acres) and one waterway (Spring Brook) were identified. They are subject to the permit requirements of the state Removal-Fill Law. Under current regulations, a state permit is required for cumulative fill or annual excavation of 50 cubic yards or more in wetlands or below the ordinary high-water line (OHWL) of the waterway (or the 2-year recurrence interval flood elevation if OHWL cannot be determined).

This concurrence is for purposes of the state Removal-Fill Law only. We recommend that you attach a copy of this concurrence letter to any subsequent state permit application to speed application review. Federal, other state agencies or local permit requirements may apply as well. The U.S. Army Corps of Engineers will determine jurisdiction under the Clean Water Act, which may require submittal of a complete Wetland Delineation Report.

Please be advised that state law establishes a preference for avoidance of wetland impacts. Because measures to avoid and minimize wetland impacts may include reconfiguring parcel layout and size or development design, we recommend that you work with Department staff on appropriate site design before completing the city or county land use approval process.

This concurrence is based on information provided to the agency. The jurisdictional determination is valid for five years from the date of this letter unless new information necessitates a revision. Circumstances under which the Department may change a determination are found in OAR 141-090-0045 (available on our web site or upon request). In addition, laws enacted by the legislature and/or rules adopted by the Department may result in a change in jurisdiction; individuals and applicants are subject to the regulations that are in effect at the time of the removal-fill activity or complete permit application. The applicant, landowner, or agent may submit a request for reconsideration of this determination in writing within six months of the date of this letter.

Thank you for having the site evaluated. If you have any questions, please contact the Jurisdiction Coordinator for Yamhill County, Daniel Evans, PWS at (503) 986-5271.

Sincerely,

A handwritten signature in black ink that reads "Peter Ryan". The signature is fluid and cursive, with a long horizontal stroke at the end.

Peter Ryan, SPWS  
Aquatic Resource Specialist

Enclosures

ec: Joe Thompson, PWS, Pacific Habitat Services, Inc.  
Newberg Planning Department  
Kinsey Friesen, Corps of Engineers  
Katie Blauvelt, DSL

## WETLAND DELINEATION / DETERMINATION REPORT COVER FORM

A complete report and signed report cover form, along with applicable review fee, are required before a report review timeline can be initiated by the Department of State Lands. All applicants will receive an emailed confirmation that includes the report's unique file number and other information.

**Ways to submit report:**

- ❖ **Under 50MB** - A single unlocked PDF can be emailed to: wetland.delineation@dsl.oregon.gov.
- ❖ **50MB or larger** - A single unlocked PDF can be uploaded to DSL's Box.com website. After upload notify DSL by email at: wetland.delineation@dsl.oregon.gov.
- ❖ **OR** a hard copy of the unbound report and signed cover form can be mailed to: Oregon Department of State Lands, 775 Summer Street NE, Suite 100, Salem, OR 97301-1279.

**Ways to pay review fee:**

- ❖ By credit card on DSL's epayment portal after receiving the unique file number from DSL's emailed confirmation.
- ❖ By check payable to the Oregon Department of State Lands attached to the unbound mailed hardcopy OR attached to the complete signed cover form if report submitted electronically.

**Contact and Authorization Information**

<input type="checkbox"/> Applicant <input checked="" type="checkbox"/> <b>Owner Name, Firm and Address:</b> Todd Boyce, Westwood Homes LLC, 12700 NW Cornell Road, Portland OR, 97229	Business phone # (503) 715-2383 Mobile phone # (optional) E-mail: Todd@westwoodhomesllc.com
--	---

<input type="checkbox"/> <b>Authorized Legal Agent, Name and Address (if different):</b>	Business phone # Mobile phone # (optional) E-mail:
--	--

I either own the property described below or I have legal authority to allow access to the property. I authorize the Department to access the property for the purpose of confirming the information in the report, after prior notification to the primary contact.

**Typed/Printed Name:** Todd Boyce      **Signature:**

**Date:** 12/15/2021      **Special instructions regarding site access:** Please notify me by phone so I can arrange access.

**Project and Site Information**

Project Name: Crestview Green Residential Subdivision	Latitude: 45.31255106      Longitude: -122.93043100 <b>decimal degree</b> - centroid of site or start & end points of linear project
Proposed Use: Residential Subdivision	Tax Map #R3216 Tax Lot(s) 900, 1000
	Tax Map # Tax Lot(s)
Project Street Address (or other descriptive location): 4812 and 4813 E Portland Road	Township 3S      Range 2W      Section 16      QQ Use separate sheet for additional tax and location information
City: Newberg      County: Yamhill	Waterway: Spring Brook      River Mile: N/A

**Wetland Delineation Information**

Wetland Consultant Name, Firm and Address: Pacific Habitat Services, Inc. Attn: Joe Thompson, PWS 9450 SW Commerce Cir #180 Wilsonville, OR 97070	Phone # (503) 570-0800 Mobile phone # (if applicable) E-mail: jt@pacifichabitat.com
---	---

The information and conclusions on this form and in the attached report are true and correct to the best of my knowledge.

**Consultant Signature:** Joe Thompson      **Date:** 12/15/2021

**Primary Contact** for report review and site access is  Consultant     Applicant/Owner     Authorized Agent

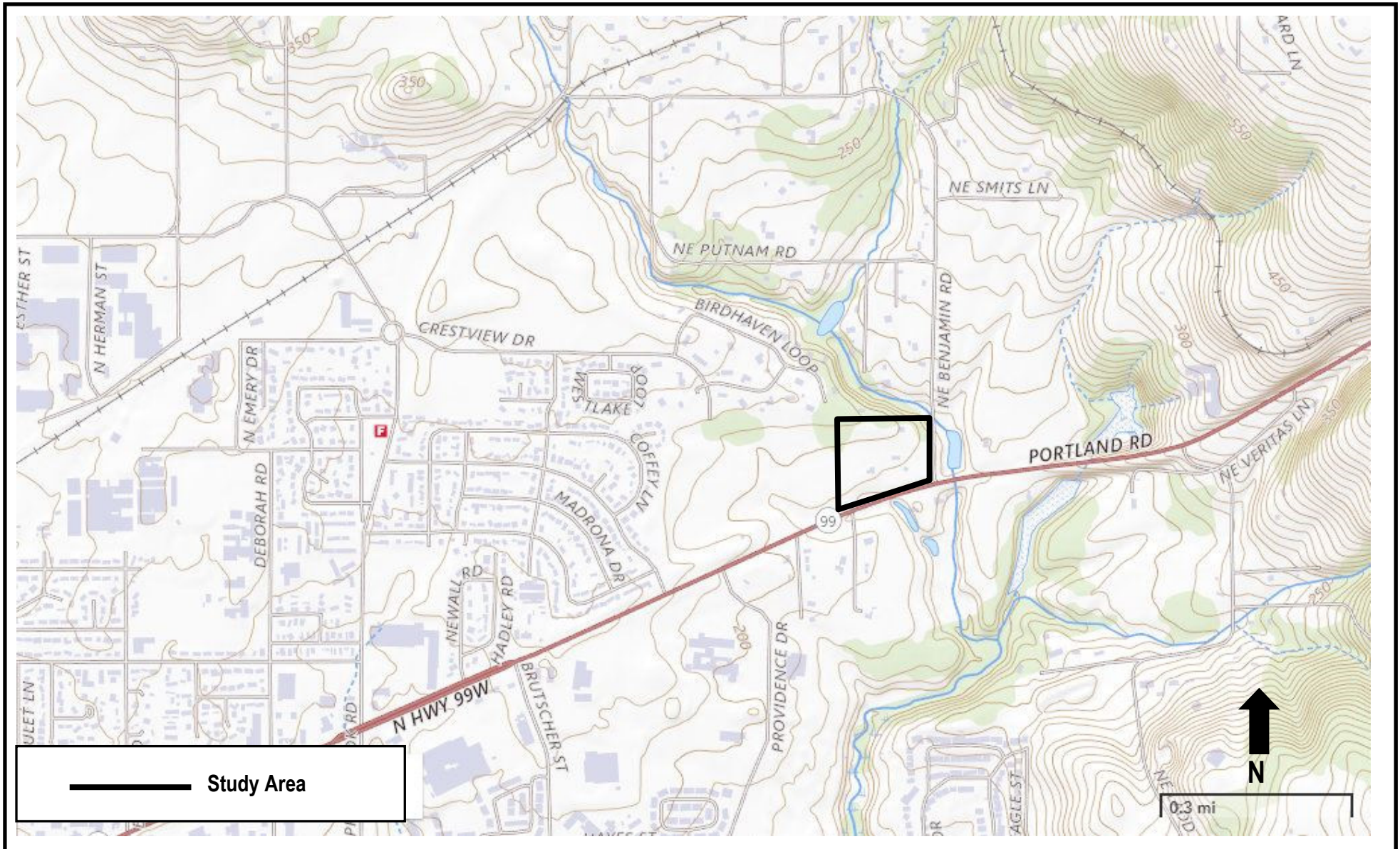
Wetland/Waters Present?     Yes     No    Study Area size: 11.44      Total Wetland Acreage: 0.0400

**Check Applicable Boxes Below**

<input type="checkbox"/> R-F permit application submitted	<input type="checkbox"/> Fee payment submitted \$ _____
<input type="checkbox"/> Mitigation bank site	<input type="checkbox"/> Resubmittal of rejected report (\$100)
<input type="checkbox"/> EFSC/ODOE Proj. Mgr: _____	<input type="checkbox"/> Request for Reissuance. See eligibility criteria. (no fee)
<input type="checkbox"/> Wetland restoration/enhancement project (not mitigation)	DSL # _____      Expiration date _____
<input type="checkbox"/> Previous delineation/application on parcel If known, previous DSL # _____	<input type="checkbox"/> LWI shows wetlands or waters on parcel Wetland ID code _____

**For Office Use Only**

DSL Reviewer: <u>DE</u>	Fee Paid Date: ____/____/____	DSL WD # <u>2021-0706</u>
Date Delineation Received: <u>12/21/2021</u>	DSL App.# _____	



Project #7284  
12/7/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

General Location and Topography  
4812 and 4813 E. Portland Road - Newberg, Oregon  
United States Geological Survey (USGS) Newberg, Oregon 7.5 quadrangle, 2020  
(viewer.nationalmap.gov/basic)

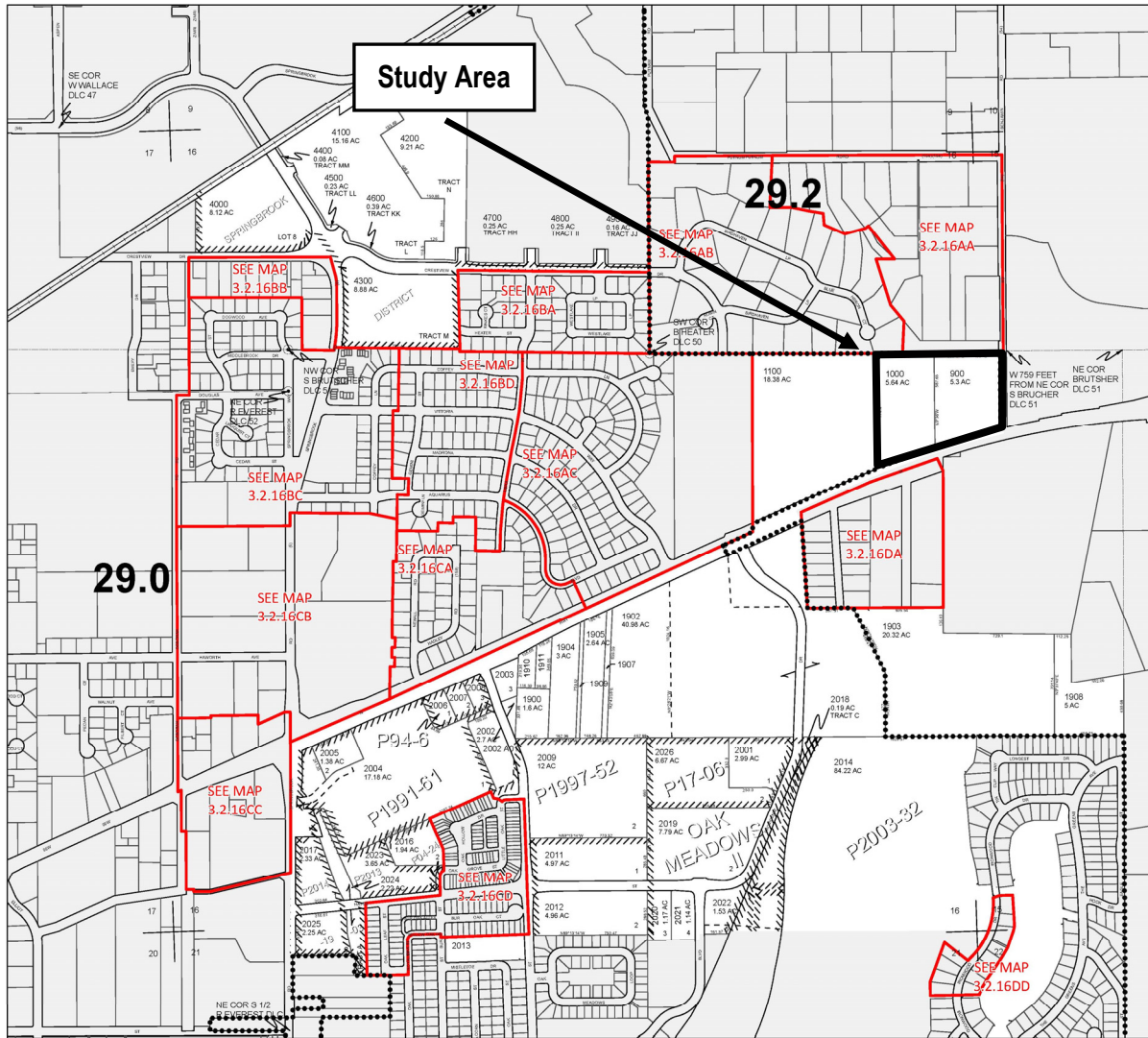
FIGURE  
1

3 2 16



ASSESSMENT & TAX  
CARTOGRAPHY

SECTION 16 T.3S. R.2W. W.M.  
YAMHILL COUNTY OREGON  
1" = 400'



CANCELLED TAXLOTS:

- 2039-AD1 2200
- 3800 2100
- 3701 2015
- 3700 2010
- 3602 1906
- 3601 1901
- 3600 1700
- 3500 1600
- 3400 1502
- 3300 1401
- 3200 1500
- 3100 1300
- 3001 800
- 3000 600
- 2900 500
- 2807 400
- 2806 300
- 2805 200
- 2804 105
- 2803 104
- 2802 103
- 2801 102
- 2800 101
- 2701 100
- 2600 3900
- 2501
- 2500
- 2400
- 2300

DATE PRINTED: 4/8/2021

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

3 2 16

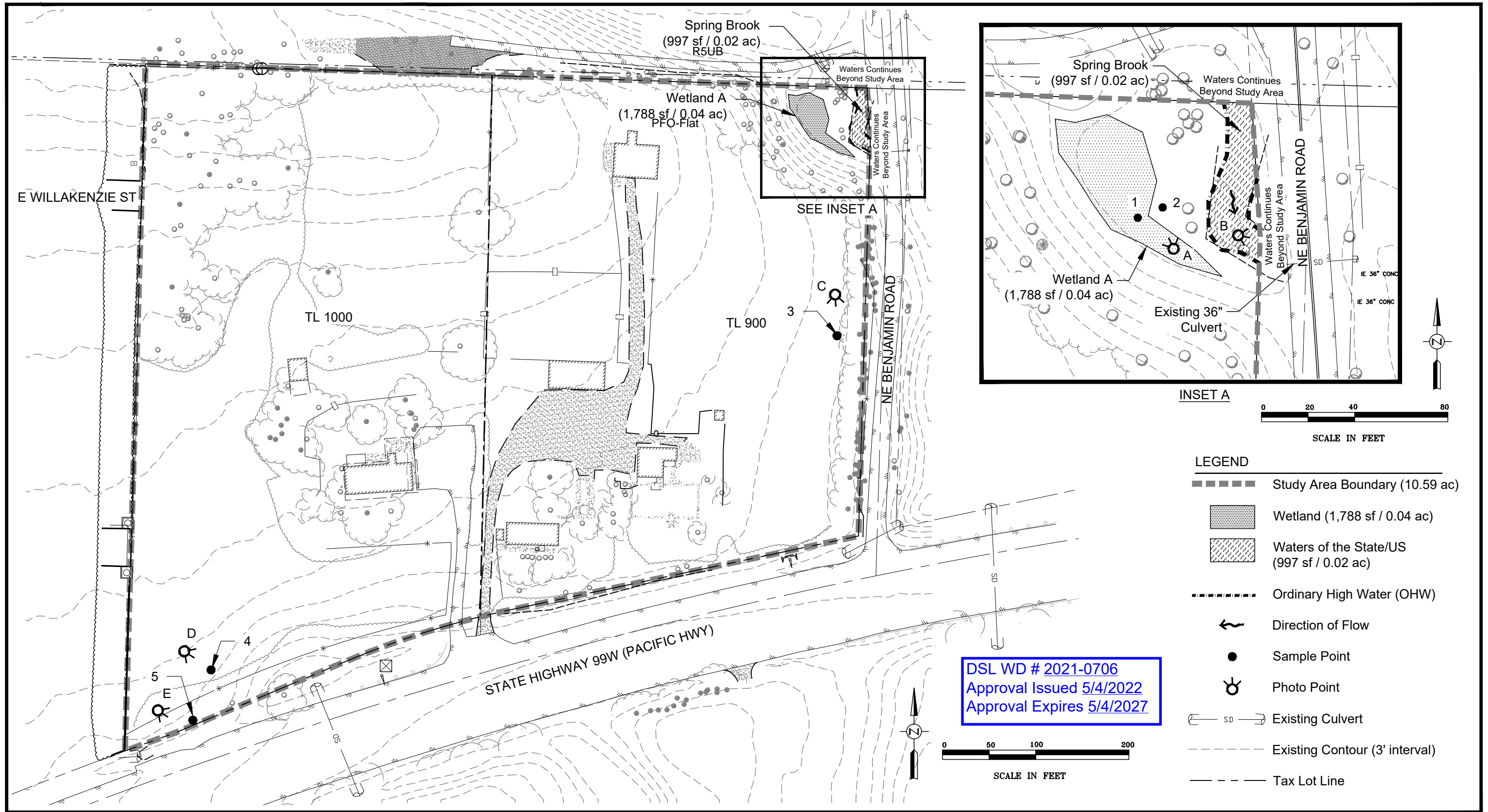
Project #7284  
12/7/2021



Pacific Habitat Services, Inc.  
9450 SW Commerce Circle, Suite 180  
Wilsonville, OR 97070

Tax Lot Map  
4812 and 4813 E. Portland Road - Newberg, Oregon  
The Oregon Map (ormap.net)

FIGURE  
2



Base Survey, Wetland A, Spring Brook, and Sample Points 1 and 2 were surveyed by S&F Land Services, PLS with the exception of the northern 5 feet of Wetland A and the OHW of Spring Brook, which were surveyed using a compass and tape measure, and have an estimated accuracy of 3 feet. Sample Points 3, 4, and 5 were placed by hand onto a 1 inch = 100 feet aerial photo field map, and are estimated to have 5-foot accuracy. The 3-foot contours were downloaded as shapefiles from NOAA. The tax lot boundaries were included in the survey and represent the study area in their entirety.

Wetland Delineation  
 4812 and 4813 E Portland Road - Newberg, Oregon

FIGURE  
**6**

4-28-2022

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Appendix C – Draft Covenants, Conditions, Restrictions and Easements

Appendix D – Technical Reports

Exhibit 1: Sanitary Sewer Pump Station SDC Credits Memo, 3J consulting, Inc. October 15, 2021

Exhibit 2: Preliminary Drainage Report, 3J Consulting, Inc., January 14, 2022

Exhibit 3: Transportation Impact Study, Kittelson and Associates, January 2022

Exhibit 4: Sanitary Sewer Assessment Report, 3J Consulting, Inc., January 14, 2022

Exhibit 5: Wetland Delineation, Pacific Habitat Services, December 17, 2021

Appendix E – Land Use Plans

Civil Drawings:

- C000 Cover Sheet
- C100 Existing Conditions and Demolition Plan
- C110 Tree Removal and Preservation Plan
- C150 Overall Tentative Plat
- C151 Tentative Plat I
- C152 Tentative Plat II
- C153 Tentative Plat III
- C154 Tentative Plat IV
- C200 Overall Site Plan
- C205 Grading Plan
- C210 Typical Sections
- C215 Multi-Family Site Plan
- C220 Multi-Family Grading Plan
- C230 Circulation Plan
- C240 Fire Access Plan
- C250 Photometrics Plan
- C251 Multi-Family Photometrics Plan
- C305 Multi-family Utility Plan

Landscape Drawings:

- L101-L105 Planting Plans

Architectural Drawings:

- Exhibit 6: Multi Family Building Front Elevations Front
- Exhibit 7: Multi-Family Side Elevations
- Exhibit 8: Multi-Family Back Elevations
- Exhibit 9: Single Family Building Elevations
- Exhibit 10: Townhome Building Elevations



## GENERAL INFORMATION

Property Owner and Applicant: **Westwood Homes, LLC**  
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Portland, OR 97229  
Contact: Todd Boyce  
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Email: todd@westwoodhomesllc.com

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Phone: (503) 946-9365  
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Civil Engineer/Project Manager: **3J Consulting, Inc.**  
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## SITE INFORMATION

Parcel Number: 3216 1000 & 900  
Address: 4813 E Portland Road & 4821 E Portland Road  
Gross Site Area: 10.58 acres  
Zoning Designation: R-1 (Low Density Residential), R-2 (Medium Density Residential), and C-2 (Community Commercial)  
Overlay Zone: Bypass Interchange (BI) Overlay  
Existing Use: Single-family residential  
Surrounding Zoning: The properties to the north are zoned Yamhill County VLDR-1 and VLDR-2. The properties to the south are zoned Yamhill County VLDR-2.5 and EF-20. The properties to the east are zoned EF-20. The properties to the west are zoned R-1, R-2 and C-2.  
Street Classification: OR-99W is classified as a Major Arterial and is an ODOT facility. E Jory Street is classified as a Minor Collector. E Willakenzie Street is classified as a local road. NE Benjamin Road is under the jurisdiction of Yamhill County and is classified as a local road.

## **INTRODUCTION**

### **APPLICANT'S REQUEST**

Westwood Homes, LLC ("the Applicant") proposes to construct a 133-unit residential development and seeks concurrent approval of a Type III Planned Unit Development ("PUD") and a Conditional Use Permit ("CUP"). This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of the City of Newberg's Municipal Code ("NMC").

Planned Unit Developments and Conditional Use Permits are evaluated under the Type III Quasi-judicial decision process. The Newberg Planning Commission will render the Type III decision after a public hearing on the application is held.

### **SITE DESCRIPTION/SURROUNDING LAND USE**

The subject site is 10.58 acres in size and is located north of OR-99W and west of NE Benjamin Road. The site is identified as tax lots 321601000 and 321600900. The property is located within the City of Newberg and is Zoned C-2, R-2, and R-1. The site has sloping topography which generally slopes towards the southeastern end of the property.

A wetland is located on the northeast corner of tax lot 3216AA00900. A Property Line Adjustment ("PLA") application has been submitted prior to the submittal of this land use application that transfers 8,148.50 square feet from the subject site to tax lot 3216AA01600 under different ownership. This area is comprised of the wetland area and will be granted to the north adjacent property under separate ownership. Accounting for the area removed from the property line adjustment request, the site will be a total of 10.40 acres.

The site has frontage on OR-99W and Benjamin Road, with access from E Jory Street and E Willakenzie Street to the west. The Crestview Crossing Planned Community to the west includes commercial development, single-family homes, cottage style single-family homes, and multi-family homes. The properties to the north, east, and south have rural single-family uses.

### **PROPOSAL**

The proposed PUD will provide a mixture of single-family detached homes, attached single-family homes, and multi-family apartments. The development includes 14 single-family lots, 95 attached single-family lots and 24 multi-family homes.

The single-family detached homes have been located along the northern property line, consistent with the development to the west and the single-family homes to the north. The single-family lots are located in the R-1 zone and are consistent with R-1 dimensional lot standards. The single-family attached homes are located in the central zone of the site on individual lots, within the R-2 and C-2 zoned areas. The scale of the single-family attached homes is consistent with the adjacent small lot development to the west. A single multi-family building and associated parking has been located at the southwest end of the site, within the C-2 zone. The proposed multi-family building is consistent in

scale and type to the adjacent multi-family development to the west. The multi-family site will provide 35 off-street parking spaces. Shared open space areas on the multi-family site include landscaping, benches, and a shared gathering space.

Upon annexation of these two parcels in the City of Newberg boundary, several conditions of approval were put in place by Order 2701 (tax lot 1000) and 2702 (tax Lot 900). Per these orders, both tax lot 900 and tax lot 1000 require a 30-foot building setback along the north boundary. Additionally, tax lot 1000 will have a sound wall along the north boundary. In order to preserve existing trees, portions of the wall and fence will be jogged three feet from the north property line and an access easement across this three-foot-wide strip will be granted to the property owner to the north.

The proposed development will be served by extensions of Jory Street and Willakenzie Street to Benjamin Road. Based on the alignment of E Jory Street and its proximity to Highway 99W at the southeast corner of the site, this project proposes to close the intersection of Benjamin Road and Highway 99W. Jory Street will instead transition and connect directly to Benjamin road with a 20 MPH curve. A speed reduction to a 20 MPH curve was necessary to fit the curve in the available area and to eliminate sight distance restrictions for adjacent driveways. The closing of the intersection of Benjamin road and Highway 99W is consistent with the Oregon Department of Transportation's plans for Phase 2 of the Newberg-Dundee Bypass project. The development will include frontage improvements along Benjamin Road. A series of private streets will connect Jory Street and Willakenzie Street and will provide access to the single-family attached lots.

Due to existing grades and location of existing sanitary sewer facilities, a portion of the site will be served by a proposed public pump station and sanitary sewer force main located at the NE corner of the site. Approximately 5.51 Acres of the site will be served by gravity sewer mains and 3.46 Acres will be served by the proposed public pump station. This pump station is to be constructed in place of the Providence pump station indicated in the City of Newberg Wastewater Master Plan and serves the remaining area of the Fernwood subbasin within the urban growth boundary that does not currently have sanitary sewer service. The sewer pump station is proposed to be located at the northeast end of the site on Tract B.

Stormwater runoff from the proposed development will drain to proposed storm drain systems, which consists of proposed stormwater best management practices (BMPs) for water quality and detention prior to discharging offsite. All runoff eventually outfalls to Spring Brook to the east of the project site. A stormwater detention facility is proposed to be located at the east end of the property on Tract A.

## APPLICABLE CRITERIA

The following sections of Newberg’s Development Code have been extracted as they have been deemed to be applicable to the proposal. Following each **bold** applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for concurrent Planned Unit Development and Conditional Use Permit applications.

### TITLE 15 DEVELOPMENT CODE

#### Division 15.200 Land Use Applications

##### 15.225 Conditional Use Procedures

##### 15.225.010 Description and purpose.

**A. It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.**

**Applicant’s Findings:** The proposal includes residential development in a commercial zoning district, requiring a conditional use permit. The applicable conditional use permit standards are addressed below.

**B. All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts herein defined. The authority for the location and operation of the uses shall be subject to review and the issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this code shall be served. Nothing construed herein shall be deemed to require the hearing body to grant a conditional use permit.**

**Applicant’s Findings:** The development of residential housing in the C-2 (Commercial) zoning district requires a Conditional Use Permit (“CUP”). The CUP is used in this scenario to ensure that density, lot coverage, parking, vehicular access, pedestrian and bicycle connectivity, and other residential characteristics are developed to be compatible with surrounding land uses. This standard is met.

##### 15.225.020 Conditional use permit prerequisite to building.

**No building permit shall be issued when a conditional use permit is required by the terms of this code unless a permit has been granted by the hearing body and then only in accordance**

**with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent for any use or purpose for which such permits are required or permitted by provisions of this code.**

**Applicant's Findings:** This land use application proposes a permanent CUP for residential development in the C-2 zoning district. Building permits have not been issued for this development.

This standard is met.

#### **15.225.030 Application.**

**Application for a conditional use permit shall be accompanied by such information including but not limited to, site and building plans, drawings and elevations, and operational data, as may be required by the director to allow proper evaluation of the proposal. The plan submittal requirements identified in NMC 15.220.030 and 15.445.190 shall be used as a guide. All proposals for conditional use permit shall be accompanied by a detailed project description which includes information such as the use, information relating to utilities, the number of employees, the hours of operation, traffic information, odor impacts, and other information needed to adequately describe the project.**

**Applicant's Findings:** The proposed CUP includes all information necessary for a complete and thorough review.

This standard is met.

#### **15.225.040 Concurrent design review.**

**If new buildings or structures are to be included as part of the application, the planning commission shall concurrently review the application for site design review in order to streamline the review process.**

**Applicant's Findings:** The proposed CUP includes a proposed Planned Unit Development ("PUD") on the site with lots for single-family detached homes, single-family attached homes and multi-family homes. The PUD application incorporates site design review criteria for the site. The review of the CUP is proposed concurrent with the PUD.

This standard is met.

#### **15.225.050 Additional information.**

**In order to fully evaluate the proposal, additional information may be required. This includes but is not limited to traffic studies, noise studies, visual analysis, and other site impact studies as determined by the director or planning commission.**

**Applicant's Findings:** The proposal includes a traffic study. Noise studies are not necessary based on the residential proposal.

This standard is met.

#### **15.225.060 General conditional use permit criteria - Type III.**

**A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:**

**A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.**

**Applicant's Findings:** The proposed residential development on this site will provide a continuation of the use types of the existing planned development to the west. The large-lot single-family detached properties immediately adjacent to the site will be buffered by large-lot single-family detached homes. Higher-density single-family attached housing consistent in scale with the adjacent small lot single-family detached homes to the west will be provided in the central portion of the site.

The proposed multi-family building in the southwest corner of the site is located between Jory Street, a collector, and Highway 99W and adjacent to the multi-family development to the west.

The location, size, design and operating characteristics of the proposed development are reasonably compatible with abutting properties and the surrounding neighborhood. The proposed development is consistent in scale, bulk, coverage and density to the planned development to the west.

The site can be served by public facilities and utilities. The surrounding street system has capacity to support the traffic generated by the proposed development. A Traffic Impact Analysis prepared by Kittelson and Associates has been provided under Appendix D.

This standard has been met.

**B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.**

**Applicant's Findings:** The location of the proposed PUD adjacent to the neighboring commercial and residential development will provide a convenient and functional living, working, and shopping environment for residents. The on-site circulation system will connect to neighboring commercial and recreational spaces, satisfying the requirement that the conditional use permit provide a convenient and functional civic environment.

This standard has been met.

**C. The proposed development will be consistent with this code.**

**Applicant's Findings:** Findings are made regarding all applicable sections of the Newberg Development Code throughout this narrative. As identified the findings of each individual code

section, the proposed PUD and CUP meet all applicable sections of the Newberg Development Code.

**15.225.080 Conditions.**

**The hearing body shall designate conditions in connection with the conditional use permit deemed necessary to secure the purpose of this chapter and the general conditional use permit criteria and require the guarantees and evidence that such conditions will be complied with.**

**Such conditions may include:**

- A. Regulation of uses.**
- B. Special yards, spaces.**
- C. Fences and walls.**
- D. Surfacing of parking areas to city specifications.**
- E. Street dedications and improvements (or bonds).**
- F. Regulation of points of vehicular ingress and egress.**
- G. Regulation of signs.**
- H. Landscaping and maintenance of landscaping.**
- I. Maintenance of the grounds.**
- J. Regulation of noise, vibration, odors or other similar nuisances.**
- K. Regulation of time for certain activities.**
- L. Time period within which the proposed use shall be developed.**
- M. Duration of use.**
- N. Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the Newberg comprehensive plan and the Newberg development code.**

**Applicant's Findings:** The CUP is required for residential development within the C-2 (Commercial) zoned portion of this site. The proposed residential development includes appropriate yards and spaces, parking areas, ingress and egress, landscaping, vehicular, pedestrian and bicycle connectivity and maintenance plans to ensure compliance with this Section of the Code. Additional conditions are not warranted to secure the purpose of the Conditional Use Permit chapter.

This standard is met.

**15.225.090 Development in accord with plans.**

**Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, conditions, sketches, and other documents approved as part of a final decision on a conditional use permit.**

**Applicant's Findings:** The Applicant understands that the development of the site shall be carried out in substantial accord with the plans, drawings, sketches and other documents approved as part of this final decision on the CUP.

This standard is met.

**15.225.100 Conditional use permit must be exercised to be effective.**

**A. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:**

- 1. The land use designation of the property has not been changed since the initial use permit approval; and**
- 2. The applicable standards in this code which applied to the project have not changed.**

**B. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit.**

**Applicant's Findings:** The Applicant acknowledges that the CUP approval is valid for one year if an extension is not requested. The Applicant intends to begin construction of the residential development on this site within one year of the approval date.

This standard is met.

**15.225.110 Preexisting uses now listed as a conditional use.**

**Where a use is legally established and continuing, but that use currently would require a conditional use permit, the use shall be considered as having a conditional use permit under the terms of the prior permit approval. Any nonconforming site development shall be subject to the provisions of Chapter 15.205 NMC.**

**Applicant's Findings:** This proposal does not include a preexisting use now listed as a conditional use and, as such, this standard is not applicable.

**15.240 PD Planned Unit Development Regulations**

**The city's planned unit development regulations are intended to:**

- A. Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot-by-lot development and that are reasonably compatible with the surrounding area; and**
- B. Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and**
- C. Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types; and**
- D. Provide for economy of shared services and facilities; and**
- E. Implement the density requirements of the comprehensive plan and zoning districts through the allocation of the number of permitted dwelling units based on the number of bedrooms provided.**



**Applicant's Findings:** The Applicant proposed PUD meets the stated purposes of the PUD regulations. The site is currently 10.58 acres. After the PLA application submitted separately from this land use application that removes the northeast portion of tax lot 900, the site will be a total of 10.40 acres. This is a sufficient size to warrant comprehensive planning rather than traditional lot-by-lot development. The proposed PUD development will provide for flexibility in the placement and clustering of buildings, the use of open space, provisions of circulation facilities and parking, and related site and design considerations. The proposed PUD will provide a mixed density residential neighborhood with an interconnected pedestrian and vehicle circulation system to promote a safe, attractive, efficient, and stable residential environment adjacent to a highway facility.

This standard is met.

#### **15.240.020 General provisions.**

**A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.**

**Applicant's Findings:** The proposed planned unit development is under single ownership.

This standard is met.

**B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:**

**1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.**

**2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.**

**Applicant's Findings:** The Applicant acknowledges the two-step process to PUD approval and submits materials in support of Step One - Preliminary Plans.

This standard is met.

**C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.**

**Applicant's Findings:** The Applicant is proposing the following phasing:

Phase 1: This phase will include the installation of the roadways and infrastructure including E Jory Street, E Willakenzie Street, and the NE Benjamin Road closure. This phase will also include the platting of all single-family lots (attached and detached) and the multi-family lot.

Phase 2: This phase will include the multi-family development.

This standard is met.

**D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.**

**Applicant's Findings:** The Applicant acknowledges the process for lapse of PUD approval and intends to follow through with development of the site based on the original approval timeline.

This standard is met.

**E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.**

**Applicant's Findings:** The Applicant acknowledges the process for resubmittal following expiration.

This standard is met.

**F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:**

**1. Maximum Density.**

- a. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:**

District	Density Points
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R-1	175 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
R-2	310 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
RP	310 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

- b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant's discretion by 25 percent for deed-restricted affordable dwelling units and/or middle housing dwelling units as follows:

**Density Point Table**

Dwelling Type	Density Points: Standard Dwelling	Density Points: Income-Restricted Affordable Dwelling Unit
Studio and efficiency	12	9
One-bedroom	14	11
Two-bedroom	21	16
Three-bedroom	28	21
Four or more bedrooms	35	26

Duplex, triplex or quadplex dwellings shall be counted as a single dwelling unit, inclusive of all bedrooms in the two duplex combined dwelling units, for purposes of calculating density points. Four townhouse dwellings or cottage dwellings shall count as one standard dwelling, inclusive of all bedrooms in the combined dwelling units.

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

2. **Approved Density.** The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.
3. **Easement Calculations.** Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.
4. **Dedications.** Density calculations may include areas dedicated to the public for recreation or open space.
5. **Cumulative Density.** When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.

**Applicant's Findings:** Per the Pre-Application Conference Notes submitted under Appendix B, the C-2 zoning district is proposed at the same maximum allowable density as the R-2 zoning district, or 310 points per acre. The total number of density points available to this site, as detailed on the Density Matrix, is 2,905.40.

Zone	Gross Size (Acre)	Density Points/ Gross Acre	Max. Density Points Allowed
R-1	2.36	175	413
R-2	2.88	310	892.80
C-2	5.16	310	1599.60
<b>Total</b>	<b>10.4</b>	<b>785</b>	<b>2,905.40</b>

The proposed PUD development will include 14 single-family detached homes, 96 townhome units and a 24-unit multi-family building. Per subsection 1.b. above, four townhome units count as a single unit, therefore the 96 townhome units are counted as 24 total units for the purpose of the density calculation.

The townhome units are configured into two-unit, four-unit and five-unit buildings. Each individual unit within the townhomes will have three bedrooms, however when added together the bedroom count will vary between 6 and 15 bedrooms depending on the configuration of the townhomes. These are considered to be four or more-bedroom units. The single-family detached homes will be four or more bedrooms. The multi-family building will have a mix one- and two-bedroom units.

	1-Bed	2-Bed	3-Bed	4+ Bed	Total Units
Single-Family Detached				14	14
Townhomes				24	24
Multi-family	12	12			24
<b>Total Bedrooms</b>	<b>12</b>	<b>12</b>	<b>0</b>	<b>38</b>	<b>62</b>

Dwelling Type	Number of Units	Density Points/Unit	Total Density Points Provided
Studio	0	12	0
One-bedroom	12	14	168
Two-bedroom	12	21	252
Three-bedroom	0	28	0
Four-bedroom	38	35	1,330
<b>Total</b>	<b>116</b>		<b>1,750</b>

The total number and type of residential dwelling units proposed requires 1,750 density points, which is less than the 2905.4 points available to this site.

This standard is met.

**G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:**

**1. R-1, R-2, R-3 and RP Zones.**

- a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.**
- b. Accessory buildings and uses.**
- c. Dwellings, single, manufactured, and multifamily.**
- d. Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.**

**Applicant's Findings:** The proposal includes single-family detached and single-family attached residential uses within the R-1 and R-2 portions of this site, both of which are permitted by subsection d. above.

This standard is met.

**2. C-1, C-2 and C-3 Zones.**

- a. When proposed as a combination residential-commercial planned unit development, uses and buildings as listed in subsection (G)(1) of this section and those listed as permitted outright or conditionally in the use district wherein the development will be located.**
- b. When proposed as a residential or commercial planned unit development, uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.**

**Applicant's Findings:** The proposed development is a residential planned unit development. The C-2 zoned portion of the site will include single-family attached residential uses, multi-family residential uses, and utility facilities. Residential uses proposed are permitted conditionally for the C-2 portion of this property, in compliance with subsections a. and b. above.

This standard is met.

3. **M-1, M-2 and M-3 Zones. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.**
4. **M-4 Zone. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located. Proposed sites, structures and uses must work together to support a common theme, product or industry. Applicants for an industrial planned development in M-4 must demonstrate conformance with any adopted master plan for the subject area and provide a plan describing how the proposed structures and uses will work together to support a common theme, product or industry. Prior to subdivision, covenants must limit occupancy to the types of industrial and related uses identified in the development plan.**

**Applicant's Findings:** No part of this site is located within the M-1, M-2, M-3 or M-4 zoning district and, as such, this standard is not applicable.

