



Community Development Department  
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132  
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## MEMORANDUM

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TO: Newberg Planning Commission  
FROM: Keith Leonard, Associate Planner  
SUBJECT: Supplemental packet for March 14, 2019 Planning Commission meeting  
DATE: March 11, 2019

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

1. Public Comment from Russell and Lisa Thomas

Please review this testimony and add this to your meeting packet for March 14, 2019.

RECEIVED

MAR 07 2019

Initial: \_\_\_\_\_

*RUSSELL & LISA THOMAS  
1808 Leo Lane  
Newberg, Oregon 97132  
503-538-9255*

March 6, 2019

Written Comments: MISC319-0001  
City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132

Re: PUD18-001/CUP 18-004, Crestview Crossing, File No. MISC319-0001, Order 2019-04

Dear Commission Members,

Please accept the following comments on the proposed new development in my neighborhood, Crestview Crossing located at 4504 E. Portland Rd., Newberg, OR 97132. Though we are not opposed to this property being developed, Gramor Development has failed to adequately address wetland concerns raised by adjacent homeowners with the US Army Corp of Engineers and Department of State Lands; has failed to meet the criteria outlined in the City of Newberg Housing Needs Analysis; and modified the development plan at the detriment of the existing homeowners on Leo Lane.

Gramor Development is a commercial real estate development company focused on the Portland, OR and Vancouver, WA markets. According to their webpage they have built large scale commercial projects such as Fisher's Landing Marketplace, Happy Valley Town Center, and Sunnyside Village Square to name a few. They additionally list some apartment complexes, but no detached residential housing.

Currently the City of Newberg Housing Needs Analysis is working to address:

- Project the number of housing units needed within the next 20 years;
- Review various factors that may affect housing mix, such as economic and demographic trends across the state and the nation;
- Determine the housing types that will be affordable to projected household types based on household income; and
- Estimate the number and type of additional housing units needed in each plan district.

Work on the plan began in December and will wrap up in June 2019.

According to their draft map: Newberg Buildable Lands Inventory Comprehensive land designations dated December 5, 2018, Parcel No. 3216AC 13800 & 1100 is listed as "LDR". Low Density Residential zone locations are intended for housing that include a lot of open space. These zones are meant for a

small number of residential homes, and exclude large industries, apartment complexes, and other large structures.

The Crestview Crossing property has four wetland areas totaling 6.179 acres on site. Oregon Department of State Lands, Aquatic Resource Management received an application from Gramor Development that proposes to remove, fill, or impact wetlands and/or waterways. You can view multiple comments from homeowners requesting the application be denied due to failing to properly address wetlands. (Link available under sources.)

The State of Oregon has extensive criteria to address wetlands. Planning for wetlands and other natural resources is required by Statewide Planning Goal 5.

Statewide Planning Goal 5 requires that the community make decisions about protection of the inventoried wetlands. These decisions lead to a "program" to carry out the intent of Goal 5. The Goal 5 administrative rule (Chapter 660, Division 23, see Appendix B) provides choices for how a program is developed. The goal for LWIs (Local Wetland Inventory) is to identify every wetland over 0.5 acre in size.

A wetland must be considered significant if it meets one or more of the following criteria:

- It has the highest OFWAM rank for any of the four ecological functions (wildlife habitat, fish habitat, water quality, or hydro-logic control).
- It is (1) rated in the highest OFWAM category for water quality, or (2) rated in the second-highest category for water quality AND is within 0.25 mile of a water-quality-limited stream, as listed by DEQ.
- It contains one or more rare wetland plant communities, as defined in the rule.
- It is inhabited by any species listed by the federal or state government as threatened or endangered in Oregon (unless consultation with an appropriate agency deems the site not important for the maintenance of the species).
- It has a direct surface-water connection to a stream segment mapped by the ODFW as habitat for indigenous anadromous salmonids, and "intact" or "impacted or degraded" fish habitat function using OFWAM.

