

PLANNING COMMISSION AGENDA
August 11, 2011
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

- I. **ROLL CALL**
- II. **OPEN MEETING**
- III. **CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)
 - 1. Approval of July 14, 2011 Planning Commission Meeting Minutes
- IV. **COMMUNICATIONS FROM THE FLOOR** (5 minute maximum per person)
 - 1. For items not listed on the agenda
- V. **QUASI-JUDICIAL PUBLIC HEARINGS** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.
 - 1. **APPLICANT: Hennebery Eddy Architects**
OWNER: Chehalem Park and Recreation District
REQUEST: Historic landmark modification review and design review for a new parking lot at the Chehalem Cultural Center. Variance review to reduce the front yard setback from 25 feet to 7 feet on the north side, and 14 feet on the west side.
LOCATION: 415 E. Sheridan Street. Chehalem Cultural Center.
TAX LOT: 3218DD-15700
FILE NO.: HISD-11-003/DR2-11-010/VAR-11-002
RESOLUTION NO.: 2011-295
CRITERIA: NDC § 15.344.030, 15.220.050, 15.350.060, 15.215.040
- VI. **ITEMS FROM STAFF**
 - 1. Update on Council items
 - 2. Other reports, letters, or correspondence
 - 3. Next Planning Commission Meeting: September 8, 2011
- VII. **ITEMS FROM COMMISSIONERS**
- VIII. **ADJOURN**

FOR QUESTIONS PLEASE STOP BY, OR CALL 537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TTY service please call (503) 554-7793.

PLANNING COMMISSION MINUTES

July 14, 2011

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE AUGUST 11, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Philip Smith, Chair Thomas Barnes, Vice Chair
Lon Wall Allyn Edwards
Art Smith
Kale Rogers, Student PC (arrived 7:08 p.m.)

Absent: Gary Bliss (excused) Cathy Stuhr (excused)

Staff Present: Barton Brierley, Building & Planning Director
Steve Olson, Associate Planner
DawnKaren Bevill, Minutes Recorder

II. OPEN MEETING:

Chair Smith opened the meeting at 7:00 p.m. and asked for roll call.

III. CONSENT CALENDAR:

Vice Chair Smith entertained a motion to accept the minutes of the June 9, 2011 meeting.

MOTION #1: Art Smith/Edwards approve the minutes from the Planning Commission Meeting of June 9, 2011. (5 Yes/ 0 No/ 2 Absent [Bliss, Stuhr]) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

None.

V. LEGISLATIVE PUBLIC HEARINGS:

APPLICANT: City of Newberg
REQUEST: Amend the Newberg Development Code definitions and requirements for manufactured dwellings, and create a new manufactured dwelling district.
FILE NO. DCA-11-001 **RESOLUTION NO.:** 2011-293
CRITERIA: 15.302.030(C)

Opening of the Hearing:

Chair Smith opened the hearing and asked for the staff report.

Barton Brierley gave the staff report and the Manufactured Housing PowerPoint presentation.

What the Amendments Do:

Create a manufactured dwelling district where only manufactured housing is allowed (does not apply to anywhere on the map at this point)

Adopt state definitions for manufactured housing.

Update, reorganize, and resolve inconsistencies

Purpose of Amendments:

Encourage creation of new areas for manufactured housing

Clean up existing rules regarding manufactured housing to match state law and current practices

New R-4 Manufactured Housing District

New zone that allows:

Manufactured homes on individual lots (single or double wide)

Mobile home parks

Manufactured dwelling parks

Manufactured dwelling subdivisions

Not tied to any specific site at this time

Updates to Meet State Laws:

RVs allowed in manufactured dwelling or mobile home park indefinitely.

Clear and objective standards applied to manufactured housing.

Other Updates:

Current codes mix recreational vehicles and mobile home rules. Changes clearly separate them.

Mobile Home Park "license" no longer required.

Manufactured homes in manufactured dwelling subdivision need not be owner occupied

Conflicts removed (Mobile home park Type I vs. Type II)

Rules updated allowing temporary placement of an RV or manufactured dwelling during home construction.

Staff Recommendation:

Staff recommends adoption of Resolution 2011-293, recommending that the City Council adopt the proposed amendments.

Questions:

Commissioner Wall asked if the City has an actual RV definition. Barton Brierley referred to the definition on page 15 of the meeting packet; *"The unit shall be identified as a recreational vehicle by the manufacturer and meet applicable federal standards for construction."* Commissioner Wall is concerned with that definition, as it is broad and does not factor in condition.

Chair Smith asked staff if recreational vehicles must be allowed as dwellings that take up a space in a park. Mr. Brierley replied that a manufactured dwelling space can be occupied by a manufactured home, mobile home, or recreational vehicle. State law does not allow the local government to prohibit RVs in manufactured dwelling spaces. You cannot require a certain age for mobile homes in a mobile home park but he is unsure about recreational vehicles.

Commissioner Barnes stated an RV would not be allowed to take up a space in most manufactured home parks because it is private property, and the park management would not allow it. Mr. Brierley stated the

park can set rules to not allow RVs but the City code cannot prohibit the RVs. Commissioner Barnes asked if the existing manufactured home parks in the City could apply for a zone change to the R-4 zone. Mr. Brierley replied, yes the park owner could apply.

Chair Smith asked why the word “district” is used instead of R-4 zone. Mr. Brierley explained that all the zones in the code are referred to as a district.

Kale Rogers asked what percentage of lot coverage the R-4 zone falls under. Mr. Brierley explained that the R-4 zone would not have a coverage limit as currently proposed. Commissioner Barnes stated there is 60% coverage (structures and parking) in existing mobile home parks.

Chair Smith opened public testimony.

Undecided:

Rene Garoutte lives in Springbrook Estates. She asked why a park would want to change to an R-4 zone and, if the zone change was approved, would that increase or decrease the property taxes. Commissioner Smith replied that the reason the city is considering creating an R-4 zone is because the Taskforce on Affordable Housing recognized manufactured housing as an important source of affordable housing in the City which should be encouraged. They thought having a zone specifically designed to encourage manufactured housing would help to increase and maintain this kind of housing in the City. Mr. Brierley stated that if the park wanted to be zoned R-4 they would need to apply and go through the normal zone change process. Only the County Tax Assessor could answer the property tax question, but he does not believe their taxes will be affected. Commissioner Barnes stated the taxes are on the home and not on the land. Mr. Brierley explained it could facilitate long-term maintenance of the park, which would provide some stability to the area.

Chair Smith closed public testimony.

Deliberation:

Commissioner Edwards stated the age of an RV is not the concern but instead the safety and functionality of the vehicle or the unit.

Chair Smith does not think specifying lot coverage for manufactured home parks is needed due to the density and design of the typical park. On the matter of dilapidated housing or recreational vehicles, he believes it would be difficult to write a rule and suggested passing this resolution as currently written and see if difficulties arise in the future.

Commissioner Edwards agreed that concerns about vehicle condition and lot coverage could be addressed if needed in the future. He is in favor of the resolution.

MOTION #2: Barnes/Wall moved to approve Planning Commission Resolution No. 2011-293. (5 Yes/ 0 No/ 2 Absent [Bliss, Stuhr]) Motion carried.

APPLICANT: City of Newberg
REQUEST: Amend the Newberg Development Code lot coverage limit in the R-1 zone from 30% to 40% for one story homes, and modify lot coverage requirements.
FILE NO: DCA-11-001 **RESOLUTION NO.:** 2011-294

CRITERIA: 15.302.030(C)

Opening of the hearing:

Chair Smith opened the hearing and asked for the staff report.
Barton Brierley gave the staff report and PowerPoint presentation.

Proposal:

Add definitions and purpose statements for lot coverage.
Exclude small accessory buildings from lot coverage calculations.
Allow additional parking coverage if permeable paving materials are used.
Increase the lot coverage in R-1 from 30% to 40% for single story residences.
Exclude non-residential uses from needing to meet lot coverage standards.

Purpose for Lot Coverage Standards:

Control Storm Drainage
Provide for Outdoor Living Area on a Lot
Limit Development Density to that Appropriate for the Zone

The purpose for lot coverage standards is:

Control Storm Drainage (combined lot/parking coverage left at 60%)
Provide for Outdoor Living Area on a Lot
Limit Development Density

Application to Non-residential uses:

No longer applies to non-residential uses

Staff Recommendation:

Staff recommends the adoption of Resolution 2011-294, recommending that the City Council adopt the proposed amendments.

Questions:

Commissioner Wall asked if there is a mechanism to apply for a variance for greater lot coverage. Mr. Brierley replied yes, there are two basic processes. An adjustment is an administrative process and limits the increase to 2%; this is fairly inexpensive. A variance procedure is for increases of more than 2%. Up to 100% can be increased in a variance if justified.

Commissioner Edwards pointed out a grammar correction on page 45, Discussion of proposal (b); *“The proposal would “exclude” buildings...”* Commissioner Edwards asked for clarification regarding frame-covered nonhabitable accessory buildings. Mr. Brierley explained that refers to a building that is covered by a tarp, and the definition comes directly from the building code. No building permit is needed if the structure is not more than 500 square feet.

Chair Smith stated this is the first time the Planning Commission will vote on a resolution to change the City Code based on the initiative of a citizen. He thanked Mr. Doug Lanz, Managing Partner for the Terrace Heights Subdivision and Northwest Classic Custom Homes, for bringing his concerns to the City.

MOTION #3: Art Smith/Barnes moved to approve Planning Commission Resolution No. 2011-294. (5 Yes/ 0 No/ 2 Absent [Bliss, Stuhr]) Motion carried.

VI. ITEMS FROM STAFF:

Correspondence:

Barton Brierley stated that a letter from Mr. Leonard Rydell was submitted to the City Council in response to the appeal of the Planning Commission’s decision to approve the Habitat for Humanity partition on Ninth Street. The City Council could not view the letter, since it was new evidence and the appeal hearing was a record hearing. Mr. Rydell understood the letter could not be given to the City Council but asked if it could be given to the Planning Commission to read and take into account when making future decisions.

Update on Council items:

The City Council upheld the Planning Commission decision on the Habitat for Humanity appeal. On July 18, 2011 the City Council will be hearing the Civic Corridor Sign Standards, the Annexation standard changes, and the South Industrial UGB Amendment (at the point of deliberation).

The next Planning Commission Meeting is scheduled on Thursday, August 11, 2011.

VII. ITEMS FROM COMMISSIONERS:

Commissioner Barnes invited the Planning Commission to attend the opening of the Chehalem Kayak Launch on July 23, 2011 from 2:00 – 4:00 p.m.

VIII. ADJOURN:

Chair Smith adjourned the meeting at 8:20 p.m.