**H. Professional Coordinator and Design Team. Professional coordinators and design teams shall comply with the following:**

1. **Services. A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:**
  - a. **Preliminary design;**
  - b. **Design development;**
  - c. **Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and**
  - d. **Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.**
2. **Address and Attendance. The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.**
3. **Design Team Designation. Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.**
4. **Design Team Participation and Waiver. Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.**
5. **Design Team Change. Written notice of any change in design team personnel must be submitted to the director within three working days of the change.**

- 6. Plan Certification.** Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.

**Applicant's Findings:** This PUD application includes all of the required plans and documents. A professional engineer in the State of Oregon has ensured that all required plans are prepared, certified as necessary and submitted. The Applicant acknowledges the process for a design team change. This standard is met.

**I. Modification of Certain Regulations.** Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.

**Applicant's Findings:** This PUD proposal seeks to modify the lot standards of the R-2 and C-2 zoning districts to accommodate single-family attached homes. The proposed modifications include lot size, lot frontage, and interior yard setbacks.

#### R-2 Modification Requests

The minimum lot area requirement in the R-2 zone is 3,000 square feet. The applicant is requesting a modification to this standard so that the minimum lot size is 1,330 square feet with an average minimum lot size within this zone of 1,605 square feet. Similarly, the R-2 zone requires a frontage length of 25 feet, whereas the applicant requests an average frontage length of 19 feet to accommodate the smaller attached residential lots. The minimum interior yard setback in the R-2 zone is five feet. The proposed development includes a modification to allow attached units with zero-foot side yard setbacks. The proposed modifications will allow for the development of single-family attached homes which are consistent with the adjacent small lot development.

#### C-2 Modification Requests

The minimum lot area requirement in the C-2 zone is 5,000 square feet. The applicant is requesting a modification to this standard so that the minimum lot size within this zone is 1,330 square feet with an average minimum lot size within this zone of 1,605 square feet. Similarly, the C-2 zone requires a frontage length of 25 feet, whereas the applicant requests an average frontage length of 19 feet to accommodate the smaller attached residential lots. The proposed modifications will allow for the

development of single-family attached homes which are consistent with the adjacent small lot development. The C-2 zone abuts the neighboring R-2 zone, requiring a 10-foot setback. The Applicant is requesting a modification to this setback requirement, as the C-2 zone will be developed with residential uses which are compatible with the neighboring uses.

This standard is met.

**J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.**

**Applicant's Findings:** The maximum permitted lot coverage shall be maintained within the proposed development. The R-1 lots along the northern boundary of the site range in area between 5,429 square feet and 6,485 square feet with an average lot size of 5,567 square feet. The proposed homes in the R-1 zone will likely be two stories. The maximum permitted lot coverage within the R-1 zoning district is 40 percent for two story homes or 50 percent for single story homes. The anticipated coverage for these lots will be less than the stated maximum. The total maximum lot coverage in the R-1 zone, including parking areas is 60 percent. The driveways on these lots will be 22 feet wide by 20 feet long or 440 square feet. The total lot coverage on the R-1 zoned lots will not exceed 60 percent. Building footprints and overall lot coverage can be verified at the time of building permit issuance.

The maximum permitted lot coverage in the R-2 zone is 60 percent. The R-2 lots will range in size between 1,330 square feet and 2,869 square feet with an average lot size of 1,605 square feet. The proposed homes in the R-2 zone will be three stories. The maximum permitted lot coverage within the R-2 zoning district is 60 percent. The anticipated coverage for these lots will be less than the stated maximum. The driveways on these lots will be 12 feet wide by 20 feet long, or 240 square feet. The total lot coverage on the R-2 zoned lots will not exceed 70 percent. Building footprints and overall lot coverage can be verified at the time of building permit issuance.

The C-2 zone does not list a maximum lot coverage requirement, however the proposed single-family attached lots in the C-2 zone will be consistent with the coverage requirements listed above for the R-2 zone. The multifamily lot within the C-2 zone has a total area of 41,275 square feet. The proposed building footprint will be approximately 8,167 square feet, or 19.7 percent of the site. The total proposed lot coverage, including the parking lot is 21,791 square feet, or 52.7 percent of the site. Building footprints and overall lot coverage can be verified at the time of building permit issuance.

This standard is met.

**K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained**



between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of “sun exposure plane” in NMC 15.05.030). The hearing authority may further modify heights to:

1. Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.
2. Protect lines of sight and scenic vistas.
3. Enable the project to satisfy required findings for approval.

**Applicant’s Findings:** The maximum permitted height in the R-1 zone is 30 feet. The proposed homes will meet the height requirement of the zone. The maximum proposed height in the R-2 zone and C-2 zone will be 35 feet, consistent with the requirements of the R-2 zone.

The proposed single-family attached homes will be three-stories in height. The ground floor will be primarily utilized for garage parking. All proposed single-family attached lots will be oriented in on an east/west orientation.

The Applicant has prepared a sun exposure diagram (Figure 1) showing the east/west orientation of the lots. The front and rear yards will meet the sun exposure plane requirements of NMC 15.05.030.

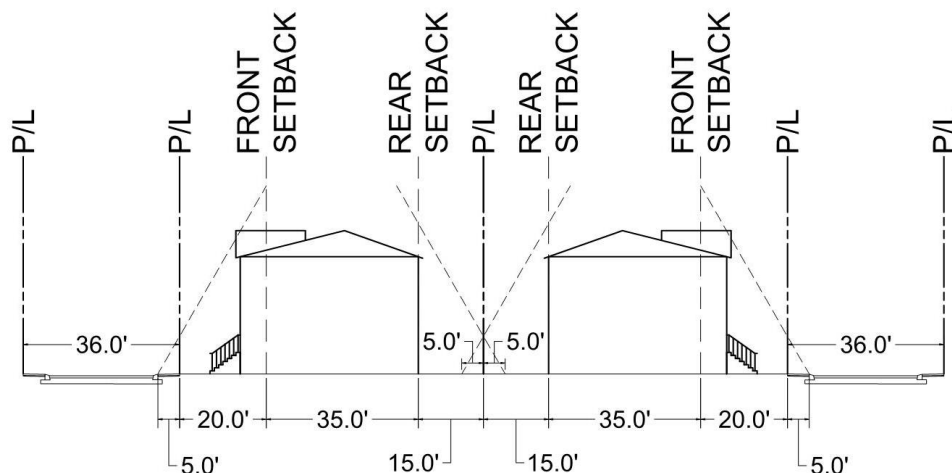


Figure 1: East/West Sun Exposure Diagram - Attached Units

The side yards of the attached homes are subject to the north/south sun exposure plane orientation. The proposed homes are townhome style units, with the majority of the sides of the units being attached with no sun exposure. Units located at each end of the private streets will meet the sun exposure plane requirements. A total of 28 units will not meet the sun exposure plane requirements of NMC 15.05.030 as illustrated in the Figure 2 below. Each of these 28 units will have a five-foot setback from the property line and 10 feet from the adjacent building. An exception to the sun exposure standards is requested for the 28 units which will not meet the north/south sun exposure requirements.

As stated previously, the ground floor of each attached unit will be occupied by a garage. Upper floors will have minimal windows along each side, with main windows located at the front and back of each home, rather than along each side. Open concept floor plans in the attached units will allow for sun exposure to be brought further into each unit.

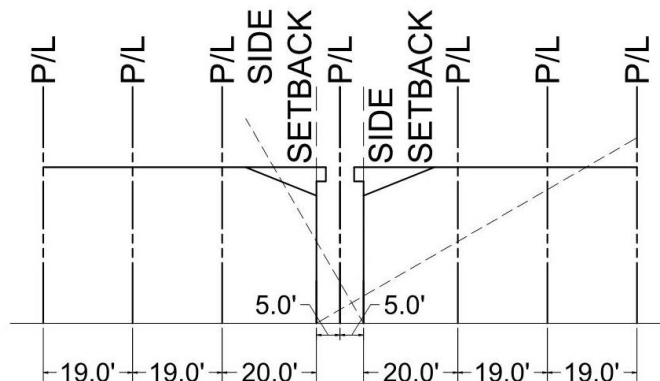


Figure 2: North/South Sun Exposure Diagram - Attached Units

The benefits of housing configured within this manner provides numerous benefits to the future residents and provides opportunities for the creation of a highly efficient and well-designed community. In order to meet the requirements for minimum density, site configuration, parking, block length, and access, the Applicant requests a departure from the strict application of this code from the Planning Commission.

**L. Dedication, Improvement and Maintenance of Public Thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:**

1. **Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.**
2. **Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.**
  - a. **An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.**
    - i. **A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study**

showing that the future homeowners association can financially maintain the private street;

- ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;
  - iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;
  - iv. Evidence that the private street is of sufficient width and construction to satisfy requirements of the fire marshal and city engineer; and
  - v. The PUD shall be a Class I planned community as defined in ORS Chapter 94.
- b. If the PUD is established, the homeowners association shall provide an annual written report on the anniversary date of the final approval of the PUD approval to the community development director that includes the following:
- i. The most recent reserve study.
  - ii. The name and contact information for the retained community management association.
  - iii. A report on the condition of the private street and any plans for maintenance of the private street.
3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.

**Applicant's Findings:** This proposed PUD includes a mixture of public and private streets. As identified in subsection L.2 above, private streets may be approved if:

- a PUD proposes at least 50 dwelling units,
- has provided a plan for on-street parking, maintenance and financing of maintenance of the private street,
- demonstrates sufficient parking,
- includes CCRs addressing the private street,
- is constructed to proper standards, and
- the PUD is a Class I planned community as defined in ORS Ch. 94.

The proposal meets all of the criteria for private streets identified above. The purpose statements in NMC 15.240.010(A) through (D) include:

- encourage comprehensive planning in areas of sufficient size...
- provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations
- promote an attractive, safe, efficient and stable environment...and
- provide for economy of shared services and facilities.

The proposed PUD is of a sufficient size to warrant comprehensive planning that is similar to traditional lot-by-lot developments in the same zoning and compatible with the surrounding environment. The inclusion of private streets makes it feasible to preserve more of the natural areas on the site. The housing design and placement, outdoor living areas, circulation, parking and storage on this site are all designed to work together to form a cohesive neighborhood feel. The shared services and facilities within the development include the private streets, parking areas and open spaces. The commercial development provides shared services as well.

All public streets are designed to City standards and proposed to be dedicated to the City.

The proposal includes all of the necessary materials to approve both the public and private streets.

This standard is met.

**M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.**

**Applicant's Findings:** The proposal includes all on-site utilities located underground.

**Findings:**

This standard is met.

**N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.**

**Applicant's Findings:** All dwelling units are served by outdoor living areas equal to at least 10 percent of the gross floor area of each unit. The single-family units will have outdoor living on individual lots. The multi-family will utilize a combination of balconies and porches as well as common outdoor living areas located on the multifamily site. All proposed dwelling units will be able to provide at least 10 percent of the gross floor area in outdoor living space. Outdoor living spaces for each unit can be verified at the time of building permit issuance.

This standard is met.

**O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.**

**Applicant's Findings:** A wetland is located on the northeast corner of tax lot 3216AA00900. A Property Line Adjustment application has been submitted prior to the submittal of this land use application that transfers 8,148.50 square feet from the subject site to tax lot 3216AA01600 under different ownership. This area is comprised entirely of the wetland area and associated buffer and will be granted to the north adjacent property under separate ownership. Accounting for the area removed from the property line adjustment request, the site will be a total of 10.40 acres.

Notwithstanding the above-mentioned wetland area that will be removed from the site, no other vegetation, topography or other natural features will be substantially altered prior to final plan approval.

This standard is met.

**P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.**

**Applicant's Findings:** The Applicant acknowledges the possibility of a performance bond being required to assure timely completion of any delayed landscaping.

This standard is met.

**Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories.**

**Applicant's Findings:** There are 23 possible site design points and 23 possible building design points; therefore, this project must obtain 9 site design and 9 building design points (40% of each). Below are the site design and building design elements that will be incorporated into the site, meeting this standard.

Site Design:

Good-quality coordinated site landscaping: 2 points  
Landscaped Edges of Parking Lots: 2 points  
Street trees: 1 point  
Site furnishing: 1 point  
Low fences: 1 point  
Entry accents: 1 point  
Appropriate Outdoor Lighting: 1 point  
Total Site Design Points: 9

Building Design:

Respect scale and patterns of nearby buildings by reflecting architectural styles, building details, materials and scale of existing buildings: 3 points  
Break up large buildings into bays/vary planes at least every 50 feet: 3 points

Provide variation in repeated units using color, porches, balconies, windows, railings, building materials and form, alone or in combination: 3 points  
Building materials: Wood or wood-like siding applied horizontally or vertically as board and batten at entry ways; shingles, as roofing; wood or wood-like sash windows; and wood or wood-like trim: 1 point  
A porch at every main entry: 2 points  
Total Building Design Points: 12

This standard is met as described above.

#### **15.240.030 Preliminary plan consideration – Step one.**

**A. Preapplication Conference. Prior to filing an application for preliminary plan consideration, the applicant or coordinator may request through the director a preapplication conference to discuss the feasibility of the proposed planned unit development and determine the processing requirements.**

**Applicant's** The Applicant attended a pre-application conference with the City on June 30, 2021.

**Findings:**

This standard is met.

**B. Application. An application, with the required fee, for preliminary plan approval shall be made by the owner of the affected property, or the owner's authorized agent, on a form prescribed by and submitted to the director. Applications, accompanied by such additional copies as requested by the director for purposes of referral, shall contain or have attached sufficient information as prescribed by the director to allow processing and review in accordance with these regulations. As part of the application, the property owner requesting the planned development shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197 based on the city's decision on the planned development.**

**Applicant's** This land use application includes all required fees, forms and documentation for

**Findings:** review of the Planned Unit Development and Conditional Use Permit requests.

This standard is met.

**C. Type III Review and Decision Criteria. Preliminary plan consideration shall be reviewed through the Type III procedure. Decisions shall include review and recognition of the potential impact of the entire development, and preliminary approval shall include written affirmative findings that:**

- 1. The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and**

**Applicant's** As described in this narrative, the proposed development is consistent with

**Findings:** standards, plans, policies and ordinances adopted by the City.

This standard is met.

2. **The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and**

**Applicant's Findings:** As discussed previously, the proposed PUD includes larger lot single-family detached homes along the northern property line, separating this development from a single-family detached development. Lot sizes will then decrease as one heads south into the site, with a multi-family residential building constructed in the southwest corner of the site. The homes on the site will all be designed and constructed so as to provide a cohesive design and character to the entire development. The distribution of recreation space, parking, roads, access and other uses is reasonably compatible with the appropriate development of abutting properties and the surrounding neighborhood.

This standard is met.

3. **Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:**
  - a. **Public facility planning by the appropriate agencies; or**
  - b. **A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or**
  - c. **Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development; and**

**Applicant's Findings:** Public services and facilities are either available to serve the proposed development or can be reasonably conditioned to be installed and provided. The public improvement plans included with the land use submittal demonstrate full public facilities will be provided, including water, sanitary sewer, storm sewer, electricity and natural gas. Public services are currently available to serve this site, including police, fire, garbage/recycling and US Mail.

This standard is met.

4. **The provisions and conditions of this code have been met; and**

**Applicant's Findings:** As discussed in detail in this narrative, the provisions and conditions of this code have been met.

This standard is met.

**5. Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and**

**Applicant's Findings:** The buildings, roads and other site features are located so as to preserve the wetland adjacent to the site and to prevent soil erosion or flood hazard.

This standard is met.

**6. There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and**

**Applicant's Findings:** The site is well provisioned for utility services, emergency vehicular access and, if the opportunity arises in the future, public transportation facilities. The public roadways are designed to public street standards and the private streets are designed to provide vehicular access. The application includes a letter from Tualatin Valley Fire & Rescue indicating that the private streets are adequate for emergency vehicle access.

This standard is met.

**7. Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and**

**Applicant's Findings:** The proposed multi-family development will feature open space areas for use by the residents. The multi-family housing has common outdoor living areas, as well as balconies and patios for some individual units. The single-family housing has outdoor living areas located on individual lots.

This standard is met.

**8. Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.**

**Applicant's Findings:** This site has been designed to reflect the surrounding area and to provide a reasonable level of privacy for residents of the development and surrounding properties. Large lot single-family detached dwellings are proposed along the northern property line, separating this development from another large lot residential development, easing the transition from lower density to higher. The site as a whole is designed to provide safe and convenient access. The building scale, bulk, design, setbacks, heights, coverage, landscaping and screening are designed to provide harmony within the site while respecting and reflecting design patterns utilized in other nearby developments.

This standard is met.



**D. Conditions. Applications may be approved subject to conditions necessary to fulfill the purpose and provisions of these regulations.**

**Applicant's Findings:** The Applicant acknowledges the possibility of conditions imposed to fulfill the purpose and provisions of the PUD regulations. However, based on the findings identified in this narrative, the Applicant finds the proposal in full compliance with the PUD standards.

This standard is met.

**15.240.040 Final plan consideration – Step two.**

**A. Application. An application, with the required fee, for final plan approval shall be submitted in accordance with the provisions of this code, and must be in compliance with all conditions imposed and schedules previously prescribed.**

**B. Referral. Referral of final plans and supportive material shall be provided to appropriate agencies and departments.**

**C. Decision Type I Procedure. The final plan consideration shall be reviewed through the Type I procedure. Upon receipt of the application and fee, final plans and required supportive material, the director shall approve, conditionally approve or deny the application for final plan approval. The decision of the director to approve or deny the application shall be based on written findings of compliance or noncompliance with approved preliminary plans and city standards, plans, policies and ordinances. Minor variations from approved preliminary plans may be permitted if consistent with the general character of the approved preliminary plans.**

**D. Conditions. Applications may be approved subject to such conditions as are necessary to fulfill the purpose and provisions of this code.**

**E. Performance Agreement.**

- 1. Preparation and Signatures. A duly notarized performance agreement binding the applicant, and the applicant's successors in interest, assuring construction and performance in accordance with the approved final plans shall be prepared by the city and executed by the applicant and city prior to issuance of a building permit.**
- 2. Return. Unless an executed copy of the agreement is returned to the director within 60 days of its delivery to the applicant, final plan approval shall expire, necessitating the reapplication for final plan reapproval.**
- 3. Filing. The director shall file a memorandum of the performance agreement with the Yamhill County recorder.**
- 4. Improvement Petitions and Dedications. Improvement petitions and all documents required with respect to dedications and easements shall be submitted prior to completion of the agreement.**
- 5. Project Changes. The director may permit project changes subsequent to execution of the agreement upon finding the changes substantially conform to final approved plans and comply with city standards, plans, policies and ordinances. Other modifications are subject to reapplication at the appropriate step.**

**6. Compliance. Compliance with this section is a prerequisite to the issuance of a building permit.**

**Applicant's** The Applicant acknowledges the process for Step Two of a PUD review.

**Findings:**

This standard is met.

**Division 15.300 Zoning Districts**

**15.305 Zoning Use Table**

Use	R-1	R-2	C-2	Notes and Special Use Standards
<b>Residential Uses</b>				
Dwelling, single-family detached	P(2)	P	C(4)	
Dwelling, single-family attached	S(2)	S	C(4)	NMC 15.415.050; subject to lot or development site area requirements of NMC 15.405.010
Dwelling, multifamily	C	P	C(4)	Subject to lot or development site area requirements of NMC 15.405.010

**Notes.**

**(2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).**

**(4) The permitted density shall be stated on the conditional use permit.**

**Applicant's** The proposed PUD will include single-family detached residential development in the

**Findings:** R-1 zone, single-family attached residential development in the R-2 and C-2 zone, and multi-family residential development in the C-2 zone.

The residential development in the C-2 zone requires a conditional use permit. Single-family detached residential development is permitted outright in the R-1 zone. Single-family attached is designated as a special use in both the R-2 zone and the C-2 zone. The special use standards of NMC 15.415.050 and NMC 15.405.010 have been addressed in this narrative.

The single-family detached homes and single-family attached homes will be located on individual lots per Note (2). The proposed density of the C-2 zone is consistent with the allowed density of the R-2 zone, which allows 310 density points per gross acre.

As this application includes a conditional use permit application, this standard is met.

**15.356 Bypass Interchange (BI) Overlay**

**Applicant’s Findings:** The frontage of this site is adjacent to the Bypass Interchange (BI) Overlay. While the provisions of the BI Overlay may apply to this site, the provisions only speak to permitted, conditional and prohibited uses. Residential development is a permitted use in the R-1 and R-2 zoning districts and a conditional use in the C-2 zoning district. Residential development is not prohibited in the BI Overlay.

This standard is met.

**Division 15.400 Development Standards**

**15.405 Lot Requirements**

**15.405.010 Minimum and maximum lot area.**

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

- 1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

Zone	Minimum lot area for single family	Minimum lot area for townhouse	Minimum lot area per dwelling unit for multifamily
R-1	5,000 SF	1,500 SF	Per conditional use review
R-2	3,000 SF	1,500 SF	3,000 SF

- 2. In the AI, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.
- 3. In the M-1, M-2, M-3, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.
- 4. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.
- 5. Within the commercial and mixed employment district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

**B. Maximum Lot or Development Site Area per Dwelling Unit.**

- 1. In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.
- 2. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.
- 3. In the R-2, AR and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

4. In the R-3 district, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

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

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

**Applicant's Findings:** The proposed PUD includes reduced lot sizes in the R-2 and C-2 zones. The standards for a PUD are discussed previously within this narrative.

The R-1 zone contains lot area requirements of 5,000 square feet with an average not to exceed 10,000 square feet. All lots in the R-1 zone exceed the minimum requirement. The average lot square footage of the R-1 zone as proposed is 5,567 square feet, which does not exceed 10,000 square feet.

The R-2 zone contains lot area requirements of 1,500 square feet for townhomes not to exceed an average of 5,000 square feet. The applicant is requesting a modification to this standard so that the average lot size for lots within this zone is 1,605 square feet, with a minimum lot size of 1,330 square feet. This modification request is explained in greater detail in Subchapter 15.240.020.I.

The C-2 zone contains a minimum lot area requirement of 5,000 square feet. The C-2 zone includes a mix of single-family attached homes and the multi-family development via a conditional use permit. The applicant is requesting a modification to this standard so that the average lot size for lots within this zone is 1,605 square feet with a minimum lot size of 1,330 square feet. The multi-family site is 41,275 square feet, which exceeds the minimum requirement. This modification request is explained in greater detail in Subchapter 15.240.020.I.

This standard is met.

#### **15.405.020 Lot area exceptions.**

**The following shall be exceptions to the required lot areas:**

**The following shall be exceptions to the required lot areas:**

**A. Lots of record with less than the area required by this code.**

**B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.**

**C. Planned unit developments, provided they conform to requirements for planned unit development approval.**

**Applicant's Findings:** This proposal complies with subsection C. of this criterion as a Planned Unit Development is proposed with conformity to all PUD requirements.

This standard is met.

**15.405.030 Lot dimensions and frontage.**

**A. Width.** Widths of lots shall conform to the standards of this code.

**B. Depth to Width Ratio.** Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

**C. Area.** Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

**D. Frontage.**

1. No lot or development site shall have less than the following lot frontage standards:
  - a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NMC 15.240.020(L)(2).
  - b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line, except that duplex, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 feet at the front building line.
  - c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.
  - d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.
2. The above standards apply with the following exceptions:
  - a. Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050.B.
  - b. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.
  - c. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.
  - d. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access

**roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex, triplex, or quadplex dwellings.**

**Applicant's Findings:** The proposed lots in the R-1 zone will meet all lot dimensions and frontage requirements of this section. Modifications consistent with the PUD modification standards have been requested for the lot dimensions and frontage requirements for the R-2 and C-2 zones.

The frontage length requirement in any zone for townhomes of 20 feet, whereas the applicant requests an average frontage length of 19 feet to accommodate the residential lots in the R-2 and C-2 zones. The proposed modification will allow for the development of single-family attached homes which are consistent with the adjacent small lot development.

Both public and private streets will be created as part of this PUD proposal and will conform to the above-mentioned criteria related to frontage requirements. All proposed lots satisfy the depth-to-width ratio criterion of this standard without the need for a modification.

This standard is met.

#### **15.405.040 Lot coverage and parking coverage requirements.**

**A. Purpose. The lot coverage and parking coverage requirements below are intended to:**

- 1. Limit the amount of impervious surface and storm drain runoff on residential lots.**
- 2. Provide open space and recreational space on the same lot for occupants of that lot.**
- 3. Limit the bulk of residential development to that appropriate in the applicable zone.**

**B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards** however, cottage cluster projects shall be exempt from the standards.

**See the definitions in NMC 15.05.030 and Appendix A, Figure 4.**

- 1. Maximum Lot Coverage.**
  - a. R-1: 40 percent, except;**
    - i. 50 percent if all structures on the lot are one story; and**
    - ii. 60 percent for townhouse dwellings**
  - b. R-2 and RP: 60 percent.**
  - c. AR and R-3: 60 percent.**
- 2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.**
- 3. Combined Maximum Lot and Parking Coverage.**
  - a. R-1: 60 percent.**
  - b. R-2, R-3 and RP and townhouse dwellings in R-1: 70 percent.**

**C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code.**

**Applicant's Findings:** The proposed lots within the PUD will meet the lot coverage and parking lot coverage standards.

The maximum permitted lot coverage shall be maintained within the proposed development. The R-1 lots along the northern boundary of the site range in area between 5,429 square feet and 6,485 square feet with an average lot size of 5,567 square feet. The proposed homes in the R-1 zone will likely be two stories. The maximum permitted lot coverage within the R-1 zoning district is 40 percent for two story homes or 50 percent for single story homes. The anticipated coverage for these lots will be less than the stated maximum. The total maximum lot coverage in the R-1 zone, including parking areas is 60 percent. The driveways on these lots will be 22 feet wide by 20 feet long or 440 square feet. The total lot coverage on the R-1 zoned lots will not exceed 60 percent. Building footprints and overall lot coverage can be verified at the time of building permit issuance.

The maximum permitted lot coverage in the R-2 zone is 60 percent. The R-2 lots will range in size between 1,330 square feet and 2,869 square feet with an average lot size of 1,605 square feet. The proposed homes in the R-2 zone will be three stories. The maximum permitted lot coverage within the R-2 zoning district is 60 percent. The anticipated coverage for these lots will be less than the stated maximum. The driveways on these lots will be 12 feet wide by 20 feet long, or 240 square feet. The total lot coverage on the R-2 zoned lots will not exceed 70 percent. Building footprints and overall lot coverage can be verified at the time of building permit issuance.

The C-2 zone does not list a maximum lot coverage requirement, however the proposed single-family attached lots in the C-2 zone will be consistent with the coverage requirements listed above for the R-2 zone. The multifamily lot within the C-2 zone has a total area of 41,275 square feet. The proposed building footprint will be approximately 8,167 square feet, or 19.7 percent of the site. The total proposed lot coverage, including the parking lot is 21,791 square feet, or 52.7 percent of the site. Building footprints and overall lot coverage can be verified at the time of building permit issuance.

This standard is met.

#### **15.410 Yard Setback Requirements**

##### **15.410.010 General yard regulations.**

**A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.**

**B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.**

**C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.**

**D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.**

**E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.**

**F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.**

**G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel.**

#### **15.410.020 Front yard setback.**

##### **A. Residential (see Appendix A, Figure 10).**

- 1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.**
- 2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.**
- 3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.**
- 4. Cottage cluster projects in any zone in which they are permitted shall have a front yard of not less than 10 feet. Any garage, carport, or parking areas that are part of a cottage cluster shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.**

##### **B. Commercial.**

- 1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-1 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. Said yard shall be landscaped and maintained.**



2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.
3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet. In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.
4. All lots or development sites in the C-4 district will comply with the front yard requirements described in NMC 15.352.040(E).

#### 15.410.030 Interior yard setback.

##### A. Residential.

1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.
2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.
3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.

##### B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.
2. All lots or development sites in the C-3 district shall have no interior yard requirements.
3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

**Applicant's Findings:** The proposed homes in the R-1 zone will meet all front and interior yard setback requirements. Modifications consistent with the PUD modification standards have been requested for the interior yard setback requirements for the R-2 and C-2 zone.

The minimum interior yard setback in the R-2 zone is five feet, with no interior setback where units are attached. The proposed townhomes will meet the minimum interior yard setback requirements.

The C-2 zone abuts the neighboring R-2 zone, requiring a 10-foot setback. The Applicant is requesting a modification to this setback requirement, as the C-2 zone will be developed with residential uses which are compatible with the neighboring uses.

This standard is met.

**15.410.060 Vision clearance setback.**

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

**A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.**

**B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.**

**C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.**

**D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict.**

**Applicant's Findings:** The proposed development maintains all required vision clearance setbacks, as demonstrated on the submitted plans.

This standard is met.

**15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.**

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

**A. Depressed Areas.** In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.

**B. Accessory Buildings.** In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.

**C. Projecting Building Features.** The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:

1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
2. Chimneys and fireplaces, provided they do not exceed eight feet in width.
3. Porches, platforms or landings which do not extend above the level of the first floor of the building.
4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).

**D. Fences and Walls.**

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
  - a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.
  - b. Not to exceed four feet in height. Located or maintained within all other front yards.
2. In any commercial, industrial, or mixed employment district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
  - a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.
  - b. Not to exceed four feet in height. Located or maintained within all other front yards.
3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.
4. The requirements of vision clearance shall apply to the placement of fences.

**Applicant's Findings:** The Applicant acknowledges permitted intrusions into required yard setbacks. The fences surrounding the single-family residential in the R-1 and R-2 zoning areas will not exceed six feet in height and will be made of cedar wood. A six-foot sound wall will be installed along a portion of the northern boundary of the site. The fencing in the C-2 zoning areas will not exceed eight feet in height. Fencing surrounding the storm pond will be chain link, manufactured of corrosion-proof materials of at least 11-1/2 gauge, and will be 4-feet in height. No fence exceeding four feet in height will be placed in a front yard setback.

This standard is met.

**E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).**

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.
2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:
  - a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family, duplex dwelling, triplex dwelling, quadplex dwelling, or townhouse dwelling on a single lot.
  - b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
  - c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
  - d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.
3. In any commercial or industrial district, except C-1, C-4, M-1, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district and the M-E district within the riverfront overlay subdistrict are described in NMC 15.352.040(H).
4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

**F. Public Telephone Booths and Public Transit Shelters.** Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.

**G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts.**

**Applicant's Findings:** Parking is proposed on private lots in driveways, on-street parallel parking, and in designated parking lots. Each lot will have either two or four parking spaces per home within the garages of the single-family homes. 35 parking spaces will be provided in association with the multi-family portion of the site. The location of the proposed parking areas meets the requirements of this standard.

This standard is met.

## 15.415 Building and Site Design Standards

### 15.415.010 Main buildings and uses as accessory buildings.

A. Hereinafter, any building which is the only building on a lot is a main building.

B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.

C. In any residential district, there shall be no more than two accessory buildings on any lot or development site.

### 15.415.020 Building height limitation.

#### A. Residential.

1. In the R-1 district, no main building shall exceed 30 feet in height, except that townhouse dwellings shall not exceed 35 feet in height.
2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.
3. In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.
4. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:
  - a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.
  - b. Aircraft hangars in the AR district may be the same height as the main building.
5. No cottage cluster dwelling shall exceed 25 feet in height in any zone where the use is permitted.
6. Single-family dwellings permitted in commercial or industrial districts shall not exceed 35 feet in height, or the maximum height permitted in the zone, whichever is less.

**Applicant's Findings:** The single-family homes in the R-1 zone will have a maximum height of 30 feet, consistent with the requirements of the zone. The proposed single-family homes and multifamily homes in the R-2 and C-2 zones will have a maximum height of 35 feet, consistent with the requirements of the zone.

This standard is met.

#### B. Commercial, Industrial and Mixed Employment.

1. In the C-1 district no main building or accessory building shall exceed 30 feet in height.
2. In the AI, C-2, C-3, M-E, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.
3. In the C-4 district, building height limitation is described in NMC 15.352.040(J)(1).
4. In the M-E district within the riverfront overlay subdistrict, building height limitation is described in NMC 15.352.060.

**Applicant's Findings:** The multi-family buildings proposed in the C-2 zoned portion of this site require a conditional use permit. As such, the maximum height of buildings in the C-2 zoning district will be stated in the Conditional Use Permit, as required by subsection C., below.

This standard is not applicable as a Conditional Use Permit is requested and will state the maximum height of buildings.

**C. The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.**

**Applicant's Findings:** The Applicant proposes a maximum building height of 35 feet for the multi-family residential structures. This maximum height shall be stated on the Conditional Use Permit.

This standard is met.

**15.415.040 Public access required.**

**No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.**

**Applicant's Findings:** All proposed residential structures will have access to a public street either directly or via a connection from a private street, as permitted by the Planned Unit Development (PUD) criteria and as previously discussed in this narrative.

This standard is met.

**15.415.050 Rules and exceptions governing triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects.**

**A. Where permitted, triplex dwellings and quadplex dwellings are subject to the following provisions:**

**Applicant's Findings:** Triplex and quadplex dwellings are not proposed. The requirements of this section are not applicable.

**B. Where permitted, townhouse dwellings are subject to the following provisions:**

- 1. Number of Attached Units. The minimum number of attached townhouse dwelling units in all zones is two units. The maximum number of attached townhouse dwelling units is four units in the R-1 zone and eight units in the R-2, R-3, R-P and AR zones.**

**Applicant's Findings:** The proposed development features two-unit, four-unit and five-unit townhomes in the R-2 and C-2 zone. This standard is met.

**2. Entry Orientation. The main entrance of each townhouse must:**

- a. **Be within eight feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and**
- b. **Either:**
  - i. **Face the street (see Appendix A, Figure 26); or**
  - ii. **Be at an angle of up to 45 degrees from the street (see Appendix A, Figure 27); or**
  - iii. **Face a common open space or private access or driveway that is abutted by dwellings on at least two sides (see Appendix A, Figure 28); or**
  - iv. **Open onto a porch (see Appendix A, Figure 29). The porch must:**
    - (A) Be at least 25 square feet in area; and**
    - (B) Have at least one entrance facing the street or have a roof.**

**Applicant's Findings:** All townhouse dwellings will have entrances within eight feet of the longest street facing wall of the dwelling units. All entrances will either face the street and open to a porch meeting the requirements of subsection iv above.

**3. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing facade (see Figure 31):**

- a. **A roof dormer a minimum of four feet in width; or**
- b. **A balcony a minimum of two feet in depth and four feet in width and accessible from an interior room; or**
- c. **A bay window that extends from the facade a minimum of two feet; or**
- d. **An offset of the facade a minimum of two feet in depth, either from the neighboring townhouse or within the facade of a single townhouse; or**
- e. **An entryway that is recessed a minimum of three feet; or**
- f. **A covered entryway with a minimum depth of four feet; or**
- g. **A porch that is:**
  - i. **At least 25 square feet in area; and**
  - ii. **Has at least one entrance facing the street or has a roof.**

**Applicant's Findings:** Each townhouse will have a covered entryway with a depth of four feet and a porch that is at least 25 square feet in area with an entrance facing a street. This standard is met.

**4. Windows. A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard. (See Appendix A, Figure 30.)**

**Applicant's Findings:** A minimum of 15 percent of the area of all front street facing facades will include windows and entrance doors. The glazing calculation has been provide don the

conceptual building elevations. The applicant requests a modification for the side yard facades facing the street. The ground floor of the townhome units will primarily be garage space and windows are not proposed. A modification is requested for the side yard facades which face a street. The proposed modification would impact 14 of the townhome units.

**5. Driveway Access and Parking. Townhouses with street frontage must meet the following standards:**

**a. Garages on the front facade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 32):**

**i. Each townhouse lot has a street frontage of at least 15 feet on a local street.**

**Applicant's Findings:** Each townhouse lot has a street frontage of 15 feet on a private street. This standard is met.

**ii. A maximum of one driveway approach is allowed for every townhouse. Individual driveways may be between 10 and 12 feet in width. Driveway approaches and/or driveways may be shared.**

**Applicant's Findings:** Each townhouse will have a driveway between 10-12 feet in width. This standard is met.

**iii. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, which may be between 20 to 24 feet in width.**

**Applicant's Findings:** Shared driveways are not proposed. This standard is met.

**iv. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.**

**Applicant's Findings:** Outdoor on-site parking areas will not exceed 12 feet wide on any lot. This standard is met.

**v. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.**

**Applicant's Findings:** The proposed garages will not exceed 12 feet wide from the inside of the garage door frame. This standard is met.

**b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (B)(5)(a) of this section. The following driveway and parking area configurations may also be voluntarily utilized for townhouse projects that could otherwise meet the standards in subsection (B)(5)(a) of this section:**



**Applicant's Findings:** The proposed townhomes meet all of the standards of subsection B(5)(a). The requirements of this section are not applicable.

**C. Where permitted, cottage cluster projects are subject to the following provisions:**

**Applicant's Findings:** Cottage cluster dwellings are not proposed. The requirements of this section are not applicable.

**15.420 Landscaping and Outdoor Areas**

**15.420.010 Required minimum standards.**

**A. Private and Shared Outdoor Recreation Areas in Residential Developments.**

1. **Private Areas.** Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.
2. **Individual and Shared Areas.** Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any multifamily residential development, as follows:
  - a. **One- or two-bedroom units: 200 square feet per unit.**
  - b. **Three- or more bedroom units: 300 square feet per unit.**
  - c. **Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.**
3. **In the AR airport residential district a five percent landscaping standard is required with the goal of "softening" the buildings and making the development "green" with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement.**

**Applicant's Findings:** Each ground-level home within the community will have a minimum of 48 square feet of private outdoor open space. The multi-family housing area provides private patios and balconies along with the required shared usable outdoor recreation space. There are 24 total one- and two-bedroom multi-family units, requiring 200 square feet of open space per unit. The total required usable open space for the site is 4,800 square feet. Each unit will have a balcony that is 50 square feet, totaling 1,200 square feet of open space. The remaining 3,600 square feet of open space will be provided within the landscaped areas on the site. Open space amenities will include walking paths, seating areas, lawn areas and landscaped garden areas. Enclosed storage areas are provided attached to the outdoor private areas in the multi-family residential and in the garages of the single-family residential.

This standard is met.

**B. Required Landscaped Area.** The following landscape requirements are established for all developments except single-family detached dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects:

- 1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.**

**Applicant’s Findings:** The proposed single-family detached dwellings and townhouse dwellings are exempt from these requirements. The proposed multifamily site area is 41,275 square feet. The proposed landscaped area of the site is 16,768 square feet, or 40.6 percent of the site. The proposed landscaping exceeds the minimum requirement of 15 percent.

This standard is met.

- 2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.**

**Applicant’s Findings:** All areas included with the final design review plan and not otherwise improved will be landscaped.

This standard is met.

- 3. The following landscape requirements shall apply to the parking and loading areas:**
  - a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.**
  - b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.**
  - c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover,**

or lawn. This landscaping shall provide partial screening of these areas from the street.

- d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).
- e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.
- g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.
- h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:
  - i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).
  - ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

**Applicant's Findings:**

As identified on the included site plan, the parking areas providing 10 or more spaces all meet the minimum landscaping requirements. All landscaped areas in parking areas provide a minimum of two different plant material groups, including trees, shrubs, ground cover or lawn. Fencing will be provided in compliance with this Section.

This standard is met.

**4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director**

shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.

- a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.
- b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.
- c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.
- d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.
- e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center

**Applicant's Findings:** As identified on the submitted landscaping plan, all street trees and ground cover provided in this development will meet city standards.

This standard is met.

- 5. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought-resistant varieties. Provision must be made for

alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.

