

3. Delineation Results

The purpose of the Drinking Water Protection Area (DWPA) delineation is to identify the area at the surface which overlies the critical portion of the aquifer that's supplying groundwater to the water system's well(s) and/or spring(s). Therefore, DHS Drinking Water Program staff have collected and reviewed data for the purpose of delineating the DWPA for your water system. The area included in the DWPA is designed to approximate the next 10 or 15 years of groundwater supply for the water system, depending on delineation method, and is shown in Figure 1 (Appendix B). We have enhanced the usefulness of the DWPA map by identifying additional five-year, two-year, and one-year "Time-Of-Travel Zones" inside the DWPA.

The scope of work for this portion of the assessment included interviewing the water system operator, researching written reports, reviewing well logs, and establishing a base map of the delineated area. Based on the service population and the fact that only one well supplies the water system, the Calculated Fixed Radius Method was used to delineate the DWPA (See Appendix I for explanation of delineation process). The resulting DWPA for the Oxberg Water System Well is shown in Appendix B, Figure 1. Specific information regarding the parameters used in the delineation process including; the delineation method, estimated pump rate, and aquifer characteristics can be found in Appendix E.

4. Sensitivity Analysis Results

After the Drinking Water Protection Area (DWPA) has been identified, aquifer susceptibility to potential contaminant sources inside the DWPA can be evaluated. Aquifer susceptibility is dependent on two factors, the natural environment's characteristics that permit migration of a contaminant into the aquifer (i.e., aquifer sensitivity) and the presence, distribution, and nature of the potential contaminant sources within the DWPA. It should be understood that the public water system's drinking water source cannot be susceptible to contamination, even if potential contaminant sources are present, unless the aquifer or the constructed source water intake are sensitive to contamination. Therefore, the intent of the sensitivity analysis is to identify those areas within the DWPA where the aquifer is most sensitive to contamination. The analysis is based on data collected or generated during the DWPA delineation process and is designed to meet the needs of other existing or developing programs such as Monitoring Waivers and the Groundwater Rule.

The results of the sensitivity analysis are provided in the tables that follow. Information and sensitivity ratings regarding the aquifer and water quality are provided in Table 4.1 while information and sensitivity ratings regarding the well and its construction is provided in Table 4.2. Clarification of the ratings are provided as comments where appropriate.

Based on this analysis, both the well and the aquifer are not considered highly sensitive contamination. However, the moderate Infiltration Potential score for the aquifer, the close proximity of surface water to the well, and the presence of highly permeable soils within the DWPA contribute to a moderate overall water systems sensitivity. Sensitivity Analysis Tables follow, beginning on the next page.

Table 4.1 Aquifer Sensitivity Analysis.

Parameter	Sensitivity			Comments
	H	M	L	
Depth to first water-bearing zone below casing seal.				50 feet.
Aquifer characteristics and hydraulic nature.			✓	Confined layered volcanic aquifer.
Overburden thickness and characteristics.			✓	~50 feet of silt and basalt
Highest soil sensitivity in Protection Area.	✓			Contributes to moderate aquifer sensitivity.
Traverse potential score (10 = High).			✓	Score = 1
Infiltration potential score (10 = High).		✓		Score = 4
Organic chemical detections.			✓	None detected.
Inorganic chemical detections.			✓	Copper, and barium <50% MCL; see paragraph following Table 4.1
Source related coliform detections.			✓	None detected.
Nitrate concentrations (Drinking Water Standard = 10 mg/L).			✓	Up to 0.10 mg/L; considered to come from natural sources.
Fractured bedrock near surface in Protection Area.			✓	None present.
Other wells score (Significant Risk = 400).			✓	Score = 83
Surface water within 500 feet of wellhead.		✓		Spring Brook ~315 feet from well; Oxberg Lake ~280 feet from well.
Other: Sodium Concentration > 20 mg/L		✓		Sodium concentrations have been as great as 63 mg/L (7/9/1998); see paragraphs following Table 4.1.

The presence of barium (see "Inorganic Chemical Detections" in Table 4.1) at a concentration less than 50% of the MCL is likely due to natural sources; however, be aware that the possibility of unnatural contributions exists. The detected copper is likely derived from pipes and/or plumbing fixtures.

Sodium was detected up to 63 mg/L (see "Sodium detection >20 mg/L" in the above Table). Water systems having greater than 20 mg/L of sodium in their drinking water source are encouraged to inform their customers of the presence of this constituent so that those individuals on a physician-prescribed, low-sodium diet can inform their doctors of this source of sodium in their diet.

Table 4.2. Well Construction Sensitivity Analysis.				
Parameter	Sensitivity			Comments
	H	M	L	
Casing depth.				162 feet
Casing seal depth.				30 feet
Well construction/setback deficiencies from site visit.			✓	None observed.
Well report information missing or unknown.			✓	No
Casing seal information missing or unknown.			✓	No
Casing seal material.			✓	Cement
Well open to multiple aquifers (commingling suspected).			✓	No
Casing seal construction.			✓	Adequate
Age of well.			✓	Constructed in 1986.

5. Potential Contaminant Source Inventory

An inventory of potential contamination sources was performed within the Drinking Water Protection Area and the results are shown in Figure 2, Appendix B. The primary intent of the inventory was to identify and locate significant potential contaminant sources of concern. This inventory was conducted by reviewing applicable state and federal regulatory databases and land use maps, interviewing persons knowledgeable of the area, and conducting a windshield survey by driving through the drinking water protection area to field locate and verify as many of the potential contaminant source activities as possible. It is important to remember the sites and areas identified are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

5.1 Potential Contaminant Sources within the Two-Year Time-of-Travel Zone for the Well

The delineated two-year time of travel zone is primarily dominated by residential land use. Two potential contaminant source locations (Reference Numbers one through two on Figure 2 and Appendix C, Table 2) were identified in the two-year time-of-travel zone and include rural homes and a fire protection well. The potential contaminant sources within the two-year time-of-travel all pose a relatively higher to moderate risk to the drinking water supply. The septic systems associated with the rural homes may have a risk of transmitting micro-organisms to the groundwater.

5.2 Potential Contaminant Sources within the Five-Year and Fifteen-Year Time-of-Travel Zones for the Well

The drinking water protection area within the five-year and fifteen-year time-of-travel zones is primarily occupied by residential and agricultural land uses. One potential contaminant source location was identified in this area which is detailed on Table 2 in Appendix C and includes irrigated crops. The potential contaminant sources within the five-year and fifteen-year time-of-travel all pose relatively higher to moderate risk to the drinking water supply. Area-wide potential sources such as the residential areas extend from the two-year time-of-travel zone into the fifteen-year time-of-travel zone. These land uses occur throughout the drinking water protection area and are shown on Figure 2 in the location nearest to the well.

6. Susceptibility of the Drinking Water Source

In general, Potential Contaminant Sources (PCSs) within the shorter time-of-travel zones pose a greater risk than those in the longer time-of-travel zones. Also of concern is the location and distribution of these sources with respect to high and moderately sensitive areas. Overlaying the PCS location map (Figure 2, Appendix B) on top of the sensitivity map for the water system provides a tool to determine the susceptibility of the community's drinking water supply to contamination from each PCS (see Figure 3, Appendix B).

6.1 Aquifer Susceptibility to Potential Contaminant Sources Inside the Drinking Water Protection Area.

Table 6.1, indicates the relationship between potential contaminant source risk, aquifer sensitivity, and estimated contaminant arrival time at the well, wellfield, and/or spring. The community can use the PCS location numbers on the inventory map in conjunction with the displayed aquifer sensitivity and relative risk rankings for each PCS from Table 2 (Appendix C) to identify the susceptibility of the drinking water source to contamination from each PCS and take steps to reduce the risk accordingly.

We have attempted to quantify the relative susceptibility of the water system with regard to the PCSs present in the Drinking Water Protection Area (DWPA) using Table 6.1. Across the top of the table, each Time-of-Travel (TOT) zone is subdivided to account for areas of high, moderate, and low sensitivity that may exist between each TOT. Potential contaminant source risk categories (high, moderate, and low) are listed down the left hand side of the table. The relative aquifer susceptibility to each PCS is demonstrated by the shading of each cell in the table. Cells that are shaded dark gray indicate a highly-susceptible condition, light gray shaded cells indicate a moderately-susceptible condition, and white cells indicate conditions of low susceptibility. The number in each cell indicates the number of potential contaminant sources that meet the conditions for that cell. Cells that do not contain a number indicate that there are no known potential contaminant sources that meet the conditions for the cell. Potential contaminant sources that meet the specific criteria for a cell in Table 6.1 can be identified by reviewing Table 2 in Appendix C. The number of potential contaminant sources is totaled across the bottom of the table.

Table 6.1. Oxberg Water System Susceptibility as a Function of PCS Risk, TOT Zone, and Aquifer Sensitivity.									
	2-Yr TOT			2- to 5-Yr TOT			5- to 15-Yr TOT		
	High	Mod	Low	High	Mod	Low	High	Mod	Low
High Risk PCSs	■	■	■	■	■	■	■	■	■
Moderate Risk PCSs	■	■	□	■	■	□	■	■	□
Low Risk PCSs	1	□	□	1	□	□	1	□	□
Total PCSs	3	□	□	2	□	□	3	□	□

The distribution of high, moderate, and low sensitivity areas inside the Drinking Water Protection Area can be determined using either soil sensitivity or the mapped distribution of Traverse Potential (TP) or Infiltration Potential (IP). In the case of the Oxberg Water System, we have decided to rely upon the distribution of soil sensitivity throughout the DWPA. The soils overlying the aquifer represent the first line of natural protection for the aquifer.

During the potential contaminant source inventory, a total of three potential contaminant source locations and eight potential contaminant sources were identified inside the DWPA. If any of these potential contaminant sources have been identified as an area-wide source, they have been evaluated with respect to each time-of-travel zone in which they occur. As a result, the total number of potential contaminant sources evaluated in the above susceptibility table may exceed the number identified on the potential contaminant source inventory map (Figure 2, Appendix B).

As indicated in the above table, three potential contaminant sources occur inside the 2-year TOT, two sources fall between the 2- and 5-year TOTs, and three sources have been identified between the 5- and 15-year TOTs. Of the potential contaminant sources identified inside the 2-year TOT, two are of moderate-risk, and one is of low-risk. Based on the analysis results shown in the relative susceptibility table, we consider the Oxberg Water System to be highly susceptible to the moderate-risk potential contaminant sources identified inside the 2-year TOT (Potential contaminant Source Reference No. 1 and 2 on Figure 3, Appendix B). **Therefore we recommend that these potential contaminant sources not only be addressed in any Drinking Water Protection Plan but also in any Water System Emergency Response Plan.**

As a result of this analysis, we recommend that the water system develop a Drinking Water Protection Plan that addresses all high- and moderate-risk potential contaminant sources within the DWPA, beginning with those sources which represent the greatest susceptibility risk. At a minimum, the water system should work with representatives from those PCSs posing a moderate- to high-susceptibility risk within the DWPA to (1) determine the level of environmental protection employed in the day-to-day operations of the facility and (2) identify

any reasonable Best Management Practices that will lead to an overall reduction of contamination risk.

6.2 Water System Susceptibility to Viral Contaminant Sources within the Two-Year Time-of-Travel Zone.

The area within the two-year TOT roughly identifies the next two years of groundwater supply for the water system. The two-year time frame is used as a conservative estimate of the survival time for some viruses. Viral contaminant sources (septic systems and a fire protection pipe connected to Oxberg Lake) were identified inside the two-year TOT. **However, based on the assessment results, neither the aquifer nor the well is considered sensitive to viral contamination. Therefore, we do not consider the Oxberg Water System water supply to be susceptible to viral contamination.** Regardless of the outcome of this assessment, it is in the water system's best interest to reduce the potential for future viral contamination through compliance with all Oregon Department of Human Services setback standards related to public drinking water supply sources.

7. Conclusions

The Oxberg Water System draws water from a confined layered volcanic aquifer associated with the Columbia River Basalt Group. Assessment results indicate that the water system would be moderately sensitive to a contamination event inside the identified Drinking Water Protection Area. The presence of a few moderate-risk potential contaminant sources within the protection area was confirmed through a potential contaminant source inventory. Under a "worst case" scenario, where it is assumed that nothing is being done to protect groundwater quality at the identified potential contaminant sources, the assessment results indicate that the water system would be highly susceptible to the identified moderate-risk potential contaminant sources. In addition, the assessment results indicate that, at this time, the water system is not considered susceptible to viral contamination.

8. Recommended Use of the Source Water Assessment Report

The costs associated with contaminated drinking water are high. Developing an approach to protect that resource, such as a Drinking Water Protection Plan, can reduce the potential for contamination of the local drinking water supply. This report contains a summary of the local geology and well construction issues as they pertain to the quality of your drinking water source. We have identified the area we believe to be most critical to preserving your water quality (the Drinking Water Protection Area) and have identified potential sources of contamination within that area. In addition, we provide you with recommendations, i.e., Best Management Practices, regarding the proper use and practices associated with some common potential contamination sources (Appendix G). We believe public awareness is a powerful tool for protecting drinking water and that the information provided in this report will help you increase local awareness regarding the relationship between land use activities and drinking water quality. To that end, the process for developing a Drinking Water Protection Plan can be summarized as follows:

Assessment Phase (Source Water Assessment Provided by DHS and DEQ)

- Delineate the area that serves as the source of the public water supply (Drinking Water Protection Area (DWPA))
- Inventory the potential risks or sources of contamination within the DWPA
- Determine the areas most susceptible to contamination

Protection Phase (performed by the water system or community)

- Assemble a local Drinking Water Protection Team
- Enhance the Source Water Assessment if necessary
- Develop a plan to reduce the risk of contamination (protect the resource)
- Develop a contingency plan to address the potential loss of the drinking water supply
- Certify (optional) and implement the Drinking Water Protection Plan

The assessment phase was funded by the federal Safe Drinking Water Act. Its purpose is to supply the water system with the information necessary to develop a Drinking Water Protection Plan. In Oregon, development of a protection plan is voluntary.

Prior to moving into the protection phase, DEQ recommends the inventory presented in this document be reviewed in detail to clarify the presence, location, operational practices, actual risks, etc., of the identified facilities and land use activities. The Source Water Assessment (SWA) inventory should be regarded as a preliminary review of potential sources of contamination within the drinking water protection area. Resources within the community

should be used to do an “enhanced inventory” to refine this preliminary list of potential contaminant sources.

It is also important to remember that not all of the inventoried activities will need to be addressed if you choose to develop a Drinking Water Protection Plan. When developing a protection plan, potential contaminant sources which pose little or no threat to your drinking water supply can be screened out. For example, if any of the land use activities are conducted in a manner that already significantly reduces the risk of a contamination release, the facility would not need to re-evaluate their practices based on drinking water protection “management”. One of the goals for developing a plan based on the inventory results is to address those land use activities that do pose high or moderate risks to your public water supply. The system should target these facilities with greater levels of education and technical assistance to minimize the risk of contamination.

Limited technical assistance is available through the DEQ and Drinking Water Program at DHS for water systems that choose to move beyond the assessments and voluntarily develop a Drinking Water Protection Plan. By using the results of the assessment, the water system/community can form a Drinking Water Protection Team comprised of individuals that have a stake in the plan’s implementation.

Forming a local team to help with the development of a protection plan is very important. Oregon’s drinking water protection approach relies upon the concept of “community based protection”, as are many other water quality programs. This simply refers to the concept of allowing local control and decision-making to implement the water quality protection effort. Community-based protection is successful only with significant local citizen stakeholder involvement. Community-based protection can draw on the knowledge and successful adaptive practices within the area. Landowners generally know best how to achieve water resource restoration and protection as long as a thorough explanation of the problem is provided, the objectives to solve the problem are clearly defined, and technical assistance is available.

In community-based protection, citizens have more control and are therefore more likely to participate in the program and be more willing to assist with the educational and outreach effort which will make the plan successful. We recommend that the protection plan be developed so as to minimize any burdens on individual property owners, but maximize the equity in responsibility for reducing the risks of future contamination.

Protecting the drinking water supply in a community can also be a very effective way to encourage all citizens to participate in issues which directly affect everyone in that community. This often leads to more public involvement in other significant local decisions concerning future livability issues, e.g., land use planning. In communities already developing and implementing Drinking Water Protection Plans, the process has served to bring many diverse interests together on a common goal and strengthen the local rural and urban relationships through communication and increased understanding. The risks and sources of water quality problems are not only from industries, farmers, and managed forest, but every individual living, commuting, and working in that area.

Communities/water systems interested in developing Drinking Water Protection Plans may contact the Department of Environmental Quality (503-229-5413) or the DHS Drinking Water Program (541-726-2587) for further information.

Appendices

- A. References
- B. Figures
- C. Inventory of Potential Contaminant Sources
- D. Well Reports
- E. Parameters Used in Delineation Model
- F. Groundwater Fact Sheet
- G. BMPs for Activities Commonly found in Drinking Water Protection Areas
- H. Drinking Water Protection in Oregon
- I. Source Water Assessment Methodology

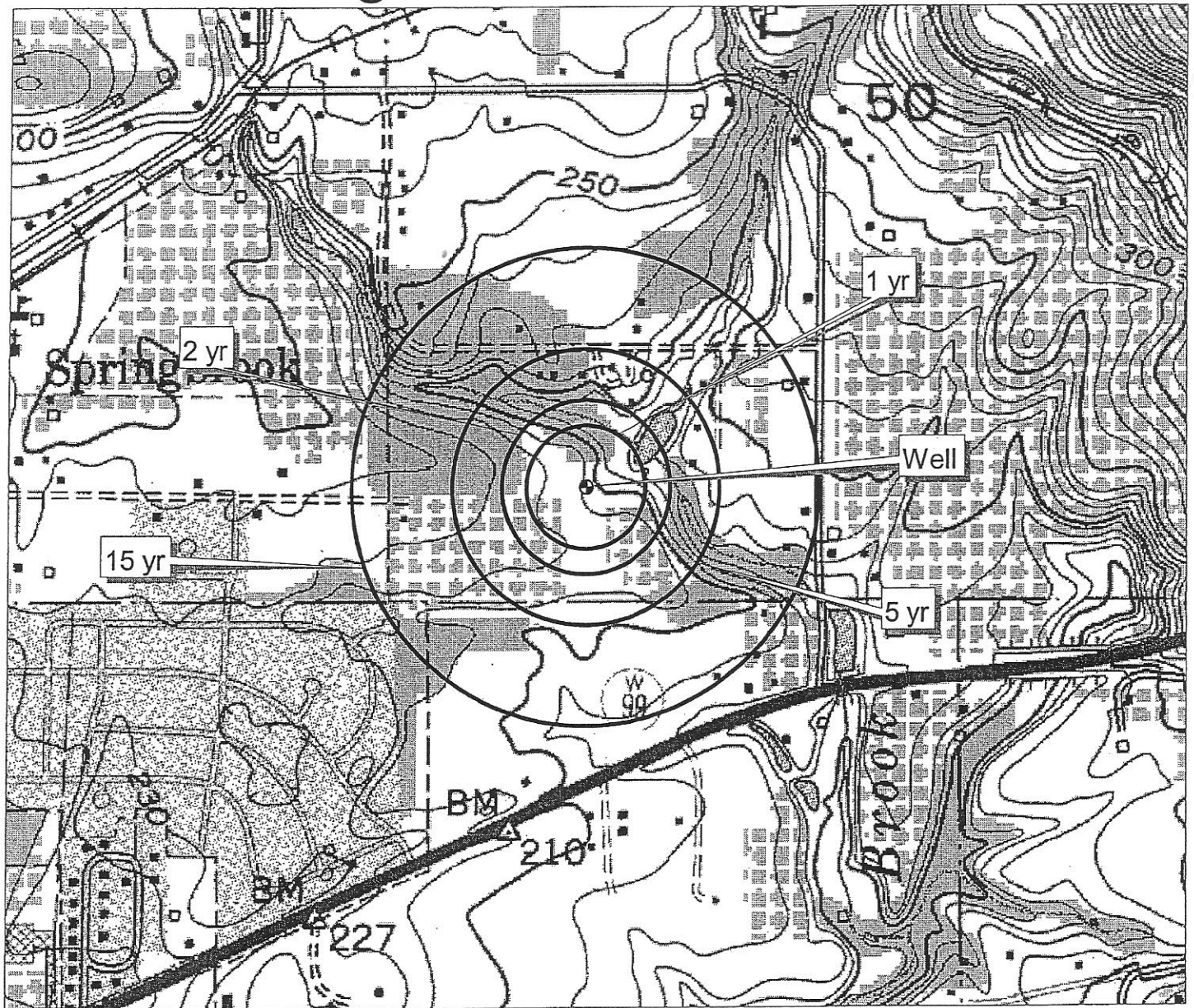
Additional copies of the appendix materials are available upon written request to the following address:

**Groundwater Coordinator
Drinking Water Program
Department of Human Services
442 A Street
Springfield, OR 97477**

Appendix A: References

- National Oceanic and Atmospheric Administration (NOAA), 1982. Monthly Normals of Temperature, Precipitation, and Heating and Cooling Degree Days 1951-80 Oregon, Climatology of the United States No. 81 (By State).
- Stewart, S. and Nelson, D., 1996. Oregon Wellhead Protection Program Guidance Manual. Oregon Department of Environmental Quality (available at <http://www.deq.state.or.us/wq/dwp/dwphome.htm>).
- Stewart, S. and Nelson, D., 1999. Oregon Source Water Assessment Plan. Oregon Department of Environmental Quality.
- Walker, G.W. and MacLeod, N.S., 1991. Geologic Map of Oregon. U.S. Geological Survey.
- Otte, G.E., Setness, D.K., Anderson, W.A., Herbert, F.J., and Knezevich, C.A., 1974. Soil Survey of Yamhill Area, Oregon. U.S. Department of Agriculture, Soil Conservation Service.

Newberg Water System Drinking Water Protection Area



900 0 900 1800 Feet

Scale 1: 10,000

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

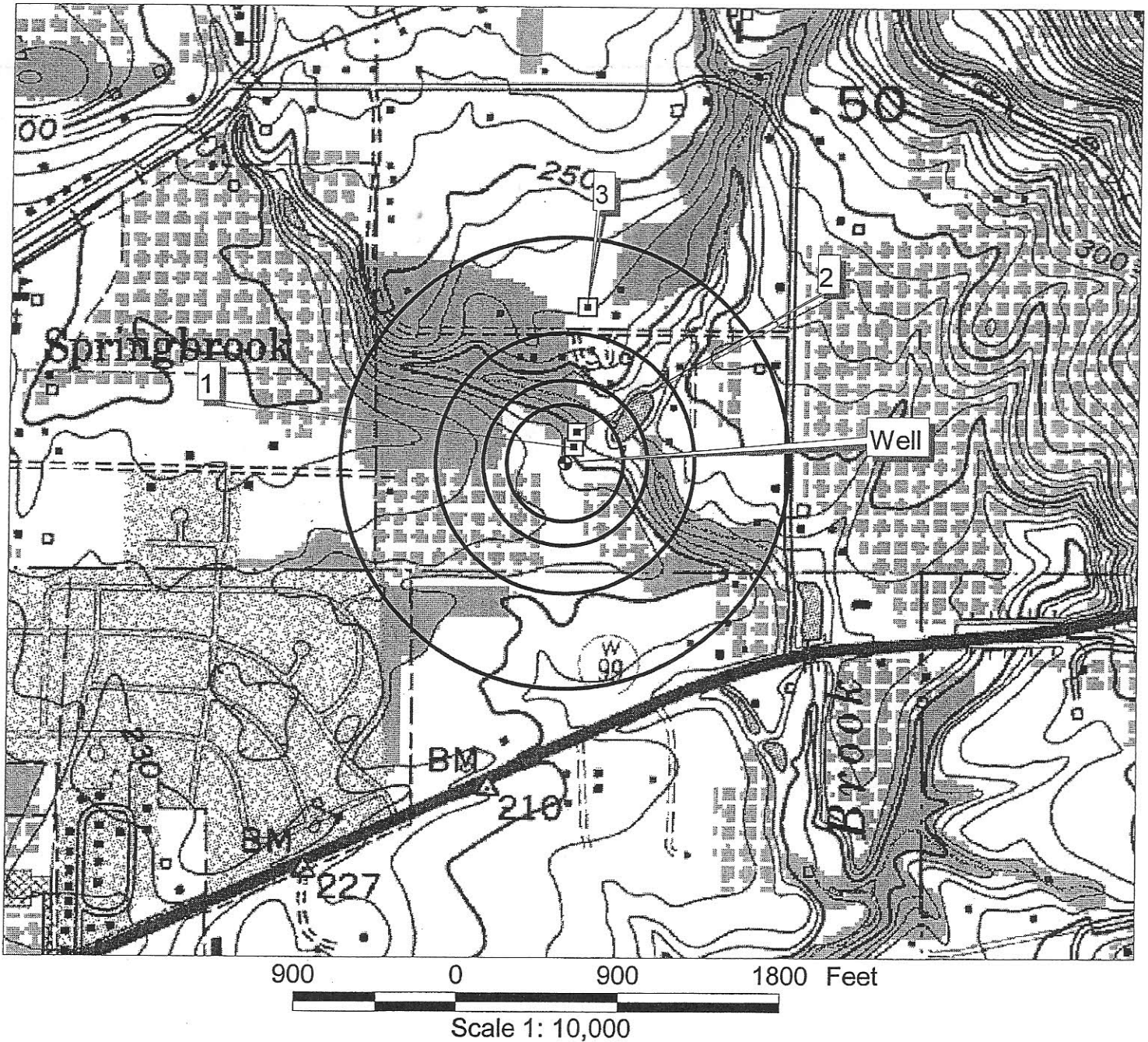
Model Parameters
Effective Porosity: 0.2
Water Use (gal/day): 20,000
Production Interval (ft): 15

Prepared by: KG Date: 4/16/04
Project Manager: AP
Reviewed by: DN RG#: 1224
File#: 4105308

Well Location:
WGS 1984 Datum
45°18'53.679" N 122°56'00.350" W
USGS Newberg 7.5-Minute
Quadrangle (topographic)
T: 3S R: 2W Sec: 16
Yamhill County



Oxberg Water System Potential Contaminant Sources



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

Prepared by: KG 4/16/04
 Project Manager: AP
 Reviewed by: DN RG# 1224
 File# 4105308



- Potential Contaminant Sources**
- ⊕ Higher Relative Risk
 - ▣ Moderate Relative Risk
 - △ Low Relative Risk

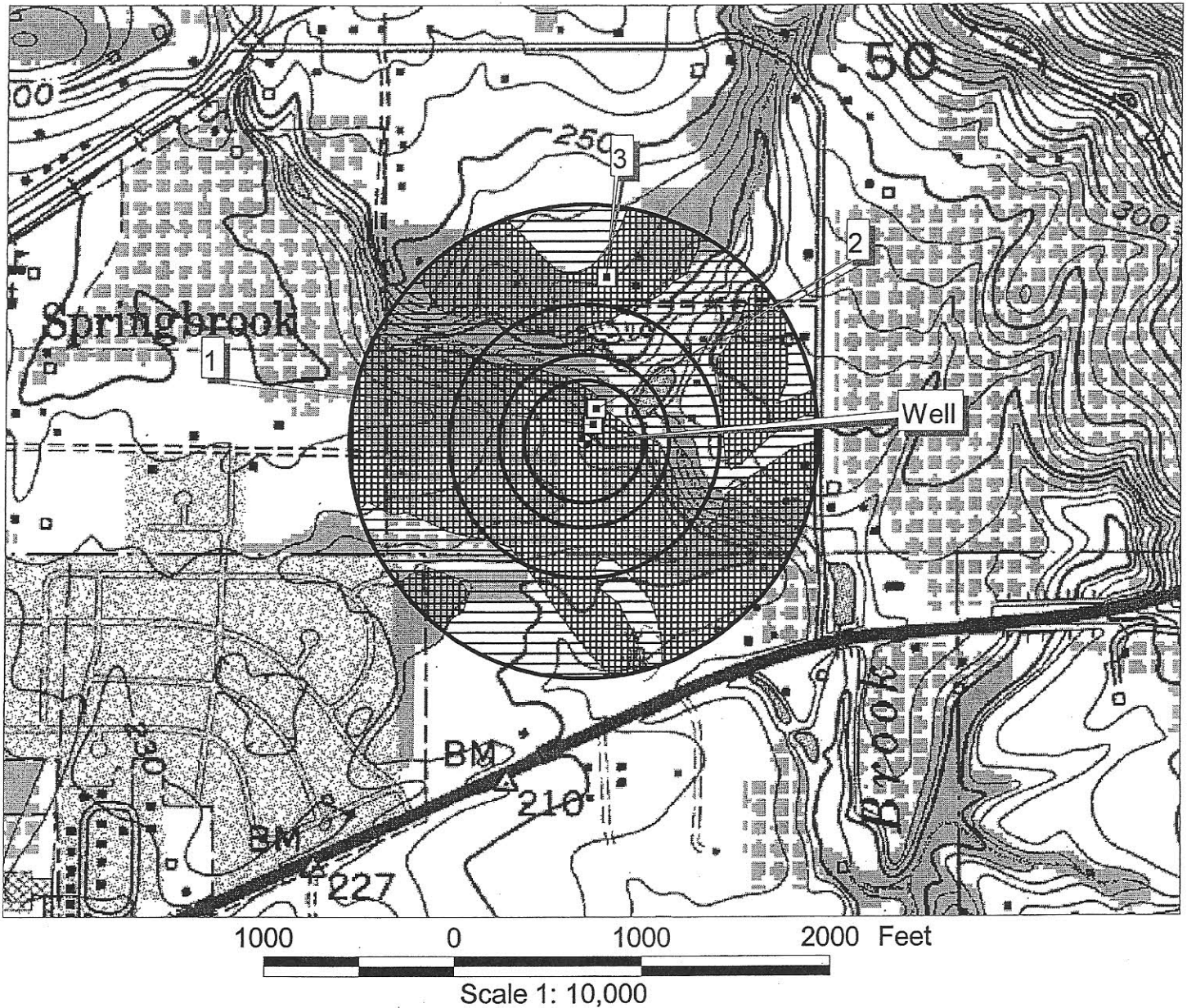
Note: Sites and areas noted in this figure are potential sources of contamination to the drinking water identified by Oregon drinking water protection staff. Environmental contamination is not likely to occur when chemicals are used and managed properly.

Numbers indicate potential contaminant sources which are explained in Appendix C, table 2.



QUADRANGLE LOCATION

Oxberg Water System Drinking Water Source Susceptibility



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

Potential Contaminant Sources

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

Sensitivity Analysis

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

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

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

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

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



**APPENDIX C - INVENTORY OF POTENTIAL CONTAMINANT SOURCES
OXBERG WATER SYSTEM - PWS # 4105308
OREGON SOURCE WATER ASSESSMENT**

Inventory Results

Table 1. Summary of Potential Contaminant Sources by Land Use

Table 2. Inventory Results - List of Potential Contaminant Sources

Notes for Tables:

Sites and areas identified in these Tables are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

Total number of sources listed in Table 1 in the DWPA may not add up to the total number of potential contaminants sources in Table 2 because more than one type of potential contaminant source may be present at any given facility.

Data collected by Sue Gries Oregon DEQ on 6/17/2002.

Acronyms:

AST - Aboveground Storage Tank
DC - DEQ's Dry Cleaner database
DEQ - Oregon Department of Environmental Quality
DWPA - Drinking Water Protection Area
ECSI - DEQ's Environmental Cleanup Site Information database
HWIMSY - DEQ's Hazardous Waste Information Management System database
LUST - DEQ's Leaking Underground Storage Tank database
NPDES - National Pollution Discharge Elimination System
PCS - Potential Contaminant Source
PWS - Public Water System
SFM - State Fire Marshall's database of hazardous materials
SIS - DEQ's Source Information System database (includes WPCF & NPDES permits)
SWMS - DEQ's Solid Waste Management System database
UST - DEQ's Underground Storage Tank database or Underground Storage Tank
WPCF - Water Pollution Control Facility
WRD - Oregon Water Resources Division database for water rights information

TABLE 1. SUMMARY OF POTENTIAL CONTAMINANT SOURCES BY LAND USE

PWS # 4105308 OXBERG WATER SYSTEM

Residential/Municipal Land Uses

Potential Contamination Source	Note	Relative Risk Level	Total in DWPA
Airport - Maintenance/Fueling Area		Higher	0
Apartments and Condominiums		Lower	0
Campgrounds/RV Parks	(1)	Lower	0
Cemeteries - Pre-1945		Moderate	0
Drinking Water Treatment Plants		Moderate	0
Fire Station		Lower	0
Fire Training Facilities		Moderate	0
Golf Courses		Moderate	0
Housing - High Density (> 1 House/0.5 acres)		Moderate	0
Landfill/Dumps	(1)	Higher	0
Lawn Care - Highly Maintained Areas		Moderate	1
Motor Pools		Moderate	0
Parks		Moderate	0
Railroad Yards/Maintenance/Fueling Areas		Higher	0
Schools		Lower	0
Septic Systems - High Density (> 1 system/acre)	(1)	Higher	0
Sewer Lines - Close Proximity to PWS	(1)	Higher	0
Utility Stations - Maintenance Transformer Storage		Higher	0
Waste Transfer/Recycling Stations	(1)	Moderate	0
Wastewater Treatment Plants/Collection Stations	(1)	Moderate	0
Other			0

NOTES:

Sites and areas identified in this Table are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

(1) - Potential source of microbial contamination

(2) - Drip irrigated crops, such as vineyards and some vegetables, are considered lower risk than spray irrigation

(3) - For groundwater public water systems, septic systems located within the 2-year time-of-travel (TOT) are considered moderate risks.

TABLE 1. SUMMARY OF POTENTIAL CONTAMINANT SOURCES BY LAND USE

PWS # 4105308 OXBERG WATER SYSTEM

Commercial/Industrial Land Uses

Potential Contamination Source	Note	Relative Risk Level	Total in DWPA
Automobiles - Body Shops		Higher	0
Automobiles - Car Washes		Moderate	0
Automobiles - Gas Stations		Higher	0
Automobiles - Repair Shops		Higher	0
Boat Services/Repair/Refinishing		Higher	0
Cement/Concrete Plants		Moderate	0
Chemical/Petroleum Processing/Storage		Higher	0
Dry Cleaners		Higher	0
Electrical/Electronic Manufacturing		Higher	0
Fleet/Trucking/Bus Terminals		Higher	0
Food Processing		Moderate	0
Furniture/Lumber/Parts Stores		Moderate	0
Home Manufacturing		Higher	0
Junk/Scrap/Salvage Yards		Higher	0
Machine Shops		Higher	0
Medical/Vet Offices	(1)	Moderate	0
Metal Plating/Finishing/Fabrication		Higher	0
Mines/Gravel Pits		Higher	0
Office Buildings/Complexes		Lower	0
Parking Lots/Malls (> 50 Spaces)		Higher	0
Photo Processing/Printing		Higher	0
Plastics/Synthetics Producer		Higher	0
Research Laboratories		Higher	0
RV/Mini Storage		Lower	0
Wood Preserving/Treating		Higher	0
Wood/Pulp/Paper Processing and Mills		Higher	0
Other			0

NOTES:

Sites and areas identified in this Table are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

(1) - Potential source of microbial contamination

(2) - Drip irrigated crops, such as vineyards and some vegetables, are considered lower risk than spray irrigation

(3) - For groundwater public water systems, septic systems located within the 2-year time-of-travel (TOT) are considered moderate risks.

TABLE 1. SUMMARY OF POTENTIAL CONTAMINANT SOURCES BY LAND USE

PWS # 4105308 OXBERG WATER SYSTEM

Agricultural/Forest Land Uses

Potential Contamination Source	Note	Relative Risk Level	Total in DWPA
Auction Lots	(1)	Higher	0
Boarding Stables	(1)	Moderate	0
Confined Animal Feeding Operations (CAFOs)	(1)	Higher	0
Crops - Irrigated (inc. orchards, vineyards, nurseries, greenhouses)	(2)	Moderate	1
Crops - Nonirrigated (inc. Christmas trees, grains, grass seed, pasture)		Lower	0
Farm Machinery Repair		Higher	0
Grazing Animals (> 5 large animals or equivalent/acre)	(1)	Moderate	0
Lagoons/Liquid Wastes	(1)	Higher	0
Land Application Sites	(1)	Moderate	0
Managed Forest Land - Broadcast Fertilized Areas		Lower	0
Managed Forest Land - Clearcut Harvest (< 35 yrs.)		Moderate	0
Managed Forest Land - Partial Harvest (< 10 yrs.)		Moderate	0
Managed Forest Land - Road Density (> 2 mi./sq. mi.)		Moderate	0
Pesticide/Fertilizer/Petroleum Storage, Handling, Mixing, & Cleaning Ar		Higher	0
Recent Burn Areas (< 10 yrs.)		Lower	0
Managed Forest Lands - Status Unknown		Moderate	0
Other			0

NOTES:

Sites and areas identified in this Table are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

(1) - Potential source of microbial contamination

(2) - Drip irrigated crops, such as vineyards and some vegetables, are considered lower risk than spray irrigation

(3) - For groundwater public water systems, septic systems located within the 2-year time-of-travel (TOT) are considered moderate risks.

TABLE 1. SUMMARY OF POTENTIAL CONTAMINANT SOURCES BY LAND USE

PWS # 4105308 OXBERG WATER SYSTEM

Miscellaneous Land Uses

Potential Contamination Source	Note	Relative Risk Level	Total in DWPA
Above Ground Storage Tanks - Excluding Water		Moderate	0
Channel Alterations - Heavy		Lower	0
Combined Sewer Outfalls	(1)	Lower	0
Stormwater Outfalls	(1)	Lower	0
Composting Facilities	(1)	Moderate	0
Historic Gas Stations		Higher	0
Historic Waste Dumps/Landfills	(1)	Higher	0
Homesteads - Rural - Machine Shops/Equipment Maintenance		Higher	0
Homesteads - Rural - Septic Systems (< 1/acre)	(1)(3)	Lower	1
Injection/Dry Wells, Sumps - Class V UICs	(1)	Higher	0
Kennels (> 20 Pens)	(1)	Lower	0
Military Installations		Higher	0
Random Dump Sites		Moderate	0
River Recreation - Heavy Use (inc. campgrounds)	(1)	Lower	0
Sludge Disposal Areas	(1)	Moderate	0
Stormwater Retention Basins	(1)	Moderate	0
Transmission Lines - Right-of-Ways		Lower	0
Transportation - Freeways/State Highways/Other Heavy Use Roads		Moderate	0
Transportation - Railroads		Moderate	0
Transportation - Right-Of-Ways - Herbicide Use Areas		Moderate	0
Transportation - River Traffic - Heavy		Lower	0
Transportation - Stream Crossing - Perennial		Lower	0
UST - Confirmed Leaking Tanks - DEQ List		Higher	0
UST - Decommissioned/Inactive		Lower	0
UST - Nonregulated Tanks (< 1,100 gals or Large Heating Oil Tanks)		Higher	0
UST - Not Upgraded and/or Registered Tanks		Higher	0
UST - Upgraded/Registered - Active		Lower	0
UST - Status Unknown		Higher	0
Upstream Reservoirs/Dams		Lower	0
Wells/Abandoned Wells		Higher	0
Large Capacity Septic Systems (serves > 20 people) - Class V UICs	(1)	Higher	0
Construction/Demolition Areas		Moderate	0
Other:		Moderate	1

NOTES:

Sites and areas identified in this Table are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

(1) - Potential source of microbial contamination

(2) - Drip irrigated crops, such as vineyards and some vegetables, are considered lower risk than spray irrigation

(3) - For groundwater public water systems, septic systems located within the 2-year time-of-travel (TOT) are considered moderate risks.

TABLE 2. INVENTORY RESULTS - LIST OF POTENTIAL CONTAMINANT SOURCES

PWS# 4105308 OXBERG WATER SYSTEM

Reference No. (See Figure)	Potential Contaminant Source Type	Name	Approximate Location	City	Method for Listing	Proximity to Sensitive Areas	Relative Risk Level (1)	Potential Impacts	Comments
1	Lawn Care - Highly Maintained Areas	Rural Homes	Throughout DWPA	Newberg	Field-Observation Interview	Within the 2-yr TOT.	Moderate	Over-application or improper handling of pesticides or fertilizers may impact drinking water. Excessive irrigation may cause transport of contaminants to groundwater or surface water through runoff.	Homes within the 2 year TOT do not have individual wells. Some of the homes outside the 2 year TOT do have wells. All houses are on septic. PWS contact indicates a 3 lane highway might be developed within 5 and 15 year TOT.
	Homesteads - Rural - Septic Systems (< 1/acre)						Lower	If not properly sited, designed, installed, and maintained, septic systems can impact drinking water. Use of drain cleaners and dumping household hazardous wastes can result in groundwater contamination.	Homes within the 2 year TOT do not have individual wells. Some of the homes outside the 2 year TOT do have wells. All houses are on septic. PWS contact indicates a 3 lane highway might be developed within 5 and 15 year TOT.
2	Other	Fire protection well	Next to well	Newberg	Interview	Within the 2-yr TOT.	Moderate	The impacts of this potential contaminant source will be addressed during the enhanced inventory.	PWS contact indicates a pipe from Oxberg Lake connects to a drywell used for fire protection. The pipe might be broken.
3	Crops - Irrigated (inc. orchards, vineyards, nurseries, greenhouses)	Non-irrigated crops	Northeast portion of DWPA	Newberg	Field-Observation	Between 5-yr and 15-yr TOT	Moderate	Over-application or improper handling of pesticides/fertilizers may impact drinking water. Excessive irrigation may transport contaminants or sediments to groundwater/surface water through runoff. Drip-irrigated crops are considered to be a low risk.	Nurseries are at intersection of Benjamin and Putnam Road, and north of Putnam Road.

Note: Sites and areas identified in this Table are only potential sources of contamination to the drinking water. Environmental contamination is not likely to occur when contaminants are used and managed properly.

(1) Where multiple potential contaminant sources exist at a site, the highest level of risk is used.

(2) See Table 3 for database listings (if necessary).

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

WELL # 2

12/24/86

DEC 26 1986

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

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

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable
 Other

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

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

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

How was seal placed: Method A B C D E
 Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from 30 ft. to 139 ft. Size of gravel 3/4" TO 1/4"

(6) CASING/LINER:

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

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

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

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min _____ Drawdown _____ Drill stem at _____ Time _____
45 50 1 hr.

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

(9) LOCATION OF WELL by legal description:
County YAMHILL Latitude _____ Longitude _____
Township 3S N or S, Range 2W E or W, WM.
Section 16 1/4 _____ 1/4 _____
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 4100 E. CRESTVIEW, NEWBERG, OREGON

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

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

From	To	Estimated Flow Rate	SWL
50	200	45	29

(12) WELL LOG: Ground elevation _____

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

Date started 11/26/86 Completed 12/11/86

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

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

Appendix E: Parameters Used in Delineation Model

Delineation Method: Analytical Calculated Fixed Radius Enhanced CFR
 Numerical Hydrogeologic Mapping Analytic Element

Pump Rate (Q in gpm): 13.9 gpm

Source: System Water Resources Dept Comparable Community
 Pump Capacity Population Estimate 90% of Safe Yield

Nature of the Aquifer: Unknown Unconfined
 Semi-confined Confined

Aquifer name: **Layered Basalt**
(Columbia River Basalt Group)

Confining Unit lithology: basalt/clay
Depth to Confining Unit: 2
Confining Unit thickness: 48
Depth to Aquifer: 50 feet

Aquifer Characteristics:

Lithology:

Unknown Sandy Silt Layered Volcanic Rocks
 Sand Sand & Gravel Fractured Volcanic Rocks
 Gravel Cobbles/Gravel Fractured Sedimentary Rocks
 Other: _____

Thickness (b): 15 feet

Effective Porosity (n): 0.20

Hydraulic Conductivity (Permeability): _____ ft/day N/A
 Estimated from lithology Specific Capacity (Well Report)
 Published Report Aquifer Test

Hydraulic Gradient: _____ Flow Direction: _____ N/A
 Published Report Graphical Solution Estimate
 Field Measurements Model Results

Other High Capacity Wells Accounted for: None

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PORTLAND, OREGON 97204

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

MEMORANDUM

To: Newberg Planning Commission
From: Jeffrey L. Kleinman
Date: August 2, 2018
Re: Crestview Crossing, File No. PUD18-0001/CUP18-0004

I. INTRODUCTION

I represent Oxberg Lake Homeowners Association (the "HOA"). The HOA objects to the above application on several grounds, as set out below. For each of the specified reasons, the applicant has failed to meet the requisite burden of proof under the city's approval criteria.

II. THE SIX-PARTY AGREEMENT

On April 10, 2006, the City of Newberg, Yamhill County, Oxberg Lake Homeowners Association, Ken and Joan Austin, JT Smith Companies, and MeadowWood Development, LLC entered into an agreement (the "Agreement"), regarding the Northerly Arterial designated in the city's Transportation System Plan. A

copy of the Agreement is attached for reference. Initially, the Northern Arterial was to be Crestview Drive connecting to Highway 99W. Under the Agreement, the city agreed to amend its TSP to designate Springbrook Road as its Northern Arterial and to designate Crestview Drive as a Major Collector, instead. The general design and alignment of that road is depicted in Exhibit A to the Agreement. It was agreed that the Crestview Drive Major Collector will be posted as “no through trucks” and designed to encourage a 25 mph speed limit. To provide traffic calming for this purpose, it was agreed that a roundabout is to be placed on Crestview Drive directly south of its intersection with Robin Court, as shown on page two of Exhibit A.

The Agreement also includes as Exhibit B an engineering study completed by JRH Transportation Engineering, dated March 27, 2006. This study analyzes and supports the designation of Springbrook as the Northern Arterial and the conversion of Crestview to a Major Collector.

The Agreement is not time-limited. It is not dependent upon any particular development proposal. It remains binding upon all of the parties and their successors and assigns. Nonetheless, the within application appears to move the location of the designated roundabout on Crestview significantly further to the south. There, it may benefit traffic flow for the development itself but will not have the traffic-calming effects within Oxberg Lake for which it was duly negotiated and agreed by the parties.

Thus, approval of this development in its approved form would violate the Agreement and is simply impermissible. Moreover, Oxberg Lake Homeowners Association hereby gives notice that it intends to enforce its rights under the Agreement

moderate overall water system sensitivity.

The report concludes that, “[u]nder a ‘worst case’ scenario, where it is assumed that nothing is being done to protect groundwater quality at the identified potential contaminant sources, the assessment results indicate that the water system would be highly susceptible to the identified moderate-risk potential contaminant sources.” *Id.* at 12.

In 2008, the Oregon Department of State Lands (“DSL”) reviewed a wetland delineation report prepared for an earlier development proposal on the site. A copy of this report has also been provided for reference. The report identifies two unnamed tributaries of Spring Brook Creek on the property and .32 acre of PEM wetland, 1.638 acre of PFO wetland, and .29 acre of PEM/PSS wetland. The larger perennial tributary of Spring Brook Creek enters the northwest corner of Tax Lot 1100 and exits on the south side.

In addition to failing to address impacts upon the Water System, the applicant’s materials fail to properly take the above wetlands into account. More fundamentally, though, we understand that given the completely different nature of the development now proposed for the site, DSL will require an entirely new delineation for its review and approval or rejection. Given the prominence of wetlands on the property, we cannot now know what an approvable delineation would look like *vis-a-vis* the current proposal, and whether the development as proposed is feasible in the first place. LUBA has held:

“[A]s the initial feasibility of the subdivision must be shown at the preliminary plat stage, the initial feasibility of the PUD project must be shown at the preliminary development plan stage. See *Van Volkinburg v Marion County*, 2 Or LUBA 112 (1980), and *Atwood v Portland*, 2 Or LUBA 397 (1981).”

Meyer v. City of Portland, 7 Or LUBA 184, 196, *aff'd* 67 Or App 274, 678 P2d 741 (1983), *rev den*, 297 Or 82, 679 P2d 1367 (1984).

On the face of the record before this Commission, no present finding of “initial feasibility” is possible. As a result, this application must be denied.

IV. CONDITIONAL USE CRITERIA

Newberg Development Code (NDC) 15.225.060 sets out the conditional use approval standards which apply to this application:

“15.225.060 General Conditional Use Permit Criteria -Type III.

A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:

A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

C. The proposed development will be consistent with this code.”

For the reasons set out above with respect to (1) the elimination of and failure to provide the agreed traffic-calming roundabout on Crestview Drive and (2) failure to show

how or whether the Water System will be protected and remain operable, the applicant has not met its burden of proving compliance with NDC 15.225.060.A. It has not demonstrated that its proposal “can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to * * * the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.”

V. PLANNED UNIT DEVELOPMENT CRITERIA

The applicant has failed to demonstrate compliance with the city’s Planned Unit Development Criteria, set out in NDC Chapter 15.240. Section 15.240.030.C requires in material part that:

“1. The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and

2. The proposed development’s general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood * * *”

For the reasons explained above, this application does not comply with the city’s standards and ordinances. Beyond that, the applicant has failed to demonstrate compliance with the comprehensive plan goals and policies relevant to the development of so much commercially zoned land with residential uses instead.

Further, as we have set out, the proposed distribution of roads will be incompatible with development of the abutting properties and the Oxberg Lake neighborhood.

VI. STREET STANDARDS

NDC 15.505.030.R. governs "Vehicular Access Standards" and provides in material part:

"9. ODOT or Yamhill County Right-of-Way. Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County."

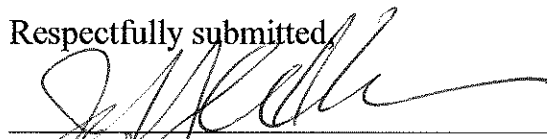
The applicant's proposal would provide ingress and egress via the existing portion of Crestview Drive which now abuts the site on the north. Based upon all information available to us, that portion of Crestview remains Yamhill County right-of-way. The applicant has not obtained an access permit from the county or demonstrated the feasibility of obtaining one. This, too, goes to the question of whether the initial feasibility of the proposal has been proven. One or more preexisting agreements make it unlikely that such a permit could be obtained. For this reason alone, the application must be denied.

VII. CONCLUSION

For all of the reasons set out above, the applicant has not met its burden of proof to show compliance with the relevant city approval standards herein. Accordingly, this application must be denied.

Dated: August 2, 2018.

Respectfully submitted,



Jeffrey L. Kleinman, OSB #743726
Attorney for Oxberg Lake Homeowners Association



September 6, 2018

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

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

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

Dear Mr. Kleinman,

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

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

1. BACKGROUND

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

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

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

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

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

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

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

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

2. CRESTVIEW CROSSING DEVELOPMENT PROPOSAL

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

3. TRAFFIC CALMING

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

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

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

4. SUMMARY

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

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

Sincerely,



Christopher M. Clemow, PE, PTOE
Transportation Engineer



September 6, 2018

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

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

Dear Jeffrey,

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

EVALUATION OF CONCEPTUAL MODEL

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

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

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

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

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

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

Is the Aquifer Confined?

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

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

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

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

Water Level Comparisons

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

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

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

GeoEngineers Infiltration Testing

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

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

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

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

CONCLUSIONS

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

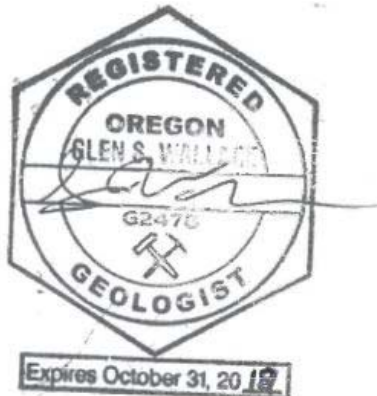
CLOSING

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

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

Sincerely,

Pacific Groundwater Group



Glen Wallace, PhD, LG, RG
Associate Geologist

Attachments:

Table 1. Summary of Elevations

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

PGG Review 9-6-18.docx

REFERENCES

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

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

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

Table 1. Elevation Comparison

Oxberg Well, Newburg, Oregon

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

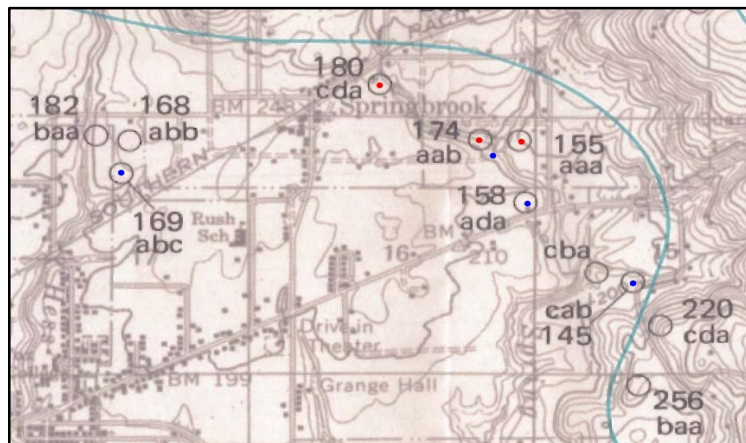
Notes:

All units in feet

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

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

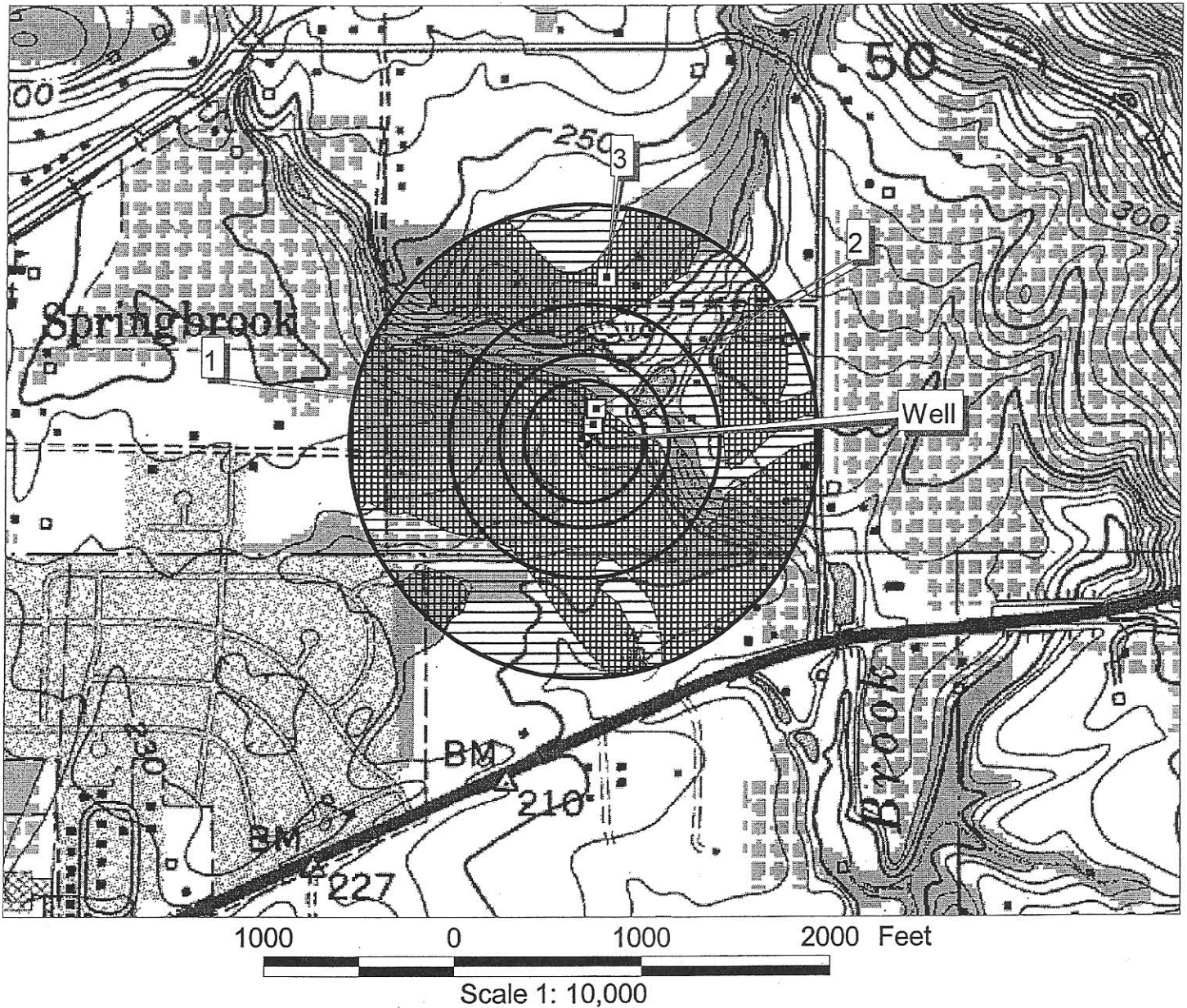
Red dots indicated downward vertical gradient, blue dots indicate similar water levels with surface water features.