Approved by the Planning Commission on this 11th day of August, 2011.

AYES:

NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair

TYPE III, QUASI-JUDICIAL PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS¹
2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION
3. STAFF REPORT
 - A. PROJECT SUMMARY AND RECOMMENDATION BY STAFF
 - B. STAFF SUMMARY OF LATE CORRESPONDENCE SUBJECT TO PLANNING COMMISSION REQUEST²
4. PUBLIC TESTIMONY (SEE "HOW TO TESTIFY")^{3 4}
 - A. PROPONENTS (PRINCIPLE PROPONENT/S FIRST, THEN OTHERS OR UNDECIDED)
 - B. OPPONENTS AND UNDECIDED
 - C. PRINCIPAL PROPONENT REBUTTAL
5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE PLANNING COMMISSION DIRECTED THROUGH THE CHAIR
6. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS
7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)
8. FINAL COMMENTS FROM STAFF
9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT
10. ACTION BY THE PLANNING COMMISSION

NOTE: No new public hearings will be started after 10:00 p.m. (except by majority vote of the Commission).

¹ The Chair of the Planning Commission may set time limits on the public testimony portion of the hearing.

² ORS 197.763(3)(j) allows the City to establish procedures for submittal of evidence. The Planning Commission has established a period of one week prior to hearing for submittal of written evidence in order to be considered at the hearing. Written testimony received late will only be considered at the discretion of the Planning Commission.

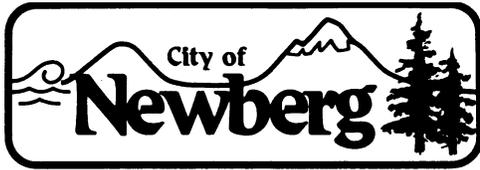
³ Questions by those wishing to testify should be directed to the Chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

⁴ Questions may be asked by the Commissioners thru the chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

**QUASI-JUDICIAL
PUBLIC HEARING PROCESS
TESTIMONY AND EVIDENCE REQUIREMENTS**

ORS 197.763 requires certain statements to be made at the commencement of a public hearing.

- The applicable City and State zoning criteria must be listed. This means that we must advise you of the standards that must be satisfied by the applicant prior to our approval of an application. The Planning Staff will list the applicable criteria during his or her presentation of the staff report.
- Persons wishing to participate in this hearing must direct their testimony or the evidence toward the criteria stated by the Planner or other specific City or State criteria which you believe apply. You must tell us why the testimony or evidence relates to the criteria.
- Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised in person or by letter at the local level prior to the City approving or denying the application. The law states that the issue must be raised in enough detail to afford the decision-maker and the parties an opportunity to respond. This part of the law is also known as the "raise it or waive it" requirement. If you do not bring it up now, you can't bring it up at LUBA.
- Failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval in enough detail to allow the local government or its designee to respond to the issue precludes an action for damages in Circuit Court.
- Prior to the conclusion of the initial evidentiary hearing on an application, any participant may request an opportunity to present additional evidence or testimony regarding the application. The Planning Commission will grant such a request through a continuance or extension of the record.



Planning and Building Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ 503-537-1272 Fax ▪ www.ci.newberg.or.us

TYPE III HISTORIC LANDMARK MODIFICATION/ DESIGN REVIEW/VARIANCE STAFF REPORT Chehalem Cultural Center Parking Lot

FILE NUMBER: HISD-11-003/DR2-11-010/VAR-11-002

REQUEST: Historic landmark modification review and design review for a new parking lot. Variance review to reduce the front yard setback from 25 feet to 7 feet on the north side, and 14 feet on the west side.

APPLICANT: Hennebery Eddy Architects

OWNER: Chehalem Park and Recreation District

LOCATION: 415 E. Sheridan Street (old Central School)

TAX LOT: 3218DD-15700

ZONE: Institutional, with a Civic Corridor overlay and Historic Landmark overlay

PREPARED BY: City of Newberg Planning Staff

HEARING DATE: August 11, 2011 Planning Commission

ATTACHMENTS:

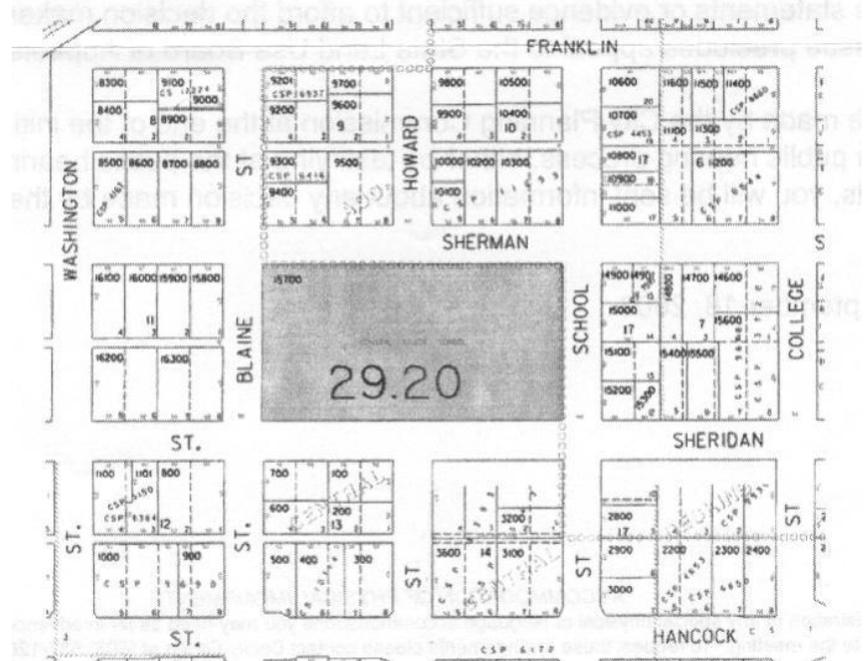
Resolution 2011-295 with

Exhibit A: Findings & Conditions

Exhibit B: Site Plan

Exhibit C: Landscape Plan

1. Aerial Photo
2. Zoning map
3. Application (attached)
4. Comments/Correspondence (none)
5. Newberg Comprehensive Plan & Development Code - by reference



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

A. PROCESS: The application request for approval of a Type III Historic Modification Review/Design Review/Variance has met the provisions of Newberg Development Code § 15.100.050 as follows:

July 29, 2011	The Director determined the application was complete.
July 21, 2011	The applicant mailed public notice to all property owners within 500 feet of the site. No comments were received as of August 3, 2011.
July 25, 2011	Notice was posted in four public locations.
July 27, 2011	Notice was published in the <i>Newberg Graphic</i> .
July 29, 2011	Notice was posted on site.
August 11, 2011	The Planning Commission will hold a public hearing to consider the request.

B. CRITERIA: The Planning staff has determined that the following criteria apply to the subject proposal. The criteria are listed in full in the Findings (Exhibit A). The Planning Commission or other interested parties should direct their comments to the criteria listed or state why they feel other criteria may apply. The Planning Commission will make the final decision on this matter.

NDC § 15.344.030 Historic Landmarks (H) Sub-district: Alteration, New Construction, Demolitions

NDC § 15.220.050 Design Review Criteria (Type II Process)

NDC § 15.350.060 Civic Corridor Overlay (CC) development standards

NDC §15.215.040 Type II variance criteria.

C. SUMMARY OF REQUEST & BACKGROUND:

The applicant has requested approval to build a new parking lot with 55 spaces on the north side of the Chehalem Cultural Center. The new parking lot would replace the existing small paved parking area and the temporary gravel parking. The site has a Historic Landmark zoning overlay, so changes to the site require a historic review and a design review. The proposal includes a variance request to reduce the 25 foot deep front yard to 7 feet on the north side, and 14 feet on the west side. The applicant has requested the variance to allow the parking to be located within the north front yard. No changes are proposed to the building at this time.

The building is the old Central School, which the School District closed and transferred to Chehalem Park and Recreation District (CPRD). The building was renovated to meet seismic standards but remained an empty shell for several years. In 2008 the Planning Commission approved Phase One of the Cultural Center remodel, which renovated the lobby entrance, the eastern part of the ground floor classrooms, and two upstairs classroom (Planning Commission Resolution 2008-258, File no. HISM-08-002/DR2-08-023). Only a small amount of parking was needed for the Phase One uses. The plan at that time was that a future Phase Two would renovate the gymnasium into a ballroom, renovate the second-floor theater and classrooms, and build a large parking lot on the site.

This application is just for a parking lot and is not for Phase Two, as no changes are proposed for the building at this time. CPRD has obtained a grant that can be used to develop parking on the

site, but needs to be used this year. The ballroom, theater, and remaining second floor rooms have not been renovated and are not included in the scope of work for this application. The proposed parking lot will actually provide more parking than was required for the rooms renovated in Phase One. When CPRD applies for Phase Two it will require some modifications to the building exterior, and the application will return to the Planning Commission for review. Phase Two will also require an analysis of the overall parking needs for the site at full build-out.

D. SITE INFORMATION:

- Location: The property is located at 415 E. Sheridan Street
- Size: 40,500 square foot building on a 2.5 acre lot
- Comprehensive Plan Designation: PQ (Public-Quasipublic)
- Zoning Designation: Institutional
- Applicable Overlay Districts: Civic Corridor overlay, Historic Landmark overlay
- Topography: Primarily flat, with a slight slope to the south. The yards slope away from the building.
- Current Land Uses: Chehalem Cultural Center (Phase One), and the Chamber of Commerce information center (moving soon to Hancock and College). Rotary Centennial Park is located on the southeast corner of the site.
- Natural Features: primarily lawns.
- Adjacent Land Uses: Primarily single family dwellings to the west, north and east. The Newberg Public Library and the Masonic building are south of the site.
- Access and Transportation: The parking lot will have a driveway access on Sherman Street and on Blaine Street. Sidewalk ADA ramps have been constructed at all four corners of the site.
- Utilities: The applicant is proposing two possible methods for disposing of the stormwater from the parking lot. If they construct the parking lot with pavers then they will create a gravel storage area under the pavers for stormwater retention. If they pave the parking lot with asphalt then they will install catch basins in the parking lot and build a swale on the southwest corner of the site for stormwater retention. Either approach could work but would require approval and permits from the City Building and Engineering divisions.

E. COMMENTS RECEIVED:

PUBLIC COMMENTS: None received by August 3, 2011.

AGENCY COMMENTS:

Waste Management – Reviewed, no conflict.

Fire Department – Reviewed, no conflict.

Building Official – Reviewed, no conflict.

City Manager – Should underground overhead utilities along Sherman St.

Finance – Reviewed, no conflict.

PGE – Reviewed, no conflict.

Frontier – Reviewed, no conflict.