6. Required landscaping shall be continuously maintained.
7. Maximum height of tree species shall be considered when planting under overhead utility lines.
8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.
9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

**Applicant's** Automatic, underground irrigation systems will be provided for all landscaped areas.

**Findings:** Landscaping will be continuously maintained by the project's Homeowner's Association. As identified in the included landscaping plan, the trees and shrubs have been chosen for their appropriateness for the location in which they are to be planted.

This standard is met.

**C. Installation of Landscaping.** All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.

**Applicant's** Landscaping will be installed or assured according to City requirements prior to the  
**Findings:** issuance of occupancy permits.

This standard is met.

#### **15.420.020 Landscaping and amenities in public rights-of-way.**

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A

decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

**A. Pedestrian Space Landscaping.** Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian-scale lighting. These spaces should be designed for short-term as well as long-term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short-term use only with plant material for cooling and dust control, and pedestrian-scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe crossing zone visually clear to motorists and pedestrians alike.

1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).
2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.
  - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).
  - b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures.
3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.
  - a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.
  - b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.
  - c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).
  - d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.
4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.
  - a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.

- b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.
5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.

**Applicant's Findings:** The submitted landscaping plan identifies landscaping and amenities proposed for the public right-of-way. Due to the residential nature of the site and the amenities to be provided within the project's open spaces, the public rights-of-way have been provided with mainly plantings.

This standard is met.

**B. Planting Strip Landscaping.** All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.
2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).
  - a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.
  - b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.
3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.
  - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.
  - b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).

- c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.

**C. Maintenance.** All landscapes shall be maintained for the duration of the planting to encourage health of plant material as well as public health and safety. All street trees and shrubs shall be pruned to maintain health and structure of the plant material for public safety purposes.

**Applicant's Findings:** As identified in the included landscaping plan, all planting strips will be landscaped with a combination of ground covers, shrubs and trees. All landscaping will be maintained for the duration of the planting and all street trees and shrubs will be pruned to maintain the health and structure of the plants.

This standard is met.

**D. Exception.** In the AI airport industrial district and AR airport residential district, no landscape or amenities except for grass are required for any area within 50 feet of aircraft operation areas including aircraft parking areas, taxiways, clear areas, safety areas, object-free areas, and the runway.

**Applicant's Findings:** This standard is not in the AI or AR zone and, as such, this standard is not applicable.

## 15.425 Exterior Lighting

### 15.425.010 Purpose.

The purpose of this chapter is to regulate the placement, orientation, distribution patterns, and fixture types of on-site outdoor lighting. The intent of this section is to provide minimum lighting standards that promote safety, utility, and security, prevent glare on public roadways, and protect the privacy of residents.

### 15.425.020 Applicability and exemptions.

**A. Applicability.** Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:

1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.
2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.
3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.



**B. Exemptions. The following uses shall be exempt from the provisions of this section:**

1. **Public street and airport lighting.**
2. **Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.**
3. **Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.**
4. **Temporary Lighting. In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:**
  - a. **Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event.**
  - b. **Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart.**
5. **Lighting activated by motion sensor devices.**
6. **Nonconforming lighting in place as of September 5, 2000. Replacement of nonconforming lighting is subject to the requirements of NMC 15.205.010 through 15.205.100.**
7. **Light Trespass onto Industrial Properties. The lighting trespass standards of NMC 15.425.040 do not apply where the light trespass would be onto an industrially zoned property.**

**Applicant's Findings:** The land use submittal includes a lighting plan for the multi-family site identifying the location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture. Lighting is provided in the parking areas and the multi-family residential buildings.

This standard is met.

**15.425.030 Alternative materials and methods of construction, installation, or operation.**

**The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved by the director. Alternatives must be an approximate equivalent to the applicable specific requirement of this section and must comply with all other applicable standards in this section.**

**Applicant's Findings:** This land use submittal does not include a request for alternative materials and methods of construction, installation or operation.

This standard is met.

## 15.425.040 Requirements.

### A. General Requirements – All Zoning Districts.

1. Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.
2. Medium-level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium-level light fixtures must either comply with the shielding requirements of subsection (B) of this section, or the applicant shall show that light trespass from a property has been designed not to exceed one-half foot-candle at the property line.
3. High-level light fixtures include exterior lights which are installed 15 feet or more above ground level. High-level light fixtures must comply with the shielding requirements of subsection (B) of this section, and light trespass from a property may not exceed one-half foot-candle at the property line.

### B. Table of Shielding Requirements.

Fixture Lamp Type	Shielded
Low/high pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts	Fully
Incandescent over 160 watts	Fully
Incandescent 160 watts or less	None
Fossil fuel	None
Any light source of 50 watts or less	None
Other sources	As approved by NMC <u>15.425.030</u>

**Applicant's Findings:** The land use submittal includes a lighting plan identifying the location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture. Lighting is provided in the parking areas and the multi-family residential buildings. All medium- and high-level lighting is designed to meet this section.

This standard is met.

## 14.430 Underground Utility Installation

### 15.430.010 Underground utility installation.

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

**B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.**

**C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:**

- 1. The cost of undergrounding the utility is extraordinarily expensive.**
- 2. There are physical factors that make undergrounding extraordinarily difficult.**
- 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.**

**Applicant's** All new utility lines will be located underground.

**Findings:**

This standard is met.

## **15.440 Off-Street Parking, Bicycle Parking, and Private Walkways**

### **Article I. Off-Street Parking Requirements**

#### **15.440.010 Required off-street parking.**

**A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.**

- 1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.**

**B. Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.**

- 1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.**

**C. Off-street parking is not required in the C-3 district, except for:**

- 1. Dwelling units meeting the requirements noted in NMC 15.305.020.**
- 2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.**
- 3. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.**

**Applicant's** The proposed parking for the single-family homes will be on the same lot as the use.

**Findings:** On-street parking will be located on Jory Street, Willakenzie Street and Benjamin Road. The proposed parking for the multi-family buildings will also be on the same development site as the buildings, in a parking lot adjacent to the buildings. There are no commercial, office or industrial developments proposed at this time and, as such, no carpool/vanpool parking spaces are required.

This standard is met.

#### **15.440.020 Parking area and service drive design.**

A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.

B. Groups of three or more parking spaces, except those in conjunction with a single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, townhouse dwelling or cottage cluster project on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.

D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, if required, and is approved by the fire marshal, planning director, and public works director. The following submittal must be made:

1. A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other nonsecured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications (refer to Federal Aviation Administration Advisory Circular No. 150/5300-13 regarding airport design, and AC/5370-10B regarding construction standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review.

**15.440.030 Parking spaces required.**

Use	Minimum Parking Spaces Required
<b>Residential Types</b>	
Dwelling, multifamily and multiple single-family dwellings on a single lot Studio or one-bedroom unit Two-bedroom unit Three- and four-bedroom unit Five- or more bedroom unit • Unassigned spaces	1 per <u>dwelling unit</u> 1.5 per <u>dwelling unit</u> 2 per <u>dwelling unit</u> 0.75 spaces per bedroom

<ul style="list-style-type: none"> <li>• Visitor spaces</li> </ul>	<p>If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide some unassigned spaces. At least 15 percent of the total required <u>parking spaces</u> must be unassigned and be located for convenient <u>use</u> by all occupants of the development. The location shall be approved by the <u>director</u>.</p> <p>If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide at least 0.2 visitor spaces per <u>dwelling unit</u>.</p>
<ul style="list-style-type: none"> <li>• On-street parking credit</li> <li>• Available transit service</li> </ul>	<p>On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.</p> <p>At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.</p>
<p>Dwelling, single-family</p>	<p>2 for each dwelling unit on a single lot</p>
<p>Dwelling, townhouse</p>	<p>1 for each dwelling unit</p>

**Applicant's Findings:** All single-family detached homes will have at least four parking spaces provided on each lot, with two car garages and two car driveways. The single-family attached homes will have at least two parking spaces provided on each lot, with single car garages with single car driveways.

The multi-family development proposes to create 24 units with 12 one-bedroom homes and 12 two-bedroom homes. The required parking for the one-bedroom units is 12 spaces, the two-bedroom units require 18 parking spaces and a total of 5 visitor parking spaces are required for a total of 35 parking spaces. As proposed, 35 spaces are provided which are on the same site as the multi-family buildings.

This standard is met.

**15.440.060 Parking area and service drive improvements.**

**All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:**

**A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.**

**B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.**

**C. All parking areas, except those required in conjunction with single-family or duplex dwellings, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.**

**D. All parking areas, including service drives, except those required in conjunction with single-family or duplex dwellings, shall be screened in accordance with NMC 15.420.010(B).**

**E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.**

**F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.**

**G. Parking areas for residential uses shall not be located in a required front yard, except as follows:**

- 1. Attached or detached single-family or duplex: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.**
- 2. Three- or four-family: parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (see Appendix A, Figure 12).**

**H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.**

**I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.**

**J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.**

**Applicant's Findings:** As identified on the submitted site plan and utility plans, all parking areas and service drives will be constructed to City standards. Parking areas do not encroach on public streets. Substantial parking bumpers are provided for the multi-family parking area. All parking area lighting will be designed to reduce light spill and glare away from any proposed or existing neighboring developments.

This standard is met.

**15.440.075 Residential garage standards.**

**A. Single-car garages for residential uses shall have a minimum inside width of 10 feet by 20 feet.**

**B. Two-car garages for residential uses shall have a minimum inside width of 20 feet by 20 feet.**

**C. Three-car garages for residential uses shall have a minimum inside width of 30 feet by 20 feet.**

**Applicant's Findings:** All single-car garages will have a minimum inside width of 10 feet by 20 feet. All two-car garages will have a minimum inside width of 20 feet by 20 feet. All three-car garages will have a minimum inside width of 30 feet by 20 feet. This standard is met.

**Article II. Bicycle Parking**

**15.440.090 Purpose.**

**Cycling is a healthy activity for travel and recreation. In addition, by maximizing bicycle travel, the community can reduce negative effects of automobile travel, such as congestion and pollution. To maximize bicycle travel, developments must provide effective support facilities. At a minimum, developments need to provide a secure place for employees, customers, and residents to park their bicycles.**

**15.440.100 Facility requirements.**

**Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.**

<b>Use</b>	<b>Minimum Number of Bicycle Parking Spaces Required</b>
<b>New multiple dwellings, including additions creating additional dwelling units</b>	<b>One bicycle parking space for every four dwelling units</b>

**Applicant's Findings:** The proposal includes 24 multi-family units, requiring six bicycle parking spaces. The proposed multi-family dwelling units will provide six bicycle parking spaces.

This standard is met.

#### **15.440.110 Design.**

**A. Bicycle parking facilities shall consist of one or more of the following:**

- 1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.**
- 2. An enclosed locker.**
- 3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.**
- 4. Other facility designs approved by the director.**

**B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.**

**C. All spaces shall be located within 50 feet of a building entrance of the development.**

**D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority responsible for maintenance of that right-of-way.**

**Applicant's Findings:** As shown on the included site development plans, the bicycle parking facility is designed to meet these requirements.

This standard is met.

### **Article III. Private Walkways**

#### **15.440.120 Purpose.**

Sidewalks and private walkways are part of the city's transportation system. Requiring their construction is part of the city's plan to encourage multimodal travel and to reduce reliance on the automobile. Considerable funds have and will be expended to install sidewalks along the streets in the city. Yet there is little point to this expense if it is not possible for people to walk from the sidewalk to the developments along each side. The following requirements are intended to provide safe and convenient paths for employees, customers, and residents to walk from public sidewalks to development entrances, and to walk between buildings on larger sites.

#### **15.440.130 Where required.**

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.



**Applicant's Findings:** As this application includes a Planned Unit Development and Conditional Use Permit, walkways and sidewalks are required and are provided as shown on the submitted plans.

This standard is met.

#### **15.440.140 Private walkway design.**

**A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.**

**B. Required private walkways shall be a minimum of four feet wide.**

**C. Required private walkways shall be constructed of portland cement concrete or brick.**

**D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.**

**E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.**

**F. The review body may require on-site walks to connect to development on adjoining sites.**

**G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards.**

**Applicant's Findings:** The proposal includes private walkways connecting the multi-family units to Highway 99W and Jory Road. These walkways will be a minimum of four feet in width and will be constructed of Portland cement concrete. Crosswalks will be provided on the site to delineate the shift from public streets to private streets. Crosswalks will be painted/clearly striped in conformance with these requirements.

This standard is met.

### **Division 15.500 Public Improvement Standards**

#### **15.505 Public Improvements Standards**

##### **15.505.010 Purpose.**

**This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development**

##### **15.505.020 Applicability.**

**The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).**

**A. Public Works Design and Construction Standards.** The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.

**B. Street Improvements.** All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.

**C. Water.** All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.

**D. Wastewater.** All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.

**E. Stormwater.** All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.

**F. Utility Easements.** Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

**G. City Approval of Public Improvements Required.** No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards.

**Applicant's Findings:** As identified on the included public improvement plans, the design and construction of all improvements within existing and proposed public rights-of-way and easements and all improvements to be maintained by the city are designed to comply with the requirements of the most recently adopted Newberg public works design and construction standards. All improvements for which city approval is required are proposed to the most recently adopted Newberg public works design and construction standards or, in the case of private streets, as reviewed and approved by the Newberg Engineering Department. The site development plan includes private and public streets, utility easements where necessary, connection to public water and sanitary sewer services and management of stormwater runoff.

This standard is met.

#### **15.505.030 Street standards.**

**A. Purpose.** The purpose of this section is to:

- 1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.**
- 2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, "adequate access" means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.**
- 3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly**

and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.

**B. Applicability.** The provisions of this section apply to:

1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.
2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.
3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.
4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.
5. Developments outside the city that tie into or take access from city streets.

**Applicant’s Findings:** As demonstrated in the public improvement plans, this development includes public and private streets designed to provide safe and convenient vehicular and pedestrian access. Proposed improvements include paved streets, curbs (rolled curb on private streets), sidewalks, crosswalks, planter strips with street trees and appropriate groundcover, and utility easements where necessary.

This standard is met.

**C. Layout of Streets, Alleys, Bikeways, and Walkways.** Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.

**Applicant’s Findings:** While no bikeways are proposed, the streets, alleys and walkways are designed to comply with the Newberg Transportation System Plan. Streets are planned to meet with adjoining roadways and to provide for future connectivity to the east.

This standard is met.

**D. Construction of New Streets.** Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the

city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:

1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and
2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

**Applicant's Findings:** Full street improvements are proposed for the extension of Jory Street and Willakenzie Street. Half-street improvements are proposed along the frontage of Benjamin Road, consistent with the requirements of this section.

This standard is met.

#### **E. Improvements to Existing Streets.**

1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.
2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.
3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.

**Applicant's Findings:** Full street improvements are proposed for the extension of Jory Street and Willakenzie Street. Half-street improvements are proposed along the frontage of Benjamin Road, consistent with the requirements of this section. The public streets will be constructed to public street standards and dedicated to the City of Newberg. The private streets will be full street improvements and will be owned and maintained by the future Homeowner's Association subject to the draft Covenants, Conditions, Restrictions and Easements submitted with this proposal.

This standard is met.

**F. Improvements Relating to Impacts.** Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this code. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.

**Applicant's Findings:** Development of the proposed street network and utilities within the development and connecting to the neighboring properties is roughly proportional to the transportation and development impacts from the development. Transportation facilities will be in place or guaranteed prior to development of the site.

This standard is met.

**G. Street Width and Design Standards.**

1. **Design Standards.** All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.

**Table 15.505.030(G) Street Design Standards**

Type of Street	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
<b>Arterial Streets</b>						
<b>Expressway**</b>	ODOT	ODOT	ODOT	ODOT	ODOT	ODOT
Minor arterial	69 – 80 feet	48 feet	2 lanes	TWLTL or median*	Yes	No*
<b>Collectors</b>						
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
<b>Local Streets</b>						
Local residential	54-60 feet	32 feet	2 lanes	None	No	Yes

2. **Motor Vehicle Travel Lanes.** Collector and arterial streets shall have a minimum width of 12 feet.
  - a. **Exception.**
    - i. **Minimum lane width of 11 feet along S River Street from E First Street to E Fourteenth Street.**

3. **Bike Lanes.** Striped bike lanes shall be a minimum of six feet wide. Bike lanes shall be provided where shown in the Newberg transportation system plan.
  - a. **Exception.**
    - i. **Minimum striped bike lane width of six feet with a one-foot wide buffer along S River Street from E First Street to the bypass.**
4. **Parking Lanes.** Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide.
  - a. **Exception.**
    - i. **Minimum parking lane width of seven feet along S River Street from the bypass to E Fourteenth Street.**
5. **Center Turn Lanes.** Where a center turn lane is provided, it shall be a minimum of 12 feet wide.
6. **Limited Residential Streets.** Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:
  - a. **The requirements of the fire chief shall be followed.**
  - b. **The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.**
  - c. **Use for through streets or looped streets is preferred over cul-de-sac streets.**
  - d. **Use for short blocks (under 400 feet) is preferred over longer blocks.**
  - e. **The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.**
  - f. **On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.**
7. **Sidewalks.** Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.
  - a. **Exception.**
    - i. **Twelve-foot-wide sidewalks, inclusive of the curb, with tree wells along S River Street from the bypass to E Fourteenth Street.**
    - ii. **Twelve-foot-wide shared-use path and four-foot buffer, inclusive of the curb, with tree wells along the east side of S River Street from the bypass to E Fourteenth Street.**
8. **Planter Strips.** Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:
  - a. **Additional reinforcement is done to the sidewalk section at corners.**
  - b. **Sidewalk width is six feet.**
9. **Slope Easements.** Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.

**10. Intersections and Street Design.** The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.

**11. The planning commission may approve modifications to street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.**

**Applicant's Findings:** Streets, sidewalks and planter strips, as identified on the proposed public improvement plans, are designed to meet the standards of the Newberg Transportation System Plan and this section.

This standard is met.

**H. Modification of Street Right-of-Way and Improvement Width.** The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:

1. The modification is necessary to provide design flexibility in instances where:
  - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
  - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or
  - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or
  - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.
2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.

**Applicant's Findings:** Street modifications are not proposed as part of this development and, as such, this standard is not applicable.

**I. Temporary Turnarounds.** Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface, and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

**Applicant's Findings:** The proposed development does not have dead end roads. Temporary turnarounds are not proposed.

This standard is met.

**J. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.**

**Applicant's Findings:** The layout of the streets takes into consideration the surrounding topography.

This standard is met.

**K. Future Extension of Streets. All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be "to and through": through the development and to the edges of the project site to serve adjacent properties for future development.**

**Applicant's Findings:** The street network will extend Willakenzie Street and Jory Street to connect with Benjamin Road.

This standard is met.

**L. Cul-de-Sacs.**

- 1. Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.**
  - a. Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.**
  - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.**
  - c. Where streets or accessways would violate provisions of leases, easements, or similar restrictions.**
  - d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.**
- 2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).**
- 3. Cul-de-sacs shall not serve more than 18 single-family dwellings. Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot**



**radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.**

**Applicant's Findings:** No cul-de-sacs are proposed as part of this development and, as such, this standard is not applicable.

**M. Street Names and Street Signs.** Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

**Applicant's Findings:** All existing public streets used to serve the site have existing street names. The private streets in the development are new and will be established with this development. The applicant acknowledges that street names are subject to approval by the director and fire chief and shall not duplicate or resemble the name of any existing platted streets in the city. The applicant acknowledges it is the responsibility of the developer to provide street signs.

This standard is met.

**N. Platting Standards for Alleys.**

- 1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.**
- 2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.**
- 3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.**
- 4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.**
- 5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.**

**Applicant's Findings:** The alleys included with this proposal are all proposed as private streets owned and maintained by the Homeowner's Association.

This standard is met.

**O. Platting Standards for Blocks.**

- 1. Purpose. Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather**

than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.

2. **Maximum Block Length and Perimeter.** The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

Zones(s)	Maximum Block Length	Maximum Block Perimeter
R-1	800 feet	2,000 feet
R-2, R-3, RP, I	1,200 feet	3,000 feet

3. **Exceptions.**

- a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.
- b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.
- c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.
- d. Institutional campuses located in an R-1 zone may apply the standards for the institutional zone.
- e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.
- f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

**Applicant's Findings:** The proposed development has a block length ranging from 176 feet to 415 feet, with a maximum block perimeter of 1,108 feet. The proposed development meets the maximum block length standards of this section.

This standard is met.

4. **Public Pedestrian Walkways and Bicycle Access.** The approval authority in approving a land use application with conditions may require a developer to provide an access way where the creation of a street consistent with street spacing standards is infeasible and

the creation of a cul-de-sac or dead-end street is unavoidable. A public walkway provides a connection through a block that is longer than established standards or connects the end of the street to another right-of-way or a public access easement. A public walkway shall be contained within a public right-of-way or public access easement, as required by the city. A public walkway shall be a minimum of 10 feet wide and shall provide a minimum six-foot-wide paved surface or other all-weather surface approved by the city (see subsection (S) of this section for public walkway standards). Design features should be considered that allow access to emergency vehicles but that restrict access to non-emergency motorized vehicles.

**Applicant's Findings:** The block length requirements have been met. Public pedestrian walkways and bicycle access is not necessary to meet access requirements.

This standard is met.

**P. Private Streets.** New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).

**Applicant's Findings:** Private streets are proposed in compliance with NMC 15.240.020(L)(2), as addressed previously in this narrative.

This standard is met.

**Q. Traffic Calming.**

1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:
  - a. Serpentine alignment.
  - b. Curb extensions.
  - c. Traffic diverters/circles.
  - d. Raised medians and landscaping.
  - e. Other methods shown effective through engineering studies.
2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.

**Applicant's Findings:** Traffic calming measures are not proposed as the submitted Transportation Impact Analysis demonstrates that the proposed street network is safe and effective.

This standard is met.

**R. Vehicular Access Standards.**

1. **Purpose.** The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and

goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

2. **Access Spacing Standards.** Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

**Table 15.505.R. Access Spacing Standards**

<b>Roadway Functional Classification</b>	<b>Area<sup>1</sup></b>	<b>Minimum Intersection Spacing (Feet)<sup>2</sup></b>	<b>Public Street Driveway Setback from Intersecting Street<sup>3</sup></b>
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major Arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor Arterial	Urban CBD	500 200	150 100
Major Collector	All	400	150
Minor Collector	All	300	100

3. **Properties with Multiple Frontages.** Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.
  - a. For a duplex dwelling with frontage on two local streets, access may be permitted on both streets.
4. **Driveways.** More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.
  - a. For a duplex dwelling more than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 22 feet of lot frontage separating each driveway approach.
5. **Alley Access.** Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:
  - a. The review body finds that creating a public street frontage is not feasible.
  - b. The alley access is for no more than six dwellings and no more than six lots.

- c. The alley has through access to streets on both ends.
  - d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.
- 6. **Closure of Existing Accesses.** Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.
- 7. **Shared Driveways.**
  - a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
  - b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.
  - c. No more than four lots may access one shared driveway.
  - d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.
  - e. Where three or more lots share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.
- 8. **Frontage Streets and Alleys.** The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.
- 9. **ODOT or Yamhill County Right-of-Way.** Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.
- 10. **Exceptions.** The director may allow exceptions to the access standards above in any of the following circumstances:
  - a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.
  - b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.

- c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.

**11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.**

**Applicant's Findings:** This application does not proposed access on Highway 99W. All other driveway and intersection spacing standards are met, as demonstrated on the submitted public improvement plans.

This standard is met.

#### **S. Public Walkways.**

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.
2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.
3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.
4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.
5. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.
6. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.
7. Lighting may be required for public walkways in excess of 250 feet in length.
8. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

**Applicant's Findings:** Public walkways are proposed to connect the multi-family residential development to Highway 99W and Jory Street. Walkways have been provided on the private streets connecting Jory Street and Willakenzie Street. Public sidewalks have been provided on all public streets.

This standard is met.

**T. Street Trees.** Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

**Applicant's Findings:** As indicated on the submitted landscaping plans, street trees are proposed on all streets.

This standard is met.

**U. Street Lights.** All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

**Applicant's Findings:** This proposal includes developer-installed underground electric service, light standards, wiring and lamps for streetlights according to the specifications and standards of the Newberg public works design and construction standards.

This standard is met.

**V. Transit Improvements.** Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:

1. Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.
2. A transit passenger landing pad accessible to disabled persons.
3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.
4. Lighting at the transit facility.

**Applicant's Findings:** There are no transit facilities within or adjacent to this site and, as such, this standard is not applicable.

#### **15.505.040 Public utility standards.**

**A. Purpose.** The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.

**B. Applicability.** This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.

**C. General Standards.**

1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.
2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.

**D. Standards for Water Improvements.** All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.

1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.
3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.
4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.

**E. Standards for Wastewater Improvements.** All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.

1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.
2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make



gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.

3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.
5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.
6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.
7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

**F. Easements.** Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards.

**Applicant's Findings:** The development will connect to public utilities, including water and sanitary sewer. As demonstrated on the submitted public improvement plans, all public utilities are designed to be constructed to City standards.

This standard is met.

#### **15.505.050 Stormwater system standards.**

**A. Purpose.** The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.

**B. Applicability.** The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that

impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.

**C. General Requirement.** All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

**D. Plan for Stormwater and Erosion Control.** No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:

1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.
2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.
3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

**E. Development Standards.** Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards.

**Applicant's Findings:** The submitted public improvement plans include details of the proposed stormwater detention and treatment plan. The stormwater detention and treatment plan is designed to meet City standards and to preclude stormwater drainage on surrounding properties.

This standard is met.

## **SUMMARY AND CONCLUSION**

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City's Planning Commission of this application for a Planned Unit Development and a Conditional Use Permit.

May 6, 2022

Project #: 26677

Mr. Casey Knecht, PE  
ODOT Region 2  
455 Airport Rd SE, Building A  
Salem, OR 97301

Cc: Doug Rux, City of Newberg, OR

**RE: Crestview Green Development (Newberg, OR) – TIA Review Comments**

Dear Casey:

The following is a response to April 21, 2022 ODOT comments pertaining to the January 2022 Crestview Green Traffic Impact Analysis (TIA).

**COMMENTS FROM ODOT REGION 2**

**Comment 1.** OR 99W between Springbrook Road and the City limits has an alternative mobility target of  $v/c = 1.00$  for three hours during the average weekday conditions with a peak hour factor of 1.0 ([https://www.oregon.gov/odot/planning/ohp&20registry/consent\\_16\\_attach\\_04\\_Newberg.pdf](https://www.oregon.gov/odot/planning/ohp&20registry/consent_16_attach_04_Newberg.pdf)). The analysis was conducted using 30<sup>th</sup> Highest Volume (HV) and peak hour factors identified from the traffic counts (more conservative values) and just exceeded the  $v/c$  mobility target of 1.0 for one analysis hour. Therefore, it is assumed that reanalysis of the OR 99W study area intersections utilizing the average weekday conditions and a peak hour factor of 1.0 would result in all OR 99W intersections meeting the alternative mobility targets in the 2026 no build and build conditions.

**Response:** We agree the study intersections would meet the ODOT alternative mobility targets, and therefore we do not recommend any mitigation at the OR 99W/Providence Rd/Crestview Dr Extension intersection.

**Comment 2:** Figure 5 shows the northbound approach of the OR 99W at Crestview Drive/Providence Drive intersection consisting of an exclusive right-turn lane and a shared through-left. However, the analysis applied exclusive right, through, and left-turn lanes, consistent with improvements associated with the adjacent Crestview Crossing development, currently under construction. Figure 5 should be updated to reflect the correct proposed laneage. This will have no impact on the results or conclusions of the analysis.

**Response:** This was a figure oversight and a revised Figure 5 is attached to this letter.

**Comment 3:** ODOT maintains jurisdiction of the Pacific Highway No. 91 (OR 99W) and Salmon River Highway No. 39 (OR 18) and ODOT approval shall be required for all proposed mitigation measures to this facility.

**Response:** Given the information received in Comment 1 (ODOT alternative mobility targets), we no longer request any mitigation to the OR 99W/Providence Road/Crestview Drive Extension intersection beyond what was proposed by the Crestview Crossing development. We are currently working with ODOT and Yamhill County to determine the best access at OR 99W/Benjamin Road NE.

**Comment 4:** Approval for reconfiguring the southbound approach of the OR 99W at Crestview Drive/Providence Drive intersection to include an exclusive left, shared through-left, and exclusive right turn lane as well as split phasing for the northbound and southbound approaches is required under the authority of the State Traffic Roadway Engineer with support from the City and Region Traffic. However,

Region Traffic would have difficulty supporting these mitigations as the intersection is projected to meet alternative mobility targets, as noted in comment #1. In addition, following completion of the Newberg-Dundee Bypass Phase 2B, OR 99W through traffic is expected to decrease significantly and improve operations at the intersection. Should the applicant choose to submit an official request to Region 2 Traffic, the request shall include an operational and queuing analysis, preliminary design layout, and a preliminary signal operations design (PSOD). The request shall also include a progression analysis to verify progression will be maintained with the OR 99W corridor signals.

**Response:** Given the information received in Comment 1, the OR 99W/Providence Road/Crestview Drive Extension intersection is projected to meet ODOT alternative mobility targets with the assumed lane configuration (exclusive left turn, through, and right turn lanes) and signal phasing (permissive left-turn phasing) on southbound Crestview Drive as identified in the Crestview Crossing TIA. We no longer request any mitigation to the OR 99W/Providence Road/Crestview Drive Extension intersection beyond what was proposed by the Crestview Crossing development.

## NEXT STEPS

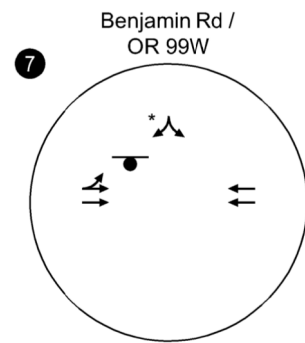
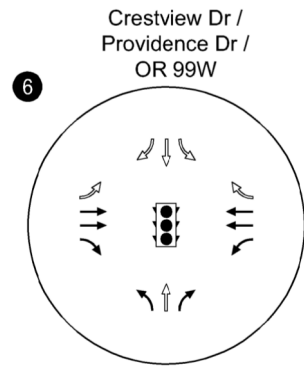
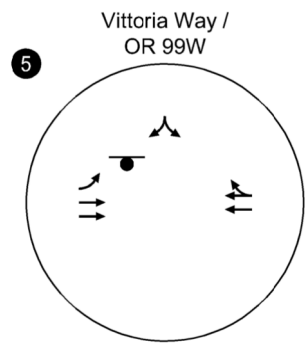
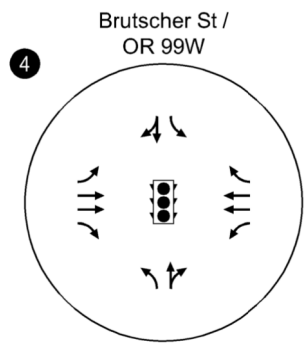
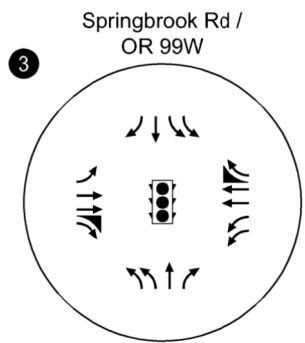
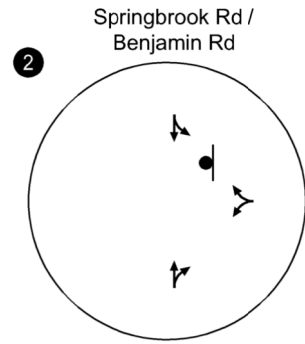
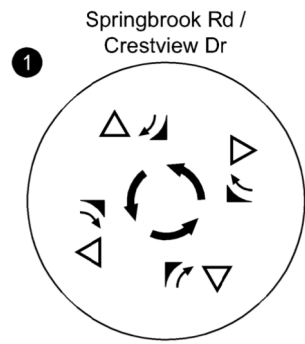
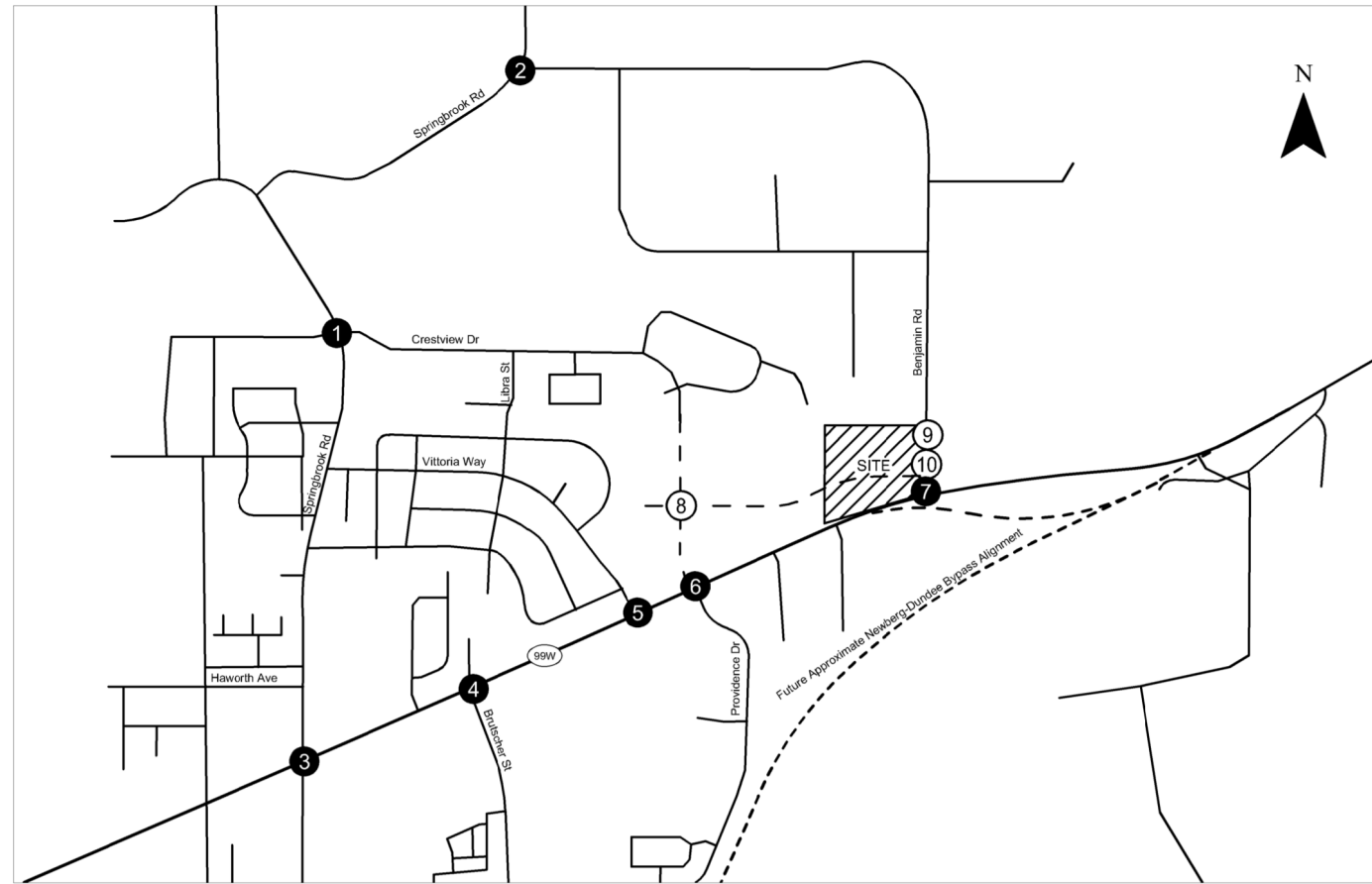
As stated in the comments received from ODOT, no further analysis work is required. We thank ODOT Region 2 for your review and comments. If you have any questions, please call us at 910.399.5699.

Sincerely,

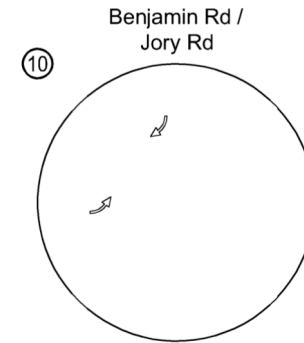
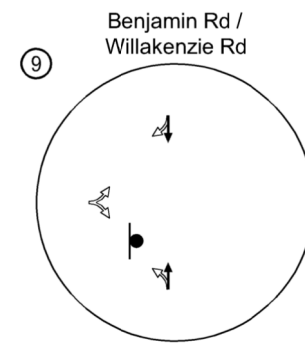
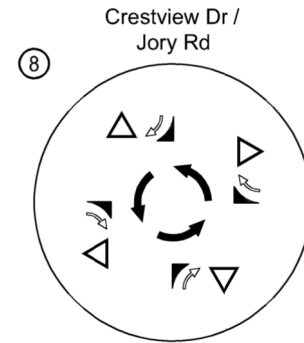
**KITTELSON & ASSOCIATES, INC.**

Zach Bugg, PhD  
Senior Engineer  
910.399.5699  
[zbugg@kittelson.com](mailto:zbugg@kittelson.com)

Matt Hughart  
Principal Planner  
503.535.7425  
[mhughart@kittelson.com](mailto:mhughart@kittelson.com)



\*Background conditions only; will be closed as part of site development



- STOP SIGN
- TRAFFIC SIGNAL
- ROUNDABOUT
- YIELD
- EXISTING
- PROPOSED

Assumed Lane Configurations and Traffic Control Devices  
Newberg, Oregon

Figure 5

c:\Users\zbugg\Desktop\local\26677\26677\_fig5.dwg May 05, 2022 3:35pm - zbugg Layout Tab: Assumed LC

### **Attachment 3: Supplemental Public Comments**

## Doug Rux

---

**From:** Charles McClure <chuck@nutfarm.com>  
**Sent:** Saturday, May 7, 2022 10:29 AM  
**To:** Doug Rux  
**Cc:** christiandebenedetti@me.com; john kresge; Ellen McClure  
**Subject:** Re: Crestview Green- Dense Buffer required, Keeping Open Benjamin Road

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks Doug,

We request that we be able to participate further by way of hearings on the Benjamin Road and buffer issues. We need the chance to comment and input further our concerns as the decisions are being made, and not just be presented with a fait accompli at the end. We ask that a provision to this effect be one of the conditions to final approval of the project.

Respectfully,

Chuck

On May 6, 2022, at 4:27 PM, Doug Rux <[Doug.Rux@newbergoregon.gov](mailto:Doug.Rux@newbergoregon.gov)> wrote:

Chuck,

Yes it is posted.

[https://www.newbergoregon.gov/sites/default/files/fileattachments/planning\\_commission/meeting/32183/agenda\\_packet-5.12.22-.pdf](https://www.newbergoregon.gov/sites/default/files/fileattachments/planning_commission/meeting/32183/agenda_packet-5.12.22-.pdf)

<https://www.newbergoregon.gov/cd/page/crestview-green-cup22-0001pud22-0001>

Doug Rux, AICP  
*Community Development Director*  
**City of Newberg**  
**Direct:** 503.537.1212  
**Cell:** 503.550.4517  
**Pronouns:** he/him



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**From:** Charles McClure <[chuck@nutfarm.com](mailto:chuck@nutfarm.com)>  
**Sent:** Friday, May 6, 2022 3:49 PM

City of Newberg  
Community Development Department

RE: File No. CUP22-0001/PUD22-0001



Newberg Planning Commissioners,

As residents of Benjamin Road and surrounding access roads we are requesting you seriously consider closing Benjamin Road where it intersects with Highway 99W. We have heard rumors there may be a frontage road along 99W to the new light at Crestview Crossing; this would be a perfect safe alternative for traffic wanting to access Benjamin.

Benjamin Road at Highway 99W is an extremely dangerous intersection. Benjamin has become a pass through road for traffic to and from Springbrook Road to 99W. With increased traffic in the area turning either left or right onto Highway 99W has created many traffic accidents and hazards. Currently there is left over debris along the roadside from the latest mishap. The right turn onto Benjamin from Highway 99W has an extremely steep drop which could seriously damage some without knowledge of the roadway. It is a fact a few years ago a limousine bus when making a right turn ran off the road and was stuck for several hours.