APPENDIX A

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

Oxberg Water System Drinking Water Source Susceptibility



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

Potential Contaminant Sources

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

Sensitivity Analysis

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

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

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

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

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



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

NOV 26 1986

WELL # 2

12/24/86

OWNER: WATER RESOURCES DEPT.
NAME: OXBERG INDCM, OREGON
Address: P.O. Box 467
City: NEWBERG State: OREG Zip: 97132

(2) TYPE OF WORK:

New Well Deepen Recondition Abandon

(3) DRILL METHOD

Rotary Air Rotary Mud Cable
 Other

(4) PROPOSED USE:

Domestic Community Industrial Irrigation
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval Yes No Depth of Completed Well 200 ft.
Explosives used Yes No Type _____ Amount _____

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

How was seal placed: Method A B C D E
 Other

Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from 30 ft. to 139 ft. Size of gravel 3/4" to 1/4"

(6) CASING/LINER:

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

Vertical location of shoe(s)

(7) PERFORATIONS/SCREENS:

Perforations Method MILLS KNIFE
 Screens Type _____ Material _____

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

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
45	50		1 hr.

Temperature of water _____ Depth Artesian Flow Found: _____

Was a water analysis done? Yes By whom _____

Did any strata contain water not suitable for intended use? Too little

Salty Muddy Odor Colored Other _____

Depth of strata: _____

(9) LOCATION OF WELL by legal description:

County YAMHILL Latitude _____ Longitude _____
Township 3S N or S, Range 2W E or W, WM.
Section 16 1/4 _____ 1/4 _____
Tax Lot _____ Lot _____ Block _____ Subdivision _____
Street Address of Well (or nearest address) 4100 E. CRESTVIEW, NEWBERG, OREGON

(10) STATIC WATER LEVEL:

29 ft. below land surface. Date 12/11/86
Artesian pressure _____ lb. per square inch. Date _____

(11) WATER BEARING ZONES:

Depth at which water was first found _____

From	To	Estimated Flow Rate	SWL
50	200	45	29

(12) WELL LOG:

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

Date started 11/26/86 Completed 12/11/86

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.

Signed _____ WWC Number _____
Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.

Signed CE Keller WWC Number 462
Date 12/24/86

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

Well number	Owner	Type of well	Year completed	Depth of well (feet)	Diameter of well (inches)	Depth of casing (feet)	Finish	Water-bearing zone(s)			Altitude (feet)	Water level		Specific conductance of water	Type of pump and hp	Well performance		Use	Remarks	
								Depth to top (feet)	Thickness (feet)	Character of material		Feet below datum	Date			Yield (gal/min)	Draw-down (feet)			
8bdd	J. C. James	Dr	1962	100	6	35	B	95	5	Shale	250	20	4- 5-62	675	S, 3/4	14	63	D	B 1 hr, L.	
9abc	David Vance	Dr	1974	305	6	20	B	140	--	Basalt	420	111.40	10- 1-75	120	S	11	--	D	At 1 hr.	
9aca	Jim DeYoung	Dr	1972	260	6	117	B	175	--	do	420	135	11-11-72	--	S, 1½	17	--	D	Do.	
9bdd	William Krause	Dr	1974	135	6	80	P, 81-134	107	15	do	345	52.90	10- 1-75	115	S, 3/4	30	79	D	Do.	
9cda	Lyle Lookabill	Dr	1968	205	6	100	P, 105-205	185	20	Shale	250	70	6- 8-68	600	S, 1	7	135	D	B 1 hr.	
10daa	Lloyd Matz	Dr	1968	160	6	100	P, 40-100	42	13	Basalt	520	43.77	7-10-75	100	S	15	85	D	Do.	
								90	--	do										
								152	8	do										
10dbb	James Barnard	Dr	1971	440	6	48	B	140	--	do	590	28.09	do	130	S	25	--	D	At 1 hr.	
11aca	Chehalem Mountain Water Co.	Dr	1967	320	6	31	B	265	7	do	460	143.75	7-16-75	175	S, 2	45	320	PS	P 1 hr, L. Well supplies water for 17 homes.	
								272	13	do										
								305	10	do										
11bac	F. W. Beringer	Dr	1956	600	8	20	B	167	13	do	600	133.71	do	175	S, 2	20	30	D	B.	
11ddb	Oscar Mueller	Dr	--	115	6	--	--	--	--	--	320	82.2	do	100	S, 1	12	--	D		
12acb	W. O. Pannier	Dr	1973	440	6	48	B	320	--	Basalt	440	131.85	7-17-75	160	S, 2	10	--	D	At 1 hr.	
12bab	F. W. Beringer	Dr	1966	113	6	91	B	86	--	do	260	35	11- 7-66	180	J, 3/4	20	25	D	B 1 hr.	
12ded	A. F. Knudsen	Dr	1968	388	6	137	B	--	--	do	1,100	--	--	--	--	--	--	--	--	
13bda	G. H. Gregg	Dr	1970	570	6	69	B	162	--	do	1,110	315.35	9-26-75	--	N	10	115	U	P 2 hr.	
								379	9	do										
14beb	Paul Cramer	Dr	1969	445	6	41	B	--	--	do	515	240	8-18-69	195	S	12	--	D	At 1 hr.	
14bcc	C. V. Slayter	Dr	1973	445	6	40	B	418	--	do	540	324.8	7-11-75	185	S, 1½	25	--	D	At 1 hr, L. Ca.	
15cab	John Halley	Dr	1973	150	6	94	P, 82-150	65	--	do	190	44.72	10- 3-75	210	S, 1	16	75	D	B 1 hr. Well equipped with water softener and iron filter.	
								5												
15eba	Harry Porter	Dr	1974	87	6	87	B	87	--	do	160	30	7-16-74	210	S, 3	30	50	D	At 2 hr.	
15cda	John Reshak	Dr	1966	335	6	266	P, 95-125, 240-335	--	--	--	300	80	5-12-66	360	S, 1	5	255	D	B ½ hr.	
								5												
16aaa	Ethel Bixby	Dr	1973	152	6	150	P, 75-150	87	--	Basalt	190	35	5- 5-73	200	S	14	100	PS	B ½ hr. This community well supplies water to five families; water reported to be high in iron.	
16aab	J. J. Fortune	Dr	1975	145	6	145	P, 105-145	105	40	do	210	36.45	10-13-73	220	S, 1	9	55	D	P 2 hr.	

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

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

Well number	Owner	Type of well	Year completed	Depth of well (feet)	Diameter of well (inches)	Depth of casing (feet)	Finish	Water-bearing zone(s)			Altitude (feet)	Water level		Specific conductance of water	Type of pump and hp	Well performance		Use	Remarks
								Depth to top (feet)	Thickness (feet)	Character of material		Feet below datum	Date			Yield (gal/min)	Draw-down (feet)		
16ada	Elbert Gleason	Dr	1972	105	6	105	P, 35-103	35	--	Basalt	185	26.88	10-13-75	--	S, 1	20	50	S	B 1 hr. Water has high iron content, bad odor and taste.
17abb	Ralph Mortensen	Dr	1971	175	6 5	40 35	P, 135-175	150	25	do	250	82.45	10-16-75	225	S, 1	30	--	D	At.
17abc	Mr. Heinsman	Dr	1971	212	6 5	176 210	P, 50-209	50	--	do	210	41.33	do	--	S, 1	10	182	U	B 1 hr.
17baa	R. N. Meads	Dr	1975	145	6	140	P, 40-140	54	--	do	200	18	7- 9-68	--	S	9	133	D	B 1 hr.
18abb	Eugene Zirschky	Dr	1968	105	6	105	P, 25-105	--	--	Clay	195	12.64	10-16-75	160	S, 3/4	6	70	D	B 1 hr, L.
18baa	George Greer	Dr	1975	200	6	--	--	--	--	--	200	21.90	10-14-75	180	S, 1/2	7	--	D	P.
18ccb	H. T. Benson	Dr	1972	165	6	146	P, 70-144	30	--	Clay, sand, and gravel	168	33.02	10-13-75	250	S, 3/4	10	153	D	B 10 hr. Water high in iron content. Well has iron filter.
19ccb	Valley View Memorial Garden	Dr	1958	224	8	24	B	118 190	2 2	Basalt do	240	116.40	1-13-75	185	T, 5	33	82	Ir	B 1 hr, L, Ca.
20ddb	Western Helicopter	Dr	1972	98	6	98	P, 40-98	75	23	Clay	165	20	7-14-72	280	S, 1/3	5 1/2	60	D	B 2 hr.
21adb	M. L. Gettman	Dr	1970	184	6	83	P, 58-68	58	10	Sand	135	14	9-26-70	2,100	J, 1 1/2	4	62	D	P 12 hr, L, Ca. Water reported to be high in iron content.
21cdd	J. L. Lezada	Dr	1971	335	6	250	B	306	20	Clay	150	51.10	10- 9-75	--	N	12	170	U	B 2 hr. Water reported to be of poor quality; has high iron content, bad odor and taste.
21dcd	Lee Wall	Dr	1956	105	6	105	P, 65-105	65	45	do	160	17.60	10-10-75	--	J, 1	7	100	D	P 1 hr.
22aaa	Richard Clay	Dr	1971	225	6	153	P, 102-180	115	--	Basalt	550	164.2	2-23-75	105	S, 1 1/2	18	65	D	At 1 hr.
22baa	R. W. Schaad	Dr	1972	300	6 5	47 300	P, 30-80	120 220	-- --	Shale do	330	73.55	10- 3-75	410	S, 1	14	--	D	At 1 hr. Water reported to be high in iron content.
22cab	Gary Shuler	Dr	1972	115	6 5	29 115	P, 75-115	90	25	Basalt	225	35.80	7-22-75	210	S, 2	150	115	Ir	At 1 hr.
22cad	Herbert Siefken	Dr	1974	150	6 5	80 140	P, 105-145	105	--	do	222	31.54	7-23-75	180	S, 1 1/2	145	114	Ir	Do.
23ccc	Dennell Martin	Dr	1965	230	6 5	111 102	P, 120-230	--	--	do	440	127.57	7-22-75	200	S	10	107	D	B 1 hr.
23dca	John Bauer	Dr	1975	403	6	33	B	154	--	do	665	228.25	7-23-75	--	S, 3	12	120	D	At 1 hr.
23dcc	David Bauer	Dr	1972	586	6	20	B	549	--	do	840	460	9- 2-72	200	S, 2	10	155	D	Do.
24bab	Dennis Daly	Dr	1975	178	6	90	B	140	--	do	1,055	107.83	7-22-75	--	S, 3/4	10	63	D	At 2 hr.
25bbb	W. H. Johnson	Dr	1972	155	6	20	B	144	5	do	600	101.65	7-23-75	205	S	15	50	D	P 2 hr.

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



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

Keith Leonard

From: Cooper Foushee <cooperfoushee123@gmail.com>
Sent: Saturday, September 29, 2018 7:35 AM
To: PLANNING
Subject: Crestview planning

Hello, I'm requesting a few wchanges to the Crestview neighborhood plans. First and most importantly the city definitely needs to request that the mature forest along the north and west edges of the property be kept because of how rare these pieces of land are within cities and because it could be used for the expansion of springbrook park and possibly include trails for hiking (which people I'm Newberg want very much, especially younger people). Secondly a lot of people I've asked think that there should be a median along Crestview Road the entire way through with Trees and flowers. Lastly me and other neighbors request that the bike lane on Crestview be placed next the sidewalk separated from the road by the planter strips so that it feels safer thus encouraging more people to use them. I sincerely hope that the City takes these into consideration because Newberg is a great town but we do lack in nature it feels like more and more recently and this is a perfect opportunity to add some. Thank you!

Keith Leonard

From: Cooper Foushee <cooperfoushee123@gmail.com>
Sent: Saturday, September 29, 2018 7:51 AM
To: PLANNING
Subject: Re: Crestview planning

A few examples of what I mean by median are Sunset Blvd in Sherwood, Wilsonville Road through town, and many many more. As for the nature park and trees, I can't stress enough how much people genuinely want to live near nature which would increase home values of people nearby and give a great new park to the city. Wilsonville and Lake Oswego are good examples of keeping Hiking and walking through their neighborhoods and Newberg should too.

> On Sep 29, 2018, at 7:34 AM, Cooper Foushee <cooperfoushee123@gmail.com> wrote:

>

> Hello, I'm requesting a few wchanges to the Crestview neighborhood

> plans. First and most importantly the city definitely needs to request that the mature forest along the north and west edges of the property be kept because of how rare these pieces of land are within cities and because it could be used for the expansion of springbrook park and possibly include trails for hiking (which people I'm Newberg want very much, especially younger people). Secondly a lot of people I've asked think that there should be a median along Crestview Road the entire way through with Trees and flowers. Lastly me and other neighbors request that the bike lane on Crestview be placed next the sidewalk separated from the road by the planter strips so that it feels safer thus encouraging more people to use them. I sincerely hope that the City takes these into consideration because Newberg is a great town but we do lack in nature it feels like more and more recently and this is a perfect opportunity to add some. Thank you!

Keith Leonard

From: Cooper Foushee <cooperfoushee123@gmail.com>
Sent: Monday, October 01, 2018 4:02 PM
To: PLANNING
Subject: Crestview Neighborhood

Follow Up Flag: Follow up
Flag Status: Flagged

For the Crestview neighborhood I would like to stress how important it is to keep the nature on the north of the project. As of now there are plans to demolish and put in around 18 homes. The trees need to be kept and can instead be used as a vegetative corridor that cities such as Sherwood, Lake Oswego, and more have all over. Newberg desperately lacks natural places in town and this is a great opportunity to keep the trees and turn them into trails. A recent example of this is a new subdivision in Sherwood that is keeping its trees for a large walkway area.

Thank you, Cooper

Attachment 4: 5-Party Agreement

City of Newberg

"City"

Yamhill County

"County"

535 NE Fifth St.

McMinnville, OR 97128

Oxberg Lake Homeowners Association.

"Association"

Ken Austin

Joan Austin

"Austin"

JT Smith Companies

(T3S R2W Tax Lot 13800)

"JT Smith"

MeadowWood Development, LLC

(T3S R2W Tax Lots 900, 1000 and 1100)

"MeadowWood"

Dated: April 10, 2006

RECITALS

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

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

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

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

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

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

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

H. The purpose of this Agreement is to finalize the agreement of the parties and to begin the process of amending City's TSP to implement the Springbrook Northern Arterial Plan.

AGREEMENT

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

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

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

4. The proposed design of the Crestview Drive Major Collector will be posted as "no through trucks" and be designed to encourage a 25mph speed limit. Truck size limitation language for posted signs will be determined by JRH. City will maintain Crestview Drive as two-lane road between the roundabout immediately to the south of Robin Court extending to the western edge of the Oxberg Lake Estates property. Turn lane features, if required, will be determined at a later date.

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

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

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

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

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

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

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

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

CITY OF NEWBERG

By: *JM Bennett*
Its: CITY MANAGER

OXBERG LAKE HOMEOWNERS ASSOCIATION

By: *Jack Katoona*
Its: President

JT SMITH COMPANIES

By: *[Signature]*
Its: REPRESENTATIVE

YAMHILL COUNTY

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

KEN AUSTIN
JOAN AUSTIN

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

MEADOWWOOD DEVELOPMENT LLC

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

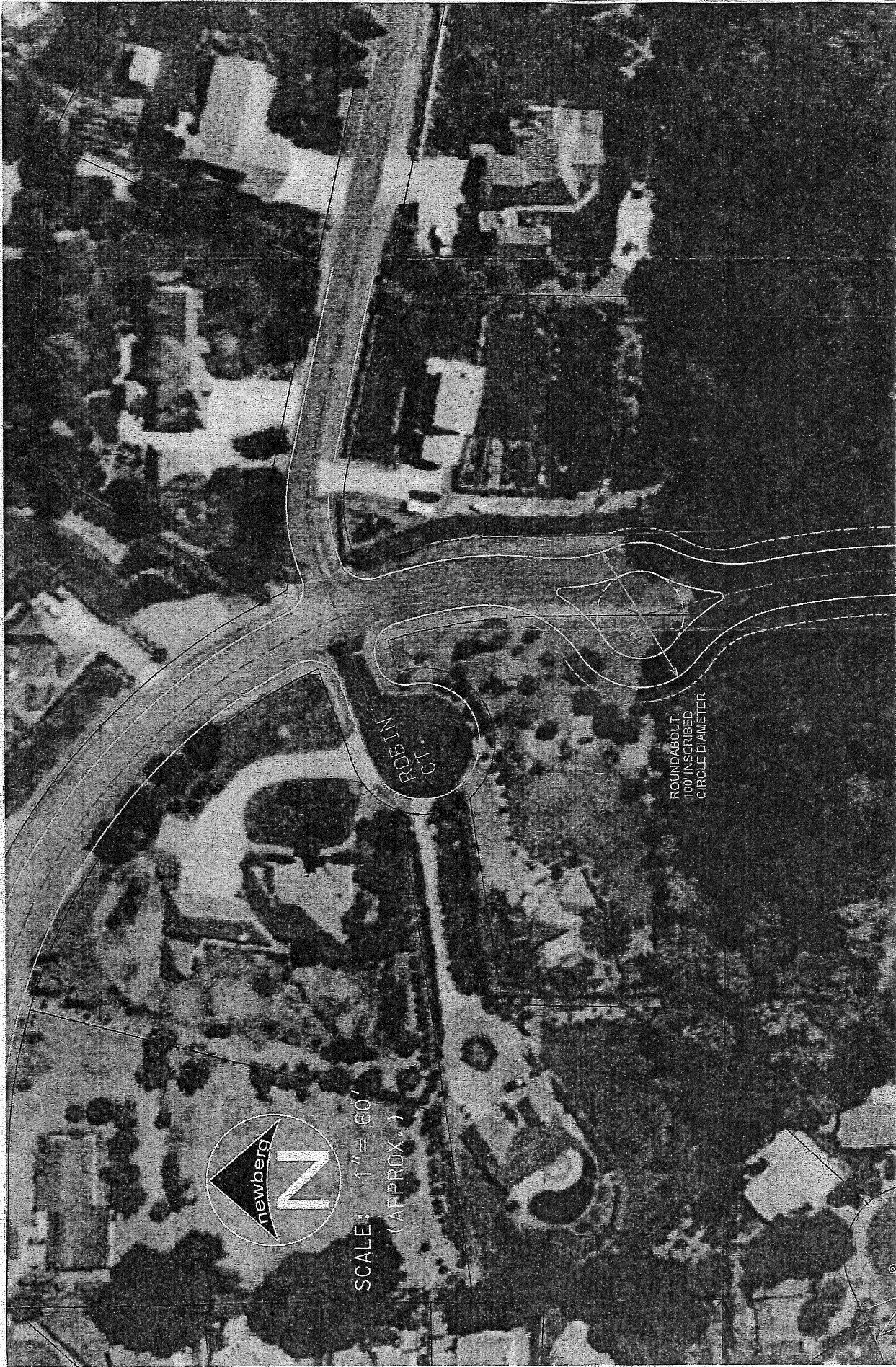
Accepted by Yamhill County Board of Commissioners on

4/19/06 by Board Order

4/10/2006 02:49PM

06-265

EXHIBIT A

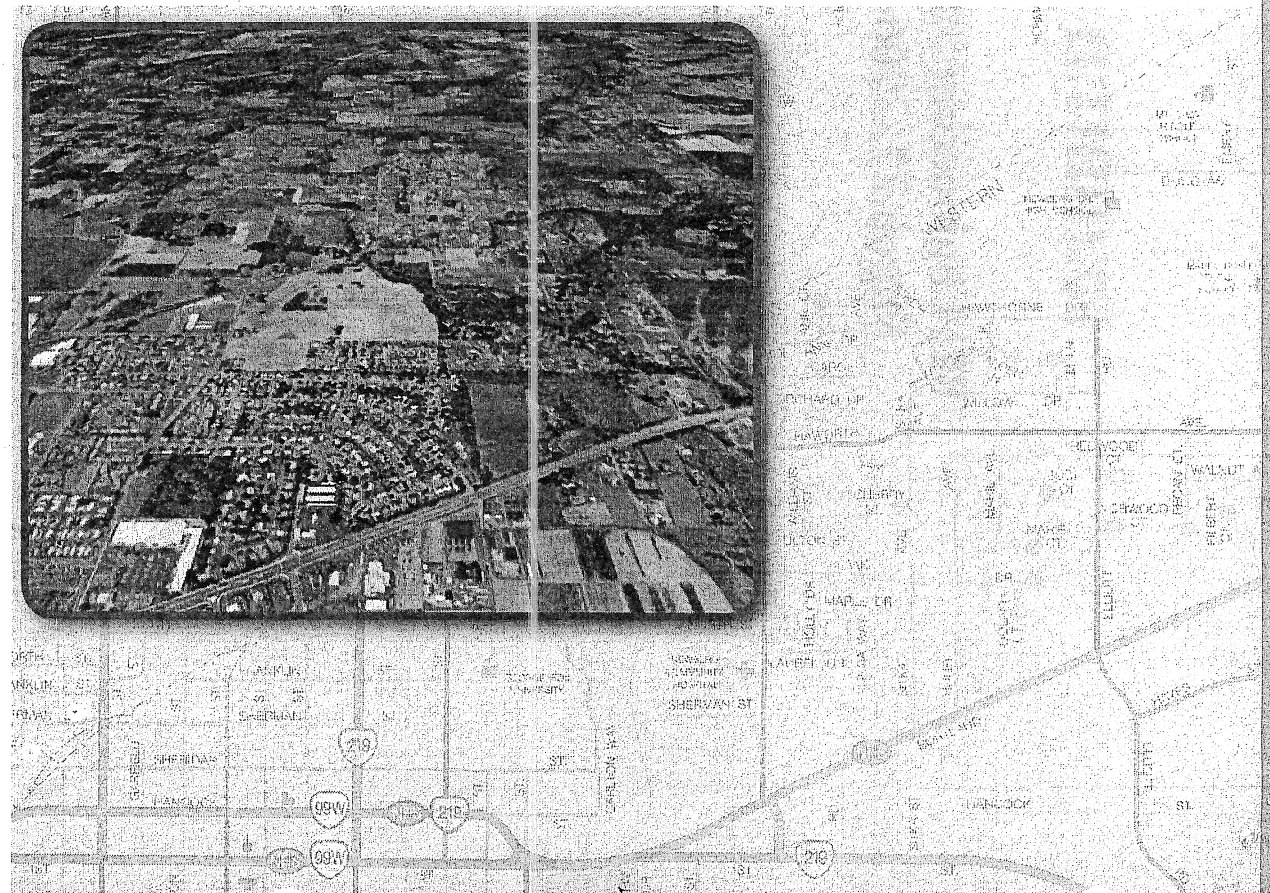


CRESTVIEW DRIVE IMPROVEMENT PROJECT
 FROM ROBIN COURT TO HIGHWAY 99W
 ALIGNMENT EXPLORATION

EXHIBIT B

JRH Engineering Study
March 27, 2006

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



March 27, 2006



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

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

Briefly stated, the conclusions of the report are:

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

The following contains the analysis used to develop these conclusions.

BACKGROUND

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

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

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

EFFECT ON CRESTVIEW CAPACITY

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

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

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

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

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

EFFECT OF SPEED REDUCTION

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

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

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



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

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

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

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

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

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

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

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



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

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

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

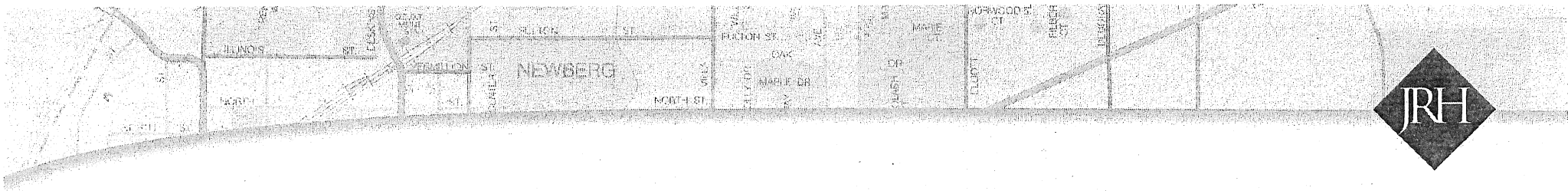
This table indicates that the regional model methodology used by ODOT and the "Freeway Diversion" curve methodology track very closely. The traffic volumes generated by JRH indicate a diversion in traffic volumes of 73 trips from Crestview to Springbrook. The TPAU Model indicates a diversion of 63 trips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

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

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

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

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



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

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

**Attachment 5: Kittelson and Associates Memorandum with Attachment
received August 29, 2018**

MEMORANDUM

Date: August 15, 2018

Project #: 21709

To: Jesse Nemec
JT Smith Companies
5285 Meadows Road, Suite 171
Lake Oswego, OR 97035

From: Diego Arguea and Matt Hughart

Project: Crestview Crossing Development

Subject: 6-Party Agreement Transportation Considerations

Pursuant to your request, we have reviewed the *Crestview Improvement Project (From Robin Court to Highway 99W Alignment Exploration)* that was referenced in a six-party agreement (Yamhill County Board Order 06-265) executed in April 2006. The purpose of this agreement was to begin the process to amend the 2005 Newberg Transportation System Plan (TSP) and reclassify the Crestview Drive extension from a Minor Arterial to a Major Collector designation.

The current development proposed by JT Smith Companies will be required to construct a portion of the Crestview Improvement Project, connecting Highway 99W to the existing terminus of Crestview Drive at the southern boundary of the Oxberg Lake and MeadowWood subdivisions.

EXECUTIVE SUMMARY

Our assessment of the six-party agreement (Agreement) concludes that the proposed Crestview Drive alignment, intersection treatments, and cross-sectional elements are consistent with the guiding principles established in the Agreement, and as such, provides equivalent transportation infrastructure as that identified in the Agreement. Additional details are provided herein.

SIX-PARTY AGREEMENT BACKGROUND

In April 2006, the Yamhill County Board of Commissioners accepted an agreement to begin the amendment of the then-current 2005 TSP. The agreement's purpose authorized the City to conduct an amendment to the 2005 TSP that would designate Crestview Drive as a Major Collector roadway and identify a general design and alignment of the Crestview Drive extension (Reference 1, Agreement, #3). A traffic study was prepared by JRH Engineering concluding the change in classification of Crestview Drive

to a Major Collector would not measurably affect the City's transportation network. The TSP was subsequently amended to reflect Crestview Drive as a Major Collector.

Conceptual Alignment

The alignment identified in the Agreement extends Robin Court to Highway 99W and includes one roundabout intersection (located approximately 380 feet from 99W) and one traffic calming circle located approximately 850 feet north of the roundabout location. As stated in the Agreement, this represents a **"general design and alignment"** to provide direction for future development. Site-specific characteristics, unforeseen challenges, and street connectivity and layout were not addressed in the Agreement, and turn lanes, if required, were to be determined at a later date. The general design and alignment shown in the Agreement Exhibit A is shown below in Figure 1.

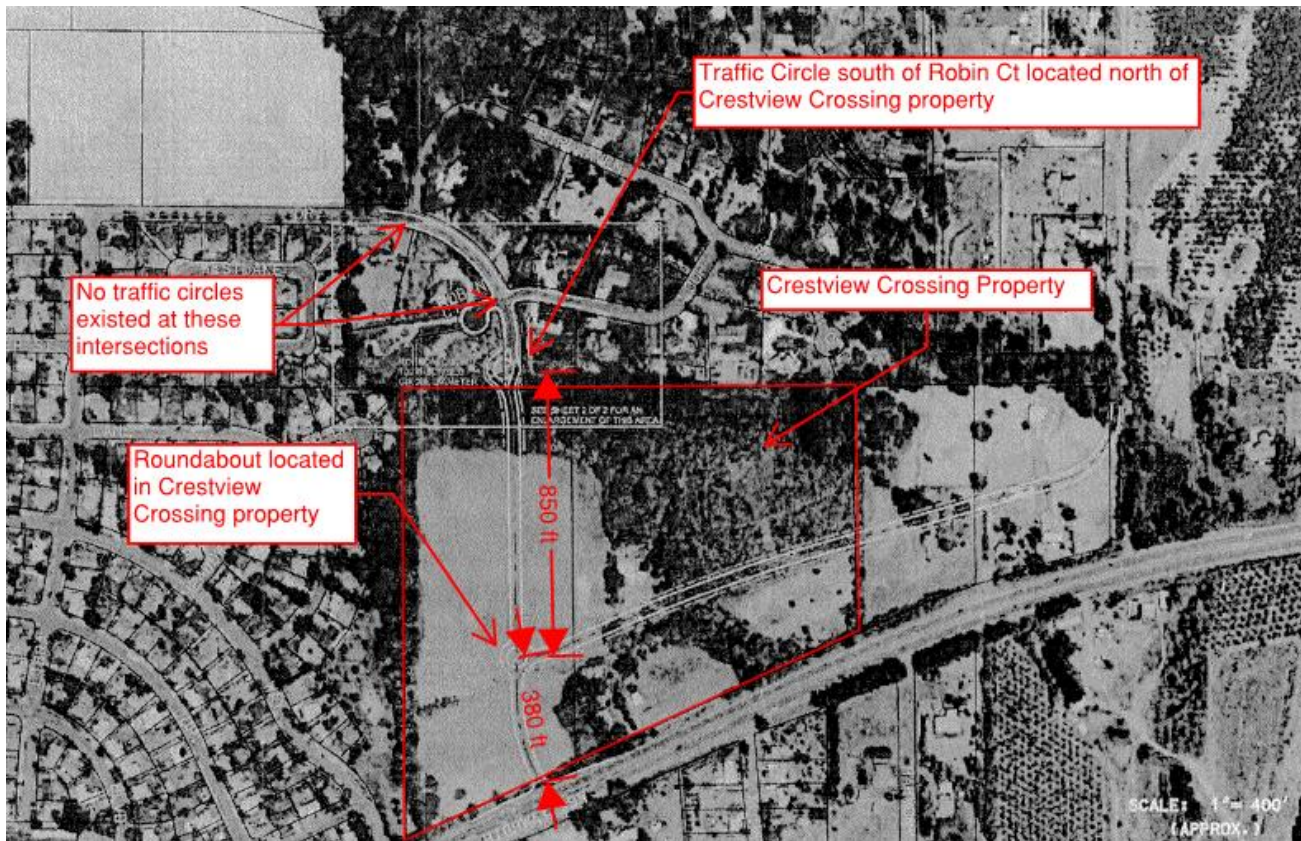


Figure 1. 6-Party Agreement Exhibit A

As shown above, the Agreement identifies a general alignment with two intersection treatments addressing intersection operations and traffic calming. As stated in the Agreement, the alignment should be *designed to encourage a 25 mph speed limit*.

PROPOSED DEVELOPMENT

The proposed residential application acknowledges responsibility to construct the extension of Crestview Drive, connecting from Robin Court to Highway 99W, and has developed an alignment consistent with that shown in the 2006 Agreement.

Constructed To-Date

As shown in Figure 1, Crestview Drive, from Birdhaven Loop to the northern edge of Crestview Crossing, was reconstructed in 2011/2012 to include two intersection traffic calming traffic circles on Crestview Drive at Birdhaven Loop and Robin Court, depicted in Figure 2 below.



Figure 2. Traffic Calming Treatments along Crestview Drive

Neither of these traffic calming circles were identified in the Agreement. The traffic calming circles were constructed after the 2006 Agreement was adopted and are recognized to have a traffic calming effect to limit speeds to 25 mph.

PROPOSED ALIGNMENT

The June 2018 Crestview Crossing Traffic Impact Analysis (TIA) evaluated the impacts of the proposed development and identified recommended mitigation measures. The mitigation measures were selected considering anticipated traffic volumes along Crestview Drive and include the number and configuration travel lanes on the southbound approach to 99W, turn lane storage lengths, as well as transition tapers approaching the roundabout.

Roundabout Intersection

In accordance with the Agreement, construction of a roundabout is proposed to serve traffic into the residential areas north of Highway 99W, and connect to the future Benjamin Road Realignment (a Minor Collector). The roundabout location was determined based on the required queue storage length as an outcome of the TIA as well as roundabout design parameters, including entry deflection angles and transition tapers. As shown in Crestview Crossing site plan application, the roundabout is located approximately 545 feet north of Highway 99W (measured from the center of roundabout to the stop bar at Highway 99W). A southbound left-turn lane on Crestview Drive approaching Highway 99W provides 250 feet of storage and requires at least 50 feet of transition. The northbound transition taper into the roundabout is approximately 200 feet, and has been designed to accommodate all turning movements including u-turns. A detailed exhibit illustrates these distances and is included as an attachment to this memorandum.

The Public Improvement Standards of the Newberg Development Code (Chapter 15.505) were also reviewed to ensure consistency with Collector Roadway spacing standards (400 feet for a Major Collector designation). As such, the location of the roundabout has been designed to comply with the Newberg Development Code and the 6-Party Agreement in the context of the projected traffic operations while recognizing site-specific design considerations and constraints.

Two-way Stop Controlled Intersection

To provide efficient connectivity to adjacent residential development, a two-way stop-controlled intersection (Public Street C) has been designed approximately 500 feet north of the proposed roundabout. The location of this intersection is influenced by intersection spacing on a Major Collector (greater than 400 feet minimum spacing requirement), location of wetlands (site constraints), meeting minimum intersection sight distance requirements, and ability to provide an east-west roadway serving the proposed large lot homes of the Development. The location of this intersection is approximately 410 feet south of Robin Court, the closest public street intersection to the north.

Additional Considerations

Consideration was given to the 6-Party Agreement and the spacing between traffic calming devices during the roadway and site design process. The intersection spacing shown in the conceptual alignment of the 6-Party Agreement and the proposed alignment is shown in a detailed exhibit included as an attachment to this memorandum

As shown in the attachment and in Figure 1, the conceptual spacing shown in the Agreement between the roundabout and traffic calming circle is approximately 850 feet. The proposed site layout and intersection design maintains similar distance between the proposed roundabout and the constructed traffic calming circle on Robin Court (approximately 910 feet). We conclude that the difference in spacing (60 feet) will not impact travel speeds and that the 25 mph roadway design speed is consistent with the 6-Party Agreement.

6-PARTY AGREEMENT CONSISTENCY

In summary, we conclude the proposed alignment and intersection treatments are consistent with and satisfy the terms of the 6-Party Agreement for the following reasons.

1. The purpose of the Agreement is to re-designate Crestview Drive from a Minor Arterial to a Major Collector designation. The re-designation was successfully incorporated into the City's Transportation System Plan based in part on the JRH traffic study.
2. The current Crestview Crossing development proposal acknowledges the Agreement and proposes a roadway extension design consistent with City Major Collector requirements as well as key Agreement elements.
3. The spacing difference between the proposed roundabout and the recently constructed traffic calming circle at Robin Court is not expected to impact travel speeds on Crestview Drive extension and thus is consistent with the traffic calming south in the 6-Party Agreement.
4. With construction of the proposed roundabout, there will be a total of three traffic calming intersection treatments along Crestview Drive between Highway 99W and Birdhaven Loop. This is a greater amount of traffic calming than originally identified in the Agreement, indicating consistency in design and fulfillment of intent by the Applicant.

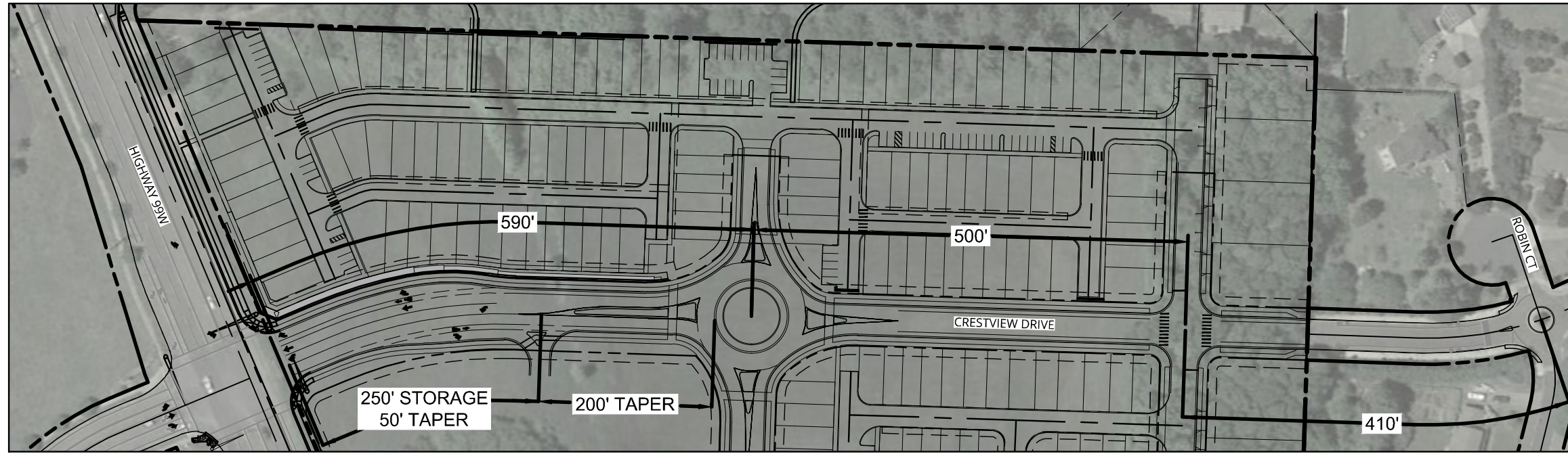
We trust this memorandum demonstrates consistency with the 6-Party Agreement.

REFERENCES

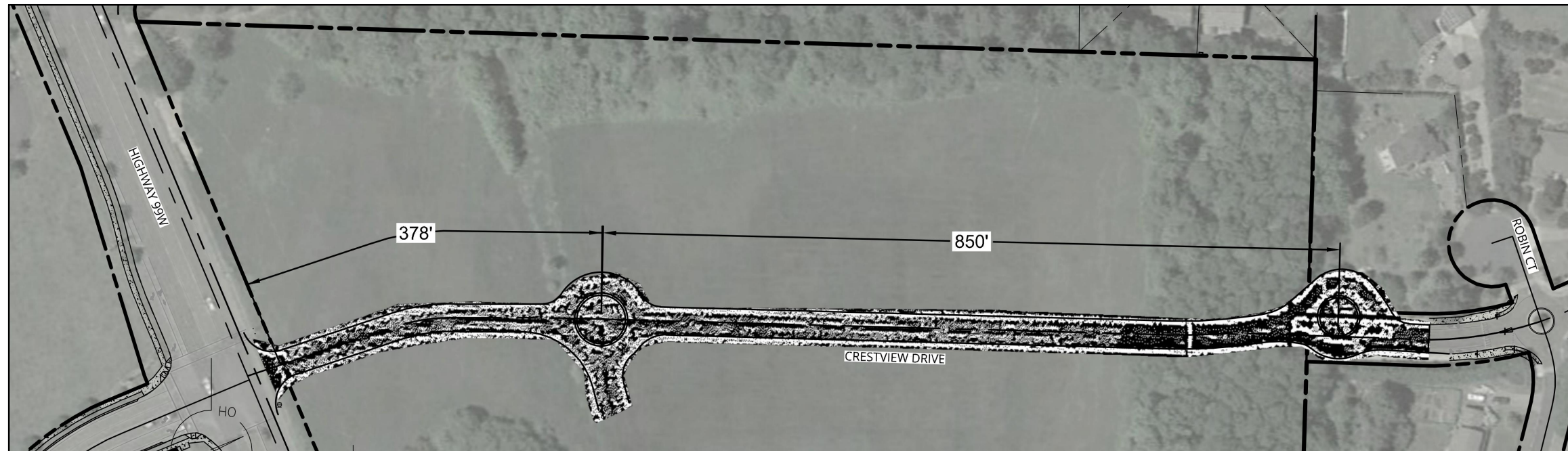
1. Yamhill County Board of Commissioners. *6-Party Agreement, Crestview Improvement Project (From Robin Court to Highway 99W Alignment Exploration)*. Board Order #06-265. April 19, 2006.

ATTACHMENT

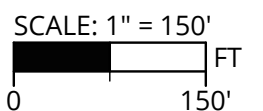
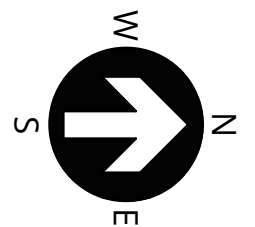
Crestview Drive Exhibit: Intersection Spacing Distances



CRESTVIEW DRIVE DESIGN, PROPOSED



CRESTVIEW DRIVE GENERAL DESIGN AND ALIGNMENT, SIX-PARTY AGREEMENT 2006



08/15/18

Attachment 6: Related Resolutions, Orders and Ordinances

NUAMC RESOLUTION NO. 2006-15

A RESOLUTION OF THE NEWBERG URBAN AREA MANAGEMENT COMMISSION RECOMMENDING APPROVAL OF FILE UGB-06-01, AN URBAN GROWTH BOUNDARY AMENDMENT AND COMPREHENSIVE PLAN AMENDMENT TO COM (COMMERCIAL) FOR PROPERTY LOCATED IN THE 4200 BLOCK OF PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216AC-13800

RECITALS

1. On May 17, 2006, Jeffery D. Smith submitted a request for an urban growth boundary amendment of approximately and comprehensive plan change to COM (Commercial) for 14.74 acres located in the 4200 block of Portland Road, Yamhill County Tax Lots 3216AC-13800
2. On August 3, 2006 notice of this proposed urban growth boundary amendment was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet.
3. On July 29, 2006, notice was published in the *Graphic* Newspaper, and on July 28, 2006 notice was posted in four public places.
4. On September 11, 2006, the Newberg Urban Area Management Commission (NUAMC) held a hearing to consider the request.
5. NUAMC finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

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

1. Include the property shown in Exhibit A and described in Exhibit B in the Newberg Urban Growth Boundary.
2. Amend the comprehensive plan to include the subject property to a mixture of COM (commercial) and LDR (low density residential) comprehensive plan districts. The applicant should submit a plan showing the location of this mixed use. The residential should provide a buffer to existing residential uses to the west.
3. Make approval of the above contingent on final adoption of amendments to the Newberg Transportation System plan as shown in the agreement by the parties.

4. Require that, upon future development of the property, the development contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook/99W intersection.

5. Require the tree buffer along the north property line as described in the application.

6. Require a wetland determination prior to any development on the site.

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

DATED this 21st day of September, 2006.

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Recording Secretary

NUAMC Chair

Exhibits:

Exhibit A: Legal Description and Map

Exhibit B: Findings

EXHIBIT "A-1"

LEGAL DESCRIPTION:

JULY 11, 2006

PAGE 1 OF 2

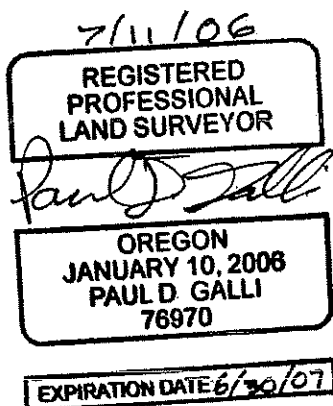
A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 16, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

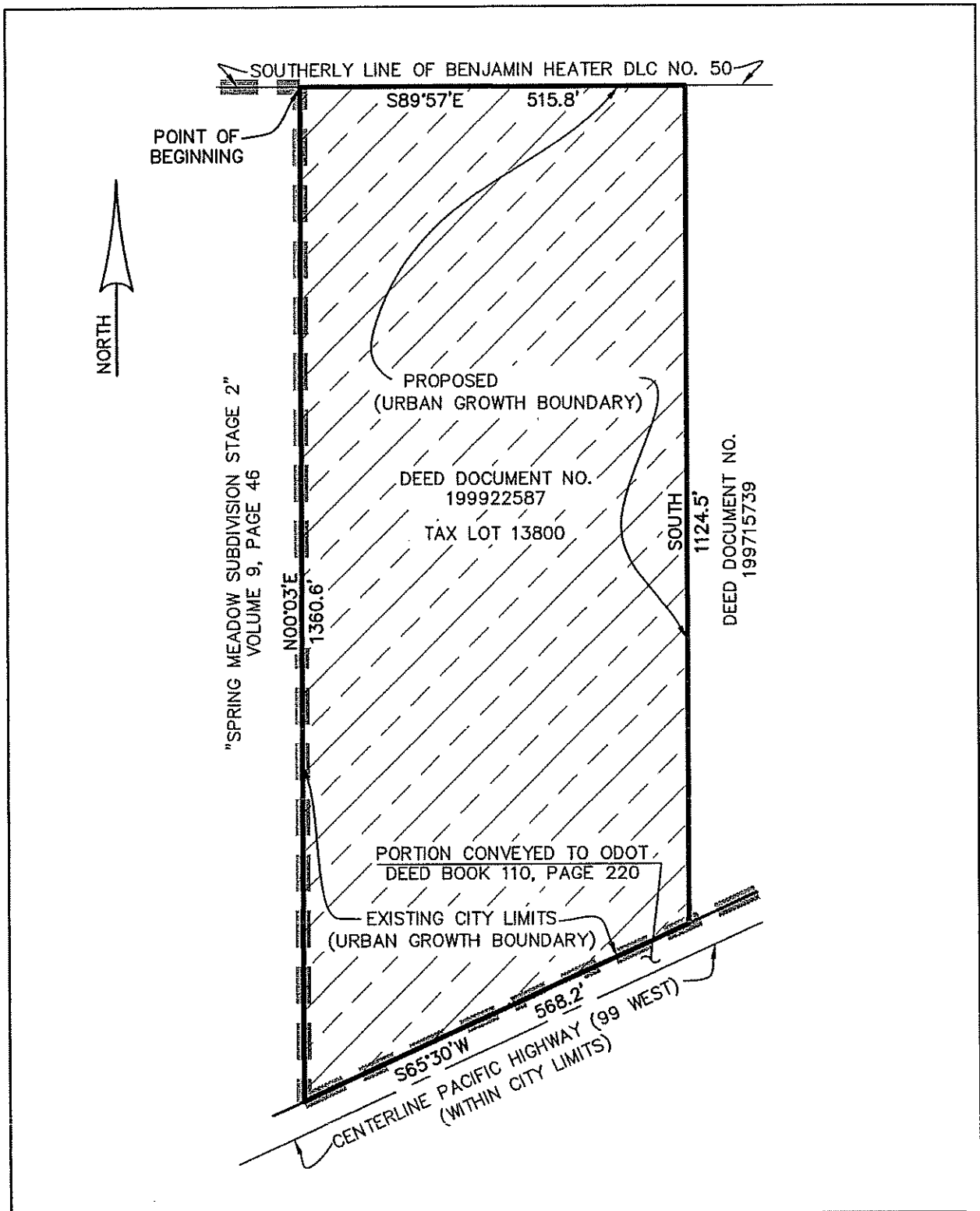
BEGINNING AT THE NORTHEASTERLY CORNER OF THE PLAT OF "SPRING MEADOW SUBDIVISION STAGE 2" RECORDED IN VOLUME 9, PAGE 46, YAMHILL COUNTY SURVEY RECORDS BEING AN ANGLE POINT OF THE NEWBERG CITY LIMIT BOUNDARY ON THE SOUTHERLY LINE OF THE BENJAMIN HEATER DONATION LAND CLAIM NUMBER 50; THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89° 57' EAST, 515.8 FEET TO THE NORTHWEST CORNER OF THAT CERTAIN TRACT DESCRIBED IN DEED RECORDED IN DOCUMENT NUMBER 199715739; THENCE ALONG THE WESTERLY LINE OF SAID TRACT SOUTH, 1124.5 FEET TO THE NORTHERLY RIGHT-OF-WAY OF PACIFIC HIGHWAY (HIGHWAY 99 WEST) AS DESCRIBED IN DEED BOOK 110, PAGE 220; THENCE ALONG SAID RIGHT-OF-WAY LINE SOUTH 65° 30' WEST, 568.2 FEET TO A POINT BEING THE SOUTHEASTERLY CORNER OF SAID PLAT OF "SPRING MEADOW SUBDIVISION STAGE 2"; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG THE EASTERLY BOUNDARY OF SAID PLAT (BEING COINCIDENT WITH AN EASTERLY NEWBERG CITY LIMIT LINE) NORTH 00°03' EAST, 1360.6 FEET TO SAID POINT OF BEGINNING.

CONTAINS 14.729 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT ENTITLED "EXHIBIT A-2 ANNEXATION MAP" IS MADE APART HEREOF.

THIS DESCRIPTION IS MEANT FOR ANNEXATION PURPOSES ONLY. IT IS NOT INTENDED TO BE USED IN THE TRANSFER OF REAL PROPERTY.





W R G
DESIGN INC.
 5415 SW Westgate Dr,
 Ste 100 / Portland, OR
 97221 / Tel. 503.419.2500

EXHIBIT A-2
ANNEXATION MAP
 NE1/4 S16, T3S, R2W, W.M.
 YAMHILL COUNTY, OREGON

PROJECT NO. JTS5136
 DATE: 07/11/2006
 BY: CEP
 SCALE: 1" = 100'
 SHEET NO. 2 OF 2

**EXHIBIT B: URBAN GROWTH BOUNDARY FINDINGS
UGB-06-01**

Approval of an urban growth boundary amendment for 14.74 acres.

ORS Standards:

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

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

OAR Standards:

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

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

Statewide LCDC Goals:

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

Goal 1. Citizen Involvement.

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

June 2005, the Ad Hoc Committee on Newberg's Future sought the input from the general public. During that time, the Committee held two open houses, conducted two surveys, received comments at each of their meetings, and received several letters. The hearing process for this request also fulfills the citizen involvement requirements.

At the hearing, neighbors raised concerns about the compatibility of the proposed commercial uses with adjacent established residential uses. A proposed tree buffer and an existing park provide separation along most of the boundary between the uses, except for a small amount of frontage on the northwest side of the property. Accordingly, NUAMC recommends a residential designation of this part of the property to respond to citizen concerns.

Goal 2. Land Use Planning.

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

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

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

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

Goal 3. Agricultural Lands.

Finding: This goal requires local governments to inventory agricultural lands and to "preserve and maintain" them for farm use. The property under review is currently planned VLDR (Low Density Residential) and is zoned AF-10 (Agriculture/Forestry Small Holding) under the County Zoning Ordinance. In 1980, Yamhill County identified the property under review as "lands committed to rural residential use" in Exceptions Statement 11. The exception land definition identified the general area as having a mixture of soil types ranging from Class II to Class VI soil type. The City of Newberg *Inventory of Natural and Cultural Resources* indicates that most soils in the vicinity are flat and at least moderately fertile, though nearly all types have some problems with drainage. Sheet 16 of the Yamhill County soil survey shows that the majority of the parcel, approximately 55% is Woodburn silt loam (WuB, 0.00 - 7.0%), which is designated as Class II

soil type. Approximately 25% is Laurelwood (La , 12 - 20%) and approximately 20% is Woodburn Clay (WuC, 3-12%). Woodburn Clay is classified as Class III soil type. The property has previously been used primarily for hay production. In the last several years, however, the property has been little used and has produced no economic agricultural products. The Exceptions Statement II document includes a discussion noting that the area involved is characterized by good roads, rural fire service, fair or better water availability, and has mostly fair soil suitability for septic systems. This area is currently committed to rural residential development. The Inventory of Natural and Cultural Resources report states the City's recognition that urban expansion will undoubtedly occur on prime Class II soils, but notes that wasteful land use practices should be discouraged. The proposed addition of the project site into the UGB would provide needed land for urban expansion adjacent to the City where services are available or can be readily extended, thereby avoiding leap-frog development or other land consumptive practices.

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

Finding: This goal encompasses twelve resource types, including wildlife habitats, mineral resources, and wetlands and waterways. Goal 5 requires inventories of resources to be conducted and policies to be adopted whereby the local jurisdiction can manage these resources. The City of Newberg prepared an inventory of natural and cultural resources in 1981 as part of its comprehensive planning program. This inventory includes the following resources: agricultural lands; forest lands; mineral and aggregate resources; fish and wildlife; water; air quality; and open space, scenic, natural, historic, and recreational resources. The property under review consists primarily of WuB Woodburn silt loam soils with La Laurelwood silt clay soils in the vicinity of the drainage ditch. Woodburn soils are identified as Class II soils by SCS; Laurelwood soils are identified as Class III as indicated on the USGS soil map. Much of the area has been used for hay pasture.

The parcel contains a wooded area along the north property line. The applicant has proposed that this area be retained as a buffer and open space area. Therefore, there are no conflicting uses for preservation of this area.

Residential development on the west and north of the property currently releases all their storm water onto this parcel. This has resulted in the development of some very low quality wetlands along the drainage ditches created by off site stormwater runoff. Further information is needed to determine whether these are jurisdictional wetlands or waterways and what protections may be needed.

Goal 6. Air, Water and Land Resources Quality.