The Yamhill County Comprehensive Land Use Plan has established goals for the changing needs and Intergovernmental coordination of all planning activities affecting land uses within the county necessary to assure an integrated comprehensive plan for the entire area of Yamhill County. Some of these policies include:

- To conserve and to protect natural resources, including air, water, soil and vegetation and wildlife, from pollution or deterioration which would dangerously alter the ecological balance, be detrimental to human health, or compromise the beauty and tranquility of the natural environment. (189)
- To preserve and enhance the charm and amenity values of the county, while accommodating change, through ensuring harmony between urban development and the natural environment, at the same time cultivating more attractive urban environments in which to live, work and play. (193)

I have also attached the written comments that I submitted to the US Army Corp of Engineers. Along with major concerns about wetlands not adequately being addressed, myself and other homeowners have expressed how Gramor Development has created a relationship of distrust. They have drastically modified their proposed development to the point it's not even recognizable. All the verbal assurances at meetings and original proposals that they would minimize impact to existing homeowners with buffers of greenspace and walls are now non-existent for the residents of Leo Lane.

As a resident of Newberg for 25 years we have witnessed the town grow substantially. Properly planned growth is a good thing. Holding developers, elected officials and city government to account is necessary for a healthy, expanding community. During my time here I served on the City Council after being caught up in and underhanded deal between a developer and the City of Newberg. That developer is out of business, the planner was asked to move on and the City Manager went elsewhere. On the council I helped with the Springbrook Fire Station and my name is engraved on the flag pole plaque. From there I actually stood in front of a bulldozer to stop the destruction of Spring Meadow Park trees by a contractor hired by the former owners of this exact land under discussion today. They had circumvented the US Army Corp of Engineers report and ended up donating that flag of land to the Chehalem Parks and Recreation District as retribution for their damage. The project came to a stop. I have also enjoyed previously working for Newberg Area Habitat for Humanity and continued my education in what it takes to build in Newberg and learned the importance of affordable housing.

As Planning Commission members, I understand the dedication it takes to do the right thing and the weight of responsibility that bears. I appreciate your thoughtful consideration to facilitate an acceptable resolution to ensure the best possible outcome for responsible development of this property. We don't have attorneys to represent us, we just have our voices and you. Thank you for your help.

Sincerely,



Lisa Thomas

[T.LisaMarie@comast.net](mailto:T.LisaMarie@comast.net)

Attachments:

- Sources
- US Army Corp of Engineers, letter dated 11/15/2018
- AKS Figure 3A Keymap, Wetland Exhibit dated 06/10/2016

## **SOURCES:**

### **Gramor Development**

<https://gramor.com/>

### **City of Newberg**

*Housing Needs Analysis*

<https://www.newbergoregon.gov/planning/page/housing-needs-analysis#FAQ>

[https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/20071/newberg\\_hna\\_pac\\_1\\_ppt\\_-\\_final.pdf](https://www.newbergoregon.gov/sites/default/files/fileattachments/planning/page/20071/newberg_hna_pac_1_ppt_-_final.pdf)

### **State of Oregon**

Oregon Department of State Lands

Applicant Name: Gramor Investments

Application No.: APP0058464

<https://lands.dsl.state.or.us/index.cfm?fuseaction=Comments.CommentList&id=5846>

### **State of Oregon**

Oregon Department of State Lands

Oregon Department of Land Conservation and Development

*Oregon Wetland Planning Guidebook*

[https://www.oregon.gov/dsl/WW/Documents/wet\\_plan\\_guide.pdf](https://www.oregon.gov/dsl/WW/Documents/wet_plan_guide.pdf)

### **Yamhill County**

*Yamhill County Comprehensive Land Use Plan*

[https://www.co.yamhill.or.us/sites/default/files/comp\\_plan\\_05.pdf](https://www.co.yamhill.or.us/sites/default/files/comp_plan_05.pdf)