As community members we would like to protect the well being of our friends and new neighbors.

We ask as a group that you please give this serious consideration.

Please see the attached sheets with the signatures of those making this request.

Respectfully submitted by,

Vicki Shepherd and the attached neighbors signatures  
30230 NE Benjamin Rd  
Newberg, OR 97132  
May 2, 2022



RESIDENTS PETITION FOR CLOSING BENJAMIN ROAD

File No. CUP22-0001/PUD22-0001

5/2/2022

RESIDENT SIGNATURE	ADDRESS	CITY
1 Marion Pratt	14550 NE Spring Creek Ln	Newberg
2 <del>Wade Smith</del>	14550 NE Spring Creek Ln	Newberg
3 <del>Wade Smith</del>	29105 NE Benjamin Rd	Newberg
4 <del>John Brewer</del>	39415 " "	Newberg
5 James Humpres	29440 NE Benjamin Rd	Newberg
6 Margaret Humpres	29440 N.E. Benjamin Rd.	Newberg
7 Robert Kuroki	29655 NE Benjamin Rd	Newberg
8 Robert F. Lee	14460 NE Rex Hill Ct	Newberg
9 Suzanne J. Litvak	14460 NE Rex Hill Ct.	Newberg
10 Mont H. McLean	30000 Benjamin Rd.	Newberg
11 Phyllis February <sup>Mc Lane</sup>	" " "	"
12 G.C. Hat	29945 NE Benjamin Rd	Newberg
13 Stephen Host	29945 NE Benjamin Road.	Newberg
14 <del>Allen Mantel</del>	29750 NE BENJAMIN RD,	NEWBERG
15 <del>Allen Mantel</del>	29955 BENJAMIN	NEWBERG
16 Debra Lee Mantel	29955 NE Benjamin Rd	Newberg
17 Gordon Ellison	29935 NE Benjamin Rd	Newberg
18 Sharon L. Ellison	29935 NE Benjamin Rd	Newberg
19 Amy J.	14335 NE Spring Creek Lane	Newberg
20 John R. David	14450 NE Spring Dr Ln	Newberg
21 Ruth David	1445 NE Spring Ln	Newberg
22 <del>John R. David</del>	30050 NE Benjamin Rd	Newberg
23 <del>John R. David</del>	30140 NE Benjamin Rd.	Newberg
24 Kerwin J. Harris	14305 NE Spring Creek Ln.	Newberg
25 Christopher David	14305 NE Spring Creek Ln	Newberg
26 Charles F. Stone	30025 NE Benjamin	Newberg
27 Linda Stagnon	30120 NE Benjamin	Newberg
28 Sheryl Smith	29661 NE Putnam Rd	Newberg
29 David & Liz Ouellette	29800 NE Benjamin rd	Newberg
30 Paul O. Fisher	30230 N.E. BENJAMIN RD	NEWBERG
31 Vicki L. Shepherd	30230 NE Benjamin Rd	Newberg

David S. Wall  
P.O. Box 756  
Newberg, Oregon 97132  
(971)-832-8788

May 7, 2022

Mr. Doug Rux  
Community Development Director  
City Hall  
414 E First St  
Newberg, OR 97132  
(503) 537-1240

### **Re: 'Crestview / Hwy 99' development project problems**

Hello Doug! Good to talk with you about the aforementioned project-although I somewhat mangled the name of it.

#### **Argument for shutting down NE Benjamin Road.**

*\*NE Benjamin Road is very dangerous at any speed especially, at either end where it narrows to winding curves..*

*\* Police enforcement of traffic regulations on NE Benjamin Road is not a priority and is virtually non-existent. On the 'straight-away' vehicle speeds routinely top estimated 60 -70 (or higher) mph.*

#### **Ingress from HWY 99: There are at least Four (4) Safety related issues.**

Vehicles traveling Westward on HWY99 downward from Rex Hill can safely slow to enter the Farm Stand operated by the family who lives in the house-(where the 'questionable-fire hydrant' was allegedly paid for by Newberg rate payers is located). According to neighbors, the 'Farm Stand' has been in operation for decades during different times of the year. *The entrance to this property is also used to gain access to the 'Barn' where the 'Neighborhood Bar' is located.*

*There is 'No' separate slowing lane for a right-turn on NE Benjamin Road.* The roadway is not engineered or built for vehicles to enter onto NE Benjamin Road from HWY 99, unless they slow to at least Five(5) miles per hour (or less-depending on the type of vehicle; Truck, Limousine, School Bus et cetera) to safely execute a right-hand turn. The risk of 'ramming' a vehicle at the STOP sign is very high...and there is also the danger of being 'rear-ended' from vehicles still proceeding to Newberg following too close and or ending-up in the 'pond'.

*The Two (2) auxiliary roads from 'The Development'* which appear to have both ingress and egress to and from NE Benjamin Road compound the aforementioned safety issues and cause more problems and costs than they are worth to pursue. **Making a 'Left-hand turn' from 'The Development' onto NE Benjamin Road will create multiple safety hazards.** This area of NE Benjamin Road is very narrow and winding. Periodic flooding over the roadway from the 'creek' occurs and presents threats to everyone especially, on dark stormy nights.

Let us not forget, the addition of more vehicles emanating from 'The Development' will cause an increase in vehicular accidents at the other end where NE Benjamin Road also has very narrow, winding curves. It is foreseeable negligent drivers could easily cross the 'Double-yellow stripped road markings' forcing innocent vehicles into ravines an either side of the roadway.

David S. Wall  
P.O. Box 756  
Newberg, Oregon 97132  
(971)-832-8788

**Egress from NE Benjamin Road onto HWY 99.**

A Right-turn egress from NE Benjamin Road onto HWY 99 will have the benefit of the 'slowing- right hand- approach to the development lane' however, these vehicles too may be needlessly endangered due to foreseeable; 'DUII drivers' from the neighborhood bar and or from negligent driver's excessive speed coming down Rex Hill Road. The 'Left-hand turn' at this location (depending on the time of day) can be extremely dangerous.

NE Benjamin Road at either end, has very narrow and winding curves are extremely difficult for vehicles to 'Not cross the 'Double-yellow roadway stripping' at the posted speeds. There is 'No' room to pull-over. There are only deep ravines on either side. At the HWY 99 entrance it is foreseeable a vehicle could end-up in the 'pond'.

Adding more vehicles (from 'The Development') onto NE Benjamin Road increases the threats to all who travel upon it and especially neighbors who live next to it and use it in their daily lives.

Of course, the increase in dismemberment(s) and or death(s) due to vehicular accidents caused by the increased traffic could be lessened by shutting off egress and ingress to NE Benjamin Road to 'The Development'. The 'Crestview Road' improvements are far more safer and are designed to give prompt access to NE Springbrook Road.

According to some neighbors, the 'posted 'Traffic Report' is 'not' accurate.

\*\*\*It is foreseeable 'The 'Development' will also create; storm water management issues, increase in crime, increase in roadway trash / garbage, increase in noise / air pollution, significantly lower adjacent property values, cause emotional distress, create a variety of nuisances yet to occur, identified and suffered by neighbors.

**\*NE Benjamin Road should be 'completely' closed ay HWY 99 and 'No Access' by 'The Development' to ensure the Public's safety.** If not, it is foreseeable, injuries flowing from 'The Development' could very well cause 'The Development's morphing' into the 'Full-employment Act' for Plaintiff Attorneys.

Thank-you again Doug for all that you do for everyone concerned.

Newberg should pay you more!

*Respectfully submitted,*

/s/ David S. Wall

///  
///  
///

## Doug Rux

---

**From:** Jessica Potter <jlorrainepotter@gmail.com>  
**Sent:** Monday, May 9, 2022 11:54 AM  
**To:** Doug Rux  
**Subject:** Support for Benjamin Road

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please keep Benjamin Rd open at 99W.  
Thank you!

Jessica Potter

Sent from my iPhone

## Doug Rux

---

**From:** christian wolvesandpeople.com <christian@wolvesandpeople.com>  
**Sent:** Monday, May 9, 2022 11:58 AM  
**To:** Doug Rux  
**Subject:** Signatures in Support of Keeping Benjamin Open  
**Attachments:** Signatures in Support of Keeping Benjamin Open

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



At 500 signatures, this petition is more likely to be featured in recommendations!



## Keep Our Historic Road Safe From Developers

303 have signed. Let's get to 500!



At 500 signatures, this petition is more likely to be featured in recommendations!



**Wolves & People Farmhouse Brewery** signed this petition



**Wolves & People Farmhouse Brewery** started this petition to City of Newberg, OR Planning Commission Doug Rux

Developers with plans for a major development called Crestview Green have descended upon Benjamin Rd. in Newberg within sight of our bucolic farmhouse brewery and aim to close it off, routing traffic to our farm-based brewery and historic rural neighborhood through a modern subdivision with stark modern buildings and commercial storefronts. The project has unfolded with zero time for public comment from business owners in the area and will negatively impact our historic farm and farmhouse brewery. The



At 500 signatures, this petition is more likely to be **featured in recommendations!**

Sign this petition to extend the public comment period, signal your clear opposition to closing Benjamin Rd. at Highway 99W, and tell us why you feel it's important to support Wolves & People Farmhouse Brewery and Springbrook Farm, one of Yamhill County's most historic properties. We will also add you to our mailing list if you are not already on it, and you can unsubscribe at any time.

BETTER YET, send a note to City Planner Doug.Rux@newbergoregon.gov in support of keeping Benjamin Rd. open at 99W.

**As we will welcome Crestview Green's new residents to the area with open arms, and as we hope they will become interested in our family-owned business and farm-grown hazelnuts and in other neighboring enterprises such as the Allison Inn and Rex Hill/A to Z Wineworks, we must also raise serious concerns about these plans, which have not allowed for sufficient review.**

The following describes the hardships the plans will create as proposed, and our ideas for potential solutions:

Below: our detailed reasoning.

**HARDSHIP:** The proposed closure of Benjamin Rd. will be a hardship for neighbors and our business. As proposed, visitors will have an extra 8/10ths of a mile in order to arrive via large intersections traversing modern residential and retail developments, and may endure months or years of heavy construction.

**POTENTIAL SOLUTION:**

- Make Benjamin Rd. at 99W a right- and left-turn-in only off of 99W. Eliminate left turns out of Benjamin to 99W.

Sign this petition



**At 500 signatures**, this petition is more likely to be **featured in recommendations!** N

peaceful

aura and views. Simultaneously, lower the speed limit to 25 (or even 15mph), and add speed bumps and signage to remind drivers they are in a rural area home to neighbors, pets, livestock, and wild animals. Jory Road, which is classified as a minor collector street, should not be expected to handle the regular traffic of an established county route.

- make the proposed Jory Street yield to Benjamin's historically established local traffic via stop sign or other posted rule. In the event there are cars backing up, it is safer for them to do so on the proposed collector Jory Street rather than on 99W or Benjamin Road.

- While the existing intersection is currently not ideal at Benjamin Road, nor is it statistically much more dangerous. Let us take this opportunity to make it safer as a right in/left in only, and more secluded from the coming changes.

#### ENVIRONMENTAL CONCERNS:

-The shaded and bucolic nature of Benjamin Road as it now is worth saving and should be altered responsibly. After all, the route is named for local pioneer Benjamin Heater (1821-1914). Springbrook Farm was established on land that had been Heater's, and the area of our farm closest to the proposed development once belonged to Neuburg, Germany native Sebastian Brutscher (1826-1922), who named the town Newberg and became its first postmaster and school superintendent. He even had a sawmill on Springbrook Creek. Direct descendants of both Heater and Brutscher have paid our farm brewery many happy visits. The bucolic arrival to our area is something we and our customers value deeply.

[Sign this petition](#)





**At 500 signatures**, this petition is more likely to be **featured in recommendations!**

red

wing blackbirds, Pacific salamanders, hummingbirds, beavers, and migratory species such as geese and Western swallowtail butterflies. An unnecessary and brightly-lit new intersection on Benjamin Road would negatively impact these species, which we have the responsibility to safeguard and can do so without too much effort.

## CONTEXT & SUMMARY:

Springbrook Farm gained its four historic, well-preserved Craftsman buildings in 1912, and became home to my family in 1967. It was wonderful to grow up on this peaceful landmark property, which has been slowly but surely surrounded by development. Wolves & People, founded in 2014 and opened in 2016, has been ranked as both the best brewery in Oregon in 2018 (Outside Magazine) and as the 18th best small brewery in the world in 2021 (Craft Beer & Brewing Magazine), among other accolades. It is the first ever farm-based brewery in Yamhill County and among the first in the state and nation. We are proud of our hyperlocal approach and of our mission to bring back barley farming and malting to Newberg and Yamhill County. The brewery attracts a respectful clientele from Newberg and neighboring areas, the city of Portland, and across the US and from abroad, and has donated to several local charities including our neighboring Providence Hospital.

The vast majority of our guests arrive via the leafy, secluded-feeling Benjamin Rd., which I am old enough to fondly remember as Route 4. Let's keep it as beautiful and serene as we can while making our new neighbors welcome and well-accommodated.

Sincerely,

Olivia B. Bennett

[Sign this petition](#)



**At 500 signatures**, this petition is more likely to be **featured in recommendations!**

christian@wolvesandpeople.com

Ph. 503-487-5873



**Start a petition of your own**

This petition starter stood up and took action. Will you do the same?

**Updates**

250 supporters

9 minutes ago

Wolves & People Farmhouse Brewery started this petition

1 hour ago

**Reasons for signing**



**Maria Dietz** · 15 minutes ago

I'm tired of our beautiful country roads being made into sprawl by the surrounding cities' planning departments.

♡ 1 · Report

**Sign this petition**



**At 500 signatures, this petition is more likely to be featured in recommendations!**

**View all reasons for signing**



[Report a policy violation](#)

## Petitions promoted by other Change.org users

**Sign this petition**

## Doug Rux

---

**From:** Brian Barker <brianmbarker@hotmail.com>  
**Sent:** Monday, May 9, 2022 12:02 PM  
**To:** Doug Rux  
**Subject:** Benjamin Road / 99w

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The proposed closure of Benjamin Rd. will be a undue hardship for the business Wolves & People, a leading brewery in the region, and a great destination for Newberg / Wine Country visitors.

The brewery was given very little notice of the proposed development, and yet has already presented suitable alternatives to closing the road, as well as created a groundswell of support against taking such drastic measures.

Please reconsider these closure plans and go back take the time to more closely work with businesses and neighbors affected by this process, or lack thereof.

Respectfully,  
Brian Barker

.Get [Outlook for iOS](#)



**LATE PUBLIC COMMENTS READ INTO RECORD MAY 12, 2022**

## Doug Rux

---

**From:** Maxine Agather <maxinexagather@gmail.com>  
**Sent:** Monday, May 9, 2022 8:16 PM  
**To:** Doug Rux  
**Subject:** Keep Benjamin Rd Protected from Developers

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good evening Doug,

Please take the time to read through the following, if you have not done so already, and know that I am just one of many who is passion about protecting this area of Newburg.

*The following describes the hardships the plans will create as proposed, and our ideas for potential solutions:*

*Below: our detailed reasoning.*

*HARDSHIP: The proposed closure of Benjamin Rd. will be a hardship for neighbors and our business. As proposed, visitors will have an extra 8/10ths of a mile in order to arrive via large intersections traversing modern residential and retail developments, and may endure months or years of heavy construction.*

### *POTENTIAL SOLUTION:*

*- Make Benjamin Rd. at 99W a right- and left-turn-in only off of 99W. Eliminate left turns out of Benjamin to 99W.*

### *REASONING:*

*- Benjamin Road, which is a county road and not in the city of Newberg, would now become a one-way section at 99W, and will be safer, retaining some sense of its peaceful aura and views. Simultaneously, lower the speed limit to 25 (or even 15mph), and add speed bumps and signage to remind drivers they are in a rural area home to neighbors, pets, livestock, and wild animals. Jory Road, which is classified as a minor collector street, should not be expected to handle the regular traffic of an established county route.*

*- make the proposed Jory Street yield to Benjamin's historically established local traffic via stop sign or other posted rule. In the event there are cars backing up, it is safer for them to do so on the proposed collector Jory Street rather than on 99W or Benjamin Road.*

*- While the existing intersection is currently not ideal at Benjamin Road, nor is it statistically much more dangerous. Let us take this opportunity to make it safer as a right in/left in only, and more secluded from the coming changes.*

### *ENVIRONMENTAL CONCERNS:*

May 12, 2022

Testimony of Paul and Carla Anderson, 4601 Blue Heron Ct

Dear Newberg City Planners,

Thank you for an invitation to share feedback and concerns, as we all want Newberg to be an excellent place to live. As neighbors adjacent to two and a half lots (125 feet) to the north of the Crestview Green proposed development, we appreciate the careful thought given to the concerns and livability interests of the larger community

Concerns we feel are as follows:

- a) We welcome our new neighbors and want to insure the aesthetic livability and privacy of their properties and ours.
- b) We request a permanent wall in the same character as the brick or landscaped cinderblock wall (6 foot) that the subdivision to the West has installed.
- c) We hope that as many trees can be preserved as possible—on both sides of the boundary.
- d) We request a 4-foot easement or setback so that the footing upon which the wall is built does not damage the root systems of our trees—oak, fir, arborvitae, photinia, etc.—which are near or on the property line. This would also alleviate the problem of a four-foot difference in the third lot, which straddles the Anderson and Shepherd properties.
- e) In the interest of privacy, we would rather not have windows looking down into our yard from next door, so either one-story homes—as the development to the West has constructed—or some other means of respecting neighbors' privacy would be appreciated.

Thanks for receiving these concerns,

Paul and Carla Anderson  
4601 Blue Heron Ct  
Newberg, OR 97132

## Doug Rux

---

**From:** Paul Anderson <panderso@georgefox.edu>  
**Sent:** Thursday, May 12, 2022 1:48 PM  
**To:** Doug Rux  
**Subject:** Crestview Crossing

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, Doug,

My name is Paul Anderson, adjacent neighbors to the Crestview Crossing subdivision proposal. I would like to share a brief testimony in this evening's meeting; would that be possible? I'd also be happy to submit something in writing, even though I've missed the May 9th deadline.

Basically, supportive of the new development, but concerned about our numerous trees and shrubs near the property line (oak, fir, arborvitae, photinia, etc.), hoping that a similar setback for the 2.5 lots adjacent to our 125 foot property line, similar to the request of Vicki and Dan Shepherd (4 feet). We do need a permanent wall, but the root systems and trees are the concern.

With great appreciation,

Paul Anderson  
4601 E Blue Heron Ct, Newberg, OR 97132  
503-516-0759



## Doug Rux

---

**From:** Grace Breyley <breyley@mac.com>  
**Sent:** Thursday, May 12, 2022 6:36 PM  
**To:** Doug Rux  
**Subject:** Keep Benjamin Rd. open at 99W

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please keep Benjamin Rd open at 99W in order to provide the least disruptive access to Wolves and People Farmhouse Brewery and Springbrook Farm. Putting extra traffic through residential streets decreases pedestrian safety and reduces opportunities for visitors to get to the Farm and Brewery. Keeping the existing access also reduces impact on the surrounding wildlife from additional lighting on the proposed intersection further north.

- Grace

## Doug Rux

---

**From:** William Bryant <wbryant94@gmail.com>  
**Sent:** Monday, May 9, 2022 12:36 PM  
**To:** Doug Rux  
**Subject:** Benjamin Rd. open at 99W

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr. Rux,

I'm long time patron of Wolves and People and drive over from portland once a month or so. I'm very unfamiliar with Sherwood as I imagine many of their customers are. A detour to get to the brewery would almost certain hurt business. I can imagine all the portlanders coming down 99W doing 55mph, preparing to slow quickly and turn right onto Benjamin Rd only to see that its closed. This will surely cause confusion among drivers and possibly cause unsafe conditions. Please reconsider.

Thank you  
William Bryant

## Doug Rux

---

**From:** Terry Davidson <bearingtechinc@icloud.com>  
**Sent:** Monday, May 9, 2022 9:46 PM  
**To:** Doug Rux  
**Subject:** Benjamin rd.

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mr.Rux

I'm a resident of the area affected by the Benjamin road closure.(29601 NE Putnam rd.) i'm aware of the petition being signed by people that don't even live in the area so I want to espress my support for the plan. I've been at the same address for 31 years and have been aware of this plan the whole time. I fully support this plan as the traffic on Benjamin rd has become a race track for those that want to avoid a few traffic lights. The intersection at highway 99w is dangerous as well. Please procede with the plan as has been on the books for decades. In fact please expidite the plan. The brewery that will "suffer hardships" is a newcomer, worried that their customers will have to drive an extra mile. So what?

Thank you  
Terry Davidson  
29601 NE Putnam rd.  
Sent from my iPad

RE: Written Comments: Re. File No. CUP22-0001/PUD22-0001

FROM: Christian DeBenedetti, Founder  
Wolves & People Farmhouse Brewery  
30203 NE Benjamin Rd.  
Newberg, OR 97132

TO: City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132

To the City of Newberg Community Development Dept.,

I am a Newberg native and the owner of Wolves & People Farmhouse Brewery, a small farm-based brewery operation on Benjamin Road. The proposed closure of Benjamin at 99W by the Crestview Green development will be a hardship. Benjamin Road is a safe and long-established route and should be improved, not removed. While we will welcome our future neighbors, there could be months or years of construction which will negatively impact our farm businesses and inconvenience current area farmers and residents. As proposed, visitors to our operation will have to drive an extra 8/10ths of a mile each direction traversing these modern residential and retail developments, which will add traffic to the planned streets, is inconvenient, and alters the aura we have so long enjoyed. After consulting with area landowners, elected officials, traffic experts, and our land use lawyer, Mr. Dean Alterman of Alterman Law Group, in Portland, we have come up with possible solutions with simple, sensible modifications to the existing plan. For one, the far south end of Benjamin Road at 99W could remain untouched or better yet, evolve into a safer one-way section at 99W, retaining some sense of its peaceful aura and accessibility without affecting the developers' plans. We have submitted some of these ideas on the record and are preparing further input. Simultaneously, we advocate lowering the speed limit which is a wish we share with many neighbors.

Crestview Green is ambitious and ought to be a welcome and valuable addition to Newberg. But its proposed rerouting of county roads through minor collector streets is not a sound plan. Those new neighborhood roads will be far more pleasant with footpath traffic, not flatbeds of grapes, hay bales, and in our case, dripping wet spent barley destined for a Dundee pig farm. What's more, the vast majority of our guests at the farmhouse brewery arrive via the leafy, secluded-feeling Benjamin Road, which I am old enough to fondly remember as Route 4. Let's keep it as beautiful and serene as we can while making our new neighbors welcome and well-accommodated.

We have now gathered some 1,700 signatures and dozens of comments—many from neighbors—on a petition requesting more time to study the issues at hand and to keep the road open. The petition is open and can be viewed at [www.change.org/p/keep-our-historic-road-safe-from-developers](http://www.change.org/p/keep-our-historic-road-safe-from-developers).

With this testimony I submit written comments from just a few of them. Pursuant to ORS 197.797, I request that the record be held open to submit additional argument and evidence.

Gratefully,

Christian DeBenedetti  
Founder, Wolves & People Farmhouse Brewery  
Springbrook Farm, Newberg, OR  
[christian@wolvesandpeople.com](mailto:christian@wolvesandpeople.com)  
Ph. 503-487-5873

From: Christian DeBenedetti  
Founder, Wolves & People Farmhouse Brewery  
Springbrook Farm, Newberg, OR  
[christian@wolvesandpeople.com](mailto:christian@wolvesandpeople.com)  
Ph. 503-487-5873

TO: City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132

RE: Written Comments: Re. File No. CUP22-0001/PUD22-0001

To the Planners: The following comments on the project were gathered via [CHANGE.ORG](https://change.org) petition to keep Benjamin open at 99W, and via the official Wolves & Facebook company page.

Petition: <https://www.change.org/p/keep-our-historic-road-safe-from-developers>

“While I am a supporter of residential development and industry in our rural areas, careful considerations of historical character and culture should be top of mind! I want Newberg to remain inimitable. It’s possible to grow around the beauty here, not just over it.”

- Emily Schmiedel, Carlton, OR May 9, 2022

“There has to be another solution so that the new subdivision doesn’t negatively impact this wonderful community gathering spot.” Jere Witherspoon, Newberg, May 9, 2020

“I drive this road on a regular basis. I am signing to ensure that Benjamine Road continues as a country road. The proposed solutions outlined in this petition seem to be well-conceived and in Mr. DeBenedetti's words: " Let’s keep it as beautiful and serene as we can while making our new neighbors welcome and well-accommodated." - Robert Renard, Hillsboro, OR May 9 2022

“I grew up off of Benjamin rd on the adjacent Putnam road, so it holds great meaning to me personally. This peaceful part of Newberg is one of the last remaining corners of this town that feels unaffected by the ever-growing modern, cookie cutter housing developments that have already destroyed many of this town’s natural areas. As Newberg continues to grow, it’s crucial that locals have a voice in how it is developed so that it continues to maintain its natural charm . That is after all, the very thing that makes it such a beautiful place to visit and live.” - Cassandra Stockton, Salem, OR May 9, 2022

“This project appears to be hurried and pushing forward with a minimum amount of input from the current residents and businesses. Extend the comment period and hold some meetings, virtual and/or in person, to allow the locals and visitors to the area a chance to express their opinions instead of just steam rolling it through.” - Don Stevens, North Bonneville, WA May 9, 2022

“Impetuous decisions by the few to meet developers demands by no means represent stakeholders’ desires. Benjamin Road is historic and should be improved, not shuttered. Let the precedent of eminent domain of our 1800s ancestral hop farm in Sherwood be a cautionary tale. The feckless design and traffic engineering debacle has created prohibitive damage to the environment, access to small businesses and rendered residents unable to leave the area at certain hours due to bottleneck traffic congestion. Give the people ample time to understand the plan and speak to it. I implore you to reach out to landowners, of your own volition. Those of us who have inhabited farms for decades (over 150 years in our case) know the area and patterns intrinsically. Mr. DeBenedetti has a clear, logical and safe solution that deserves to be considered.” - Kari Downs, Portland, OR May 9, 2022

“Benjamin Road is an easy and beautiful way to get to our home!” - Emily Wynsma, Newberg, OR May 9, 2022

“This isn’t going to benefit anyone but one single company and its narrow ambitions. This road has existed as it is before Newberg existed, and it’ll greatly affect the farm and brewery and the other people who live off of that road. Do not change it.” - Siobhan Nickerson, Canby OR May 9, 2022

“There is no reason or need to close Benjamin Rd. A closure will negatively impact everyone on Benjamin., and additional traffic in the development will not benefit the residents there.” - James Case, Sherwood, OR May 9, 2022

“Why close the road? Create more access if needed but don’t wall off businesses.” - Melissa O’dell, Gresham, OR May 10, 2022

“That’s our route to the hospital...! Why would they redirect? How would that benefit community?” Kurt Ruhl, Newberg OR, via Facebook

Name	City	State	Postal Code	Country	Signed On
Christian DeBenedetti	Newberg	OR		US	5/9/2022
Dan Ettelstein	Portland	OR	97206	US	5/9/2022
Kelsey Sikkema	Portland	OR	97219	US	5/9/2022
Lauren Delancellotti	Portland	OR	97223	US	5/9/2022
Zak Cate	Portland	OR	97209	US	5/9/2022
Maryanne Samples	Newberg	OR	97132	US	5/9/2022
Lauren Yap				New Zealand	5/9/2022
Easton Richmond	Newberg	OR	97132	US	5/9/2022
Roxanne Stark	Wilsonville	OR	97070	US	5/9/2022
Asiha Massey	Newberg	OR	97132	US	5/9/2022
Raelynn Olesberg	Newberg	OR	97132	US	5/9/2022
Hailie Robillard	Portland	OR	97217	US	5/9/2022
Megan Tamblyn	Portland	OR	97229	US	5/9/2022
Ken Richley	Salt Lake City	UT	84103	US	5/9/2022
Timothy Douglas	Portland	OR	97267	US	5/9/2022
Nickolas Marchant	Klamath Falls	OR	97603	US	5/9/2022
Heather Binns	Portland	OR	97211	US	5/9/2022
Britt K	Silverton	OR	97381	US	5/9/2022
Nick Konen	Hillsboro	OR	97123	US	5/9/2022
Tracy Anunsen	Seattle	WA	98112	US	5/9/2022
Amy Ventura	Beaverton	OR	97005	US	5/9/2022
Matt Nevans	Wilsonville	OR	97079	US	5/9/2022
Nicole M Roca	Washington	DC	20011	US	5/9/2022
Timothy Wilkin	Portland	OR	97222	US	5/9/2022
Brian Barker	Portland	OR	97213	US	5/9/2022
joshua dietz	Newberg	OR	97132	US	5/9/2022
Morgan Michaels	Sherwood	OR	97140	US	5/9/2022
Joel Johnson	Portland	OR	97202	US	5/9/2022
Matt Palmquist	Silverton	OR	97381	US	5/9/2022
Jessica Hart	Portland	OR	97224	US	5/9/2022
Luke Steinlein	Bend	OR	97701	US	5/9/2022
Holly Needham	Corvallis	OR	97330	US	5/9/2022
Amanda Douglas	Portland	OR	97202	US	5/9/2022
Steven Boyles	Hillsboro	OR	97124	US	5/9/2022
Estevan Sanchez	Portland	OR	97206	US	5/9/2022
Brian Tippy	Portland	OR	97203	US	5/9/2022
Christopher J. Pierce	Portland	OR	97219	US	5/9/2022
Summer Parisi	Portland	OR	97212	US	5/9/2022
Andrea Stone	Portland	OR	97206	US	5/9/2022
Courtney Brown	Portland	OR	97212	US	5/9/2022
Lauren Hanna	Lake Oswego	OR	97035	US	5/9/2022
Elizabeth Speer	Tualatin	OR	97062	US	5/9/2022
Rachel Lozeau	Portland	OR	97214	US	5/9/2022
Elizabeth Collins	Portland	OR	97202	US	5/9/2022
Cliff Brunk	Sherwood	OR	97140	US	5/9/2022
Karessah Hollingsworth	Salem	OR	97301	US	5/9/2022

Branden Andersen	Newberg	OR	97132 US	5/9/2022
Matt Wyss	Portland	OR	97202 US	5/9/2022
Hannah Morrison	Beaverton	OR	97007 US	5/9/2022
Mallory Cochrane	Sherwood	OR	97140 US	5/9/2022
Lacey Cunningham	Portland	OR	97225 US	5/9/2022
Derek butcher	Hillsboro	OR	97124 US	5/9/2022
Malarie Juricev	Sherwood	OR	97140 US	5/9/2022
Alex DeZenzo	Portland	OR	97202 US	5/9/2022
Brian Nally	Portland	OR	97222 US	5/9/2022
Michelle Grannis	McMinnville	OR	97128 US	5/9/2022
Keith Laber	Sherwood	OR	97140 US	5/9/2022
Ryan Clark	Reedsport	OR	97467 US	5/9/2022
Colby Wiggins	Portland	OR	97203 US	5/9/2022
Kyle Hunker	Victoria	V8S	Canada	5/9/2022
Kristoffer Vetter	Portland	OR	94568 US	5/9/2022
Jacob Tenorio	Portland	OR	97214 US	5/9/2022
Aaron Bogle	Beaverton	OR	97007 US	5/9/2022
Courtney Elrod	Sherwood	OR	97140 US	5/9/2022
Jaime Lawrence	Portland	OR	97229 US	5/9/2022
Steph Merrick	Portland	OR	97219 US	5/9/2022
Jason Parker	Newberg	OR	97132 US	5/9/2022
Adrienne Ballou	Fredericksburg	TX	78624 US	5/9/2022
Becca Fregoso	Mcminnville	OR	97128 US	5/9/2022
Rachel Moore	Kent	WA	98031 US	5/9/2022
Kristin Marchesi	Portland	OR	97221 US	5/9/2022
Lindsay Allen	Portland	OR	97212 US	5/9/2022
bryan alexander	Portland	OR	97219 US	5/9/2022
Chris Kiesel	Hubbard	OR	97032 US	5/9/2022
Jeff STOKES	Tacoma	WA	98466 US	5/9/2022
Wiley wyss	Beaverton	OR	97008 US	5/9/2022
Chris S.	Newberg	OR	97213 US	5/9/2022
Amanda Heaberlin	Newberg	OR	97132 US	5/9/2022
Tim Dietz	Sherwood	OR	97140 US	5/9/2022
Jessica Potter	Tillamook	OR	97141 US	5/9/2022
Hayley Johnston	Sherwood	OR	97140 US	5/9/2022
Erica Binelli	Hillsboro	OR	97123 US	5/9/2022
Michelle Judd	Portland	OR	97202 US	5/9/2022
Lydia Hill	Seattle	WA	98107 US	5/9/2022
Austin Axelrod	Portland	OR	97219 US	5/9/2022
Marc Messier	Portland	OR	97223 US	5/9/2022
Saul Ordonez	Portland	OR	97202 US	5/9/2022
Eric Eggleston	Portland	OR	97229 US	5/9/2022
Jon Fong	Newberg	OR	97132 US	5/9/2022
Angelina Koeppen	Newberg	OR	97132 US	5/9/2022
Aron Gladstone	Portland	OR	97224 US	5/9/2022
John Adams	McMinnville	OR	97128 US	5/9/2022
Megan Adams	McMinnville	OR	97128 US	5/9/2022



Renee Knotts	Wilsonville	OR	97070 US	5/9/2022
Rebecca Harlow	Santa Barbara	CA	93110 US	5/9/2022
Gabriela Mccarter	Dunedin	FL	34698 US	5/9/2022
K Curletto	Troutdale	OR	97060 US	5/9/2022
Charlie Van Meter	McMinnville	OR	97128 US	5/9/2022
Erin Seymour	Newberg	OR	97132 US	5/9/2022
Chester Milleza	Portland	OR	97229 US	5/9/2022
Samantha Roberts	Beaverton	OR	97006 US	5/9/2022
Zoe Skordahl	Springfield	OR	97477 US	5/9/2022
Laura Fry	Portland	OR	97219 US	5/9/2022
Sebastian Strickler	Biloxi	MS	39532 US	5/9/2022
Jacob Price	Portland	OR	97008 US	5/9/2022
Sarah Henscheid	Newberg	OR	97132 US	5/9/2022
Kay Passmore	Sherwood	OR	97140 US	5/9/2022
Garrett Ewing	Dayton	OR	97114 US	5/9/2022
Bryant Felton	Milwaukie	OR	97222 US	5/9/2022
Jon Holtan	McMinnville	OR	97128 US	5/9/2022
Abbey Stamp	Portland	OR	97225 US	5/9/2022
Emily Wynsma	Newberg	OR	97132 US	5/9/2022
Paul Berg	Portland	OR	97215 US	5/9/2022
Sonia Axelrod	Tigard	OR	97224 US	5/9/2022
Mitchell Fry	Portland	OR	97206 US	5/9/2022
Chloe Deeds	Portland	OR	97267 US	5/9/2022
Trudy Weinerman	Portland	OR	97224 US	5/9/2022
Kristin Franks	Eugene	OR	97405 US	5/9/2022
Bryan Laing	McMinnville	OR	97128 US	5/9/2022
Elijah Fleming	McMinnville	OR	97128 US	5/9/2022
Robin Boyd	Wilsonville	OR	97070 US	5/9/2022
Tara Bowen-Biggs	Portland	OR	97218 US	5/9/2022
Kyle Drummond	Keizer	OR	97303 US	5/9/2022
Holly Olson	Portland	OR	97206 US	5/9/2022
Vivian Moss	Portland	OR	97217 US	5/9/2022
Keith Dunavant	Tacoma	WA	98405 US	5/9/2022
Michael DiMaria	Hoboken	NJ	7030 US	5/9/2022
Tom Dodson	Sugar Hill	GA	30518 US	5/9/2022
Matthew Lindley	Portland	OR	97222 US	5/9/2022
Carissa Felix	Newberg	OR	97132 US	5/9/2022
Eric Weinerman	Portland	OR	97224 US	5/9/2022
Matt Smith	Seaside	OR	97138 US	5/9/2022
Haley Douglas	Portland	OR	97225 US	5/9/2022
Jodell White	Portland	OR	97222 US	5/9/2022
Eric Abodeely	Summerville	SC	29485 US	5/9/2022
Jeremy Dahm	Portland	OR	97222 US	5/9/2022
Wesley Johnson	Portland	OR	97215 US	5/9/2022
Linden Neville	San Diego	CA	92103 US	5/9/2022
Wade Reynolds	McMinnville	OR	97128 US	5/9/2022
Natasha Schuyler	Newberg	OR	97132 US	5/9/2022

Spencer Ayala	Portland	OR	97217 US	5/9/2022
Alex Reiff	McMinnville	OR	97128 US	5/9/2022
Ever Calderon-Valverde	Hillsboro	OR	97124 US	5/9/2022
Sean Burke	Portland	OR	97217 US	5/9/2022
SEAN KILBORN	Portland	OR	97222 US	5/9/2022
John Lovegrove	Portland	OR	97206 US	5/9/2022
Dustin Joseph	Yamhill	OR	97148 US	5/9/2022
Gretchen Dysart	Lake Oswego	OR	97035 US	5/9/2022
Deborah Salo	Newberg	OR	97122 US	5/9/2022
Mark Hoops	Beaverton	OR	97007 US	5/9/2022
Christian Harrell	Beaverton	OR	97006 US	5/9/2022
Hunter Evangelista	Portland	OR	97209 US	5/9/2022
John Callen	Portland	OR	97202 US	5/9/2022
Austen Conn	Lovettsville	VA	20180 US	5/9/2022
Rachel Bridges	Dundee	OR	97115 US	5/9/2022
Michael Gutierrez	Beaverton	OR	97008 US	5/9/2022
Kady Dennell	Portland	OR	97211 US	5/9/2022
Garrett Peck	Sisters	OR	97759 US	5/9/2022
Michael Bewersdorff	Sherwood	OR	97140 US	5/9/2022
Stefan Czarnecki	Newberg	OR	97132 US	5/9/2022
Barbara Stanbro	Hillsboro	OR	97123 US	5/9/2022
Brendan Markowski	Portland	OR	97232 US	5/9/2022
Patricia Winn	McMinnville	OR	97128 US	5/9/2022
Jake Jendusa	Portland	OR	97210 US	5/9/2022
Kevin McConnell	Portland	OR	97202 US	5/9/2022
Marguerite Peterson	Dundee	OR	97115 US	5/9/2022
Gerben Gerritsen	Portland	OR	97211 US	5/9/2022
Jordan Culberson	Portland	OR	97217 US	5/9/2022
CHRIS MILLER	McMinnville	OR	97128 US	5/9/2022
Ryann Sotello	Portland	OR	97206 US	5/9/2022
Carl Geczy-Haskins	Sherwood	OR	97140 US	5/9/2022
Kayla Charest	Portland	OR	97229 US	5/9/2022
Nicholas Armour	Bozeman	MT	59715 US	5/9/2022
Megan Dolak	Beaverton	OR	97006 US	5/9/2022
Trent Bray	La Grande	OR	97850 US	5/9/2022
Krista McCallum	McMinnville	OR	97128 US	5/9/2022
Christina Cloninger	Sherwood	OR	97140 US	5/9/2022
Maria Dietz	Sherwood	OR	97140 US	5/9/2022
Chad Steinhauer	Eugene	OR	97404 US	5/9/2022
Melissa Peng	Portland	OR	97219 US	5/9/2022
Cameron Benson	Salem	OR	97306 US	5/9/2022
Eric Kukla	Waco	TX	76710 US	5/9/2022
Jackie Maiben	Newberg	OR	97132 US	5/9/2022
Alexander Fullerton	Beaverton	OR	97006 US	5/9/2022
Kate Webber	Newberg	OR	97132 US	5/9/2022
Amber Haven	Newberg	OR	97132 US	5/9/2022
Nicole Lewis	Bellevue	WA	98006 US	5/9/2022