Finding: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations regarding air, water, and land resources quality. The Newberg Comprehensive Plan, Ordinance 1967 contains several policies intended to ensure conformance with state and federal regulations governing air, water, and land resources quality. Negligible impacts are anticipated to existing air quality in the area. A C-2 land use designation is intended for local service retail uses. This will reduce the distance that Newberg residents need to travel for goods and services, and therefore improve air quality. The completion of the

Crestview Drive collector will shorten the length of miles traveled by the overall community by reducing out of direction travel, improving air quality. The proposed UGB amendment would be consistent with the City's Comprehensive Plan policies by providing water and sanitary sewer services capable of supporting future urban level development in the vicinity.

Goal 7. Areas Subject to Natural Disasters and Hazards

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

Goal 8. Recreation Needs

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

Goal 9. Economic Development

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

Newberg has recently adopted an economic opportunity analysis and land needs projections. Those projections identify a need for additional commercial land in the community. In particular, the plans identify a need for 2-3 community commercial centers of 10-15 acres each. The subject property was identified as a potential property for meeting this identified need. Thus, inclusion of this 14.74 acre property would help partly meet the community's need for a community commercial center.

The property abuts a park site to the west, future urban property to the east, and Providence Hospital to the south. These are compatible land uses. On the north side, however, the property is zoned rural residential and contains a rural residential subdivision. The applicant has proposed leaving a buffer of trees between the commercial property and that subdivision. This would be a limit on uses near the proposed commercial area that could provide for compatibility between the uses.

On a portion of the west side, the property abuts residential uses. The applicant should develop a plan for a mixture of residential and commercial uses that would place residential uses adjacent to the existing residences to insure compatibility.

Goal 10. Housing

Finding: This goal requires a community to plan for and accommodate needed housing types, including multifamily and manufactured housing. The community is also required to inventory developable residential lands, conduct an analysis of projected future demand for various

housing types, and to plan and zone enough buildable land to meet those needs. The goal prohibits local plans from discriminating against needed housing types. The goals for housing in the City of Newberg's Comprehensive Plan is to provide for diversity in the type, density, and location of housing to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. The Newberg Comprehensive Plan projects a future population of 38,352 by 2025 and 54,097 by 2040. Inclusion of the Gueldner Property into the UGB will help offset the City's projected shortfall of land for commercial development. The commercial development on the site will provide needed commercial services to serve the growing community. ~~No housing units are proposed for this property.~~ A small amount of residential development could be provided to serve as a buffer to existing residential uses to the west.

Goal 11. Public Facilities and Services.

Finding: This goal aims for efficient planning of public services such as sewers, water, law enforcement and fire protection. It encourages planning of public services to meet the community's needs and capacities rather than responding to development as it occurs. Newberg's comprehensive plan includes the goal to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development. **Sewer** service is anticipated to be provided by extending an existing sewer main in Klimek Lane to the property. Some upgrades to the Fernwood Road pump station may be needed to serve the property. General sewage treatment capacity for the community is addressed in the City's sewage master plan.

Water service is available fronting the site, and can be extended to serve the development. General water capacity for the community is addressed in the City's water master plans.

Storm drainage for the property is currently provided by two storm drainage ditches that currently cross the property and outfall to the property to the east. These eventually drain to a 24-inch diameter culvert under Highway 99W. This culvert is identified in the Newberg Drainage Master Plan as undersized and needing to be replaced with a 36-inch culvert. Certain improvements to the storm drainage system will be required upon development, which may include some combination of new storm drainage lines and storm water detention.

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

Goal 12. Transportation

Finding: The primary objective of this goal is to provide a safe, convenient and economic transportation system. The City's comprehensive plan contains several goals and policies designed to guide the planning and provision of a safe, convenient, and economic transportation system in cooperation with state, county, and neighboring communities in the region. The City's 1997 Urban Reserve Project report includes an analysis of transportation system impacts and possible improvements based on a comparison of two alternative land-use scenarios. The orderly and economic provision of public services and facilities, including the transportation system, was among the criteria used to evaluate the URAs. In addition, the City recently adopted a new Transportation System Plan. This plan evaluated not only the transportation needs of the future

development within the Urban Growth Boundary, but also the transportation needs of development of the designated urban reserve areas. The transportation plan used the land use assumption that the subject property would be designated commercial. Therefore, this plan can be relied upon for consideration of this UGB amendment.

Newberg's Transportation System Plan (TSP) includes several planned road improvements in the general vicinity of the site. They include: Northern Arterial Street Connection - Existing Crestview Drive to Oregon 99W. The City's existing TSP recommends that Crestview Drive be completed through the Gueldner property to OR Highway 99W. This connection is of the City's plan to construct a Northern Arterial connecting OR 99W at the project site to Villa Road and College Street north of the downtown core via Mountainview Drive and Crestview Drive. It also includes an east-west connection between the Crestview Drive extension and Benjamin Road.

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

A Traffic Impact Study was prepared for this project by the Transpo Group (and assuming the construction of the Crestview Drive to Highway 99W connection). The proposed conceptual commercial development on the site is expected to generate a total of 3,488 new daily, and 349 new weekday PM peak hour trips. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. A total of 2,292 weekday daily and 223 weekday PM peak hour passby trips would be generated by the project, and a total of 4,146 weekday internal trips and 254 weekday PM peak internal trips are generated. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

The Transpo study estimates trip generation rates that are higher than those assumed in the TSP. The study also finds failures in the future transportation system due to the site generated traffic, particularly at the Springbrook Road/99W intersection. If the actual development is similar to that projected in the conceptual plan, then the development will need to mitigate these impacts. In a similar case of Providence Hospital, the hospital was required to make a payment for a proportional share of improvements to the intersection. A similar requirement could be made for this project to mitigate these impacts.

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

Goal 13. Energy Conservation

Finding: This goal states that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles. This particular amendment will aid the conservation of energy largely by providing opportunities for shorter automobile trips. Currently, many shoppers in Newberg travel outside the community for various goods and services. Development of a community shopping center on this site will provide the opportunity for these Newberg shoppers to meet their needs in Newberg without traveling to shopping areas outside the area. Also, bringing the property into the UGB will facilitate construction of the Crestview/Providence Drive connection. This connection will provide a significantly shorter travel distance for many users in the area, again conserving energy.

Goal 14. Urbanization

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

Land Need

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

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

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

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

Year	Population Forecast
2004	18,438
2005	21,132
2010	24,497
2015	28,559
2020	33,683
2025	38,352
2030	42,870
2035	48,316
2040	54,097

The City and County have coordinated population projection sufficiently for this and other UGB amendments. Most recently, Yamhill County adopted Ordinance 781 on March 29, 2006, which amended the Newberg UGB. The findings for that amendment base needs for a 2025 population of 38,352, as adopted in the Newberg Comprehensive Plan.

The Newberg Comprehensive identifies a shortfall of 6 acres of commercial land for the period 2005-2025. It also identifies a need for 2-3 community commercial centers of 10-15 acres each. This amendment would partly meet Newberg's future commercial needs by providing a site for a community commercial center.

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

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

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

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

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

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

There are several parcels along Wynooski Street that have the needed site characteristics for a community commercial center. These parcels, however are intermixed in an existing industrial area, and are anticipated to be designated industrial upon inclusion in the UGB. Designating these as commercial would have severe negative EEES consequences, including loss of job opportunities in the community, and increase need for residents of Newberg to commute to other communities for employment. It would negative consequences to the functioning of the proposed Highway 219/Bypass interchange. Commercial use also would not be compatible with adjacent industrial uses.

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

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

The property abuts a park site to the west, future urban property to the east, and Providence Hospital to the south. These are compatible land uses. On the north side, however, the property is zoned rural residential and contains a rural residential subdivision. The applicant has proposed leaving a buffer of trees between the commercial property and that subdivision. This would be a limit on uses near the proposed commercial area that could provide for compatibility between the uses. On a portion of the west side, the property abuts residential uses. The applicant should develop a plan for a mixture of residential and commercial uses that would place residential uses adjacent to the existing residences to insure compatibility.

Newberg Urban Area Management Agreement -Urban Growth Boundary Amendment

Criteria: Amendment of the Urban Growth Boundary shall be treated as a map amendment to both City and County Comprehensive Plan maps. Change of the boundary shall be based upon consideration of the following factors:

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

Finding: These criteria are all addressed under previous findings.

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

The applicant must demonstrate compliance with the following criteria:

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

The following addresses particular comprehensive plan policies.

A. Citizen Involvement.

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

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

At the hearing, neighbors raised concerns about the compatibility of the proposed commercial uses with adjacent established residential uses. A proposed tree buffer and an existing park provide separation along most of the boundary between the uses, except for a small amount of frontage on the northwest side of the property. Accordingly, NUAMC recommends a residential designation of this part of the property to respond to citizen concerns.

B. Land Use Planning.

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

Finding: Inclusion of this property into the UGB aligns with the city's and state's goal of providing enough land for growth. As land designated Urban Reserve and abutting the

edge of the City's current limit, this property is appropriate in which to efficiently expand the City's boundary. Additionally, inclusion of this property within the UGB can facilitate the completion of Crestview Drive extension to Highway 99W as envisioned in the City's Transportation System Plan (TSP).

C. Agricultural Lands.

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

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

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

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

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

D. Wooded Areas

Goal: *To retain and protect wooded areas.*

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

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

Finding: The wooded area on the north side of the Guelder property will be retained for a buffer between the proposed commercial center and the existing homes to the north. A drainage ditch is located within the wooded area. The majority of the wooded area to the west is contained within the open space tract park in the adjacent residential community, and is therefore protected.

E. Air, Water, and Land Resource Quality.

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

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

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

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

K. Transportation

Goal 4, Policies m and q

- m.*** *To enable the City and ODOT to adequately plan land uses and local circulation for the interchange areas, the City of Newberg will retain existing base zoning within the Interchange Overlay District in the interim period before IAMPs are prepared and adopted, except as follows. Annexations will be allowed if the associated zone change is consistent with the acknowledged Newberg Comprehensive Plan designation for the property in effect at the date of adoption of the Interchange Overlay. Consistent with the exception under policy q. below for the East Newberg interchange, for the land north of Highway 99W within the Urban Reserve Area C, the City may adopt a comprehensive plan designation and implement that comprehensive plan map designation with a zoning map amendment consistent with its annexation requirements. Permitted and conditional uses that are authorized under existing base city zones will generally be allowed within the Interchange Overlay, with certain limitations on commercial uses in the industrial zones.*
- q.*** *The City agrees not to approve expansion of the Newberg UGB or Urban Reserve Areas around the East Newberg or Oregon 219 interchanges until IAMPs for the two interchanges are prepared and adopted by ODOT, Yamhill County and the City of Newberg. An exception to this policy will be allowed for a limited expansion of the Newberg UGB into the westerly portion of Urban Reserve Area C to accommodate construction of the Northern Arterial in the general location shown on the City of Newberg acknowledged Transportation System Plan, including that land north of Highway 99W within Urban Reserve Area C.*

Finding: The property is within Urban Reserve Area C, north of Highway 99W, and thus falls within the exception above. Note that completion and adoption of the IAMP may involve additional conditions or mitigation measures.

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

Finding: Improvements at the intersection of Providence Drive and Highway 99W are possible with the proposed project. The scope of these improvements and the impact on operations will be coordinated with ODOT and the City. The construction of the Crestview connector provides a planned link in the City's overall roadway network as shown in the Newberg Transportation System Plan that would otherwise result in increased need for Highway 99W and the current key intersections to provide circulation for Newberg residents (especially those north of Highway 99W). The east-west connection to

Benjamin Road, partly within this area planned for UGB amendment, would also help create effective circulation and access.

L. Public Facilities and Services.

Policy 1(a): The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.

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

Finding: New public utilities-including a pump station in Fernwood Road-have been completed in the near vicinity which will serve this site, possibly with some upgrades, and the balance of the Springbrook Oaks development. A 10-inch waterline fronts the property. Storm drainage ditches traverse the property and connect to storm drain pipes on the western edge of the property. This site can be efficiently served by public facilities and services.

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

Finding: The land is within Newberg's urban reserve area. The urban reserve is intended to maintain an adequate of supply land for the City's needs by 2020. Lands designated "Urban Reserve" are the most appropriate to include within a UGB expansion. Conversion of this property from rural to urban uses would qualify as orderly and efficient transition. Projected road improvements will be linked to adjacent urbanized area within the City of Newberg. The project proposal includes modifications to the Providence Drive/Highway 99W intersection to maintain adequate operations for the new hospital directly across Highway 99W and the proposed project.

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

Finding: The proposed UGB expansion would modify the existing boundary to extend to the east edge boundary of the property. This would allow adequate room for the extension of Crestview Drive. Overall, the UGB expansion will follow the property's lot line.

Policy 1(h): The designated Urban Reserve Area identifies the priority lands to include within the Newberg Urban Growth Boundary to meet projected growth needs to provide a thirty (30) to fifty (50) year land supply. Designated Urban Reserve Area lands will be included within the Urban Growth Boundary on a phased basis at periodic review. Property owners will also have the opportunity to request that land within the designated Urban Reserve Area be included within the Newberg Urban Growth Boundary based on the criteria outlined in the LCDC Goal 14 and the Urban Growth Management [Agreement].

Finding: The Urban Reserve Areas were evaluated and prioritized for inclusion in the UGB approximately eight to ten years ago. Since that time, few URAs have been incorporated into the City's UGB. These amendments have been small and have not provided adequate lands to meet the growth needs of the City. This application demonstrates compliance

with criteria specified in Statewide Goal 14, Urbanization. Responses to Goal 14 criteria are found at the beginning of this report.

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

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

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

Finding: See the findings under Goal 12: Transportation

Yamhill Comprehensive Plan Policies

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

CONCLUSION:

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

NUAMC RESOLUTION NO. 2006-18

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

RECITALS

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

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

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

4. Approval is contingent on final adoption of amendments to the Newberg Transportation System plan as initiated by Resolution 2006-2661.
5. Require that, upon future development of the property, the development contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook/99W intersection.
6. A refined traffic study will be required upon future development. No direct access to Highway 99W will be allowed, but the east-west connector on site could connect to a frontage road along the proposed bypass. If the bypass is not built then the east-west connector should connect to Benjamin Road as far north as possible. The traffic study should determine the appropriate mitigation for the unacceptable levels of service at the Crestview Drive/Highway 99W intersection, Crestview Drive/east-west connector intersection.
7. A wetland determination and delineation report, following state and federal standards, shall be prepared prior to development on the site. Development shall comply with applicable state and federal wetland standards.
8. Require a 30 foot setback from the northern property line of these parcels for all future buildings on the site.
9. Require a 20 foot wide dense buffer along the Benjamin Road commercial frontage of the site to block light, noise and sight. The buffer could include vegetative elements, a wall, and a berm.
10. Require that development follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.
11. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W must be in place at the time of development.

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

DATED this 6th day of December, 2006.

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

ATTEST:


 Recording Secretary


 NUAMC Chair

Exhibits:

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

EXHIBIT A: LEGAL DESCRIPTION AND MAP



EXHIBIT "A"

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

JOB NO. 0428-0005

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

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

CONTAINING APPROXIMATELY 29.91 ACRES.

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

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EXHIBIT A: LEGAL DESCRIPTION AND MAP (CONTINUED)

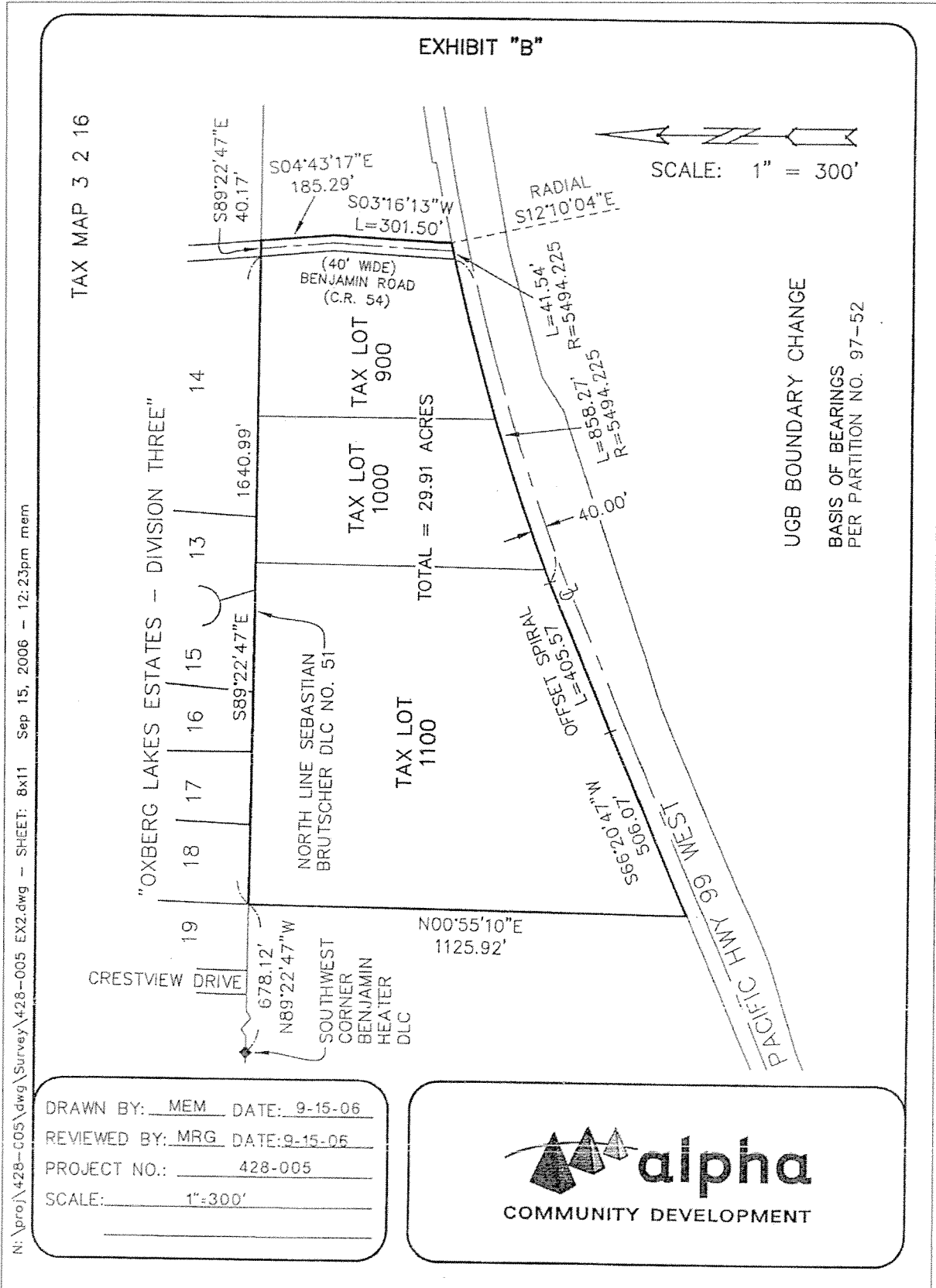


EXHIBIT B: URBAN GROWTH BOUNDARY FINDINGS

UGB-06-002

Approval of an urban growth boundary amendment for 30 acres.

ORS Standards:

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

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

OAR Standards:

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

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

Statewide LCDC Goals:

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

Goal 1. Citizen Involvement.

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

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

Goal 2. Land Use Planning.

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

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

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

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

Goal 3. Agricultural Lands.

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

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

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

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

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

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

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

Goal 6. Air, Water and Land Resources Quality.

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

Goal 7. Areas Subject to Natural Disasters and Hazards

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

Goal 8. Recreation Needs

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

Goal 9. Economic Development

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

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

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

Goal 10. Housing

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

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

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

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

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

Source: Newberg Planning and Building Department
Data subject to change

Goal 11. Public Facilities and Services.

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

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

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

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

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

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

Goal 12. Transportation

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

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

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

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

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

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

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

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

Goal 13. Energy Conservation

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

Goal 14. Urbanization

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

Land Need

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Newberg Urban Area Management Agreement -Urban Growth Boundary Amendment

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

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

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

Finding: These criteria are all addressed under previous findings.

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

The applicant must demonstrate compliance with the following criteria:

- (a) *The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;*

The following addresses particular comprehensive plan policies.

A. Citizen Involvement.

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

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

B. Land Use Planning.

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

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

C. Agricultural Lands.

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

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

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

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

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

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

D. Wooded Areas

Goal: *To retain and protect wooded areas.*

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

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

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

E. Air, Water, and Land Resource Quality.

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

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

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

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

K. Transportation

Goal 4, Policies m and q

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

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

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

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

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

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

L. Public Facilities and Services.

Policy 1(a): The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.

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

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

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

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

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

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

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

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

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

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

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

Finding: See the findings under Goal 12: Transportation

Yamhill Comprehensive Plan Policies

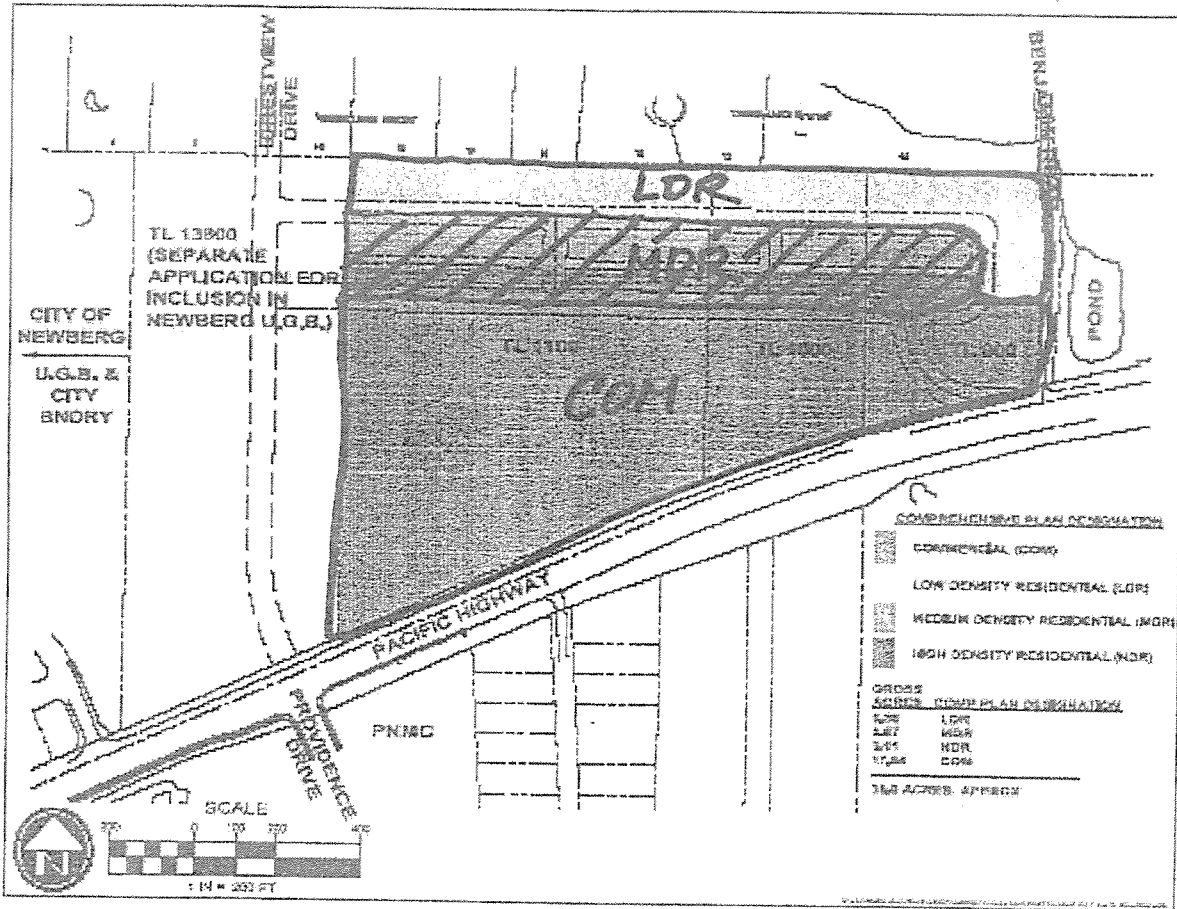
Yamhill County comprehensive plan policies are addressed in the Yamhill County staff report and in the application.

CONCLUSION:

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

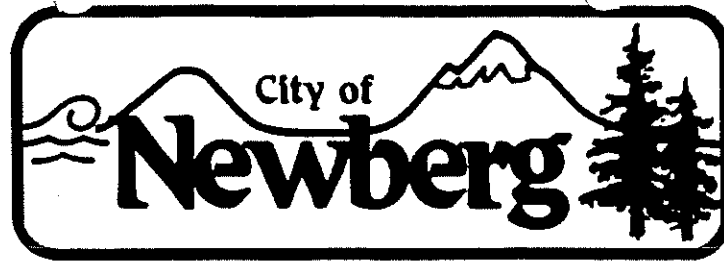
EXHIBIT C: COMPREHENSIVE PLAN MAP

FIGURE 11
PROPOSED DEVELOPMENT PLAN



City Manager
(503) 538-9421

City Attorney
(503) 537-1206



414 East First Street
PO Box 970
Newberg, Oregon 97132

January 30, 2006

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

Dear Chair Lewis:

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

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

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

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

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

CITY MANAGER'S OFFICE: e-mail: nctymgr@ci.newberg.or.us Fax: 537-5013


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

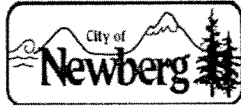
"Working Together For A Better Community - Serious About Service"

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

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

Sincerely,


James H. Bennett
City Manager
City of Newberg



ORDINANCE No. 2007-2664

AN ORDINANCE DECLARING PROPERTY LOCATED NORTH OF HWY 99W ACROSS FROM PROVIDENCE HOSPITAL, YAMHILL COUNTY TAX LOT 3216AC-13800, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY

RECITALS:

1. Jeffrey D. Smith submitted an application for annexation and consent to annex on October 5, 2006, for property located north of Hwy 99W across from Providence Hospital, Yamhill County tax lot 3216AC-13800.
2. After proper notice, on January 16, 2007 at the hour of 7:00 PM in the Newberg Public Safety Building, 401 E Third, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
3. On January 16, 2007, the City Council adopted Order 2007-0002 which affirmed that the annexation met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
5. The applicant has requested that this matter be placed before the voters at the May 15, 2007 special election.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:


1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the May 15, 2007 general election.

2. The City Council directs that all costs associated with placing the item on the ballot be paid for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot. Owners may be required to place monies in escrow to cover the costs of election(s).
3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.
4. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
6. Should this annexation request be approved by a majority of the electorate of the City of Newberg at the identified election date, the property shown in Exhibit "A" and described in Exhibit "B", shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
 - A. The City of Newberg land use inventory data and GIS data will be updated to reflect the new addition.
 - B. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: February 15, 2007.


ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of January, 2007, by the following votes:

AYE: 6 NAY: 0 ABSENT: 1 ABSTAIN: 0



 James H. Bennett, City Recorder

ATTEST by the Mayor this 18th day of January, 2007.



 Bob Andrews, Mayor

LEGISLATIVE HISTORY

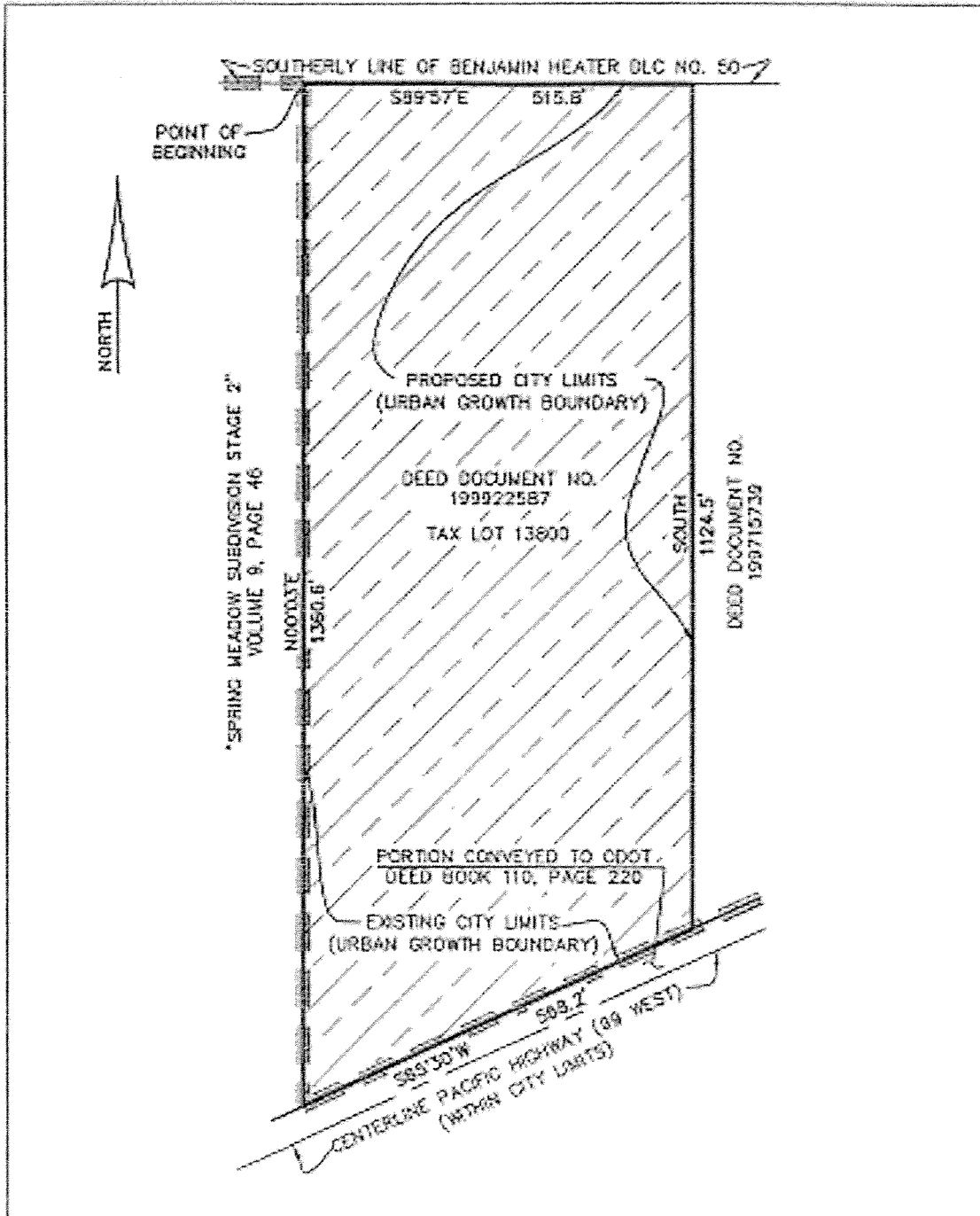
By and through Planning Commission Committee at the 12/14/2006 meeting.

Exhibits:

Exhibit "A": Annexation Map

Exhibit "B": Legal Description

EXHIBIT "B": ANNEXATION MAP
ANX-06-009



DESIGN INC.
5415 SW Westgate Dr.
Ste 100 / Portland, OR
87221 / Tel. 503.418.2500

**EXHIBIT A-2
ANNEXATION MAP**
NE1/4 S18, T3S, R2W, WM,
YAMHILL COUNTY, OREGON

PROJECT NO. JTS6136
DATE: 07/11/2006
BY: CEP
SCALE: 1" = 100'
SHEET NO. 2 OF 2

EXHIBIT "C": LEGAL DESCRIPTION
ANX-06-009

LEGAL DESCRIPTION:
JULY 11, 2006
PAGE 1 OF 2

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY,
OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

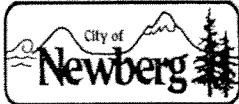
BEGINNING AT THE NORTHEASTERLY CORNER OF THE PLAT OF "SPRING MEADOW
SUBDIVISION STAGE 2" RECORDED IN VOLUME 9, PAGE 46, YAMHILL COUNTY SURVEY
RECORDS BEING AN ANGLE POINT OF THE NEWBERG CITY LIMIT BOUNDARY ON THE
SOUTHERLY LINE OF THE BENJAMIN HEATER DONATION LAND CLAIM NUMBER 50;
THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89° 57' EAST, 515.8 FEET TO
THE NORTHWEST CORNER OF THAT CERTAIN TRACT DESCRIBED IN DEED RECORDED
IN DOCUMENT NUMBER 199715739; THENCE ALONG THE WESTERLY LINE OF SAID
TRACT SOUTH, 1124.5 FEET TO THE NORTHERLY RIGHT-OF-WAY OF PACIFIC HIGHWAY
(HIGHWAY 99 WEST) AS DESCRIBED IN DEED BOOK 110, PAGE 220; THENCE ALONG
SAID RIGHT-OF-WAY LINE SOUTH 65° 30' WEST, 568.2 FEET TO A POINT BEING THE
SOUTHEASTERLY CORNER OF SAID PLAT OF "SPRING MEADOW SUBDIVISION STAGE
2"; THENCE LEAVING SAID RIGHT-OF-WAY LINE ALONG THE EASTERLY BOUNDARY OF
SAID PLAT (BEING COINCIDENT WITH AN EASTERLY NEWBERG CITY LIMIT LINE) NORTH
00°03' EAST, 1360.6 FEET TO SAID POINT OF BEGINNING.

CONTAINS 14.729 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT ENTITLED "EXHIBIT A-2 ANNEXATION MAP" IS MADE APART
HEREOF.

THIS DESCRIPTION IS MEANT FOR ANNEXATION PURPOSES ONLY. IT IS NOT INTENDED
TO BE USED IN THE TRANSFER OF REAL PROPERTY.





ORDER No. 2007-0002

AN ORDER FINDING THAT PROPERTY LOCATED NORTH OF HWY 99W ACROSS FROM PROVIDENCE HOSPITAL, YAMHILL COUNTY TAX LOT 3216AC-13800, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2, AND C-2.

RECITALS:

1. On June 7, 2006, Jeffrey D. Smith submitted concurrent applications for an urban growth boundary amendment, comprehensive plan amendment to COM (commercial), annexation, and zoning amendment to C-2 (community commercial) for property located north of Hwy 99W across from Providence Hospital, Yamhill County tax lot 3216AC-13800.
2. Due to testimony and deliberations at the NUAMC (Newberg Urban Area Management Commission) meeting on September 21, 2006, the applicant revised his request to consist of a comprehensive plan amendment to include portions of LDR (low density residential), MDR (medium density residential) and COM (commercial), and a zoning amendment to include corresponding portions of R-1 (low density residential), R-2 (medium density residential) and C-2 (community commercial).
3. The urban growth boundary amendment and revised comprehensive plan amendment were heard and approved by Newberg City Council on October 16, 2006.
4. The Newberg Planning Commission heard the annexation and zoning amendment on December 14, 2006, and recommended approval per Resolution No. 2006-227.
5. After proper notice, on January 16, 2007, the Newberg City Council held a hearing to consider the annexation and zoning amendment requests.
6. The City Council finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria and adopts the findings, which are attached hereto as Exhibit "A" and incorporated herein by reference.
2. Annexation requires the City Council to adopt an ordinance annexing the property, and requires

approval at a public vote. If the annexation is approved through these procedures, then the City orders the following:

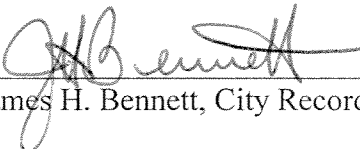
- A. The zoning of the property described in Exhibit "C" is changed to portions of R-1 (low density residential), R-2 (medium density residential) and C-2 (community commercial) as shown on the map in Exhibit "D."

3. This order is subject to the following:

- A. Annexation of this property is contingent upon final official adoption of the urban growth boundary amendment. The effective date of the UGB amendment is contingent upon the final approval and adoption of amendments to the acknowledged Newberg Transportation System Plan as initiated by Resolution 2006-2661 and as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
- B. Upon future development of this property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- C. A 30 ft building setback along the north property line will be required upon development of the site.
- D. A wetland determination is required prior to any development on the site.
- E. Future development of the property shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: January 17, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of January, 2007.



James H. Bennett, City Recorder

ATTEST by the Mayor this 18th day of January, 2007.


Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through the Planning Commission Committee at their 12/14/2006 meeting.

Exhibits:

Exhibit "A": Findings and Conditions of Approval

Exhibit "B": Annexation Map

Exhibit "C": Legal Description

Exhibit "D": Zoning Map

**EXHIBIT "A": FINDINGS & CONDITIONS
ANX-06-009**

Annexation of 14.74 acres for property located north of Hwy 99W, across from Providence Hospital
(4020 Portland Rd)

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

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

FINDING: On October 19, 2006, the City Council adopted Ordinance 2006-2660, including the property in the Urban Growth Boundary subject to adoption of certain amendments to the Newberg Transportation System Plan. Thus, annexation is contingent on the amendments first being adopted.

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

FINDING: The subject site is adjacent to Newberg city limits on both its southern and western property lines.

II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI-JUDICIAL ANNEXATION CRITERIA

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

FINDING: The comprehensive plan designation of the site was changed concurrently with the urban growth amendment application that was filed May 17, 2006 and approved by Ordinance 2006-2660 on October 19, 2006. The new comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential) for the northernmost 170 ft of the site, R-2 (medium density residential) for the next northernmost 220 ft, and C-2 (community commercial) for the remainder of the property. These zoning designations would correspond with the redesignated comprehensive plan map areas. Crestview Dr will be extended south through the property in accordance with the comprehensive plan map and the Newberg Transportation System Plan.

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

- (1) Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.*
- (2) Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance*

against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

FINDING: As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

Water: The property will connect to an existing 10-inch mainline that runs along Hwy 99W at the property's southern border.

Storm water: Storm water drainage is currently provided by two storm drainage ditches that cross the property and outfall to the property to the east. These ditches eventually drain to a 24-inch diameter culvert under Hwy 99W. The Newberg Drainage Master Plan identifies this culvert as being undersized and needing to be replaced with a 36-inch culvert. Certain improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system.

Sewer: Sewer service will be provided by extending the line that currently runs along Klimek Lane along the Klimek Lane right-of-way across Hwy 99W following the general alignment of the drainage ditch on the Gueldner property.

Roads: The subject property is adjacent to Hwy 99W on its southern side. Upon development, Hwy 99W shall be improved with curbs, gutters, and sidewalks. In addition, the Newberg Transportation System Plan designates a planned road improvement for the area. The improvement will consist of Crestview Dr being extended south through the property and connecting with Hwy 99W across from the Providence Dr connection. It also includes an east-west connection between the Crestview Dr extension and Benjamin Rd.

The Transpo Group prepared a traffic impact study for this site using the assumption that Crestview Dr will be extended through the site. The proposed site development is expected to generate a total of 3,488 new daily, and 349 new weekday PM peak hour trips. Due to the new trip generation and the expected burden the new trips will place on the intersection of Springbrook Rd & Hwy 99W, future development of the site will be required to pay a share of the future cost of capacity improvements to the intersection.

The Transpo study also calculated that much of the commercial center traffic will be pass-by or internal trips versus primary, or new, trips. A total of 2,292 weekday daily and 223 weekday PM peak hour passby trips would be generated by the project, and a total of 4,146 weekday internal trips and 254 weekday PM peak hour internal trips would be generated. This would suggest that the commercial center could reduce the number of overall vehicle miles traveled for the residents of Newberg because they will be able to satisfy many of their shopping needs in one central place instead of making individual, or new, trips to many different places. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

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

FINDING: Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service

is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. Because the annexed property will be primarily commercial as opposed to residential, it will provide more revenue for these services than it will be a burden on the services. The new residential development portion of the property may increase the demand for parks and school facilities, which should be offset by the system development charges for parks and the per-pupil State funding for schools. Overall, the development of the site will not have adverse affects on the availability of police, fire, parks, and school facilities and services for the community as a whole.

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

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

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

FINDING: This criterion is not applicable to this property.

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

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

FINDING: The proposed zone change from County AF-10 to City R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) is consistent with the comprehensive plan designation of the site. See the finding for § 151.262(A) above for a more in depth discussion of compliance with the Newberg comprehensive plan.

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

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

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

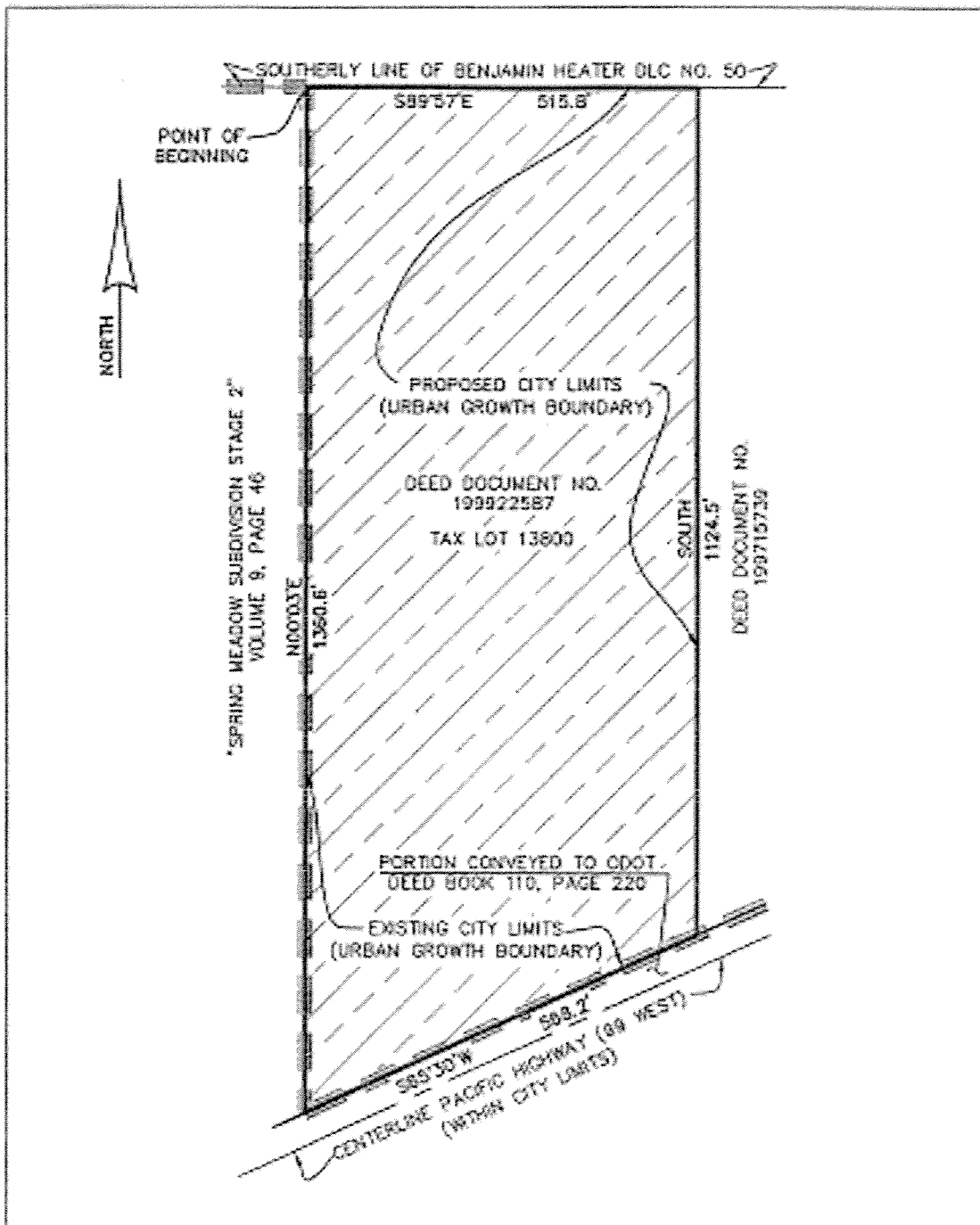
FINDING: The zone change in itself is in compliance with the State Transportation Rule and does not significantly affect transportation facilities. Transportation impacts are addressed above in the finding for § 151.262(B), and in the urban growth boundary and comprehensive plan amendment staff report, file no. UGB-06-001.

CONDITIONS OF APPROVAL
ANX-06-009

The following conditions of approval apply to the annexation of the property located north of Hwy 99W, across from Providence Hospital (4020 Portland Rd), Yamhill County tax lot 3216AC-13800.

- Annexation of this property cannot go to a public vote until official adoption of the urban growth boundary (UGB) amendment is complete. The effective date of the UGB amendment is contingent upon the final approval and adoption of amendments to the acknowledged Newberg Transportation System Plan as initiated by Resolution 2006-2661 and as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- A wetland determination is required prior to any development on the site.
- Future development of the property shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.

EXHIBIT "B": ANNEXATION MAP
ANX-06-009



DESIGN INC.
5415 SW Westgate Dr,
Ste 100 / Portland, OR
97221 / Tel: 503.418.2600

**EXHIBIT A-2
ANNEXATION MAP**
NE1/4 S16, T3S, R2W, W1M
YAMHILL COUNTY, OREGON

PROJECT NO. JT86166
DATE: 07/11/2006
BY: CEP
SCALE: 1" = 100'
SHEET NO. 2 OF 2

EXHIBIT "C": LEGAL DESCRIPTION
ANX-06-009

LEGAL DESCRIPTION:
JULY 11, 2006
PAGE 1 OF 2

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY,
OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

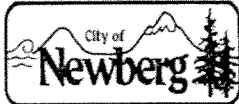
**BEGINNING AT THE NORTHEASTERLY CORNER OF THE PLAT OF "SPRING MEADOW
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SOUTHERLY LINE OF THE BENJAMIN HEATER DONATION LAND CLAIM NUMBER 50;
THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89° 57' EAST, 515.8 FEET TO
THE NORTHWEST CORNER OF THAT CERTAIN TRACT DESCRIBED IN DEED RECORDED
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CONTAINS 14.729 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT ENTITLED "EXHIBIT A-2 ANNEXATION MAP" IS MADE APART
HEREOF.

THIS DESCRIPTION IS MEANT FOR ANNEXATION PURPOSES ONLY. IT IS NOT INTENDED
TO BE USED IN THE TRANSFER OF REAL PROPERTY.





ORDER No. 2007-0002

AN ORDER FINDING THAT PROPERTY LOCATED NORTH OF HWY 99W ACROSS FROM PROVIDENCE HOSPITAL, YAMHILL COUNTY TAX LOT 3216AC-13800, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2, AND C-2.

RECITALS:

1. On June 7, 2006, Jeffrey D. Smith submitted concurrent applications for an urban growth boundary amendment, comprehensive plan amendment to COM (commercial), annexation, and zoning amendment to C-2 (community commercial) for property located north of Hwy 99W across from Providence Hospital, Yamhill County tax lot 3216AC-13800.
2. Due to testimony and deliberations at the NUAMC (Newberg Urban Area Management Commission) meeting on September 21, 2006, the applicant revised his request to consist of a comprehensive plan amendment to include portions of LDR (low density residential), MDR (medium density residential) and COM (commercial), and a zoning amendment to include corresponding portions of R-1 (low density residential), R-2 (medium density residential) and C-2 (community commercial).
3. The urban growth boundary amendment and revised comprehensive plan amendment were heard and approved by Newberg City Council on October 16, 2006.
4. The Newberg Planning Commission heard the annexation and zoning amendment on December 14, 2006, and recommended approval per Resolution No. 2006-227.
5. After proper notice, on January 16, 2007, the Newberg City Council held a hearing to consider the annexation and zoning amendment requests.
6. The City Council finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria and adopts the findings, which are attached hereto as Exhibit "A" and incorporated herein by reference.
2. Annexation requires the City Council to adopt an ordinance annexing the property, and requires

approval at a public vote. If the annexation is approved through these procedures, then the City orders the following:

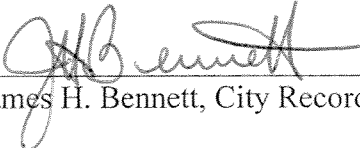
- A. The zoning of the property described in Exhibit "C" is changed to portions of R-1 (low density residential), R-2 (medium density residential) and C-2 (community commercial) as shown on the map in Exhibit "D."

3. This order is subject to the following:

- A. Annexation of this property is contingent upon final official adoption of the urban growth boundary amendment. The effective date of the UGB amendment is contingent upon the final approval and adoption of amendments to the acknowledged Newberg Transportation System Plan as initiated by Resolution 2006-2661 and as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
- B. Upon future development of this property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- C. A 30 ft building setback along the north property line will be required upon development of the site.
- D. A wetland determination is required prior to any development on the site.
- E. Future development of the property shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: January 17, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of January, 2007.



James H. Bennett, City Recorder

ATTEST by the Mayor this 18th day of January, 2007.


Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through the Planning Commission Committee at their 12/14/2006 meeting.

Exhibits:

Exhibit "A": Findings and Conditions of Approval

Exhibit "B": Annexation Map

Exhibit "C": Legal Description

Exhibit "D": Zoning Map

EXHIBIT "A": FINDINGS & CONDITIONS

ANX-06-009

Annexation of 14.74 acres for property located north of Hwy 99W, across from Providence Hospital
(4020 Portland Rd)

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

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

FINDING: On October 19, 2006, the City Council adopted Ordinance 2006-2660, including the property in the Urban Growth Boundary subject to adoption of certain amendments to the Newberg Transportation System Plan. Thus, annexation is contingent on the amendments first being adopted.

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

FINDING: The subject site is adjacent to Newberg city limits on both its southern and western property lines.

II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI-JUDICIAL ANNEXATION CRITERIA

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

FINDING: The comprehensive plan designation of the site was changed concurrently with the urban growth amendment application that was filed May 17, 2006 and approved by Ordinance 2006-2660 on October 19, 2006. The new comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential) for the northernmost 170 ft of the site, R-2 (medium density residential) for the next northernmost 220 ft, and C-2 (community commercial) for the remainder of the property. These zoning designations would correspond with the redesignated comprehensive plan map areas. Crestview Dr will be extended south through the property in accordance with the comprehensive plan map and the Newberg Transportation System Plan.

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

- (1) Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.*
- (2) Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance*

against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

FINDING: As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

Water: The property will connect to an existing 10-inch mainline that runs along Hwy 99W at the property's southern border.

Storm water: Storm water drainage is currently provided by two storm drainage ditches that cross the property and outfall to the property to the east. These ditches eventually drain to a 24-inch diameter culvert under Hwy 99W. The Newberg Drainage Master Plan identifies this culvert as being undersized and needing to be replaced with a 36-inch culvert. Certain improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system.

Sewer: Sewer service will be provided by extending the line that currently runs along Klimek Lane along the Klimek Lane right-of-way across Hwy 99W following the general alignment of the drainage ditch on the Gueldner property.

Roads: The subject property is adjacent to Hwy 99W on its southern side. Upon development, Hwy 99W shall be improved with curbs, gutters, and sidewalks. In addition, the Newberg Transportation System Plan designates a planned road improvement for the area. The improvement will consist of Crestview Dr being extended south through the property and connecting with Hwy 99W across from the Providence Dr connection. It also includes an east-west connection between the Crestview Dr extension and Benjamin Rd.

The Transpo Group prepared a traffic impact study for this site using the assumption that Crestview Dr will be extended through the site. The proposed site development is expected to generate a total of 3,488 new daily, and 349 new weekday PM peak hour trips. Due to the new trip generation and the expected burden the new trips will place on the intersection of Springbrook Rd & Hwy 99W, future development of the site will be required to pay a share of the future cost of capacity improvements to the intersection.

The Transpo study also calculated that much of the commercial center traffic will be pass-by or internal trips versus primary, or new, trips. A total of 2,292 weekday daily and 223 weekday PM peak hour passby trips would be generated by the project, and a total of 4,146 weekday internal trips and 254 weekday PM peak hour internal trips would be generated. This would suggest that the commercial center could reduce the number of overall vehicle miles traveled for the residents of Newberg because they will be able to satisfy many of their shopping needs in one central place instead of making individual, or new, trips to many different places. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

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

FINDING: Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service

is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. Because the annexed property will be primarily commercial as opposed to residential, it will provide more revenue for these services than it will be a burden on the services. The new residential development portion of the property may increase the demand for parks and school facilities, which should be offset by the system development charges for parks and the per-pupil State funding for schools. Overall, the development of the site will not have adverse affects on the availability of police, fire, parks, and school facilities and services for the community as a whole.

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

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

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

FINDING: This criterion is not applicable to this property.

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

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

FINDING: The proposed zone change from County AF-10 to City R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) is consistent with the comprehensive plan designation of the site. See the finding for § 151.262(A) above for a more in depth discussion of compliance with the Newberg comprehensive plan.

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

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

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

FINDING: The zone change in itself is in compliance with the State Transportation Rule and does not significantly affect transportation facilities. Transportation impacts are addressed above in the finding for § 151.262(B), and in the urban growth boundary and comprehensive plan amendment staff report, file no. UGB-06-001.

CONDITIONS OF APPROVAL
ANX-06-009

The following conditions of approval apply to the annexation of the property located north of Hwy 99W, across from Providence Hospital (4020 Portland Rd), Yamhill County tax lot 3216AC-13800.

- Annexation of this property cannot go to a public vote until official adoption of the urban growth boundary (UGB) amendment is complete. The effective date of the UGB amendment is contingent upon the final approval and adoption of amendments to the acknowledged Newberg Transportation System Plan as initiated by Resolution 2006-2661 and as shown in the agreement by the parties but subject to any amendment to the agreement as the parties may approve.
- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- A wetland determination is required prior to any development on the site.
- Future development of the property shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.