Public Works – Surveyor – Reviewed, no conflict. No land survey/property rights issues.

Public Works – Engineering & Maintenance:

- Install ADA ramps on sidewalk at both driveways.
- Remove and replace abandoned driveway and apron in the public right of way with standard curb, gutter and sidewalk.
- Inlet at outlet of swale needs to be a ditch interceptor (DI).

- Pipe sizes need to be shown. Show pipe size of line from DI to CB on Blaine.
- Provide detention or show that the stormwater flow offsite is not greater than the current conditions.

State Historic Preservation Office – Reviewed, no conflict. See letter below for comments regarding State laws on excavations and cultural resources, and comments on possible Federal requirements. SHPO Case # 11-1383.



Oregon

John A. Kitzhaber, MD, Governor

Parks and Recreation Department

State Historic Preservation Office

725 Summer St NE, Ste C

Salem, OR 97301-1266

(503) 986-0671

Fax (503) 986-0793

www.oregonheritage.org

July 27, 2011

Mr. Steve Olson
City of Newberg Planning Division
P.O. Box 970
Newberg, OR 97132



RE: SHPO Case No. 11-1383
Chehalem Cultural Center Phase 1 - Parking Lot Proj
FOE/construct paved parking area
City of Newberg/HenneberyEddy Architects
(3S 2W 18) 415 E Sheridan, Newberg, Yamhill County

Dear Mr. Olson:

Our office recently received a request to review the proposal for the project referenced above. In checking our statewide cultural resource database, I find that there have been no previous cultural resource surveys completed near the proposed project area. However, the project area lies within an area generally perceived to have a high probability for possessing archaeological sites and/or buried human remains.

While not having sufficient knowledge to predict the likelihood of cultural resources being within your project area, extreme caution is recommended during future ground disturbing activities. ORS 358.905 and ORS 97.740 protect archaeological sites and objects and human remains on state public and private lands in Oregon. If any cultural material is discovered during construction activities, all work should cease immediately until a professional archaeologist can assess the discovery. If your project has a federal nexus (i.e., federal funding, permitting, or oversight) please coordinate with your federal agency representative to ensure that you are in compliance with Section 106 of the NHPA.

If you have any questions about my comments or would like additional information, please feel free to contact our office at your convenience. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

Dennis Griffin, Ph.D., RPA
State Archaeologist
(503) 986-0674
dennis.griffin@state.or.us

F. PRELIMINARY STAFF RECOMMENDATION: The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

- Move to adopt Planning Commission Resolution 2011-295 which recommends approval of the requested historic modification review/design review/variance as conditioned.

PLANNING COMMISSION RESOLUTION NO. 2011-295

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG APPROVING FILE HISD-11-003/DR2-11-010/VAR-11-002, A HISTORIC LANDMARK MODIFICATION/DESIGN REVIEW/VARIANCE FOR DEVELOPMENT OF A PARKING LOT AT THE CHEHALEM CULTURAL CENTER WITH A VARIANCE TO REDUCE THE FRONT YARD SETBACK, LOCATED AT THE CENTRAL SCHOOL BUILDING AT 415 E. SHERIDAN STREET, YAMHILL COUNTY TAX LOT 3218DD-15700.

1. On July 21, 2011, an application was submitted by Hennebery Eddy Architects for Chehalem Park and Recreation District requesting a historic landmark modification review/design review /variance to construct a parking lot at 415 E. Sheridan Street for the Chehalem Cultural Center and to reduce the front yard setback for the parking lot to seven feet.
2. On July 21, 2011, notice of this proposed historic modification review/design review/variance 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. Notice was posted in four public places on July 25, 2011, published in the *Newberg Graphic* newspaper on July 27, 2011, and posted on site on July 29, 2011, which is at least ten days prior to the public hearing before the Planning Commission on August 11, 2011 to comply with Oregon Revised Statute requirements.
4. On August 11, 2011, a hearing was held by the Newberg Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it approves the requested historic modification review/design review/variance as conditioned for the Chehalem Cultural Center site located at 415 E. Sheridan Street. This decision is based on the staff report, the findings in Exhibit A, and testimony.

DATED this 11th day of August, 2011.

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Planning Commission Secretary

Planning Commission Chair

Exhibits:

A: Findings & Conditions

B: Site Plan

C: Landscape Plan

EXHIBIT A: FINDINGS & CONDITIONS
HISD-11-003/DR2-11-010/VAR-11-002
CHEHALEM CULTURAL CENTER – PARKING LOT

I. Historic Landmark Review Criteria - NDC § 15.344.030 Alteration, new construction, demolitions.

The Planning Commission, in considering applications for permit approval for any alteration, shall base their decision on substantial compliance with the following criteria and guidelines.

- a. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Specific design elements which must be addressed include:
 - i. Average Setback. When a new structure is being constructed on an infill lot, the front yard setback shall be the same as the buildings on either side. When the front setbacks of the adjacent buildings are different, the front setback of the new structure shall be an average of the two.*
 - ii. Architectural Elements. The design shall incorporate architectural elements of the city's historic styles, including Queen Anne, colonial revival, Dutch colonial revival, and bungalow styles. Ideally, the architectural elements should reflect and/or be compatible with the style of other nearby historic structures. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, roof dormers, and decorative trim boards.*
 - iii. Building Orientation. The main entrance of the new structure shall be oriented to the street. Construction of a porch is encouraged but not required. Such a porch shall be at least six feet in depth.*
 - iv. Vehicle Parking/Storage. Garages and carports shall be set back from the front facade of the primary structure and shall relate to the primary structure in terms of design and building materials.*
 - v. Fences. Fences shall be built of materials which are compatible with the design and materials used in the primary structure.**

Finding: The site and the building are Newberg historic landmarks. No changes are proposed to the building at this time, so most of the historic criteria do not directly apply to this proposal. The site consists of a central building surrounded by large open yards. The north side of the site had a small paved parking area and some outdoor basketball half-courts near the gym. The proposed parking lot on the north side of the site will not add any buildings to the site and will retain the open character of the site.

- b. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.*
- c. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.*
- d. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved to the extent possible.*
- e. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall reasonably match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.*
- f. Chemical or physical treatments, such as sandblasting, that cause extensive damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.*
- g. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.*

h. New additions, exterior alterations, or related new construction shall not destroy the historic character of the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

i. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Finding: The new parking lot will not destroy the historic character of the building or the site. There are no known archeological resources on the site. As the State Historic Preservation Office has noted, however, state law (ORS 358.905 and ORS 97.740) protects archaeological sites and objects, and requires that if any cultural material is discovered during construction activities, all work should cease immediately until a professional archaeologist can assess the discovery. If the project has federal funding, permitting or oversight then the applicant must coordinate with their federal agency representative to ensure that they are in compliance with Section 106 of the NHPA.

II. Design Review Criteria That Apply - Newberg Development Code § 15.220.050:

1. Design Compatibility. The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

Finding: The proposed parking lot design is a standard functional design that will include parking lot trees and other landscaping. The landscaping will soften the appearance of the asphalt parking lot and make it compatible with the remainder of the site. If the parking area uses pavers instead of asphalt then it will be more attractive and will be superior to nearby parking areas.

2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC [15.440.010](#). Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC [15.440.010](#). Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

Finding: In phase one of the Cultural Center remodel the site was required to have 19 off-street parking spaces. CPRD was given approval at a later date to add a larger temporary gravel parking lot. The proposed new permanent parking lot will have 55 spaces and will replace the gravel parking lot on the north side of the site. The gravel parking area on the west side of the building will be removed during the construction of this new parking lot. A parking analysis for the full build-out of the site will be required when CPRD proposes to complete the future Phase Two of the Cultural Center, which will renovate the ballroom, theater, and remaining second floor rooms. The proposed new parking lot will provide more parking than was required for the uses approved during Phase One, so the site will have an excess of parking for now.

The existing parking lot driveway approach on Sherman Street is narrow and too far to the east. The new parking lot design will close the existing access, create a new driveway approach on Sherman that lines up with Howard Street, and create a new driveway approach on Blaine Street. The new accesses meet the Development Code access spacing standards. The parking lot design meets the dimensional standards in the Development Code, and will provide efficient circulation without using

the public streets as part of the onsite circulation. The applicants have proposed a loading/drop-off area near the future entrance to the ballroom, which will help make the parking lot function efficiently when the future Phase Two of the Cultural Center is approved. The applicants are not proposing any additional parking lot lighting, due to the existing street lights along Sherman Street and N. Blaine Street. Additional building-mounted light fixtures to supplement the existing street lighting will be proposed and reviewed in a future phase as part of the building renovation.

The applicant has proposed two methods of paving the parking lot, and either method is acceptable. If they construct the parking lot with pavers then they will create a gravel storage area under the pavers for stormwater retention. If they pave the parking lot with asphalt then they will install catch basins in the parking lot and build a swale on the southwest corner of the site for stormwater retention. Either approach can function and meet the Development Code but would require approval and permits from the City Building and Engineering divisions.

Newberg's Public Works – Engineering & Maintenance divisions commented:

- Install ADA ramps on sidewalk at both driveways.
- Remove and replace abandoned driveway and apron in the public right of way with standard curb, gutter and sidewalk.
- Inlet at outlet of swale needs to be a ditch interceptor (DI).
- Pipe sizes need to be shown. Show pipe size of line from DI to CB on Blaine.
- Provide detention or show that the stormwater flow offsite is not greater than the current conditions.

Following completion of design review conditions, the parking lot design will meet the Development Code standards.

3. Setbacks and General Requirements. The proposal shall comply with NMC [15.415.010](#) through [15.415.060](#) dealing with height restrictions and public access; and NMC [15.405.010](#) through [15.405.040](#) and NMC [15.410.010](#) through [15.410.070](#) dealing with setbacks, coverage, vision clearance, and yard requirements.

Finding: The Institutional zone requires a 25 foot deep front yard setback for buildings and parking areas. The proposed parking lot does not meet this standard, as the north front yard setback is 7 feet and the west front yard setback is 14 feet. The applicant has requested a variance to this standard, so if the variance is approved then this standard can be satisfied. The applicant has requested the variance in order to allow parking in part of the front yard setbacks. If the parking lot met the 25 foot setback then it would reduce the amount of on-site parking by about half.

4. Landscaping Requirements. The proposal shall comply with NMC [15.420.010](#) dealing with landscape requirements and landscape screening.

Finding: The landscaping standards require a parking lot tree for every seven spaces. The parking lot trees can be in islands or in a row across the head of the parking spaces. Most of the proposed landscaping plan meets this standard. The landscaping plan needs to add one additional parking lot tree to the southeastern row of spaces near the building.