David Boeckel	McMinnville	OR	97128 US	5/9/2022
Kyle Johnson	Newberg	OR	97132 US	5/9/2022
Hannah Glenn	Portland	OR	97233 US	5/9/2022
Eric Wilson	Portland	OR	97239 US	5/9/2022
Darius Yaw	Portland	OR	97202 US	5/9/2022
Katlin Ronningen	Sherwood	OR	97140 US	5/9/2022
Jaime Barrios	Beaverton	OR	97006 US	5/9/2022
Carey Sweeney	Hillsboro	OR	97124 US	5/9/2022
Jacob Asher	Beaverton	OR	97007 US	5/9/2022
Valerie Owens	Portland	OR	97224 US	5/9/2022
Jonathan Moore	Kent	WA	98031 US	5/9/2022
Rene Polly	Newberg	OR	97132 US	5/9/2022
Jessica Blake	Portland	OR	97223 US	5/9/2022
Veronica Harrell	BEAVERTON	OR	97006 US	5/9/2022
Sam Szapucki	Portland	OR	97217 US	5/9/2022
Elizabeth Shatzer	Beaverton	OR	97007 US	5/9/2022
Jon Charest	Beaverton	OR	97007 US	5/9/2022
Shane Irish	Lake Oswego	OR	97035 US	5/9/2022
Casey Brennan	Portland	OR	97214 US	5/9/2022
Justin Wikler	Newberg	OR	97132 US	5/9/2022
Amanda Sellars	Newberg	OR	97132 US	5/9/2022
Isabella DeBenedetti	Washington	DC	20017 US	5/9/2022
Lila DeBenedetti	Newberg	OR	97132 US	5/9/2022
Jonathan Moldovan	Cleveland	OH	44105 US	5/9/2022
Ryan Backman	Newberg	OR	97132 US	5/9/2022
Johnny Brose	Newberg	OR	97132 US	5/9/2022
Mike Lockwood	Portland	OR	97216 US	5/9/2022
Lisa Barnes	Newberg	OR	97132 US	5/9/2022
Jordan Casner	Portland	OR	97217 US	5/9/2022
Seville Strickler	Ocean Springs	MS	39564 US	5/9/2022
Andrea Tague	Beaverton	OR	97003 US	5/9/2022
jean zuelke	Portland	OR	97239 US	5/9/2022
Heather Vanderbilt	Portland	OR	97212 US	5/9/2022
Kelly Koopman	La Grande	OR	97850 US	5/9/2022
Spencer Voris	Portland	OR	97211 US	5/9/2022
Christina Melson	McMinnville	OR	97128 US	5/9/2022
Frances Adams	Portland	OR	97239 US	5/9/2022
Maxwell Schmitt	Lake Oswego	OR	97035 US	5/9/2022
Scott Hillson	Portland	OR	97211 US	5/9/2022
Kyle Gibbs	Corvallis	OR	97330 US	5/9/2022
Logan Chilcote	Newberg	OR	97132 US	5/9/2022
brenden gifford	Portland	OR	97206 US	5/9/2022
Alan Eckert	Tigard	OR	97223 US	5/9/2022
Christina Cobb	Burlington	VT	5401 US	5/9/2022
Jeff Jordan	Beaverton	OR	97007 US	5/9/2022
Carson Whitehill	Hillsboro	OR	97123 US	5/9/2022
David Standifer	Hillsboro	OR	97123 US	5/9/2022

Josh Schilling	Newberg	OR	97132 US	5/9/2022
Sara Nilles	Newberg	OR	97132 US	5/9/2022
Jeff Corrigan	Medford	MA	2155 US	5/9/2022
Lisette Hrapmann	McMinnville	OR	97128 US	5/9/2022
Jess Lyons	Portland	OR	97211 US	5/9/2022
Matthew Richardson	Portland	OR	97206 US	5/9/2022
Liam Crawford	Vancouver	WA	98682 US	5/9/2022
Sarah Sills	Tigard	OR	97224 US	5/9/2022
Kim Pope	Portland	OR	97224 US	5/9/2022
Molly McGlynn	Portland	OR	97210 US	5/9/2022
Jon Lien	Portland	OR	97213 US	5/9/2022
Jason Renderman	Newberg	OR	97132 US	5/9/2022
Aubrey Nichols	Newberg	OR	97132 US	5/9/2022
Lindsey Bice	Mount Holly	NJ	8060 US	5/9/2022
Drew Stark	Wilsonville	OR	97070 US	5/9/2022
Frank Nasby	Newberg	OR	97132 US	5/9/2022
Christopher Ward	Portland	OR	97223 US	5/9/2022
Jamie Johnson	Newberg	OR	97132 US	5/9/2022
Brent Smith	Salem	OR	97304 US	5/9/2022
Michael Alberty	Tualatin	OR	97062 US	5/9/2022
Barbara Brooks	Newberg	OR	97132 US	5/9/2022
Melissa Priest	Kutztown	PA	19530 US	5/9/2022
Mike Barrett	Portland	OR	97202 US	5/9/2022
Brian Jones	Portland	OR	97225 US	5/9/2022
Cynthia Contreras	Newberg	OR	97132 US	5/9/2022
Jeremy Saxton	Sherwood	OR	97140 US	5/9/2022
Edwin Donegan	Albany	OR	97321 US	5/9/2022
Lindsey Collins	Tigard	OR	97223 US	5/9/2022
Melissa Malone	Salem	OR	97306 US	5/9/2022
Andrew Arnsberg	Portland	OR	97206 US	5/9/2022
Eric Buist	Seattle	WA	98105 US	5/9/2022
Kari Downs	Portland	OR	97140 US	5/9/2022
Wendy Doerr	Newberg	OR	97132 US	5/9/2022
Jennifer Schlossnagle	Portland	OR	97224 US	5/9/2022
Brett Amos	Tualatin	OR	97062 US	5/9/2022
Lisa Hayward	Seattle	WA	98144 US	5/9/2022
Carrie Kokinda	Milwaukie	OR	97267 US	5/9/2022
Becky Mann	Woodinville	WA	98072 US	5/9/2022
Carey S-H	Portland	OR	97211 US	5/9/2022
Kevin Sandri	Portland	OR	97217 US	5/9/2022
Brent Rostad	Beaverton	OR	97007 US	5/9/2022
Matt Myler	Portland	OR	97223 US	5/9/2022
McCoy Eric	Portland	OR	97214 US	5/9/2022
Heidi Parrish	Newberg	OR	97132 US	5/9/2022
Andrea Strandberg	Portland	OR	97209 US	5/9/2022
Angela LoJacono	Mosier	OR	97040 US	5/9/2022
Otis Rubottom	Portland	OR	97215 US	5/9/2022

Heather Singmaster	Portland	OR	97201 US	5/9/2022
Jenna Hawkes	Lake Oswego	OR	97034 US	5/9/2022
Sarah Schmidt	Newberg	OR	97132 US	5/9/2022
derek arent	Portland	OR	97222 US	5/9/2022
Adam McGuffie	Newberg	OR	97132 US	5/9/2022
Brandon Wells	Portland	OR	97217 US	5/9/2022
Laura Laing	Newberg	OR	97132 US	5/9/2022
Kimberly McDonough	Newberg	OR	97132 US	5/9/2022
Kienan Weekes	Wilsonville	OR	97070 US	5/9/2022
Jonathan Gonzalez	Portland	OR	97214 US	5/9/2022
John Kresge	Port Townsend	WA	98368 US	5/9/2022
Julia Heinig	Newberg	OR	97132 US	5/9/2022
Alec Boyle	Pomona	CA	91766 US	5/9/2022
Megan Russell	Newberg	OR	97132 US	5/9/2022
Judy Elarth	Tigard	OR	97224 US	5/9/2022
Greg Mizell	Portland	OR	97222 US	5/9/2022
Sabrina Barnum	Portland	OR	97213 US	5/9/2022
Justin Ashwr	Salem	OR	97309 US	5/9/2022
Andrea Hamberg	Holland	MI	49424 US	5/9/2022
Adam Black	Salem	OR	97301 US	5/9/2022
Megan Hatch	Portland	OR	97220 US	5/9/2022
Maddie Finklea	Portland	OR	97222 US	5/9/2022
Danae Grandfield	Newberg	OR	97132 US	5/9/2022
Justin Rostad	Beaverton	OR	97005 US	5/9/2022
Brenna Wilson	Tualatin	OR	97062 US	5/9/2022
Philip Snapp	McMinnville	OR	97128 US	5/9/2022
Dan Polkow	Portland	OR	97212 US	5/9/2022
Hillary Churchill	Portland	OR	97214 US	5/9/2022
Kristin Rice	McMinnville	OR	97128 US	5/9/2022
Kelly McGuffie	Newberg	OR	97128 US	5/9/2022
Jonathan Todd	Portland	OR	97201 US	5/9/2022
Ashlyn Dietz	Newberg	OR	97206 US	5/9/2022
Jeremy Spencer	Portland	OR	97211 US	5/9/2022
Daniel Bruno	Portland	OR	97211 US	5/9/2022
Rebecca Allen-Hyma	Beaverton	OR	97007 US	5/9/2022
Stephanie Stiehler	Sherwood	OR	97140 US	5/9/2022
Jacob Fields	Carlton	OR	97111 US	5/9/2022
Anne Stalnaker	Beaverton	OR	97007 US	5/9/2022
Mallory Robertson	Portland	OR	97229 US	5/9/2022
Alycia Kearns	Tigard	OR	97224 US	5/9/2022
Eric Tengs	Bald Peak	OR	97123 US	5/9/2022
Hannah Porter	Portland	OR	97206 US	5/9/2022
Kathey Sweeney	McMinnville	OR	97128 US	5/9/2022
Kevin Wiesmann	Beaverton	OR	97006 US	5/9/2022
Kelly Milliken	Eugene	OR	97401 US	5/9/2022
Kyle Smith	Portland	OR	97202 US	5/9/2022
Marilee Newell	Newberg	OR	97132 US	5/9/2022

Tara Stalcup	Newberg	OR	97132 US	5/9/2022
Dylan Obrien	Mcminnville	OR	97128 US	5/9/2022
Shannon Jidas	Hubbard	OR	97032 US	5/9/2022
Elena Gibbins	McMinnville	OR	97128 US	5/9/2022
James Weber	Portland	OR	97229 US	5/9/2022
Philip Peake	Newberg	OR	97132 US	5/9/2022
hannah kang	Portland	OR	97219 US	5/9/2022
Jay plourd	Portland	OR	97214 US	5/9/2022
Alana Birkeland	Amity	OR	97101 US	5/9/2022
Jordan Ritchie	Portland	OR	97223 US	5/9/2022
Adam McCrory	Hillsboro	OR	97123 US	5/9/2022
Paul Nishizaki	Newberg	OR	97132 US	5/9/2022
Janice Shaul	Portland	OR	97070 US	5/9/2022
Lance Dillon	Salem	OR	97302 US	5/9/2022
Caitlin Rooney	Portland	OR	97224 US	5/9/2022
Veronica Hinkes	Seattle	WA	98160 US	5/9/2022
Kristin Heilman-Long	Beaverton	OR	97007 US	5/9/2022
Heather Birtcher	Newberg	OR	97132 US	5/9/2022
Helen Dillen	Hillsboro	OR	97124 US	5/9/2022
Richard Fernandez	New York	NY	10025 US	5/9/2022
Hayden hollenberg	Hillsboro	OR	97124 US	5/9/2022
Keith Kunis	Portland	OR	97217 US	5/9/2022
Fionna Connolly	Portland	OR	97206 US	5/9/2022
Ruthann Andersen	Seattle	WA	98109 US	5/9/2022
Chris Hayes	Portland	OR	97219 US	5/9/2022
Tyler Auton	Portland	OR	97229 US	5/9/2022
Richard Stellwagen	Newberg	OR	97132 US	5/9/2022
samuel woods	portland	OR	97217 US	5/9/2022
Karen Hatterle	Portland	OR	97062 US	5/9/2022
Joseph Meuchel	Salem	OR	97309 US	5/9/2022
Charles Griffin	Tigard	OR	97223 US	5/9/2022
Sandy Schmidt	Newberg	OR	97132 US	5/9/2022
Jill Downing	Des Moines	IA	50312 US	5/9/2022
Jordan Curtis	Portland	OR	97223 US	5/9/2022
Julian Salas	Portland	OR	97267 US	5/9/2022
Samantha Wulf	Portland	OR	97223 US	5/9/2022
Jase Seeley	Portland	OR	97206 US	5/9/2022
Colleen Walker	Portland	OR	97212 US	5/9/2022
Joshua Liss	Beaverton	OR	97003 US	5/9/2022
Courtney Crowe	Salem	OR	97304 US	5/9/2022
Michael Wright	Portland	OR	97206 US	5/9/2022
Maureen Ott	Portland	OR	97211 US	5/9/2022
Rachel Schopmeyer	Portland	OR	97213 US	5/9/2022
Simon Escutia	Sherwood	OR	97140 US	5/9/2022
Linda Warren	Newberg	OR	97132 US	5/9/2022
Emily Olson	Portland	OR	97214 US	5/9/2022
Morgan Lutz	Portland	OR	97222 US	5/9/2022

Chris Allen-Hyma	Beaverton	OR	97007 US	5/9/2022
Liora Gonicman	Portland	OR	97211 US	5/9/2022
Micah Ganz	Portland	OR	97212 US	5/9/2022
Leah Papay	Beaverton	OR	97007 US	5/9/2022
Audrey Farace	Portland	OR	97215 US	5/9/2022
Katherine Stalman	Portland	OR	97217 US	5/9/2022
Jessica Prior	Portland	OR	97223 US	5/9/2022
Xavier Brownlow	Newberg	OR	97132 US	5/9/2022
Kevin Mayer	Hillsboro	OR	97124 US	5/9/2022
Nance Case	Sherwood	OR	97140 US	5/9/2022
Matt Bellock	Portland	OR	97203 US	5/9/2022
Ian Fendall	Portland	OR	97211 US	5/9/2022
Jill Boivin	Hermosa Beach	CA	90254 US	5/9/2022
Julia Cresto	Portland	OR	97211 US	5/9/2022
Kevin Tilton	Scotch Plains	NJ	7076 US	5/9/2022
Taylor Rebora	Chicago	IL	60613 US	5/9/2022
Justin Tidmarsh	Portland	OR	97224 US	5/9/2022
Danielle Comer	Newberg	OR	97132 US	5/9/2022
Jean Harkin	Portland	OR	97229 US	5/9/2022
Allison Keeney	Portland	OR	97219 US	5/9/2022
Signe Younker	Portland		97230 Latvia	5/9/2022
Emily Culley	Oregon City	OR	97045 US	5/9/2022
Jenny Bailey	Eugene	OR	97405 US	5/9/2022
Eddie Ceja	McMinnville	OR	97128 US	5/9/2022
Chase Younker			Latvia	5/9/2022
Marie Park	Portland	OR	97209 US	5/9/2022
Crystal Tenorio	Portland	OR	97124 US	5/9/2022
Rolf Gould	Portland	OR	97216 US	5/9/2022
Brad Nolte	Newberg	OR	97132 US	5/9/2022
Matthew Berson	Portland	OR	97206 US	5/9/2022
Kimberly Linebarger	McMinnville	OR	97128 US	5/9/2022
Kim Hamblin	Sheridan	OR	97378 US	5/9/2022
Jere Witherspoon	Newberg	OR	97132 US	5/9/2022
Miles Hall	Washington	DC	20003 US	5/9/2022
Miranda Johnson	Portland	OR	97214 US	5/9/2022
Molly Todd	Portland	OR	97202 US	5/9/2022
Sean Johnson	Beaverton	OR	97007 US	5/9/2022
Erik Gillespie	Seattle	WA	98117 US	5/9/2022
Chandra Meyers	Newberg	OR	97132 US	5/9/2022
Damien Lapuyade	McMinnville	OR	97128 US	5/9/2022
Ben Kirkland	Portland	OR	97229 US	5/9/2022
Jamie Wilmarth	Sherwood	OR	97140 US	5/9/2022
Michael Konkel	Portland	OR	97212 US	5/9/2022
Andrew Riechers	Portland	OR	97214 US	5/9/2022
Cory Capko	Sherwood	OR	97140 US	5/9/2022
Melissa Mills	Newberg	OR	97132 US	5/9/2022
Aaron Nee	Portland	OR	97132 US	5/9/2022

James Joyce	Portland	OR	97209 US	5/9/2022
Cindy Parker	Salem	OR	97306 US	5/9/2022
Lacey Howell	Beaverton	OR	97003 US	5/9/2022
Brandon Sharp	Portland	OR	97217 US	5/9/2022
Scott Vernon	Portland	OR	97233 US	5/9/2022
Ryan Iker	Beaverton	OR	97003 US	5/9/2022
Matthew Moffitt	The Dalles	OR	97058 US	5/9/2022
James Melican	Hillsboro	OR	97123 US	5/9/2022
Katie McConnell	Gaston	OR	97119 US	5/9/2022
Vicary Biggs	Portland	OR	97211 US	5/9/2022
Christopher Lamb	San Carlos	CA	94580 US	5/9/2022
Lindsay Davis	Newberg	OR	97132 US	5/9/2022
William Bryant	Portland	OR	97209 US	5/9/2022
Katy Connors	Portland	OR	97210 US	5/9/2022
Joel Mayer	West Linn	OR	97068 US	5/9/2022
Erika Bauer	Newberg	OR	97132 US	5/9/2022
Kurt brendley Brendley	Portland	OR	97202 US	5/9/2022
Spencer Adams	Portland	OR	97209 US	5/9/2022
Hilary Olson	Portland	OR	97223 US	5/9/2022
Max Montgomery	San Luis Obispo	CA	93401 US	5/9/2022
Julie Harris	Corvallis	OR	97330 US	5/9/2022
Mark Toles	Portland	OR	97223 US	5/9/2022
Jacob Fielding	Portland	OR	97206 US	5/9/2022
Bubba king	Newberg	OR	97123 US	5/9/2022
Brandi VanAllen	Canby	OR	97013 US	5/9/2022
Karen Martwick	Portland	OR	97215 US	5/9/2022
Aaron Brussat	Eugene	OR	97404 US	5/9/2022
Susan Gilchrist	Tualatin	OR	97062 US	5/9/2022
stephen wildy	Philadelphia	PA	19115 US	5/9/2022
Lena Taylor	Newberg	OR	97132 US	5/9/2022
Herlinda Heras Heras	Santa Rosa	CA	95407 US	5/9/2022
Kara D	McMinnville	OR	97128 US	5/9/2022
Tara Moore	Portland	OR	97211 US	5/9/2022
Scott Chase	Wilsonville	OR	97070 US	5/9/2022
David Chavez	San Bernardino	CA	92407 US	5/9/2022
Tiffany Yandt	Sherwood	OR	97140 US	5/9/2022
Abraham Sorom	Wenatchee	WA	98801 US	5/9/2022
Jessica Ferrell	Portland	OR	97267 US	5/9/2022
Nicolas Trombetta	Sisters	OR	97759 US	5/9/2022
Adrienne Bailey	Seattle	WA	98107 US	5/9/2022
Donny Ronkus	Baltimore	MD	21224 US	5/9/2022
Kayt Mathers	Portland	OR	97213 US	5/9/2022
Katie Stipe	Portland	OR	97211 US	5/9/2022
Ana Ritter	Portland	OR	97224 US	5/9/2022
Mitchell Sabez	Madison	WI	53711 US	5/9/2022
Courtney Zeggert	Portland	OR	97220 US	5/9/2022
Laurie Ross	Newberg	OR	97132 US	5/9/2022



Melanie Kinchen	Portland	OR	97219 US	5/9/2022
Kathryn Menninger	Newberg	OR	97132 US	5/9/2022
Pilar Swanson	Newberg	OR	97132 US	5/9/2022
Abbey Portis	Portland	OR	97213 US	5/9/2022
Greg Wilson	Forest Grove	OR	97116 US	5/9/2022
Kimberly McCollum	Newberg	OR	97132 US	5/9/2022
Marcus Mejia	Portland	OR	97214 US	5/9/2022
Robert Renard	Hillsboro	OR	97123 US	5/9/2022
Sarah Cuevas	Tualatin	OR	97062 US	5/9/2022
Alyssa Vera	McMinnville	OR	97128 US	5/9/2022
Jeremy Herrig	Seattle	WA	98160 US	5/9/2022
Andrew Scorza	Newberg	OR	97132 US	5/9/2022
Bri Munger	Portland	OR	97232 US	5/9/2022
Hannah Butler	Newberg	OR	97132 US	5/9/2022
Jordan Dull	Oceanside	CA	92058 US	5/9/2022
Benjamin Larson	Portland	OR	97209 US	5/9/2022
Kevin Fadden	Portland	OR	97219 US	5/9/2022
Evan Roberts	Portland	OR	97221 US	5/9/2022
Jessica Arellano	Portland	OR	97202 US	5/9/2022
Kent Henscheid	Corvallis	OR	97330 US	5/9/2022
Natalie Park	Portland	OR	97202 US	5/9/2022
Eric Leibbrandt	Newberg	OR	97132 US	5/9/2022
katie sombat	portland	OR	97212 US	5/9/2022
Andrew Garrison	Portland	OR	97215 US	5/9/2022
Avram Berman	Portland	OR	97201 US	5/9/2022
Ross Lockhart	Albany	OR	97321 US	5/9/2022
Kara Gladstone	Sherwood	OR	97140 US	5/9/2022
SANDY KRALOVEC	Canby	OR	97013 US	5/9/2022
David Thomas	Sherwood	OR	97140 US	5/9/2022
Jessica Weit	Portland	OR	97214 US	5/9/2022
Spike Selby	Salem	OR	97309 US	5/9/2022
Wesley Domeck	McMinnville	OR	97128 US	5/9/2022
Tim Hanrahan	Portland	OR	97211 US	5/9/2022
Kyle Mayer	Wilsonville	OK	97070 US	5/9/2022
BREANNA BORGESON	Beaverton	OR	97008 US	5/9/2022
Ted Ohanlan	Corvallis	OR	97330 US	5/9/2022
Lee Duncan	Hillsboro	OR	97123 US	5/9/2022
Gina Stellwagen	Newberg	OR	97132 US	5/9/2022
Nicole Prevost	Portland	OR	97229 US	5/9/2022
Andrew Stocks	Newberg	OR	97132 US	5/9/2022
Jenna Winkler	Portland	OR	97212 US	5/9/2022
Jessica Kiefer-Layman	Lyons	OR	97358 US	5/9/2022
Danielle Centoni	Portland	OR	97203 US	5/9/2022
Kaitlin Skreen	Tualatin	OR	97062 US	5/9/2022
Kristina Radford	Portland	OR	97223 US	5/9/2022
Arthur Rodriguez	Newberg	OR	97132 US	5/9/2022
Mitch Fearing	Concord	CA	94520 US	5/9/2022

Alita Fitz	Hillsboro	OR	97132 US	5/9/2022
Meryl Andersen	Salem	OR	97304 US	5/9/2022
Lauren Adrian	Portland	OR	97206 US	5/9/2022
Donald Carr	Portland	OR	97233 US	5/9/2022
Jane Smith	Portland	OR	97211 US	5/9/2022
Kelly Vingelen	Portland	OR	97266 US	5/9/2022
Haley Vachter	Portland	OR	97225 US	5/9/2022
Soren Kalbfleisch	Yamhill	OR	97148 US	5/9/2022
mark stotts	Hillsboro	OR	97123 US	5/9/2022
Jared Coon	McMinnville	OR	97128 US	5/9/2022
Katherine Lay	Portland	OR	97219 US	5/9/2022
Frank Purcell	Palm Springs	CA	92264 US	5/9/2022
Brandon Joyce	Portland	OR	97236 US	5/9/2022
Shannon Poff	Portland	OR	97224 US	5/9/2022
Nolan Lynch	Saint Paul	OR	97137 US	5/9/2022
Kaytlin Ebor	Newberg	OR	97132 US	5/9/2022
Joel Mandel	Portland	OR	97217 US	5/9/2022
Karen Wolfe	Portland	OR	97239 US	5/9/2022
Ken Bosch	Raleigh	NC	27616 US	5/9/2022
Katie White	Gresham	OR	97030 US	5/9/2022
Tom Irwin	Newberg,	OR	97132 US	5/9/2022
Alex Martin	Pico Rivera	CA	90660 US	5/9/2022
Dan Shaw	Portland	OR	97202 US	5/9/2022
Charity Anglin	Portland	OR	97224 US	5/9/2022
Robert Kenis	Beaverton	OR	97007 US	5/9/2022
Brandon Boldt	Longmont		80503 Belgium	5/9/2022
Michelle Tierce	Portland	OR	97217 US	5/9/2022
Courtney Schroeder	Newberg	OR	97132 US	5/9/2022
Leonard Greco	Newberg	OR	97132 US	5/9/2022
Mallory Rydell	Long Beach	CA	90808 US	5/9/2022
Jay Hardy	Corvallis	OR	97330 US	5/9/2022
Ashley Karlbom	Portland	OR	97203 US	5/9/2022
Andy Wolcott	Portland	OR	97225 US	5/9/2022
Thomas Houseman	Carlton	OR	97111 US	5/9/2022
Mark Smith	Portland	CA	97229 US	5/9/2022
Reena Tenorio	Chattanooga	TN	37405 US	5/9/2022
Kelly Freuler	Sherwood	OR	97140 US	5/9/2022
Savannah Poarch	Portland	OR	97223 US	5/9/2022
Angela Russell	Sherwood	OR	US	5/9/2022
Charles Kralovec	Canby	OR	97013 US	5/9/2022
Mary Hammond	Wilsonville	OR	97070 US	5/9/2022
Morgan Hawkes	Wilsonville	OR	97070 US	5/9/2022
Mary Mary Radcliffe	Newberg	OR	97132 US	5/9/2022
Molly Ferris	Newberg	OR	97132 US	5/9/2022
Barry Ongradi	Sherwood	OR	97140 US	5/9/2022
Kady Fugere	Portland	OR	97202 US	5/9/2022
Joseph Ferris	Newberg	OR	97132 US	5/9/2022

Matthew De Benedetti	Portland	OR	97219 US	5/9/2022
Megan Scott	Portland	OR	97214 US	5/9/2022
Jordan Sayre	Portland	OR	97206 US	5/9/2022
Charissa Clifford	Portland	OR	97233 US	5/9/2022
Anjelica Minshull	Portland	OR	97229 US	5/9/2022
Chris McMullan	Newberg	OR	97132 US	5/9/2022
Jens Riogeist	Newberg	OR	97132 US	5/9/2022
Fiona Mares	Portland	OR	97206 US	5/9/2022
Robert Chapman	Portland	OR	97239 US	5/9/2022
Heather English	Saint Paul	MN	55105 US	5/9/2022
Kimberly Panchavinin	Beaverton	OR	97005 US	5/9/2022
Piper Underbrink	Dundee	OR	97115 US	5/9/2022
Sandy Knotts	Newberg	OR	97132 US	5/9/2022
Louis Hoekstra	Sherwood	OR	97140 US	5/9/2022
Jordan Patterson	Wilsonville	OR	97070 US	5/9/2022
Justin Dillingham	Newberg	OR	97132 US	5/9/2022
Adam Nicholas	Portland	OR	97202 US	5/9/2022
Tim Tolzman	Hillsboro	OR	97124 US	5/9/2022
Sylla McClellan	Paris		75019 France	5/9/2022
Emily Terrell	McMinnville	OR	97128 US	5/9/2022
Rebecca Kmiec	Portland	OR	97202 US	5/9/2022
Alessandra Richardson	Los Angeles		90009 US	5/9/2022
Chelsea Ochs	Portland	OR	97206 US	5/9/2022
Nan Kluender	Portland	OR	97223 US	5/9/2022
Josiah Schlender	Newberg	OR	97132 US	5/9/2022
Elizabeth Leas	Phoenix	AZ	85022 US	5/9/2022
Jordan Nelson	Portland	OR	97266 US	5/9/2022
Cathy Hamilton	Sherwood	OR	97140 US	5/9/2022
Alex Stranahan	Newberg	OR	97132 US	5/9/2022
Tom Hutcheson	Portland	OR	97202 US	5/9/2022
Shasta H. Sevcik	McMinnville	OR	97115 US	5/9/2022
Meagan Kiene	Newberg	OR	97132 US	5/9/2022
Kayla Speers	Newberg	OR	97132 US	5/9/2022
Casey Dyck	Hayward	CA	94541 US	5/9/2022
Malcolm Simonoff	Portland	OR	97219 US	5/9/2022
James McIntyre	Vancouver	WA	98660 US	5/9/2022
Cathy Brock	Portland	OR	97219 US	5/9/2022
Daniel Green	Portland	OR	97233 US	5/9/2022
Nicole Wolfer	Newberg	OR	97132 US	5/9/2022
Joe Formichella	Portland	OR	97202 US	5/9/2022
Laurie Rumsey	Portland	OR	97202 US	5/9/2022
Teige Weidner	Beaverton	OR	97007 US	5/9/2022
Karen Elder	Newberg	OR	97132 US	5/9/2022
Pamela Michalowski	Hillsboro	OR	97124 US	5/9/2022
Joshua Groesz	Tigard	OR	97224 US	5/9/2022
Casie Dietrich	Seattle	WA	98126 US	5/9/2022
Amanda Hellmann	Portland	OR	97217 US	5/9/2022

Janette Cate	Portland	OR	97209 US	5/9/2022
Chase Harrison	Tualatin	OR	97062 US	5/9/2022
Kate Noreen	Sherwood	OR	97140 US	5/9/2022
sulie herrin	portland	OR	97229 US	5/9/2022
Margaret Nickerson	Canby	OR	97013 US	5/9/2022
Jen Wenks	Dundee	OR	97115 US	5/9/2022
Amanda McNichols	Yamhill	OR	97148 US	5/9/2022
Ethan Johnson	Seattle	WA	98168 US	5/9/2022
Patrick Billingsley	Portland	OR	97217 US	5/9/2022
Constantin Capellas	Lake Oswego	OR	97035 US	5/9/2022
Lynn Roberts	Newberg	OR	97132 US	5/9/2022
Philip Higgins	Newberg	OR	97132 US	5/9/2022
Rachel Meads	Sherwood	OR	97140 US	5/9/2022
Ron Scott	Portland	OR	97224 US	5/9/2022
Erin MacAllister	Portland	OR	97206 US	5/9/2022
Adrienne Flagg	Portland	OR	97203 US	5/9/2022
Susan Graham	Portland	OR	97212 US	5/9/2022
David Ashmore	Newberg	OR	97132 US	5/9/2022
Victor Reyes	Aurora	OR	97002 US	5/9/2022
pete hoebel	Hillsboro	OR	97124 US	5/9/2022
Christina COLLINS	McMinnville	OR	97128 US	5/9/2022
Samantha Noyes	Portland	OR	97225 US	5/9/2022
Jennifer Tierney	Vancouver	WA	98661 US	5/9/2022
Shannon Downs	Portland	OR	97224 US	5/9/2022
Mackie Marinello	Mcminnville	OR	97128 US	5/9/2022
Allison Jacoby-Fries	Portland	OR	97219 US	5/9/2022
Darin Dorsey	San Diego	CA	92102 US	5/9/2022
Courtney Timm	Wilsonville	OR	97070 US	5/9/2022
Darby Collins	Portland	OR	97224 US	5/9/2022
Todd Johnston	Portland	OR	97239 US	5/9/2022
Jessie Zielsdorf	Newberg	OR	97132 US	5/9/2022
Robert Howard	Sherwood	OR	97140 US	5/9/2022
Denise Imperial	Portland	OR	97219 US	5/9/2022
Nick Young	Portland	OR	97217 US	5/9/2022
Brian Bolduc	Silverton	OR	97381 US	5/9/2022
Elizabeth Hagemaiier	Beaverton	OR	97003 US	5/9/2022
Rachel Neville	Newberg	OR	97132 US	5/9/2022
Clinton Hardeman	Portland	OR	97224 US	5/9/2022
Kyle Rensmeyer	Portland	OR	97267 US	5/9/2022
Jordan Johnson	Portland	OR	97252 US	5/9/2022
Deborah Diers	Sherwood	OR	97140 US	5/9/2022
Taunia Mann	Portland	OR	97215 US	5/9/2022
Michael Hawkins	Portland	OR	97211 US	5/9/2022
Tomina Carter	Newberg	OR	97132 US	5/9/2022
Joni Zimmerman	Newberg	OR	97132 US	5/9/2022
Angie Schierman	Newberg	OR	97132 US	5/9/2022
Shannon Thorpe	Edmonton	T5Z	Canada	5/9/2022

Andy Campanella	Portland	OR	97217 US	5/9/2022
Patricia Hendry	Portland	OR	97212 US	5/9/2022
Kevin Williams	King City	OR	97224 US	5/9/2022
Arling Nicholas	Portland	OR	97210 US	5/9/2022
Lauren Heslop	Newberg	OR	97132 US	5/9/2022
Elissa Smith	Portland	OR	97211 US	5/9/2022
Andrew Murphy	Portland	OR	97219 US	5/9/2022
Hutchens Tara	Portland	OR	97132 US	5/9/2022
Alana Ogilvie	Portland	OR	97132 US	5/9/2022
Elizabeth Fullmer	Mount Angel	OR	97362 US	5/9/2022
Madeline Numbers	Vancouver	WA	98683 US	5/9/2022
Cj Somerville	Wilsonville	OR	97070 US	5/9/2022
Sarah King	Portland	OR	97229 US	5/9/2022
Hilary Rosson	Sherwood	OR	97140 US	5/9/2022
Edward Kane	Newberg	OR	97132 US	5/9/2022
Michael Rich	Portland	OR	97252 US	5/9/2022
Maja Trucco	Portland	OR	97005 US	5/9/2022
Mike Rich	Hillsboro	OR	97123 US	5/9/2022
Kurtis Mallory	Newberg	OR	97132 US	5/9/2022
Perrin Damon	Newberg	OR	12589 US	5/9/2022
Eric Kjemperud	Dundee	OR	97115 US	5/9/2022
Mel George	Portland	OR	97203 US	5/9/2022
Korban Saxton	Boise	ID	83706 US	5/9/2022
Karie Godzik	Portland	OR	97206 US	5/9/2022
Anna Swinford	Portland	OR	97229 US	5/9/2022
Charis Kittelson	Beaverton	OR	97007 US	5/9/2022
Brittany Magallanes	Newberg	OR	97132 US	5/9/2022
Connie Jacot	Oakland	CA	94609 US	5/9/2022
Norm Eng	Vancouver		V6B Canada	5/9/2022
Jordan Wilson	Portland	OR	97202 US	5/9/2022
Elida Butcher	Hillsboro	OR	97124 US	5/9/2022
Alyssa Keeran	Newberg	OR	97132 US	5/9/2022
Shaun H	Portland	OR	97214 US	5/9/2022
Christopher Lundquist	Sherwood	OR	97140 US	5/9/2022
Kathryn Carr	Portland	OR	97214 US	5/9/2022
Mike Thelin	New York	NY	10029 US	5/9/2022
Travis Tocher	Hillsboro	OR	97124 US	5/9/2022
Grace Rich	Beaverton	OR	97008 US	5/9/2022
Gama Dorcius	West Palm Beach		33417 US	5/9/2022
Alanna Murphy	Newberg	OR	97132 US	5/9/2022
Amy Gingell	Bend	OR	97702 US	5/9/2022
Will Crawford	Seattle	WA	98103 US	5/9/2022
Veronica Rodriguez	Sherwood	OR	97140 US	5/9/2022
JENNA MORRIS	Clackamas	OR	97015 US	5/9/2022
Claire Francque	Newberg	OR	97132 US	5/9/2022
Kaitlin Henningsen	Vancouver	WA	98660 US	5/9/2022
Tristan Cross	Newberg	OR	97132 US	5/9/2022

Nik Nasby	Newberg	OR	97132 US	5/9/2022
Josh Muenster	Hillsboro	OR	97123 US	5/9/2022
Robert Worlock	Newberg	OR	97132 US	5/9/2022
Scott McMillan	Portland	OR	97224 US	5/9/2022
Noel Johnson	Newberg	OR	97132 US	5/9/2022
Rachel Sabin	Portland	OR	97214 US	5/9/2022
Brian Gillespie	Portland	OR	97225 US	5/9/2022
Molly Bailey	Newberg	OR	97132 US	5/9/2022
Peg Butler	Portland	OR	97212 US	5/9/2022
Angel Lopez Sanchez	Portland	OR	97211 US	5/9/2022
Heath Payne	McMinnville	OR	97128 US	5/9/2022
Molly Bradley	Hillsboro	OR	97123 US	5/9/2022
Brian Brian Morgan	Newberg	OR	97132 US	5/9/2022
Daniel Spence	Portland	OR	97229 US	5/9/2022
Tania Bitz	Newberg	OR	97132 US	5/9/2022
David Heddy	Salem	OR	97306 US	5/9/2022
Sandra Cincera	Dundee	OR	97115 US	5/9/2022
Todd Rinder	Beaverton	OR	97007 US	5/9/2022
Amanda Recker	Newberg	OR	97132 US	5/9/2022
Rebecca Roberts	Woodland	WA	98674 US	5/9/2022
Anthony Trommello	Gaston	OR	97119 US	5/9/2022
Tamara Yunker	Beaverton	OR	97007 US	5/9/2022
Elizabeth Kennedy	Portland	OR	97202 US	5/9/2022
NANCY KATAYAMA	Portland	OR	97215 US	5/9/2022
Caydee Porter	Portland	OR	97209 US	5/9/2022
Arielle Heighton	Newberg	OR	97132 US	5/9/2022
Bill Rahn	Portland	OR	97211 US	5/9/2022
Erin Hall	Portland	OR	97209 US	5/9/2022
Grant Engler	Portland	OR	97219 US	5/9/2022
Warren Wills	Portland	OR	97206 US	5/9/2022
Farley Bliss	Los Angeles	CA	90042 US	5/9/2022
Susan Markuson	Newberg	OR	97132 US	5/9/2022
James Mincks	Camas	WA	98662 US	5/9/2022
Cally Decherd	San Antonio	TX	78212 US	5/9/2022
Roxanne Thomas	Newberg	OR	97132 US	5/9/2022
William Striby	Newberg	OR	97132 US	5/9/2022
Elly Williamson	Portland	OR	97223 US	5/9/2022
Tyler Dyck	NEWBERG	OR	97132 US	5/9/2022
Robert Minshull	Beaverton	OR	97005 US	5/9/2022
RYAN EVANS	Portland	OR	97202 US	5/9/2022
Nathan Wetzel	Portland	OR	97224 US	5/9/2022
morgan miller	Portland	OR	97213 US	5/9/2022
Kim Lattig	Salem	OR	97306 US	5/9/2022
Kevin Healy	Newberg	OR	97132 US	5/9/2022
Sara Lindley	Newberg	OR	97132 US	5/9/2022
Dana Hammonds	Sherwood	OR	97140 US	5/9/2022
Todd Young	Portland	OR	97223 US	5/9/2022

adam smith	Portland	OR	97266 US	5/9/2022
Linda Vogler	Newberg	OR	97312 US	5/9/2022
Chelsea Janzen	McMinnville	OR	97148 US	5/9/2022
Ryan Born	Portland	OR	97217 US	5/9/2022
Brenna McGuire	Newberg	OR	97132 US	5/9/2022
Deegan Marks	Newberg	OR	97132 US	5/9/2022
Sophie Hawkins	Portland	OR	97203 US	5/9/2022
jessica rule	Portland	OR	97222 US	5/9/2022
Joseph Putnam	Portland	OR	97206 US	5/9/2022
Heather Spain	Portland	OR	97211 US	5/9/2022
Geoffrey Godzik	Portland	OR	97206 US	5/9/2022
Jason Welle	Yakima	WA	98908 US	5/9/2022
Matt Worlock	Portland	OR	97211 US	5/9/2022
Randi Padot	Newberg	OR	97132 US	5/9/2022
Will Holloway	Portland	OR	97211 US	5/9/2022
Andrew Ward	Portland	OR	97123 US	5/9/2022
Stephen Braigen	Portland	OR	97202 US	5/9/2022
Ryan Toltzman	Portland	OR	97202 US	5/9/2022
Kristie Culpepper	Baton Rouge	LA	70810 US	5/9/2022
Oscar Solis Mancilla	San Diego	CA	92103 US	5/9/2022
Brock Keen	Portland	OR	97229 US	5/9/2022
Michael Frith	Sisters	OR	97759 US	5/9/2022
Kay Watson	McMinnville	OR	97128 US	5/9/2022
Sheila Barnes	McMinnville	OR	97128 US	5/9/2022
Mark Foster	Portland	OR	97229 US	5/9/2022
Haley Davis	Newberg	OR	97132 US	5/9/2022
Chris Barnhill	Bartlesville	OK	74006 US	5/9/2022
Olivia Tittle	Portland	OR	97222 US	5/9/2022
Keena Burt	Portland	OR	97225 US	5/9/2022
Elizabeth Dacey	Spokane	WA	99223 US	5/9/2022
Michelle Colvin	Newberg	OR	97132 US	5/9/2022
Mike Rupp	Newberg	OR	97132 US	5/9/2022
Mike Schwartz	Portland	OR	97214 US	5/9/2022
Kathy Wolf	Lacey	WA	98503 US	5/9/2022
Leo Flores	Portland	OR	97214 US	5/9/2022
Robert Scalise	Allen	TX	75013 US	5/9/2022
Steph Toles	Tigard	OR	97223 US	5/9/2022
Amber Chrisman	Yakima	WA	98901 US	5/9/2022
Ben Braus	McMinnville	OR	97128 US	5/9/2022
Erin Armitage	Newberg	OR	97132 US	5/9/2022
Wendy Stough	Detroit	MI	48221 US	5/9/2022
Emily Kuehl	Saint Louis	MO	63122 US	5/9/2022
Dwayne Smallwood	Astoria	OR	97103 US	5/9/2022
Chrissy Chavez	Kapolei	HI	96707 US	5/9/2022
Brian Bradley	Hillsboro	OR	97123 US	5/9/2022
Katie Humm	Tualatin	OR	97062 US	5/9/2022
Natalie Holzer	Vancouver	WA	98661 US	5/9/2022