EXHIBIT "B": ANNEXATION MAP
ANX-06-009

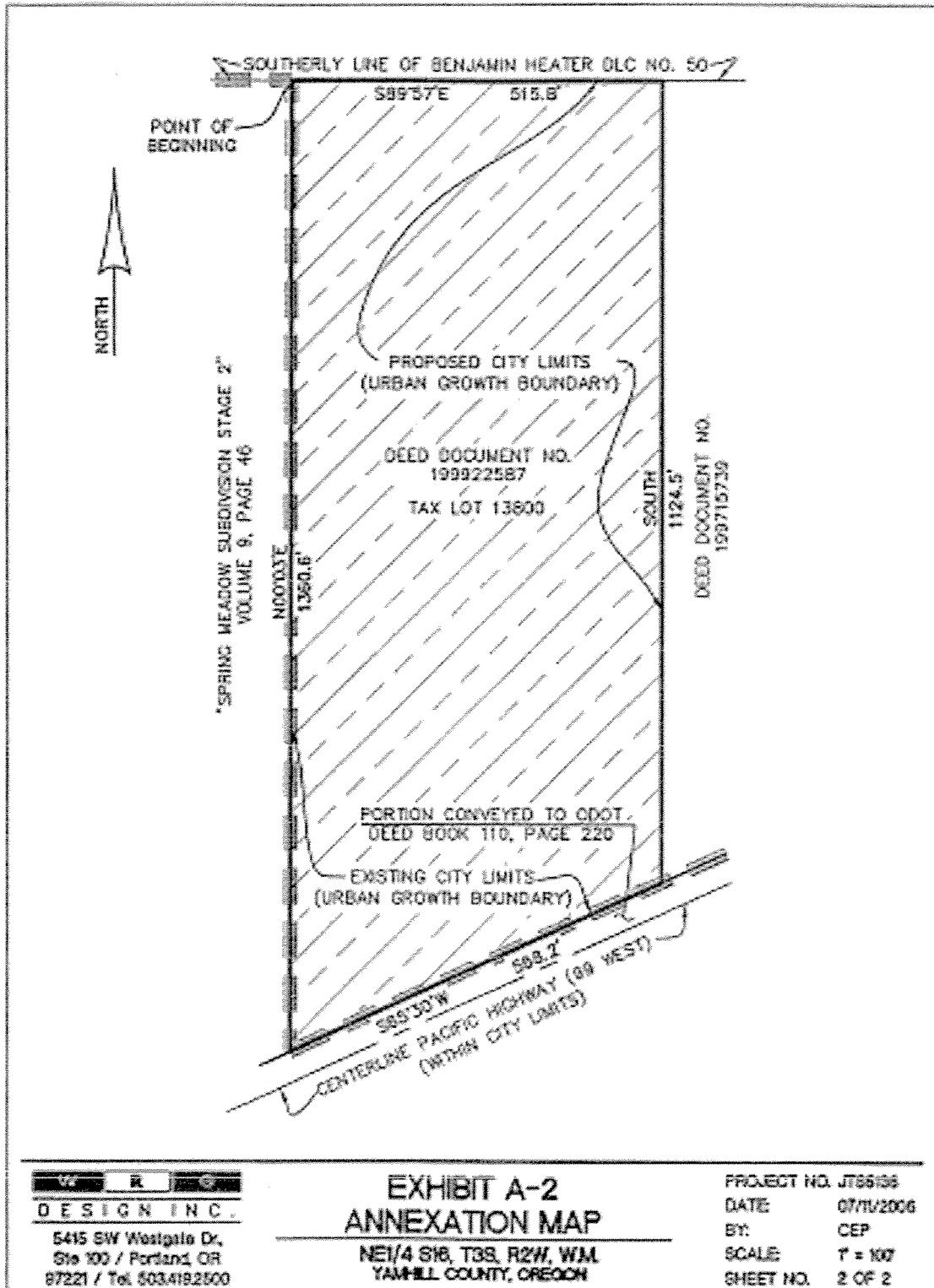


EXHIBIT "C": LEGAL DESCRIPTION
ANX-06-009

LEGAL DESCRIPTION:
JULY 11, 2006
PAGE 1 OF 2

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 16,
TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, YAMHILL COUNTY,
OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

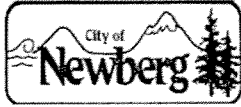
**BEGINNING AT THE NORTHEASTERLY CORNER OF THE PLAT OF "SPRING MEADOW
SUBDIVISION STAGE 2" RECORDED IN VOLUME 9, PAGE 46, YAMHILL COUNTY SURVEY
RECORDS BEING AN ANGLE POINT OF THE NEWBERG CITY LIMIT BOUNDARY ON THE
SOUTHERLY LINE OF THE BENJAMIN HEATER DONATION LAND CLAIM NUMBER 50;
THENCE ALONG SAID DONATION LAND CLAIM LINE SOUTH 89° 57' EAST, 515.8 FEET TO
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CONTAINS 14.729 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT ENTITLED "EXHIBIT A-2 ANNEXATION MAP" IS MADE APART
HEREOF.

THIS DESCRIPTION IS MEANT FOR ANNEXATION PURPOSES ONLY. IT IS NOT INTENDED
TO BE USED IN THE TRANSFER OF REAL PROPERTY.





ORDINANCE NO. 2007-2664

AN ORDINANCE DECLARING PROPERTY LOCATED NORTH OF HWY 99W ACROSS FROM PROVIDENCE HOSPITAL, YAMHILL COUNTY TAX LOT 3216AC-13800, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY

RECITALS:

1. Jeffrey D. Smith submitted an application for annexation and consent to annex on October 5, 2006, for property located north of Hwy 99W across from Providence Hospital, Yamhill County tax lot 3216AC-13800.
2. After proper notice, on January 16, 2007 at the hour of 7:00 PM in the Newberg Public Safety Building, 401 E Third, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
3. On January 16, 2007, the City Council adopted Order 2007-0002 which affirmed that the annexation met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
5. The applicant has requested that this matter be placed before the voters at the May 15, 2007 special election.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:


1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the May 15, 2007 general election.

2. The City Council directs that all costs associated with placing the item on the ballot be paid for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot. Owners may be required to place monies in escrow to cover the costs of election(s).
3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.
4. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is further directed to certify this explanatory statement to the Yamhill County Clerk.
5. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.
6. Should this annexation request be approved by a majority of the electorate of the City of Newberg at the identified election date, the property shown in Exhibit "A" and described in Exhibit "B", shall be annexed and withdrawn from the Newberg Rural Fire Protection District, and the following events will occur:
 - A. The City of Newberg land use inventory data and GIS data will be updated to reflect the new addition.
 - B. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of this ordinance.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: February 15, 2007.


ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of January, 2007, by the following votes:

AYE: 6 NAY: 0 ABSENT: 1 ABSTAIN: 0



 James H. Bennett, City Recorder

ATTEST by the Mayor this 18th day of January, 2007.



 Bob Andrews, Mayor

LEGISLATIVE HISTORY

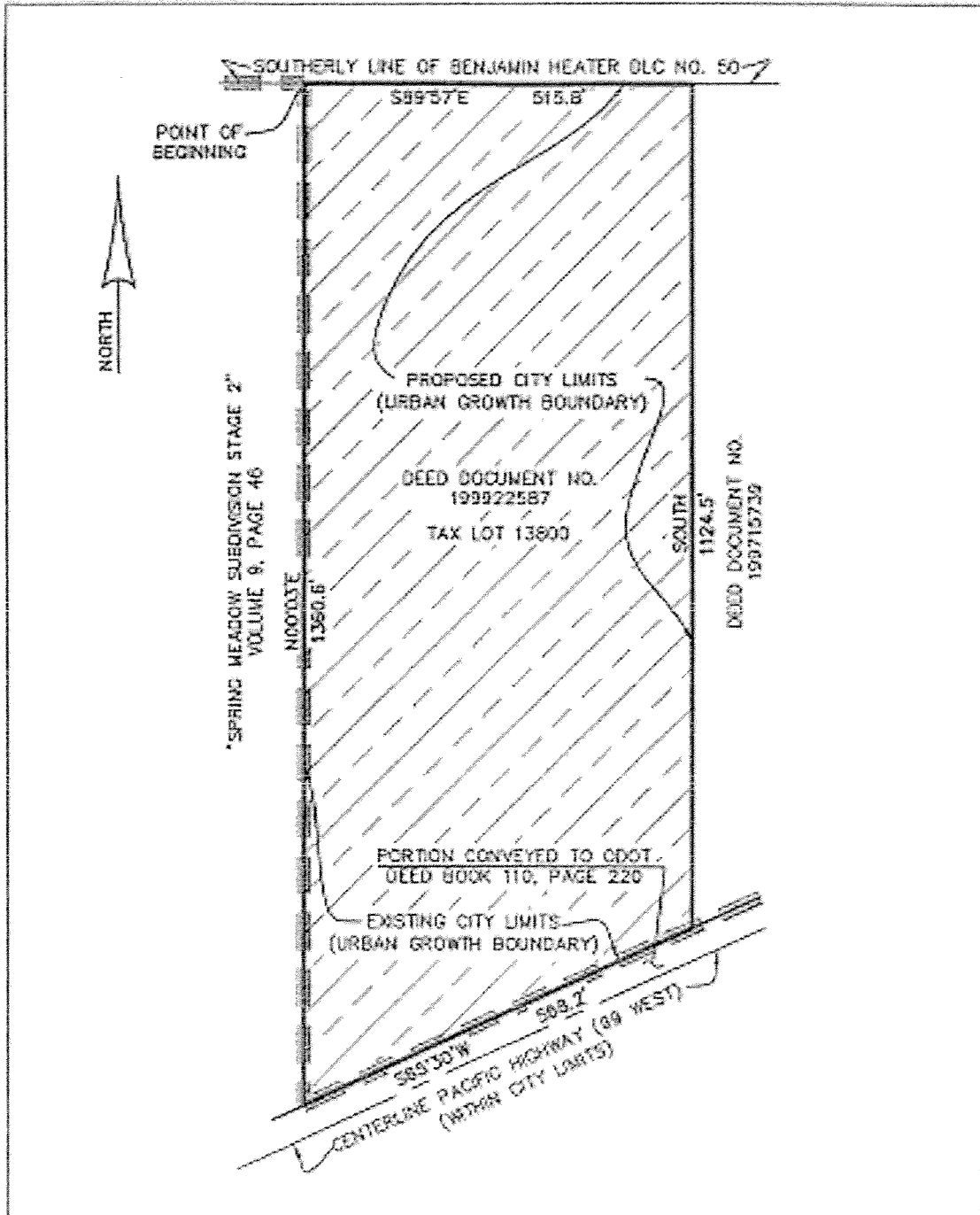
By and through Planning Commission Committee at the 12/14/2006 meeting.

Exhibits:

Exhibit "A": Annexation Map

Exhibit "B": Legal Description

EXHIBIT "B": ANNEXATION MAP
ANX-06-009



DESIGN INC.
5415 SW Westgate Dr.
Ste 100 / Portland, OR
97221 / Tel: 503.419.2500

**EXHIBIT A-2
ANNEXATION MAP**
NE1/4 S18, T3S, R2W, WM,
YAMHILL COUNTY, OREGON

PROJECT NO. JTS6136
DATE: 07/11/2006
BY: CEP
SCALE: 1" = 100'
SHEET NO. 2 OF 2

EXHIBIT "C": LEGAL DESCRIPTION
ANX-06-009

LEGAL DESCRIPTION:
JULY 11, 2006
PAGE 1 OF 2

A TRACT OF LAND SITUATED IN THE NORTHEAST ONE-QUARTER OF SECTION 16,
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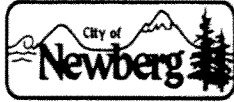
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CONTAINS 14.729 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT ENTITLED "EXHIBIT A-2 ANNEXATION MAP" IS MADE APART
HEREOF.

THIS DESCRIPTION IS MEANT FOR ANNEXATION PURPOSES ONLY. IT IS NOT INTENDED
TO BE USED IN THE TRANSFER OF REAL PROPERTY.





ORDINANCE No. 2008-2700

AN ORDINANCE DECLARING PROPERTY LOCATED AT 4505 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-1100, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY

RECITALS:

1. Coyote Homes Inc. submitted an application for annexation and consent to annex on April 1, 2008 for property located at 4505 E. Portland Road, Yamhill County tax lot 3216-1100. On July 16, 2008 Coyote Homes Inc. withdrew as the applicant and the owner, Forrest R. Gish, Trustee for Forrest R. Gish Living Trust dated September 15, 1997, notified the City that he was now the applicant.
2. After proper notice, on August 4, 2008, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
3. On August 4, 2008, the City Council adopted Order 2008-0013 which affirmed that the annexation met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
5. The applicant has requested, and the Planning Commission has recommended, that this matter be placed before the voters at the November 4, 2008 general election.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the November 4, 2008 special election. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. The City Council directs that all costs associated with placing the item on the ballot be paid

for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot. Owners may be required to place monies in escrow to cover the costs of election(s).

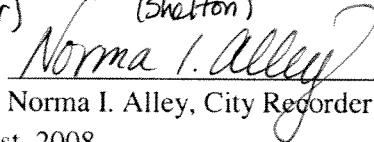
3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary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

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 4, 2008.

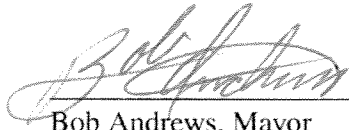
ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of August, 2008, by the following votes: **AYE: 5** **NAY: 1** **ABSENT: 1** **ABSTAIN: 0**

(Currier)

(Shelton)


Norma I. Alley, City Recorder

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


Bob Andrews, Mayor

LEGISLATIVE HISTORY

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

Exhibits:

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

EXHIBIT "A": ANNEXATION MAP

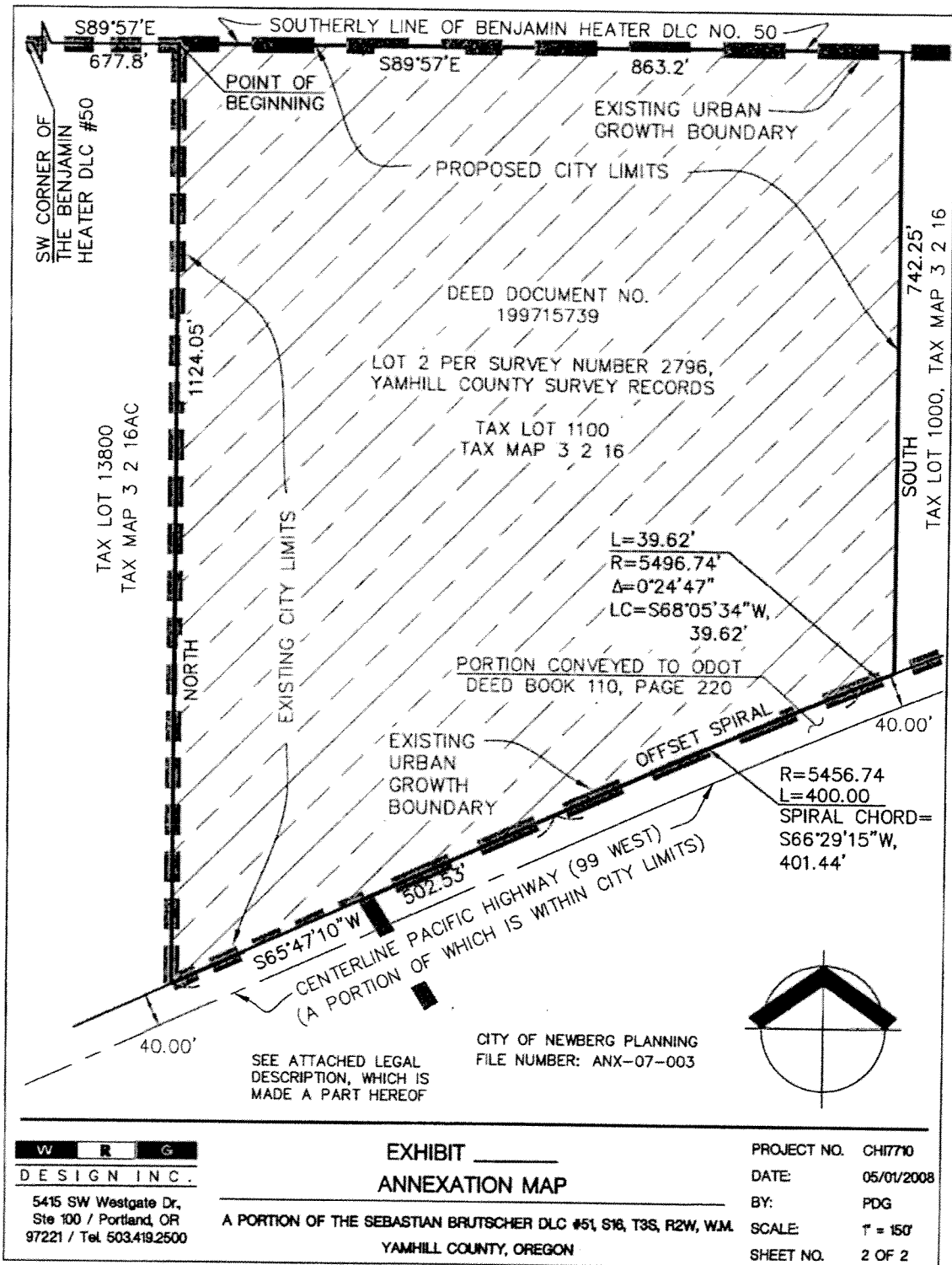


EXHIBIT "B": LEGAL DESCRIPTION

LEGAL DESCRIPTION
CITY OF NEWBERG ANNEXATION
PLANNING FILE NUMBER: ANX-07-003
MAY 1, 2008
PAGE 1 OF 2

ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED DOCUMENT NUMBER 199715739; SAID PROPERTY IS SITUATED IN THE SEBASTIAN BRUTSCHER DONATION LAND CLAIM, NOTIFICATION #1470, CLAIM #51, IN TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 1 PER COUNTY SURVEY #2795 BEING ON THE NORTH LINE OF SAID BRUTSCHER CLAIM (SAID POINT BEARS SOUTH 89°57' EAST, 677.8 FEET, MORE OR LESS FROM THE SOUTHWEST CORNER OF THE BENJAMIN HEATER DONATION LAND CLAIM); THENCE SOUTH 89°57' EAST ALONG SAID BRUTSCHER CLAIM LINE, 883.2 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT NO 2 OF SAID SURVEY #2795, SAID POINT ALSO BEING AT THE NORTHWEST CORNER OF LOT 4A, OF SAID COUNTY SURVEY #2795; THENCE ALONG THE EAST LINE OF SAID LOT 2 SOUTH, 742.25 FEET, MORE OR LESS, TO A POINT OF 5496.74 FOOT RADIUS CURVE TO THE LEFT ON THE NORTH RIGHT OF WAY LINE OF THE WEST SIDE PACIFIC HIGHWAY (BEING 40 FEET TO THE CENTERLINE THEREOF, MEASURED PERPENDICULAR THERETO); THENCE ALONG SAID NORTH RIGHT OF WAY LINE, THE FOLLOWING THREE (3) COURSES, MORE OR LESS:
1) ALONG SAID 5496.74 FOOT RADIUS CURVE TO THE LEFT (THE CENTER OF WHICH BEARS SOUTH 21° 42' 03" EAST, 5496.74 FEET) THROUGH A CENTRAL ANGLE OF 00° 24' 47" AN ARC DISTANCE OF 39.62 FEET (THE CHORD OF WHICH BEARS SOUTH 68° 05' 34" WEST, 39.62 FEET) TO THE BEGINNING OF AN OFFSET SPIRAL (THE CENTERLINE SPIRAL IS A 400 FOOT SPIRAL, WITH A NORMAL CURVE RADIUS OF 5456.74 FEET); 2) ALONG SAID OFFSET SPIRAL (THE CHORD OF WHICH BEARS SOUTH 66° 29' 15" WEST, 401.44 FEET); THENCE SOUTH 65° 47' 10" WEST, 502.53 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2, SAID LINE BEING ON THE CURRENT CITY OF NEWBERG LIMITS; THENCE ALONG SAID WEST LINE, ALONG SAID CURRENT CITY OF NEWBERG LIMITS NORTH, 1124.05 FEET, MORE OR LESS, TO SAID POINT OF BEGINNING.

CONTAINS 18.437 ACRES, MORE OR LESS.

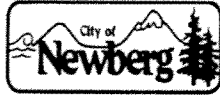
THE ATTACHED EXHIBIT ENTITLED "ANNEXATION MAP" IS MADE A PART HEREOF.

THIS DESCRIPTION HAS BEEN COMPILED FROM RECORD INFORMATION AND IS MEANT FOR ANNEXATION PURPOSES ONLY. IT IS NOT INTENDED TO BE USED IN THE TRANSFER OF REAL PROPERTY.

5/1/2008
REGISTERED
PROFESSIONAL
LAND SURVEYOR

Paul D. Galli
OREGON
JANUARY 10, 2008
PAUL D. GALLI
78970

EXPIRATION DATE 6/30/09



ORDER No. 2008-0013

AN ORDER FINDING THAT PROPERTY LOCATED AT 4505 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-1100, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2 AND C-2

RECITALS:

1. On April 1, 2008 Coyote Homes Inc. submitted an application to annex one parcel (approximately 18.5 acres) into the City of Newberg with a concurrent zone change to R-1 (Low Density Residential), R-2 (Medium Density Residential) and C-2 (Community Commercial) for property located at 4505 E. Portland Road, Yamhill County tax lot 3216-1100.
2. The Newberg Planning Commission heard the annexation and zoning amendment on June 12, 2008, took public testimony, and continued the hearing to July 10, 2008 to allow ODOT time to review the supplemental traffic study and revised findings. The Planning Commission continued the hearing on July 10, 2008, reviewed the supplemental traffic study and revised findings, reviewed ODOT's comment that they had no further objections to the annexation request, and recommended approval of the annexation as conditioned and placement on the November 4, 2008 ballot per Resolution 2008-252.
3. Change of applicant: On July 16, 2008 Coyote Homes, Inc. withdrew as the applicant and the owner, Forrest R. Gish, Trustee for Forrest R. Gish Living Trust dated September 15, 1997, notified the City that he was now the applicant.
4. After proper notice, on August 4, 2008, the Newberg City Council held a hearing to consider the annexation and zoning amendment request.
5. The City Council finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

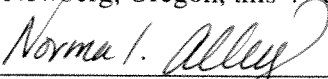
1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria and adopts the findings, which are attached hereto as Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. Annexation requires the City Council to adopt an ordinance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

reference incorporated.

3. This order is subject to the following:
- A. A refined traffic study out to year 2025 will be required showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
 - B. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
 - C. A 30 ft building setback along the north property line will be required upon development of the site.
 - D. A wetland determination and delineation report shows wetlands on the site. Development shall comply with applicable state and federal wetland standards.
 - E. Development follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.
 - F. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
 - G. Existing homes to connect to sewer and water or be removed within two years of annexation.
 - H. Upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent Gueldner property to the west.

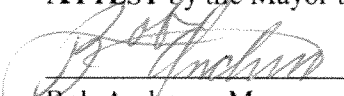
➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: August 5, 2008.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of August, 2008.



Norma I. Alley, City Recorder

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



Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

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

EXHIBIT "A": FINDINGS

ANX-07-003

Annexation of 18.5 acres for property located at 4505 E. Portland Road

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

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

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

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

FINDING: The subject site is adjacent to Newberg city limits on its western and southern property lines.

II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI- JUDICIAL ANNEXATION CRITERIA

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

FINDING: The comprehensive plan designation of the site was changed concurrently with the urban growth boundary amendment application that was approved by Order 2007-0001 on January 2, 2007. The current comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) that exactly matches the comprehensive plan designations.

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

A wetland delineation map shows several wetland areas on this site. Most of the wetlands are along two existing drainage ditches on the site that carry stormwater runoff from a subdivision to the west that was built in the 1970s. DLCD has commented that a freshwater wetland assessment needs to be completed to verify that this annexation is in compliance with state Goal 5.

Oregon Administrative Rule 660-023-0100 Wetlands

(1) For purposes of this rule, a "wetland" is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(2) Local governments shall amend acknowledged plans and land use regulations prior to or at periodic review to address the requirements of this division, as set out in OAR 660-023-0250(5) through (7). The standard inventory process requirements in OAR 660-023-0030 do not apply to wetlands. Instead, local governments shall follow the requirements of section (3) of this rule in order to inventory and determine significant wetlands.

(3) For areas inside urban growth boundaries (UGBs) and urban unincorporated communities (UUCs), local governments shall:

(a) Conduct a local wetlands inventory (LWI) using the standards and procedures of OAR 141-086-0110 through 141-086-0240 and adopt the LWI as part of the comprehensive plan or as a land use regulation; and

(b) Determine which wetlands on the LWI are "significant wetlands" using the criteria adopted by the Division of State Lands (DSL) pursuant to ORS 197.279(3)(b) and adopt the list of significant wetlands as part of the comprehensive plan or as a land use regulation.

(4) For significant wetlands inside UGBs and UUCs, a local government shall:

(a) Complete the Goal 5 process and adopt a program to achieve the goal following the requirements of OAR 660-023-0040 and 660-023-0050; or

(b) Adopt a safe harbor ordinance to protect significant wetlands consistent with this subsection, as follows:

(A) The protection ordinance shall place restrictions on grading, excavation, placement of fill, and vegetation removal other than perimeter mowing and other cutting necessary for hazard prevention; and

(B) The ordinance shall include a variance procedure to consider hardship variances, claims of map error verified by DSL, and reduction or removal of the restrictions under paragraph (A) of this subsection for any lands demonstrated to have been rendered not buildable by application of the ordinance.

(5) For areas outside UGBs and UUCs, local governments shall either adopt the statewide wetland inventory (SWI; see ORS 196.674) as part of the local comprehensive plan or as a land use regulation, or shall use a current version for the purpose of section (7) of this rule.

(6) For areas outside UGBs and UUCs, local governments are not required to amend acknowledged plans and land use regulations in order to determine significant wetlands and complete the Goal 5 process. Local governments that choose to amend acknowledged plans for areas outside UGBs and UUCs in order to inventory and protect significant wetlands shall follow the requirements of sections (3) and (4) of this rule.

(7) All local governments shall adopt land use regulations that require notification of DSL concerning applications for development permits or other land use decisions affecting wetlands on the inventory, as per ORS 227.350 and 215.418, or on the SWI as provided in section (5) of this rule.

(8) All jurisdictions may inventory and protect wetlands under the procedures and requirements for wetland conservation plans adopted pursuant to ORS 196.668 et seq. A wetlands conservation plan approved by the director of DSL shall be deemed to comply with Goal 5 (ORS 197.279(1)).

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

Finding: The applicant hired a local wetland specialist, Schott and Associates, to review the wetlands on the site and determine whether or not they are significant wetlands. Schott and Associates assessed the wetlands using the Oregon freshwater wetland assessment method required by Goal 5 and concluded that none of the wetlands on the site are significant. The report is included with the application. The wetlands were determined to provide habitat for some wildlife species, but the fish habitat was determined to be either "impacted or degraded" or not present at all on the wetlands. The water quality and hydrologic

control functions were determined to be “impacted or degraded” for all on site wetlands. All of these wetland functions were below the standards that would deem the wetlands to be locally significant. The wetlands also did not meet the other criteria regarding water quality limited bodies or endangered or listed species that would require the wetlands to be considered significant. The wetlands are therefore found to not be significant and no local controls need to be placed over the wetlands upon annexation. The wetlands are under the jurisdiction of the Department of State Lands and the U.S. Army Corps of Engineers. The applicant will need to comply with all State and Federal requirements prior to making any changes to these wetland areas. At this point the applicant plans to retain some of the wetland areas when they develop the site.

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

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

FINDING: As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

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

Storm water: Storm water drainage is currently provided by two storm drainage ditches that cross the property and outfall to a 24-inch diameter culvert under Hwy 99W near the center of the property. The Newberg Drainage Master Plan identifies this culvert as being undersized and needing to be replaced with a 36-inch culvert. If this work is completed by the developer of the Crestview Crossing site to the west then the applicant may need to pay for their share of the work as part of an advanced financing agreement. Certain improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system. The existing drainage ditches are low-quality wetlands. Coordination with the Oregon Division of State Lands and the US Army Corps of Engineers will be required regarding any changes to the existing on-site drainage ways.

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

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

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

A Traffic Impact Study was prepared for this project by Dunn Traffic Engineering. Dunn has been involved in the design of the Crestview Drive extension to Highway 99W on the Gueldner property, and has stated that the Crestview Drive/99W intersection will be oversized to accommodate year 2025 traffic volumes, including the expected development of the Gish, Kimball and Thomas sites. The proposed conceptual commercial and residential development on the site is expected to generate around 490 new primary vehicle trips during the weekday p.m. peak hour, plus around 178 pass-by trips during the weekday p.m. peak hour. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

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

The study concludes that if the Crestview Drive extension is built as planned and if the Newberg-Dundee Bypass is built (which would shift traffic from Highway 99W and allow ODOT to downgrade Highway 99W from a Statewide Highway to a District Highway) then the development of this site is expected to have no significant effect upon any existing or planned transportation facilities, and no mitigation would be required.

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

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

The TIS is intended to evaluate the annexation's compatibility with the adopted Newberg TSP and the State highway plan. Both of these plans include the Newberg-Dundee bypass, however, so the applicant must include the potential impact of the bypass in their TIS analysis or the City would find that the analysis is incomplete. The TIS must also consider the project's impact on transportation facilities if the bypass is not built, however. While the bypass is a planned facility in the State Highway Plan, by TPR definitions it is not a "planned facility" and therefore cannot be relied on to mitigate the impacts of development. Dunn Traffic Engineering submitted a supplemental traffic impact analysis on June 12, 2008 to the City of Newberg and to ODOT that addresses ODOT's concerns. The supplemental analysis does not rely on the bypass to mitigate transportation impacts.

The supplemental traffic impact analysis examined the year 2025 peak hour operations of the key intersections under two scenarios: the site retains County zoning, or the site is annexed and developed with the proposed City zoning. The Brutscher/Hwy 99W intersection will remain below ODOT's 0.75 v/c ratio in 2025 peak hour operations under either development scenario. The Springbrook/99W intersection will exceed the 0.75 v/c ratio in 2025 under either scenario, and the Crestview/99W intersection will exceed the 0.70 v/c ratio in 2025 under either scenario. If no intersection improvements are made at the Springbrook/99W intersection and the site is annexed then the v/c ratio in 2025 will be 4.2% higher than if the site retains County zoning. If improvements are made to Springbrook Road, such as adding northbound and southbound travel lanes, then the increase in the v/c ratio from the annexation would fall to an insignificant 2.4%. The report points out that the City has been collecting funds from nearby developments for future improvements to the Springbrook intersection. The annexation would increase the Crestview/99W v/c ratio in 2025 by 7% (from 0.85 to 0.91). The report points out that there are no additional improvements that could be done to the Crestview extension to increase its capacity, and that adding lanes on 99W has been found in the adopted TSP to be impractical and operationally infeasible. The supplemental report concludes that annexing this property and rezoning to the proposed City zoning is not expected to have a significant effect upon any existing or planned transportation improvements, thus complying with the State's TPR. The Crestview improvements go beyond the improvements called for in the City's TSP, and the proportionate share costs that will be contributed by development towards future capacity enhancements at Springbrook/99W will mitigate the traffic impacts generated by development on the annexation site. ODOT's supplemental comments dated July 3, 2008 acknowledged receipt of the supplemental traffic analysis and, with the exception of minor technical comments, found that the report had been prepared using methodologies that are acceptable to ODOT. ODOT also commented that they looked forward to reviewing the findings regarding the Transportation Planning Rule issues, and pledged to continue to work with the City of Newberg to address congestion issues on OR 99W that result from existing and future proposed development.

The TIS shows that the Springbrook/99W intersection does not currently meet ODOT's v/c ratio standards. Development of the Gish property will add some trips to this intersection and would worsen the performance of the intersection if no mitigation was done. The City of Newberg has already identified this intersection as one that needs improvement, however, and has charged recent developments in the area with impact fees based on the number of trips they added to the intersection. The fees could be used for street improvements that would improve the performance of the intersection, whether those improvements were directly at the intersection or were for a nearby street (such as the future completion of Hayes Street) that would reduce the number of trips at the Springbrook/99W intersection. The new Providence Hospital paid towards the future Springbrook/99W intersection performance improvement based on their trip generation estimates, and the Crestview Crossing development will also be required to pay towards this performance improvement based on their trip generation estimates. The City will therefore require that, upon development of the Gish site, the developer pays an impact fee based on trip generation towards the performance improvement of the Springbrook/99W intersection. A refined traffic study will be required at the time of development to estimate trip generation based on the actual proposed development (instead of on the conceptual development shown in the annexation application). This will ensure that the impact of the development of the Gish site on the Springbrook/99W intersection will be mitigated by future improvements at or near the intersection.

State Transportation Planning Rule:

660-012-0060

Plan and Land Use Regulation Amendments

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

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

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

The question then becomes whether or not the annexation would significantly affect an existing or planned transportation facility. The annexation would not change the functional classification of a

facility or change standards implementing a functional classification system. If there was no mitigation then the annexation would worsen the performance of the existing Springbrook/99W intersection, which already performs below ODOT's standards. The City has already established a precedent for mitigation of traffic impacts at the Springbrook/99W intersection, however, and this site was conditioned to mitigate the traffic impact as part of the UGB amendment process. The Providence Hospital project has paid an impact fee and the Crestview Crossing project will pay an impact fee for transportation improvements based on the number of trips that the project adds to the Springbrook/99W intersection. The developer of the Gish property will pay a similar impact fee based upon the number of trips that the Gish development would add to the Springbrook/99W intersection. The impact fee will be used for improvements at the intersection or for improvements to nearby roads that would reduce the number of trips at the Springbrook/99W intersection. The completion of the Hayes Street/Providence Drive connection is an example of the type of improvement that would reduce the amount of traffic at the Springbrook/99W intersection. The supplemental traffic analysis, which excluded the impact of the proposed bypass, found that with the proposed impact fee and mitigation at the Springbrook/99W intersection then the annexation of the Gish property would not have a significant effect on an existing or planned transportation improvement, thus complying with the TPR.

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

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
- (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
- (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

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

- (a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*
- (b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
- (c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*
- (d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Interstate interchange area means:

- (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or*
- (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*

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

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

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

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

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

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

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

(E) The City Council may annex properties where urban services are not and cannot practically be made available within the three year time frame noted in division (B) above, but where annexation is needed to address a health hazard, to annex an island, to address sewer or water

connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the Council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available.

FINDING: This criterion is not applicable to this property.

NDC § 151.267 Comprehensive Plan and Zoning Designations

- (A) *The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.*
- (B) *Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of § 151.122 shall not be required.*

Comprehensive Plan Appropriate Zoning Classification

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

- (C) *If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of § 151.122 shall apply. This application shall be submitted concurrently with the annexation application.*
- (D) *In the event that the annexation request is denied, the zone change request shall also be denied. (Ord. 96-2451, passed 12-2-96)*

Finding: The applicant has requested zoning designations of R-1, R-2 and C-2 that exactly match the comprehensive plan designations on the site. They are therefore not required by the Newberg

Development Code to address the criteria under § 151.122, which are the criteria for a comprehensive plan map amendment or zoning map amendment. The zone change from County to City zoning is an automatic change and is not a zoning map amendment because the zones match the comprehensive plan designations. This is significant because the criteria for § 151.122 (below) call for the applicant to make findings addressing the State Transportation Planning Rule. Newberg's development code does not require the applicant to make findings addressing the State Transportation Planning Rule if the requested zones match the comprehensive plan designations.

NDC § 151.122(3) Procedures for Comprehensive Plan Map and Zoning Map Amendments – Amendment Criteria

- (a) The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;*
- (b) Public facilities and services are or can be reasonable made available to support the uses allowed by the proposed change.*
- (c) Compliance with the State Transportation Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.*

Timing Consideration:

NDC § 151.263 Annexation Procedures

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

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

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

(C) Following the Planning Commission hearing, the Director shall schedule a City Council hearing to consider the request. The City Council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in § 151.262. The hearing at the City Council shall be considered a new hearing. If additional testimony is submitted, the Council

may, at its own discretion, return the application to the Planning Commission for further review and recommendation. The City Council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

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

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

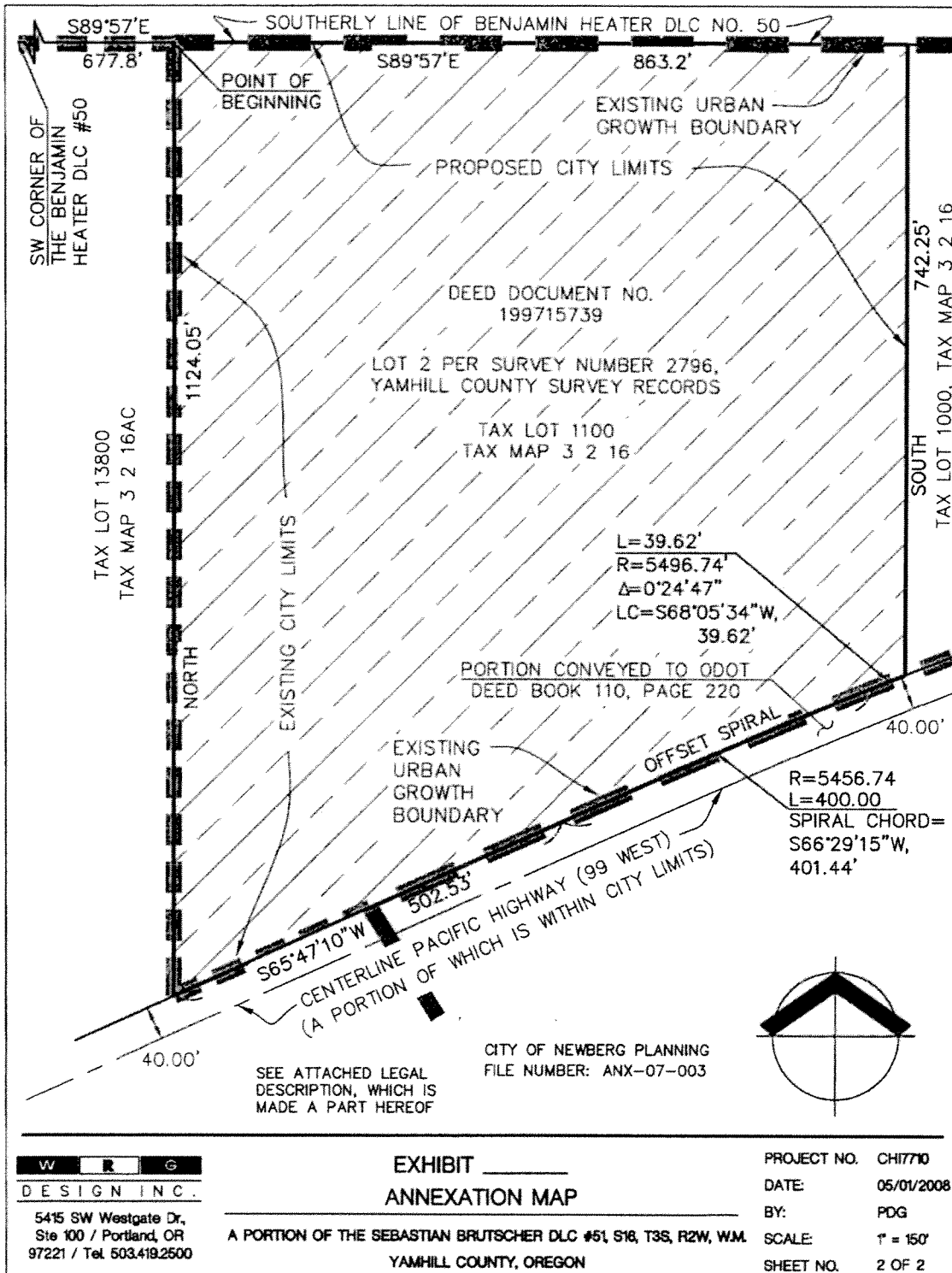
Recommendation: The applicant has requested that this annexation application be approved by the City Council and placed before the voters at the November 4, 2008 election. If the Council approves the annexation they are not bound to place the annexation on the next available ballot. The decision on when to send an approved annexation to the ballot is at the City Council's sole discretion. The Planning Commission recommends that the City Council place this item on the November 4, 2008 ballot.

CONDITIONS OF APPROVAL
ANX-07-003

The following conditions of approval apply to the annexation of the property located at 4505 E. Portland Road, Yamhill County Tax Lot 3216-1100.

- A refined traffic study out to year 2025 will be required showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- A wetland determination and delineation report shows wetlands on the site. Development shall comply with applicable state and federal wetland standards.
- Development follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.
- Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
- Existing homes to connect to sewer and water or be removed within two years of annexation.

EXHIBIT "B": ANNEXATION MAP



W R G
DESIGN INC.
 5415 SW Westgate Dr.
 Ste 100 / Portland, OR
 97221 / Tel. 503.419.2500

EXHIBIT _____
ANNEXATION MAP
 A PORTION OF THE SEBASTIAN BRUTSCHER DLC #51, S18, T3S, R2W, W.M.
 YAMHILL COUNTY, OREGON

PROJECT NO. CHI7710
 DATE: 05/01/2008
 BY: PDG
 SCALE: 1" = 150'
 SHEET NO. 2 OF 2

EXHIBIT "C": LEGAL DESCRIPTION

LEGAL DESCRIPTION
CITY OF NEWBERG ANNEXATION
PLANNING FILE NUMBER: ANX-07-003
MAY 1, 2008
PAGE 1 OF 2

ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED DOCUMENT NUMBER 199715739; SAID PROPERTY IS SITUATED IN THE SEBASTIAN BRUTSCHER DONATION LAND CLAIM, NOTIFICATION #1470, CLAIM #51, IN TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 1 PER COUNTY SURVEY #2795 BEING ON THE NORTH LINE OF SAID BRUTSCHER CLAIM (SAID POINT BEARS SOUTH 89°57' EAST, 677.8 FEET, MORE OR LESS FROM THE SOUTHWEST CORNER OF THE BENJAMIN HEATER DONATION LAND CLAIM); THENCE SOUTH 89°57' EAST ALONG SAID BRUTSCHER CLAIM LINE, 863.2 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT NO 2 OF SAID SURVEY #2795, SAID POINT ALSO BEING AT THE NORTHWEST CORNER OF LOT 4A, OF SAID COUNTY SURVEY #2795; THENCE ALONG THE EAST LINE OF SAID LOT 2 SOUTH, 742.25 FEET, MORE OR LESS, TO A POINT OF 5496.74 FOOT RADIUS CURVE TO THE LEFT ON THE NORTH RIGHT OF WAY LINE OF THE WEST SIDE PACIFIC HIGHWAY (BEING 40 FEET TO THE CENTERLINE THEREOF, MEASURED PERPENDICULAR THERETO); THENCE ALONG SAID NORTH RIGHT OF WAY LINE, THE FOLLOWING THREE (3) COURSES, MORE OR LESS:
1) ALONG SAID 5496.74 FOOT RADIUS CURVE TO THE LEFT (THE CENTER OF WHICH BEARS SOUTH 21° 42' 03" EAST, 5496.74 FEET) THROUGH A CENTRAL ANGLE OF 00° 24' 47" AN ARC DISTANCE OF 39.62 FEET (THE CHORD OF WHICH BEARS SOUTH 68° 05' 34" WEST, 39.62 FEET) TO THE BEGINNING OF AN OFFSET SPIRAL (THE CENTERLINE SPIRAL IS A 400 FOOT SPIRAL, WITH A NORMAL CURVE RADIUS OF 5456.74 FEET); 2) ALONG SAID OFFSET SPIRAL (THE CHORD OF WHICH BEARS SOUTH 66° 29' 15" WEST, 401.44 FEET); THENCE SOUTH 65° 47' 10" WEST, 502.53 FEET TO A POINT ON THE WEST LINE OF SAID LOT 2, SAID LINE BEING ON THE CURRENT CITY OF NEWBERG LIMITS; THENCE ALONG SAID WEST LINE, ALONG SAID CURRENT CITY OF NEWBERG LIMITS NORTH, 1124.05 FEET, MORE OR LESS, TO SAID **POINT OF BEGINNING**.

CONTAINS 18.437 ACRES, MORE OR LESS.

THE ATTACHED EXHIBIT ENTITLED "ANNEXATION MAP" IS MADE A PART HEREOF.

THIS DESCRIPTION HAS BEEN COMPILED FROM RECORD INFORMATION AND IS MEANT FOR ANNEXATION PURPOSES ONLY. IT IS NOT INTENDED TO BE USED IN THE TRANSFER OF REAL PROPERTY.

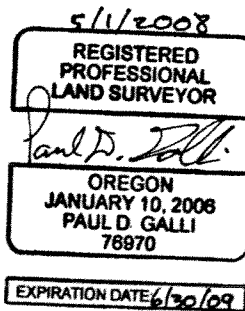


EXHIBIT "D": COMPREHENSIVE PLAN MAP

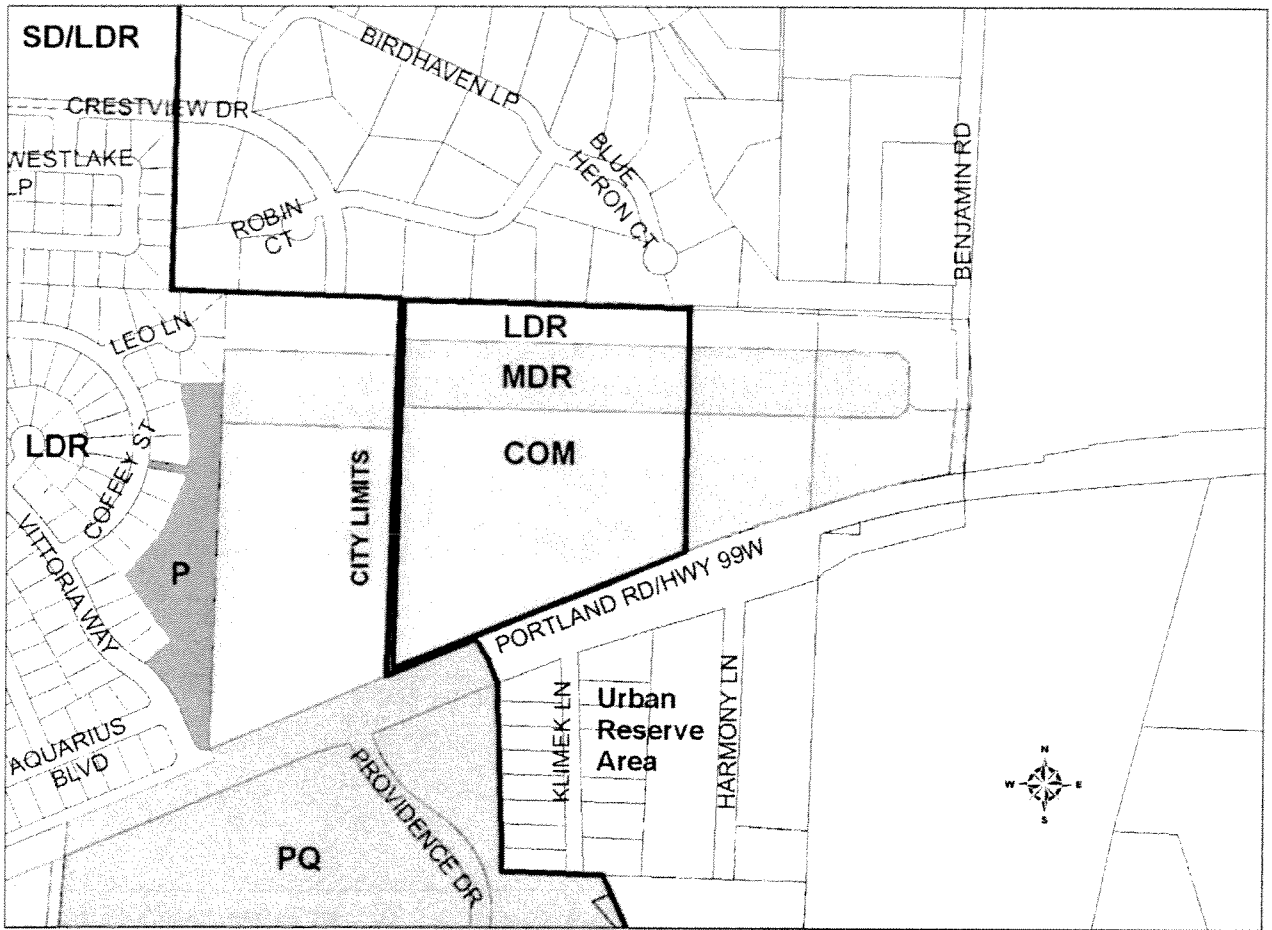
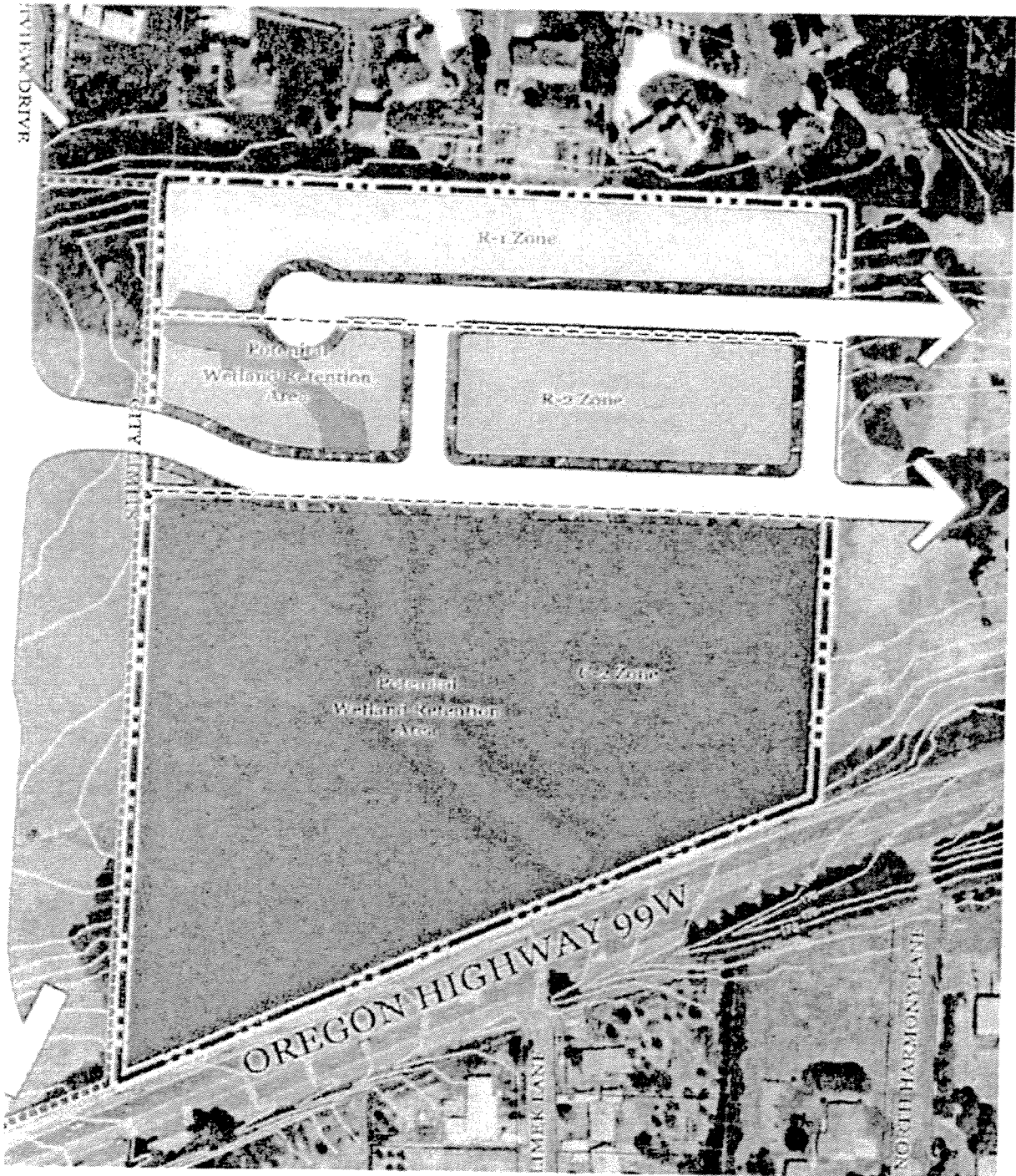
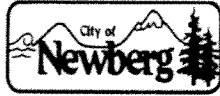


EXHIBIT "E": PROPOSED ZONING MAP





ORDER No. 2008-0013

AN ORDER FINDING THAT PROPERTY LOCATED AT 4505 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-1100, MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE ZONING FROM COUNTY AF-10 TO CITY R-1, R-2 AND C-2

RECITALS:

1. On April 1, 2008 Coyote Homes Inc. submitted an application to annex one parcel (approximately 18.5 acres) into the City of Newberg with a concurrent zone change to R-1 (Low Density Residential), R-2 (Medium Density Residential) and C-2 (Community Commercial) for property located at 4505 E. Portland Road, Yamhill County tax lot 3216-1100.
2. The Newberg Planning Commission heard the annexation and zoning amendment on June 12, 2008, took public testimony, and continued the hearing to July 10, 2008 to allow ODOT time to review the supplemental traffic study and revised findings. The Planning Commission continued the hearing on July 10, 2008, reviewed the supplemental traffic study and revised findings, reviewed ODOT's comment that they had no further objections to the annexation request, and recommended approval of the annexation as conditioned and placement on the November 4, 2008 ballot per Resolution 2008-252.
3. Change of applicant: On July 16, 2008 Coyote Homes, Inc. withdrew as the applicant and the owner, Forrest R. Gish, Trustee for Forrest R. Gish Living Trust dated September 15, 1997, notified the City that he was now the applicant.
4. After proper notice, on August 4, 2008, the Newberg City Council held a hearing to consider the annexation and zoning amendment request.
5. The City Council finds that the applicable criteria have been met, and that approval of the application is in the best interests of the community.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

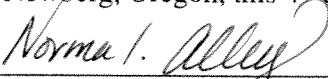
1. The City Council finds that the annexation and zoning amendment meet the Newberg Development Code criteria and adopts the findings, which are attached hereto as Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. Annexation requires the City Council to adopt an ordinance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

reference incorporated.

3. This order is subject to the following:
- A. A refined traffic study out to year 2025 will be required showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
 - B. Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
 - C. A 30 ft building setback along the north property line will be required upon development of the site.
 - D. A wetland determination and delineation report shows wetlands on the site. Development shall comply with applicable state and federal wetland standards.
 - E. Development follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.
 - F. Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
 - G. Existing homes to connect to sewer and water or be removed within two years of annexation.
 - H. Upon development of the property, construct a sound wall along the northern property line to be of similar design and coordinated with the sound wall on the adjacent Gueldner property to the west.

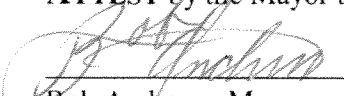
➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: August 5, 2008.

ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of August, 2008.



Norma I. Alley, City Recorder

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



Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

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

EXHIBIT "A": FINDINGS

ANX-07-003

Annexation of 18.5 acres for property located at 4505 E. Portland Road

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

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

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

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

FINDING: The subject site is adjacent to Newberg city limits on its western and southern property lines.

II. APPLICABLE ANNEXATION REGULATIONS – NEWBERG DEVELOPMENT CODE § 151.262 QUASI- JUDICIAL ANNEXATION CRITERIA

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

FINDING: The comprehensive plan designation of the site was changed concurrently with the urban growth boundary amendment application that was approved by Order 2007-0001 on January 2, 2007. The current comprehensive plan designation includes portions of LDR (low density residential), MDR (medium density residential), and COM (commercial). The applicant has proposed zoning of R-1 (low density residential), R-2 (medium density residential), and C-2 (community commercial) that exactly matches the comprehensive plan designations.

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

A wetland delineation map shows several wetland areas on this site. Most of the wetlands are along two existing drainage ditches on the site that carry stormwater runoff from a subdivision to the west that was built in the 1970s. DLCD has commented that a freshwater wetland assessment needs to be completed to verify that this annexation is in compliance with state Goal 5.

Oregon Administrative Rule 660-023-0100 Wetlands

(1) For purposes of this rule, a "wetland" is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

(2) Local governments shall amend acknowledged plans and land use regulations prior to or at periodic review to address the requirements of this division, as set out in OAR 660-023-0250(5) through (7). The standard inventory process requirements in OAR 660-023-0030 do not apply to wetlands. Instead, local governments shall follow the requirements of section (3) of this rule in order to inventory and determine significant wetlands.