The landscaping standards require street trees every 35-40 feet, with a minimum 1.5-1.75 inch caliper trunk. If the planter strip along Sherman Street was going to be removed in Phase Two to build on-street angled parking then street trees would not be required. It has been determined by staff that it is unlikely that angled parking will be built along Sherman Street, so the landscaping plan

should be modified to add street trees in the Sherman Street planting strip. The street trees could be staggered with the location of the parking lot trees.

5. Signs. Signs shall comply with NMC [15.435.010](#) et seq. dealing with signs.

6. Manufactured Home, Mobile Home and RV Parks. Manufactured home, mobile home, and recreational vehicle parks shall also comply with the standards listed in NMC [15.445.050](#) et seq. in addition to the other criteria listed in this section.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC [15.304.010](#) through [15.328.040](#). Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

Finding: The proposed parking lot will not include new signs, and is not a manufactured home park. The Cultural Center is a community center, which is an allowed use in the Institutional zone, and the parking lot is an allowed accessory use to the Cultural Center.

8. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC [15.340.010](#) through [15.348.060](#).

The site is within the **Civic Corridor subdistrict**. The following development standards apply:
15.350.060 Development standards.

In addition to the standards of NMC [15.220.080](#), the following development standards shall apply to new development or redevelopment within the civic corridor overlay subdistrict.

A. Elements of the Street-Facing Facade.

1. Base, Field, and Crown. For new or redeveloped buildings, all street-facing facades shall be clearly divided into three separate elements: base, field and crown. Separations shall be made by changes in material or by shifts in the depth of the facade. Merely painting the facade different colors without some other physical delineation is not sufficient. For new or redeveloped buildings, elements of the street-facing facade shall comply with the standards below:

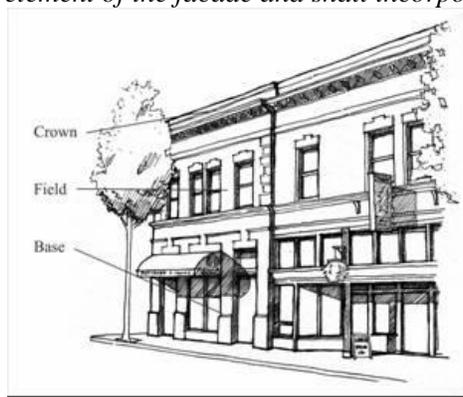
a. Base. The base of the facade shall be a maximum of four feet for single-story buildings, a maximum of one story for two- to four-story buildings, and a maximum of two stories for buildings greater than four stories. Bases shall be expressed in heavier-appearing materials (e.g., stone or brick) and have a more horizontal emphasis.

b. Field. The field of a facade is all the floors between the base and the crown. The field element shall be expressed as a series of repetitive vertical elements that include windows, pilasters and trim.

c. Crown. The crown can be expressed as part of the top floor of the building or as a decorative cornice. Crowns shall be more elaborate than the field element of the facade and shall incorporate detailed

elements that articulate the top of the building.

B. Street-Facing Facade Articulation.



1. *Detail at First Floor.* Buildings that have highly detailed ground floors contribute significantly to the pedestrian experience. To accomplish this desirable characteristic, ground-floor elements like window trim, pilaster ornamentation, the texture of the base material, and even whimsical sculptural pieces embedded in the facade like busts or reliefs are highly encouraged. Especially desirable are details that relate to the history or culture of the surrounding region.

2. *Cornice Treatment.* Flat-roof buildings shall have cornices. Cornices shall have a combined width plus depth of at least three feet. An additional one foot shall be added to this required total for every story above one.

C. *Street-Facing Windows – Depth of Windows.* Windows shall be recessed at least three inches from the general plane of the facade. This creates shadow lines and visual interest, giving the facade the perception of depth. Depth in the facade promotes the perception of high quality and durable construction, and contributes to the district’s historic character.

D. *Street-Facing Facade Materials.*

1. *Dominant Material.* All facades shall be comprised primarily of brick. The color of the brick shall be a reddish-brown of generally the same tonal quality as the existing brick buildings within the civic corridor. When used as a veneer material, the brick must be at least two and one-half inches thick. Additional materials are allowed as accents.

2. *Allowed Accent Materials.* Allowed accent materials include horizontal wood and cementitious lap siding, horizontal board and batten siding, shingles, shakes, and copper or brass. Lap siding, shingles, and shakes shall leave exposed a maximum of six inches to the weather. In board and batten siding, battens shall be spaced at most eight inches on center. In addition, rusticated concrete block, or stone masonry is allowed, but when used as a veneer material, it must be at least two and one-half inches thick. Cement-based stucco is allowed.

3. *Changes in Material.* Brick street-facing facades shall return at least 18 inches around exposed side walls.

E. *Signage Standards.* In addition to the C-3 signage requirements of NMC [15.435.010](#) through [15.435.120](#), to encourage the historic character of the civic corridor as described in NMC [15.350.010](#), signs within the civic corridor shall include four of the following six elements:

1. The most prominent element on a sign, such as the business’ name, uses a serif font and does not exceed eight inches in height.

2. The sign includes a frame, background or lettering in natural wood materials.

3. The sign includes a frame, background or lettering in copper or brass in natural finishes.

4. The sign incorporates decorative wrought iron.

5. The lettering is in a raised relief.

6. The sign is attached to a mounting bracket and allowed to swing freely. [Ord. [2561](#), 4-1-02. Code 2001 § 151.526.6.]

Finding: The Civic Corridor and C-3 design standards apply solely to buildings and signs. The proposed project will only build a new parking lot and will not change the existing building or signage on the site, so the Civic Corridor and C-3 design standards are not applicable to this proposal.

9. *Alternative Circulation, Roadway Frontage Improvements and Utility Improvements.* Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

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.*
- 10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director. [Ord. [2451](#), 12-2-96. Code 2001 § 151.194.]*

Finding: The street frontages of the site are already improved. A traffic study is not required for a parking lot that serves existing uses. All proposed private walkways will be concrete and will exceed the 4 foot minimum width.

There are existing overhead utility lines along part of Sherman Street and along School Street. The Development Code requires these to be placed underground unless undergrounding would be extraordinarily expensive, there are physical factors that would make undergrounding extraordinarily difficult, or the existing lines in the area are primarily overhead and unlikely to be changed. The School Street lines are substantial and would be very expensive to underground. The Sherman Street lines do not appear substantial or extraordinarily difficult to place underground. The site occupies an entire block along Sherman Street, so there are no other properties on the block with overhead lines that are unlikely to be changed. The overhead utility lines along Sherman Street should therefore be undergrounded as part of the parking lot project.

III. Variance Criteria - Newberg Development Code § 15.215.040

The hearing body shall grant the variance if the following criteria are satisfied:

- A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this code.*
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.*
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.*
- D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.*
- E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.*

Finding: The applicant has requested a variance to reduce the 25 foot front yard setback to 7 feet along the north side of the parking lot and 14 feet along the west side of the parking lot. The reason for this is that strict enforcement of the 25 foot setback would require the parking lot to be one-sided and reduce the number of off-street parking spaces in the parking lot by roughly half. The Development Code will require a substantial amount of off-street parking for the full build-out of the Cultural Center to minimize the impact of overflow parking on the neighborhood. The requirement for a 25 foot setback is therefore not consistent with the requirement to build a substantial amount of off-street parking. The property does face some exceptional circumstances compared to other

Institutional zoned sites; the Cultural Center is a relatively small site, while most Institutional sites are large academic or medical campuses that can more easily accommodate a 25 foot front setback. Strict interpretation of the code would deprive the applicant of the ability to construct adequate off-street parking, which other Institutional sites can do relatively easily. Granting the variance for a limited portion of the Cultural Center site will not constitute a grant of special privilege because it is only for a limited portion of the site; if the other Institutional zoned sites have exceptional circumstances on parts of their sites then they also have the ability to apply for a variance. The applicant has taken care to ensure that the reduced front yard setback will not be detrimental to the public health, safety or welfare, or materially injurious to properties in the vicinity. The purpose of the setback is to provide an open space buffer zone from large institutional uses. The applicant has proposed dense landscaping within the front yard setbacks to make the reduced front yards effective buffers, and partially block the view of the new parking lot.

IV. CONCLUSION:

Based on the above mentioned findings, the project meets the criteria required within the Newberg Development Code, subject to completion of the attached conditions:

CONDITIONS OF APPROVAL
HISD-11-003/DR2-11-010/VAR-11-002
CHEHALEM CULTURAL CENTER – PARKING LOT

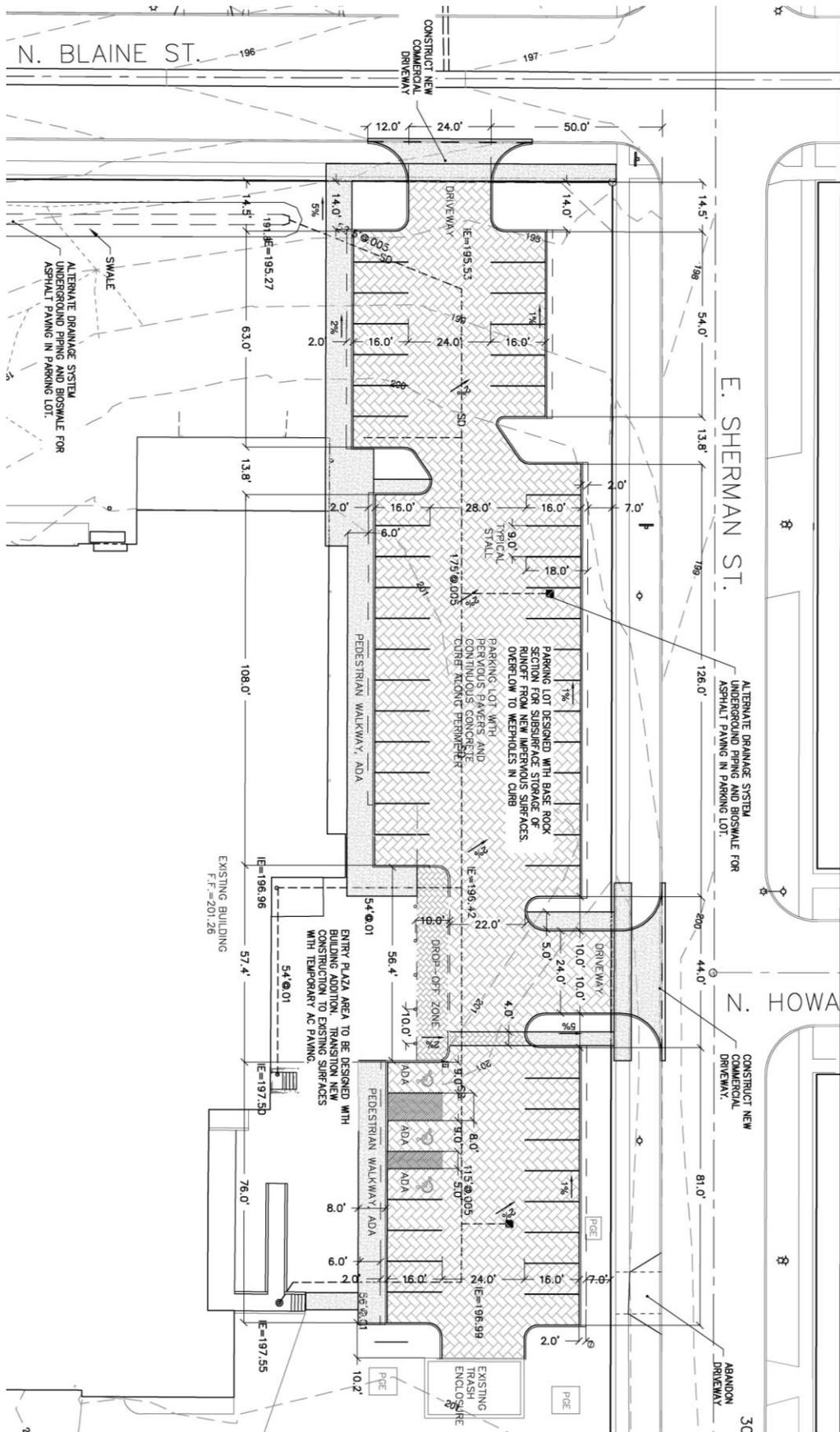
- A. THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:**
1. **Permit Submittal:** Submit a building permit application, two (2) complete working drawing sets of the proposed project, and two (2) copies of a revised site plan. Show all the features of the plan approved through design review, including the following:
 - ADA accessible route
 - Existing and finish grade elevations
 - Existing and proposed storm sewer connections
 - Fire hydrant locations on and within 250 ft. of the site
 - Fire department connection (FDC)
 - Grading plan
 - Landscaping plan including existing and proposed landscaping and method of irrigation
 - O.S.S.C. Chapter 11 (ADA) requirements relating to access from the public way, parking spaces and signage
 - On-site walks
 - Parking lot design, including ADA compliant spaces
 - Utility plan
 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. **Driveway approaches:**
 - Install ADA ramps on sidewalk at both driveways.
 - Remove and replace abandoned driveway and apron in the public right of way with standard curb, gutter and sidewalk.
 4. **Utilities:**
 - Underground the overhead utility lines along the Sherman Street frontage.
 - Inlet at outlet of swale needs to be a ditch interceptor (DI).
 - Pipe sizes need to be shown. Show pipe size of line from DI to CB on Blaine.
 - Provide detention or show that the stormwater flow offsite is not greater than the current conditions.
 5. **Disabled/ADA Requirements:** Coordinate with the Building Division to comply with O.S.S.C. Chapter 11 requirements.
 6. **Landscape Plan:** Submit a revised landscaping plan showing:
 - Method of irrigation
 - Add one additional parking lot tree to the southeastern row of spaces near the building
 - Add street trees in the Sherman Street planting strip. The street trees could be staggered with the location of the parking lot trees
 7. **Parking lot:**
 - If the parking lot is built with pavers then create a gravel storage area under the pavers for stormwater retention.
 - If the parking lot is paved with asphalt then install catch basins in the parking lot and build a swale on the southwest corner of the site for stormwater retention.
 - Remove the temporary gravel parking area on the west side of the site.

B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY:

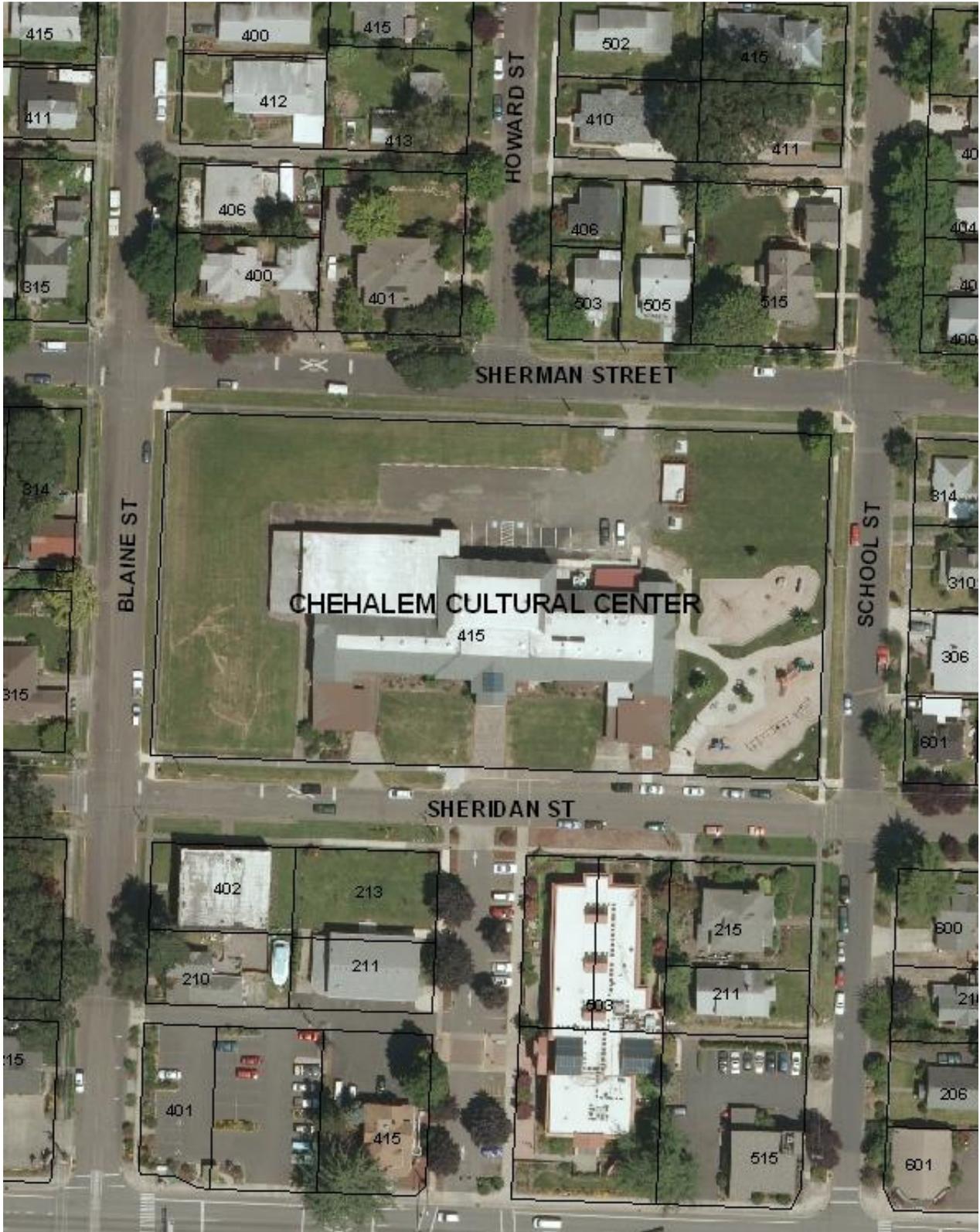
1. Fire Department Requirements: This project is subject to compliance with all Fire Department standards relating to access and fire protection.
2. Design Review Conditions: Contact the Planning Division (537-1215) to verify that all design review conditions have been completed.
3. Site Inspection: Contact the Building Division (537-1240) for Building, Mechanical, and Plumbing final inspections. Contact the Fire Department (537-537-1260) for Fire Safety final inspections. Contact the Planning Division (537-1215) for landscaping final inspections.

C. DEVELOPMENT NOTES:

1. State Historic Preservation Office Case # 11-1383 comments: As SHPO has noted, State law (ORS 358.905 and ORS 97.740) protects archaeological sites and objects, and requires that if any cultural material is discovered during construction activities, all work should cease immediately until a professional archaeologist can assess the discovery. If the project has federal funding, permitting or oversight then the applicant must coordinate with their federal agency representative to ensure that they are in compliance with Section 106 of the NHPA
2. Systems development charges will be collected when building permits are issued. For questions regarding SDCs please refer to the city's Submittal Packet and contact the Engineering Division.