Jordan Wynne	Portland	OR	97206 US	5/9/2022
Sandy Nippert	McMinnville	OR	97128 US	5/9/2022
John Peterson	Dundee	OR	97115 US	5/9/2022
Amanda West	Beaverton	OR	97007 US	5/9/2022
Jace Jones	Newberg	OR	97132 US	5/9/2022
Amanda Kingery	Portland	OR	97229 US	5/9/2022
Kris Fedor	Portland	OR	97203 US	5/9/2022
Claire Michie	Portland	OR	97214 US	5/9/2022
Dannel Christian	Hillsboro	OR	97123 US	5/9/2022
Jamie Schoolfield	Vancouver	WA	98684 US	5/9/2022
Rebecca Tucker	Mcminnville	OR	97128 US	5/9/2022
Chevonne Ball	Portland	OR	97201 US	5/9/2022
Parry Anna	Lake Oswego	OR	97035 US	5/9/2022
Patrick O'Connor	Portland	OR	97212 US	5/9/2022
Jennifer S	Portland	OR	97214 US	5/9/2022
Daniel Skuret	Portland	OR	97209 US	5/9/2022
Caitlin Contreras	Ilwaco	WA	98624 US	5/9/2022
Sarah Baltazar	Portland	OR	97222 US	5/9/2022
Leah Schlegel	Portland	OR	97211 US	5/9/2022
Dylan Lavelle	Portland	OR	97206 US	5/9/2022
Matthew Long	Portland	OR	97239 US	5/9/2022
Danielle Burns	Portland	OR	97214 US	5/9/2022
Madeline Gregg	Medford	OR	97501 US	5/9/2022
Elizabeth Barker	Portland	OR	97209 US	5/9/2022
Emily Verbeten	Newberg	OR	97132 US	5/9/2022
Kelly Simpson	Portland	OR	97213 US	5/9/2022
Gillian Leslie	Portland	OR	97210 US	5/9/2022
Suzanne Oliver	McMinnville	OR	97128 US	5/9/2022
Valerie Grey	Newberg	OR	97132 US	5/9/2022
Michael Jaczko	Newberg	OR	97132 US	5/9/2022
Ginger Keller	Kilauea	HI	96754 US	5/9/2022
Britt Hess	Portland	OR	97211 US	5/9/2022
Allison sherratt	Portland	OR	97214 US	5/9/2022
Michael Verhey	Portland	OR	97211 US	5/9/2022
Livia Heuberger	Carlton	OR	97111 US	5/9/2022
Conner Runia	Newberg	OR	97132 US	5/9/2022
Matt Mensch	Hillsboro	OR	97123 US	5/9/2022
Theresa Thornton	Corbett	OR	97019 US	5/9/2022
Walt Scher	Portland	OR	97203 US	5/9/2022
lynette jones	Tigard	OR	97224 US	5/9/2022
Becky Tengs	Hillsboro	OR	97123 US	5/9/2022
Ryan DeMuse	Arvada	CO	80002 US	5/9/2022
Jason Clinch	Tigard	OR	97223 US	5/9/2022
Scott Thiel	Sherwood	OR	97140 US	5/9/2022
Bonnie Earle	Newberg	OR	97132 US	5/9/2022
Robert Enders	Sherwood	OR	97140 US	5/9/2022
Jake VanderZanden	Tualatin	OR	97062 US	5/9/2022



Keith Jordan	McMinnville	OR	97128 US	5/9/2022
Cate M	Newberg	OR	97306 US	5/9/2022
Jeff Allison	Portland	OR	97223 US	5/9/2022
Thomas Quirk	Portland	OR	97140 US	5/9/2022
Sage Monaghan	Portland	OR	97214 US	5/9/2022
Erica Jenks	Tualatin	OR	97115 US	5/9/2022
Steve Wilson	Portland	OR	97229 US	5/9/2022
Kerry Sullivan	Newberg	OR	97132 US	5/9/2022
Kristen Kidney	Tigard	OR	97224 US	5/9/2022
Casey Hoag	Portland	OR	97214 US	5/9/2022
Anna Hatcher	McMinnville	OR	97128 US	5/9/2022
Ruby Veniegas	Beaverton	OR	97008 US	5/9/2022
Alan Jackson	Memphis	TN	38111 US	5/9/2022
Graeme Wallace	Durango	CO	81301 US	5/9/2022
Emily De Hayr	Sherwoos	OR	97140 US	5/9/2022
Melanie Cooper	Portland	OR	97203 US	5/9/2022
John Blodgett	The Bronx	NY	10463 US	5/9/2022
Colin Kapps	Newberg	OR	97132 US	5/9/2022
Taylor Tremain	Aurora	IL	60502 US	5/9/2022
Scott Grimm	Portland	OR	97224 US	5/9/2022
Sean Rubbo	Portland	OR	97211 US	5/9/2022
Lexie Farrell	Portland	OR	97266 US	5/9/2022
Eric Conrad	Portland	OR	97223 US	5/9/2022
Courtney Elsberry	McMinnville	OR	97128 US	5/9/2022
marcella margiotta	Portland	OR	97224 US	5/9/2022
Jessica Hopkins-Hubbard	Newberg	OR	97132 US	5/9/2022
Gavin Heslop	Newberg	OR	97132 US	5/9/2022
Jonathan Giese	Portland	OR	97223 US	5/9/2022
Sean Larson	Tacoma	WA	98409 US	5/9/2022
Leta Soza	Oakland	CA	94611 US	5/9/2022
Olivia Mathis	Tigard	OR	97224 US	5/9/2022
Vanessa Ernst	Newberg	OR	97132 US	5/9/2022
Greg Bensinger	Portland	OR	97224 US	5/9/2022
Richard Wolf	Astoria	OR	97103 US	5/9/2022
Conor Quinn	Portland	OR	97222 US	5/9/2022
Shannon Rost	Newberg	OR	97132 US	5/9/2022
Stacey Sutton	Lake oswego	OR	97035 US	5/9/2022
Tess Todd	McMinnville	OR	97128 US	5/9/2022
Matt Smouse	Portland	OR	97213 US	5/9/2022
Dean Ehnes	Portland	OR	97212 US	5/9/2022
Michael Youngberg	Lafayette	OR	97127 US	5/9/2022
Kinsey Coyne	Portland	OR	97267 US	5/9/2022
Hannah Thorning	Medford	OR	97501 US	5/9/2022
karyn clarke	Portland	OR	97223 US	5/9/2022
Callie Geser	Newberg	OR	97132 US	5/9/2022
Savannah Mills	Newberg	OR	97132 US	5/9/2022
Hannah Gulgren	Launceston		7250 Australia	5/9/2022

Stephanie Saavedra	Bellingham	WA	98226 US	5/9/2022
Brent Emerson	Portland	OR	97215 US	5/9/2022
Bev Maxwell	Beaverton	OR	97008 US	5/9/2022
Kathryn Hardy	Salem	OR	97301 US	5/9/2022
Joel Cedar	Portland	OR	97220 US	5/9/2022
Daniel Moran			US	5/9/2022
Leandro Valencia	Beaverton	OR	97005 US	5/9/2022
Don Stevens	North Bonneville	WA	98639 US	5/9/2022
Molly Sims	Stevenson	WA	98648 US	5/9/2022
Danny Sikkens	Portland	OR	97209 US	5/9/2022
Cheri Holland	Molalla	OR	97038 US	5/9/2022
Laura Pagenstecher	Portland	OR	97239 US	5/9/2022
Alan Simants	Dallas	TX	75214 US	5/9/2022
Courtney Storrs	Portland	OR	97206 US	5/9/2022
Jeff Goudy	Vancouver	WA	98682 US	5/9/2022
Dolores Leavitt	Newberg	OR	97132 US	5/9/2022
Darcy Kjemperud	Dundee	OR	97115 US	5/9/2022
Sandra Holmes	Portland	OR	97221 US	5/9/2022
Traci Beilharz	Portland	OR	97202 US	5/9/2022
Travis Bing	Los Angeles	CA	90060 US	5/9/2022
Ryan Pope	Tigard	OR	97224 US	5/9/2022
Steve Byers	Portland	OR	97214 US	5/9/2022
Nina Inglesby	McMinnville	OR	97128 US	5/9/2022
benjamin stott	Lake Oswego	OR	97034 US	5/9/2022
Lori Louis	Newberg	OR	97132 US	5/9/2022
Jim Novotny	Ashland	NE	68003 US	5/9/2022
Jenna Flatten	Portland	OR	97203 US	5/9/2022
Kelly Slepicka	Newberg	OR	97132 US	5/9/2022
Kimberly Doades	Newberg	OR	97132 US	5/9/2022
Julie Ludemann	Hillsboro	OR	97124 US	5/9/2022
Kelley Mabbitt	McMinnville	OR	97128 US	5/9/2022
Tom Bordenkircher	milwaukie	OR	97222 US	5/9/2022
Kyrsten Crowe	Pullman	WA	99163 US	5/9/2022
Alex Donnelly	Portland	OR	97230 US	5/9/2022
Taylor Cate	Portland	OR	97211 US	5/9/2022
GARY LONGFELLOW	Tigard	OR	97223 US	5/9/2022
DeAnna Ornelas	Portland	OR	97232 US	5/9/2022
Janis Pate	Newberg	OR	97132 US	5/9/2022
Elizabeth Singer	Portland	OR	97218 US	5/9/2022
Laura Parks	Hillsboro	OR	97123 US	5/9/2022
Simon George	Portland	OR	97206 US	5/9/2022
Erin Finklea	Oregon City		97045 US	5/9/2022
Robert Martinson	Beaverton	OR	97005 US	5/10/2022
drew herman	newberg	OR	97132 US	5/10/2022
Santino Montebianco	Portland	OR	97206 US	5/10/2022
Imran Qureshi	Portland	OR	97206 US	5/10/2022
Jordan LeaJames	Portland	OR	97212 US	5/10/2022

Pascal Fritz	Parkdale	OR	97041 US	5/10/2022
Shawn Brehob	Westerville	OH	43081 US	5/10/2022
Desiree Irby	Beaverton	OR	97005 US	5/10/2022
Brandy Rose	115 old Highway	OR	97132 US	5/10/2022
Ashley DeMeza	Portland	OR	97218 US	5/10/2022
Mike Williams	Tualatin	OR	97062 US	5/10/2022
Clara Samples	Portland	OR	97206 US	5/10/2022
Julia Bandy	McMinnville	OR	97128 US	5/10/2022
Stewart Katelyn	McMinnville	OR	97128 US	5/10/2022
Benjamin Marpet	Eugene	OR	97402 US	5/10/2022
Madison Compton	Portland	OR	97229 US	5/10/2022
Alvaro Hernández	Washington		20029 US	5/10/2022
Cathryn Davenport	Newberg	OR	97132 US	5/10/2022
Danycia Riley	Portland	OR	97217 US	5/10/2022
Olivia McConnell	Portland	OR	97209 US	5/10/2022
Jessica Blaine	Eugene	OR	97401 US	5/10/2022
Blake Sanchez	San Jose	CA	95112 US	5/10/2022
Aaron High	Hood River	OR	97031 US	5/10/2022
Barbara Gardner	Portland	OR	97203 US	5/10/2022
Kai Morgan	Lafayette	OR	97127 US	5/10/2022
Emily Miller	Atascadero	CA	93422 US	5/10/2022
Joseph McKeague	Portland	OR	97210 US	5/10/2022
William Davies	Portland	OR	97209 US	5/10/2022
Nathan West	Newberg	OR	97132 US	5/10/2022
Steve Guarino	Portland	OR	97229 US	5/10/2022
Aaron Henderson	Sherwood	OR	97140 US	5/10/2022
Kyle Hall	Salem	OR	97304 US	5/10/2022
Katherine Smith	Portland	OR	97222 US	5/10/2022
Isabelle Nicolas Baeck	Portland	OR	97217 US	5/10/2022
Eric Mueller	Portland	OR	97267 US	5/10/2022
Anna Richie	Portland	OR	97219 US	5/10/2022
Aaron Hendrick	Lake Oswego	OR	97224 US	5/10/2022
Melisa Parker	Newberg	OR	97132 US	5/10/2022
Dan Weber	Portland	OR	97206 US	5/10/2022
Natalie Turner	Dundee	OR	97115 US	5/10/2022
Tiffany H.	Wilsonville	OR	97070 US	5/10/2022
Bethany Caruso	Dundee	OR	97115 US	5/10/2022
Jillian Fukuda	Oregon City	OR	97045 US	5/10/2022
Josi Ann Fettig	Missoula	MT	59801 US	5/10/2022
Jackie mcmaster	Wilsonville	OR	97070 US	5/10/2022
Roi Mccarter	McMinnville	OR	97128 US	5/10/2022
Eric Pendleton	Hayward	CA	94544 US	5/10/2022
Kyle Kapphahn	Newberg	OR	97132 US	5/10/2022
David Coffeen	Banks	OR	97132 US	5/10/2022
Mitch Gerot	Fremont	CA	94536 US	5/10/2022
Katia Reid	Portland	OR	97140 US	5/10/2022
Pamela Carr	Dundee	OR	97115 US	5/10/2022

Chelsea Saldivar	Wilsonville	OR	97070 US	5/10/2022
Grace Bunn	Portland	OR	97267 US	5/10/2022
Brandon Laws	Newberg	OR	97132 US	5/10/2022
Allison King	Newberg	OR	97132 US	5/10/2022
Abigail Wolcott	Portland	OR	97206 US	5/10/2022
Jessica West	McMinnville	OR	97128 US	5/10/2022
Hillery Crew	Newberg	OR	97132 US	5/10/2022
Jennifer Moats	Hubbard	OR	97032 US	5/10/2022
Megan Maples	Milwaukie	OR	97222 US	5/10/2022
Laura Samuels	Newberg	OR	97132 US	5/10/2022
Curtis Hartling	Portland	OR	97223 US	5/10/2022
Barbara Mixon	Portland	OR	97006 US	5/10/2022
Sean Devine	Newberg	OR	97132 US	5/10/2022
Kassandra Stockton	Salem	OR	97301 US	5/10/2022
Desiree Phillips	Chico	CA	95973 US	5/10/2022
Steve Palmer	Newberg	OR	97132 US	5/10/2022
Josette Bailey	Scappoose	OR	97056 US	5/10/2022
Brittany Bax	Beaverton	OR	97078 US	5/10/2022
Constance Hiram	Portland	OR	97229 US	5/10/2022
Janette Cook	Salem	OR	97317 US	5/10/2022
Kristin Anderson Anderson	Portland	OR	97223 US	5/10/2022
Airen Vandevoort	Dundee	OR	97115 US	5/10/2022
Aaron Hopkins	Dundee	OR	97115 US	5/10/2022
Sally Thomas	Portland	OR	97217 US	5/10/2022
Allison Brodeur	Hillsboro	OR	97124 US	5/10/2022
Manju Agrawal	Kolkata		700059 India	5/10/2022
Carolyn Page	Newberg	OR	97132 US	5/10/2022
Mark Sakamoto	Portland	OR	97225 US	5/10/2022
Michael Anderson	Spring	TX	77379 US	5/10/2022
Carolyn Lyons	Newberg	OR	97132 US	5/10/2022
Jamie Thomas	Portland	OR	97140 US	5/10/2022
Carly Barnett	Newberg	OR	97132 US	5/10/2022
hailey mccollum	Newberg	OR	97132 US	5/10/2022
Walter Want	Newberg,	OR	97132-6122 US	5/10/2022
Aaron Copelin	Portland	OR	97212 US	5/10/2022
Kevin Reid	Salem	OR	97304 US	5/10/2022
Emilie Mckinny	Newberg	OR	97132 US	5/10/2022
Dustin Moore	Eugene	OR	97408 US	5/10/2022
Molly Robison	Newberg	OR	97132 US	5/10/2022
Josh Edds	Grand Rapids	MI	49507 US	5/10/2022
Eric Sorensen	Iowa	IA	52627 US	5/10/2022
Danielle Boyles	Hillsboro	OR	97206 US	5/10/2022
Jessica Boone	Salem	OR	97301 US	5/10/2022
Lauren Ruhe	Battle Ground	WA	98604 US	5/10/2022
Peeta S.	Troy		59935 US	5/10/2022
Emily Schmiedel	Portland	OR	972111 US	5/10/2022
Duncan McEwan	Beaverton	OR	97006 US	5/10/2022

Erica Miller	Willamina	OR	97396 US	5/10/2022
Michelle Ross	Bedford	NH	3110 US	5/10/2022
Keegan Derenia	San Jose	CA	95136 US	5/10/2022
Brooke LeVezeu	Newberg	OR	97132 US	5/10/2022
Whitney Fortune	Portland	OR	97211 US	5/10/2022
Brian Ernst	Newberg	OR	97132 US	5/10/2022
Caroline Kosciusko	Portland	OR	97212 US	5/10/2022
Tom Booth	Portland	OR	97210 US	5/10/2022
Cheryl LeBrun	Beaverton	OR	97005 US	5/10/2022
Lauren Hall	Portland	OR	97212 US	5/10/2022
Laura Bennett	Cedar Mill	OR	97229 US	5/10/2022
RICHARD MARTIN	Kapaa	HI	96746 US	5/10/2022
Benjamin Cahoon	Sherwood	OR	97140 US	5/10/2022
Stacy Dirks	Sherwood	OR	97140 US	5/10/2022
Rachel Belgrave	Sterling	VA	20166 US	5/10/2022
Matthew Eichten	Portland	OR	97003 US	5/10/2022
Linda Ellerton	Newberg	OR	97132 US	5/10/2022
Chesed Johnson	Newberg	OR	97132 US	5/10/2022
Nico Hyde	Boerne	TX	78006 US	5/10/2022
Levi Sikkema	Portland	OR	97239 US	5/10/2022
Matthew Ellerton	Newberg	OR	97132 US	5/10/2022
Michael Fortune	Newberg	OR	97132 US	5/10/2022
Andrew AJ	Santa Cruz	CA	95060 US	5/10/2022
michelle sherbon	Sherwood	OR	97140 US	5/10/2022
Lucas Ehrhard	Portland	OR	97213 US	5/10/2022
Katie Karl	Sherwood	OR	97140 US	5/10/2022
Brett Curtis	Salem	OR	97301 US	5/10/2022
Chet Steadman	Hollis	NH	3049 US	5/10/2022
John Fortune	Newberg	OR	97132 US	5/10/2022
Jenna Hester	Southport		28461 US	5/10/2022
Beth Villero	Portland	OR	97206 US	5/10/2022
Brianne Cedergreen	Newberg	OR	97132 US	5/10/2022
Amanda Durr	Eugene	OR	97404 US	5/10/2022
Harrison Latimer	Portland	OR	97224 US	5/10/2022
Jillian Lowe	Portland	OR	97223 US	5/10/2022
Michelle Hecker	Newberg	OR	97132 US	5/10/2022
Ken Winter	Portland	OR	97202 US	5/10/2022
Shahram Hosseinion	Portland	OR	97214 US	5/10/2022
Maddi Fronsoe	Vancouver	WA	98661 US	5/10/2022
Kevin Cedergreen	McMinnville	OR	97128 US	5/10/2022
Pam Baker	Dundee	OR	97115 US	5/10/2022
Natalie Hebert	Portland	OR	97211 US	5/10/2022
Shawn Sorcenelli	Mcminnville	OR	97128 US	5/10/2022
Ayadejha Salyers	Olympia	WA	98502 US	5/10/2022
Jess Hawkins	Portland	OR	97206 US	5/10/2022
Brandon Hawkins	Portland	OR	97214 US	5/10/2022
Danielle Redman	Tigard	OR	97223 US	5/10/2022

Lyla Rayyan	Vancouver	WA	98686 US	5/10/2022
Thomas Ogren	Puyallup	WA	98371 US	5/10/2022
Kelsey Snow	Newberg	OR	97132 US	5/10/2022
Lauren Puyleart	La Center	WA	98629 US	5/10/2022
Robert Gaito	San Leandro	CA	94577 US	5/10/2022
Jamie Davis	Dundee	OR	97115 US	5/10/2022
Griffen Snow	Newberg	OR	97132 US	5/10/2022
Veronica Gonzalez	Beaverton	OR	97007 US	5/10/2022
Jonathan Brodie	Wyckoff	NJ	7481 US	5/10/2022
tanyis Brunscheon	Hayward	CA	94541 US	5/10/2022
Andy Burke	Newberg	OR	97132 US	5/10/2022
Kartika Thornbrew	Redmond	OR	97756 US	5/10/2022
Dathan LaMere	Vancouver	WA	98661 US	5/10/2022
John Shilling	Corvallis	OR	97333 US	5/10/2022
Alexis Ling	Dayton	OR	97114 US	5/10/2022
Cait Cramer	Fort Wayne	IN	46808 US	5/10/2022
Lisa Willoughby	McMinnville	OR	97128 US	5/10/2022
Catelyn Zoerb	Mansfield	OH	44905 US	5/10/2022
Aaron Landreth	Portland	OR	97217 US	5/10/2022
Linsey Macy	Newberg	OR	97132 US	5/10/2022
William Johnson	Eugene	OR	97405 US	5/10/2022
Justin Rossman	Portland	OR	97206 US	5/10/2022
Ryan Lowe	Portland	OR	97223 US	5/10/2022
Raegan Vaughn	Oakland	CA	94609 US	5/10/2022
Joe Schneider	Portland	OR	97211 US	5/10/2022
Jonathan Dykema	Newberg	OR	97132 US	5/10/2022
Shannon Sandri	Portland	OR	97217 US	5/10/2022
Alyssa McConaughey	Newberg	OR	97132 US	5/10/2022
Daniella Back	Salem	OR	97303 US	5/10/2022
Rose Ballantine	Newberg	OR	97132 US	5/10/2022
Richard Imholte	McMinnvillr	OR	97127 US	5/10/2022
Brenda Smola Foti	Carlton	OR	97111 US	5/10/2022
Luke Seidel	Portland	OR	97202 US	5/10/2022
Alexa Soles	Newberg	OR	97132 US	5/10/2022
Renae Henderson	Portland	OR	97223 US	5/10/2022
Malarie Capell	Hillsboro	OR	97123 US	5/10/2022
Doris Flores	Walnut Creek	CA	94598 US	5/10/2022
Benjamin Burry	Portland	OR	97206 US	5/10/2022
Austin Ragland	Newberg	OR	97132 US	5/10/2022
Kathleen Olds	Beaverton	OR	97008 US	5/10/2022
Jarrood Moroni	Portland	OR	97212 US	5/10/2022
Max Menchaca	Portland	OR	97218 US	5/10/2022
Frances Hunter	McMinnville	OR	97128 US	5/10/2022
Thomas Wood	McMinnville	OR	97128 US	5/10/2022
Sevana Avanesian	Simi Valley	CA	93063 US	5/10/2022
Pascal Peschka	Portland	OR	97267 US	5/10/2022
Song Bonanomi	Beaverton	OR	97007 US	5/10/2022

Adam Yackley	Newberg	OR	97132 US	5/10/2022
Anne Potter	Portland	OR	97229 US	5/10/2022
Kyle Manning	McMinnville	OR	97128 US	5/10/2022
Manuel Recio	Dayton	OR	97114 US	5/10/2022
Julie Kujawa	Portland	OR	97210 US	5/10/2022
Sarah Paulin	Newberg	OR	97132 US	5/10/2022
Dawn Blurton	Portland	OR	97229 US	5/10/2022
Chelsea McLennan-West	Hillsboro	OR	97124 US	5/10/2022
Mackenzie Reisnaur	Portland	OR	97212 US	5/10/2022
roger newell	McMinnville	OR	97128 US	5/10/2022
Jenna Johnson	Portland	OR	97211 US	5/10/2022
Caroline Ottinger	Lake Oswego	OR	97035 US	5/10/2022
Johanna Cash	Yacolt	WA	98675 US	5/10/2022
Paul Wong	Newberg	OR	97132 US	5/10/2022
Andrew Cash	Yacolt	WA	98675 US	5/10/2022
Chris Berhorst	Portland	OR	97214 US	5/10/2022
Julia Townsend	Newberg	OR	97132 US	5/10/2022
Tracy Saelinger	Lake Oswego	OR	97034 US	5/10/2022
Meagan Herndon	Portland	OR	97219 US	5/10/2022
Victor Krause	Newberg	OR	97132 US	5/10/2022
Maxine Agather	Corvallis	OR	97330 US	5/10/2022
Morgan MacKean	San Jose	CA	95127 US	5/10/2022
Kim Bellingar	Newberg	OR	97132 US	5/10/2022
Carisma Sanchez	Portland	OR	97209 US	5/10/2022
Ben Beddia	York	PA	17404 US	5/10/2022
Sarah Marshall	Fremont	CA	94536 US	5/10/2022
Joy McCammon	Beaverton	OR	97008 US	5/10/2022
Mike Gordillo	Sherwood	OR	97140 US	5/10/2022
Jaidyn Camp	Portland	OR	97217 US	5/10/2022
Jennifer Berhorst	Dundee	OR	97115 US	5/10/2022
Silas McIlraith	Newberg	OR	97132 US	5/10/2022
Taylor McCammon	Beaverton	OR	97008 US	5/10/2022
Bianca Curtis	Newberg	OR	97132 US	5/10/2022
Sydney Matney	Beaverton	OR	97006 US	5/10/2022
Dan Bristol	Portland	OR	97232 US	5/10/2022
Travis Moon	Portland	OR	97233 US	5/10/2022
Jason Jordan	Gresham	OR	97030 US	5/10/2022
Fenya Aman	Portland	OR	97213 US	5/10/2022
Cheyenne Aguilera	Oregon City	OR	97045 US	5/10/2022
Herb Apon	Scappoose	OR	97056 US	5/10/2022
Gary LaVerda	Jacksonville	OR	97530 US	5/10/2022
Nicole Hewitt	Portland	OR	97140 US	5/10/2022
Andrew Aman	Newberg	OR	97132 US	5/10/2022
Theresa Smith	Portland	OR	97229 US	5/10/2022
Sara Bales	Portland	OR	97217 US	5/10/2022
Kathryn Comfort	Portland	OR	97267 US	5/10/2022
Katie Macadam	Tigard	OR	97224 US	5/10/2022

Zach Farrington	Austin	TX	78721 US	5/10/2022
Bret Smith	Portland	OR	97229 US	5/10/2022
Barbara Stadler	Portland	OR	97206 US	5/10/2022
Brad Paulin	Newberg	OR	97132 US	5/10/2022
Silke Schuh	Forest Grove	OR	97116 US	5/10/2022
Bethany Engle	Newberg	OR	97132 US	5/10/2022
Dawn Lloyd	Portland	OR	97203 US	5/10/2022
Peter Ganfield	Denver	CO	80209 US	5/10/2022
Tara Brigham	Portland	OR	97219 US	5/10/2022
Josh Gans	Beaverton	OR	97007 US	5/10/2022
Nicholas Shaw	Newberg	OR	97132 US	5/10/2022
Dana Heaberlin	Newberg	OR	97132 US	5/10/2022
Lauren Wittry	Hillsboro	OR	97124 US	5/10/2022
Alice Schoenfeld	Molalla	OR	97038 US	5/10/2022
colleen moroney	Portland	OR	97202 US	5/10/2022
Joel Ruitter	Sumas	WA	98295 US	5/10/2022
Katie Clemens	Portland	OR	97225 US	5/10/2022
Hailey Rae Swalley	Vancouver	WA	98660 US	5/10/2022
Kate Kelleher	Newberg	OR	97132 US	5/10/2022
Vanessa Bazzani	Dundee	OR	97115 US	5/10/2022
Daniel Beacham	Eugene	OR	97405 US	5/10/2022
Lucy Burningham	Portland	OR	97217 US	5/10/2022
Becky Neumann	McMinnville	OR	97128 US	5/10/2022
Katie Grimes	Portland	OR	97217 US	5/10/2022
Nedim Filipovic	Portland	OR	97212 US	5/10/2022
Rod Dayton	McMinnville	OR	97128 US	5/10/2022
Halsey Percival	West Linn	OR	97068 US	5/10/2022
Elizabeth Livengood	Portland	OR	97219 US	5/10/2022
Annie Lemons	Wenatchee	WA	98801 US	5/10/2022
Nicholas Abercrombie	Beaverton	OR	97003 US	5/10/2022
Joanna Cowing	Newberg	OR	97132 US	5/10/2022
Beverly Sutherland	Yamhill	OR	97148 US	5/10/2022
Maureen Rogers	Newberg	OR	97132 US	5/10/2022
Andre Garza	San Antonio	TX	78254 US	5/10/2022
Chelsea Peterson	Newberg	OR	97132 US	5/10/2022
Kyra McQuesten	Beaverton	OR	97005 US	5/10/2022
Travis Indell	Eugene	OR	97402 US	5/10/2022
Andi Prewitt	Portland	OR	97225 US	5/10/2022
Vincent Curtaz	Portland	OR	97206 US	5/10/2022
Alisha Till	Portland	OR	97217 US	5/10/2022
Rachel Macauley	Oregon City	OR	97045 US	5/10/2022
John Jeffery	Portland	OR	97034 US	5/10/2022
Cynthia Castaneda	Portland	OR	97203 US	5/10/2022
Teresa Meyer	Tualatin	OR	97062 US	5/10/2022
Kari Shaughnessy	McMinnville	OR	97128 US	5/10/2022
Irina Robertson	Lake Oswego	OR	97035 US	5/10/2022
Alyssa Gillon	Newberg	OR	97132 US	5/10/2022



Kristen Stoller	Newberg	OR	97132 US	5/10/2022
Michelle Phillips	Portland	OR	97266 US	5/10/2022
Andrew Randles	Portland	OR	97225 US	5/10/2022
Lydia Schramm	Newberg	OR	97132 US	5/10/2022
Jeffrey Cox	Portland	OR	97223 US	5/10/2022
Delaney Howard	Portland	OR	97229 US	5/10/2022
Sophie Brinkley	Newberg	OR	97132 US	5/10/2022
Katrina Tonsfeldt	Gresham	OR	97080 US	5/10/2022
Angela Johnson	Beaverton	OR	97003 US	5/10/2022
Taylor Rarick	Newberg	OR	97132 US	5/10/2022
Anne Jeffery	Newberg	OR	97132 US	5/10/2022
Jodi Chisholm	Portland	OR	97206 US	5/10/2022
LESIA OLIEINIKOVA	Sparta		7871 US	5/10/2022
Emily Dougherty	Salem	OR	97304 US	5/10/2022
Sarah Cundiff	Portland	OR	97217 US	5/10/2022
Mikey Caruso	Dundee	OR	97115 US	5/10/2022
Kyle Rarick	Newberg	OR	97132 US	5/10/2022
Angela Campbell	Tualatin	OR	97062 US	5/10/2022
Bryan Morton	Portland	OR	97202 US	5/10/2022
Mindy Crump	Olympia	WA	98501 US	5/10/2022
Michael Wong	Lomita	CA	90710 US	5/10/2022
Spencer Hardy	Portland	OR	97219 US	5/10/2022
Alexa Schluchter	Tualatin	OR	97062 US	5/10/2022
Chad Beecroft	Newberg	OR	97132 US	5/10/2022
Dawnielle Tehama	Salem	OR	97304 US	5/10/2022
Samantha Weymouth	Newberg	OR	97132 US	5/10/2022
Aureli Rohrbacker	Portland	OR	97212 US	5/10/2022
Nina Sadlo	Beaverton	OR	97007 US	5/10/2022
Dan Keese	Sherwood	OR	97140 US	5/10/2022
Sasha Frenkel	Portland	OR	97215 US	5/10/2022
Eric Sadlo	Beaverton	OR	97007 US	5/10/2022
Eric saucedo	Portland	OR	97211 US	5/10/2022
Leahia Bush	Forney	TX	75126 US	5/10/2022
Michael Wright	Gresham	OR	97080 US	5/10/2022
Nate Zahm	Newberg	OR	97132 US	5/10/2022
Sydney Singer	Portland	OR	97213 US	5/10/2022
Travis Cox	Newberg	OR	97132 US	5/10/2022
Hilary Barr	Oakland	CA	94609 US	5/10/2022
Jenni Erler	Corbett	OR	97019 US	5/10/2022
Cole Kneeland	Portland	OR	97218 US	5/10/2022
Aimee Sather	Newberg	OR	97132 US	5/10/2022
Katerina Preece	Molalla	OR	97038 US	5/10/2022
Courtney Sherwood	Portland	OR	97203 US	5/10/2022
Cora Beeman	Portland	OR	97229 US	5/10/2022
Terry Sullivan	Kapaa	HI	96746 US	5/10/2022
Diane Peterson	Oregon City	OR	97045 US	5/10/2022
Rebecca Geist	Newberg	OR	97132 US	5/10/2022

Chris Taylor	Newberg	OR	97132 US	5/10/2022
Amber Watts	Seattle	WA	98198 US	5/10/2022
Alyssa Durdel	Sherwood	OR	97140 US	5/10/2022
hidesada maeda	Chicago	IL	60618 US	5/10/2022
Marcela Alcantar-Marshall	Carlton	OR	97111 US	5/10/2022
Greyson carkner	Lake Oswego	OR	97034 US	5/10/2022
Rachel Thompson	Beaverton	OR	97005 US	5/10/2022
Karen Viehoever	Portland	OR	97215 US	5/10/2022
Nicholas Faiello	Liverpool	NY	13090 US	5/10/2022
Greg Netzer	Portland	OR	97213 US	5/10/2022
Sara Rossi	Sherwood	OR	97140 US	5/10/2022
Noah Palmer	Sherwood	OR	97140 US	5/10/2022
Dylen Long	Seattle	WA	98118 US	5/10/2022
Eagle Juli	West Linn	OR	97068 US	5/10/2022
Dusty Guild-Hanson	Canby	OR	97013 US	5/10/2022
Kerri Cacciata Cacciata	Seattle	WA	98126 US	5/10/2022
Rachel Coleman	TIGARD	OR	97223 US	5/10/2022
Amy Basile	McMinnville	OR	97128 US	5/10/2022
Lauren H	Portland	OR	97206 US	5/10/2022
Aaron D'Agostini	Beaverton	OR	97005 US	5/10/2022
Mason Moriguchi	Lihue	HI	96766 US	5/10/2022
Jaquelyn Meyers	Portland	OR	97225 US	5/10/2022
Hannah Rosenbohm	Newberg	OR	97132 US	5/10/2022
Danie McReynolds	Kilauea	HI	96754 US	5/10/2022
Jan Freitas-Nichols	Portland	OR	97202 US	5/10/2022
Patrick Petrie	Newberg	OR	97132 US	5/10/2022
Lydia Shute-Moriarty	Portland	OR	97206 US	5/10/2022
Wallace L McKeel	Beaverton	OR	97006 US	5/10/2022
Copeland Downs	Portland	OR	97213 US	5/10/2022
Sharee Adkins	Newberg	OR	97132 US	5/10/2022
Frank Rossi	Tualatin	OR	97062 US	5/10/2022
Hannah Raszka	Portland	OR	97210 US	5/10/2022
Corina Grover	West Linn	OR	97068 US	5/10/2022
Justin Doty	Portland	OR	97223 US	5/10/2022
Casey Peters	Portland	OR	97232 US	5/10/2022
Celeste Stephans	Sheridan	OR	97378 US	5/10/2022
Sabrina Lam	Portland	OR	97203 US	5/10/2022
Andrea Slonecker	Portland	OR	97239 US	5/10/2022
Kristin Rogers Brown	Portland	OR	97217 US	5/10/2022
Christine Van Fleet	Portland	OR	97230 US	5/10/2022
Jamila Acfalle	Tualatin	OR	97062 US	5/10/2022
Molly Nakayama	Portland	OR	97206 US	5/10/2022
Masayo Kaneko	Portland	OR	97202 US	5/10/2022
Billy van der Wal	Portland	OR	97266 US	5/10/2022
Tori Heroux	Portland	OR	97206 US	5/10/2022
Jeffrey Baitx	Seattle	WA	98126 US	5/10/2022
Ben Keller	Portland	OR	97202 US	5/10/2022