(3) For areas inside urban growth boundaries (UGBs) and urban unincorporated communities (UUCs), local governments shall:

(a) Conduct a local wetlands inventory (LWI) using the standards and procedures of OAR 141-086-0110 through 141-086-0240 and adopt the LWI as part of the comprehensive plan or as a land use regulation; and

(b) Determine which wetlands on the LWI are "significant wetlands" using the criteria adopted by the Division of State Lands (DSL) pursuant to ORS 197.279(3)(b) and adopt the list of significant wetlands as part of the comprehensive plan or as a land use regulation.

(4) For significant wetlands inside UGBs and UUCs, a local government shall:

(a) Complete the Goal 5 process and adopt a program to achieve the goal following the requirements of OAR 660-023-0040 and 660-023-0050; or

(b) Adopt a safe harbor ordinance to protect significant wetlands consistent with this subsection, as follows:

(A) The protection ordinance shall place restrictions on grading, excavation, placement of fill, and vegetation removal other than perimeter mowing and other cutting necessary for hazard prevention; and

(B) The ordinance shall include a variance procedure to consider hardship variances, claims of map error verified by DSL, and reduction or removal of the restrictions under paragraph (A) of this subsection for any lands demonstrated to have been rendered not buildable by application of the ordinance.

(5) For areas outside UGBs and UUCs, local governments shall either adopt the statewide wetland inventory (SWI; see ORS 196.674) as part of the local comprehensive plan or as a land use regulation, or shall use a current version for the purpose of section (7) of this rule.

(6) For areas outside UGBs and UUCs, local governments are not required to amend acknowledged plans and land use regulations in order to determine significant wetlands and complete the Goal 5 process. Local governments that choose to amend acknowledged plans for areas outside UGBs and UUCs in order to inventory and protect significant wetlands shall follow the requirements of sections (3) and (4) of this rule.

(7) All local governments shall adopt land use regulations that require notification of DSL concerning applications for development permits or other land use decisions affecting wetlands on the inventory, as per ORS 227.350 and 215.418, or on the SWI as provided in section (5) of this rule.

(8) All jurisdictions may inventory and protect wetlands under the procedures and requirements for wetland conservation plans adopted pursuant to ORS 196.668 et seq. A wetlands conservation plan approved by the director of DSL shall be deemed to comply with Goal 5 (ORS 197.279(1)).

Stat. Auth.: ORS 183 & ORS 197

Stats. Implemented: ORS 197.040 & ORS 197.225 - ORS 197.245

Hist.: LCDC 2-1996, f. 8-30-96, cert. ef. 9-1-96

Finding: The applicant hired a local wetland specialist, Schott and Associates, to review the wetlands on the site and determine whether or not they are significant wetlands. Schott and Associates assessed the wetlands using the Oregon freshwater wetland assessment method required by Goal 5 and concluded that none of the wetlands on the site are significant. The report is included with the application. The wetlands were determined to provide habitat for some wildlife species, but the fish habitat was determined to be either "impacted or degraded" or not present at all on the wetlands. The water quality and hydrologic

control functions were determined to be “impacted or degraded” for all on site wetlands. All of these wetland functions were below the standards that would deem the wetlands to be locally significant. The wetlands also did not meet the other criteria regarding water quality limited bodies or endangered or listed species that would require the wetlands to be considered significant. The wetlands are therefore found to not be significant and no local controls need to be placed over the wetlands upon annexation. The wetlands are under the jurisdiction of the Department of State Lands and the U.S. Army Corps of Engineers. The applicant will need to comply with all State and Federal requirements prior to making any changes to these wetland areas. At this point the applicant plans to retain some of the wetland areas when they develop the site.

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

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

FINDING: As explained below, public facilities will have adequate capacity to accommodate the demands of the site.

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

Storm water: Storm water drainage is currently provided by two storm drainage ditches that cross the property and outfall to a 24-inch diameter culvert under Hwy 99W near the center of the property. The Newberg Drainage Master Plan identifies this culvert as being undersized and needing to be replaced with a 36-inch culvert. If this work is completed by the developer of the Crestview Crossing site to the west then the applicant may need to pay for their share of the work as part of an advanced financing agreement. Certain improvements to the storm water drainage system will be required upon development to mitigate the additional demand on the system. The existing drainage ditches are low-quality wetlands. Coordination with the Oregon Division of State Lands and the US Army Corps of Engineers will be required regarding any changes to the existing on-site drainage ways.

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

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

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

A Traffic Impact Study was prepared for this project by Dunn Traffic Engineering. Dunn has been involved in the design of the Crestview Drive extension to Highway 99W on the Gueldner property, and has stated that the Crestview Drive/99W intersection will be oversized to accommodate year 2025 traffic volumes, including the expected development of the Gish, Kimball and Thomas sites. The proposed conceptual commercial and residential development on the site is expected to generate around 490 new primary vehicle trips during the weekday p.m. peak hour, plus around 178 pass-by trips during the weekday p.m. peak hour. Much of the traffic for the commercial center would not be new trips, but would be pass-by or internal trips. This shows that this center will be primarily serving the residents of Newberg and will reduce the number of overall vehicle miles traveled for the residents of Newberg. Details of the study methodology, findings, and recommendations are provided in the traffic impact study report.

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

The study concludes that if the Crestview Drive extension is built as planned and if the Newberg-Dundee Bypass is built (which would shift traffic from Highway 99W and allow ODOT to downgrade Highway 99W from a Statewide Highway to a District Highway) then the development of this site is expected to have no significant effect upon any existing or planned transportation facilities, and no mitigation would be required.

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

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

The TIS is intended to evaluate the annexation's compatibility with the adopted Newberg TSP and the State highway plan. Both of these plans include the Newberg-Dundee bypass, however, so the applicant must include the potential impact of the bypass in their TIS analysis or the City would find that the analysis is incomplete. The TIS must also consider the project's impact on transportation facilities if the bypass is not built, however. While the bypass is a planned facility in the State Highway Plan, by TPR definitions it is not a "planned facility" and therefore cannot be relied on to mitigate the impacts of development. Dunn Traffic Engineering submitted a supplemental traffic impact analysis on June 12, 2008 to the City of Newberg and to ODOT that addresses ODOT's concerns. The supplemental analysis does not rely on the bypass to mitigate transportation impacts.

The supplemental traffic impact analysis examined the year 2025 peak hour operations of the key intersections under two scenarios: the site retains County zoning, or the site is annexed and developed with the proposed City zoning. The Brutscher/Hwy 99W intersection will remain below ODOT's 0.75 v/c ratio in 2025 peak hour operations under either development scenario. The Springbrook/99W intersection will exceed the 0.75 v/c ratio in 2025 under either scenario, and the Crestview/99W intersection will exceed the 0.70 v/c ratio in 2025 under either scenario. If no intersection improvements are made at the Springbrook/99W intersection and the site is annexed then the v/c ratio in 2025 will be 4.2% higher than if the site retains County zoning. If improvements are made to Springbrook Road, such as adding northbound and southbound travel lanes, then the increase in the v/c ratio from the annexation would fall to an insignificant 2.4%. The report points out that the City has been collecting funds from nearby developments for future improvements to the Springbrook intersection. The annexation would increase the Crestview/99W v/c ratio in 2025 by 7% (from 0.85 to 0.91). The report points out that there are no additional improvements that could be done to the Crestview extension to increase its capacity, and that adding lanes on 99W has been found in the adopted TSP to be impractical and operationally infeasible. The supplemental report concludes that annexing this property and rezoning to the proposed City zoning is not expected to have a significant effect upon any existing or planned transportation improvements, thus complying with the State's TPR. The Crestview improvements go beyond the improvements called for in the City's TSP, and the proportionate share costs that will be contributed by development towards future capacity enhancements at Springbrook/99W will mitigate the traffic impacts generated by development on the annexation site. ODOT's supplemental comments dated July 3, 2008 acknowledged receipt of the supplemental traffic analysis and, with the exception of minor technical comments, found that the report had been prepared using methodologies that are acceptable to ODOT. ODOT also commented that they looked forward to reviewing the findings regarding the Transportation Planning Rule issues, and pledged to continue to work with the City of Newberg to address congestion issues on OR 99W that result from existing and future proposed development.

The TIS shows that the Springbrook/99W intersection does not currently meet ODOT's v/c ratio standards. Development of the Gish property will add some trips to this intersection and would worsen the performance of the intersection if no mitigation was done. The City of Newberg has already identified this intersection as one that needs improvement, however, and has charged recent developments in the area with impact fees based on the number of trips they added to the intersection. The fees could be used for street improvements that would improve the performance of the intersection, whether those improvements were directly at the intersection or were for a nearby street (such as the future completion of Hayes Street) that would reduce the number of trips at the Springbrook/99W intersection. The new Providence Hospital paid towards the future Springbrook/99W intersection performance improvement based on their trip generation estimates, and the Crestview Crossing development will also be required to pay towards this performance improvement based on their trip generation estimates. The City will therefore require that, upon development of the Gish site, the developer pays an impact fee based on trip generation towards the performance improvement of the Springbrook/99W intersection. A refined traffic study will be required at the time of development to estimate trip generation based on the actual proposed development (instead of on the conceptual development shown in the annexation application). This will ensure that the impact of the development of the Gish site on the Springbrook/99W intersection will be mitigated by future improvements at or near the intersection.

State Transportation Planning Rule:

660-012-0060

Plan and Land Use Regulation Amendments

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

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

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

The question then becomes whether or not the annexation would significantly affect an existing or planned transportation facility. The annexation would not change the functional classification of a

facility or change standards implementing a functional classification system. If there was no mitigation then the annexation would worsen the performance of the existing Springbrook/99W intersection, which already performs below ODOT's standards. The City has already established a precedent for mitigation of traffic impacts at the Springbrook/99W intersection, however, and this site was conditioned to mitigate the traffic impact as part of the UGB amendment process. The Providence Hospital project has paid an impact fee and the Crestview Crossing project will pay an impact fee for transportation improvements based on the number of trips that the project adds to the Springbrook/99W intersection. The developer of the Gish property will pay a similar impact fee based upon the number of trips that the Gish development would add to the Springbrook/99W intersection. The impact fee will be used for improvements at the intersection or for improvements to nearby roads that would reduce the number of trips at the Springbrook/99W intersection. The completion of the Hayes Street/Providence Drive connection is an example of the type of improvement that would reduce the amount of traffic at the Springbrook/99W intersection. The supplemental traffic analysis, which excluded the impact of the proposed bypass, found that with the proposed impact fee and mitigation at the Springbrook/99W intersection then the annexation of the Gish property would not have a significant effect on an existing or planned transportation improvement, thus complying with the TPR.

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

- (a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
- (b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
- (c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
- (d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.*
- (e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

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

- (a) The facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan on the date the amendment application is submitted;*
- (b) In the absence of the amendment, planned transportation facilities, improvements and services as set forth in section (4) of this rule would not be adequate to achieve consistency with the identified function, capacity or performance standard for that facility by the end of the planning period identified in the adopted TSP;*
- (c) Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures;*
- (d) The amendment does not involve property located in an interchange area as defined in paragraph (4)(d)(C); and*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(C) Interstate interchange area means:

- (i) Property within one-half mile of an existing or planned interchange on an Interstate Highway as measured from the center point of the interchange; or*
- (ii) The interchange area as defined in the Interchange Area Management Plan adopted as an amendment to the Oregon Highway Plan.*

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

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

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

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

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

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

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

(E) The City Council may annex properties where urban services are not and cannot practically be made available within the three year time frame noted in division (B) above, but where annexation is needed to address a health hazard, to annex an island, to address sewer or water

connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the Council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available.

FINDING: This criterion is not applicable to this property.

NDC § 151.267 Comprehensive Plan and Zoning Designations

- (A) *The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.*
- (B) *Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of § 151.122 shall not be required.*

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

- (C) *If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of § 151.122 shall apply. This application shall be submitted concurrently with the annexation application.*
- (D) *In the event that the annexation request is denied, the zone change request shall also be denied. (Ord. 96-2451, passed 12-2-96)*

Finding: The applicant has requested zoning designations of R-1, R-2 and C-2 that exactly match the comprehensive plan designations on the site. They are therefore not required by the Newberg

Development Code to address the criteria under § 151.122, which are the criteria for a comprehensive plan map amendment or zoning map amendment. The zone change from County to City zoning is an automatic change and is not a zoning map amendment because the zones match the comprehensive plan designations. This is significant because the criteria for § 151.122 (below) call for the applicant to make findings addressing the State Transportation Planning Rule. Newberg's development code does not require the applicant to make findings addressing the State Transportation Planning Rule if the requested zones match the comprehensive plan designations.

NDC § 151.122(3) Procedures for Comprehensive Plan Map and Zoning Map Amendments – Amendment Criteria

- (a) The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;*
- (b) Public facilities and services are or can be reasonable made available to support the uses allowed by the proposed change.*
- (c) Compliance with the State Transportation Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.*

Timing Consideration:

NDC § 151.263 Annexation Procedures

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

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

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

(C) Following the Planning Commission hearing, the Director shall schedule a City Council hearing to consider the request. The City Council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in § 151.262. The hearing at the City Council shall be considered a new hearing. If additional testimony is submitted, the Council

may, at its own discretion, return the application to the Planning Commission for further review and recommendation. The City Council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

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

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

Recommendation: The applicant has requested that this annexation application be approved by the City Council and placed before the voters at the November 4, 2008 election. If the Council approves the annexation they are not bound to place the annexation on the next available ballot. The decision on when to send an approved annexation to the ballot is at the City Council's sole discretion. The Planning Commission recommends that the City Council place this item on the November 4, 2008 ballot.

CONDITIONS OF APPROVAL
ANX-07-003

The following conditions of approval apply to the annexation of the property located at 4505 E. Portland Road, Yamhill County Tax Lot 3216-1100.

- A refined traffic study out to year 2025 will be required showing the actual development proposed at that time. No direct access to Highway 99W will be allowed. The traffic study should refine the existing study based on the actual development proposal and determine the number of trips that this development would add to the Springbrook/Hwy 99W intersection.
- Upon future development of the property, the development shall contribute its share, based on traffic volume, of the future cost of capacity improvements to the Springbrook Rd/Hwy 99W intersection.
- A 30 ft building setback along the north property line will be required upon development of the site.
- A wetland determination and delineation report shows wetlands on the site. Development shall comply with applicable state and federal wetland standards.
- Development follow best management practices for storm drainage as outlined in the letter from James Bennett to the Yamhill County Board of Commissioners dated 1/30/06.
- Upon development, verify the capacity of the Fernwood Road sanitary sewer pump station and upsize if necessary. All public sewer lines must be gravity flow. Coordinate with DSL and the US Army Corps of Engineers regarding changes to the existing on-site stormwater drainage ways. Complete street frontage improvements along Hwy 99W. The Crestview Drive extension from Oxberg Lakes to 99W, and the eastward extension of Gueldner Drive, must be in place at the time of development
- Existing homes to connect to sewer and water or be removed within two years of annexation.

EXHIBIT "B": ANNEXATION MAP

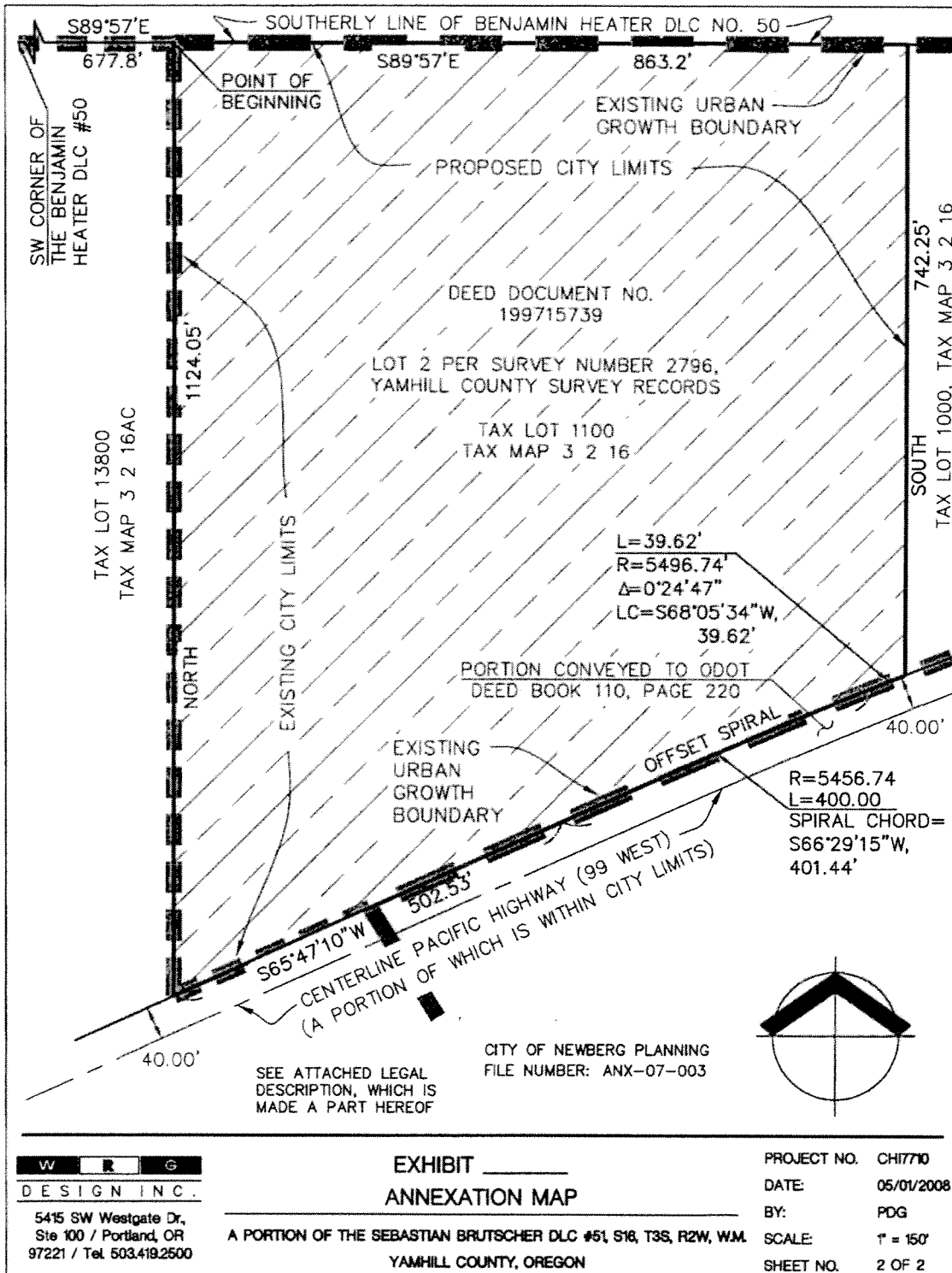


EXHIBIT "C": LEGAL DESCRIPTION

LEGAL DESCRIPTION
CITY OF NEWBERG ANNEXATION
PLANNING FILE NUMBER: ANX-07-003
MAY 1, 2008
PAGE 1 OF 2

ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED DOCUMENT NUMBER 199715739; SAID PROPERTY IS SITUATED IN THE SEBASTIAN BRUTSCHER DONATION LAND CLAIM, NOTIFICATION #1470, CLAIM #51, IN TOWNSHIP 3 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, YAMHILL COUNTY, OREGON, AND IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT NUMBER 1 PER COUNTY SURVEY #2795 BEING ON THE NORTH LINE OF SAID BRUTSCHER CLAIM (SAID POINT BEARS SOUTH 89°57' EAST, 677.8 FEET, MORE OR LESS FROM THE SOUTHWEST CORNER OF THE BENJAMIN HEATER DONATION LAND CLAIM); THENCE SOUTH 89°57' EAST ALONG SAID BRUTSCHER CLAIM LINE, 863.2 FEET, MORE OR LESS, TO THE NORTHEAST CORNER OF LOT NO 2 OF SAID SURVEY #2795, SAID POINT ALSO BEING AT THE NORTHWEST CORNER OF LOT 4A, OF SAID COUNTY SURVEY #2795; THENCE ALONG THE EAST LINE OF SAID LOT 2 SOUTH, 742.25 FEET, MORE OR LESS, TO A POINT OF 5496.74 FOOT RADIUS CURVE TO THE LEFT ON THE NORTH RIGHT OF WAY LINE OF THE WEST SIDE PACIFIC HIGHWAY (BEING 40 FEET TO THE CENTERLINE THEREOF, MEASURED PERPENDICULAR THERETO); THENCE ALONG SAID NORTH RIGHT OF WAY LINE, THE FOLLOWING THREE (3) COURSES, MORE OR LESS:
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CONTAINS 18.437 ACRES, MORE OR LESS.

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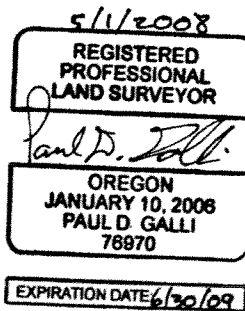


EXHIBIT "D": COMPREHENSIVE PLAN MAP

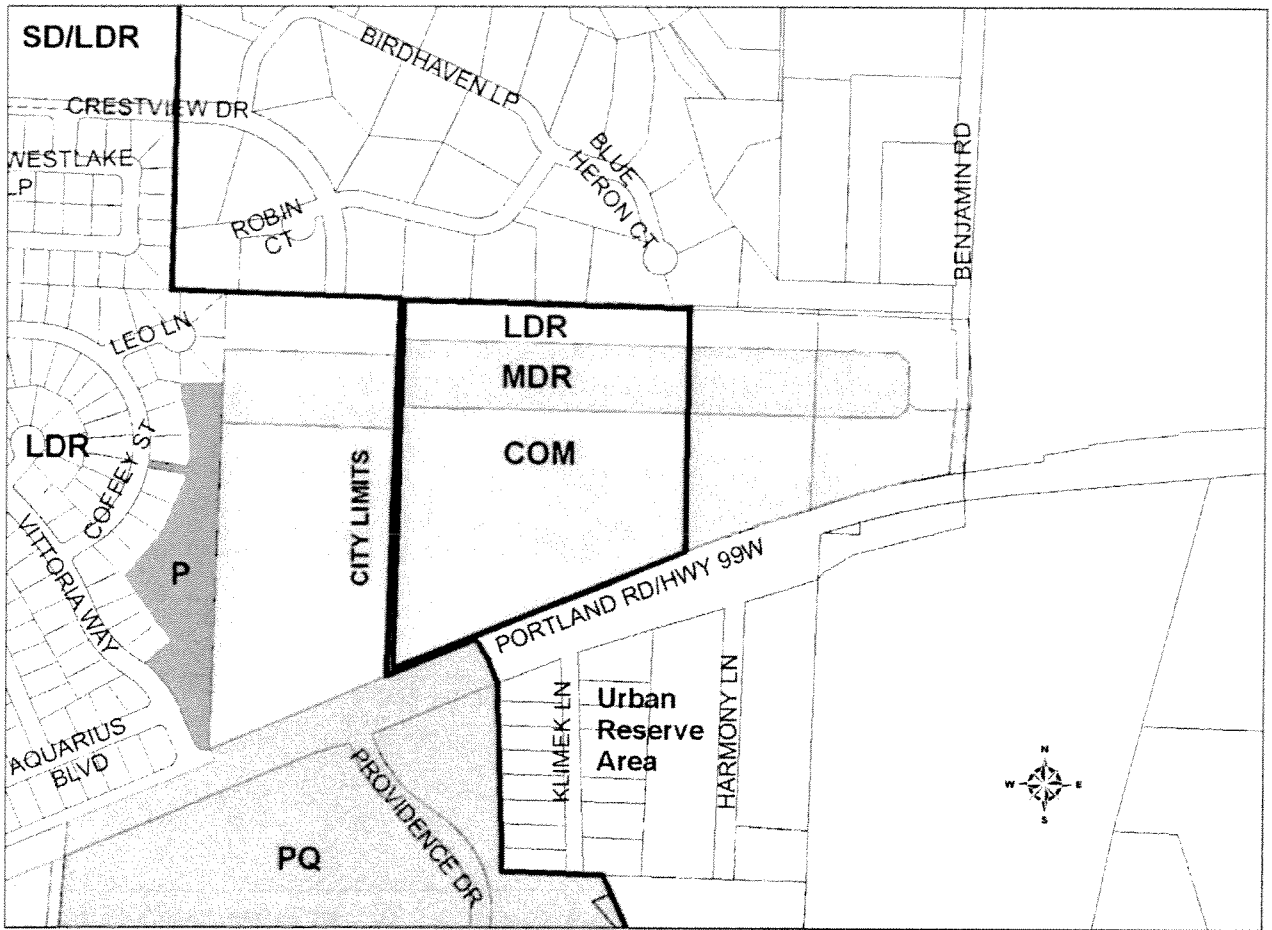
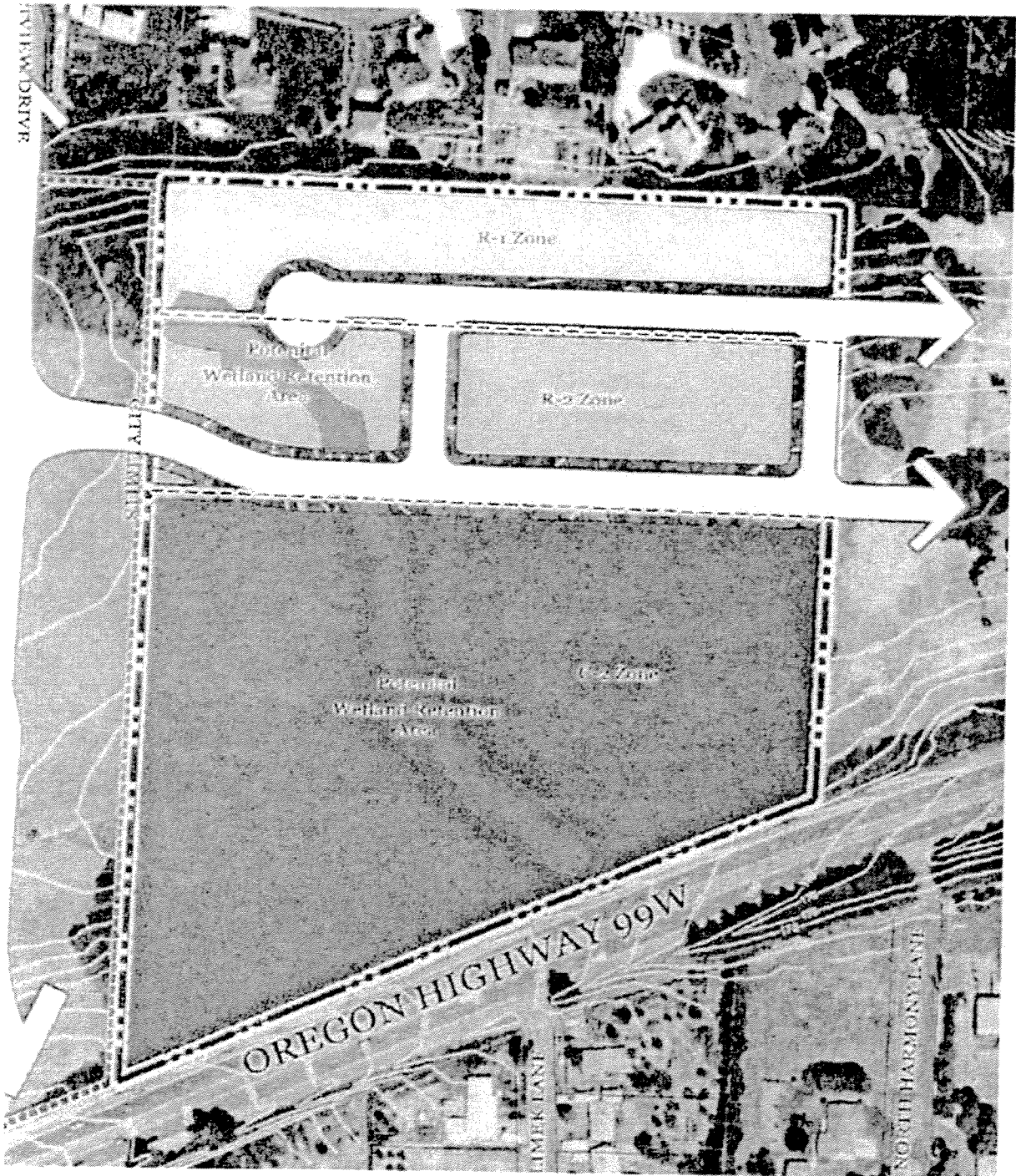
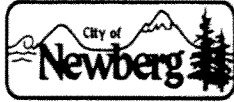


EXHIBIT "E": PROPOSED ZONING MAP





ORDINANCE No. 2008-2700

AN ORDINANCE DECLARING PROPERTY LOCATED AT 4505 E. PORTLAND ROAD, YAMHILL COUNTY TAX LOT 3216-1100, BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT SUBJECT TO A PUBLIC VOTE, AND AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR THIS SAME PROPERTY

RECITALS:

1. Coyote Homes Inc. submitted an application for annexation and consent to annex on April 1, 2008 for property located at 4505 E. Portland Road, Yamhill County tax lot 3216-1100. On July 16, 2008 Coyote Homes Inc. withdrew as the applicant and the owner, Forrest R. Gish, Trustee for Forrest R. Gish Living Trust dated September 15, 1997, notified the City that he was now the applicant.
2. After proper notice, on August 4, 2008, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.
3. On August 4, 2008, the City Council adopted Order 2008-0013 which affirmed that the annexation met the applicable Newberg Development Code criteria.
4. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.
5. The applicant has requested, and the Planning Commission has recommended, that this matter be placed before the voters at the November 4, 2008 general election.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The question of annexing the property shown in Exhibit "A" and described in Exhibit "B" shall be submitted to the electorate of the city at the November 4, 2008 special election. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.
2. The City Council directs that all costs associated with placing the item on the ballot be paid

for by the applicant/owners. This includes but is not limited to noticing, signage, advertising, and costs assessed by the Yamhill County Clerk to place the item on the ballot. Owners may be required to place monies in escrow to cover the costs of election(s).

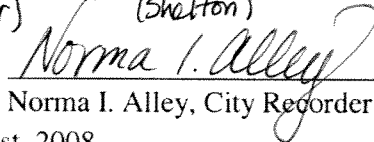
3. The City Elections Officer is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary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

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 4, 2008.

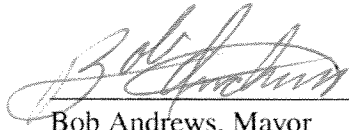
ADOPTED by the City Council of the City of Newberg, Oregon, this 4th day of August, 2008, by the following votes: **AYE: 5** **NAY: 1** **ABSENT: 1** **ABSTAIN: 0**

(Currier)

(Shelton)


Norma I. Alley, City Recorder

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


Bob Andrews, Mayor

LEGISLATIVE HISTORY

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

Exhibits:

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

EXHIBIT "A": ANNEXATION MAP

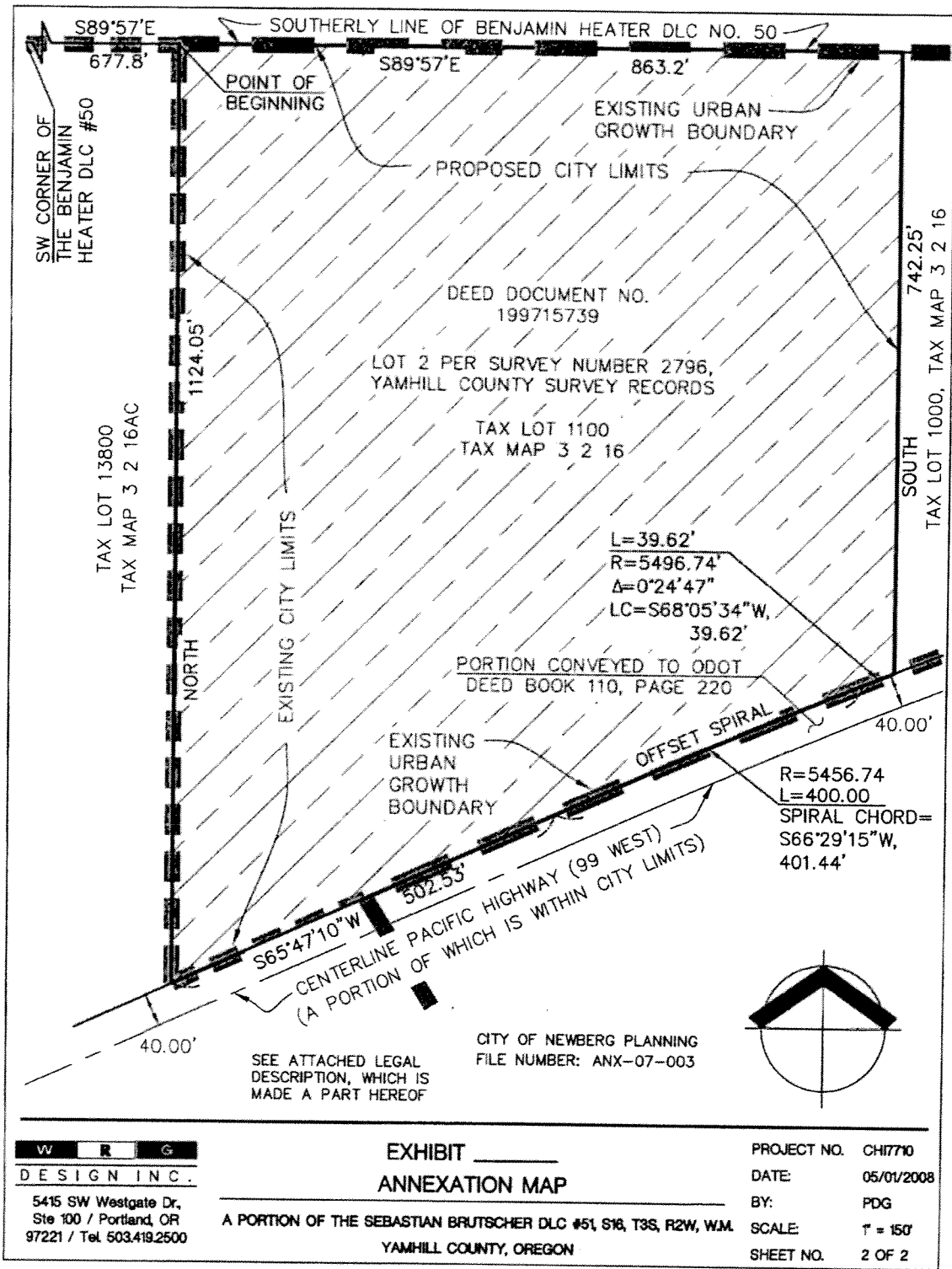


EXHIBIT "B": LEGAL DESCRIPTION

LEGAL DESCRIPTION
CITY OF NEWBERG ANNEXATION
PLANNING FILE NUMBER: ANX-07-003
MAY 1, 2008
PAGE 1 OF 2

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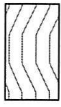
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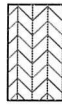
5/1/2008
REGISTERED
PROFESSIONAL
LAND SURVEYOR
Paul D. Galli
OREGON
JANUARY 10, 2006
PAUL D. GALLI
78970
EXPIRATION DATE 6/30/09

Attachment 7: Joint Permit Application

WETLAND A1



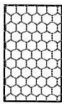
WETLAND A2



WETLAND B



WETLAND C



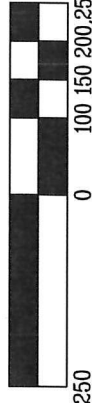
WETLAND D



ORDINARY HIGH WATER (OHW)



SCALE 1" = 250 FEET



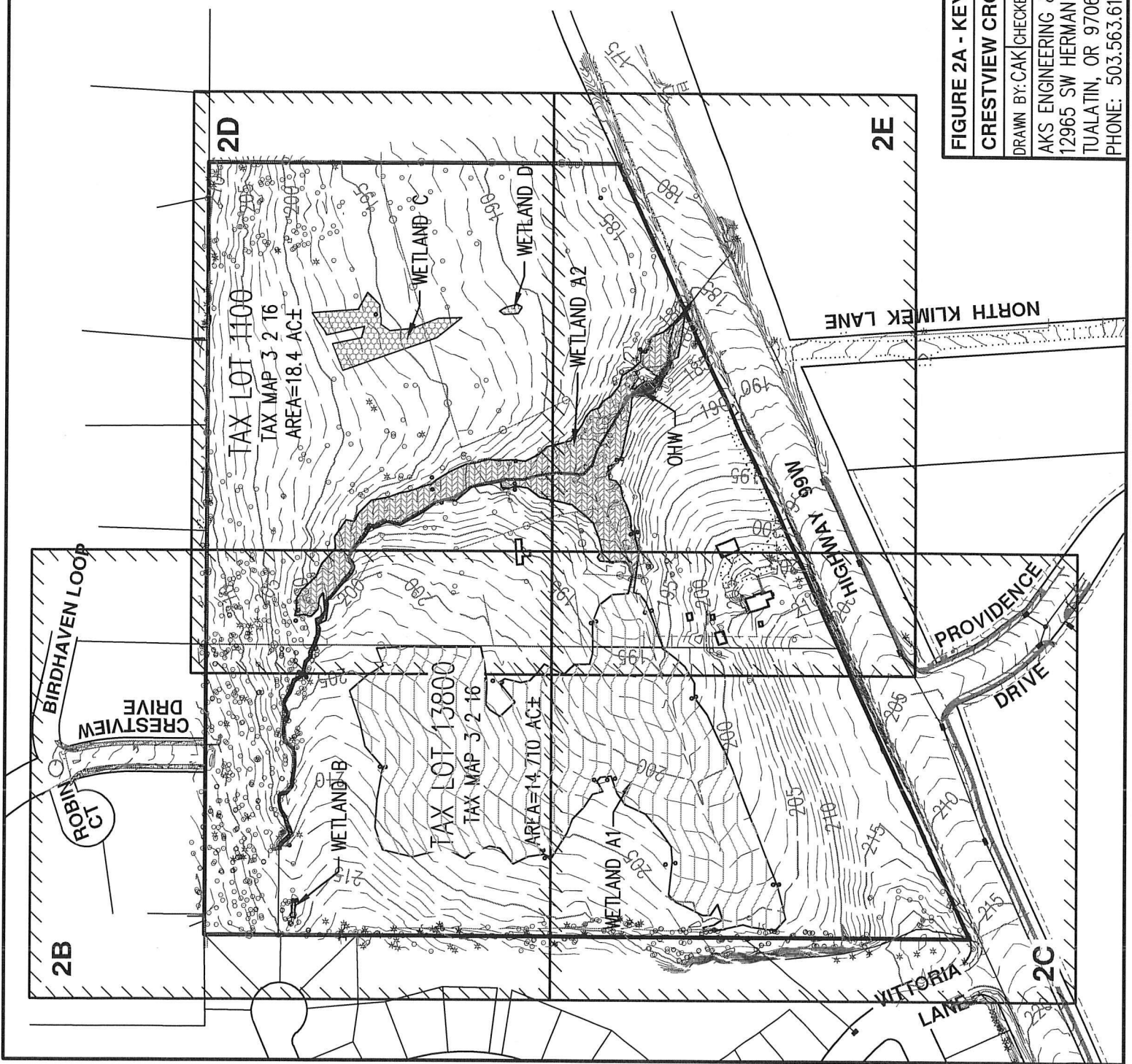
04/21/2017

FIGURE 2A - KEYMAP - EXISTING CONDITIONS EXHIBIT

CRESTVIEW CROSSING

DRAWN BY: CAK CHECKED BY: CEG DWG: 3723 EXCON EXHIBIT JOB: 3723

AKS ENGINEERING & FORESTRY, LLC SUITE 100
12965 SW HERMAN RD www.aks-eng.com
TUALATIN, OR 97062 PHONE: 503.563.6151 FAX: 503.563.6152



TAX LOT 1100
TAX MAP 3 2 16
AREA=18.4 AC±

TAX LOT 13800
TAX MAP 3 2 16
AREA=14.710 AC±

NORTH KLIMEK LANE

HIGHWAY 99W

PROVIDENCE DRIVE

VICTORIA LANE

BIRDHAVEN LOOP
CRESTVIEW DRIVE
ROBIN CT

2B

2C

2D

2E

Attachment 8: Supplemental Narrative received August 23, 2018

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 Division 15.200 Land Use Applications 5

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SUMMARY AND CONCLUSION 69

Attachments

- Appendix A – Land Use Application
- Appendix B – Pre-Application Notes
- Appendix C – Notification Materials
- Appendix D – Technical Reports
- Appendix E – Land Use Plans

GENERAL INFORMATION

Property Owner and Applicant: CG Commercial, LLC & VPCF Crestview, LLC
5285 Meadows Road, Suite 171
Lake Oswego, OR 97035
Contact: Jesse Nemec
Phone: (503)-730-8620
Email: jnemec@jtsmithco.com

Applicant's Representative: 3J Consulting, Inc.
5075 SW Griffith Drive, Suite 150
Beaverton, OR 97005
Contact: Andrew Tull
Phone: (503)-545-1907
Email: andrew.tull@3j-consulting.com

Legal Representative: Jordan Ramis, PC
2 Centerpointe Drive, Suite 600
Lake Oswego, Oregon 97035
Contact: James Howsley
Phone: (503) 598-7070
Email: jamie.howsley@jordanramis.com

SITE INFORMATION

Parcel Number: 3216AC 13800 &1100
Address: OR 99W and Crestview Drive
Size: 33.13 acres
Zoning Designations: R-1, R-2, C-2
Existing Use: Vacant
Street Functional Classification: OR-99W is classified as a Major Arterial and is an ODOT facility. Crestview Drive is classified as a Minor Arterial and is within the City's jurisdiction.
Surrounding Zoning: The properties to the west are located within the City of Newberg and are zoned Low Density Residential (R-1). The properties to the south are zoned City Institutional (I) and County VLDR-2.5. The properties to the north are located within Yamhill county and are zoned VLDR-1. The properties to the east are located within Yamhill County and are zoned EF-20.

INTRODUCTION

APPLICANT'S REQUEST

The Applicant seeks approval of an application for a Type III Planned Unit Development (PUD) and Conditional Use Permit (CUP). This narrative has been prepared to describe the proposed development and to document compliance with the relevant sections of Newberg's Development Code.

SITE DESCRIPTION/SURROUNDING LAND USE

The subject site is 33.13 acres in size and is located north of OR-99W, south of Crestview Drive. The property is located within the City and is Zoned C-2, R-2, and R-1. The site has sloping topography which generally slopes towards the southeastern end of the property. The site currently contains numerous wetlands that will be preserved or mitigated, in compliance with Department of State Lands and Army Corps of Engineers standards.

PROPOSAL

The proposed Planned Community will create a mixture of commercial development, single-family homes, cottage style single-family homes, affordable housing and multi-family homes. The proposed development includes 18 single-family homes on large lots, 230 cottage homes, and 51 multi-family homes with modifications to the base zone's dimensions as permitted through the PUD process. The project will include a 4.4-acre parcel which has been created to allow for future commercial development.

The proposed neighborhood will feature active and passive open space areas for use by the residents. The proposed design includes a network of open spaces and wetlands, a thoughtfully linked pedestrian circulation system, and several pedestrian amenities. A neighborhood park is connected to the proposed development through a network of multi-use pathways which provide pedestrian circulation and recreation throughout the site. The development will utilize a network of public and private streets, as well as alleyways which will provide for additional on-street parking. Additional parking for residents has been provided in several off-street parking areas.

The project will include an affordable housing component. While affordable housing is not a required component of a submission for a Planned Unit Development or a Conditional Use Permit, the City does have an Affordable Housing Action Plan which identifies a significant shortage of affordably priced homes within the City and the Applicant said it would include this element. In recognition of the City's needs for affordable housing options, the Applicant proposes to create five percent of the single family detached homes with price reductions and deed restrictions designed to create perpetual affordability.

Affordable Housing is defined within the City's Affordable Housing Action Plan as when a family spends no more than 30% of its income for housing. The twelve single family homes created as part of this program will initially be marketed at rates which make them eligible for families earning less than the median family incomes as described within the Housing Action Plan's definitions of affordable housing. At closing, buyers will be required to sign covenants agreeing to limit the price of any future sale to a rate of appreciation which is tied to either the Area Median Family Income rate or another acceptable index of income. The Applicant plans to work with the Housing Authority of Yamhill County and the City's Affordable Housing

Ad Hoc Committee to refine the covenants which will be recorded with the sale of these units and to eventually find parties which may qualify for the purchase of affordable houses. The proposed affordable homes will require owner occupation and will be constructed at various locations throughout the development.

As proposed, the Applicant has included two alternative plats for the property, one of which shows attached, duplex styled housing on some of the lots. The alternative plat also shows a scenario with exclusively detached products. As the project moves through construction and as sales data is received, the applicant specifically requests flexibility in preparing the final plats for the various phases within the development to allow for the platting of either detached or attached homes. The adjustments necessary to the final plat to process these changes will not require significant modifications to lots and will not result in the addition or deletion of any lots within the plan.

APPLICABLE CRITERIA

The following sections of Newberg's and Development Code have been extracted as they have been deemed to be applicable to the proposal. Following each bold applicable criteria or design standard, the Applicant has provided a series of draft findings. The intent of providing code and detailed responses and findings is to document, with absolute certainty, that the proposed development has satisfied the approval criteria for a Planned Unit Development and a Conditional Use Permit.

TITLE 15 DEVELOPMENT CODE

Division 15.200 Land Use Applications

15.225 Conditional Use Procedures

15.225.010 Description and purpose.

A. It is recognized that certain types of uses require special consideration prior to their being permitted in a particular district. The reasons for requiring such special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

Applicant's Facts and Findings: The proposal includes residential development in a commercial zoning district, requiring a conditional use permit. The applicable conditional use permit standards are addressed below.

This standard is met.

B. All uses permitted conditionally are declared to be possessing such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts herein defined. The authority for the location and operation of the uses shall be subject to review and the issuance of a conditional use permit. The purpose of review shall be to determine that the characteristics of any such use shall be reasonably compatible with the type of uses permitted in surrounding areas, and for the further purpose of stipulating such conditions as may be reasonable so that the basic purposes of this code shall be served. Nothing construed herein shall be deemed to require the hearing body to grant a conditional use permit.

Applicant's Facts and Findings: The development of residential housing in the C-2 (Commercial) zoning district requires a conditional use permit. The Conditional Use Permit is used in this scenario to ensure that density, lot coverage, parking, vehicular access, pedestrian and bicycle connectivity, and other residential characteristics are developed to be compatible with surrounding land uses.

This standard is met.

15.225.020 Conditional use permit prerequisite to building.

No building permit shall be issued when a conditional use permit is required by the terms of this code unless a permit has been granted by the hearing body and then only in accordance with the terms and conditions of the conditional use permit. Conditional use permits may be temporary or permanent for any use or purpose for which such permits are required or permitted by provisions of this code.

Applicant's Facts and Findings: This land use application proposes a permanent conditional use permit for residential development in the C-2 zoning district. Building permits have not been issued for this development.

This standard is met.

15.225.030 Application.

Application for a conditional use permit shall be accompanied by such information including, but not limited to, site and building plans, drawings and elevations, and operational data, as may be required by the director to allow proper evaluation of the proposal. The plan submittal requirements identified in NMC 15.220.030 and 15.445.190 shall be used as a guide. All proposals for conditional use permit shall be accompanied by a detailed project description which includes information such as the use, information relating to utilities, the number of employees, the hours of operation, traffic information, odor impacts, and other information needed to adequately describe the project.

Applicant's Facts and Findings: The proposed Conditional Use Permit includes all information necessary for a complete and thorough review.

This standard is met.

15.225.040 Concurrent design review.

If new buildings or structures are to be included as part of the application, the planning commission shall concurrently review the application for site design review in order to streamline the review process.

Applicant's Facts and Findings: The proposed Conditional Use Permit includes a proposed Planned Unit Development on the site with both single-family detached and multi-family housing. The review of the CUP is proposed concurrent with the PUD.

This standard is met.

15.225.050 Additional information.

In order to fully evaluate the proposal, additional information may be required. This includes but is not limited to traffic studies, noise studies, visual analysis, and other site impact studies as determined by the director or planning commission.

Applicant's Facts and Findings: The proposal includes a traffic study and materials display boards. Noise studies are not necessary based on the residential proposal.

This standard is met.

15.225.060 General conditional use permit criteria – Type III.

A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:

A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

C. The proposed development will be consistent with this code.

Applicant's Facts and Findings:

The proposed residential development on this site will allow a gradual transition from the residentially-developed properties to the north and west toward the 4.4-acre retail commercial designated pad adjacent to Highway 99W. The large-lot single-family detached properties immediately adjacent to the site will be buffered by large-lot single-family detached homes. Higher-density single-family detached housing will be located central to the site and adjacent to the park on the western property boundary. The two proposed multi-family buildings are in the southeast corner of the site, adjacent to Highway 99W and near the proposed retail commercial area to be developed at a later date.

This "stair step" approach to lot size and density will serve to ensure harmony in scale, bulk, coverage and density while the multi-family near commercial will provide a convenient and functional living, working and shopping environment. All homes in the site have access via sidewalk to Spring Meadow Park and further into the City of Newberg, satisfying the requirement that the conditional use permit provide a convenient and functional civic environment.

As shown on the included design and materials boards, the proposed development includes a high level of residential design to reflect the location of the development at the eastern entry to the City of Newberg. Materials such as wood, stone, brick and northwest-style siding are all utilized to blend the site to both the natural and built surrounding areas.

Findings are made regarding all applicable sections of the Newberg Development Code throughout this narrative. As identified the findings of each individual code section, the proposed Planned Unit Development and Conditional Use Permit meet all applicable sections of the Newberg Development Code.

This standard has been met.

15.225.080 Conditions.

The hearing body shall designate conditions in connection with the conditional use permit deemed necessary to secure the purpose of this chapter and the general conditional use permit criteria and require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

- A. Regulation of uses.**
- B. Special yards, spaces**
- C. Fences and walls.**
- D. Surfacing of parking areas to city specifications.**
- E. Street dedications and improvements (or bonds).**
- F. Regulation of points of vehicular ingress and egress.**
- G. Regulation of signs.**
- H. Landscaping and maintenance of landscaping.**
- I. Maintenance of the grounds.**
- J. Regulation of noise, vibration, odors or other similar nuisances.**
- K. Regulation of time for certain activities.**
- L. Time period within which the proposed use shall be developed.**
- M. Duration of use.**
- N. Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the Newberg comprehensive plan and the Newberg development code.**

Applicant's Facts and Findings: The Conditional Use Permit is required for residential development within the C-2 (Commercial) zoned portion of this site. The proposed residential development includes appropriate yards and spaces, parking areas, ingress and egress, landscaping, vehicular, pedestrian and bicycle connectivity and maintenance plans to ensure compliance with this Section of the Code.

The Applicant's proposed landscaping and screening is adequate for most of the surrounding lots with the exception of 1812 Leo Lane, tax lot 12100, located in Spring Meadow subdivision. The property in Spring Meadow subdivision will abut proposed lots 245 through 248. The Applicant has indicated that they intend to provide landscape plantings along the boundary of lots 245 to 248 to provide a vegetative buffer between the lower density Spring Meadows Subdivision and the higher density lots proposed along the project's boundary. The Applicant has indicated a willingness to accept a condition of approval requiring the final landscape plan to incorporate vegetative screening along these properties to buffer any perceived impacts from the construction of the new single-family homes.

Additional conditions are not warranted to secure the purpose of the Conditional Use Permit chapter.

This standard is met.

15.225.090 Development in accord with plans.

Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, conditions, sketches, and other documents approved as part of a final decision on a conditional use permit.

Applicant's Facts and Findings: It is feasible for the Applicant to carry out development of the site in substantial accord with the plans, drawings, sketches and other documents approved as part of this final decision on the Conditional Use Permit.

This standard is met.

15.225.100 Conditional use permit must be exercised to be effective.

A. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

- 1. The land use designation of the property has not been changed since the initial use permit approval; and**
- 2. The applicable standards in this code which applied to the project have not changed.**

B. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such permit.

Applicant's Facts and Findings: The Applicant acknowledges that the Conditional Use Permit approval is valid for one year if an extension is not requested. The Applicant intends to begin construction of the residential development on this site within one year of the approval date. If unforeseen delay is encountered, an extension request will be filed in writing prior to the expiration date.

This standard is met.

15.225.110 Preexisting uses now listed as a conditional use.

Where a use is legally established and continuing, but that use currently would require a conditional use permit, the use shall be considered as having a conditional use permit under the terms of the prior permit approval. Any nonconforming site development shall be subject to the provisions of Chapter 15.205 NMC.

Applicant's Facts and Findings: This proposal does not include a preexisting use now listed as a conditional use and, as such, this standard is not applicable.

15.240 PD Planned Unit Development Regulations

15.240.010 Purpose.

The city's planned unit development regulations are intended to:

- A. Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot-by-lot development and that are reasonably compatible with the surrounding area; and**
- B. Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and**
- C. Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types; and**
- D. Provide for economy of shared services and facilities; and**
- E. Implement the density requirements of the comprehensive plan and zoning districts through the allocation of the number of permitted dwelling units based on the number of bedrooms provided.**

Applicant's Facts and Findings: The Applicant proposes a residential Planned Unit Development (PUD) meeting the stated purposes of the PUD regulations. This site is of sufficient size as to warrant comprehensive planning rather than traditional lot-by-lot development. The Applicant proposes flexibility in placement and clustering of buildings, use of open space, circulation, parking and density to promote a safe, attractive, efficient and stable residential environment adjacent to a highway facility and a future commercial development.

This standard is met.

15.240.020 General provisions.

A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.

Applicant's Facts and Findings: The area included in the planned unit development is in single ownership.

This standard is met.

B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:

- 1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.**

2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.

Applicant’s Facts and Findings: The Applicant acknowledges the two-step process to PUD approval and submits materials in support of Step One- Preliminary Plans.

This standard is met.

C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.

Applicant’s Facts and Findings: The applicant is proposing the following phasing:

Phase 1: This phase will include improvements to the site’s frontage along E Portland Road and the installation of underground utility connections necessary to provide service to the site.

Phase 1a: This phase will include the extension of E Crestview Drive through the site and the construction of roadways and lots located east of the E Crestview Drive extension to public road D. This phase will also include the stormwater facility located south of public road B.

Phase 2: This phase will include the installation of the roadways, infrastructure and lots which are to be located west of the E Crestview extension.

Phase 3: This phase will include the lots located east of public road D to the property’s eastern property boundary.

Phases B and C will be constructed after the construction of Phases 1 and 1A and may be constructed independently of the subdivision lots and by other entities or assigns.