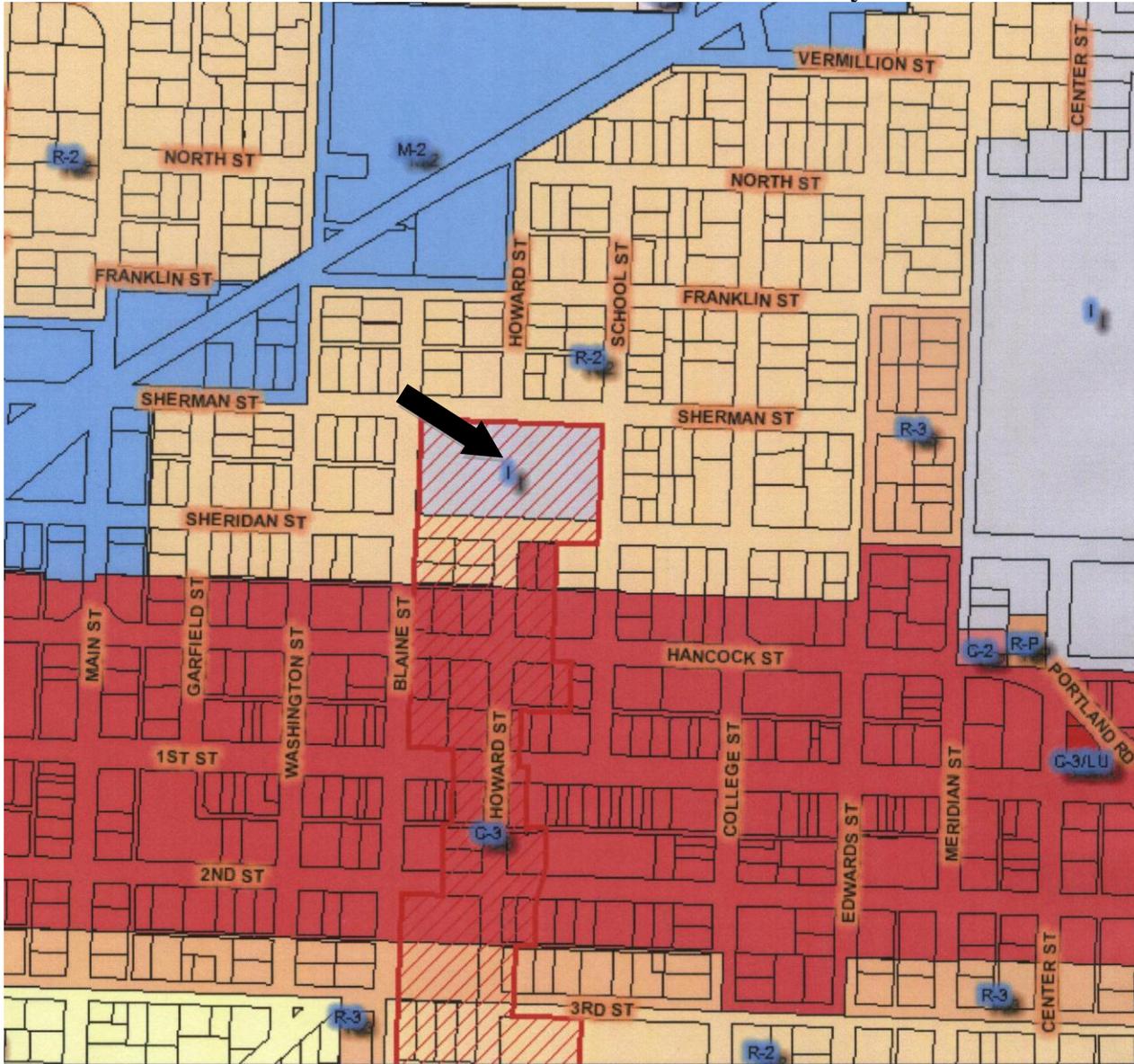


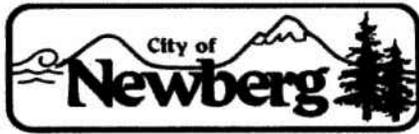
ATTACHMENT 1: AERIAL VIEW
HISD-11-003/DR2-11-010/VAR-11-002
CHEHALEM CULTURAL CENTER – PARKING LOT



ATTACHMENT 2: ZONING MAP
HISD-11-003/DR2-11-010/VAR-11-002
CHEHALEM CULTURAL CENTER – PARKING LOT

Institutional zone with a Civic Corridor overlay zone





TYPE III APPLICATION - 2011 (QUASI-JUDICIAL REVIEW)

File #: _____

TYPES - PLEASE CHECK ONE:

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

APPLICANT INFORMATION:

APPLICANT: DAN PETRESCU, HENNEBERY EDDY ARCHITECTS
ADDRESS: 921 SW WASHINGTON ST. SUITE 250 PORTLAND, OR 97210
EMAIL ADDRESS: DPETRESCU@HENNEBERYEDDY.COM
PHONE: 503.227.4860 MOBILE: FAX: 503.227.4920
OWNER (if different from above): DON CLEMENTS PHONE: (503) 538-7454
ADDRESS: 125 S ELLIOT RD. NEWBERG, OR 97132-2295 DCLEMENTS@CPRDNEWBERG.ORG
ENGINEER/SURVEYOR: CIVIL ENGINEER: LARRY ANDERSON ENGINEERING, INC PHONE: 503-537-1110
ADDRESS: 112 N. SPRINGBROOK ROAD NEWBERG, OREGON 97132 ANDENG1@COMCAST.NET

GENERAL INFORMATION:

CHEHALEM CULTURAL CENTER
PROJECT NAME: PARKING LOT, PHASE 1 PROJECT LOCATION: 415 E. Sheridan Street
PROJECT DESCRIPTION/USE: New parking lot to meet part of the conditional use parking requirements
MAP/TAX LOT NO. (i.e. 3200AB-400): 3218DD-15700 ZONE: SITE SIZE: 2.5 SQ. FT. ACRE X
COMP PLAN DESIGNATION: Public-Quasipublic (PQ) TOPOGRAPHY: Slight slope, refer to Site Plan
CURRENT USE: Community Center
SURROUNDING USES:
NORTH: Residential SOUTH: Institutional
EAST: Residential WEST: Residential

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

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

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

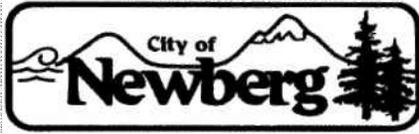
Signature: Dan Petrescu Date: 07.20.2011

Signature: W Don Clements Date: 7-21-11

Print Name: DAN PETRESCU

Print Name: W Don Clements

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



TYPE II APPLICATION (LAND USE) -- 2011

File #: _____

TYPES – PLEASE CHECK ONE:

- Design Review
- Tentative Plan for Partition
- Tentative Plan for Subdivision
- Type II Major Modification
- Variances For setback requirement, refer to narrative
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: DAN PETRESCU, HENNEBERY EDDY ARCHITECTS
 ADDRESS: 921 SW WASHINGTON ST. SUITE 250 PORTLAND, OR 97210
 EMAIL ADDRESS: DPETRESCU@HENNEBERYEDDY.COM
 PHONE: 503.227.4860 MOBILE: _____ FAX: 503.227.4920
 OWNER (if different from above): DON CLEMENTS PHONE: (503) 538-7454
 ADDRESS: 125 S ELLIOT RD. NEWBERG, OR 97132-2295 DCLEMENTS@CPRDNEWBERG.ORG
 ENGINEER/SURVEYOR: CIVIL ENGINEER: LARRY ANDERSON ENGINEERING, INC PHONE: 503-537-1110
 ADDRESS: 112 N. SPRINGBROOK ROAD NEWBERG, OREGON 97132 ANDENG1@COMCAST.NET

GENERAL INFORMATION:

CHEHALEM CULTURAL CENTER
 PROJECT NAME: PARKING LOT, PHASE 1 PROJECT LOCATION: 415 E. Sheridan Street
 PROJECT DESCRIPTION/USE: New parking lot to meet part of the conditional use parking requirements
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3218DD-15700 ZONE: _____ SITE SIZE: 2.5 SQ. FT. ACRE
 COMP PLAN DESIGNATION: Public-Quasipublic (PQ) TOPOGRAPHY: Slight slope, refer to Site Plan
 CURRENT USE: Community Center
 SURROUNDING USES:
 NORTH: Residential SOUTH: Institutional
 EAST: Residential WEST: Residential

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

Design Reviewp. 12
 Partition Tentative Platp. 14
 Subdivision Tentative Platp. 17
 Variance Checklistp. 20

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

Dan Petrescu 07.20.2011
 Applicant Signature Date

 DAN PETRESCU
 Print Name

W Don Clements 7-21-11
 Owner Signature Date

 W Don Clements
 Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists

**Hennebery Eddy
Architects**

**Design Review Type II
Historic Review Type III
Variance for Parking in Setback**

Written Statement & Design Review Narrative
July 21, 2011

Chehalem Cultural Center - New Parking Lot, *Phase 1*



Address: 415 E. Sheridan Street
Newberg, Oregon

Tax Lot: 3218DD-15700

Zoning District: Institutional (I) District

Subdistricts: Civic Corridor Overlay (CC) Sub-district
Historic Landmarks (H) Subdistrict

Design Review Types: Design Review, Type II
Historic Design Review, Type III
Variance for Parking in Setback

**Comprehensive
Plan Designation:** Public-Quasipublic (PQ)

Project Description: *Proposed Improvement under this application:*
This application is filed to request Design Review and Historic Landmark Review approval for a new parking lot, located north of the Chehalem Cultural Center. This parking lot is just one phase of a multi-phase improvement plan that was previously approved by the city. This parking lot is being proposed to meet part of the on-site parking requirements. Additional parking will be provided in future phases. No exterior or interior building alterations or additional uses in the existing building are being proposed under this phase. We are submitting this application at this time because grant funding for this phase is available for this year only.

Existing building and site:

The Cultural Center is a 40,500 SF, two story building that was previously a school. Currently, the building is mostly vacant with the exception of the Chamber of Commerce Office. The building is located on a 2.5 acre site. Active site uses also includes the Rotary Centennial Park, located at the southeast corner of the site. The Chehalem Cultural Center aims to provide a place for the community to experience literary, visual, and performing arts. The portion of the site north of the building has historically been used for parking without adequate paving, landscaping, or striping.

Master Phasing Plan:

The Cultural Center Master Phasing Plan was approved by the City of Newberg in 2008 under File No: HISM-08-002/DR2-08-023.:

- *Phase 1:* Provide on-site parking at the north end of the site
- *Later Phases:* Reconfiguration of Sheridan Street & Howard Street, new ballroom and theater accommodations, additional parking to accommodate new uses.

Chapter 15.220 SITE DESIGN REVIEW**15.220.050 Criteria for design review (Type II process).**

B. Type II. The following criteria are required to be met in order to approve a Type II design review request:

1. Design Compatibility.

The design of the parking lot is compatible with the parking lots in the surrounding areas. The proposed pervious paving for the entire surface of the parking lot is superior to the quality of nearby parking lots.

2. Parking and On-Site Circulation.

Parking areas shall meet the requirements of NMC 15.440.010, see detailed description below. An efficient on-circulation system has been provided without using the public streets as part of the parking lot circulation. The existing driveway has an insufficient width and is located too far to the east end of the lot. We are proposing to remove this existing driveway and provide two new driveways to allow for an efficient parking lot circulation.

3. Setbacks and General Requirements

Because of site constraints, we are requesting a variance for setback requirement for the parking lot. Refer to variance section below.

4. Landscaping Requirements.

The proposed parking lot landscaping design complies with NMC 15.420.010 dealing with landscape requirements and landscape screening.

5. Signs.

We are not proposing any signs under this Design Review.

6. Manufactured Home, Mobile Home and RV Parks.

Not Applicable.

7. Zoning District Compliance.

We are not proposing any changes to the building uses.

8. Subdistrict Compliance.

The parking lot complies with the Historic Landmarks Sub-district and Civic Corridor Overlay district requirements, refer to sections below.

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements.

Not Applicable.

10. Traffic Study Improvements.

This parking lot is part of a phased improvement. A traffic study has been provided under previous Design Review/Historic Landmark Modification HISM-08-002/DR2-08-023.

Chapter 15.328 INSTITUTIONAL (I) DISTRICT

A community Center is an allowed use.

Not Applicable. No exterior or interior building alterations or additional uses in the existing building are being proposed under this phase. The Chehalem Cultural Center aims to provide a place for the community to experience literary, visual, and performing arts. This building use has already been approved under a previous phased Design Review.

Chapter 15.344 HISTORIC LANDMARKS (H) SUBDISTRICT

No exterior or interior building alterations or additional uses in the existing building are being proposed in this phase. This Historic Landmarks review is only for the new parking lot. We are providing an adequate buffer to the historic building and to the surrounding streets. The proposed on-site parking in this phase will increase the long term viability of the historic building and neighborhood.