Greg Carollo	Portland	OR	97214 US	5/10/2022
Sofia Torres	Dayton	OR	97114 US	5/10/2022
Dwight Burton	Newberg	OR	97132 US	5/10/2022
Dan Elliott	Portland	OR	97219 US	5/10/2022
Ericka Troelstrup	Newberg	OR	97132 US	5/10/2022
Crystal Gunn	Wilsonville	OR	97070 US	5/10/2022
Emily Mulick	Mcminnville	OR	97128 US	5/10/2022
Manisha Lotlikar	Corvallis	OR	97330 US	5/10/2022
Chad Hanson	Canby	OR	97013 US	5/10/2022
Kimberly Pruitt	Hillsboro	OR	97124 US	5/10/2022
Clark Prather	Santa Rosa	CA	95404 US	5/10/2022
Chris Winikka	Newberg	OR	97132 US	5/10/2022
Michelle DeFord	Portland	OR	97202 US	5/10/2022
Alicia Rabins	Portland	OR	97217 US	5/10/2022
James Case	Sherwood	OR	97140 US	5/10/2022
Pearl Shan	McMinnville	OR	97128 US	5/10/2022
Ashley Bradfield	Washougal	WA	98671 US	5/10/2022
Rommie Christiansen	Newberg	OR	97132 US	5/10/2022
Eric Steen	Portland	OR	97206 US	5/10/2022
Stephanie Baroni	Portland	OR	97202 US	5/10/2022
Phillip Garrett	Mollymook		2539 Australia	5/10/2022
Jessica Montez			Iceland	5/10/2022
Jorie Schroder	Portland	OR	97223 US	5/10/2022
Allison Magill	sherwood	OR	97140 US	5/10/2022
Kristin Curry	Carrollton	VA	23314 US	5/10/2022
Jane Galletti	Plattsburgh	NY	12901 US	5/10/2022
Noah Criswell	Oregon City	OR	97045 US	5/10/2022
Tommy Eglund	Carlton	OR	97111 US	5/10/2022
Cara Barr	Newberg	OR	97132 US	5/10/2022
Elysia Sprenger	Newberg	OR	97132 US	5/10/2022
Erik Jones	Portland	OR	97223 US	5/10/2022
Isaac Bernstein-Miller	Richmond	VA	23220 US	5/10/2022
Logan Boydston	Norfolk	VA	23503 US	5/10/2022
Todd Burnette	Portland	OR	97211 US	5/10/2022
Huy Nguyen	newberg	OR	97132 US	5/10/2022
Christine Weber	Saugerties	NY	12477 US	5/10/2022
Paige Jacobs	McMinnville	OR	97128 US	5/10/2022
Ronnie Andrada	San Antonio	TX	78240 US	5/10/2022
LIZ DAVIDSON	Gervais	OR	97026 US	5/10/2022
Desislava Hite	Renton	WA	98055 US	5/10/2022
April Brown	Newberg	OR	97132 US	5/10/2022
James Sullivan	Newberg	OR	97132 US	5/10/2022
Evangeline Pattison	Camas	WA	98607 US	5/10/2022
Mike Burdette	Newberg	OR	97132 US	5/10/2022
Linda Curatolo	Mount clemens	MI	48043 US	5/10/2022
Jeri Waller	Newberg	OR	97132 US	5/10/2022
Cameron Perkins	Tualatin	OR	97062 US	5/10/2022

Kathi Yukich	Newberg	OR	97132 US	5/10/2022
Sean Dwigans	Beaverton	OR	97008 US	5/10/2022
Suzanne Teller	Newberg	OR	97132 US	5/10/2022
Jennifer Penick	Hermosa	SD	57744 US	5/10/2022
Tim Mueller	Charlotte	NC	28205 US	5/10/2022
Kaylene Chittenden	Cornelius	OR	97113 US	5/10/2022
Jenny Nam	Atlanta	GA	30326 US	5/10/2022
Beth Benz	Tigard	OR	97224 US	5/10/2022
Andrew McVay	Forest Grove	OR	97116 US	5/10/2022
Steven Mitchell	Sherwood	OR	97140 US	5/10/2022
Erin Wilder	Portland	OR	97212 US	5/10/2022
Kyla Curatolo	Portland	OR	97215 US	5/10/2022
Paige Dean	Newberg	OR	97132 US	5/10/2022
Carol Greve	Salem	OR	97132 US	5/10/2022
Emily Stratman	Portland	OR	97222 US	5/10/2022
Luke Smith	Austin	TX	78723 US	5/10/2022
Cecily Gutierrez	Redmond	OR	97756 US	5/10/2022
Rylee Sinclair	Newberg	OR	97132 US	5/10/2022
Ella Kaye	Newberg	OR	97132 US	5/10/2022
Hunter Anderson	Newberg	OR	97132 US	5/10/2022
Roberta Dodd	Newberg	OR	97132 US	5/10/2022
Jonathan Chappelle	Portland	OR	97223 US	5/10/2022
Lanae Carver	Portland	OR	97229 US	5/10/2022
Phil Amaya	Newberg	OR	97132 US	5/10/2022
Amy Lodge	Newberg	OR	97133 US	5/10/2022
Carolyn Urnes	McMinnville	OR	97128 US	5/10/2022
Megan Burns	Hillsboro	OR	97123 US	5/10/2022
Erin Moreno	Beaverton	OR	97006 US	5/10/2022
Kristen Harris	Newberg	OR	97132 US	5/10/2022
Katie Ralls	Madras	OR	97741 US	5/10/2022
Miriam Peterson	McMinnville	OR	97128 US	5/10/2022
Minda Williams	Newberg	OR	97132 US	5/10/2022
Kari Lacey	Beaverton	OR	97007 US	5/10/2022
Rita Mitchell	Sherwood	OR	97035 US	5/10/2022
Diane Fiegenbaum	Wilsonville	OR	97070 US	5/10/2022
Tyler Alvord	Tigard	OR	97223 US	5/10/2022
Lion Ldd	Newberg	OR	97132 US	5/10/2022
isabel lee	Newberg	OR	97132 US	5/10/2022
Amanda Pinard	Beaverton	OR	97008 US	5/10/2022
Andrew Kaye	Newberg	OR	97132 US	5/10/2022
April Stuckey	Newberg	OR	97132 US	5/10/2022
Jennifer Reynolds	Portland	OR	97217 US	5/10/2022
Colin Oliver	Venice	CA	90291 US	5/10/2022
Charles Freeborn	Portland	OR	97219 US	5/10/2022
Jennifer Sitter	Dundee	OR	97115 US	5/10/2022
Justin Ching	Santa Cruz	CA	95065 US	5/10/2022
Lauren Covey	Beaverton	OR	97006 US	5/10/2022

Shauna Harrison	Milwaukie	OR	97222 US	5/10/2022
Laila Abbe	Newberg	OR	97132 US	5/10/2022
BRIAN ABBE	Newberg	OR	97132 US	5/10/2022
Patrick Halferty	Issaquah	WA	98027 US	5/10/2022
Joy Rheäume	West Linn	OR	97068 US	5/10/2022
Elizabeth Gemeroy	Newberg	OR	97132 US	5/10/2022
Erin Henoeh	Newberg	OR	97132 US	5/10/2022
Damon Cellan	Portland	OR	97219 US	5/10/2022
Michelle lusher	McMinnville	OR	97128 US	5/10/2022
Keith Brown	Portland	OR	97218 US	5/10/2022
Anne Walsleben	Newberg	OR	97132 US	5/10/2022
Raeana Mikel	Portland	OR	97211 US	5/10/2022
Kellie Browne	Tualatin	OR	97062 US	5/10/2022
Kevin Morgan	Portland	OR	97214 US	5/10/2022
Teri Council	McMinnville	OR	97128 US	5/10/2022
Alex Montgomery	Portland	OR	97224 US	5/10/2022
Kyle Webster	Newberg	OR	97132 US	5/10/2022
Lauren Abrahamson	Portland	OR	97223 US	5/10/2022
Nicole Jolliffe	Newberg	OR	97132 US	5/10/2022
Teri Montgomery	Eastampton	NJ	8060 US	5/10/2022
Stephanie Warren	Portland	OR	97211 US	5/10/2022
Mark Statler	Bellevue	WA	98007 US	5/10/2022
Siobhan Nickerson	Canby	OR	97013-2637 US	5/10/2022
Liz fluharty	Portland	OR	97045 US	5/10/2022
matthew mansfield	Newberg	OR	97132 US	5/10/2022
Heather Canby	Portland	OR	97213 US	5/10/2022
Casey Dorneman	Portland	OR	97217 US	5/10/2022
Joey Houck	Newberg	OR	97132 US	5/10/2022
Ashlee Erickson	Oregon City	OR	97045 US	5/10/2022
Joshua Hopkins-Hubbard	Newberg	OR	97132 US	5/10/2022
Lyndsay Dyk	Portland	OR	97212 US	5/10/2022
Eva Hales	McMinnville	OR	97128 US	5/10/2022
Mikw Fleischman	Beaverton	OR	97007 US	5/10/2022
Kerry Cochran	Portland	OR	97202 US	5/10/2022
Erick Headrick	Dundee	OR	9819897115 US	5/10/2022
Paulette Haley-Stark	Pocono Lake	PA	18347 US	5/10/2022
Chris Caselas	Portland	OR	97213 US	5/10/2022
Hilary Wyckoff	Portland	OR	97217 US	5/10/2022
Elizabeth Brownfield	Portland	OR	97214 US	5/10/2022
Melissa O'Dell	Gresham	OR	97080 US	5/10/2022
Martin Peters	Sherwood	OR	97140 US	5/10/2022
Karen Eagon McCabe	Newberg	OR	97132 US	5/10/2022
Linda Vondrachek	McMinnville	OR	97128 US	5/10/2022
Logan Cross	Gaston	OR	97119 US	5/10/2022
Allyse Mann	Newberg	OR	97132 US	5/10/2022
Sydney Moriarty	Newberg	OR	97132 US	5/10/2022
Lisa Cross	Gaston	OR	97119 US	5/10/2022

Tim Bauman	Sherwood	OR	97140 US	5/10/2022
Theodore Linabury	Kalamazoo	MI	49048 US	5/10/2022
Kelly Olsen	Salem	OR	97306 US	5/10/2022
Eva Botelho	Newberg	OR	97132 US	5/10/2022
Justin Bolanos	Sherwood	OR	97140 US	5/10/2022
Lis Vanoudenhaegen	Newberg	OR	97132 US	5/10/2022
Diana Deissler	McMinnville	OR	97128 US	5/10/2022
Anna Caviglia	Newberg	OR	97132 US	5/10/2022
Alyssa Sepulveda	Newberg	OR	97132 US	5/10/2022
Amy Gibbs	Placentia	CA	92870 US	5/10/2022
Daniel Jeffery	Newberg	OR	97132 US	5/10/2022
Mike Johnson	Portland	OR	97218 US	5/10/2022
John Boisse	Portland	OR	97214 US	5/10/2022
Lillian Carver	Newberg	OR	97132 US	5/10/2022
Eric Augustin	Astoria	OR	97103 US	5/10/2022
Garrett Lodge	Newberg	OR	97132 US	5/10/2022
courtney allen	Portland	OR	97210 US	5/10/2022
Douglas Frierott	Tigard	OR	97223 US	5/10/2022
Megan Walhood	Portland	OR	97214 US	5/10/2022
Andrew Harmon	Milwaukie	OR	97222 US	5/10/2022
Lauren Breneman	Portland	OR	97206 US	5/10/2022
Kassia Jackson	Newberg	OR	97132 US	5/10/2022
Adam Sommer	Metamora	IL	61548 US	5/10/2022
Cynthia Meharry	Tualatin	OR	97062 US	5/10/2022
Tara Howard	Henderson	NV	89012 US	5/10/2022
Justin Smith	Portland	OR	97202 US	5/10/2022
Erin Fale	Salem	OR	97306 US	5/10/2022
ADRIENNE MILLER	Beaverton	OR	97006 US	5/10/2022
Brittney Deming	Dundee	OR	97115 US	5/10/2022
todd roll	portland	OR	97204 US	5/10/2022
Nate Edwards	Lebanon	OR	97355 US	5/10/2022
Sarah Arken	Gresham	OR	97080 US	5/10/2022
David Brock	Yamhill	OR	97148 US	5/10/2022
Kenneth Delgado	Clackamas	OR	97015 US	5/10/2022
Pamela Vohnson	Portland	OR	97223 US	5/10/2022
Killian Fitzpatrick	Portland	OR	97225 US	5/10/2022
Kimberly Williams	Lafayette	OR	97127 US	5/10/2022
Joy Brenneman	La Habra	CA	90631 US	5/10/2022
Sean Osborne	Redmond	OR	97741 US	5/10/2022
AJ Heil	Newberg	OR	97132 US	5/10/2022
Eric Lyman	Newberg	OR	97132 US	5/10/2022
Sarah Schaberg	Portland	OR	97236 US	5/10/2022
Anthony Munoz	Covina	CA	91722 US	5/10/2022
Hal Spence	Portland	OR	97232 US	5/10/2022
Diana Schmitt	Tigard	OR	97034 US	5/10/2022
Jocelyn Pajimula	Honolulu	HI	96782 US	5/10/2022
Richard Wagner	Sherwood	OR	97140 US	5/10/2022

Andy Logan	Vancouver	WA	98686 US	5/10/2022
Korinne James	Portland	OR	97219 US	5/10/2022
Cindy Smith	Saint Paul	OR	97137 US	5/10/2022
Melody Ballard			US	5/10/2022
Valerie Ontiveros Tippy	Portland	OR	97203 US	5/10/2022
Margie Bradford	Waipahu	HI	96797 US	5/10/2022
Eric Rough	Seattle	WA	98126 US	5/10/2022
KD Doss	Newberg	OR	97132 US	5/10/2022
Asher Faber	Myrtle Creek	OR	97457 US	5/10/2022
Aurora Olson	Jeffersonville	IN	47130 US	5/10/2022
Serhii Zubkevych	The Bronx		10457 US	5/10/2022
Angie Mercer	Newberg	OR	97132 US	5/10/2022
Sylvia Cruz	Fontana	CA	92335 US	5/10/2022
Tanya Schmucker	Laguna Beach	CA	92651 US	5/10/2022
Frances Grace	Newberg	OR	97132 US	5/10/2022
Luc DeLorenzo	Newberg	OR	97132 US	5/10/2022
Mike Allen	Portland	OR	97211 US	5/10/2022
Rachel Buciariski	Eugene	OR	97402 US	5/10/2022
Amanda Case	Portland	OR	97132 US	5/10/2022
Siobhan Martin	Kilauea	HI	96754 US	5/10/2022
Ryan Yaden	San Antonio	TX	78216 US	5/10/2022
Chris Burrough	Dundee	OR	97115 US	5/10/2022
Angel Marie Santos	Hood River	OR	97031 US	5/10/2022
Caroline Huggins	Portland	OR	97213 US	5/10/2022
Benjamin Belletto	McMinnville	OR	97128 US	5/10/2022
Logan DiMotta	Newberg	OR	97132 US	5/10/2022
Staci DiMotta	Lakeland	FL	33813 US	5/10/2022
Kherra Arneson	Vancouver	WA	98683 US	5/10/2022
Demi Tsim	Newberg	OR	97312 US	5/10/2022
Tom Cotter	Portland	OR	97206 US	5/10/2022
Michael Dempster	Bainbridge Island	WA	98110 US	5/10/2022
Micah Martinez	Newberg	OR	97132 US	5/10/2022
Jill Bilka	Dundee	OR	97115 US	5/10/2022
Jennifer Fribley	Newberg	OR	97132 US	5/10/2022
Tricia Gates Brown	Yamhill	OR	97148 US	5/10/2022
Michael Conrad	Portland	OR	97214 US	5/10/2022
Beth Gartner	Newberg	OR	97132 US	5/10/2022
Linda Ruhl	Newberg	OR	97132 US	5/10/2022
Erin Kendrick	McMinnville	OR	97128 US	5/10/2022
Darcy Grimm	Newberg	OR	97132 US	5/10/2022
Megan Kerr	Newberg	OR	97132 US	5/10/2022
Sarah Granberg	Portland	OR	97236 US	5/10/2022
Doug Yray	Portland	OR	97229 US	5/10/2022
Rhonda Bonham	Newberg	OR	97132 US	5/10/2022
Evan Harriman	Portland	OR	97211 US	5/10/2022
Lauren Gardner	Newberg	OR	97132 US	5/10/2022
Rose Schneider	Carlton	OR	97111 US	5/10/2022

Andrew Burt	Portland	OR	97217 US	5/10/2022
Sarah Sturgill	Portland	OR	97217 US	5/10/2022
Dab Dahm	Tualatin	OR	97062 US	5/10/2022
Amanda Wright	Portland	OR	97210 US	5/10/2022
Rory Phillips	Newberg	OR	97132 US	5/10/2022
Brandon Moore	Jacksonville	IL	62650 US	5/10/2022
Shelby Perkins	Salem	OR	97304 US	5/10/2022
Jared Warren	Spokane		99206 US	5/10/2022
Christine Schroth	Vancouver	WA	98661 US	5/10/2022
Claire Heller	Chicago		60655 US	5/10/2022
Chris Wilson	Portland	OR	97219 US	5/10/2022
Cody Danielson	Newberg	OR	97132 US	5/10/2022
Pavlo Stavrou	Portland	OR	97209 US	5/10/2022
Cameron Rex	Costa Mesa	CA	92626 US	5/10/2022
Layla Price			US	5/10/2022
Joshua Rau	Troutdale	OR	97060 US	5/10/2022
Brian Dooley	Portland	OR	97212 US	5/10/2022
Carrissia Keeling	Newberg	OR	97132 US	5/10/2022
Colin Rath	Portland	OR	97202 US	5/10/2022
Lisa Mayer	Castle Rock	CO	80108 US	5/10/2022
Jen Loomis	Portland	OR	97212 US	5/10/2022
Adrienne Pillar	Newberg	OR	97132 US	5/10/2022
Crystal Stutzman	Portland	OR	97222 US	5/10/2022
Collin Alteneder	Colorado Spring	CO	80920 US	5/10/2022
Dan Wirth	Portland	OR	97206 US	5/10/2022
Shana Celnicker-Chong	Milwaukie	OR	97222 US	5/10/2022
Allison O'Sullivan	Damascus	OR	97089-8810 US	5/10/2022
Dru Allen	Newberg	OR	97132 US	5/10/2022
Susan Frank	Tualatin	OR	97062 US	5/10/2022
Collin Schneider	Corvallis	OR	97330 US	5/10/2022
Andrew Yaden	Portland	OR	97211 US	5/10/2022
Nicole Dunbar	Keizer	OR	83605 US	5/10/2022
Kayla Ballrot	Salem	OR	97302 US	5/10/2022
Braedan Ririe	Portland	OR	97206 US	5/10/2022
Jackie Santullo	Alexandria		22309 US	5/10/2022
Sherry Kittle	Medford	OR	97504 US	5/10/2022
Christian Banke	Salem	OR	97306 US	5/10/2022
Robby Boydston	Newark	NJ	7094 US	5/10/2022
Madeline Rausch	Portland	OR	97206 US	5/10/2022
Jessie Bender	Portland	OR	97227 US	5/10/2022
Emily Leib	Beaverton	OR	97007 US	5/10/2022
Angela Barkes-Draz	Newberg	OR	97128 US	5/11/2022
Joe Kessler	Portland	OR	97201 US	5/11/2022
Danielle Drier	Pleasant Hill	CA	94523 US	5/11/2022
Rich Fettig	Boring	OR	97009 US	5/11/2022
Dena Holper	Eureka	CA	95503 US	5/11/2022
Lauren Bice	Mount Holly	NJ	8060 US	5/11/2022



Seleah Oconnor	Beaverton	OR	97007 US	5/11/2022
Kelli Mcintosh	Newberg	OR	97132 US	5/11/2022
Jensen Kristin	Portland	OR	97214 US	5/11/2022
Daniel Worlock	Los Angeles	CA	90026 US	5/11/2022
cat bossio	Portland	OR	97212 US	5/11/2022
Deanna Brodsky	Bend	OR	97703 US	5/11/2022
Brynn Bradley	Amity	OR	97101 US	5/11/2022
Megan Perkowski	Atlanta	GA	30082 US	5/11/2022
Michelle Ettelstein	Sherwood	OR	97140 US	5/11/2022
Kurt Ruhl	Newberg	OR	97132 US	5/11/2022
Karen Stapleton	Eugene	OR	97405 US	5/11/2022
Catherine Wheeler	Newberg	OR	97132 US	5/11/2022
Phil Neumann	Walla Walla	WA	99362 US	5/11/2022
Kris Wharff Wharff	Newberg	OR	97132 US	5/11/2022
Michelle Kropf	Dundee	OR	97115 US	5/11/2022
Evan Bernard	Lumberton		77657 US	5/11/2022
gabriel camacho			91006 US	5/11/2022
Brian Marples	Newberg	OR	97132 US	5/11/2022
Carrie Simmons	Dundee	OR	97115 US	5/11/2022
BREE ROSTAN	Portland	OR	97214 US	5/11/2022
Lisa Rough	Seattle	WA	98116 US	5/11/2022
Jana Woodson	Forest Grove	OR	97116 US	5/11/2022
Lauren Martin	San Clemente	CA	92672 US	5/11/2022
Matthew Lawson	Portland	OR	97230 US	5/11/2022
Elise Cahn	Portland	OR	97202 US	5/11/2022
Mikinna Johnson	Hillsboro	OR	97123 US	5/11/2022
Chloe Somes			US	5/11/2022
Jessica Bauer	Newberg	OR	97132 US	5/11/2022
Thomas Kerns	Kamuela	HI	96743 US	5/11/2022
Sarah Martin	Princeville	HI	96722 US	5/11/2022
Charles Morgan	Seattle	WA	98103 US	5/11/2022
Chris West	Wilsonville	OR	97070 US	5/11/2022
Alexandra Berg	Freeland		48623 US	5/11/2022
Chelsea Rupp	Salem	OR	97306 US	5/11/2022
Soren Sweet	Salem	OR	97305 US	5/11/2022
Daniel Briggs	Salem	OR	97305 US	5/11/2022
Hannah Frankamp	Newberg	OR	97132 US	5/11/2022
Bryanna Oliver-Palmquist	Newberg	OR	97132 US	5/11/2022
Bridget Czarnecki	Newberg	OR	97132 US	5/11/2022
Katie Burlingame	Newberg	OR	97132 US	5/11/2022
Matthew Fellin	Portland	OR	97211 US	5/11/2022
Samuel Oliver-Palmquist	Newberg	OR	97132 US	5/11/2022
Stephanie Anderson	Portland	OR	97236 US	5/11/2022
Tom Dooley	Babylon	NY	11702 US	5/11/2022
Katie Collins	Hillsboro	OR	97123 US	5/11/2022
Tom Mack	Portland	OR	97267 US	5/11/2022
Ryan Tedlock	Woodburn	OR	97071 US	5/11/2022

Wendy Knight	San Luis Obispo	CA	93401 US	5/11/2022
kristian kolflat	Beaverton	OR	97008 US	5/11/2022
Andrew Yarborough	Portland	OR	97209 US	5/11/2022
Victor Otto	Lake Oswego	OR	97035 US	5/11/2022
Gregory Valdez	Astoria	OR	97103 US	5/11/2022
Erin Case	Portland	OR	97217 US	5/11/2022
Paige Dahl	Lafayette	OR	97127 US	5/11/2022
Erin Kennedy	Beaverton	OR	97008 US	5/11/2022
Sean Parmenter	Beaverton	OR	97008 US	5/11/2022
Robert Everton	Portland	OR	97212 US	5/11/2022
Steve Enders	Sunnyvale	CA	94087 US	5/11/2022
Garrett M	Astoria	OR	97103 US	5/11/2022
Deborah Stevenson	Portland	OR	97140 US	5/11/2022
☒Natalie Lawson	Peoria		85383 US	5/11/2022
Kelly Henry	Newberg	OR	97132 US	5/11/2022
Lisa Gilbertson	Newberg	OR	97132 US	5/11/2022
Jacob Bray	Pullman	WA	99163 US	5/11/2022
Melanie Reyes	Newberg	OR	97132 US	5/11/2022
Amy Balzer	Sherwood	OR	97140 US	5/11/2022
Christopher Walsh	Sherwood	OR	97140 US	5/11/2022
Karen N	Portland	OR	97211 US	5/11/2022
Kelly Melillo	Sherwood	OR	97140 US	5/11/2022
Casey Regan	Pearl City	HI	96782 US	5/11/2022
Chris Anglin	Portland	OR	97224 US	5/11/2022
Ryane Kaucher	Portland	OR	97206 US	5/11/2022
Erin Brady	Salem	OR	97301 US	5/11/2022
Krista Feece	McMinnville	OR	97128 US	5/11/2022
Julia Ranum	Danville	CA	94526 US	5/11/2022
Jack Petrucione	Portland	OR	97266 US	5/11/2022
Tim Taylor	Beaverton	OR	97007 US	5/11/2022
Anne Ranum	Newberg	OR	97132 US	5/11/2022
Courtney Kohon	McMinnville	OR	97128 US	5/11/2022
John Hayes	Portland	OR	97214 US	5/11/2022
Ryan Buxton	Portland	OR	97222 US	5/11/2022
Sierra Rosenberg	Tualatin	OR	97062 US	5/11/2022
Michael R Oliver	McMinnville	OR	97128 US	5/11/2022
M Larsen	Portland	OR	97214 US	5/11/2022
Gerald Fox	Portland	OR	97225 US	5/11/2022
Winifred Le Veris	Portland	OR	97206 US	5/11/2022
Helena Haddad	Lansing		48911 US	5/11/2022
Sabrina Donohue	Portland	OR	97239 US	5/11/2022
Eric Torgeson	Oregon City	OR	97045 US	5/11/2022
John Marti	Seattle	WA	98126 US	5/11/2022
Billy Cook Cook	Portland	OR	97206 US	5/11/2022
Trevor Graham	Houston		77007 US	5/11/2022
Angelique Miles	Saint Paul		55116 US	5/11/2022
Julia Cvitkovich	Newberg	OR	97132 US	5/11/2022

Collin Bailey	Portland	OR	97206 US	5/11/2022
Paul Mobilio	Seattle	WA	98121 US	5/11/2022
Karmen Vilander	Sheridan	OR	97378 US	5/11/2022
Laura McClure	Madison	WI	53715 US	5/11/2022
Lisa Toch	Rialto		92376 US	5/11/2022
Donald Scheidt	Portland	OR	97215 US	5/11/2022
Brooke Lichtenthaler	Carlton	OR	97111 US	5/11/2022
Isabelle S	Doylestown		18901 US	5/11/2022
Jevan Lautz	Portland	OR	97206 US	5/11/2022
Esther Provost	Seattle	WA	98112 US	5/11/2022
Kate Lacroix	Boulder	CO	80301 US	5/11/2022
Thomas Fondano	Portland	OR	97217 US	5/11/2022
Analuz Martinez	Hialeah		33013 US	5/11/2022
Daniel Ray	Lafayette	OR	97127 US	5/11/2022
Jamie Jamison	Portland	OR	97229 US	5/11/2022
M. Browning	Chandler		85224 US	5/11/2022
Victoria Pustynsky	Portland	OR	97202 US	5/11/2022
Donna Anderson	Newberg	OR	97132 US	5/11/2022
John Cope	Sunnyside	WA	98944 US	5/11/2022
Matt Koziol	Portland	OR	97219 US	5/11/2022
Richard Castaneda	Lake Oswego	OR	97035 US	5/11/2022
Lisette Berho	Newberg	OR	97132 US	5/11/2022
Mary Grace Curran	Newberg	OR	97132 US	5/11/2022
Cody Coleman	Tigard	OR	97223 US	5/11/2022
Rebecca Bollinger	Tualatin	OR	97062 US	5/11/2022
James Lightbody	Salem	OR	97302 US	5/11/2022
Brandon Davidson	Gervais	OR	97026 US	5/11/2022
Nathan Howard	Eugene	OR	97401 US	5/11/2022
Mike Borden	Portland	OR	97217 US	5/11/2022
Gretchen Boock	Newberg	OR	97132 US	5/11/2022
Oldemar Munoz	Covina	CA	91722 US	5/11/2022
Lindsey Noss	Newberg	OR	97132 US	5/11/2022

## Doug Rux

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**From:** Susan Graham <satchgraham@gmail.com>  
**Sent:** Monday, May 9, 2022 2:01 PM  
**To:** Doug Rux  
**Subject:** Please keep Benjamin Rd. open at 99W

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Rux,

I live in Independence, OR, about a 1 hour drive to Newberg and my favorite place to visit there, the Wolves & People Farmhouse Brewery.

I have plenty of other brewery options closer to my home, but Wolves & People is a special place. I make a special trip to go there a few times a year, and while in Newberg I spend money with other local businesses. There are very few "true" farmhouse breweries in the United States, let alone Oregon. Logsdon up in Hood River and Agrarian Ales near Eugene are the only other true Oregon Farmhouse breweries (others with Farmhouse in the name are usually referring to the beer style rather than the site), besides Wolves & People. Rogue used to operate a taproom at their farm, near my house in Independence...but that closed during COVID and will probably never reopen to the public. Wolves & People and its charming rural atmosphere as a true farmhouse brewery, are something precious and worth protecting.

Given your role in one of the top tourism destinations in Oregon, I'm sure you can appreciate how the beer industry brings money into our state and our towns. Closing Benjamin Rd at 99W will effectively close Wolves & People from all but the most die-hard vacationers and locals. I understand the proposed alternative road will add almost an extra mile (through the traffic of a busy mixed use residential/business development) to the trip to Wolves & People, will ruin the lovely rural approach currently there, and will disrupt the surrounding community for no good reason. More importantly, as an attorney, I'm rather shocked that limited notice of this plan was shared with the surrounding community.

I understand that a more sensitive alternative has been proposed - to make Benjamin Rd. at 99W a right- and left-turn-in only departure from 99W, eliminating left turns out of Benjamin to 99W. I urge the city of Newberg to put the brakes on this project until sufficient time for public comments from neighborhood businesses, residents, and environmental advocates may be heard and alternatives to the proposed plan may be fully considered.

Thank you,

Susan Graham  
6270 Corvallis Rd.  
Independence, OR 97351  
619-757-4530  
[satchgraham@gmail.com](mailto:satchgraham@gmail.com)

## Doug Rux

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**From:** Charles McClure <chuck@nutfarm.com>  
**Sent:** Monday, May 9, 2022 2:16 PM  
**To:** Doug Rux  
**Cc:** Ellen McClure; christiandebenedetti@me.com; john kresge  
**Subject:** Crestview Green-Benjamin Road Buffer-April 12 Comments

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Doug,

Thank you for explaining the hearing process to us. We submit the following for reading to the Planning Commission on May 12th:

We request that this hearing be continued to require the Planning Division to come up with a detailed description of the dense buffer along Benjamin Road.

We are owners of the National Historic Register home across Benjamin Road from the project. In accordance with three previous land use rulings we are entitled to a dense buffer to block light, noise and sight from the development.

The City does require the buffer in concept in its Staff Report, but now is the time to describe what the buffer will actually contain. We especially need assurance that the buffer will be a sight shield from the intrusive wall of 32 foot tall jam packed structures to be built next to Benjamin Road. The buffer requirements should include a detailed plat of the types and spacing of the trees and shrubs to be planted, as well as planting methods and maintenance requirements.

We would be satisfied with the type of dense buffer proposed in our comments in attachment 3 to the Staff Report.

Respectfully,

Charles and Ellen McClure  
30295 Highway 99 West  
Newberg, Oregon

## Fe Bates

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**From:** john@bugenout.com  
**Sent:** Monday, May 9, 2022 2:12 PM  
**To:** Fe Bates  
**Subject:** Cup22

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

For the record,

I am not opposed to the development that has been proposed at 4813 & 4821 Portland rd. I live directly across from this development. My biggest issue is the traffic. I would like to believe additional lights are being considered especially at the Benjamin road intersection. Since the inception of the bypass and now the development across from the hospital, the traffic has increased dramatically. I sometimes wait several minutes to merge into traffic usually the center lane then several more minutes to get into moving traffic. Even as a seasoned driver it gets a bit hectic. I am hoping for consideration that a road out the back side of my property be created. It is suggested for when the next phase of the bypass comes through. This could be many years away. If a full formal road is not feasible at this time I suggest a gravel road that allows residents of Harmony and Klimek to merge onto providence Dr where an existing light is currently. This would be a lot safer than risking life and limb as traffic is bound to increase even more as this and other developments unfold.

Thank you!

John Read  
john@bugenout.com  
503-484-7394

## Doug Rux

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**From:** Gina Stellwagen <ginastell77@gmail.com>  
**Sent:** Monday, May 9, 2022 2:41 PM  
**To:** Doug Rux; ginastell77@san.rr.com  
**Subject:** Crestview Greens

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Last year I bought a house on Benjamin Rd because it seemed so quiet and peaceful. I was nervous about all the new houses and people moving into the new subdivision of Crestview Creek. I'm still waiting to see how that impacts us.

Now I heard that you are approving another 233 residences on Benjamin Rd right near our home. I am so upset about this. How can you do this when you don't even know how the city is going to handle all those other new homes. Can't we just wait and see a year after all the people move in there before we approve another 233 homes in such a condensed area? Approving Crestview Greens would be very irresponsible and inconsiderate to the neighbors of this area.

What can we do to stop it?

Respectfully,  
Gina Stellwagen

## Doug Rux

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**From:** Lena Taylor <lenademarco@gmail.com>  
**Sent:** Monday, May 9, 2022 12:43 PM  
**To:** Doug Rux  
**Subject:** Crest view / Benjamin project

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Doug,

I live off Benjamin one house behind where the proposed new development is set to be.

Typically, I encourage development of our town to grow the economy and create needed housing. However this development paired with the other new one that is next to it is too much.

I've already seen tangible consequences to the wildlife impacted by the current development, directly on my property (a noted increase of wildlife has taken sanctuary on my property and the resources to keep them thriving are being dwindled due to overcrowding).

Furthermore -Cutting off Benjamin road access is also a detriment to the people that live and work along Benjamin. We rely on that access too heavily for it to be closed off. I can tell you that ALL of the neighbors agree and oppose to having that road access change. The only amenable compromise would be a traffic light, with ability to turn right or left.

And I imagine that those who live up along the new proposed routes will be displaced or at the very least inconvenienced?

How is any of this taking care of our community?

This project needs better planning and consideration for the people, land and wildlife that is already here. We aren't chopped liver, don't let developers treat us as such.

Thx for your consideration.

Lena  
Sent from my iPhone





**7-DAY OPEN RECORD PUBLIC – APPLICANT COMMENTS**

City of Newberg  
Community Development Department

RECEIVED

MAY 16 2022

RE: File NO. CUP22-0001/PUD22-0001

Initial: \_\_\_\_\_

Planning Commissioners

Thank you for taking the time to allow additional comments regarding the Crestview Greens development. I do have several concerns shown below:

Our property directly connects with the development to the north.

The application states there will be a three foot easement on the north boundary; it needs to be noted the developer and I have signed an agreement for a four foot easement on the north boundary .

I agree with Paul Anderson's testimony that single level homes should be considered to conform with the Crestview Crossing R-1 homes. This would alleviate neighbors looking onto us from two story houses.

I previously sent testimony with signatures of 31 RESIDENTS of the Benjamin Road area requesting Benjamin Road be closed and join the new development at Jory Road. I have recently seen a petition initiated by Christian DeBenadetti the owner of Wolves & People Brewery with over 1,700 signers that request Benjamin be kept open. I am hoping you will not let these signers who may not be invested in our community influence your decision for the betterment and safety of those living in the area.

There has been testimony regarding accessing the brewery during construction. The owner and patrons of the brewery will still be able to access Benjamin from Springbrook Road and also from the access driveway along 99W near the white hazelnut stand.

In public testimony patrons from out of town showed concern with the additional drive time through Crestview Greens. Noted in the application it is only 8/10 of a mile. If you have come to visit the brewery from Portland or other out of town areas does it really matter if you go such a very short distance.

I am curious; have any of the commissioners been to Wolves & People Brewery or had conversations with Christian DeBenadetti? if so, should they not recues themselves from the vote of closing off Benjamin Road from 99W.

In closing I would like to add Benjamin Road is not a serene country road. It is a road with over 1,000 vehicles per day traveling at high rates of speed with a dangerous intersection at 99W. Also as a tax payer it makes the most sense to connect it with Jory Road now as it will eventually need to be connected because of the bypass.

Thank you for your time and dedication to the community it is appreciated.

Respectfully,  
Vicki Shepherd  
30230 NE Benjamin Rd  
Newberg, OR 97132

May 14, 2022

From: Christian DeBenedetti  
Founder, Wolves & People Farmhouse Brewery  
Springbrook Farm, Newberg, OR  
[christian@wolvesandpeople.com](mailto:christian@wolvesandpeople.com)  
Ph. 503-487-5873

TO: City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132

RE: Written Comments: Re. File No. CUP22-0001/PUD22-0001

To the Planners: The following comments on the project were gathered via [CHANGE.ORG](https://change.org) petition to keep Benjamin open at 99W, and via the official Wolves & Facebook company page.

Petition: <https://www.change.org/p/keep-our-historic-road-safe-from-developers>

“While I am a supporter of residential development and industry in our rural areas, careful considerations of historical character and culture should be top of mind! I want Newberg to remain inimitable. It’s possible to grow around the beauty here, not just over it.”

- Emily Schmiedel, Carlton, OR May 9, 2022

“There has to be another solution so that the new subdivision doesn’t negatively impact this wonderful community gathering spot.” Jere Witherspoon, Newberg, May 9, 2020

“I drive this road on a regular basis. I am signing to ensure that Benjamine Road continues as a country road. The proposed solutions outlined in this petition seem to be well-conceived and in Mr. DeBenedetti's words: " Let’s keep it as beautiful and serene as we can while making our new neighbors welcome and well-accommodated." - Robert Renard, Hillsboro, OR May 9 2022

“I grew up off of Benjamin rd on the adjacent Putnam road, so it holds great meaning to me personally. This peaceful part of Newberg is one of the last remaining corners of this town that feels unaffected by the ever-growing modern, cookie cutter housing developments that have already destroyed many of this town’s natural areas. As Newberg continues to grow, it’s crucial that locals have a voice in how it is developed so that it continues to maintain its natural charm . That is after all, the very thing that makes it such a beautiful place to visit and live.” - Cassandra Stockton, Salem, OR May 9, 2022

“This project appears to be hurried and pushing forward with a minimum amount of input from the current residents and businesses. Extend the comment period and hold some meetings, virtual and/or in person, to allow the locals and visitors to the area a chance to express their opinions instead of just steam rolling it through.” - Don Stevens, North Bonneville, WA May 9, 2022

“Impetuous decisions by the few to meet developers demands by no means represent stakeholders’ desires. Benjamin Road is historic and should be improved, not shuttered. Let the precedent of eminent domain of our 1800s ancestral hop farm in Sherwood be a cautionary tale. The feckless design and traffic engineering debacle has created prohibitive damage to the environment, access to small businesses and rendered residents unable to leave the area at certain hours due to bottleneck traffic congestion. Give the people ample time to understand the plan and speak to it. I implore you to reach out to landowners, of your own volition. Those of us who have inhabited farms for decades (over 150 years in our case) know the area and patterns intrinsically. Mr. DeBenedetti has a clear, logical and safe solution that deserves to be considered.” - Kari Downs, Portland, OR May 9, 2022

“Benjamin Road is an easy and beautiful way to get to our home!” - Emily Wynsma, Newberg, OR May 9, 2022

“This isn’t going to benefit anyone but one single company and its narrow ambitions. This road has existed as it is before Newberg existed, and it’ll greatly affect the farm and brewery and the other people who live off of that road. Do not change it.” - Siobhan Nickerson, Canby OR May 9, 2022

“There is no reason or need to close Benjamin Rd. A closure will negatively impact everyone on Benjamin., and additional traffic in the development will not benefit the residents there.” - James Case, Sherwood, OR May 9, 2022

“Why close the road? Create more access if needed but don’t wall off businesses.” - Melissa O’dell, Gresham, OR May 10, 2022

“That’s our route to the hospital...! Why would they redirect? How would that benefit community?” Kurt Ruhl, Newberg OR, via Facebook



ALTERMAN  
LAW GROUP

DEAN N. ALTERMAN  
ATTORNEY

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D: (503) 517-8201  
DEAN@ALTERMAN.LAW

*By e-mail only: [doug.rux@newbergoregon.gov](mailto:doug.rux@newbergoregon.gov)*

Newberg Planning Commission  
c/o Mr. Doug Rux  
Community Development Department  
PO Box 970  
Newberg, OR 97132

May 19, 2022

Re: Crestview Green project  
Property address: 4813 and 4821 E Portland Road (Highway 99W)  
Yamhill County file no. CUP22-0001/PUD22-0001  
Our clients: Wolves & People Farmhouse Brewery and  
Christian DeBenedetti  
Our File No. 4976.001

Dear Chair Wright and Commissioners:

I'm writing this letter on behalf of Christian DeBenedetti and his business Wolves & People Farmhouse Brewery. Wolves & People is at 30203 NE Benjamin Road, on the east side of Benjamin Road just north of Highway 99W, outside of the Newberg urban growth boundary and outside the urban reserve area. The Wolves & People property is zoned EF-20, which is an exclusive farm use zone.