### **US Army Corp Of Engineers**

Regulatory Branch

Portland District

Ms. Kinsey M. Friesen

[Kinsey.m.friesen@usace.army.mil](mailto:Kinsey.m.friesen@usace.army.mil)

Applicant Name: Gramor Investments

Application No.: NWP-2008-192-2



RUSSELL & LISA THOMAS  
1808 LEO LANE  
NEWBERG, OR 97132  
503-538-9255

November 14, 2018

U.S. Army Corps of Engineers  
Regulatory Branch  
Ms. Kinsey M. Friesen  
P.O. Box 2946  
Portland, OR 97208

Re: US Army Corps of Engineers No. NWP-2008-192-2, Permit Application-Gramor Investments, Letter in opposition to proposal

Dear Kinsey M. Friesen,

Upon review of the above referenced Gramor Investments application for permit issued October 19, 2018 we would like to provide the following comments.

Our property is located adjacent to the proposed development. Though we are not opposed to the land being developed, we do have a high level of concern on how the plans have evolved over time and the current inadequate proposal to address wetlands, native species and existing property owners. For these reasons we oppose the current proposal.

The previous proposal offered retail shopping, commercial and residential housing (US Army Corps of Engineers No. NWP-2008-192-1) which provided an adequate offset of wetlands with a buffer for existing property owners adjacent to the proposed development to what it is currently being proposed as commercial retail shopping, a hotel, north-south road connection and residential housing. It begs the question, "Is this a classic case of bait and switch"?

The initial proposal dated 6/10/16 (Figure 3A - Keymap - Wetland Exhibit) delineated "wetland creation" on the other side of the existing property line for Leo Lane. This made sense considering the high level of seasonal rain accumulation that already exists. At times we have experienced as much as 6 inches of standing water on our property spanning across and into the area currently under consideration for development.


The soil in this area has a predominate existence of dark grey silty clay, which has an inefficient draining quality. Drainage ranges from somewhat excessive to very poor. As I'm sure you are aware, the Newberg area soils are subject to frequent overflow.

With the existing waterway consisting of a tributary to Springbrook Creek totaling 1,447 linear feet, approximately .152 acre in size and four wetland areas totaling 6.719 acres on site the applicant's plan for compensatory wetland is drastically insufficient and gives the appearance of buying their way out of a respectable mitigation plan via bank credits, instead of offering a plan that would preserve existing on site wetlands or adequate relocation of comparable wetlands within the development itself.

The project area is approximately 33 acres in size. Wetlands cover a noteworthy portion of this acreage. The wetlands are not unremarkable from other wetlands in this region, naturally attracting native habitat and species. The Corps of Engineers has already indicated the development may affect an endangered or threatened species or designated critical habitat. As a resident of this area, we are blessed with owls, egrets, a variety of small native birds, butterflies, frogs, squirrels, raccoons, skunks and much of the other species you would expect to find in a wetland habitat.

We urge you to consider the weight of this development on the impact of the wetlands, native species and existing property owners. We oppose the issuance of the permit as the proposal stands and would ask that the developers go back to the drawing board and come up with a respectable and prudent plan that we all can live with.

Sincerely,



Russ & Lisa Thomas  
1808 Leo Lane  
Newberg, OR 97132  
[T.LisaMarie@comcast.net](mailto:T.LisaMarie@comcast.net)  
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attachment: US Army Corps of Engineers No. NWP-2008-192-1; Figure 3A, Keymap, Wetland Exhibit, 6/10/2016