Due to the size of the plan and the complexity of the various components within the development, the Applicant has requested that the City grant the developer a ten (10) year window for the construction of the infrastructure shown within the plan’s phases with opportunities for up to five (5) one (1) year extensions following the approval of the preliminary plat. While the Applicant does not intend to wait for ten (10) years to allow for the construction of the proposed improvements, the flexibility afforded by the ten (10) year schedule with the requested extensions will allow for the project’s various components to be sensitive to changing market conditions.

This standard is met.

D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

Applicant's Facts and Findings: The Applicant acknowledges the process for lapse of PUD approval and intends to follow through with development of the site based on the original approval timeline.

This standard is met.

E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

Applicant's Facts and Findings: The Applicant acknowledges the process for resubmittal following expiration.

This standard is met.

F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:

1. Maximum Density.

- a. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

District	Density Points
R-1	175 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
R-2	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
RP	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section

C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

- b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant’s discretion by 25 percent for deed-restricted affordable dwelling units as follows:

Density Point Table

Dwelling Type	Density Points: Standard Dwelling	Density Points: Income- Restricted Affordable Dwelling Units
Studio and Efficiency	12	9
One-bedroom	14	11
Two-bedroom	21	16
Three-bedroom	28	21
Four or more bedroom	35	26

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

2. **Approved Density.** The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.
3. **Easement Calculations.** Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.
4. **Dedications.** Density calculations may include areas dedicated to the public for recreation or open space.
5. **Cumulative Density.** When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.

Applicant’s Facts and Findings: This narrative includes a Density Matrix, identifying the total number of density points available to this site vs. the total number of density points necessary to develop the site as proposed. The C-2 zoning district is proposed at the same maximum allowable density as the R-3 zoning district, or 640 points per acre. The

total number of density points available to this site, as detailed on the Density Matrix, is 11,859.85. The total number and type of residential dwelling units proposed requires 9,085 density points, which is less than the number of points available to this site.

This standard is met.

G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:

- 1. R-1, R-2, R-3 and RP Zones.**
 - a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.**
 - b. Accessory buildings and uses.**
 - c. Duplexes.**
 - d. Dwellings, single, manufactured, and multifamily.**
 - e. Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.**

Applicant's Facts and Findings: The proposal includes single-family detached and multi-family residential uses within the R-1 and R-2 portions of this site, both of which are permitted by subsection d. above.

This standard is met.

- 2. C-1, C-2 and C-3 Zones.**
 - a. When proposed as a combination residential-commercial planned unit development, uses and buildings as listed in subsection (G)(1) of this section and those listed as permitted outright or conditionally in the use district wherein the development will be located.**
 - b. When proposed as a residential or commercial planned unit development, uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.**

Applicant's Facts and Findings: The proposed Planned Community will create a mixture of commercial development, single-family homes, cottage style single-family homes, affordable housing and multi-family homes. All uses proposed are permitted either outright or conditionally for the C-2 portion of this property, in compliance with subsections a. and b. above.

This standard is met.

- 3. M-1, M-2 and M-3 Zones. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.**

4. **M-4 Zone.** Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located. Proposed sites, structures and uses must work together to support a common theme, product or industry. Applicants for an industrial planned development in M-4 must demonstrate conformance with any adopted master plan for the subject area and provide a plan describing how the proposed structures and uses will work together to support a common theme, product or industry. Prior to subdivision, covenants must limit occupancy to the types of industrial and related uses identified in the development plan.

Applicant's Facts and Findings: No part of this site is located within the M-1, M-2, M-3 or M-4 zoning district and, as such, this standard is not applicable.

H. Professional Coordinator and Design Team. Professional coordinators and design teams shall comply with the following:

1. **Services.** A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:
 - a. Preliminary design;
 - b. Design development;
 - c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and
 - d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.
2. **Address and Attendance.** The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.
3. **Design Team Designation.** Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.
4. **Design Team Participation and Waiver.** Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.
5. **Design Team Change.** Written notice of any change in design team personnel must be submitted to the director within three working days of the change.
6. **Plan Certification.** Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance

with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.

Applicant's Facts and Findings: This Planned Unit Development application includes all of the required plans and documents. A professional engineer in the State of Oregon has ensured that all required plans are prepared, certified as necessary and submitted. The Applicant acknowledges the process for a design team change.

This standard is met.

I. Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.

Applicant's Facts and Findings: This Planned Unit Development proposal seeks to modify the lot size standards of the R-1, R-2 and C-2 zoning districts. The PUD further seeks to modify the minimum lot sizes, minimum lot dimensions, minimum lot frontages, maximum lot and parking area coverage and minimum setback standards. The proposed modifications are shown on the attached preliminary site plan and plat and are intended to allow for the development of smaller residential lots, allowing a lower price-point than homes built in similar zoning districts. The creativity in site design also allows for the provision of parks and open space facilities exceeding those of a typical subdivision. And finally, varying the standards allows for the construction of a street network exceeding that of a typical residential subdivision.

The proposed modifications are in accordance with the purposes of this code as they support the efficient development of land within the City Limits, provide functional, attractive housing for the residents of the City and include safe, convenient, efficient transportation design.

This standard is met.

J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.

Applicant's Facts and Findings: The maximum permitted lot coverage shall be maintained within the proposed development. For the R-1 lots along the northern boundary, these lots are approximately 8,165 sf. The driveways on these lots will be approximately 20x20

feet or 400 sf. The homes within these areas will likely be two stories with first floor footprints within the 1,200-1,700 range. The maximum permitted lot coverage within the R-1 zoning district is 30% for two story homes or 40% for single story homes. Building footprints and overall lot coverage can be verified at the time of building permit issuance. The anticipated coverage for these lots will be less than the stated maximum.

The Applicant proposes a coverage of up to 70% throughout the R-2 single family portions of the plan area. The smaller lot sizes allow for the provision of a more affordable housing stock and the increased parking ensures an adequate supply for residents and visitors. The lots within the R-2 zoned portions of the plan area range in size from 1,474 to 2,010 depending upon product size and lot width. The first floors of most of the plans proposed for the lots will range between 520 sf to 881 sf, depending upon the width of the lot. For a 1,474 sf lot, a 17 foot wide home will likely be provided. These homes will have a first floor area of approximately 595 sf. The parking area for these lots will be approximately 12x20 feet, or 240 sf. The overall lot coverage for these lots, with parking and the anticipated first floor area will be approximately 835 sf or 56.6%.

For a 2,010 sf lot within the R-2 zone, a 25 foot wide house will likely be located on a 30 foot wide lot. The typical anticipated footprint for these lots will be approximately 881 sf. The parking area for these houses will consist of a 20x20 foot wide driveway, or 400 sf. The total anticipated lot coverage and parking total would be approximately 1,281 sf or 63.7%.

For a 1,742 sf lot within the R-2 zone, a 21 foot wide house will likely be located on a 26 foot wide lot. The typical anticipated footprint for these lots will be approximately 748 sf. The parking area for these houses will consist of a 20x20 foot wide driveway, or 400 sf. The total anticipated lot coverage and parking total would be approximately 1,148 sf or 65.9%.

While there may be some variation in the amount of coverage provided per lot, the Applicant's request for a blanket 70% allowance for lot coverage should be sufficient to allow for adequate area for parking and building areas. The lot coverage for each individual lot can be verified at the time of building permit submission. The Applicant requests these exceptions be specifically permitted by the Planning Commission in reviewing the Planned Unit Development and Conditional Use Permit request.

This standard is met.

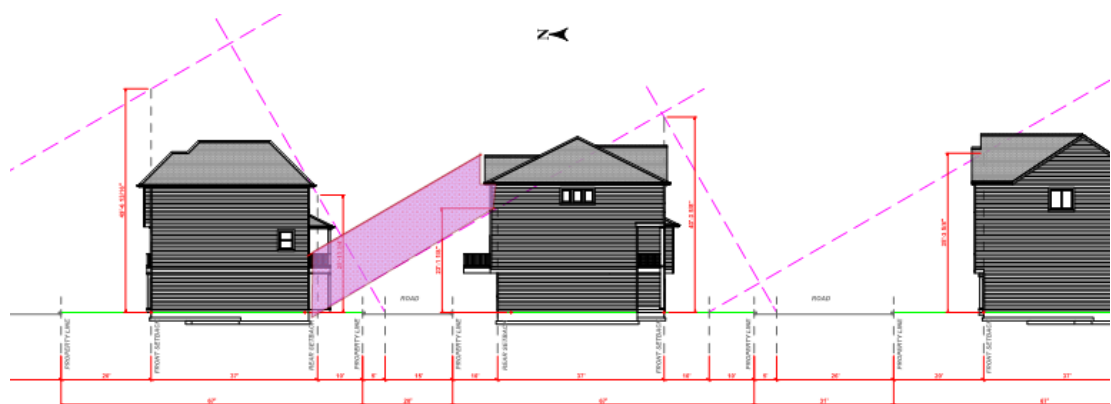
K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of "sun exposure plane" in NMC 15.05.030). The hearing authority may further modify heights to:

1. **Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.**
2. **Protect lines of sight and scenic vistas.**
3. **Enable the project to satisfy required findings for approval.**

Applicant's Facts and Findings: This proposed residential Planned Unit Development includes three story single-family residential structures with reduced setbacks. This development type allows the developer to provide the housing at an approachable price point, complete the much-needed transportation system for the area and provide parks and open spaces for the residents of this and neighboring developments.

The Applicant has prepared a sun exposure diagram showing that some of the north/south oriented lots may have slight impacts on the first floors of the proposed homes. Impacts due to shade along the north/south oriented lots are anticipated to be slightly experienced on lots 36-66 and on lots 81&82. The east/west oriented lots appear to be exempt from these requirements as the sun should have full access from the south on both these lots front and rear yards.

The slight impacts to the lots identified herein are illustrated within the diagram below however the impacts to the homes is limited to first floors, in areas where garages will be located.



As described elsewhere within this narrative, the benefits of housing configured within this manner provides numerous benefits to the future residents and provides opportunities for the creation of a highly efficient and well-designed community. The Applicant's proposal for closely located buildings offers numerous benefits to the community as a whole and allows the site to meet the City's other code requirements for density, site configuration, parking, and access. Because the impacts of the shade will be limited to only the ground floors of a few properties within the plan and because the Applicant has compensated for these impacts with the provision of a significant amount of open space area, parks, and site amenities, the residents of this community will not experience any adverse effects.

L. Dedication, Improvement and Maintenance of Public Thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:

- 1. Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.**
- 2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.**
 - a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.**
 - i. A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study showing that the future homeowners association can financially maintain the private street;**
 - ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;**
 - iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;**
 - iv. Evidence that the private street is of sufficient width and construction to satisfy requirements of the fire marshal and cityengineer; and**
 - v. The PUD shall be a Class I planned community as defined in ORS Chapter 94.**
 - b. If the PUD is established, the homeowners association shall provide an annual written report on the anniversary date of the final approval of the PUD approval to the community development director that includes the following:**
 - i. The most recent reserve study.**
 - ii. The name and contact information for the retained community management association.**
 - iii. A report on the condition of the private street and any plans for maintenance of the private street.**
- 3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.**

Applicant's Facts and Findings: This proposed PUD includes a mixture of public and private streets. As identified in subsection L.2 above, private streets may be approved if:

- a PUD proposes at least 50 dwelling units,
- has provided a plan for on-street parking, maintenance and financing of maintenance of the private street,

- demonstrates sufficient parking,
- includes CCRs addressing the private street,
- is constructed to proper standards, and
- the PUD is a Class I planned community as defined in ORS Ch. 94.

The proposal meets all of the criteria for private streets identified above. The purpose statements in NMC 15.240.010(A) through (D) include:

- encourage comprehensive planning in areas of sufficient size...
- provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations
- promote an attractive, safe, efficient and stable environment...and
- provide for economy of shared services and facilities.

The proposed PUD is of a sufficient size to warrant comprehensive planning that is similar to traditional lot-by-lot developments in the same zoning and compatible with the surrounding environment. The inclusion of private streets makes it feasible to preserve more of the natural areas on the site. The housing design and placement, open space and outdoor living areas, circulation, parking and storage on this site are all designed to work together to form a cohesive neighborhood feel. The shared services and facilities within the development include the private streets, parking areas and open spaces. The adjacent commercial development that will be added in the future will allow for shared services as well.

All public streets are designed to City standards and proposed to be dedicated to the City.

The proposal includes all of the necessary materials to approve both the public and private streets.

This standard is met.

M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.

Applicant’s Facts and Findings: The proposal includes all on-site utilities located underground.

This standard is met.

N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.

Applicant's Facts and Findings: All dwelling units are served by outdoor living areas equal to at least 10 percent of the gross floor area of each unit. The single-family units will have outdoor living on individual lots. The multi-family will utilize a combination of balconies and porches as well as common outdoor living areas located throughout the overall planned unit development. All proposed dwelling units will be able to provide at least 10% of the gross floor area in outdoor living space. Outdoor living spaces for each unit can be verified at the time of building permit issuance.

This standard is met.

O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.

Applicant's Facts and Findings: This site contains several wetlands which will be a combination of preserved on site and mitigated off-site. The permitting for this is occurring separate from the land use review. This is the only substantial change to the natural features of the site.

This standard is met.

P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.

Applicant's Facts and Findings: The Applicant acknowledges the possibility of a performance bond being required to assure timely completion of any delayed landscaping.

This standard is met.

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories.

Applicant's Facts and Findings: There are 23 possible site design points and 23 possible building design points, therefore, this project must obtain 9 each site design and building design points (40% of each).

Site Design:

Consolidated green space: 3 points

Parking lot to the back of project when viewed from 99W: 3 points

Good-quality coordinated site landscaping: 2 points

Landscaped Edges of Parking Lots: 2 points

Street trees: 1 point

Entry Accents to mark major entries to multi-family buildings: 1 point
Appropriate Outdoor Lighting: 1 point
Total Site Design Points: 13

Building Design:

Respect scale and patterns of nearby buildings by reflecting architectural styles, building details, materials and scale of existing buildings: 3 points

Break up large buildings into bays/vary planes at least every 50 feet: 3 points

Provide variation in repeated units using color, porches, balconies, windows, railings, building materials and form, alone or in combination: 3 points

Building materials: Wood or wood-like siding applied horizontally or vertically as board and batten at entry ways; shingles, as roofing; wood or wood-like sash windows; and wood or wood-like trim: 4 points

A porch at every main entry: 2 points

Total Building Design Points: 15

This standard is met as described above.

15.240.030 Preliminary plan consideration – Step one.

A. Preapplication Conference. Prior to filing an application for preliminary plan consideration, the applicant or coordinator may request through the director a preapplication conference to discuss the feasibility of the proposed planned unit development and determine the processing requirements.

Applicant’s Facts and Findings: The Applicant attended a pre-application conference with the City on March 14, 2018.

This standard is met.

B. Application. An application, with the required fee, for preliminary plan approval shall be made by the owner of the affected property, or the owner’s authorized agent, on a form prescribed by and submitted to the director. Applications, accompanied by such additional copies as requested by the director for purposes of referral, shall contain or have attached sufficient information as prescribed by the director to allow processing and review in accordance with these regulations. As part of the application, the property owner requesting the planned development shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197 based on the city’s decision on the planned development.

Applicant’s Facts and Findings: This land use application includes all required fees, forms and documentation for review of the Planned Unit Development and Conditional Use requests.

This standard is met.

C. Type III Review and Decision Criteria. Preliminary plan consideration shall be reviewed through the Type III procedure. Decisions shall include review and recognition of the potential impact of the entire development, and preliminary approval shall include written affirmative findings that:

- 1. The proposed development is consistent with standards, plans, policies and ordinances adopted by the city; and**

Applicant's Facts and Findings: As described in this narrative, the proposed development is consistent with standards, plans, policies and ordinances adopted by the City.

This standard is met.

- 2. The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and**

Applicant's Facts and Findings: As discussed previously, the proposed PUD includes larger lot single-family detached homes along the northern property line, separating this development from a single-family detached development. Lot sizes will then decrease as one heads south into the site, with two multi-family residential buildings constructed in the southeast corner of the site. The homes on the site will all be designed and constructed so as to provide a cohesive design and character to the entire development. The distribution of recreation space, parking, roads, access and other uses is reasonably compatible with the appropriate development of abutting properties and the surrounding neighborhood.

This standard is met.

- 3. Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:**
 - a. Public facility planning by the appropriate agencies; or**
 - b. A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project; or**
 - c. Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development; and**

Applicant's Facts and Findings: Public services and facilities are either available to serve the proposed development or can be reasonably conditioned to be installed and provided. The public improvement plans included with the land use submittal demonstrate full public facilities will be provided, including water, sanitary sewer, storm sewer,

electricity and natural gas. Public services are currently available to serve this site, including police, fire, garbage/recycling and US Mail.

This standard is met.

4. The provisions and conditions of this code have been met; and

Applicant's Facts and Findings: As discussed in detail in this narrative, the provisions and conditions of this code have been met.

This standard is met.

5. Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and

Applicant's Facts and Findings: The buildings, roads and other site features are located so as to preserve several wetlands and natural features and to prevent soil erosion or flood hazard.

This standard is met.

6. There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and

Applicant's Facts and Findings: The site is well provisioned for utility services, emergency vehicular access and, if the opportunity arises in the future, public transportation facilities. The public roadways are designed to public street standards and the private streets are designed to provide vehicular access. The application includes a letter from Tualatin Valley Fire & Rescue indicating that the private streets are adequate for emergency vehicle access.

This standard is met.

7. Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and

Applicant's Facts and Findings: The proposed neighborhood will feature active and passive open space areas for use by the residents. The proposed design includes a civic use park which has been envisioned to provide space for community events as well as a space for featured local vendors. A smaller neighborhood park is connected to the proposed development through a network of multi-use pathways which provide pedestrian circulation and recreation throughout the site. The proposal includes multiple open spaces, most of which include a trail system within. The multi-family housing has common outdoor living areas, as well as balconies and patios for some

individual units. The single-family housing has outdoor living areas adjacent to the homes.

This standard is met.

- 8. Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.**

Applicant's Facts and Findings: This site has been designed reflect the surrounding area and to provide a reasonable level of privacy for residents of the development and surrounding properties. Large lot single-family detached dwellings are proposed along the northern property line, separating this development from another large lot residential development, easing the transition from lower density to higher. The site is buffered from the residential developments to the west by the park that is adjacent to the site. The site as a whole is designed to provide safe and convenient access. The building scale, bulk, design, setbacks, heights, coverage, landscaping and screening are designed to provide harmony within the site while respecting and reflecting design patterns utilized in other nearby developments.

This standard is met.

D. Conditions. Applications may be approved subject to conditions necessary to fulfill the purpose and provisions of these regulations.

Applicant's Facts and Findings: The Applicant acknowledges the possibility of conditions imposed to fulfill the purpose and provisions of the PUD regulations. However, based on the findings identified in this narrative, the Applicant finds the proposal in full compliance with the PUD standards.

This standard is met.

15.240.040 Final plan consideration – Step two.

A. Application. An application, with the required fee, for final plan approval shall be submitted in accordance with the provisions of this code, and must be in compliance with all conditions imposed and schedules previously prescribed.

B. Referral. Referral of final plans and supportive material shall be provided to appropriate agencies and departments.

C. Decision Type I Procedure. The final plan consideration shall be reviewed through the Type I procedure. Upon receipt of the application and fee, final plans and required supportive material, the director shall approve, conditionally approve or deny the application for final plan approval. The decision of the director to approve or deny the application shall be based on written findings of

compliance or noncompliance with approved preliminary plans and city standards, plans, policies and ordinances. Minor variations from approved preliminary plans may be permitted if consistent with the general character of the approved preliminary plans.

D. Conditions. Applications may be approved subject to such conditions as are necessary to fulfill the purpose and provisions of this code.

1. **Preparation and Signatures.** A duly notarized performance agreement binding the applicant, and the applicant’s successors in interest, assuring construction and performance in accordance with the approved final plans shall be prepared by the city and executed by the applicant and city prior to issuance of a building permit.
2. **Return.** Unless an executed copy of the agreement is returned to the director within 60 days of its delivery to the applicant, final plan approval shall expire, necessitating the reapplication for final plan reapproval.
3. **Filing.** The director shall file a memorandum of the performance agreement with the Yamhill County recorder.
4. **Improvement Petitions and Dedications.** Improvement petitions and all documents required with respect to dedications and easements shall be submitted prior to completion of the agreement.
5. **Project Changes.** The director may permit project changes subsequent to execution of the agreement upon finding the changes substantially conform to final approved plans and comply with city standards, plans, policies and ordinances. Other modifications are subject to reapplication at the appropriate step.
6. **Compliance.** Compliance with this section is a prerequisite to the issuance of a building permit.

Applicant’s Facts and Findings: The Applicant acknowledges the process for Step Two of a PUD review.

This standard is met.

Division 15.300 Zoning Districts

15.305 Zoning Use Table

Use	R-1	R-2	C-2
Residential Uses			
Dwelling, single-family detached	P(2)	P	C(4)
Dwelling, multifamily	C	P	C(4)
Parks and Open Spaces			
Open Space	P	P	P
Park	P	P	P

Notes.

(2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).

(4) The permitted density shall be stated on the conditional use permit.

Applicant's Facts and Findings: The proposed residential development requires a conditional use permit because a part of the site, including the area proposed for multi-family residential, is within the C-2 zoning district. Single-family residential development is permitted in the R-1 and R-2 zones. The Planned Unit Development proposes residential development, both single-family and multi-family, on all areas of the site (zoned R-1, R-2 and C-2).

As this application includes a conditional use permit application, this standard is met.

15.356 Bypass Interchange (BI) Overlay

Applicant's Facts and Findings: The frontage of this site is adjacent to the Bypass Interchange (BI) Overlay. While the provisions of the BI Overlay may apply to this site, the provisions only speak to permitted, conditional and prohibited uses. Residential development is a permitted use in the R-1 and R-2 zoning districts and a conditional use in the C-2 zoning district. Residential development is not prohibited in the BI Overlay.

This standard is met.

Division 15.400 Development Standards

15.405 Lot Requirements

15.405.010 Lot area – Lot areas per dwelling unit.

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

- 1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.**
- 2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.**
- 3. In the AI, AR, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.**
- 4. In the M-1, M-2 and M-3 districts, each lot or development site shall have a minimum area of 20,000 square feet.**

5. **Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.**
6. **Within the commercial zoning district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.**

Applicant’s Facts and Findings: This application includes a Planned Unit Development (PUD) that proposes reduced lot sizes and an increase in the allowable lot coverage standard for the R-2 zoned portions of the site. The standards for a PUD are discussed previously in this narrative.

This standard is met.

B. Lot or Development Site Area per Dwelling Unit.

1. **In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit.**
2. **In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.**
3. **In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit. Lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.**

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

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

Applicant’s Facts and Findings: This application includes a Planned Unit Development (PUD) that proposes reduced lots (development site areas) and an increase in the amount of lot coverage for the R-2 zoned portions of the plan. The standards for a PUD are discussed previously in this narrative.

This standard is met.

15.405.020 Lot area exceptions.

The following shall be exceptions to the required lot areas:

- A. Lots of record with less than the area required by this code.**
- B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.**
- C. Planned unit developments, provided they conform to requirements for planned unit development approval.**

Applicant’s Facts and Findings: This proposal complies with subsection C. of this criterion as a Planned Unit Development is proposed with conformity to all PUD requirements.

This standard is met.

15.405.030 Lot dimensions and frontage.

- A. Width. Widths of lots shall conform to the standards of this code.**
- B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.**
- C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.**
- D. Frontage.**

- 1. No lot or development site shall have less than the following lot frontage standards:**
 - a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access.**
 - b. Each lot in an R-2 and R-3 zone shall have a minimum width of 30 feet at the front building line.**
 - c. Each lot in an R-1, AI, or RP zone shall have a minimum width of 50 feet at the front building line.**
 - d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.**
- 2. The above standards apply with the following exceptions:**
 - a. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.**
 - b. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.**
 - c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts.**

Applicant's Facts and Findings: This application includes a Planned Unit Development (PUD) that proposes reduced lot dimensions, increased lot coverage, and reduced frontage requirements. Private streets are proposed to provide access to many of the lots in this development. Private streets are permitted as discussed previously in this narrative. The standards for a PUD are discussed previously in this narrative.

This standard is met.

15.405.040 Lot coverage and parking coverage requirements.

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

- 1. Limit the amount of impervious surface and storm drain runoff on residential lots.**
- 2. Provide open space and recreational space on the same lot for occupants of that lot.**
- 3. Limit the bulk of residential development to that appropriate in the applicable zone.**

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

- 1. Maximum Lot Coverage.**
 - a. R-1: 30 percent, or 40 percent if all structures on the lot are one-story.**
 - b. R-2 and RP: 50 percent.**
 - c. AR and R-3: 50 percent.**
- 2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.**
- 3. Combined Maximum Lot and Parking Coverage.**
 - a. R-1, R-2 and RP: 60 percent.**
 - b. R-3: 70 percent.**

C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code.

Applicant's Facts and Findings: This application includes a Planned Unit Development (PUD) that proposes an increase to the maximum lot coverage standards to 70% within the R-2 zoned portions of the site to match the R-3 standard of 70%. This increase to the maximum is proposed to provide more housing options at an approachable price point, including some affordable housing. The standards for a PUD are discussed previously in this narrative.

This standard is met.

15.410 Yard Setback Requirements

15.410.010 General yard regulations.

A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.

B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.

C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.

D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.

E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.

F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.

G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel.

15.410.020 Front yard setback.

A. Residential (see Appendix A, Figure 10).

- 1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.**
- 2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.**
- 3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.**

B. Commercial.

- 1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.**
- 2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.**
- 3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet. In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.**
- 4. All lots or development sites in the C-4 district will comply with the front yard requirements described in NMC 15.352.040(E).**

15.410.030 Interior yard setback.

A. Residential.

1. All lots or development sites in the AR, R- 1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.
2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.

B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.
2. All lots or development sites in the C-3 district shall have no interior yard requirements.
3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

Applicant's Facts and Findings: This application includes a Planned Unit Development (PUD) that proposes reduced yard setbacks of 2.5 feet within the R-2 zoned portions of the site plan. The reduced yard setbacks allow innovation in design and density of this site that promotes the purpose of the PUD to provide an approachable price point for housing, including some affordable housing. The standards for a PUD are discussed previously in this narrative.

This standard is met.

15.410.060 Vision clearance setback.

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

- A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.
- B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.
- C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.
- D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict.

Applicant's Facts and Findings: The proposed development maintains all required vision clearance setbacks, as demonstrated on the submitted plans.

This standard is met.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

A. Depressed Areas. In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.

B. Accessory Buildings. In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.

C. Projecting Building Features. The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:

1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
2. Chimneys and fireplaces, provided they do not exceed eight feet in width.
3. Porches, platforms or landings which do not extend above the level of the first floor of the building.
4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).

D. Fences and Walls.

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
 - a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.
 - b. Not to exceed four feet in height. Located or maintained within all other front yards.
2. In any commercial or industrial district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:
 - a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.
 - b. Not to exceed four feet in height. Located or maintained within all other front yards.
3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.
4. The requirements of vision clearance shall apply to the placement of fences.

Applicant's Facts and Findings: The Applicant acknowledges permitted intrusions into required yard setbacks. The fences surrounding the single-family residential in the R-1 and R-2 zoning areas will not exceed 6-feet in height. The fencing in the C-2 zoning areas will not exceed 8-feet in height. No fence exceeding 4-feet in height will be placed in a front yard setback.

This standard is met.

E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.
2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:
 - a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family or two-family dwelling on a single lot.
 - b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
 - c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
 - d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.
3. In any commercial or industrial district, except C-1, C-4 and M-1, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district are described in NMC 15.352.040(H).
4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

F. Public Telephone Booths and Public Transit Shelters. Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.

G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts

Applicant's Facts and Findings: Parking is proposed on private lots in driveways, on-street parallel, on-street in perpendicular "bays", and in designated parking lots. There are a total of 246 parking spaces proposed to serve the residential development plus either two or four parking spaces per unit within the garages of the single family homes.

In total, the project will provide the following parking space configuration:

- Apartment Parking – 91 Spaces
- Public Street Parking – 73 Spaces
- Private Street Parking – 85 Spaces
- R-1 Lot Parking – 72 Spaces
- 17' Front Load Parking – 46 Spaces
- 17' Rear Load Parking – 219 Spaces
- 21' Front Load Spaces – 111 Spaces
- 21' Rear Load Spaces – 268 Spaces
- 25' Front Load Spaces – 52 Spaces
- 25' Rear Load Spaces – 68 Spaces

The total number of spaces may vary based upon the revisions necessary to satisfy any conditions of approval or as a result of changes to the final plat and product configuration but the current design, showing detached units, currently provides 1,085 parking spaces.

The location of the proposed parking areas meets the requirements of this standard.

This standard is met.

15.415 Building and Site Design Standards

15.415.010 Main buildings and uses as accessory buildings.

A. Hereinafter, any building which is the only building on a lot is a main building.

B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.

C. In any residential district, there shall be no more than two accessory buildings on any lot or development site.

Applicant's Facts and Findings: The proposed residential development includes only main residential-use buildings at this time. The Applicant acknowledges that no more than two accessory buildings will be permitted on any lot in the R-zoned portions of the development.

This standard is met.

15.415.020 Building height limitation.

A. Residential.

- 1. In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:**
 - a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.**
 - b. Aircraft hangars in the AR district may be the same height as the main building.**

2. **In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.**
3. **Single-family dwellings permitted in commercial or industrial districts shall not exceed 30 feet in height.**

Applicant's Facts and Findings: The proposed a combination of single-family three story attached and detached structures proposed will exceed the 30 foot height limits. The proposed buildings will be approximately 35 feet in height. The applicant has proposed a height allowance which exceeds the limitations of this section as part of an overall plan to create a planned unit development.

This standard is met.

B. Commercial and Industrial.

1. **In the C-1 district no main building or accessory building shall exceed 30 feet in height.**
2. **In the AI, C-2, C-3, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.**
3. **In the C-4 district, building height limitation is described in NMC 15.352.040(J)(1).**

Applicant's Facts and Findings: The multi-family buildings proposed in the C-2 zoned portion of this site require a conditional use permit. As such, the maximum height of buildings in the C-2 zoning district will be stated in the Conditional Use Permit, as required by subsection C., below.

This standard is not applicable as a Conditional Use Permit is requested and will state the maximum height of buildings.

C. The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.

Applicant's Facts and Findings: The Applicant proposes a maximum building height of 48 feet for the multi-family residential structures. This maximum height shall be stated on the Conditional Use Permit.

This standard is met.

15.415.040 Public access required.

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide

access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city.

Applicant's Facts and Findings: All proposed residential structures will have access to a public street either directly or via a connection from a private street, as permitted by the Planned Unit Development (PUD) criteria and as previously discussed in this narrative.

This standard is met.

15.420 Landscaping and Outdoor Areas

15.420.010 Required minimum standards.

A. Private and Shared Outdoor Recreation Areas in Residential Developments.

1. **Private Areas.** Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.
2. **Individual and Shared Areas.** Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any duplex or multifamily residential development, as follows:
 - a. **One- or two-bedroom units:** 200 square feet per unit.
 - b. **Three- or more bedroom units:** 300 square feet per unit.
 - c. **Storage areas are required in residential developments.** Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.
3. **In the AR airport residential district a five percent landscaping standard is required with the goal of "softening" the buildings and making the development "green" with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement.**

Applicant's Facts and Findings: Each ground-level home within the community will have a minimum of 48 square feet of private outdoor open space. The multi-family housing area provides the required shared usable outdoor recreation space. Enclosed storage areas are provided attached to the outdoor private areas in the multi-family residential and in the garages of the single-family residential.

This standard is met.

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family dwellings:

1. **A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this**

section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.

Applicant’s Facts and Findings: A minimum of fifteen percent (15%) of the area surrounding the multi-family development will be landscaped.

This standard is met.

2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.

Applicant’s Facts and Findings: All areas included with the final design review plan and not otherwise improved will be landscaped.

This standard is met.

3. The following landscape requirements shall apply to the parking and loading areas:

- a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.
- b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.
- c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.
- d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).
- e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.
- f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.

- g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.
- h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:
 - i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).
 - ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

Applicant's Facts and Findings: As identified on the included site plan, the parking areas providing 10 or more spaces all meet the minimum landscaping requirements. All landscaped areas in parking areas provide a minimum of two different plant material groups, including trees, shrubs, ground cover or lawn. Fencing will be provided in compliance with this Section.

This standard is met.

- 4. **Trees, Shrubs and Ground Covers.** The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.
 - a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.
 - b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.
 - c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These

trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.

- d. All broad-leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.
- e. **Ground Cover Plant Material.** Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center

Applicant's Facts and Findings: As identified on the submitted landscaping plan, all street trees and ground cover provided in this development will meet city standards.

This standard is met.

- 5. **Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought-resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.**
- 6. **Required landscaping shall be continuously maintained.**
- 7. **Maximum height of tree species shall be considered when planting under overhead utility lines.**
- 8. **Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.**
- 9. **In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.**

Applicant's Facts and Findings: Automatic, underground irrigation systems will be provided for all landscaped areas. Landscaping will be continuously maintained by the project's Homeowner's Association. As identified in the included landscaping plan, the trees and shrubs

have been chosen for their appropriateness for the location in which they are to be planted.

This standard is met.

C. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant.

Applicant’s Facts and Findings: Landscaping will be installed or assured according to City requirements prior to the issuance of occupancy permits.

This standard is met.

15.420.020 Landscaping and amenities in public rights-of-way.

The following standards are intended to create attractive streetscapes and inviting pedestrian spaces. A review body may require any of the following landscaping and amenities to be placed in abutting public rights-of-way as part of multifamily, commercial, industrial, or institutional design reviews, or for subdivisions and planned unit developments. In addition, any entity improving existing rights-of-way should consider including these elements in the project. A decision to include any amenity shall be based on comprehensive plan guidelines, pedestrian volumes in the area, and the nature of surrounding development.

A. Pedestrian Space Landscaping. Pedestrian spaces shall include all sidewalks and medians used for pedestrian refuge. Spaces near sidewalks shall provide plant material for cooling and dust control, and street furniture for comfort and safety, such as benches, waste receptacles and pedestrian-scale lighting. These spaces should be designed for short-term as well as long-term use. Elements of pedestrian spaces shall not obstruct sightlines and shall adhere to any other required city safety measures. Medians used for pedestrian refuge shall be designed for short-term use only with plant material for cooling and dust control, and pedestrian-scale lighting. The design of these spaces shall facilitate safe pedestrian crossing with lighting and accent paving to delineate a safe crossing zone visually clear to motorists and pedestrians alike.

1. Street trees planted in pedestrian spaces shall be planted according to NMC 15.420.010(B)(4).
2. Pedestrian spaces shall have low (two and one-half feet) shrubs and ground covers for safety purposes, enhancing visibility and discouraging criminal activity.
 - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms, and at maturity maintain growth within the planting area (refer to plant material matrix below).

- b. Plant placement shall also adhere to clear sight line requirements as well as any other relevant city safety measures
- 3. Pedestrian-scale lighting shall be installed along sidewalks and in medians used for pedestrian refuge.
 - a. Pole lights as well as bollard lighting may be specified; however, the amount and type of pedestrian activity during evening hours, e.g., transit stops, nighttime service districts, shall ultimately determine the type of fixture chosen.
 - b. Luminaire styles shall match the area/district theme of existing luminaires and shall not conflict with existing building or roadway lights causing glare.
 - c. Lighting heights and styles shall be chosen to prevent glare and to designate a clear and safe path and limit opportunities for vandalism (see Appendix A, Figure 17, Typical Pedestrian Space Layouts).
 - d. Lighting shall be placed near the curb to provide maximum illumination for spaces furthest from building illumination. Spacing shall correspond to that of the street trees to prevent tree foliage from blocking light.
- 4. Street furniture such as benches and waste receptacles shall be provided for spaces near sidewalks only.
 - a. Furniture should be sited in areas with the heaviest pedestrian activity, such as downtown, shopping districts, and shopping centers.
 - b. Benches should be arranged to facilitate conversation between individuals with L-shaped arrangements and should face the area focal point, such as shops, fountains, plazas, and should divert attention away from nearby traffic.
- 5. Paving and curb cuts shall facilitate safe pedestrian crossing and meet all ADA requirements for accessibility.

Applicant’s Facts and Findings:

The submitted landscaping plan identifies landscaping and amenities proposed for the public right-of-way. Due to the residential nature of the site and the amenities to be provided within the project’s open spaces, the public rights-of-way have been provided with mainly plantings. Once the commercial component of this site develops, we would anticipate the need for more benches, trash receptacles and other pedestrian amenities, potentially within the rights-of-way.

This standard is met.

B. Planting Strip Landscaping. All planting strips shall be landscaped. Planting strips provide a physical and psychological buffer for pedestrians from traffic with plant material that reduces heat and dust, creating a more comfortable pedestrian environment. Planting strips shall have different arrangements and combinations of plant materials according to the frequency of on-street parking (see Appendix A, Figures 18 and 19).

- 1. Planting strips which do not have adjacent parking shall have a combination of ground covers, low (two and one-half feet) shrubs and trees. Planting strips adjacent to frequently used on-street parking, as defined by city staff, shall only have trees protected by tree grates, and planting strips adjacent to infrequently used on-street parking shall be planted with

ground cover as well as trees (see Appendix A, Figures 18 and 19, Typical Planting Strip Layouts). District themes or corridor themes linking individual districts should be followed utilizing a unifying plant characteristic, e.g., bloom color, habit, or fall color. When specifying thematic plant material, monocultures should be avoided, particularly those species susceptible to disease.

2. Street trees shall be provided in all planting strips as provided in NMC 15.420.010(B)(4).
 - a. Planting strips without adjacent parking or with infrequent adjacent parking shall have street trees in conjunction with ground covers and/or shrubs.
 - b. Planting strips with adjacent parking used frequently shall have only street trees protected by tree grates.
3. Shrubs and ground covers shall be provided in planting strips without adjacent parking with low (two and one-half feet) planting masses to enhance visibility, discourage criminal activity, and provide a physical as well as psychological buffer from passing traffic.
 - a. Plantings shall be 90 percent evergreen year-round, provide seasonal interest with fall color or blooms and at maturity maintain growth within the planting area.
 - b. Ground cover able to endure infrequent foot traffic shall be used in combination with street trees for planting strips with adjacent occasional parking (refer to plant material matrix below).
 - c. All plant placement shall adhere to clear sight line requirements as well as any other relevant city safety measures.

C. Maintenance. All landscapes shall be maintained for the duration of the planting to encourage health of plant material as well as public health and safety. All street trees and shrubs shall be pruned to maintain health and structure of the plant material for public safety purposes.

Applicant's Facts and Findings: As identified in the included landscaping plan, all planting strips will be landscaped with a combination of ground covers, shrubs and trees. All landscaping will be maintained for the duration of the planting and all street trees and shrubs will be pruned to maintain the health and structure of the plants.

This standard is met.

D. Exception. In the AI airport industrial district and AR airport residential district, no landscape or amenities except for grass are required for any area within 50 feet of aircraft operation areas including aircraft parking areas, taxiways, clear areas, safety areas, object-free areas, and the runway.

Applicant's Facts and Findings: This standard is not in the AI or AR zone and, as such, this standard is not applicable.

15.425 Exterior Lighting

15.425.010 Purpose.

The purpose of this chapter is to regulate the placement, orientation, distribution patterns, and fixture types of on-site outdoor lighting. The intent of this section is to provide minimum lighting

standards that promote safety, utility, and security, prevent glare on public roadways, and protect the privacy of residents.

15.425.020 Applicability and exemptions.

A. Applicability. Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:

1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.
2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.
3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.

B. Exemptions. The following uses shall be exempt from the provisions of this section:

1. Public street and airport lighting.
2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.
3. Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.
4. Temporary Lighting. In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:
 - a. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event.
 - b. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart.
5. Lighting activated by motion sensor devices.
6. Nonconforming lighting in place as of September 5, 2000. Replacement of nonconforming lighting is subject to the requirements of NMC 15.205.010 through 15.205.100.
7. Light Trespass onto Industrial Properties. The lighting trespass standards of NMC 15.425.040 do not apply where the light trespass would be onto an industrially zoned property.

Applicant's Facts and Findings: The land use submittal includes a lighting plan identifying the location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture. Lighting is provided in the parking areas and the multi-family residential buildings.

This standard is met.

15.425.030 Alternative materials and methods of construction, installation, or operation.

The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved by the director. Alternatives must be an approximate equivalent to the applicable specific requirement of this section and must comply with all other applicable standards in this section.

Applicant's Facts and Findings: This land use submittal does not include a request for alternative materials and methods of construction, installation or operation.

This standard is met.

15.425.040 Requirements.

A. General Requirements – All Zoning Districts.

1. Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.
2. Medium-level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium-level light fixtures must either comply with the shielding requirements of subsection (B) of this section, or the applicant shall show that light trespass from a property has been designed not to exceed one-half foot-candle at the property line.
3. High-level light fixtures include exterior lights which are installed 15 feet or more above ground level. High-level light fixtures must comply with the shielding requirements of subsection (B) of this section, and light trespass from a property may not exceed one-half foot-candle at the property line.

B. Table of Shielding Requirements.

Fixture Lamp Type	Shielded
Low/high pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts	Fully
Incandescent over 160 watts	Fully
Incandescent 160 watts or less	None
Fossil fuel	None
Any light source of 50 watts or less	None
Other sources	As approved by NMC <u>15.425.030</u>

Applicant's Facts and Findings: The land use submittal includes a lighting plan identifying the location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture. Lighting is provided in the parking areas and the multi-family residential buildings. All medium- and high-level lighting is designed to meet this section.

This standard is met.

15.430 Underground Utility Installation

15.430.010 Underground utility installation.

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.

C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:

- 1. The cost of undergrounding the utility is extraordinarily expensive.**
- 2. There are physical factors that make undergrounding extraordinarily difficult.**
- 3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.**

Applicant's Facts and Findings: All new utility lines will be located underground.

This standard is met.

15.440 Off-Street Parking, Bicycle Parking, and Private Walkways

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking.

A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the development site or within 400 feet of the development site which the parking is required to serve. All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.

B. Off-street parking is not required in the C-3 district, except for:

- 1. Dwelling units meeting the requirements noted in NMC 15.305.020.**
- 2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.**

C. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

D. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

Applicant's Facts and Findings: The proposed parking for the single-family homes will be on the same lot as the use. Additional on-street parking and "guest parking" areas are proposed and will be owned and maintained according by the project's Homeowner's Association. The proposed parking for the multi-family buildings will also be on the same development site as the buildings, in a parking lot adjacent to the buildings. There are no commercial, office or industrial developments proposed at this time and, as such, no carpool/vanpool parking spaces are required.

This standard is met.

15.440.020 Parking area and service drive design.

A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.

B. Groups of three or more parking spaces, except those in conjunction with single-family or two-family dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.

D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, if required, and is approved by the fire marshal, planning director, and public works director. The following submittal must be made:

- 1. A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other nonsecured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications (refer to Federal Aviation Administration Advisory Circular No. 150/5300-13 regarding airport design, and AC/5370-10B regarding construction standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the private airport owner, and the FAA for airspace review.**

15.440.030 Parking spaces required.

Use	Minimum Parking Spaces Required
Residential Types	
<p>Dwelling, multifamily and multiple single-family dwellings on a single lot</p> <p>Studio or one-bedroom unit</p> <p>Two-bedroom unit</p> <p>Three- and four-bedroom unit</p> <p>Five- or more bedroom unit</p> <ul style="list-style-type: none"> • Unassigned spaces • Visitor spaces • On-street parking credit • Available transit service 	<p>1 per <u>dwelling unit</u></p> <p>1.5 per <u>dwelling unit</u></p> <p>2 per <u>dwelling unit</u></p> <p>0.75 spaces per bedroom</p> <p>If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide some unassigned spaces. At least 15 percent of the total required <u>parking spaces</u> must be unassigned and be located for convenient <u>use</u> by all occupants of the development. The location shall be approved by the <u>director</u>.</p> <p>If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide at least 0.2 visitor spaces per <u>dwelling unit</u>.</p> <p>On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.</p> <p>At the review body’s discretion, affordable housing projects may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.</p>
<p>Dwelling, single-family or two-family</p>	<p>2 for each dwelling unit on a single lot</p>

Applicant's Facts and Findings: All single-family development will have parking on the individual lots with at least 2 parking spaces provided on each lot, one within the garage and one within the driveway provided for each single family lot. Many of the single family homes will be provided with up to 4 parking spaces on each lot as two car garages and two car driveways will be developed on the majority of the lots within the development. The multi-family development proposes to create 51 units with 27 one bedroom homes and 24 two bedroom homes. The required parking for the one bedroom units is 27 spaces, the two bedroom units require 36 parking spaces and a total of 10 visitor parking spaces are required for a total of 74 parking spaces. As proposed, 92 spaces are provided which are on the same site as the multi-family buildings. An additional 7 on-street parking spaces are provided adjacent to the multi-family lot.

In total, the project will provide the following parking space configuration:

Apartment Parking – 91 Spaces
Public Street Parking – 73 Spaces
Private Street Parking – 85 Spaces
R-1 Lot Parking – 72 Spaces
17' Front Load Parking – 46 Spaces
17' Rear Load Parking – 219 Spaces
21' Front Load Spaces – 111 Spaces
21' Rear Load Spaces – 268 Spaces
25' Front Load Spaces – 52 Spaces
25' Rear Load Spaces – 68 Spaces

The total number of spaces may vary based upon the revisions necessary to satisfy any conditions of approval or as a result of changes to the final plat and product configuration but the current design, showing detached units, currently provides 1,085 parking spaces.

This standard is met.

15.440.060 Parking area and service drive improvements.

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.

C. All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

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

E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.

G. Parking areas for residential uses shall not be located in a required front yard, except as follows:

- 1. Attached or detached single-family or two-family: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.**
- 2. Three- or four-family: parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (see Appendix A, Figure 12).**

H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.

J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.

Applicant's Facts and Findings: As identified on the submitted site plan and utility plans, all parking areas and service drives will be constructed to City standards. Parking areas do not encroach on public streets. Substantial parking bumpers are provided for the multi-family parking area. All parking area lighting will be designed to reduce light spill and glare away from any proposed or existing neighboring developments.

This standard is met.

Article II. Bicycle Parking

15.440.090 Purpose.

Cycling is a healthy activity for travel and recreation. In addition, by maximizing bicycle travel, the community can reduce negative effects of automobile travel, such as congestion and pollution. To maximize bicycle travel, developments must provide effective support facilities. At a minimum, developments need to provide a secure place for employees, customers, and residents to park their bicycles. [Ord. 2564, 4-15-02; Ord. 2518, 9-21-99. Code 2001 § 151.625.1.]

15.440.100 Facility requirements.

Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.

Use	Minimum Number of Bicycle Parking Spaces Required
New multiple dwellings, including additions creating additional dwelling units	One bicycle parking space for every four dwelling units

Applicant’s Facts and Findings: The proposed 51 multi-family dwelling units requires 13 bicycle parking spaces. This proposal includes the provision of 13 bicycle parking spaces.

This standard is met.

15.440.110 Design.

A. Bicycle parking facilities shall consist of one or more of the following:

1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.
2. An enclosed locker.
3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.
4. Other facility designs approved by the director.

B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.

C. All spaces shall be located within 50 feet of a building entrance of the development.

D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority resp

Applicant’s Facts and Findings: As shown on the included site development plans, the bicycle parking facility is designed to meet these requirements.

This standard is met.

Article III. Private Walkways

15.440.120 Purpose.

Sidewalks and private walkways are part of the city’s transportation system. Requiring their construction is part of the city’s plan to encourage multimodal travel and to reduce reliance on the automobile. Considerable funds have and will be expended to install sidewalks along the streets in the city. Yet there is little point to this expense if it is not possible for people to walk from the sidewalk to the developments along each side. The following requirements are intended to provide safe and convenient paths for employees, customers, and residents to walk from public sidewalks to development entrances, and to walk between buildings on larger sites.

15.440.130 Where required.

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways.

Applicant's Facts and Findings: As this application includes a Planned Unit Development and Conditional Use Permit, walkways and sidewalks are required.

This standard is met.

15.440.140 Private walkway design.

- A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.**
- B. Required private walkways shall be a minimum of four feet wide.**
- C. Required private walkways shall be constructed of portland cement concrete or brick.**
- D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.**
- E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.**
- F. The review body may require on-site walks to connect to development on adjoining sites.**
- G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards.**

Applicant's Facts and Findings: The proposal includes private walkways connecting the multi-family units to Highway 99W and connecting the western portion of the site to Spring Meadow Park. These walkways will be a minimum of 4-feet in width and will be constructed of Portland cement concrete. Crosswalks will be provided on the site to delineate the shift from public streets to private streets. Crosswalks will be painted/clearly striped in conformance with these requirements.

This standard is met.

Division 15.500 Public Improvement Standards

15.505 Public Improvements Standards

15.505.010 Purpose.

This chapter provides standards for public infrastructure and utilities installed with new development, consistent with the policies of the City of Newberg comprehensive plan and adopted city master plans. The standards are intended to minimize disturbance to natural features, promote energy conservation and efficiency, minimize and maintain development impacts on surrounding

properties and neighborhoods, and ensure timely completion of adequate public facilities to serve new development.

15.505.020 Applicability.

The provision and utilization of public facilities and services within the City of Newberg shall apply to all land developments in accordance with this chapter. No development shall be approved unless the following improvements are provided for prior to occupancy or operation, unless future provision is assured in accordance with NMC 15.505.030(E).

A. Public Works Design and Construction Standards. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall comply with the requirements of the most recently adopted Newberg public works design and construction standards.

B. Street Improvements. All projects subject to a Type II design review, partition, or subdivision approval must construct street improvements necessary to serve the development.

C. Water. All developments, lots, and parcels within the City of Newberg shall be served by the municipal water system as specified in Chapter 13.15 NMC.

D. Wastewater. All developments, lots, and parcels within the City of Newberg shall be served by the municipal wastewater system as specified in Chapter 13.10 NMC.

E. Stormwater. All developments, lots, and parcels within the City of Newberg shall manage stormwater runoff as specified in Chapters 13.20 and 13.25 NMC.

F. Utility Easements. Utility easements shall be provided as necessary and required by the review body to provide needed facilities for present or future development of the area.

G. City Approval of Public Improvements Required. No building permit may be issued until all required public facility improvements are in place and approved by the director, or are otherwise bonded for in a manner approved by the review authority, in conformance with the provisions of this code and the Newberg Public Works Design and Construction Standards.

Applicant's Facts and Findings: As identified on the included public improvement plans, the design and construction of all improvements within existing and proposed public rights-of-way and easements and all improvements to be maintained by the city are designed to comply with the requirements of the most recently adopted Newberg public works design and construction standards. All improvements for which city approval is required are proposed to the most recently adopted Newberg public works design and construction standards or, in the case of private streets, as reviewed and approved by the Newberg Engineering Department. The site development plan includes private and public streets, utility easements where necessary, connection to public water and sanitary sewer services and management of stormwater runoff.

This standard is met.

15.505.030 Street standards.

A. Purpose. The purpose of this section is to:

1. Provide for safe, efficient, and convenient multi-modal transportation within the City of Newberg.
2. Provide adequate access to all proposed and anticipated developments in the City of Newberg. For purposes of this section, “adequate access” means direct routes of travel between destinations; such destinations may include residential neighborhoods, parks, schools, shopping areas, and employment centers.
3. Provide adequate area in all public rights-of-way for sidewalks, wastewater and water lines, stormwater facilities, natural gas lines, power lines, and other utilities commonly and appropriately placed in such rights-of-way. For purposes of this section, “adequate area” means space sufficient to provide all required public services to standards defined in this code and in the Newberg public works design and construction standards.

B. Applicability. The provisions of this section apply to:

1. The creation, dedication, and/or construction of all public streets, bike facilities, or pedestrian facilities in all subdivisions, partitions, or other developments in the City of Newberg.
2. The extension or widening of existing public street rights-of-way, easements, or street improvements including those which may be proposed by an individual or the city, or which may be required by the city in association with other development approvals.
3. The construction or modification of any utilities, pedestrian facilities, or bike facilities in public rights-of-way or easements.
4. The designation of planter strips. Street trees are required subject to Chapter 15.420 NMC.
5. Developments outside the city that tie into or take access from city streets.

Applicant’s Facts and Findings: As demonstrated in the public improvement plans, this development includes public and private streets designed to provide safe and convenient vehicular and pedestrian access. Proposed improvements include paved streets, curbs (rolled curb on private streets), sidewalks, crosswalks, planter strips with street trees and appropriate groundcover, and utility easements where necessary.

This standard is met.

C. Layout of Streets, Alleys, Bikeways, and Walkways. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to previously approved subdivisions, partitions, and other developments for adjoining properties, unless it is found in the public interest to modify these patterns. Transportation improvements shall conform to the standards within the Newberg Municipal Code, the Newberg public works design and construction standards, the Newberg transportation system plan, and other adopted city plans.

Applicant's Facts and Findings: While no bikeways are proposed, the streets, alleys and walkways are designed to comply with the Newberg Transportation System Plan. Streets are planned to meet with adjoining roadways and to provide for future connectivity to the east.

This standard is met.

D. Construction of New Streets. Where new streets are necessary to serve a new development, subdivision, or partition, right-of-way dedication and full street improvements shall be required. Three-quarter streets may be approved in lieu of full street improvements when the city finds it to be practical to require the completion of the other one-quarter street improvement when the adjoining property is developed; in such cases, three-quarter street improvements may be allowed by the city only where all of the following criteria are met:

1. The land abutting the opposite side of the new street is undeveloped and not part of the new development; and
2. The adjoining land abutting the opposite side of the street is within the city limits and the urban growth boundary.

Applicant's Facts and Findings: Full street improvements are proposed throughout the site.

This standard is met.

E. Improvements to Existing Streets.

1. All projects subject to partition, subdivision, or Type II design review approval shall dedicate right-of-way sufficient to improve the street to the width specified in subsection (G) of this section.
2. All projects subject to partition, subdivision, or Type II design review approval must construct a minimum of a three-quarter street improvement to all existing streets adjacent to, within, or necessary to serve the development. The director may waive or modify this requirement where the applicant demonstrates that the condition of existing streets to serve the development meets city standards and is in satisfactory condition to handle the projected traffic loads from the development. Where a development has frontage on both sides of an existing street, full street improvements are required.
3. In lieu of the street improvement requirements outlined in NMC 15.505.040(B), the review authority may elect to accept from the applicant monies to be placed in a fund dedicated to the future reconstruction of the subject street(s). The amount of money deposited with the city shall be 100 percent of the estimated cost of the required street improvements (including any associated utility improvements), and 10 percent of the estimated cost for inflation. Cost estimates used for this purpose shall be based on preliminary design of the constructed street provided by the applicant's engineer and shall be approved by the director.

Applicant's Facts and Findings: The proposal includes development of full street improvements throughout the site. The public streets will be constructed to public street standards and

dedicated to the City of Newberg. The private streets will be full street improvements and will be owned and maintained by the future Homeowner's Association subject to the CC&Rs (a draft of which is submitted with this proposal).