Chapter 15.350 CIVIC CORRIDOR OVERLAY (CC) SUBDISTRICT

Not Applicable. No exterior or interior building alterations or additional uses in the existing building are being proposed under this phase.

Chapter 15.215 VARIANCE REQUEST

Proposed variance:

We are requesting a variance for the minimum front yard setbacks for the new parking lot. We are proposing to allow the north edge of the parking lot to 7' from the property line and the west edge of the parking lot to be 14' from the property line.

Zoning Code Prescriptive Requirement:

15.410.020-D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have a front yard of 25 feet.

15.420.010-2B. 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.

Reason For Alternate:

The site constrains pose a practical difficulty to accommodate both on-site parking and maintain the prescribed setbacks. A strict and literal interpretation of the 25' setback requirement would allow only a single loaded drive aisle and would reduce the on-site parking by about half.

Because the parking lot has a smaller setback than the prescribed requirement, we are proposing to provide richer planting along E. Sherman St. The planting plan for the north parking lot setback includes not only the required trees and evergreen parking lot screening, it includes several species of perennials, ornamental grasses and flowering ground covers.

These additional plants mark the driveway entrances and the perimeter street to provide enhanced color effects in all seasons.

We are also proposing to improve the aesthetics of the parking lot surface by using pervious pavers. We are also proposing to cover the 2' space between the edge of parking stalls to the edge of the tire bumpers with ground cover. The ground surface of this area will be kept clear to allow for car overhangs so the minimum stall dimensions will be maintained. This feature will reduce the amount of paving by over 10% while maintaining the required stall dimensions. This reduces the visual impact of the parking lot and increases the amount of landscaped areas while maintaining the prescribed parking stall dimensions.

Granting of variance will not constitute a special privilege. The portion of the lot north of the building has historically been used for parking without adequate paving, landscaping, or striping. The proposed parking lot design meets the intent of the zoning code requirements.

Chapter 15.410 YARD SETBACK REQUIREMENTS

020-D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have a front yard of 25 feet.

We are proposing a variance for this prescriptive requirement, refer to Variance Section above.

15.410.060 Vision clearance setback.

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.

The existing driveway on E. Sherman St. is about 12'-6" wide and is not sufficient for the parking lot driveway. We are removing this driveway and installing two new driveways, one on E. Sherman St. and one on N. Blaine St. Both driveways will be located at least 50' from the adjacent curb edge.

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.

At the two new driveways, the 25' vision triangle will be maintained.

Chapter 15.420 LANDSCAPING AND OUTDOOR AREAS

15.420.010 Required minimum standards.

15.420.010 -1. A minimum of 15 percent of the lot area shall be landscaped;

The site is approximately 108,000 SF in total area. Landscaped area after the parking lot will be greater than 30% of the total site area so will greatly exceed the 15% minimum requirement.

15.420.010 -2. Landscaping at 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

For the 53 proposed parking spaces, a minimum of 1,325 SF of landscaping is required. We are providing a total of approximately 2,400SF of landscaping.

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.

We are requesting a variance for this requirement, refer to Variance section.

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.

Proposed landscaping with trees, shrubs, and groundcover meets this requirement. Refer to Landscape Drawings.

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.

Not Applicable, proposed parking is not along an interior lot line.

f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.

All interior and perimeter landscape strips meet or exceed the 5' minimum dimension.

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.

The institutional parking lot is abuts a residential zone to the north. The landscaping plan shows evergreen hedge landscaping at the lot perimeter landscaping that meet the prescribed requirements.

15.420.010 -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.

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.

Proposed landscaping meets the tree species and spacing requirements, refer to Landscape Plan.

Chapter 15.425 EXTERIOR LIGHTING

15.425.040 Requirements.

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.

We are not proposing any new lighting for the parking lot at this phase. Lighting for the parking lot for security reasons will be provided by existing light poles along the E. Sherman St. and N. Blaine St. sidewalks. Additional building-mounted light fixtures to supplement the existing street lighting will be proposed and reviewed in a future phase as part of the existing building renovation.

Chapter 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking

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

On-site parking is being provided under this phase. Additional on-site parking to meet the conditional use requirements will be provided in future phases.

15.440.020 Parking area and service drive design

Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive. In no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively

Proposed 24' wide two-way service drive exceeds the 20' requirement.

15.440.030 Parking spaces required.

The Chehalem Cultural Center has a Conditional Use requirement for total number of on-site parking spaces under a previously approved Design Review. The proposed parking lot will accommodate 52 on-site parking spaces, which is a portion of the total number of required spaces. Additional on-site parking to meet the conditional use requirements will be provided in future phases.

15.440.060 Parking area and service drive improvements.

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

The parking lot will be paved with pervious pavers.

B. All parking areas and service drives shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

The parking lot will be paved with pervious pavers to allow for storm water infiltration. The lot will be graded to prevent overflow to the abutting public sidewalks. Refer to Civil Grading Plan.

C. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper.

We are proposing a continuous concrete curb along the perimeter of the site that will act as a substantial bumper for cars. This curb provides improved aesthetics for the parking lot than standard applied utilitarian tire stops.

D. All parking areas, including service drives, except those required in conjunction with single-family or two-family dwellings, shall be screened in accordance with NMC 15.420.010(B).

Parking areas and drives will be screened with landscaping per 15.420.010(B). Refer to Landscaping section.

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.

Proposed wall sconces are shielded to provide a downlight component only. Refer to lighting section.

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.

No compact parking spaces are being proposed.

15.440.070 Parking tables and diagrams.

For standard 90 degree parking, spaces must be 9' x 18' minimum, with 24' wide drive aisles.

For compact 90 degree parking, spaces must be 8' x 16' minimum, with 24' wide drive aisles.

Bumper curbs must be set back 2' from edge of parking stall.

Proposed parking stalls are all 9' x 18' with concrete bumper curbs.

15.440.080 Off-street loading.

1. For building areas over 10,000 SF, two off-street loading berths must be provided.

2. A loading berth shall contain a space 10 feet wide and 35 feet long

The Cultural Center building uses do not require loading spaces. We are providing a 10' x 70' long drop-off area, refer to Site Plan. This drop-off area will temporarily reduce a portion of the parking lot drive aisle to 22' wide when in use.

Article II. Bicycle Parking

15.440.100 Bicycle Parking Facility requirements.

One bicycle parking space for every 10,000 square feet of gross floor area is required.

For the 40,500 SF existing building, a total of 4 spaces are required.

Bicycle parking will be provided in future phases.

Article III. Private Walkways

15.440.140 Private walkway design.

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.

All proposed private walkways will be concrete and will exceed the four foot minimum width requirement. Crosswalk crossing over the parking lot drive aisles will be thermoplastic striping. We are providing a private walkway connection to the north building entrance from E. Sherman St. and N. Blaine St. The sidewalk from N. Blaine St. is an ADA accessible route to the ADA accessible north building entrance.

**Larry Anderson
Engineering, Inc.**
 1000 West 10th Street
 Cheyenne, Wyoming 82002
 Phone: (307) 337-1110
 Email: larry@larryanderson.com

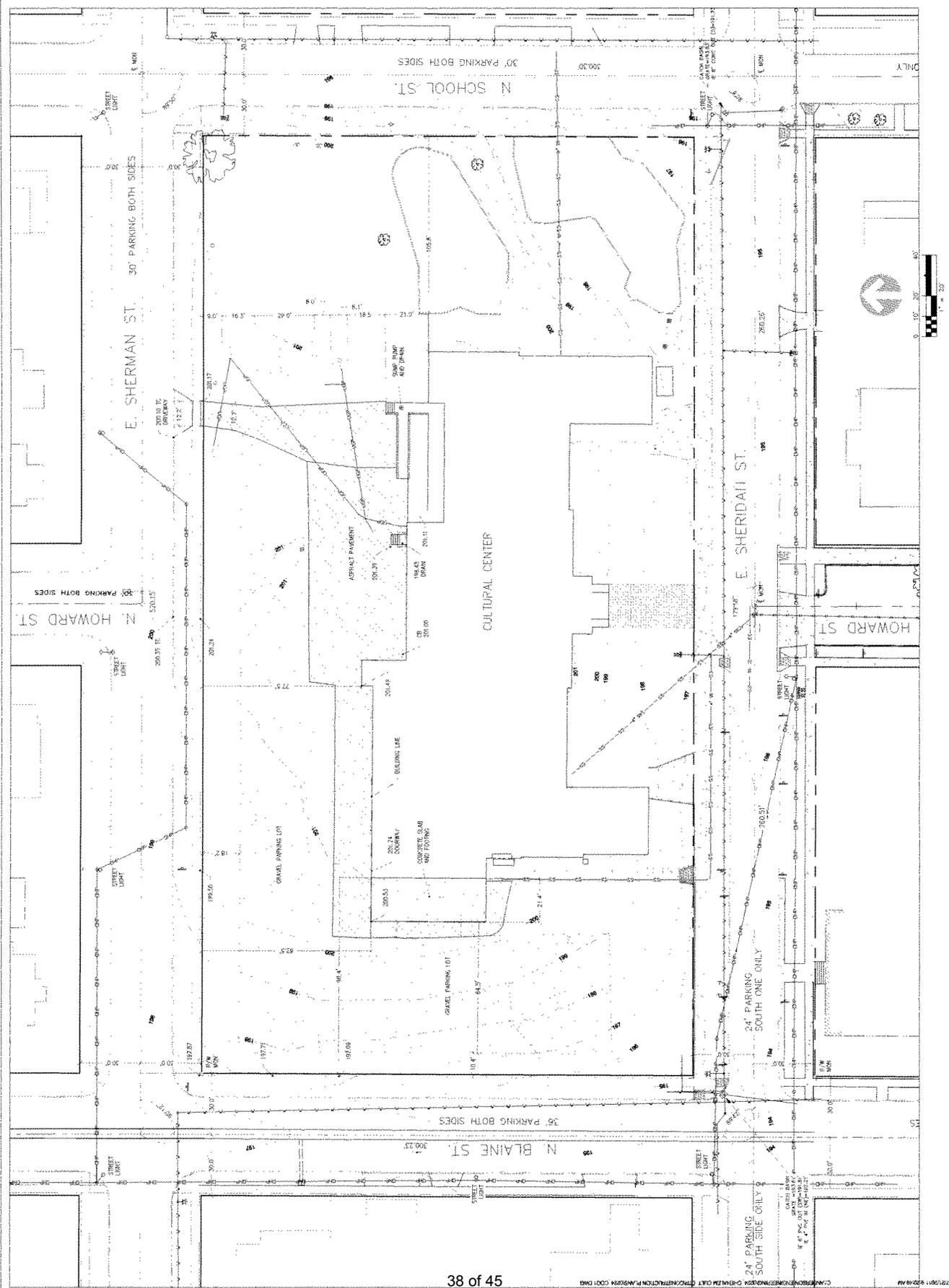


**Hennepert Eddy
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 PHONE: (307) 233-1720
 FAX: (307) 233-1721
 WWW: HENNEPERTEDDY.COM

**CHEYENNE CULTURAL
DISTRICT PARKING LOT
RECONSTRUCTION PROJECT**
 Cheyenne, WY 82001
 Date: 21-JAN-2011
 Revision:

Drawn By:
 Checked By:
 EXISTING
 CONDITIONS

C100
 Copyright © Hennepert Eddy Architects, Inc.