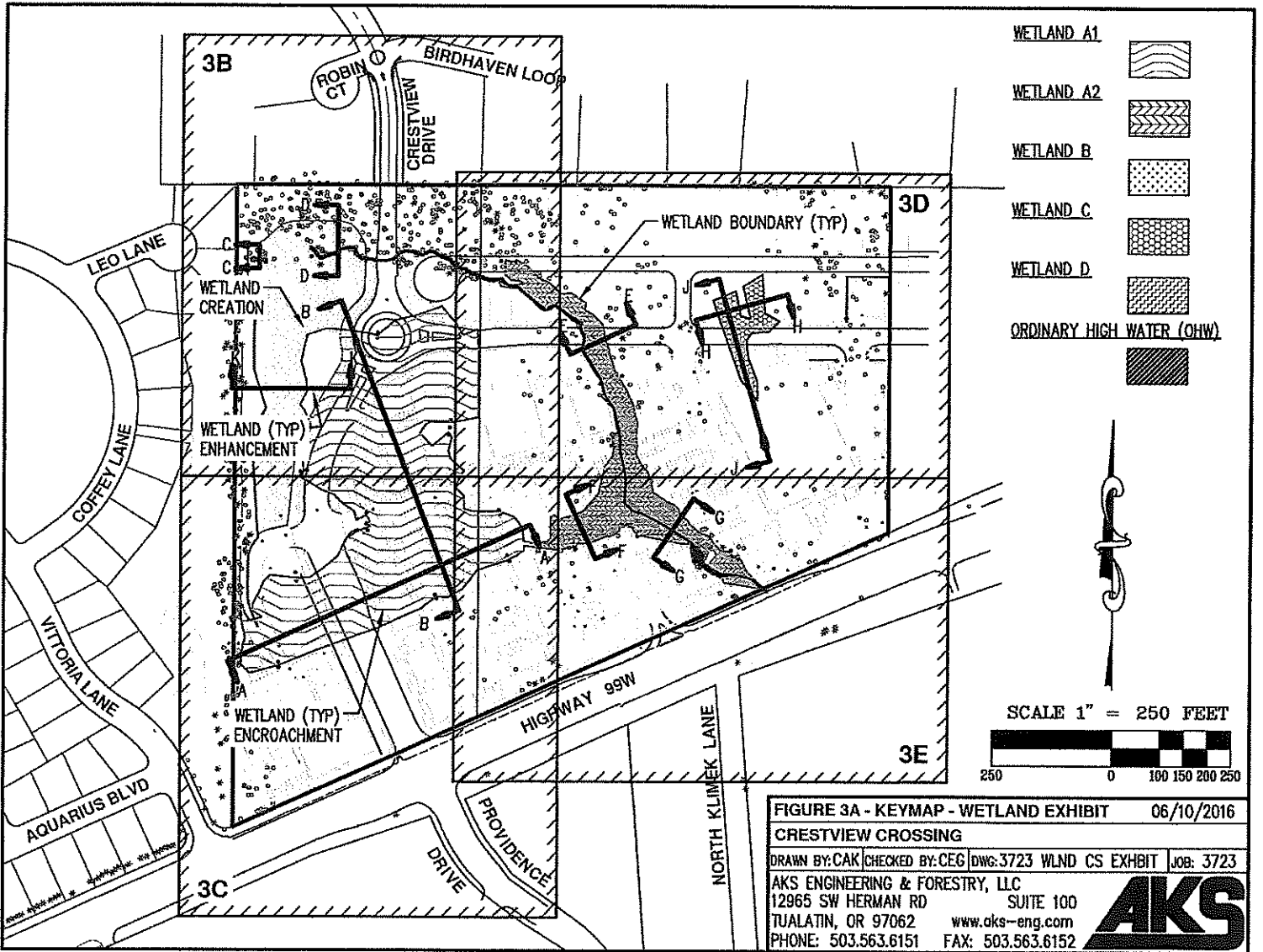


FIGURE 3A - KEYMAP - WETLAND EXHIBIT 06/10/2016  
 CRESTVIEW CROSSING  
 DRAWN BY: CAK | CHECKED BY: CEG | DWG: 3723 WLND CS EXHBIT | JOB: 3723  
 AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD SUITE 100  
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