This standard is met.

F. Improvements Relating to Impacts. Improvements required as a condition of development approval shall be roughly proportional to the impact of the development on public facilities and services. The review body must make findings in the development approval that indicate how the required improvements are roughly proportional to the impact. Development may not occur until required transportation facilities are in place or guaranteed, in conformance with the provisions of this code. If required transportation facilities cannot be put in place or be guaranteed, then the review body shall deny the requested land use application.

Applicant's Facts and Findings: Development of the proposed street network and utilities within the development and connecting to the neighboring properties is roughly proportional to the transportation and development impacts from the development. Transportation facilities will be in place or guaranteed prior to development of the site.

This standard is met.

G. Street Width and Design Standards.

- 1. Design Standards. All streets shall conform with the standards contained in Table 15.505.030(G). Where a range of values is listed, the director shall determine the width based on a consideration of the total street section width needed, existing street widths, and existing development patterns. Preference shall be given to the higher value. Where values may be modified by the director, the overall width shall be determined using the standards under subsections (G)(2) through (10) of this section.**

Table 15.505.030(G) Street Design Standards

Type of Street	Right-of-Way Width	Curb-to-Curb Pavement Width	Motor Vehicle Travel Lanes	Median Type	Striped Bike Lane (Both Sides)	On-Street Parking
Arterial Streets						
Expressway**	ODOT	ODOT	ODOT	ODOT	ODOT	ODOT
Minor arterial	69 – 80 feet	48 feet	2 lanes	TWLTL or median*	Yes	No*
Collectors						
Minor	61 – 65 feet	40 feet	2 lanes	None*	Yes*	Yes*
Local Streets						
Local residential	54-60 feet	32 feet	2 lanes	None	No	Yes

2. **Motor Vehicle Travel Lanes.** Collector and arterial streets shall have a minimum width of 12 feet.
3. **Bike Lanes.** Striped bike lanes shall be a minimum of six feet wide. Bike lanes shall be provided where shown in the Newberg transportation system plan.
4. **Parking Lanes.** Where on-street parking is allowed on collector and arterial streets, the parking lane shall be a minimum of eight feet wide.
5. **Center Turn Lanes.** Where a center turn lane is provided, it shall be a minimum of 12 feet wide.
6. **Limited Residential Streets.** Limited residential streets shall be allowed only at the discretion of the review authority, and only in consideration of the following factors:
 - a. The requirements of the fire chief shall be followed.
 - b. The estimated traffic volume on the street is low, and in no case more than 600 average daily trips.
 - c. Use for through streets or looped streets is preferred over cul-de-sac streets.
 - d. Use for short blocks (under 400 feet) is preferred over longer blocks.
 - e. The total number of residences or other uses accessing the street in that block is small, and in no case more than 30 residences.
 - f. On-street parking usage is limited, such as by providing ample off-street parking, or by staggering driveways so there are few areas where parking is allowable on both sides.
7. **Sidewalks.** Sidewalks shall be provided on both sides of all public streets. Minimum width is five feet.
8. **Planter Strips.** Except where infeasible, a planter strip shall be provided between the sidewalk and the curb line, with a minimum width of five feet. This strip shall be landscaped in accordance with the standards in NMC 15.420.020. Curb-side sidewalks may be allowed on limited residential streets. Where curb-side sidewalks are allowed, the following shall be provided:
 - a. Additional reinforcement is done to the sidewalk section at corners.
 - b. Sidewalk width is six feet.
9. **Slope Easements.** Slope easements shall be provided adjacent to the street where required to maintain the stability of the street.
10. **Intersections and Street Design.** The street design standards in the Newberg public works design and construction standards shall apply to all public streets, alleys, bike facilities, and sidewalks in the city.
11. **The planning commission may approve modifications to street standards for the purpose of ingress or egress to a minimum of three and a maximum of six lots through a conditional use permit.**

Applicant's Facts and Findings: Streets, sidewalks and planter strips, as identified on the proposed public improvement plans, are designed to meet the standards of the Newberg Transportation System Plan and this section.

In one instance, the Applicant's proposed design departs from the City's standards. This proposed modification is requested within proposed planter width along the extension of Crestview Drive. A 0.5 foot reduction in planter width from 6 to 5.5 feet has been requested to accommodate grading for the lots proposed south of the round-a-bout. A total of 0.5 foot reduction has been proposed and is in the public interest as it allows for the retaining walls necessary for the extension of Crestview to be located outside of the public right-of-way. This reduction is only sought for the section of Crestview which is located between highway 99 and the proposed round-a-bout.

This standard is met.

H. Modification of Street Right-of-Way and Improvement Width. The director, pursuant to the Type II review procedures of Chapter 15.220 NMC, may allow modification to the public street standards of subsection (G) of this section, when the criteria in both subsections (H)(1) and (2) of this section are satisfied:

- 1. The modification is necessary to provide design flexibility in instances where:**
 - a. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or**
 - b. Lot shape or configuration precludes accessing a proposed development with a street which meets the full standards of this section; or**
 - c. A modification is necessary to preserve trees or other natural features determined by the city to be significant to the aesthetic character of the area; or**
 - d. A planned unit development is proposed and the modification of street standards is necessary to provide greater privacy or aesthetic quality to the development.**
- 2. Modification of the standards of this section shall only be approved if the director finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes.**

Applicant's Facts and Findings: In one instance, the Applicant's proposed design departs from the City's standards. This proposed modification is requested within proposed planter width along the extension of Crestview Drive. A 0.5 foot reduction in planter width from 6 to 5.5 feet has been requested to accommodate grading for the lots proposed south of the round-a-bout. A total of 0.5 foot reduction has been proposed and is in the public interest as it allows for the retaining walls necessary for the extension of Crestview to be located outside of the public right-of-way. This reduction is only sought for the section of Crestview which is located between highway 99 and the proposed round-a-bout.

I. Temporary Turnarounds. Where a street will be extended as part of a future phase of a development, or as part of development of an abutting property, the street may be terminated with a temporary turnaround in lieu of a standard street connection or circular cul-de-sac bulb. The director and fire chief shall approve the temporary turnaround. It shall have an all-weather surface,

and may include a hammerhead-type turnaround meeting fire apparatus access road standards, a paved or graveled circular turnaround, or a paved or graveled temporary access road. For streets extending less than 150 feet and/or with no significant access, the director may approve the street without a temporary turnaround. Easements or right-of-way may be required as necessary to preserve access to the turnaround.

Applicant's Facts and Findings: The east-west minor collector dead-ends at the eastern property line for connection to future development. The easternmost north-south private street creates a hammerhead-type turnaround with the minor collector.

This standard is met.

J. Topography. The layout of streets shall give suitable recognition to surrounding topographical conditions in accordance with the purpose of this code.

Applicant's Facts and Findings: The layout of the streets takes into consideration the surrounding topography.

This standard is met.

K. Future Extension of Streets. All new streets required for a subdivision, partition, or a project requiring site design review shall be constructed to be "to and through": through the development and to the edges of the project site to serve adjacent properties for future development.

Applicant's Facts and Findings: The street network connects to the existing street to the north and future street development to the east. Connection to the west is not possible because the entire property line is adjacent to Spring Meadow Park. The connection to the south is the access from Highway 99W.

This standard is met.

L. Cul-de-Sacs.

1. **Cul-de-sacs shall only be permitted when one or more of the circumstances listed in this section exist. When cul-de-sacs are justified, public walkway connections shall be provided wherever practical to connect with another street, walkway, school, or similar destination.**
 - a. **Physical or topographic conditions make a street connection impracticable. These conditions include but are not limited to controlled access streets, railroads, steep slopes, wetlands, or water bodies where a connection could not be reasonably made.**
 - b. **Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering the potential for redevelopment.**
 - c. **Where streets or accessways would violate provisions of leases, easements, or similar restrictions.**

- d. Where the streets or accessways abut the urban growth boundary and rural resource land in farm or forest use, except where the adjoining land is designated as an urban reserve area.
2. Cul-de-sacs shall be no more than 400 feet long (measured from the centerline of the intersection to the radius point of the bulb).
3. Cul-de-sacs shall not serve more than 18 single-family dwellings.
Each cul-de-sac shall have a circular end with a minimum diameter of 96 feet, curb-to-curb, within a 109-foot minimum diameter right-of-way. For residential uses, a 35-foot radius may be allowed if the street has no parking, a mountable curb, curbside sidewalks, and sprinkler systems in every building along the street.

Applicant's Facts and Findings: No cul-de-sacs are proposed as part of this development and, as such, this standard is not applicable.

M. Street Names and Street Signs. Streets that are in alignment with existing named streets shall bear the names of such existing streets. Names for new streets not in alignment with existing streets are subject to approval by the director and the fire chief and shall not unnecessarily duplicate or resemble the name of any existing or platted street in the city. It shall be the responsibility of the land divider to provide street signs.

Applicant's Facts and Findings: The north-south major collector will be named Crestview Street as that is the name of the connection to the north. Other streets in the development are new and will be established with this development.

This standard is met.

N. Platting Standards for Alleys.

1. An alley may be required to be dedicated and constructed to provide adequate access for a development, as deemed necessary by the director.
2. The right-of-way width and paving design for alleys shall be not less than 20 feet wide. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.505.010 et seq.
3. Where two alleys intersect, 10-foot corner cut-offs shall be provided.
4. Unless otherwise approved by the city engineer where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.
5. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word "street" or "streets" therein appeared as the word "alley" or "alleys" respectively.

Applicant's Facts and Findings: The alleys included with this proposal are all proposed as private streets owned and maintained by the Homeowner's Association.

This standard is met.

O. Platting Standards for Blocks.

1. **Purpose.** Streets and walkways can provide convenient travel within a neighborhood and can serve to connect people and land uses. Large, uninterrupted blocks can serve as a barrier to travel, especially walking and biking. Large blocks also can divide rather than unite neighborhoods. To promote connected neighborhoods and to shorten travel distances, the following minimum standards for block lengths are established.
2. **Maximum Block Length and Perimeter.** The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.

Zones(s)	Maximum Block Length	Maximum Block Perimeter
R-1	800 feet	2,000 feet
R-2, R-3, RP, I	1,200 feet	3,000 feet

3. **Exceptions.**
 - a. If a public walkway is installed mid-block, the maximum block length and perimeter may be increased by 25 percent.
 - b. Where a proposed street divides a block, one of the resulting blocks may exceed the maximum block length and perimeter standards provided the average block length and perimeter of the two resulting blocks do not exceed these standards.
 - c. Blocks in excess of the above standards are allowed where access controlled streets, street access spacing standards, railroads, steep slopes, wetlands, water bodies, preexisting development, ownership patterns or similar circumstances restrict street and walkway location and design. In these cases, block length and perimeter shall be as small as practical. Where a street cannot be provided because of these circumstances but a public walkway is still feasible, a public walkway shall be provided.
 - d. Institutional campuses located in an R- 1 zone may apply the standards for the institutional zone.
 - e. Where a block is in more than one zone, the standards of the majority of land in the proposed block shall apply.
 - f. Where a local street plan, concept master site development plan, or specific plan has been approved for an area, the block standards shall follow those approved in the plan. In approving such a plan, the review body shall follow the block standards listed above to the extent appropriate for the plan area.

Applicant’s Facts and Findings: The proposed development would create several blocks however the patterns of natural resources present on the site and the existing development surrounding the property make a traditional subdivision with blocks meeting the standards listed above impractical, particularly along the project’s boundaries. Where future

connections to the east are possible, a block length patterns of less than 1,200 feet with perimeter distances of less than 1,800 feet have been set up for future extension. Along the northern, southern, and western boundaries, the pattern of existing development completely prevents the extension of roadways (Crestview Drive excluded).

Throughout the rest of the development, instead of a traditional block layout, the applicant has proposed a series of blocks which are porous and interconnected with private streets, walkways, and alleys. In no instance within the internal street network are block lengths or perimeters exceeding the standards.

The applicant's proposal qualifies for the exemptions listed in Subsection C of this requirement due to the presence of existing natural resources, and because of the unique existing roadway spacing plans described within the City's Transportation System Plan. This criterion is met.

This standard is met.

P. Private Streets. New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).

Applicant's Facts and Findings: Private streets are proposed in compliance with NMC 15.240.020(L)(2), as addressed previously in this narrative.

This standard is met.

Q. Traffic Calming.

- 1. The following roadway design features may be required in new street construction where traffic calming needs are anticipated:**
 - a. Serpentine alignment.**
 - b. Curb extensions.**
 - c. Traffic diverters/circles.**
 - d. Raised medians and landscaping.**
 - e. Other methods shown effective through engineering studies.**
- 2. Traffic-calming measures such as speed humps should be applied to mitigate traffic operations and/or safety problems on existing streets. They should not be applied with new street constructions.**

Applicant's Facts and Findings: Traffic calming measures are not proposed as the submitted Transportation Impact Analysis demonstrates that the proposed street network is safe and effective.

This standard is met.

R. Vehicular Access Standards.

1. **Purpose.** The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.
2. **Access Spacing Standards.** Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

Table 15.505.R. Access Spacing Standards

Roadway Functional Classification	Area¹	Minimum Public Street Intersection Spacing (Feet)²	Driveway Setback from Intersecting Street³
Expressway	All	Refer to ODOT Access Spacing Standards	NA
Major Arterial	Urban CBD	Refer to ODOT Access Spacing Standards	
Minor Arterial	Urban CBD	500 200	150 100
Major Collector	All	400	150
Minor Collector	All	300	100

3. **Properties with Multiple Frontages.** Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.
4. **Driveways.** More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.
5. **Alley Access.** Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:
 - a. The review body finds that creating a public street frontage is not feasible.
 - b. The alley access is for no more than six dwellings and no more than six lots.
 - c. The alley has through access to streets on both ends.

- c. **Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.**

11. **Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.**

Applicant's Facts and Findings: This application proposes one access on Highway 99W.

The submitted plans show the driveways for Private Street G and Private Street H to the east of E Crestview Drive (major collector). The plans provided illustrate that Private Street G does not meet spacing requirements from a Public Street intersection but this intersection has been determined to be ideal for access to the northern portion of this block because of the presence of a wetland located to the east and because of the proposed private street and block platting pattern.

Because the applicant is not meeting street spacing standards, Private Street G, driveway setbacks need to be a minimum of 150-feet from E Crestview Drive per Table 15.505.R Access Spacing Standards. The Applicant is willing to accept a condition of approval requiring an access control device, such as a right-in/right-out access restriction at the northern end of Private Street G.

All other driveway and intersection spacing standards are met, as demonstrated on the submitted public improvement plans.

This standard is met.

S. Public Walkways.

1. **Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.**
2. **Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.**
3. **A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.**
4. **Public walkways shall be designed to meet the Americans with Disabilities Act requirements.**
5. **Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.**

6. **The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.**
7. **Lighting may be required for public walkways in excess of 250 feet in length.**
8. **The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.**

Applicant's Facts and Findings: Public walkways are proposed to connect the multi-family resident to Highway 99W, throughout the wetland/natural areas, and connecting from the development to Spring Meadow Park to the west.

This standard is met.

T. Street Trees. Street trees shall be provided for all projects subject to Type II design review, partition, or subdivision. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4).

Applicant's Facts and Findings: As indicated on the submitted landscaping plans, street trees are proposed on all streets.

This standard is met.

U. Street Lights. All developments shall include underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards. The developer shall install all such facilities and make the necessary arrangements with the serving electric utility as approved by the city. Upon the city's acceptance of the public improvements associated with the development, the street lighting system, exclusive of utility-owned service lines, shall be and become property of the city unless otherwise designated by the city through agreement with a private utility.

Applicant's Facts and Findings: This proposal includes developer-installed underground electric service, light standards, wiring and lamps for street lights according to the specifications and standards of the Newberg public works design and construction standards.

This standard is met.

V. Transit Improvements. Development proposals for sites that include or are adjacent to existing or planned transit facilities, as shown in the Newberg transportation system plan or adopted local or regional transit plan, shall be required to provide any of the following, as applicable and required by the review authority:

1. **Reasonably direct pedestrian connections between the transit facility and building entrances of the site. For the purpose of this section, "reasonably direct" means a route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for users.**

2. A transit passenger landing pad accessible to disabled persons.
3. An easement of dedication for a passenger shelter or bench if such facility is in an adopted plan.
4. Lighting at the transit facility.

Applicant's Facts and Findings: There are no transit facilities within or adjacent to this site and, as such, this standard is not applicable.

15.505.040 Public utility standards.

A. Purpose. The purpose of this section is to provide adequate services and facilities appropriate to the scale and type of development.

B. Applicability. This section applies to all development where installation, extension or improvement of water, wastewater, or private utilities is required to serve the development or use of the subject property.

C. General Standards.

1. The design and construction of all improvements within existing and proposed rights-of-way and easements, all improvements to be maintained by the city, and all improvements for which city approval is required shall conform to the Newberg public works design and construction standards and require a public improvements permit.
2. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. Installation of all proposed public and private utilities shall be coordinated by the developer and be approved by the city to ensure the orderly extension of such utilities within public right-of-way and easements.

D. Standards for Water Improvements. All development that has a need for water service shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary wastewater and stormwater facilities, as applicable.

1. All developments shall be required to be linked to existing water facilities adequately sized to serve their intended area by the construction of water distribution lines, reservoirs and pumping stations which connect to such water service facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
2. Specific location, size and capacity of such facilities will be subject to the approval of the director with reference to the applicable water master plan. All water facilities shall conform with city pressure zones and shall be looped where necessary to provide adequate pressure and fire flows during peak demand at every point within the system in the development to which the water facilities will be connected. Installation costs shall remain entirely the developer's responsibility.
3. The design of the water facilities shall take into account provisions for the future extension beyond the development to serve adjacent properties, which, in the judgment of the city, cannot be feasibly served otherwise.

4. Design, construction and material standards shall be as specified by the director for the construction of such public water facilities in the city.

E. Standards for Wastewater Improvements. All development that has a need for wastewater services shall install the facilities pursuant to the requirements of the city and all of the following standards. Installation of such facilities shall be coordinated with the extension or improvement of necessary water services and stormwater facilities, as applicable.

1. All septic tank systems and on-site sewage systems are prohibited. Existing septic systems must be abandoned or removed in accordance with Yamhill County standards.
2. All properties shall be provided with gravity service to the city wastewater system, except for lots that have unique topographic or other natural features that make gravity wastewater extension impractical as determined by the director. Where gravity service is impractical, the developer shall provide all necessary pumps/lift stations and other improvements, as determined by the director.
3. All developments shall be required to be linked to existing wastewater collection facilities adequately sized to serve their intended area by the construction of wastewater lines which connect to existing adequately sized wastewater facilities. All necessary easements required for the construction of these facilities shall be obtained by the developer and granted to the city pursuant to the requirements of the city.
4. Specific location, size and capacity of wastewater facilities will be subject to the approval of the director with reference to the applicable wastewater master plan. All wastewater facilities shall be sized to provide adequate capacity during peak flows from the entire area potentially served by such facilities. Installation costs shall remain entirely the developer's responsibility.
5. Temporary wastewater service facilities, including pumping stations, will be permitted only if the director approves the temporary facilities, and the developer provides for all facilities that are necessary for transition to permanent facilities.
6. The design of the wastewater facilities shall take into account provisions for the future extension beyond the development to serve upstream properties, which, in the judgment of the city, cannot be feasibly served otherwise.
7. Design, construction and material standards shall be as specified by the director for the construction of such wastewater facilities in the city.

F. Easements. Easements for public and private utilities shall be provided as deemed necessary by the city, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be recorded on easement forms approved by the city and designated on the final plat of all subdivisions and partitions. Minimum required easement width and locations are as provided in the Newberg public works design and construction standards.

Applicant's Facts and Findings: The development will connect to public utilities, including water and sanitary sewer. As demonstrated on the submitted public improvement plans, all public utilities are designed to be constructed to City standards.

This standard is met.

15.505.050 Stormwater system standards.

A. Purpose. The purpose of this section is to provide for the drainage of surface water from all development; to minimize erosion; and to reduce degradation of water quality due to sediments and pollutants in stormwater runoff.

B. Applicability. The provisions of this section apply to all developments subject to site development review or land division review and to the reconstruction or expansion of such developments that increases the flow or changes the point of discharge to the city stormwater system. Additionally, the provisions of this section shall apply to all drainage facilities that impact any public storm drain system, public right-of-way or public easement, including but not limited to off-street parking and loading areas.

C. General Requirement. All stormwater runoff shall be conveyed to a public storm wastewater or natural drainage channel having adequate capacity to carry the flow without overflowing or otherwise causing damage to public and/or private property. The developer shall pay all costs associated with designing and constructing the facilities necessary to meet this requirement.

D. Plan for Stormwater and Erosion Control. No construction of any facilities in a development included in subsection (B) of this section shall be permitted until an engineer registered in the State of Oregon prepares a stormwater report and erosion control plan for the project. This plan shall contain at a minimum:

1. The methods to be used to minimize the amount of runoff, sedimentation, and pollution created from the development both during and after construction.
2. Plans for the construction of stormwater facilities and any other facilities that depict line sizes, profiles, construction specifications, and other such information as is necessary for the city to review the adequacy of the stormwater plans.
3. Design calculations shall be submitted for all drainage facilities. These drainage calculations shall be included in the stormwater report and shall be stamped by a licensed professional engineer in the State of Oregon. Peak design discharges shall be computed based upon the design criteria outlined in the public works design and construction standards for the city.

E. Development Standards. Development subject to this section shall be planned, designed, constructed, and maintained in compliance with the Newberg public works design and construction standards.

Applicant's Facts and Findings: The submitted public improvement plans include details of the proposed stormwater detention and treatment plan. The stormwater detention and treatment plan is designed to meet City standards and to preclude stormwater drainage on surrounding properties.

This standard is met.

SUMMARY AND CONCLUSION

Based upon the materials submitted herein, the Applicant respectfully requests approval from the City's Planning Commission of this application for a Planned Unit Development and a Conditional Use Permit.

**Attachment 9: Applicant/Oxberg Lakes Estates Jointly Proposed Conditions
of Approval, 2008 Development Agreement and Email Communication
Pertaining to the Sound Wall**

Keith Leonard

From: Jamie Howsley <jamie.howsley@jordanramis.com>
Sent: Tuesday, September 25, 2018 3:51 PM
To: Doug Rux; Keith Leonard
Cc: Kleinmanji; Jamie Howsley; Joseph Schaefer; Jesse Nemecek; Andrew Tull; Aaron Murphy; Diego Arguea
Subject: Crestview Conditions
Attachments: v6 Conditions Memo (9_24_18 edits).pdf

Dear Doug and Keith:

Thank you for your patience. Attached please find the proposed revised and new conditions for the Crestview Crossing PUD. I just got off the phone with Jeff and we worked on the language as to the new conditions between Crestview and Oxberg which start on page 3.

Jeff wanted me to relay two points, one that he is still awaiting a memorandum from Kittelson related to the traffic calming and secondly that the parties are still working out the well monitoring issue as it is highly complex. I spoke to Matt and Diego at Kittelson this afternoon and we will be getting the memorandum to Jeff in short order. And as to the well monitoring it is my understanding that Jeff's consultant has our response to their initial proposal at this time and will be getting back to us shortly.

Again we appreciate your patience as the parties work through the issues. If you have any concerns please feel free to call me below or on my mobile 360-281-1123.

Best,

Jamie

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September 24, 2018

Revised Conditions

Condition A.2 require trees retention along the north edge of the site, in the same location where a privacy wall and stormwater improvements are planned. These items inherently conflict. As written, the condition is subjective, and therefore confusing. We request a change to A.2 as follows.

A.2 In compliance with Resolution 2006-15, the Applicant shall retain as many mature trees as possible within ten feet (10') of the north property boundary. Tree removal as necessary to construct the boundary wall and stormwater improvements is allowed. The Applicant shall supplement the tree buffer with new trees where necessary to provide a continuous vegetative buffer.

Condition B.1 requires the private street sidewalks to be five feet wide as shown on the cross section detail on sheet C300. We propose the following clarification:

B.1 The Applicant shall follow the city engineer requirement for sidewalks along private streets to be 5-feet wide, with a 12 inch wide, six inch high mountable curb. The private street width shall be measured from the back of the 12 in curb.

Condition B.7 requires the Crestview Dr. extension to be built to collector street standards, which will provide capacity for the northeast area of the city. It is TSP Project E14 and a "qualified public improvement" under NMC 13.050.130, and SDC creditable. The condition should be revised to add a sentence to the end, as follows.

B.7 The E Crestview Drive roadway is to consist of the following: 1-foot from back of walk to right-of-way, 5-foot sidewalk, 5.5-foot planter*, 0.5-foot curb, 6-foot bike lane, 12-foot travel lane, 12-foot travel lane, 6-foot bike lane, 0.5-foot curb, 5.5-foot planter, 5-foot sidewalk, 1-foot from back of walk to right-of-way. The Applicant is required to dedicate sufficient right-of-way (minimum of 60-feet) to construct E Crestview Drive, to construct a roundabout meeting FHWA Standards at the E Crestview Drive/Public Street B intersection, and to construct improvements related to modifying the traffic signal at the E Crestview Drive/Providence Drive/E Portland Road intersection meeting City of Newberg, Yamhill County, and Oregon Department of Transportation requirements. Improvements related to the upsizing of Crestview Dr to collector standards shall be eligible for SDC credits.

Condition B.11 is for widening of Portland Road, a major arterial, where it meets a collector street, Crestview Dr. As noted in the TSP, this improvement adds capacity to the transportation system, and is TSP Project S36. Because it adds surplus capacity to the transportation system beyond what is required for Crestview Crossing, it is eligible for partial SDC credits. The condition should be revised to add a sentence to the end, as follows.

B.11 The Applicant will be required to dedicate additional right-of-way on E Portland Road necessary to meet requirements set forth by the Oregon Department of Transportation to meet Highway Design Manual standards to construct the westbound right-turn lane. The widening improvement for the turn lane shall be eligible for partial SDC credits to the extent that lane capacity exceeds project trip distribution.

Condition B.16 requires a 6 foot bike lane along Portland Rd, a major arterial. As noted in the TSP, this improvement adds capacity to the transportation system, and is TSP Project S36. The capacity increase is SDC creditable. The condition should be revised to add a sentence to the end, as follows.

B.16 The Applicant is required to install a 6-foot bike lane along E Portland Road to match the City's Transportation System Plan cross-section. The bike lane improvement shall be eligible for SDC credits.

Condition B.17 is for center turn lanes at the Crestview Dr. and Portland Rd intersection. This capacity upgrade exceeds what is necessary for Crestview Crossing and thus is SDC creditable. The condition should be revised to add a sentence to the end, as follows.

B.17 The City will require the southbound and northbound center turn lanes at the E Crestview Drive/E Portland Drive intersection to be a minimum of 12-feet wide. The turn lanes for this intersection of a collector with an arterial shall be eligible for SDC credits to the extent that lane capacity exceeds project trip distribution.

Condition B.29 is for extension of the city's non-potable water system. This public improvement will provide extra capacity for the system, and is a "qualified public improvement" under NMC 13.050.130 and SDC creditable. The condition should be revised to add a sentence confirming SDC creditability, as follows.

B.29 The Applicant will need to submit construction plans and obtain a Public Improvement Permit to install the water system and non-potable water system pursuant to the requirements of the City's Public Works Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Non-potable water lines are required in public streets and may be required in private streets to provide non-potable water to any landscaping area maintained by the PUD. Improvements related to the upsizing of the non-potable water system beyond the irrigation requirements for public right-of-way irrigation within Crestview Crossing shall be eligible for SDC credits.

Condition B.31 regards the Fernwood Road pump station and other off-site sanitary sewer infrastructure that will increase capacity for service of other properties in the future. The improvements include Wastewater Master Plan Project C3.c and thus are a "qualified public improvement" under NMC 13.050.130 and SDC creditable. The condition should be revised to add a sentence confirming SDC creditability, as follows.

B.31 The Applicant will be required to conduct a sewer sizing analysis that includes the upstream basin, verify the capacity of the Fernwood Road sanitary sewer pump and upsize if necessary, evaluate downstream impacts, submit construction plans, and obtain a Public Improvement Permit to install the wastewater system pursuant to the requirements of the City's Design and Construction Standards. Utility designs and alignments will be reviewed as part of the Public Improvement Permit. Any improvements related to the upsizing of infrastructure to the Fernwood Road facilities which exceed the capacity required for Crestview Crossing shall be eligible for SDC credits.

Condition B.32 requires extension of sanitary sewer mains to the east property boundary, with manholes on the boundary. However, the eastern edge of the site is located at a natural high-point that separates the two properties and is identified as a sanitary sewer basin boundary, and therefore the properties to the east may not connect to the sewer on this site. See Figure 28-Collection System CIP in the 2018 Wastewater Master Plan. This may obviate extension of sanitary sewers to the eastern property line (and their manholes). So if the final design is consistent with the master plan, the City Engineer should have the option to approve the sewer plans without extensions that would cross the basin boundary, and we propose a new phrase at the end of the condition to give the City Engineer that discretion, so the condition will read as follows.

B.32 A manhole will be required at the eastern end of the wastewater lines in both street B and street C which will allow for future extension beyond the development site or as directed by the City Engineer.

Condition B.38 requires permanent maintenance access via a paved road within 10 feet of stormwater facility structures within the stormwater tracts. The site design allows storm control manholes, where maintenance primarily occurs, to be located within 10-feet of paved access. The condition can be changed to:

B.38 Permanent maintenance access via a paved road shall extend to within 10 feet of the center of all stormwater structures unless otherwise approved by the City Engineer.

Condition D1 allows just one year to achieve final plan submittal. Due to the scale and phasing of Crestview Crossing, this condition should be revised to 3 years.

New Conditions

Traffic Calming

Crestview Dr. from the north end of the roundabout taper to the north site boundary shall be designed with 10 foot wide lanes, and a ladder crosswalk at the stop-controlled intersection.

Sound Wall The Applicant shall construct a pre-cast concrete wall approximately six (6) feet in height along the south boundary of tax lots 1803, 1804 and 1808 where they abut the north boundary of tax lot 13800 (the "Sound Wall"). The exact location and length of the Sound Wall shall be determined by Applicant in compliance with applicable plans approved by the City of Newberg, or any other governmental agency having jurisdiction. The design style of the Sound Wall and its construction type shall be consistent with "Conceptual Noise Barrier Exhibit" attached hereto. [Exhibit C to the 2008 agreement]

The Applicant shall construct and install the Sound Wall in such a manner as to preserve, to the best of Applicant's ability, those trees with trunks greater than twelve (12) inches DBH that are located near the south boundary of tax lots 1803, 1804 and 1808.

The Applicant shall provide the owners of tax lots 1803, 1804 and 1808 with copies of any proposed designs and drawings of the Sound Wall, and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Sound Wall. However, the final design and specifications of the Sound Wall shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction. Applicant shall complete the construction and installation of the Sound Wall on or before the date of final lift of asphalt concrete within the Applicant's development. The owners shall grant the Applicant a temporary construction easement for the sound wall.

The owners of tax lots 1803, 1804 and 1808 and the Crestview Crossing Homeowners Association shall share in all costs and expenses related to the maintenance and general upkeep of the Sound Wall after completion. This maintenance obligation shall bind the owners and their respective successors in interest and shall be made a part of the easements and the Crestview Crossing CCRs. The owners shall grant the Applicant a temporary construction easement for the Sound Wall, which shall be as limited in scope as reasonably possible.

Applicant shall begin construction of the Sound Wall after it has received all site design approvals, land use permits, entitlements and other permits required for the development, and has begun construction. If Applicant does not receive the aforementioned permits and entitlements it shall not be obligated to build the sound wall.

Landscape Buffer and Setback

Applicant shall include a ten-foot (10') wide landscape buffer zone on the north edge of tax lot 13800 along the boundary shared with tax lots 1803, 1804 and 1808 (the "Landscape Buffer Zone"), and a 30-foot (30') setback (the "Setback Zone") between the Sound Wall and any buildings in any subdivision plats maps for tax lot 13800 submitted for approval to any governmental entity with jurisdiction over the Applicant's development. The Landscape Buffer Zone and Setback Zone shall be recorded in the form of easements burdening and encumbering tax lot 13800 and future lots platted therefrom, and benefiting tax lots 1803, 1804 and 1808. The specific language of the easements shall be as reasonably agreed by the affected parties.

Storm Water Drainage System

Applicant shall construct a storm water and surface water drainage system on the southern edge of tax lots 1803, 1804 and 1808 where they abut tax lot 13800 (the "Storm Water Drainage System").

Applicant shall provide the owners of tax lots 1803, 1804 and 1808 with copies of any proposed designs and drawings of the Storm Water Drainage System and consider, in good faith, all timely comments Applicant receives from the owners with respect to the Storm Water Drainage System. However, the final design and specifications of the Storm Water Drainage System shall be in accordance with plans approved by the City of Newberg, or any other governmental agency having jurisdiction.

Applicant shall complete the construction and installation of the Storm Water Drainage System on or before the date installation of the Sound Wall begins. The owners of tax lots 1803, 1804 and 1808 shall grant Applicant temporary construction easements and encroachment easements for the Storm Water Drainage System, which shall be reasonable in scope and extent.

The owners of tax lots 1803, 1804 and 1808 and the Crestview Crossing Homeowners Association shall share in all costs and expenses related to the maintenance and general upkeep of the Storm Water Drainage System after completion. This maintenance obligation shall bind the owners and their respective successors in interest and shall be made a part of the easements and the Crestview Crossing CCRs.

Applicant shall begin construction of the Storm Water Drainage System after it has received all site design approvals, land use permits, entitlements and other permits required for the development, and has begun construction. If Applicant does not receive the aforementioned permits and entitlements it shall not be obligated to build the Storm Water Drainage System.

No Through Trucks

Applicant shall install "No Through Trucks" signs on northbound Crestview Drive to the specifications of the City Engineer, including but not limited to one at the common property line.

Keith Leonard

From: Kleinmanjl <kleinmanjl@aol.com>
Sent: Friday, September 28, 2018 12:08 PM
To: Keith Leonard; jamie.howsley@jordanramis.com; Doug Rux
Cc: joseph.schaefer@jordanramis.com; Doug Rux
Subject: Re: Crestview Conditions

Keith,

Jamie is correct as to the language of the insert. I'm sorry it did not pop up clearly on the copy I transmitted.

Jeff

Jeffrey L. Kleinman
Attorney at Law
The Ambassador
1207 SW Sixth Avenue
Portland, OR 97204
Tel (503) 248-0808
Fax (503) 228-4529

In a message dated 9/28/2018 11:37:45 AM Pacific Standard Time, Keith.Leonard@newbergoregon.gov writes:

Gentlemen,

The two sets of proposed conditions are the same with no change from the previous document that referred to Exhibit C. Let us know if we sent the wrong document.

Thanks.

Keith Leonard, AICP | Associate Planner

City of Newberg

(503) 537-1215

keith.leonard@newbergoregon.gov



From: Kleinmanjl [mailto:kleinmanjl@aol.com]
Sent: Thursday, September 27, 2018 3:49 PM
To: Keith Leonard <Keith.Leonard@newbergoregon.gov>; jamie.howsley@jordanramis.com; Doug Rux <Doug.Rux@newbergoregon.gov>
Cc: joseph.schaefer@jordanramis.com
Subject: Re: Crestview Conditions

Hi Keith,

Please take a look at my insert at the end of the first paragraph addressing the sound wall. Jamie has agreed to this in concept, but will have to confirm his agreement directly to you.

Jeff

Jeffrey L. Kleinman

Attorney at Law

The Ambassador

1207 SW Sixth Avenue

Portland, OR 97204

Tel (503) 248-0808

Fax (503) 228-4529

In a message dated 9/27/2018 3:09:56 PM Pacific Standard Time, Keith.Leonard@newbergoregon.gov writes:

Jamie and Jeff,

Are you planning on submitting a revised CoA for the sound wall? If so, when?

Keith Leonard, AICP | Associate Planner

City of Newberg

(503) 537-1215

keith.leonard@newbergoregon.gov



From: Jamie Howsley [<mailto:jamie.howsley@jordanramis.com>]

Sent: Wednesday, September 26, 2018 3:20 PM

To: Kleinmanjl <kleinmanjl@aol.com>; Doug Rux <Doug.Rux@newbergoregon.gov>; Keith Leonard <Keith.Leonard@newbergoregon.gov>

Cc: Joseph Schaefer <joseph.schaefer@jordanramis.com>; Jamie Howsley <jamie.howsley@jordanramis.com>

Subject: RE: Crestview Conditions

Doug,

Sorry just coming out of a meeting and catching up on this thread. I agree with Jeff that we have both been trying to track down the Exhibit to no avail at this point and agree that we could tweak the language as Jeff suggested below.

Best,

Jamie

James D. Howsley | Attorney

Jordan Ramis PC | Attorneys at Law

Direct: 360-567-3913 Main: 503-598-7070

From: Kleinmanjl <kleinmanjl@aol.com>
Sent: Wednesday, September 26, 2018 2:59 PM
To: Doug.Rux@newbergoregon.gov; Jamie Howsley <jamie.howsley@jordanramis.com>;
Keith.Leonard@newbergoregon.gov
Cc: Joseph Schaefer <joseph.schaefer@jordanramis.com>
Subject: Re: Crestview Conditions

Doug,

Understood. My clients are making every effort to locate one. Jamie has tried to locate his client's then-attorney for the same purpose. So far, no luck, so we may have to adjust the language of the condition so that it does not incorporate a specific design that no one can find, or at least offers an alternative such as "or such specific design as may be reasonably agreed by the parties."

Jeff

Jeffrey L. Kleinman

Attorney at Law

The Ambassador

1207 SW Sixth Avenue

Portland, OR 97204

Tel (503) 248-0808

Fax (503) 228-4529

In a message dated 9/26/2018 2:54:35 PM Pacific Standard Time,
Doug.Rux@newbergoregon.gov writes:

Jeff,

My concern is that we are referring to a document with an Exhibit and proposed condition language for a design but don't have that design concept. Does one of the property owners that are a party to the Agreement have a copy?

Doug Rux, AICP

Community Development Director

City of Newberg

503.537.1212

Doug.Rux@newbergoregon.gov

From: Kleinmanjl [<mailto:kleinmanjl@aol.com>]

Sent: Wednesday, September 26, 2018 2:48 PM

To: Doug Rux <Doug.Rux@newbergoregon.gov>; jamie.howsley@jordanramis.com; Keith Leonard <Keith.Leonard@newbergoregon.gov>

Cc: joseph.schaefer@jordanramis.com

Subject: Re: Crestview Conditions

Hi Doug,

Up to this point, no one has been able to lay their hands on those exhibits.

Jeff

Jeffrey L. Kleinman

Attorney at Law

The Ambassador

1207 SW Sixth Avenue

Portland, OR 97204

Tel (503) 248-0808

Fax (503) 228-4529

In a message dated 9/26/2018 2:41:15 PM Pacific Standard Time,
Doug.Rux@newbergoregon.gov writes:

Jamie,

There is reference to the existing Development Agreement for the Sound Wall. That document refers to an Exhibit for a design of the wall. In reviewing documents submitted we have not been able to locate the Exhibit for the sound wall that is referenced. Can you provide use with that missing Exhibit?

Doug Rux, AICP

Community Development Director

City of Newberg

503.537.1212

Doug.Rux@newbergoregon.gov

From: Jamie Howsley [<mailto:jamie.howsley@jordanramis.com>]
Sent: Tuesday, September 25, 2018 3:51 PM
To: Doug Rux <Doug.Rux@newbergoregon.gov>; Keith Leonard <Keith.Leonard@newbergoregon.gov>
Cc: Kleinmanjl <kleinmanjl@aol.com>; Jamie Howsley <jamie.howsley@jordanramis.com>; Joseph Schaefer <joseph.schaefer@jordanramis.com>; Jesse Nemec <[jнемec@jtsmithco.com](mailto:jnemec@jtsmithco.com)>; Andrew Tull <andrew.tull@3j-consulting.com>; Aaron Murphy <aaron.murphy@3j-consulting.com>; Diego Arguea <darguea@kittelsohn.com>
Subject: Crestview Conditions

Dear Doug and Keith:

Thank you for your patience. Attached please find the proposed revised and new conditions for the Crestview Crossing PUD. I just got off the phone with Jeff and we worked on the language as to the new conditions between Crestview and Oxberg which start on page 3.

Jeff wanted me to relay two points, one that he is still awaiting a memorandum from Kittelson related to the traffic calming and secondly that the parties are still working out the well monitoring issue as it is highly complex. I spoke to Matt and Diego at Kittelson this afternoon and we will be getting the memorandum to Jeff in short order. And as to the well monitoring it is my understanding that Jeff's consultant has our response to their initial proposal at this time and will be getting back to us shortly.

Again we appreciate your patience as the parties work through the issues. If you have any concerns please feel free to call me below or on my mobile 360-281-1123.

Best,

Jamie

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**Attachment 10: Kittelson and Associates Memorandums on Traffic Calming
Proposals and Associated Emails**

Keith Leonard

From: Jamie Howsley <jamie.howsley@jordanramis.com>
Sent: Thursday, October 04, 2018 9:01 AM
To: Kristen Svicarovich
Cc: Diego Arguea; Doug Rux; Keith Leonard; Brett Musick; Matt Hughart; Jesse Nemec; Aaron Murphy (aaron.murphy@3j-consulting.com)
Subject: Re: Crestview traffic calming

Kristin,

I copied the pertinent part of an email I got from Jeff last evening. I believe this is consistent with what we discussed late in the afternoon yesterday.

I am at PDX right now headed out of town, but back Tuesday. I will be checking my email, but wanted to out this in motion to get the info to the PC in an expedited fashion.

I should be available for a call or here on email for another 45 minutes.

Best,

Jamie

Hi Jamie,

I heard back from Chris. We are OK with (1) the two-foot buffer strips on each side, (2) adjacent to 10-foot travel lanes, (3) with the particular marking of the buffers as shown in Kittelson's cross-section, and (4) with raised reflectors placed with standard spacing upon the inward-facing line of the buffer strips and on the centerline of Crestview, between the Crestview Crossing roundabout and the northern property line.

Sent from my iPhone

On Oct 3, 2018, at 3:41 PM, Kristen Svicarovich <Kristen.Svicarovich@newbergoregon.gov> wrote:

To be clear is this an agreed upon condition with the neighborhood association, or a separate condition proposed by the applicant?

Kristen Svicarovich, PE
City of Newberg
414 E. First Street
Newberg, Oregon 97132
503.537.1282
Kristen.Svicarovich@newbergoregon.gov

From: Jamie Howsley [<mailto:jamie.howsley@jordanramis.com>]
Sent: Wednesday, October 03, 2018 3:33 PM
To: Kristen Svcarovich <Kristen.Svcarovich@newbergoregon.gov>; 'Diego Arguea' <darguea@kittelson.com>
Cc: Doug Rux <Doug.Rux@newbergoregon.gov>; Keith Leonard <Keith.Leonard@newbergoregon.gov>; Brett Musick <Brett.Musick@newbergoregon.gov>; Matt Hughart <MHUGHART@kittelson.com>; Jesse Nemec <jnemec@jtsmithco.com>; Aaron Murphy (aaron.murphy@3j-consulting.com) <aaron.murphy@3j-consulting.com>; Jamie Howsley <jamie.howsley@jordanramis.com>
Subject: RE: Crestview traffic calming

Traffic Calming:

Crestview Dr. from the north end of the roundabout taper to the north site boundary shall be designed with 10 foot wide travel lanes, a two foot bike buffer, and a six foot bike lane, and a ladder crosswalk at the stop controlled intersection.

The findings then should reference the Kittelson traffic memorandum.

Best,

Jamie

James D. Howsley | Attorney
Jordan Ramis PC | Attorneys at Law
Direct: 360-567-3913 Main: 503-598-7070

From: Jamie Howsley
Sent: Wednesday, October 3, 2018 3:23 PM
To: Kristen Svcarovich <Kristen.Svcarovich@newbergoregon.gov>; 'Diego Arguea' <darguea@kittelson.com>
Cc: Doug Rux <Doug.Rux@newbergoregon.gov>; Keith Leonard <Keith.Leonard@newbergoregon.gov>; Brett Musick <Brett.Musick@newbergoregon.gov>; Matt Hughart <MHUGHART@kittelson.com>; Jesse Nemec <jnemec@jtsmithco.com>; Aaron Murphy (aaron.murphy@3j-consulting.com) <aaron.murphy@3j-consulting.com>; Jamie Howsley <jamie.howsley@jordanramis.com>
Subject: RE: Crestview traffic calming

I will be sending shortly. Sorry been on the phone with Jeff about reaching a compromise.

James D. Howsley | Attorney
Jordan Ramis PC | Attorneys at Law
Direct: 360-567-3913 Main: 503-598-7070

From: Kristen Svcarovich <Kristen.Svcarovich@newbergoregon.gov>
Sent: Wednesday, October 3, 2018 3:22 PM
To: 'Diego Arguea' <darguea@kittelson.com>
Cc: Doug Rux <Doug.Rux@newbergoregon.gov>; Keith Leonard <Keith.Leonard@newbergoregon.gov>; Brett Musick <Brett.Musick@newbergoregon.gov>; Matt Hughart <MHUGHART@kittelson.com>; Jesse

Nemec <jnemec@itsmithco.com>; Jamie Howsley <jamie.howsley@jordanramis.com>; Aaron Murphy (aaron.murphy@3j-consulting.com) <aaron.murphy@3j-consulting.com>

Subject: RE: Crestview traffic calming

Diego-

Do you have a new proposed condition to accompany this document? I just quickly looked through the document and didn't see one.

Thanks,

Kristen

Kristen Svicarovich, PE

City of Newberg

414 E. First Street

Newberg, Oregon 97132

503.537.1282

Kristen.Svicarovich@newbergoregon.gov

From: Diego Arguea [<mailto:darguea@kittelson.com>]

Sent: Wednesday, October 03, 2018 3:18 PM

To: Kristen Svicarovich <Kristen.Svicarovich@newbergoregon.gov>

Cc: Doug Rux <Doug.Rux@newbergoregon.gov>; Keith Leonard <Keith.Leonard@newbergoregon.gov>;

Brett Musick <Brett.Musick@newbergoregon.gov>; Matt Hughart <MHUGHART@kittelson.com>; Jesse

Nemec <jnemec@itsmithco.com>; Jamie Howsley <jamie.howsley@jordanramis.com>; Aaron Murphy

(aaron.murphy@3j-consulting.com) <aaron.murphy@3j-consulting.com>

Subject: RE: Crestview traffic calming

Hi Kristen,

Please find attached our memorandum documenting the observed speeds on Crestview as well as the proposed traffic calming treatments for the development application.

Thanks,

Diego and Matt

Diego Arguea, P.E. | Associate Engineer | Kittelson & Associates, Inc.

d: 503.535.7462 - 1462 (ext) | o: 503.228.5230 | c: 503.334.3183

From: Kristen Svicarovich <Kristen.Svicarovich@newbergoregon.gov>

Sent: Wednesday, October 03, 2018 8:30 AM

To: Diego Arguea <darguea@kittelson.com>

Cc: Doug Rux <Doug.Rux@newbergoregon.gov>; Keith Leonard <Keith.Leonard@newbergoregon.gov>;

Brett Musick <Brett.Musick@newbergoregon.gov>

Subject: RE: Crestview traffic calming

Diego-

The 36-foot curb-to-curb cross-section shown in this email matches the cross-section concept provided by the City in the email dated 9/28/2018:

- 6-foot bike lane
- 2-foot buffer
- 10-foot travel lane
- 10-foot travel lane
- 2-foot buffer
- 6-foot bike lane

As stated in the 9/28/2018 email, City staff is willing to review a proposal consisting of the above elements. The cross-section provides an alternative traffic calming concept to a roundabout, and is in alignment with the City's Transportation System Plan and Development Code.

Thanks,

Kristen

Kristen Svicarovich, PE
City of Newberg
414 E. First Street
Newberg, Oregon 97132
503.537.1282
Kristen.Svicarovich@newbergoregon.gov

From: Diego Arguea [<mailto:darguea@kittelson.com>]
Sent: Tuesday, October 02, 2018 4:26 PM
To: Kristen Svicarovich <Kristen.Svicarovich@newbergoregon.gov>
Subject: Crestview traffic calming

Hi Kristin,

Thanks for taking the time to talk through our traffic calming alternatives along Crestview Drive for the proposed Crestview Crossing project. I'd like to document our conversation – can you review the following and, if you agree, confirm in a response email? Thanks!

Per our conversation, we discussed the proposed narrowing of the travel lanes on Crestview Drive from 12 feet to 10 feet, with lane striping and the addition of a buffer between the travel lane and bicycle lane. The City is in support of this approach as an appropriate and effective traffic calming geometric element, as is TVFR on the basis that there is the pavement flexibility to accommodate large emergency vehicles while there are other vehicles potentially on the road. The proposed cross section is shown below:

<image001.jpg>

Also, as part of the team's effort to identify other traffic calming measures (as requested by the neighbors' representative attorney), we talked through the possibility of adding a Speed Cushion that would provide adequate circulation for emergency vehicles. After you discussed with other Newberg Engineering staff, you communicated to me this would be a 'non-starter' for various reasons. Further,

any geometric feature in the physical roadway is not supported by the City or allowed as part of the TSP on a collector roadway.

As part of our conversation, you confirmed that the we are providing appropriate traffic calming measures based on the context of the neighborhood design and the desire to promote a walkable, pedestrian and bike friendly environment.

For reference, below is the table from the TSP (Table 4) that identifies the acceptable traffic calming measures on Collector Roadways. The suggestion of the neighbors' representative attorney and agreement from their traffic engineer at the September 13 hearing for reducing lane widths is the first item on the list and the proposal includes this treatment. Further along the list, the proposal also includes the second item along the list (except for the on-street parking).

All other elements shown in Table 4 are either not allowed on Collector Roadways or were infeasible because the treatments would either encroach on Yamhill County property or would require the presence of on-street parking (which is not being proposed as it's not allowed on a major collector roadway).

<image002.png>

Please let me know if you concur with the above, and confirm via email.

Thanks again,
Diego

Diego Arguea, P.E.
Associate Engineer

Please note our Portland office has a ***NEW ADDRESS***

<image003.jpg>

Kittelson & Associates, Inc.
Transportation Engineering / Planning
851 SW 6th Avenue, Suite 600
Portland OR 97204
503.228.5230 (main)
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[Streetwise](#) [Twitter](#) [Facebook](#)

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E-MAIL CONFIDENTIALITY NOTICE: The contents of this e-mail message and any attachments are intended solely for the addressee(s) and may contain confidential and/or legally privileged information. If you are not the intended recipient or this message has been addressed to you in error, please notify the sender by reply e-mail and delete the message and any attachments. You are further notified that any use, dissemination, distribution, copying, or storage of this message or any attachment by anyone other than the intended recipient is strictly prohibited.

Date: October 3, 2018 Project #: 21709

To: Jamie Howsley, Jordan Ramis PC

From: Diego Arguea, P.E. and Matt Hughart, AICP

Project: Crestview Crossing Residential Development

Subject: Planning Commission Hearing Response – Traffic Calming

In response to the testimony provided at the Planning Commission Hearing and subsequent discussions with the City of Newberg staff and representatives of the Oxberg Lake Estates neighborhood, this memorandum summarizes the existing and additional proposed traffic calming design treatments for Crestview Drive to be constructed as part of the Crestview Crossing development.

BACKGROUND

In April of 2006, a six-party agreement was signed. The six party agreement states that “[t]he purpose of this Agreement is to finalize the agreement of the parties and to begin the process of amending City’s TSP to implement the Springbrook Northern Arterial Plan.” [Recital H]. This means according to Recital D that “[t]he Springbrook Northern Arterial designates Springbrook Road between HWY 99W and Crestview as the northern arterial and amends the designation of Crestview from Springbrook to Hwy 99W as a major collector.”

Contained within this change in designation from an arterial to a major collector is the acknowledgement that the future roadway extension will be designed to encourage 25 mile-per-hour travel speeds.

EXISTING TRAFFIC CALMING ON CRESTVIEW DRIVE

Crestview Drive has already been constructed north of the Crestview Crossing property boundary and is primarily used for access to the Oxberg Lake Estates neighborhood. In 2012, mini roundabouts (also referred to as traffic calming circles) were constructed at the Oxberg Lake Estates neighborhood entrances at Birdhaven Loop and Robin Court. While the mini-roundabouts were not formally envisioned or included in the 6-Party Agreement, it is recognized that these design treatments were put in place to encourage slower travel speeds along this active segment of Crestview Drive. Because they were constructed after the 6-Party Agreement was signed, it can also be concluded that these mini-roundabouts were installed to help ensure slower travel speeds coming into the Oxberg Lake Estates neighborhood when the Crestview Drive corridor was eventually extended and connected to Highway 99W. These mini roundabout can be seen in Exhibit 1 below.

Exhibit 1 – Crestview Drive Mini Roundabouts



The existing mini-roundabout at Robin Court is anticipated to have a traffic calming effect on future northbound Crestview Crossing traffic. The distance from the Crestview Crossing development property line to the mini-roundabout at Robin Court is approximately 240 feet, shown in Exhibit 2.

Exhibit 2 – Crestview Drive and Crestview Crossing Property Boundary



The northbound lane approaching this mini-roundabout is approximately 11.5 feet wide with bicycle lanes and sidewalks, and a 15 mile-per-hour approaching advisory speed sign.

Exhibit 3 – Crestview Drive Northbound, Approximately 150 feet South of Robin Court



While the mini-roundabout was not originally shown in the 6-Party Agreement, this treatment meets the desire for Crestview Drive to “be designed to encourage a 25 mile-per-hour speed limit” per the language in the 6-Party Agreement (Reference 1, Page 2). To quantify the future effectiveness of this mini-roundabout, speed measurements were taken along the existing westerly segment of Crestview Drive coming into the westernmost mini-roundabout at Birdhaven Loop. The active travel characteristics of this nearby segment coupled with the 12-foot wide travel lanes, bicycle lanes, and sidewalks is a likely representation of the future extension of Crestview Drive from the south.

Exhibit 4 - Speed Observation Locations and 85th Percentile Speed



Along this representative segment, travel speeds were observed for every motor vehicle for a period of 24 hours during a typical mid-week day in September 2018 at the following two locations summarized below and shown in Exhibit 4:

1. Location A: Approximately 50 feet east of the Westlake Loop (13-foot lane width); and,
2. Location B: Approximately 50 feet west of the entrance to the mini-roundabout at Birdhaven Loop (12-foot lane width).