First American

First American Title Insurance Company of Oregon
 775 NE Evans Street
 McMinnville, OR 97128
 Phn - (503)472-4627
 Fax - (866)800-7294

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Clayton Carter, Title Officer

Phone: (503)472-4627 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Chehalem Park & Recreation District
 125 S. Elliott Rd.
 Newberg, OR 97132

Order No.: 1039-1279831
 September 03, 2008

Attn: Jim McMasters
 Phone No.: - Fax No.: (503)538-9669
 Email: McMastj@cprdnewberg.org

Re: Chehalem Cultural Center

Preliminary Title Report

ALTA Owners Standard Coverage	Liability \$	Premium \$
ALTA Owners Extended Coverage	Liability \$	Premium \$
ALTA Lenders Standard Coverage	Liability \$	Premium \$
ALTA Lenders Extended Coverage	Liability \$	Premium \$
Endorsement		Premium \$
Govt Service Charge		Cost \$
Other		Cost \$

We are prepared to issue Title Insurance Policy or Policies in the form and amount shown above, insuring title to the following described land:

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

and as of August 27, 2008 at 8:00 a.m., title vested in:

Chehalem Park and Recreation District

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes for the fiscal year a lien due, but not yet payable.
2. Subject property is under public ownership and is tax exempt. Any change in ownership before delivery of assessment roll may result in tax liability. Account No. R3218DD-15700.

3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
4. Reversion contained in deed recorded April 4, 1997 as Instrument No. 199705278; re-recorded April 30, 1997 as Instrument No. 199706918; and also re-recorded May 1, 1997 as Instrument No. 199707011 as follows: "so long as said property remains in the public domain, and if said property ceases to remain so, the interest of the Grantee or its assigns shall automatically terminate and revert to the Grantor or its assigns"

- END OF EXCEPTIONS -

NOTE: We find no judgments or United States Internal Revenue liens against Chehalem Cultural Center

NOTE: Taxes for the year 2007-2008 EXEMPT

Tax Amount:	\$0.00
Map No.:	R3218DD-15700
Property ID:	46792
Tax Code No.:	29.20

Situs Address as disclosed on Yamhill County Tax Roll:

415 E Sheridan St., Newberg, OR 97132

**THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!**

RECORDING INFORMATION

Filing Address: **Yamhill County**
535 NE Fifth Street
McMinnville, OR 97128

Recording Fees: \$ **26.00** for the first page
\$ **5.00** for each additional page

cc: City of Newberg



First American Title Insurance Company of Oregon

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

ALTA OWNER'S POLICY (06/17/06)

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
- (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien" or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

Exhibit "A"

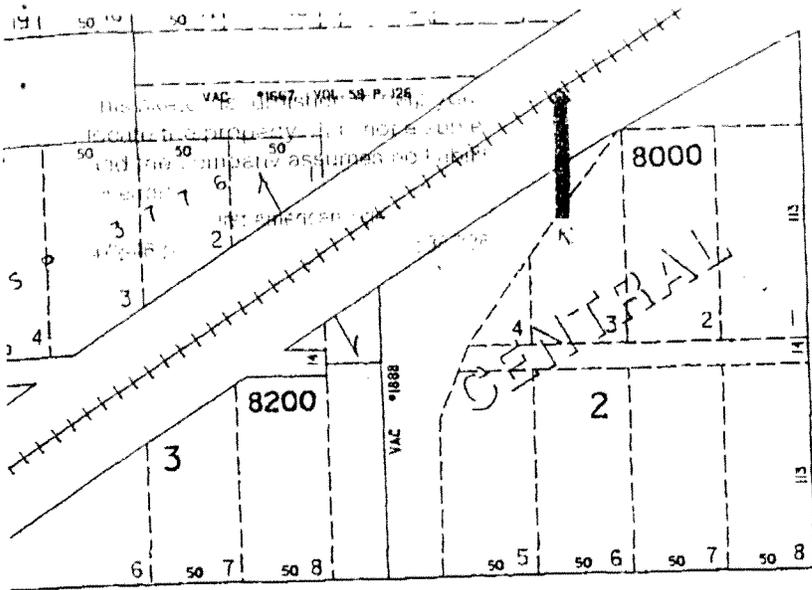
Real property in the County of Yamhill, State of Oregon, described as follows:

A part of the Donation Land Claim of D.D. Deskins in Yamhill County, Oregon, and bounded and described as follows:

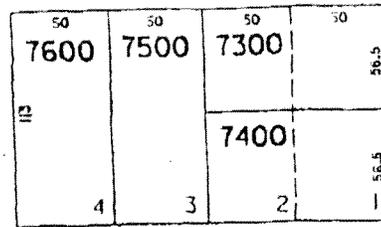
Commencing at a point 780 feet East and 600 feet North of the Southwest corner of said Deskins Donation Land Claim; thence North 300 feet to a stake; thence East 570 feet to a stake; thence South 300 feet to a stake; thence West 570 feet to the place of beginning, and containing $3 \frac{59}{100}$ acres, and to be known as the School Block and to conform to and correspond to the 4th and 5th blocks East from Main Street and the 3rd block North from First Street in the Town of Newberg, Oregon, in a proposed Addition to Newberg with a street on all sides of said School Block hereby conveyed. But there is to be no Street through said School Block unless the School Directors desire it. The 30 feet around said School Block is hereby conveyed for the purpose of a Street around said Block.

Tax Parcel Number: R3218DD-15700

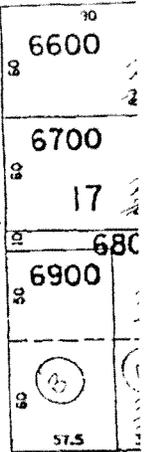
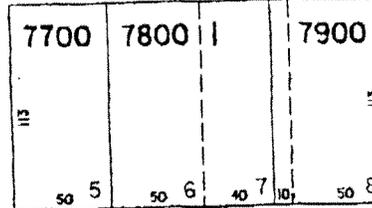
NORTH



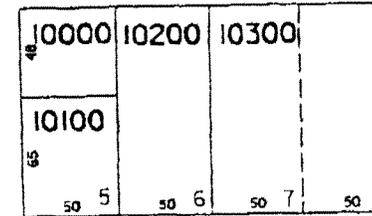
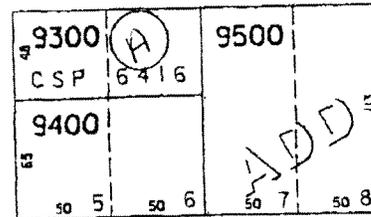
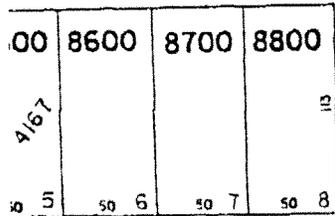
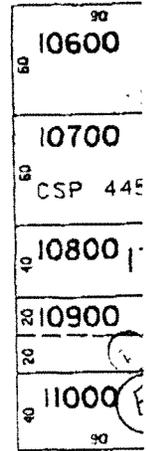
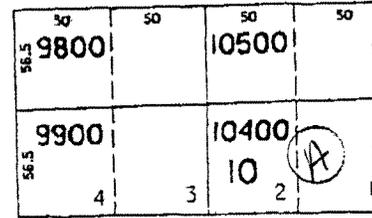
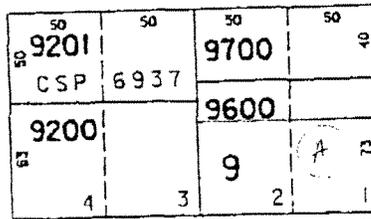
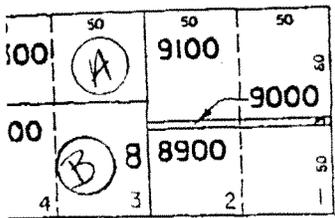
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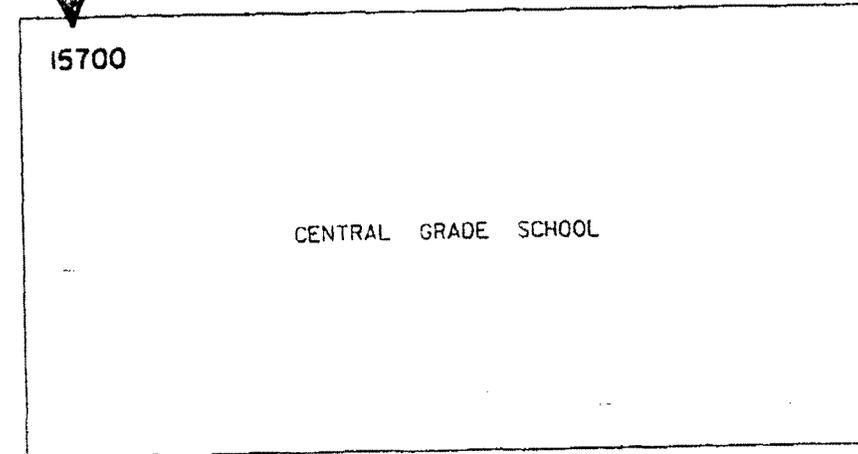
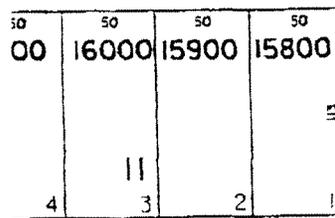
29.0 FRANKLIN



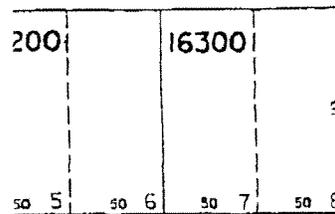
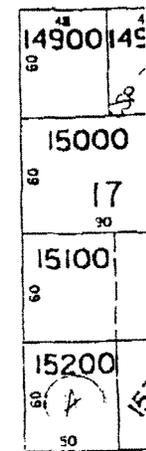
HOWARD

ST

SHERMAN



SCHOOL



SHERIDAN

REVISED 6-11-01 CT

SEE MAP 3 2 19AB