The Crestview Green subdivision is proposed for land on the west side of Benjamin Road, inside the city limits and across from Wolves & People.

Mr. DeBenedetti supports the subdivision. His concern is entirely with the developer's proposal to disconnect Benjamin Road from Highway 99W and instead to route traffic to and from Wolves & People, and the other rural and agricultural traffic that now uses Benjamin Road, along Jory Street through the new residential area.

The Yamhill County Public Works Department ably stated its concerns, which the staff report summarizes as follows:

11. Yamhill County Public Works Department – Comments summary: The Public Works Department notes disconnecting NE Benjamin Road creates out of direction travel, eliminating the intersection would not demonstrably benefit the roadway system, increases traffic volumes at the OR 99W/Crestview Drive/Providence Drive intersection, recommends that the OR 99W/Benjamin Road

805 SW BROADWAY  
SUITE 1580  
PORTLAND, OREGON 97205

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T: (503) 517-8200

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WWW.ALTERMAN.LAW

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intersection left-turn movements be eliminated via the installation of a nontraversable median in OR 99W, and if the intersection left-turns are eliminated and a non-traversable median is installed in OR 99W the Hwy 99 median area can be narrowed and the westbound lane striping can be shifted over far enough to create a separate right-turn deceleration lane and even a right-turn acceleration lane if necessary.

Mr. DeBenedetti shares those concerns. He asks that when you approve the subdivision, you impose a condition that it be redesigned to not terminate the agricultural and commercial access from Benjamin Road to Highway 99W.

He and I would like to call your attention to several approval criteria that relate to the Benjamin Road issue in ways that may have been overlooked.

Section 15.05.020.B.4 of the Newberg Municipal Code (NMC) identifies the purposes of the code to include protecting “residential, commercial, industrial and civic areas from the intrusions of incompatible uses.” He and I suggest that the city would be causing an incompatible use to intrude into Crestview Green if the city directs the applicant to channel the agricultural and commercial cars and trucks from Benjamin Road through Crestview Green.

At least two criteria in NMC § 15.240.030.C relate to the street layout.

Criterion 2 reads:

2. The proposed development’s general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and

Criterion 8 reads:

8. Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.

The question with criterion 2 is whether the roads and access proposed for Crestview Green, including the disconnection of Benjamin Road and redirection of commercial and agricultural traffic through this subdivision, will be reasonably compatible with the surrounding neighborhood. The Wolves & People property and

business are part of the surrounding neighborhood. The code requires the city to determine whether the applicant's proposed street plan is compatible with appropriate development of the abutting and nearby properties that are outside of the urban growth boundary, such as the Wolves & People tract and the other land zoned for exclusive farm use that all connect to Highway 99W via Benjamin Road.

Criterion 8 presents a more complicated question, because it deals with not just the arrangement of buildings and structures but also the arrangement of uses. Mr. DeBenedetti compliments the applicant on the care it has taken to lay out the buildings and structures in Crestview Green to minimize the effect on the nearby agricultural uses. His concern is not with the arrangement of the buildings but with the arrangement of the streets.

We don't often think of streets as a "use," but the Newberg development code defines "use" very broadly: "the purpose for which land or a building is arranged, designed, or intended, or for which either land or a building is or may be occupied or maintained." That broad definition includes streets as a "use" because transportation is a purpose for which land may be arranged, designed, or intended. Accordingly, the applicant's proposed street layout for Crestview Green is a "use" that must take into account the access to the surrounding area and the privacy of residents of the development.

The proposed termination of Benjamin Road and its redirection into Jory Street does not take into account access to the surrounding area and it does not take into account the privacy of residents of Crestview Green, because it turns what could be quiet residential streets into the main accessway for the Wolves & People Farmhouse Brewery and an extensive area of rural houses and small farms. The proposed street plan does not comply with NMC §15.240.030.C.2 and C.8.

The solution is to loop Jory Street not into Benjamin Road but into Willakenzie Street at the east end of the subdivision and to replace the street connections to Benjamin Road with pedestrian/cycle connections. I've attached a rough sketch of how that would work, though the eastmost private street would have to become a public street and the detention pond and pump station would have to be moved slightly.

This small revision maintains the separation between urban and rural traffic, reduces traffic impact on the future residents of Crestview Green, and avoids the small but potentially significant Goal 11 problem of determining whether the street improvements to Benjamin Road are an extension of urban services into land zoned for exclusive farm use. If the project includes street improvements that extend into the exclusive-farm-use zones, then the city would have to consider whether those improvements are permissible under OAR 660-012-0065 without taking an exception to Goals 3, 11, and 14. *See, e.g., Deumling v. City of Salem*, 76 Or LUBA 99 (2017).

Mr. DeBenedetti and I thank you for considering this request as an improvement to the Crestview Green plan. Again, he appreciates the hard work of the developer and supports the subdivision, if it's modified in this small way to recognize the needs of the farmland and non-urban uses to the east and north.

Very truly yours,

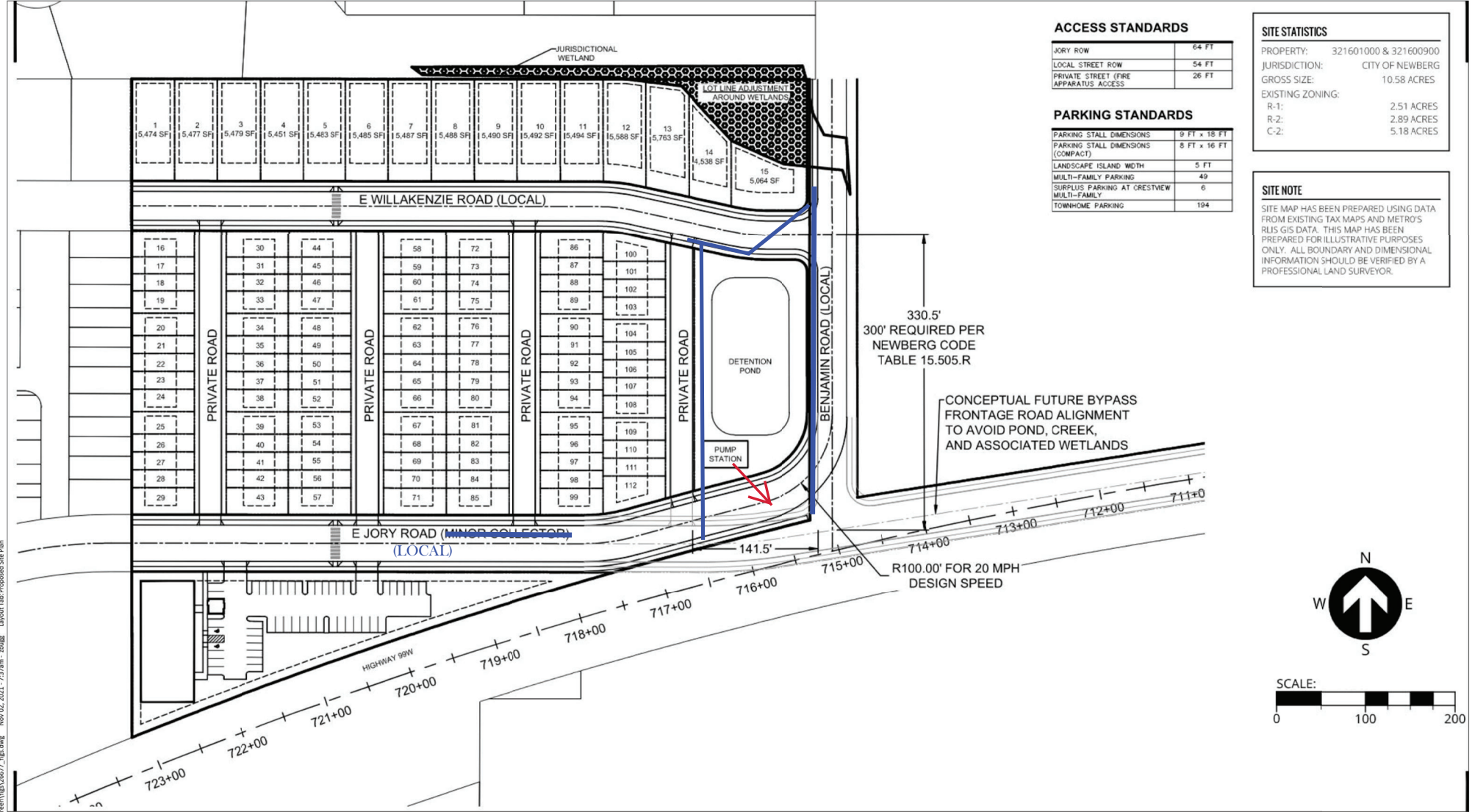
*Dean N. Alterman*

Dean N. Alterman

Attachment: Street plan markup (1 page)

Copy: Mr. Christian DeBenedetti (e-mail only)





**ACCESS STANDARDS**

JORY ROW	64 FT
LOCAL STREET ROW	54 FT
PRIVATE STREET (FIRE APPARATUS ACCESS)	26 FT

**PARKING STANDARDS**

PARKING STALL DIMENSIONS	9 FT x 18 FT
PARKING STALL DIMENSIONS (COMPACT)	8 FT x 16 FT
LANDSCAPE ISLAND WIDTH	5 FT
MULTI-FAMILY PARKING	49
SURPLUS PARKING AT CRESTVIEW	6
TOWNHOME PARKING	194

**SITE STATISTICS**

PROPERTY:	321601000 & 321600900
JURISDICTION:	CITY OF NEWBERG
GROSS SIZE:	10.58 ACRES
EXISTING ZONING:	
R-1:	2.51 ACRES
R-2:	2.89 ACRES
C-2:	5.18 ACRES

**SITE NOTE**

SITE MAP HAS BEEN PREPARED USING DATA FROM EXISTING TAX MAPS AND METRO'S RLIS GIS DATA. THIS MAP HAS BEEN PREPARED FOR ILLUSTRATIVE PURPOSES ONLY. ALL BOUNDARY AND DIMENSIONAL INFORMATION SHOULD BE VERIFIED BY A PROFESSIONAL LAND SURVEYOR.

H:\2016677 - Crestview Green\figs\26677\_fig1.dwg Nov 02, 2021 - 7:37am - zhang Layout Tab: Proposed Site Plan

Site Plan Provided by 3J Consulting 10/6/2021

Preliminary Site Plan  
Newberg, Oregon

Figure  
2

David S. Wall  
P.O. Box 756  
Newberg, Oregon 97132  
(971)-832-8788

May 19, 2022

Mr. Doug Rux  
City of Newberg, Oregon-Community Development Director

Re: FILE NO. [CUP22-0001 / PUD22-0001]:

[SET 1]

**Newberg's 'Form-Letter' submission policy (if there is one).**

Hello Doug!

A Public Hearing on the aforementioned 'FILE NO.' is referenced and incorporated below:

**[https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1363890/CUP22-0001\\_PUD22-0001\\_Staff\\_Report\\_w\\_Attachments.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1363890/CUP22-0001_PUD22-0001_Staff_Report_w_Attachments.pdf)**

During the 'Public Testimony' Item on the aforementioned Agenda, a participant discussed previously and timely submitted 'Written Testimonies' allegedly from many 'friends and or patrons' who support the commercial establishment known as, 'Wolves and People Farm House Brewery (herein 'Bar')'. The vast majority of the 'Written Testimonies' are from 'Supporters' of the 'Bar' but, how many of the 'Supporters' actually 'live and are affected' by the aforementioned Development's intended use of NE Benjamin Road?

Since the theme and word usage of the letters are unmistakably similar, I assert such documents represent 'Form Letters' and are obviously an attempt to establish significant support for the position espoused by the participant.

Whereas, I fully support all aspects of the Constitution of the United States of America and the Constitution of the State of Oregon, jurisdictions have adopted policies concerning the submissions of 'Form Letters'.

Do the aforementioned 'Written Testimonies of Support' for participant represent 'Form Letters'?

'Form letters' can have the exact same 'text' and or the similar 'theme' to address a particular issue(s).

Does the City of Newberg, Oregon have a policy on the submission of 'Form Letters' to be read, in their entirety, during a 'Public Hearing' *thereby intentionally delaying the proceeding and or intimidating Public Officials* by having to allocate excessive time for the 'Written Testimonies' to be individually read into the record?

The 'Form Letters' should be referenced and incorporated into the 'Public Record' for review during city business hours.

\*'Unlimited Form Letters' can be submitted by either side to support an 'issue'.

Respectfully submitted,  
/s/ David S. Wall

///

David S. Wall  
P.O. Box 756  
Newberg, Oregon 97132  
(971)-832-8788

Mr. Doug Rux  
City of Newberg, Oregon-Community Development Director

**Re: FILE NO. [CUP22-0001 / PUD22-0001]:**

**[SET 2]**

Hello Doug! This letter has a lot of 'meat' for deliberations by the Newberg Planning Commissioners.

The following submissions are respectfully entered into 'FILE NO. [CUP22-0001 / PUD22-0001]' *in toto*:

**[https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1363890/CUP22-0001\\_PUD22-0001\\_Staff\\_Report\\_w\\_Attachments.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1363890/CUP22-0001_PUD22-0001_Staff_Report_w_Attachments.pdf)**

**[file:///C:/Users/David%20S.%20Wall/Downloads/CITY\\_2007\\_Newberg\\_015-06\\_.pdf](file:///C:/Users/David%20S.%20Wall/Downloads/CITY_2007_Newberg_015-06_.pdf)**

***City of Newberg: Ordinance No. 2015-2792***

***City of Newberg: Ordinance No. 2012-2748***

**<https://www.codepublishing.com/OR/Newberg/html/ords/Ord2697.pdf>**

**<https://www.oregon.gov/luba/Docs/Opinions/2008/07-08/08060.pdf>**

**<https://caselaw.findlaw.com/or-court-of-appeals/1557619.html>**

**[https://www.newbergoregon.gov/sites/default/files/fileattachments/city\\_council/meeting/2395/council20packet202012-0206.pdf](https://www.newbergoregon.gov/sites/default/files/fileattachments/city_council/meeting/2395/council20packet202012-0206.pdf)**

**[https://www.newbergoregon.gov/sites/default/files/fileattachments/city\\_manager/page/3561/order0020.pdf](https://www.newbergoregon.gov/sites/default/files/fileattachments/city_manager/page/3561/order0020.pdf)**

**<https://crag.org/wp-content/uploads/2020/07/Friends-of-Yamhill-County-OCA-decision-2020-a171950.pdf>**

Whereas, the 'deadline for submission to the Record (05.19.22)' is approaching, there are serious issues involving possible defects into the permit to include the 'Development parcel(s)' within the Urban Reserve Area and thus, the Urban Growth Boundary. I believe the one(1) week extension may not be enough time for the Planning Commissioners and therefore the Public to comment on the submitted material.

The issues involving the closure of NE Benjamin, sound (noise) and light trespassing upon the North East property emanating from the 'Development', the closure of the two roads from the 'Development' onto NE Benjamin, Brewery Discharges, the 'Pond' and Public Safety have yet to be fully vetted.

Respectfully submitted,  
/s/ David S. Wall

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May 25, 2022

Chair Wright and Planning Commission  
C/O Doug Rux, Community Development Director  
PO Bo 970  
Newberg, OR 97132

Crestview Green Planned Unit Development  
CUP22-0001/PUD22-0001

Dear Chair Wright and Commissioners,

3J Consulting represents Westwood Homes (the Applicant) in matters related to the Crestview Green Planned Unit Development and Conditional Use Permit Application. This letter has been prepared to respond to testimony submitted into the record by Alterman Law Group on behalf of Wolves & People Farmhouse Brewery and Christian DeBenedetti, Vicki Shepherd, and David Wall.

The following is a summary of the issues raised within the public comments. After each issue, the Applicant has provided a response.

### **Closure of Benjamin Road**

In the testimony provided to the Planning Commission by Alterman Law Group on behalf of Wolves & People Farmhouse Brewery and Christian DeBenedetti, the main area of concern identified is the closure of NE Benjamin Road at the Highway 99W intersection. The letter argues that the closure is inappropriate based on two main criteria. First, that NE Benjamin Road is a traffic route for rural and agricultural uses and is therefore not compatible with the urban residential and commercial development proposed along E Jory Street. Second, the testimony argues that improvements to NE Benjamin Road would present a Goal 11 issue by potentially extending urban services in a rural area.

In addition to the testimony provided on behalf of Christian DeBenedetti by Alterman Law Group, a letter citing a compilation of comments provided to an online petition and Facebook page was provided by Mr. DeBenedetti. These comments, though provided by others, have been submitted by Mr. DeBenedetti into the record as his own public testimony. The comments within the letter do not cite specific code sections, however they generally address the closure of NE Benjamin Road and the compatibility of the new development with the rural development along NE Benjamin Road, specifically Wolves & People Brewery which is identified as a community gathering spot.

With regards to compatibility, the testimony cites NMC Section 15.05.020.B.4 which identifies an objective of the code to include protecting *“residential, commercial industrial and civic areas from the intrusions of incompatible uses and to provide opportunities for compatible uses to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services”*. Within the letter, NE Benjamin Road is identified as a land use per the City’s definition of “use”.

There are two main criteria within the Newberg Development code cited within the letter as they relate to compatibility of the development. The first, NMC 15.240.030.C (2): *“The proposed development’s general design and character, including, but not limited to anticipated building locations, bulk and height,*



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*location and distribution of recreation space, parking, roads, access and other uses will be reasonably compatible with appropriate development of abutting properties and surrounding neighborhood” and 15.240.030.C (8) which states “Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of development and surrounding properties”.*

The proposed roadway configuration would close the NE Benjamin Road/99W intersection and reroute NE Benjamin Road, a county local road, to connect into E Jory Street, a Newberg minor collector street. Within the Yamhill County Transportation System Plan (TSP) Functional Classification Plan, the County defines local roads as serving two primary functions. First, they provide access to adjacent land and higher-classified roads. Second, a local road accommodates travel over shorter distances compared to collectors and arterials. The City’s TSP identifies a collector street as one that connects neighborhoods and major activities generators to arterial streets. Per the definition, minor collectors are meant to provide the primary connections between neighborhoods and the major road system, generally spanning shorter distances than major collectors.

The proposed roadway configuration is consistent with the functional classification system. The configuration will connect NE Benjamin Road (local) to E Jory Street (minor collector) which connects to E. Crestview Drive (major collector) before connecting to Highway 99W (major arterial). The current and proposed uses along E Jory Street include a mix of commercial, multi-family and medium density single-family homes. While limited agricultural and commercial uses utilize NE Benjamin Road, the road primarily serves adjacent properties zoned for rural low density residential and exclusive farm uses. The existing traffic generated on NE Benjamin Road and the expected traffic to be generated on E Jory Street are reasonably compatible in uses with a mix of residential, commercial and agricultural uses.

The site has been designed to reflect the surrounding area and provide a reasonable level of privacy for residents of the development and surrounding properties. Large lot single-family detached dwellings are proposed along the northern property line, providing a buffer and transition between low density rural uses and the medium and high-density residential uses. A stormwater facility and wastewater pump station have been located along the eastern boundary which provide additional buffering between the proposed urban uses and the neighboring rural uses. A 20-foot landscape buffer will be provided along the eastern property boundary, consistent with the conditions of approval proposed by staff.

The second area of discussion within the letter provided by Alterman Law Group cites a potential Goal 11 violation. Oregon Land Use Goal 11 directs jurisdictions to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. The issue cited in the letter specifically relates to the extension of an urban service, in this case NE Benjamin Road, into a rural area. The proposed development will include improvements to NE Benjamin Road along the property frontage. These improvements are consistent with the City’s requirements for a local road. While NE Benjamin Road is under Yamhill County jurisdiction, the portion of the road along the frontage which will be improved is located entirely within the Newberg Urban Growth Boundary and is therefore not an extension of an urban service into a rural area. The



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proposed improvements are consistent with the requirements of Goal 11 and do not present a violation or need for an exception.

A memorandum prepared by Kittelson and Associates dated May 19, 2022 has been submitted into the record which provides a summary of the NE Benjamin Road access treatments that were considered in the site planning and design process for the proposed Crestview Green development project. This memorandum provides in depth analysis of the proposed roadway configurations, including those proposed within the letter submitted by Alterman Law Group.

### **Easement on Northern Boundary**

In the testimony provided by Vicki Shepherd, she states that the application notes a three-foot easement along the northern boundary, which conflicts with an agreement for a four-foot easement which has been signed by Ms. Shepherd and the Applicant. The Applicant will honor the terms of the agreement with Ms. Shepherd by providing a four-foot-wide easement along the northern boundary.

### **Single Story Homes**

A request was made to consider single level homes to conform with the Crestview Crossing R-1 homes. The proposed homes will be consistent with the requirements of the R-1 zone, which allows two-story homes with a maximum height of 30 feet.

### **Sound (Noise) and Light Trespass**

In testimony provided by Mr. Wall, he states that the issues involving sound and light trespass on the northeast property emanating from the development have not been fully vetted.

Noise studies are not required by the City for residential development, as the development is not expected to generate a nuisance level of noise. The Newberg Municipal Code does outline unnecessary noise which constitutes a nuisance affecting public safety. The permissible level of noise within a residential development is outlined within the development code with a range of 50-55 dBA. Enforcement of these noise levels and nuisance noise remediation are to be carried out by officers of the City.

The Newberg Development Code provides on-site lighting standards. The proposed development will be consistent with the City's lighting requirements which protect from light trespass on adjacent properties. A full photometric plan will be submitted to the City at the final PUD stage, consistent with the conditions of approval within the staff report.

### **Urban Reserve Area**

In testimony provided by Mr. Wall a number of documents are linked relating to previous applications regarding the Urban Reserve Area (URA) which was to be located adjacent to the development. The testimony cites serious issues involving defects of the permit to include development parcels within the URA and thus the Urban Growth Boundary. The serious issue and possible defect Mr. Wall is referring to is not clearly addressed within the provided testimony. The proposed development and associated improvements will be located wholly within the Urban Growth Boundary and city limits of Newberg and are therefore permissible in full compliance with Newberg development standards. The proposed development is consistent with the requirements of the Newberg Comprehensive Plan and Municipal Code, as outlined within the application materials.



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**Public Process**

In testimony provided by both Vicki Shepherd and David S. Wall, it is requested that the petition provided by the Wolves & People Brewery and “form letters” submitted into the record not be considered in the decision of the Planning Commission. The applicant acknowledges that anyone has the right to submit public testimony within the public hearing process and does not contest the inclusion of any public testimony which meets the requirements outlined by the City of Newberg and the State of Oregon.

We trust that these responses will assist you as you consider the application in relation to the City's applicable approval criteria.

Sincerely,



Mercedes Serra  
Senior Planner  
3J Consulting, Inc.

May 19, 2022

Project #: 26677

Kaaren Hofmann, PE  
City of Newberg  
414 E. First Street  
Newberg, OR 97132

Cc: Doug Rux, City of Newberg, OR  
Aaron Murphy, 3J Consulting

**RE: Crestview Green Development (Newberg, OR) – NE. Benjamin Road Alternatives Summary**

Dear Kaaren:

The following letter summarizes the NE. Benjamin Road access treatments that were considered in the site planning and design process for the proposed Crestview Green development project.

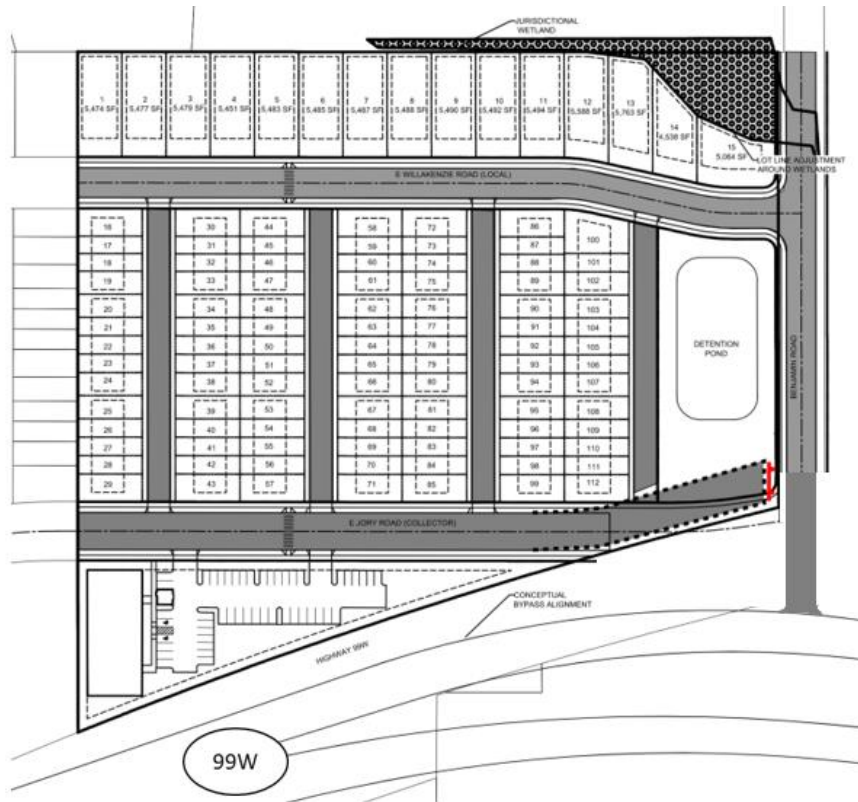
## SITE ACCESS ALTERNATIVES

The proposed Crestview Green site is located to the east of the Crestview Crossing development that is currently under construction. The site is bounded by Highway 99W to the south and NE. Benjamin Road to the east. For the Crestview Green development, the project team considered multiple site layouts and access alternatives involving the NE. Benjamin Road corridor. These alternatives were evaluated for consistency with existing planning documents/policies, future regional infrastructure projects, operational impacts, environmental impacts, and safety. The alternatives and their evaluation findings are summarized below.





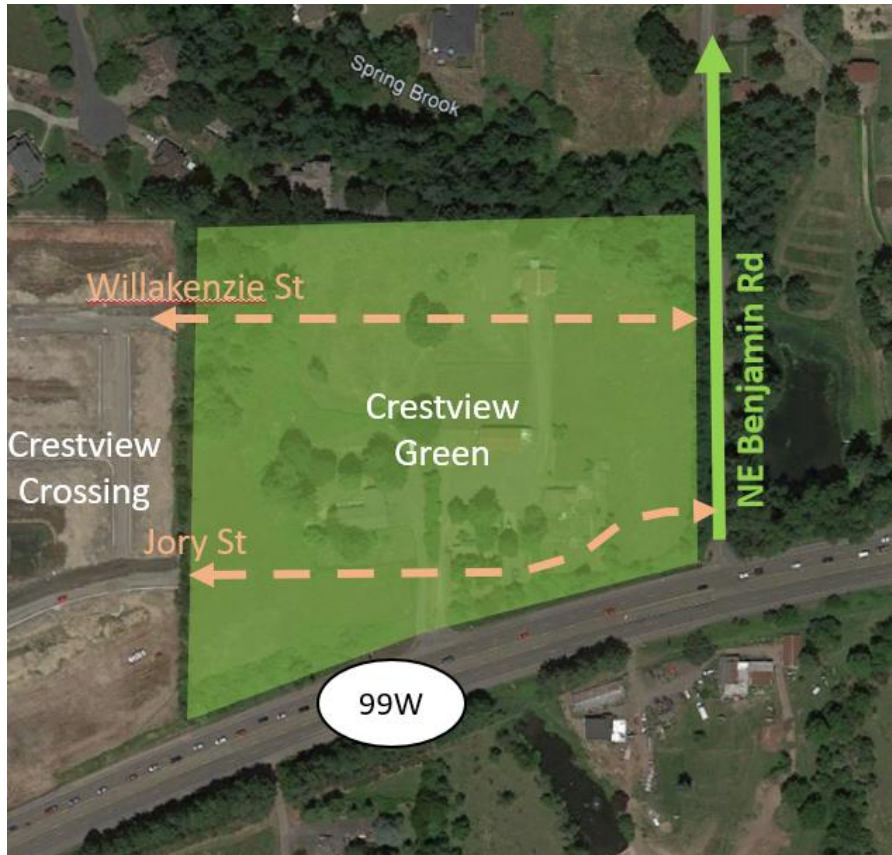
## E. WILLAKENZIE STREET CONNECTION TO NE. BENJAMIN ROAD, NO ACCESS RESTRICTIONS TO HIGHWAY 99W



The first site layout alternative involved an easterly extension of E. Willakenzie Street and E. Jory Street from Crestview Crossing, with E. Willakenzie Street connecting to NE. Benjamin Road. Under this alternative, NE. Benjamin Road and its connection to Highway 99W would remain as is. While this alternative would not impact NE. Benjamin Road's access to Highway 99W, this alternative was dismissed for the following reasons:

- Inconsistent with the City of Newberg's Transportation System Plan and the vision for connectivity between E. Jory Street (Collector facility) and NE. Benjamin Road.
- A full access E. Willakenzie Street connection to NE. Benjamin Road will likely draw a significant amount of Crestview Crossing and Crestview Green traffic onto the NE. Benjamin Road corridor. For E. Willakenzie Street, this additional traffic demand would be inconsistent with its local street design standard. In addition, the Crestview Crossing/Crestview Green demand will negatively impact the limited capacity of the Highway 99W/NE. Benjamin Road intersection and necessitate improvements such as the construction of a westbound right-turn deceleration lane on Highway 99W. A deceleration lane would require an extension of the Highway 99W culvert, impact the adjacent pond/wetland area, require land dedication from the adjacent landowner, and result in the loss of mature trees.

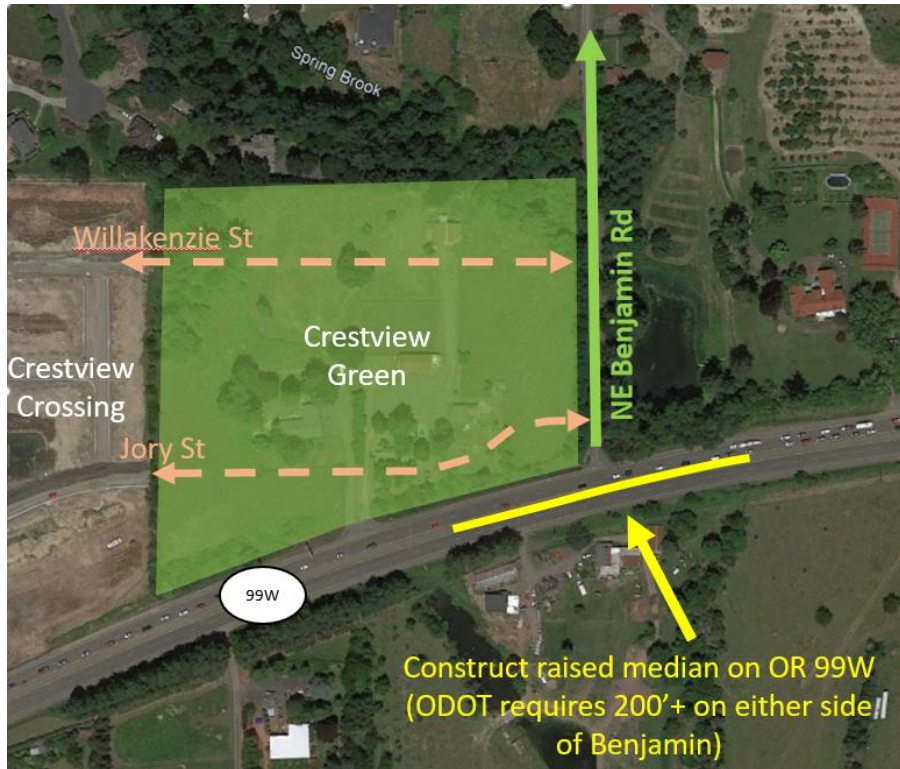
## E. JORY STREET AND E. WILLAKENZIE STREET CONNECTION TO NE. BENJAMIN ROAD, NO NE. BENJAMIN ROAD ACCESS RESTRICTIONS TO HIGHWAY 99W



This site layout alternative involved the easterly extensions of E. Willakenzie Street and E. Jory Street from Crestview Crossing with full access connections to NE. Benjamin Road. No access modifications were assumed at NE. Benjamin Road's connection to Highway 99W. While consistent from a transportation system planning perspective, the alternative was dismissed for the following reasons:

- The E. Jory Street connection to NE. Benjamin Road would be too close to the NE. Benjamin Road/Highway 99W intersection. Given the limited separation distance, northbound vehicles on NE Benjamin Road have the potential to queue and spill back to the Highway 99W intersection which can create safety and operational concerns.
- Full access E. Jory Street and E. Willakenzie Street connections to NE. Benjamin Road will likely draw a significant amount of Crestview Crossing and Crestview Green traffic onto the NE. Benjamin Road corridor. For E. Willakenzie Street, this additional traffic demand would be inconsistent with its local street design standard. In addition, the Crestview Crossing/Crestview Green demand will negatively impact the limited capacity of the Highway 99W/NE. Benjamin Road intersection and necessitate improvements such as the construction of a westbound right-turn deceleration lane on Highway 99W. A deceleration lane would require an extension of the Highway 99W culvert, impact the adjacent pond/wetland area, require land dedication from the adjacent landowner, and result in the loss of mature trees.

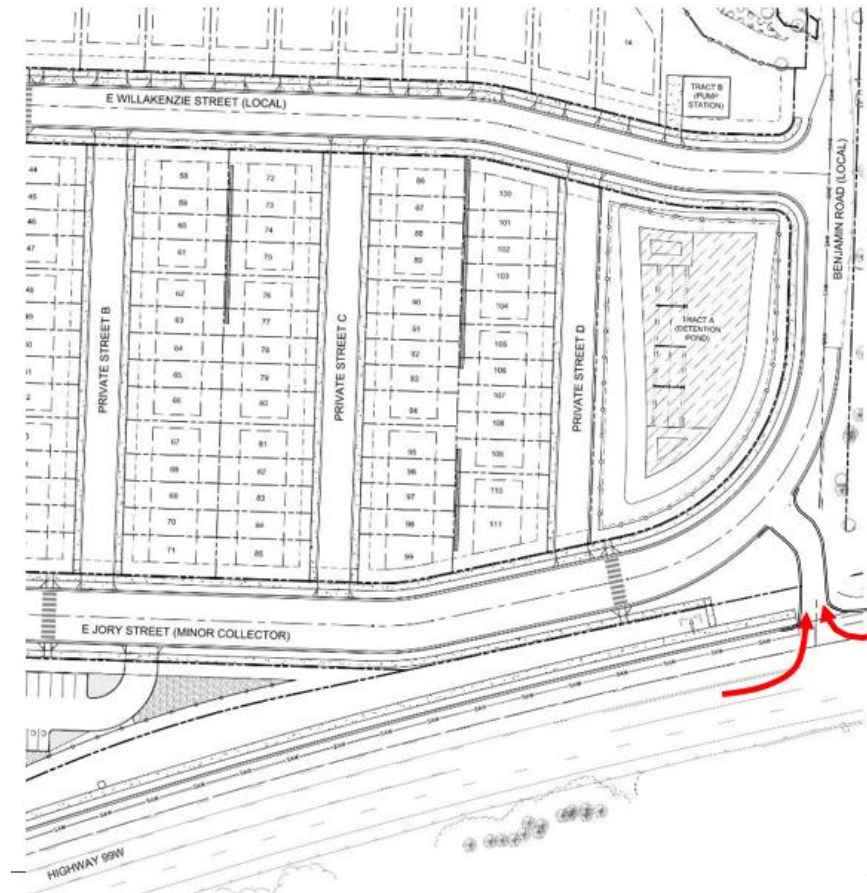
## E. JORY STREET AND E. WILLAKENZIE STREET CONNECTION TO NE. BENJAMIN ROAD, RIGHT-IN/RIGHT-OUT ACCESS RESTRICTIONS TO NE BENJAMIN ROAD AT HIGHWAY 99W



This site layout alternative involved the westerly extensions of E. Willakenzie Street and E. Jory Street from Crestview Crossing with full access connections to NE. Benjamin Road. In addition, access modifications were assumed at the NE. Benjamin Road/Highway 99W intersection limiting NE. Benjamin Road access to right-in and right-out only. Based on discussions with ODOT, turning movement restrictions would need to be enforced through a raised median on Highway 99W. While a raised median would eliminate the difficult southbound left-turn movement and improve the safety of the intersection, this alternative was dismissed for the following reasons:

- A raised median on Highway 99W would need to be constructed to ODOT standards which would call for a median design that would impact access to properties on the opposite side of the highway.
- The E. Jory Street and E. Willakenzie Street connections to NE. Benjamin Road would be too close to the NE. Benjamin Road/Highway 99W intersection. Given the limited separation distance (especially to the E. Jory Street/NE. Benjamin Road intersection), northbound vehicles have the potential to queue and spill back to the Highway 99W intersection which can create safety and operational concerns.
- Full access E. Jory Street and E. Willakenzie Street connections to NE. Benjamin Road will likely draw a significant amount of Crestview Crossing and Crestview Green traffic onto the NE. Benjamin Road corridor. For E. Willakenzie Street, this additional traffic demand would be inconsistent with its local street design standard. In addition, the Crestview Crossing/Crestview Green demand will necessitate improvements such as the construction of a westbound right-turn deceleration lane on Highway 99W. A deceleration lane would require an extension of the Highway 99W culvert, impact the adjacent pond/wetland area, require land dedication from the adjacent landowner and result in the loss of mature trees.

### E. JORY STREET/NE. BENJAMIN ROAD ALIGNMENT, RIGHT-IN/LEFT-IN ACCESS RESTRICTIONS TO NE BENJAMIN ROAD AT HIGHWAY 99W



This site layout alternative would reconfigure NE. Benjamin Road and create a continuous connection with E. Jory Street. Access to Highway 99W would be reconfigured to one-way northbound with either right-in only or right-in/left-in movements allowed. While this alternative fundamentally meets the local circulation goals/interests, it was dismissed for the following reasons:

- There is insufficient room to connect the Highway 99W access into the realigned NE. Benjamin Road/E. Jory Street alignment without the potential for northbound vehicles to queue and spill back to the Highway 99W intersection.
- Partial access between Highway 99W and E. Jory Street/NE. Benjamin Road will likely draw a significant amount of Crestview Crossing and Crestview Green traffic onto the NE. Benjamin Road corridor. This additional demand will necessitate improvements such as the construction of a westbound right-turn deceleration lane on Highway 99W. A deceleration lane would require an extension of the Highway 99W culvert, impact the adjacent pond/wetland area, require land dedication from the adjacent landowner, and result in the loss of mature trees.

## ALIGN E. JORY STREET WITH NE. BENJAMIN ROAD, ELIMINATE NE. BENJAMIN ROAD ACCESS TO HIGHWAY 99W



This site layout alternative would reconfigure NE. Benjamin Road and create a continuous connection with E. Jory Street. Access to Highway 99W would be eliminated. While this alternative would create some out of direction travel for existing Benjamin Road travelers (requiring a reroute to the downstream Highway 99W/E. Crestview Drive/Providence Drive intersection), this alternative was selected for the following reasons:

- Meets the City of Newberg's local circulation plans and TSP vision for connectivity between E. Jory Street and NE. Benjamin Road.
- Does not impact the adjacent pond or require costly improvements to Highway 99W.
- Eliminates the existing safety and operational challenges associated with the southbound left-turn movement at the NE. Benjamin Road/Highway 99W intersection.

We trust this summary captures the full range of circulation alternatives that were considered as part of the Crestview Green site planning process. Please contact us if you have any questions.

Sincerely,

**KITTELSON & ASSOCIATES, INC.**

Matt Hughart, AICP

Principal Planner

503.535.7425

[mhughart@kittelson.com](mailto:mhughart@kittelson.com)