As shown in Exhibit 4 and summarized in Table 1, the mini-roundabout has a significant influence on overall travel speeds. Specifically, the 85th percentile travel speed¹ for approaching vehicles was shown to lower from 30 miles per hour to 22 miles per hour. *The raw travel speed summary data is included as an attachment to this memorandum.*

Table 1 Speed Observation Summary Along Crestview Drive

Location	Direction of Travel	Average Speed (MPH)	85 th Percentile Speed (MPH)
Location A: 50 feet east of Westlake Loop	Eastbound	25 MPH	30 MPH
	Westbound	26 MPH	33 MPH
Location B: Approximately 50 feet west of the entrance to the mini-roundabout at Birdhaven Loop	Eastbound	17 MPH	22 MPH
	Westbound	18 MPH	22 MPH

Based on the observed travel speed characteristics along the existing active segment of Crestview Drive with a nearly identical traffic calming treatment, similar travel speed reductions approaching the Oxberg Lakes Estates neighborhood are anticipated when Crestview Drive is extended to the south.

PROPOSED DESIGN OF THE CRESTVIEW DRIVE EXTENSION

When extended to 99W south of the Oxberg Lakes neighborhood, Crestview Drive is proposed to be constructed as a Collector Roadway per the City of Newberg’s design standard. This will include 12-foot travel lanes, 6-foot bicycle lanes, 5.5-foot landscape strips, and 5-foot sidewalks. To better integrate this design to the proposed Crestview Crossing neighborhood and to encourage a slower neighborhood feel to the corridor, street trees are proposed in the landscaping strip, residential lot lines are proposed to be placed against the edge of the Collector right-of-way, and crosswalk striping is proposed to be placed at key intersections along the roadway.

The above geometric elements are also identified in the City of Newberg Transportation System Plan (TSP) (Reference 2, Table 4) as acceptable traffic calming features on a collector roadway.

¹ The 85th percentile speed represents the speed at or below which 85 percent of all vehicles are observed to travel under free-flowing conditions past a monitored point and is the measurement typically used when documenting travel speeds.

Consistency with the Newberg TSP

The City of Newberg Transportation System Plan identifies acceptable traffic calming measures along Collector Roadways as summarized in Exhibit 5 below. We explored the potential for adding additional traffic calming elements or features into the roadway to arrive at a solution that appeals to all parties. The result of our efforts is summarized in Table 2, following Exhibit 5.














Exhibit 5 – Traffic Calming Measures, City of Newberg TSP

Traffic Calming Measure	Is Measure Appropriate? (per Roadway Classification)**	
	Collector*	Local Street*
Narrowing travel lanes	Yes	Calming measures are generally appropriate on local streets that are infrequent emergency response routes and have more than one way in and out
Placing buildings, street trees, on-street parking, and landscaping next to the street	Yes	
Curb Extensions or Bulbouts	Yes	
Roundabouts	Yes	
Mini-Roundabouts	Yes	
Medians and Pedestrian Islands	Yes	
Pavement Texture	Yes	
Speed Hump or Speed Table	No	
Raised Intersection or Crosswalk	No	
Speed Cushion (provides emergency pass-through with no vertical deflection)	No	
Choker	No	
Traffic Circle	No	
Diverter (with emergency vehicle pass through)	Yes	
Chicanes	No	

*Any traffic calming project should include coordination with emergency agency staff to ensure public safety is not compromised.

** Traffic calming may be considered for state highways but would be required to meet ODOT standards, including any ODOT approved design exceptions.

Table 2 Traffic Calming Measures and Implementation

Traffic Calming Measure City of Newberg TSP Table 4	Applicability and Implementation	Included in Proposal
Narrowing travel lanes	Allowed and is proposed with design.	
Placing buildings, street trees, on-street parking, and landscaping next to the street	Allowed and is proposed with design.	
Curb Extensions or Bulb-outs	Allowed. Not an appropriate treatment as no on-street parking is permitted on Major Collector Roadways. Not supported by TVFR ¹ .	
Roundabouts	Allowed. Not required for traffic operations (not a primary traffic calming device ²) and design would potentially encroach on Yamhill County property and several existing Oxberg Lake Estates properties.	
Mini-Roundabouts	Allowed. Not supported by TVFR.	
Medians and Pedestrian Islands	Allowed. Used typically on existing wide roadways (3-5 lanes) to provide retrofit crossing protection for pedestrians.	
Pavement Texture	Allowed. Not currently proposed, but raised pavement markers could be considered as part of the detailed design process.	
Speed Hump or Speed Table	Not allowed on Major Collector Roadways. Physical impediment on roadway not supported by TVFR.	
Raised Intersection or Crosswalk	Not allowed on Major Collector Roadways. Physical impediment on roadway not supported by TVFR.	
Speed Cushion (provides emergency pass-through with no vertical deflection)	Not allowed on Major Collector Roadways. Physical impediment on roadway not supported by TVFR.	
Traffic Circle	Not allowed on Major Collector Roadways. Physical impediment on roadway not supported by TVFR.	
Diverter (with emergency vehicle pass through)	Allowed. Not supported by TVFR.	
Chicanes	Not allowed.	

¹ TVFR: Reference 3

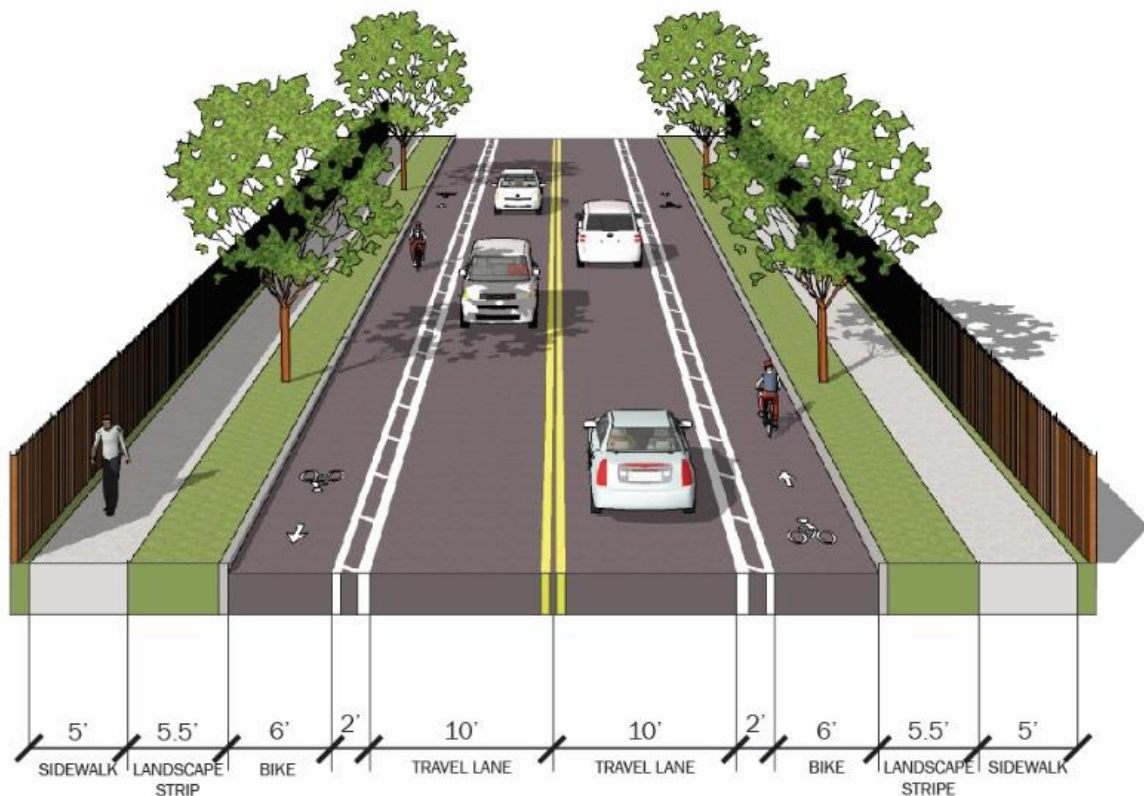
² FHWA: <https://safety.fhwa.dot.gov/>

Additional Proposed Design Treatments

Testimony provided by representatives of Oxberg Lake Estates at the September 13, 2018 Planning Commission Hearing included the desire to provide additional traffic calming between the proposed Crestview Drive roundabout and the north property boundary of the Crestview Crossing development. Various traffic calming treatments were discussed such as curb extensions, narrower travel lanes, and median islands, as identified in Table 2.

To further emphasize the neighborhood feel of the corridor, improve the comfort for non-motorized forms of transportation, and encourage slower vehicular travel speeds, the Crestview Crossing development team is proposing to narrow the northbound and southbound Crestview Crossing travel lanes from 12 feet to 10 feet². To accommodate the narrowed travel lanes, a two-foot wide buffer would be striped between the travel lane and adjacent bike lane. A graphical illustration of the proposed Crestview Drive roadway cross section with the narrower 10-foot travel lanes is provided in Exhibit 6.

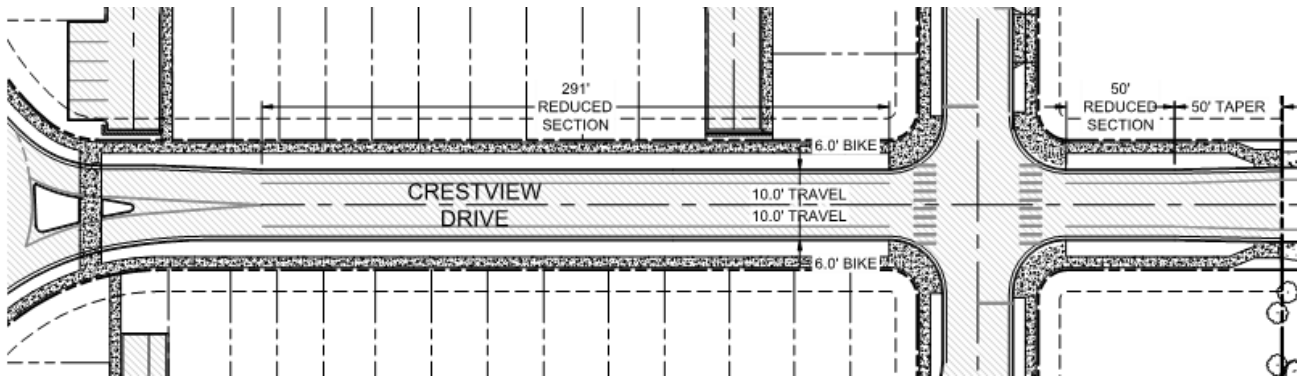
Exhibit 6 – Proposed Collector Cross Section with Narrowed 10-Foot Travel Lanes



² Curb extensions and median islands were also reviewed and by the Crestview Crossing development team. Curb extensions were not considered an appropriate design treatment as on-street parking is not proposed. Median treatments were also not considered as they do not fit the context of the adjacent development and would impact the overall cross section of the Collector roadway standard (potential impediment for emergency vehicles).

In addition to speed reduction, a safety benefit of this traffic calming treatment is the greater physical separation of bicyclists from motorists, promoting a safer environment than without the buffer. Exhibit 7 below illustrates the reduced lane width segment.

Exhibit 7 – Proposed Lane Width Reduction Segment



Note: not labeled in Exhibit 7 is the 2-foot wide buffer between the bicycle lane and travel lane.

The narrow travel lane striping and buffered bicycle lane has been documented to encourage reduced speeds, minimize crashes along the mainline, and promote increased safety and comfort for bicyclists. The proposed treatments in Exhibits 6 and 7 have been validated and are recommended by agencies and experts in the transportation industry:

“Lane widths of 10 feet are appropriate in urban areas and have a positive impact on a street’s safety without impacting traffic operations.” -NACTO

“Especially in residential areas, wide streets may not be necessary or desirable. Wide traffic lanes encourage faster motor vehicle speeds. Consideration should be given to the review of cross-sections for all street classifications to determine whether roadway lane widths can be reduced (within AASHTO guidelines) so more area can be dedicated to bicycle and pedestrian use and associated traffic calming facilities.” -FHWA

“...a reduction in the width or number of vehicular travel lanes and reallocate that space for other uses such as bicycle lanes, pedestrian crossing islands...” -USDOT

Regarding buffered bicycle lanes:

“Provides greater shy distance between motor vehicles and bicyclists.

Provides space for bicyclists to pass another bicyclist without encroaching into the adjacent motor vehicle travel lane.

Provides a greater space for bicycling without making the bike lane appear so wide that it might be mistaken for a travel lane or a parking lane.

Appeals to a wider cross-section of bicycle users.

Encourages bicycling by contributing to the perception of safety among users of the bicycle network.” -NACTO

The proposed design of Crestview Drive with the reduction in typical lane width thus provides sufficient traffic calming design elements that meet underlying intent to “encourage a 25 mile-per-hour speed limit” per the language in the 6-Party Agreement (Reference 1, Page 2).

SUMMARY

As summarized in this letter, the following design features are proposed along the Crestview Drive extension:

- The travel-lane width reduction from 12 feet to 10 feet is expected to encourage slower overall travel speeds. This treatment has been vetted and is supported by City of Newberg, Tualatin Valley Fire and Rescue, and is a well-documented industry approach to traffic calming.
- A 6-foot bicycle lane with a 2-foot buffer is expected to encourage slower speeds and provide an added safety benefit to bicyclists.
- The design is consistent with traffic calming measures identified in the City of Newberg Transportation System Plan.

Furthermore, traffic calming features have already been constructed along Crestview Drive at the entrances to the Oxberg Lake Estates neighborhood and have been documented in this memorandum to reduce southbound travel speeds to less than 25 miles per hour (measured at 22 miles per hour). The combination of these existing features and the proposed design treatments will meet the intent of the 6-Party Agreement to encourage 25 mile per hour speeds along the corridor.

REFERENCES

1. City of Newberg, Yamhill County, Oxberg Lake Homeowners Association, Ken and Joan Austin, JT Smith Companies, MeadowWood Development LLC. *6-Party Agreement*. Yamhill County Board of Commissioners, Board Order 06-265. April 19, 2006.
2. DKS Associates in collaboration with City of Newberg and the Oregon Department of Transportation. *City of Newberg Transportation System Plan*. Adopted December 19, 2016.
3. Tualatin Valley Fire and Rescue. *New Construction – Transportation Guide: Traffic Calming Measures*. August 2014.

ATTACHMENT

24-hour Speed Study Data

LOCATION: Crestview Dr 50' west of Birdhaven Loop SPECIFIC LOCATION: Crestview Dr 50' west of Birdhaven Loop CITY/STATE: Newberg, OR															QC JOB #: 14794701 DIRECTION: WB DATE: Sep 12 2018			
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace	
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
4:00 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	16-25	1	
5:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	11-20	1	
6:00 AM	0	4	1	0	0	0	0	0	0	0	0	0	0	0	5	17-26	4	
7:00 AM	1	6	2	0	0	0	0	0	0	0	0	0	0	0	9	16-25	8	
8:00 AM	1	5	5	1	0	0	0	0	0	0	0	0	0	0	12	16-25	10	
9:00 AM	1	7	1	0	0	0	0	0	0	0	0	0	0	0	9	16-25	7	
10:00 AM	0	5	5	0	0	0	0	0	0	0	0	0	0	0	10	16-25	10	
11:00 AM	2	3	2	0	0	0	0	0	0	0	0	0	0	0	7	16-25	5	
12:00 PM	3	4	2	0	0	0	0	0	0	0	0	0	0	0	9	16-25	6	
1:00 PM	1	2	2	0	0	0	0	0	0	0	0	0	0	0	5	16-25	4	
2:00 PM	2	6	2	0	0	0	0	0	0	0	0	0	0	0	10	16-25	8	
3:00 PM	0	1	3	1	0	0	0	0	0	0	0	0	0	0	5	16-25	4	
4:00 PM	0	6	1	0	0	0	0	0	0	0	0	0	0	0	7	16-25	6	
5:00 PM	0	4	3	0	0	0	0	0	0	0	0	0	0	0	7	17-26	6	
6:00 PM	1	7	2	1	0	0	0	0	0	0	0	0	0	0	11	16-25	8	
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
8:00 PM	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3	16-25	3	
9:00 PM	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3	16-25	3	
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
11:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	11-20	1	
Day Total	12	65	35	3	0	0	0	0	0	0	0	0	0	0	115	16-25	100	
Percent	10.4%	56.5%	30.4%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%				
ADT 115																		
AM Peak Volume	11:00 AM 2	9:00 AM 7	8:00 AM 5	8:00 AM 1												8:00 AM 12		
PM Peak Volume	12:00 PM 3	6:00 PM 7	3:00 PM 3	3:00 PM 1												6:00 PM 11		
<i>Comments:</i>																		

LOCATION: Crestview Dr 50' west of Birdhaven Loop														QC JOB #: 14794701			
SPECIFIC LOCATION: Crestview Dr 50' west of Birdhaven Loop														DIRECTION: WB			
CITY/STATE: Newberg, OR														DATE: Sep 12 2018			
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	12	65	35	3	0	0	0	0	0	0	0	0	0	0	115	16-25	100
Percent	10.4%	56.5%	30.4%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Cumulative Percent	10.4%	67.0%	97.4%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%			
ADT 115															85th Percentile 22 MPH Mean Speed(Average): 18 MPH Median 18 MPH Mode: 18 MPH		
<i>Comments:</i>																	



LOCATION: Crestview Dr 50' west of Birdhaven Loop SPECIFIC LOCATION: Crestview Dr 50' west of Birdhaven Loop CITY/STATE: Newberg, OR															QC JOB #: 14794701 DIRECTION: EB DATE: Sep 12 2018					
Start Time	15	20	25	30	35	40	45	50	55	60	65	70	75	999	Total	Pace Speed	Number in Pace			
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
4:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	11-20	1			
5:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
7:00 AM	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3	16-25	3			
8:00 AM	3	3	1	0	0	0	0	0	0	0	0	0	0	0	7	11-20	4			
9:00 AM	2	7	2	1	0	0	0	0	0	0	0	0	0	0	12	16-25	8			
10:00 AM	2	3	0	0	0	0	0	0	0	0	0	0	0	0	5	15-24	3			
11:00 AM	1	2	0	0	0	0	0	0	0	0	0	0	0	0	3	15-24	2			
12:00 PM	1	3	4	0	0	0	0	0	0	0	0	0	0	0	8	16-25	7			
1:00 PM	4	5	2	0	0	0	0	0	0	0	0	0	0	0	11	16-25	7			
2:00 PM	3	3	1	0	0	0	0	0	0	0	0	0	0	0	7	11-20	4			
3:00 PM	0	12	4	1	0	0	0	0	0	0	0	0	0	0	17	16-25	16			
4:00 PM	0	2	3	0	0	0	0	0	0	0	0	0	0	0	5	18-27	4			
5:00 PM	0	5	5	0	0	0	0	0	0	0	0	0	0	0	10	16-25	10			
6:00 PM	1	5	2	0	0	0	0	0	0	0	0	0	0	0	8	16-25	7			
7:00 PM	1	2	1	0	0	0	0	0	0	0	0	0	0	0	4	16-25	3			
8:00 PM	0	5	1	0	0	0	0	0	0	0	0	0	0	0	6	16-25	5			
9:00 PM	0	4	0	1	0	0	0	0	0	0	0	0	0	0	5	11-20	4			
10:00 PM	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2	11-20	2			
11:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	16-25	1			
Day Total	18	66	28	3	0	0	0	0	0	0	0	0	0	0	115	16-25	93			
Percent	15.7%	57.4%	24.3%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%						
ADT 115																				
AM Peak Volume	8:00 AM	9:00 AM	9:00 AM	9:00 AM														9:00 AM		
	3	7	2	1														12		
PM Peak Volume	1:00 PM	3:00 PM	5:00 PM	3:00 PM														3:00 PM		
	4	12	5	1														17		
<i>Comments:</i>																				

LOCATION: Crestview Dr 50' west of Birdhaven Loop														QC JOB #: 14794701			
SPECIFIC LOCATION: Crestview Dr 50' west of Birdhaven Loop														DIRECTION: EB			
CITY/STATE: Newberg, OR														DATE: Sep 12 2018			
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	18	66	28	3	0	0	0	0	0	0	0	0	0	0	115	16-25	93
Percent	15.7%	57.4%	24.3%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Cumulative Percent	15.7%	73.0%	97.4%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%			
ADT 115															85th Percentile 22 MPH Mean Speed(Average): 17 MPH Median 17 MPH Mode: 18 MPH		
<i>Comments:</i>																	



LOCATION: Crestview Dr 50' east of Westlake Loop SPECIFIC LOCATION: Crestview Dr 50' east of Westlake Loop CITY/STATE: Newberg, OR															QC JOB #: 14794702 DIRECTION: WB DATE: Sep 12 2018		
Start Time	15	20	25	30	35	40	45	50	55	60	65	70	75	999	Total	Pace Speed	Number in Pace
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0
4:00 AM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	21-30	1
5:00 AM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	21-30	1
6:00 AM	0	0	1	2	3	0	0	0	0	0	0	0	0	0	6	28-37	4
7:00 AM	1	1	1	6	0	0	0	0	0	0	0	0	0	0	9	21-30	7
8:00 AM	3	0	3	3	2	2	0	0	0	0	0	0	0	0	13	26-35	5
9:00 AM	0	1	7	0	0	1	0	0	0	0	0	0	0	0	9	16-25	8
10:00 AM	0	0	2	5	3	0	0	0	0	0	0	0	0	0	10	26-35	7
11:00 AM	0	0	3	3	0	1	0	0	0	0	0	0	0	0	7	22-31	5
12:00 PM	0	3	5	1	1	0	0	0	0	0	0	0	0	0	10	16-25	8
1:00 PM	0	0	1	1	2	0	0	0	0	0	0	0	0	0	4	26-35	3
2:00 PM	1	1	3	3	2	2	0	0	0	0	0	0	0	0	12	26-35	5
3:00 PM	0	0	1	1	1	1	1	0	0	0	0	0	0	0	5	36-45	2
4:00 PM	0	0	2	2	2	1	0	0	0	0	0	0	0	0	7	26-35	4
5:00 PM	0	0	2	4	1	0	0	0	0	0	0	0	0	0	7	21-30	6
6:00 PM	0	1	3	3	3	0	1	0	0	0	0	0	0	0	11	27-36	5
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0
8:00 PM	0	0	2	1	0	0	0	0	0	0	0	0	0	0	3	21-30	3
9:00 PM	0	1	0	1	1	0	0	0	0	0	0	0	0	0	3	26-35	2
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0
11:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	16-25	1
Day Total	5	8	37	38	21	8	2	0	0	0	0	0	0	0	119	21-30	74
Percent	4.2%	6.7%	31.1%	31.9%	17.6%	6.7%	1.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
ADT 119																	
AM Peak Volume	8:00 AM	7:00 AM	9:00 AM	7:00 AM	6:00 AM	8:00 AM	8:00 AM								13		
PM Peak Volume	2:00 PM	12:00 PM	12:00 PM	5:00 PM	6:00 PM	2:00 PM	3:00 PM	12									
<i>Comments:</i>																	

LOCATION: Crestview Dr 50' east of Westlake Loop														QC JOB #: 14794702			
SPECIFIC LOCATION: Crestview Dr 50' east of Westlake Loop														DIRECTION: WB			
CITY/STATE: Newberg, OR														DATE: Sep 12 2018 - Sep 12 2018			
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	5	8	37	38	21	8	2	0	0	0	0	0	0	0	119	21-30	74
Percent	4.2%	6.7%	31.1%	31.9%	17.6%	6.7%	1.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Cumulative Percent	4.2%	10.9%	42.0%	73.9%	91.6%	98.3%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%			
ADT 119															85th Percentile 33 MPH Mean Speed(Average): 26 MPH Median 26 MPH Mode: 28 MPH		
<i>Comments:</i>																	



LOCATION: Crestview Dr 50' east of Westlake Loop SPECIFIC LOCATION: Crestview Dr 50' east of Westlake Loop CITY/STATE: Newberg, OR															QC JOB #: 14794702 DIRECTION: EB DATE: Sep 12 2018			
Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace Speed	Number in Pace	
	15	20	25	30	35	40	45	50	55	60	65	70	75	999				
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
4:00 AM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	21-30	1	
5:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
7:00 AM	1	1	1	2	0	0	0	0	0	0	0	0	0	0	5	21-30	3	
8:00 AM	0	2	2	2	0	1	0	0	0	0	0	0	0	0	7	21-30	4	
9:00 AM	0	1	7	2	1	0	0	0	0	0	0	0	0	0	11	21-30	8	
10:00 AM	0	2	1	2	0	0	0	0	0	0	0	0	0	0	5	21-30	3	
11:00 AM	0	0	3	0	0	0	0	0	0	0	0	0	0	0	3	16-25	3	
12:00 PM	0	1	1	3	3	0	0	0	0	0	0	0	0	0	8	27-36	5	
1:00 PM	2	0	3	4	0	1	0	0	0	0	0	0	0	0	10	21-30	7	
2:00 PM	1	1	2	4	0	1	0	0	0	0	0	0	0	0	9	21-30	6	
3:00 PM	0	0	4	10	2	1	0	0	0	0	0	0	0	0	17	21-30	14	
4:00 PM	0	0	1	3	1	0	0	0	0	0	0	0	0	0	5	21-30	4	
5:00 PM	0	1	1	6	3	0	0	0	0	0	0	0	0	0	11	26-35	9	
6:00 PM	1	0	2	5	0	0	0	0	0	0	0	0	0	0	8	21-30	7	
7:00 PM	0	0	1	2	1	0	0	0	0	0	0	0	0	0	4	26-35	3	
8:00 PM	0	0	3	2	1	0	0	0	0	0	0	0	0	0	6	21-30	5	
9:00 PM	0	0	2	2	0	0	1	0	0	0	0	0	0	0	5	21-30	4	
10:00 PM	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	21-30	2	
11:00 PM	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	26-35	1	
Day Total	5	9	34	52	13	4	1	0	0	0	0	0	0	0	118	21-30	86	
Percent	4.2%	7.6%	28.8%	44.1%	11.0%	3.4%	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%				
ADT 118																		
AM Peak Volume	7:00 AM	8:00 AM	9:00 AM	7:00 AM	9:00 AM	8:00 AM									9:00 AM			
	1	2	7	2	1	1									11			
PM Peak Volume	1:00 PM	12:00 PM	3:00 PM	3:00 PM	12:00 PM	1:00 PM	9:00 PM									3:00 PM		
	2	1	4	10	3	1	1									17		
<i>Comments:</i>																		

LOCATION: Crestview Dr 50' east of Westlake Loop														QC JOB #: 14794702			
SPECIFIC LOCATION: Crestview Dr 50' east of Westlake Loop														DIRECTION: EB			
CITY/STATE: Newberg, OR														DATE: Sep 12 2018 - Sep 12 2018			
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	5	9	34	52	13	4	1	0	0	0	0	0	0	0	118	21-30	86
Percent	4.2%	7.6%	28.8%	44.1%	11.0%	3.4%	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Cumulative Percent	4.2%	11.9%	40.7%	84.7%	95.8%	99.2%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%			
ADT 118															85th Percentile 30 MPH Mean Speed(Average) 25 MPH Median 26 MPH Mode: 28 MPH		
<i>Comments:</i>																	



Diego Arguea

From: Arn, Jason S. <Jason.Arn@tvfr.com>
Sent: Tuesday, October 02, 2018 8:29 AM
To: Aaron Murphy; Stoller, Katherine M.
Cc: Jesse Nemece; Jamie Howsley; Diego Arguea
Subject: RE: Crestview Crossing
Attachments: Crestview - Traffic Calming Option B.PDF

Hi Aaron,

The Fire District would approve Option B with 10' travel lanes a 2' buffer and 6' bike lanes. Talking with the City of Newberg, Crestview Drive is slated to be a major collector street and Option B meets the overall width that I believe was originally asked for by the City and Newberg Fire Department in a 2006 agreement which mirrors the transportation plan.

Note: Crestview Drive will most likely become one of our primary response routes as we currently use Vittoria Way.

Best,

Jason Arn | Deputy Fire Marshal

Tualatin Valley Fire & Rescue

Direct: 503-259-1510

www.tvfr.com

From: Aaron Murphy <aaron.murphy@3j-consulting.com>
Sent: Monday, October 1, 2018 11:02 AM
To: Stoller, Katherine M. <Katherine.Stoller@tvfr.com>; Arn, Jason S. <Jason.Arn@tvfr.com>
Cc: Jesse Nemece <jnemece@jtsmithco.com>; Jamie Howsley <jamie.howsley@jordanramis.com>; Diego Arguea <darguea@kittelton.com>
Subject: RE: Crestview Crossing

Good morning Captain Stoller,

****Please feel free to call me so I can walk you through this due to our tight schedule****

Doug Rux from the City of Newberg, passed on your details to help on a traffic calming item related to the Crestview Crossing development in Newberg. Previously, we have been in contact with Captain Arn of Tualatin Valley Fire & Rescue (TVF&R) and we appreciate his help in reviewing the proposed fire plan and receiving a letter confirming support. Following this, we have been in discussions with the City of Newberg Planning Department and have also attended two (2) Planning Commission Hearings.

One item which has been discussed at length is the proposed collector road being Crestview Drive which will connect Highway 99W to existing Crestview Drive (17393-Crestview-lane narrowing site plan). The neighbors to this development are concerned with drivers exiting the proposed roundabout of Crestview Drive and speeding into the development to the north.

The consensus at the second planning commission hearing was to introduce traffic calming through striping. Attached you will find the following options up for consideration:

- Crestview – Traffic Calming Option A = 6-feet bike lane + 10-feet travel lane (32-feet between curbs)
- Crestview – Traffic Calming Option B = 6-feet bike lane + 2-feet striped buffer + 10-feet travel lane (36-feet between curbs)

We ask that TVF&R provide feedback on whether an option appears to be more suitable than the other or if both options would be suitable.

We've currently being set a very tight schedule to respond to the City and am hoping that TVF&R are able to respond before Noon, today.

Thank you very much for your help on this matter.

Best Regards,

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

From: Arn, Jason S. <Jason.Arn@tvfr.com>
Sent: Tuesday, June 5, 2018 5:03 PM
To: Aaron Murphy <aaron.murphy@3j-consulting.com>; Andrew Tull <andrew.tull@3j-consulting.com>
Cc: Jesse Nemece <jnemece@jtsmithco.com>
Subject: RE: Crestview Crossing

Aaron & Andrew,

It was great meeting with you. I have attached Tualatin Valley Fire & Rescues comments for the Crestview Crossing development.

Please let me know if you have any questions or need further.

Best,

Jason Arn | Deputy Fire Marshal
Tualatin Valley Fire & Rescue
Direct: 503-259-1510
www.tvfr.com

From: Aaron Murphy <aaron.murphy@3j-consulting.com>
Sent: Tuesday, May 22, 2018 4:17 PM
To: Andrew Tull <andrew.tull@3j-consulting.com>; Arn, Jason S. <Jason.Arn@tvfr.com>
Cc: Jesse Nemece <jnemece@jtsmithco.com>
Subject: RE: Crestview Crossing

Good afternoon Captain Arn,

Attached you will find the Crestview Crossing – Fire Access Plan showing locations for hydrants and hose pull lengths. Please review and provided feedback at your convenience.

All the best,

Aaron J. Murphy, P.E.
Senior Project Manager

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O: (503) 946-9365 x218 C: (720) 220-3915
aaron.murphy@3j-consulting.com
Civil Engineering – Water Resources – Land Use Planning
www.3j-consulting.com | [Follow us on LinkedIn](#) | [Like us on Facebook](#)

From: Andrew Tull
Sent: Friday, May 18, 2018 7:53 AM
To: jason.arn@tvfr.com
Cc: Jesse Nemec <jnemec@jtsmithco.com>; Aaron Murphy <aaron.murphy@3j-consulting.com>
Subject: Crestview Crossing

Hello Jason,

Thanks for your time yesterday. We'll send you a copy of the updated Crestview plan once we've added hydrants.

Best Regards,

Andrew Tull
Principal Planner
3J Consulting, Inc.
5075 Griffith Drive, Suite 150
Beaverton, OR 97005
PH: (503) 545-1907
andrew.tull@3j-consulting.com
Land Use Planning – Civil Engineering – Water Resources
www.3j-consulting.com | [Follow us on LinkedIn](#) | [Like us on Facebook](#)

Keith Leonard

From: Jamie Howsley <jamie.howsley@jordanramis.com>
Sent: Friday, September 28, 2018 10:22 AM
To: Keith Leonard; Doug Rux; Kleinmanjl
Cc: Joseph Schaefer; Jesse Nemec; Aaron Murphy; Andrew Tull; Diego Arguea; Matt Hughart; Kristen Svicarovich; Brett Musick
Subject: Kittelson Memo
Attachments: 21709traffic calming_final.pdf

Keith, Doug and Jeff:

Here is the Memorandum from Kittelson that you requested. Kittelson made one change per Jeff's request which is reflected in the document. Jeff can confirm this is where we landed.

Please let me know if there is anything else you need. I will be around at my desk all day today. 360-567-3913. And again thank you for your patience while the parties work getting alignment.

Best,

Jamie

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Date: September 27, 2018 Project #: 21709

To: Jamie Howsley, Jordan Ramis PC

From: Diego Arguea, P.E. and Matt Hughart, AICP

Project: Crestview Crossing Residential Development

Subject: Planning Commission Hearing Response – Traffic Calming

In accordance with the request from the representatives of the Oxberg Lake Estates neighborhood association, this memorandum confirms the agreed-upon traffic calming treatment for the new section of Crestview Drive, to be constructed between Highway 99W and the Oxberg Lake Estates neighborhood.

PROPOSED TRAFFIC CALMING

National transportation resources, federal research, and industry-standard guidebooks¹ indicate that the presence of the following roadway features can reduce vehicular travel speeds in certain applications::

- Presence of bicycle lanes;
- Sidewalk and landscape strip;
- Street trees;
- Buildings and lot lines against the edge of the right-of-way; and,
- Crosswalk striping.

The above elements are all design features of Newberg's Collector roadway standard and have been included in the design of Crestview Drive through the proposed Crestview Crossing development.

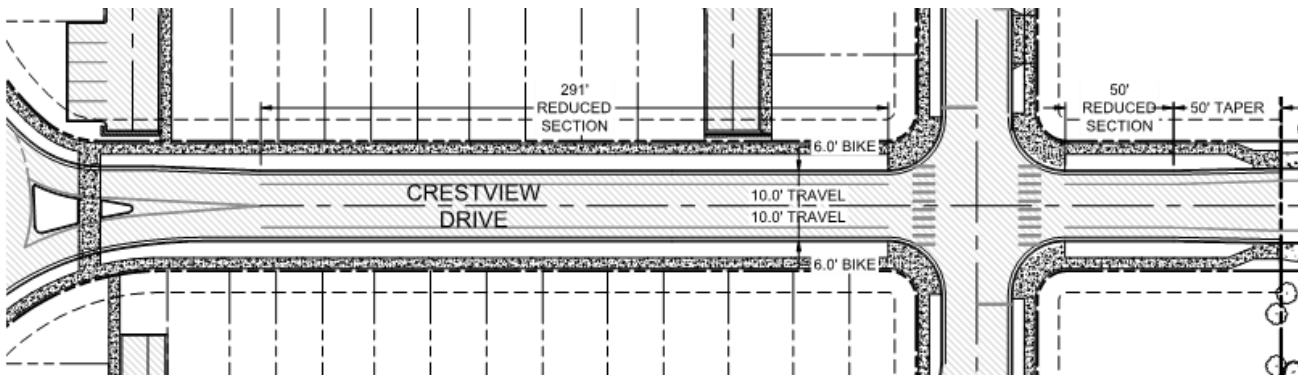
Testimony provided by representatives of Oxberg Lake Estates at the September 13, 2018 Planning Commission Hearing included the desire to provide additional traffic calming between the proposed Crestview Drive roundabout and the north property boundary of the Crestview Crossing development. Various traffic calming treatments were identified as acceptable such as curb extensions, narrower travel lanes, and median islands.

¹ Federal Highway Administration (FHWA), American Association of State Highway Officials (AASHTO), National Association of City Transportation Officials (NACTO), United States Department of Transportation (USDOT)

To accommodate this request, the Crestview Crossing development team proposed to narrow the northbound and southbound Crestview Crossing travel lanes from 12 feet to 10 feet². In subsequent testimony, the Oxberg Lakes Estates representatives agreed that narrowing the travel lane width from 12 feet to 10 feet meets the traffic calming intent of the 6-Party Agreement. City of Newberg staff corroborated the traffic calming design approach and its applicability to meeting the intent of the 6-Party Agreement.

A graphical illustration of the proposed Crestview Drive roadway segment with the narrower 10-foot travel lanes is provided in Exhibit 1 below.

Exhibit 1. Proposed Lane Width Reduction Segment



The proposed design shown in Exhibit 1 is consistent with the agreed-upon approach by City of Newberg, Mr. Christopher Clemow, and Mr. Jeffrey Kleinman.

Further, the approach has been validated and is recommended by agencies and experts in the transportation industry:

“Lane widths of 10 feet are appropriate in urban areas and have a positive impact on a street’s safety without impacting traffic operations.” -NACTO

“Especially in residential areas, wide streets may not be necessary or desirable. Wide traffic lanes encourage faster motor vehicle speeds. Consideration should be given to the review of cross-sections for all street classifications to determine whether roadway lane widths can be reduced

² Curb extensions and median islands were also reviewed and by the Crestview Crossing development team. Curb extensions were not considered an appropriate design treatment as on-street parking is not being proposed along the planned extension of Crestview Crossing. Median treatments were not considered further as it was determined that the existing proposed width of Crestview Crossing and other design treatments would adequately address the desire for additional traffic calming.

(within AASHTO guidelines) so more area can be dedicated to bicycle and pedestrian use and associated traffic calming facilities.” -FHWA

“...a reduction in the width or number of vehicular travel lanes and reallocate that space for other uses such as bicycle lanes, pedestrian crossing islands...” -USDOT

The proposed design of Crestview Drive and the reduction in typical lane width thus provides the traffic calming design elements that meet the desires of the neighbors of the Oxberg Lake Estates to “be designed to encourage a 25 mile-per-hour speed limit” per the language in the 6-Party Agreement (Reference 1, Page 2).

SUPPLEMENTAL EMPIRICAL SPEED DATA

The existing mini-roundabout at Robin Court, shown in Exhibit 2 below, is anticipated to have a traffic calming effect on future northbound traffic on the new segment of Crestview Drive prior to entering the Oxberg Lake Estates neighborhood.

The northbound lane approaching this mini-roundabout is approximately 12 feet wide with bicycle lanes and sidewalks. The distance from the property line to the south and the entrance to this mini-roundabout is approximately 240 feet, also shown in Exhibit 2.



Exhibit 2. Crestview Drive and Crestview Crossing Property Boundary

As shown above, this segment of Crestview Crossing has been constructed and is located outside of the Applicant's property.

To quantify the potential traffic calming effect of this existing mini-roundabout, a speed study was conducted at a nearby location with an identical traffic calming treatment and similar roadway characteristics. This location, also along Crestview Drive, includes 12-foot wide lanes with bicycle lanes and sidewalks.

Travel speeds were observed for every motor vehicle for a period of 24 hours during a typical mid-week day in September 2018 at the following two locations on Crestview Drive:

1. Location A: Approximately 50 feet east of the Westlake Loop (13-foot lane width); and,
2. Location B: Approximately 50 feet west of the entrance to the mini-roundabout at Birdhaven Loop (12-foot lane width).

These locations are shown below in Exhibit 3.

Exhibit 3. Speed Observation Locations and 85th Percentile Speed



Also highlighted in Exhibit 3 are the observed 85th percentile speeds over the course of the surveyed 24-hour period. The 85th percentile speed represents the speed at or below which 85 percent of all vehicles are observed to travel under free-flowing conditions past a monitored point and is measurement typically used when documenting travel speeds. As shown, the 85th percentile speed reduces from 30 miles per hour to 22 miles per hour upon approaching the mini-roundabout.

The complete data is summarized below in Table 1 and the raw data is included as an attachment to this memorandum.

Table 1 Speed Observation Summary

Location	Direction of Travel	Average Speed (MPH)	85 th Percentile Speed (MPH)
Location A: 50 feet east of the Westlake Loop	Eastbound	25 MPH	30 MPH
	Westbound	26 MPH	33 MPH
Location B: Approximately 50 feet west of the entrance to the mini-roundabout at Birdhaven Loop	Eastbound	17 MPH	22 MPH
	Westbound	18 MPH	22 MPH

SUMMARY

The existing mini-roundabout constructed at the Crestview Drive/Robin Court intersection (shown in Exhibit 2) is expected to have similar traffic calming on future northbound traffic as those measured at a nearly identical location nearby (summarized in Exhibit 3 and Table 1). The 240-foot segment shown in Exhibit 2 is located between the existing traffic calming mini-roundabout at Robin Court and the proposed 10-foot wide narrow section of the new Crestview Drive designed as a Collector Roadway.

We trust this memorandum adequately documents that the existing and proposed geometric features along Crestview Drive supports the traffic calming desired by the Oxberg Lake Estates residents and the representative land use attorney and traffic engineer.

REFERENCES

1. City of Newberg, Yamhill County, Oxberg Lake Homeowners Association, Ken and Joan Austin, JT Smith Companies, MeadowWood Development LLC. *6-Party Agreement*. Yamhill County Board of Commissioners, Board Order 06-265. April 19, 2006.

ATTACHMENT

24-hour Speed Study Data



LOCATION: Crestview Dr 50' west of Birdhaven Loop SPECIFIC LOCATION: Crestview Dr 50' west of Birdhaven Loop CITY/STATE: Newberg, OR															QC JOB #: 14794701 DIRECTION: WB DATE: Sep 12 2018					
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace			
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
4:00 AM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	16-25	1			
5:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	11-20	1			
6:00 AM	0	4	1	0	0	0	0	0	0	0	0	0	0	0	5	17-26	4			
7:00 AM	1	6	2	0	0	0	0	0	0	0	0	0	0	0	9	16-25	8			
8:00 AM	1	5	5	1	0	0	0	0	0	0	0	0	0	0	12	16-25	10			
9:00 AM	1	7	1	0	0	0	0	0	0	0	0	0	0	0	9	16-25	7			
10:00 AM	0	5	5	0	0	0	0	0	0	0	0	0	0	0	10	16-25	10			
11:00 AM	2	3	2	0	0	0	0	0	0	0	0	0	0	0	7	16-25	5			
12:00 PM	3	4	2	0	0	0	0	0	0	0	0	0	0	0	9	16-25	6			
1:00 PM	1	2	2	0	0	0	0	0	0	0	0	0	0	0	5	16-25	4			
2:00 PM	2	6	2	0	0	0	0	0	0	0	0	0	0	0	10	16-25	8			
3:00 PM	0	1	3	1	0	0	0	0	0	0	0	0	0	0	5	16-25	4			
4:00 PM	0	6	1	0	0	0	0	0	0	0	0	0	0	0	7	16-25	6			
5:00 PM	0	4	3	0	0	0	0	0	0	0	0	0	0	0	7	17-26	6			
6:00 PM	1	7	2	1	0	0	0	0	0	0	0	0	0	0	11	16-25	8			
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
8:00 PM	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3	16-25	3			
9:00 PM	0	1	2	0	0	0	0	0	0	0	0	0	0	0	3	16-25	3			
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
11:00 PM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	11-20	1			
Day Total	12	65	35	3	0	0	0	0	0	0	0	0	0	0	115	16-25	100			
Percent	10.4%	56.5%	30.4%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%						
ADT 115																				
AM Peak Volume	11:00 AM	9:00 AM	8:00 AM	8:00 AM														8:00 AM		
	2	7	5	1														12		
PM Peak Volume	12:00 PM	6:00 PM	3:00 PM	3:00 PM														6:00 PM		
	3	7	3	1														11		
<i>Comments:</i>																				

LOCATION: Crestview Dr 50' west of Birdhaven Loop														QC JOB #: 14794701			
SPECIFIC LOCATION: Crestview Dr 50' west of Birdhaven Loop														DIRECTION: WB			
CITY/STATE: Newberg, OR														DATE: Sep 12 2018			
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	12	65	35	3	0	0	0	0	0	0	0	0	0	0	115	16-25	100
Percent	10.4%	56.5%	30.4%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Cumulative Percent	10.4%	67.0%	97.4%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%			
ADT 115															85th Percentile 22 MPH Mean Speed(Average): 18 MPH Median 18 MPH Mode: 18 MPH		
<i>Comments:</i>																	



LOCATION: Crestview Dr 50' west of Birdhaven Loop SPECIFIC LOCATION: Crestview Dr 50' west of Birdhaven Loop CITY/STATE: Newberg, OR															QC JOB #: 14794701 DIRECTION: EB DATE: Sep 12 2018					
Start Time	15	20	25	30	35	40	45	50	55	60	65	70	75	999	Total	Pace Speed	Number in Pace			
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
4:00 AM	0	1	0	0	0	0	0	0	0	0	0	0	0	0	1	11-20	1			
5:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0			
7:00 AM	0	2	1	0	0	0	0	0	0	0	0	0	0	0	3	16-25	3			
8:00 AM	3	3	1	0	0	0	0	0	0	0	0	0	0	0	7	11-20	4			
9:00 AM	2	7	2	1	0	0	0	0	0	0	0	0	0	0	12	16-25	8			
10:00 AM	2	3	0	0	0	0	0	0	0	0	0	0	0	0	5	15-24	3			
11:00 AM	1	2	0	0	0	0	0	0	0	0	0	0	0	0	3	15-24	2			
12:00 PM	1	3	4	0	0	0	0	0	0	0	0	0	0	0	8	16-25	7			
1:00 PM	4	5	2	0	0	0	0	0	0	0	0	0	0	0	11	16-25	7			
2:00 PM	3	3	1	0	0	0	0	0	0	0	0	0	0	0	7	11-20	4			
3:00 PM	0	12	4	1	0	0	0	0	0	0	0	0	0	0	17	16-25	16			
4:00 PM	0	2	3	0	0	0	0	0	0	0	0	0	0	0	5	18-27	4			
5:00 PM	0	5	5	0	0	0	0	0	0	0	0	0	0	0	10	16-25	10			
6:00 PM	1	5	2	0	0	0	0	0	0	0	0	0	0	0	8	16-25	7			
7:00 PM	1	2	1	0	0	0	0	0	0	0	0	0	0	0	4	16-25	3			
8:00 PM	0	5	1	0	0	0	0	0	0	0	0	0	0	0	6	16-25	5			
9:00 PM	0	4	0	1	0	0	0	0	0	0	0	0	0	0	5	11-20	4			
10:00 PM	0	2	0	0	0	0	0	0	0	0	0	0	0	0	2	11-20	2			
11:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	16-25	1			
Day Total	18	66	28	3	0	0	0	0	0	0	0	0	0	0	115	16-25	93			
Percent	15.7%	57.4%	24.3%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%						
ADT 115																				
AM Peak Volume	8:00 AM	9:00 AM	9:00 AM	9:00 AM														9:00 AM		
	3	7	2	1														12		
PM Peak Volume	1:00 PM	3:00 PM	5:00 PM	3:00 PM														3:00 PM		
	4	12	5	1														17		
<i>Comments:</i>																				

LOCATION: Crestview Dr 50' west of Birdhaven Loop														QC JOB #: 14794701			
SPECIFIC LOCATION: Crestview Dr 50' west of Birdhaven Loop														DIRECTION: EB			
CITY/STATE: Newberg, OR														DATE: Sep 12 2018			
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	18	66	28	3	0	0	0	0	0	0	0	0	0	0	115	16-25	93
Percent	15.7%	57.4%	24.3%	2.6%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Cumulative Percent	15.7%	73.0%	97.4%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%			
ADT 115															85th Percentile 22 MPH Mean Speed(Average): 17 MPH Median 17 MPH Mode: 18 MPH		
<i>Comments:</i>																	



LOCATION: Crestview Dr 50' east of Westlake Loop SPECIFIC LOCATION: Crestview Dr 50' east of Westlake Loop CITY/STATE: Newberg, OR															QC JOB #: 14794702 DIRECTION: WB DATE: Sep 12 2018			
Start Time	15	20	25	30	35	40	45	50	55	60	65	70	75	999	Total	Pace Speed	Number in Pace	
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
4:00 AM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	21-30	1	
5:00 AM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	21-30	1	
6:00 AM	0	0	1	2	3	0	0	0	0	0	0	0	0	0	6	28-37	4	
7:00 AM	1	1	1	6	0	0	0	0	0	0	0	0	0	0	9	21-30	7	
8:00 AM	3	0	3	3	2	2	0	0	0	0	0	0	0	0	13	26-35	5	
9:00 AM	0	1	7	0	0	1	0	0	0	0	0	0	0	0	9	16-25	8	
10:00 AM	0	0	2	5	3	0	0	0	0	0	0	0	0	0	10	26-35	7	
11:00 AM	0	0	3	3	0	1	0	0	0	0	0	0	0	0	7	22-31	5	
12:00 PM	0	3	5	1	1	0	0	0	0	0	0	0	0	0	10	16-25	8	
1:00 PM	0	0	1	1	2	0	0	0	0	0	0	0	0	0	4	26-35	3	
2:00 PM	1	1	3	3	2	2	0	0	0	0	0	0	0	0	12	26-35	5	
3:00 PM	0	0	1	1	1	1	1	0	0	0	0	0	0	0	5	36-45	2	
4:00 PM	0	0	2	2	2	1	0	0	0	0	0	0	0	0	7	26-35	4	
5:00 PM	0	0	2	4	1	0	0	0	0	0	0	0	0	0	7	21-30	6	
6:00 PM	0	1	3	3	3	0	1	0	0	0	0	0	0	0	11	27-36	5	
7:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
8:00 PM	0	0	2	1	0	0	0	0	0	0	0	0	0	0	3	21-30	3	
9:00 PM	0	1	0	1	1	0	0	0	0	0	0	0	0	0	3	26-35	2	
10:00 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
11:00 PM	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	16-25	1	
Day Total	5	8	37	38	21	8	2	0	0	0	0	0	0	0	119	21-30	74	
Percent	4.2%	6.7%	31.1%	31.9%	17.6%	6.7%	1.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%				
ADT 119																		
AM Peak Volume	8:00 AM	7:00 AM	9:00 AM	7:00 AM	6:00 AM	8:00 AM									8:00 AM			
	3	1	7	6	3	2									13			
PM Peak Volume	2:00 PM	12:00 PM	12:00 PM	5:00 PM	6:00 PM	2:00 PM	3:00 PM									2:00 PM		
	1	3	5	4	3	2	1									12		
<i>Comments:</i>																		

LOCATION: Crestview Dr 50' east of Westlake Loop														QC JOB #: 14794702			
SPECIFIC LOCATION: Crestview Dr 50' east of Westlake Loop														DIRECTION: WB			
CITY/STATE: Newberg, OR														DATE: Sep 12 2018 - Sep 12 2018			
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	5	8	37	38	21	8	2	0	0	0	0	0	0	0	119	21-30	74
Percent	4.2%	6.7%	31.1%	31.9%	17.6%	6.7%	1.7%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Cumulative Percent	4.2%	10.9%	42.0%	73.9%	91.6%	98.3%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%			
ADT 119															85th Percentile 33 MPH Mean Speed(Average): 26 MPH Median 26 MPH Mode: 28 MPH		
<i>Comments:</i>																	



LOCATION: Crestview Dr 50' east of Westlake Loop SPECIFIC LOCATION: Crestview Dr 50' east of Westlake Loop CITY/STATE: Newberg, OR															QC JOB #: 14794702 DIRECTION: EB DATE: Sep 12 2018			
Start Time	15	16	21	26	31	36	41	46	51	56	61	66	71	76	Total	Pace Speed	Number in Pace	
	15	20	25	30	35	40	45	50	55	60	65	70	75	999				
12:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
1:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
2:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
3:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
4:00 AM	0	0	0	1	0	0	0	0	0	0	0	0	0	0	1	21-30	1	
5:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
6:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1-10	0	
7:00 AM	1	1	1	2	0	0	0	0	0	0	0	0	0	0	5	21-30	3	
8:00 AM	0	2	2	2	0	1	0	0	0	0	0	0	0	0	7	21-30	4	
9:00 AM	0	1	7	2	1	0	0	0	0	0	0	0	0	0	11	21-30	8	
10:00 AM	0	2	1	2	0	0	0	0	0	0	0	0	0	0	5	21-30	3	
11:00 AM	0	0	3	0	0	0	0	0	0	0	0	0	0	0	3	16-25	3	
12:00 PM	0	1	1	3	3	0	0	0	0	0	0	0	0	0	8	27-36	5	
1:00 PM	2	0	3	4	0	1	0	0	0	0	0	0	0	0	10	21-30	7	
2:00 PM	1	1	2	4	0	1	0	0	0	0	0	0	0	0	9	21-30	6	
3:00 PM	0	0	4	10	2	1	0	0	0	0	0	0	0	0	17	21-30	14	
4:00 PM	0	0	1	3	1	0	0	0	0	0	0	0	0	0	5	21-30	4	
5:00 PM	0	1	1	6	3	0	0	0	0	0	0	0	0	0	11	26-35	9	
6:00 PM	1	0	2	5	0	0	0	0	0	0	0	0	0	0	8	21-30	7	
7:00 PM	0	0	1	2	1	0	0	0	0	0	0	0	0	0	4	26-35	3	
8:00 PM	0	0	3	2	1	0	0	0	0	0	0	0	0	0	6	21-30	5	
9:00 PM	0	0	2	2	0	0	1	0	0	0	0	0	0	0	5	21-30	4	
10:00 PM	0	0	0	2	0	0	0	0	0	0	0	0	0	0	2	21-30	2	
11:00 PM	0	0	0	0	1	0	0	0	0	0	0	0	0	0	1	26-35	1	
Day Total	5	9	34	52	13	4	1	0	0	0	0	0	0	0	118	21-30	86	
Percent	4.2%	7.6%	28.8%	44.1%	11.0%	3.4%	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%				
ADT 118																		
AM Peak Volume	7:00 AM	8:00 AM	9:00 AM	7:00 AM	9:00 AM	8:00 AM									9:00 AM			
	1	2	7	2	1	1									11			
PM Peak Volume	1:00 PM	12:00 PM	3:00 PM	3:00 PM	12:00 PM	1:00 PM	9:00 PM									3:00 PM		
	2	1	4	10	3	1	1									17		
<i>Comments:</i>																		

LOCATION: Crestview Dr 50' east of Westlake Loop														QC JOB #: 14794702			
SPECIFIC LOCATION: Crestview Dr 50' east of Westlake Loop														DIRECTION: EB			
CITY/STATE: Newberg, OR														DATE: Sep 12 2018 - Sep 12 2018			
Start Time	1 15	16 20	21 25	26 30	31 35	36 40	41 45	46 50	51 55	56 60	61 65	66 70	71 75	76 999	Total	Pace Speed	Number in Pace
Grand Total	5	9	34	52	13	4	1	0	0	0	0	0	0	0	118	21-30	86
Percent	4.2%	7.6%	28.8%	44.1%	11.0%	3.4%	0.8%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%			
Cumulative Percent	4.2%	11.9%	40.7%	84.7%	95.8%	99.2%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%			
ADT 118															85th Percentile 30 MPH Mean Speed(Average) 25 MPH Median 26 MPH Mode: 28 MPH		
<i>Comments:</i>																	

