

**Attachment 11: Public Comments received between May 12 and May 30, 2023**

Newberg Planning Commission – June 8, 2023  
File No. MAMD323-0001

## Clay Downing

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**From:** PLANNING  
**Sent:** Monday, May 15, 2023 7:24 AM  
**To:** Clay Downing  
**Subject:** FW: Crestview Crossing change of phase 2

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**From:** Debra Ng-Wong <debrangwong@gmail.com>  
**Sent:** Sunday, May 14, 2023 3:28 PM  
**To:** PLANNING <planning@newbergoregon.gov>  
**Subject:** Crestview Crossing change of phase 2

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

To the City Council and Planning committee,

It has come to my attention that Phase 2 of Crestview Crossing has greatly increased the number of dwelling units by 86 units and is no longer willing to build 12 affordable housing units. Not only are the parking spaces inconsistent with a community that does not have good public transportation, but even if it did have better mass transit, the number of spaces is not sufficient for the number of working adults typically living in apartments. That proposed number is way too small. Anyone who lives or visits people in apartments knows that the on-street parking is packed and visitors usually have to park blocks away, as do the occupants who get home later than the others. This stress for those who live in the apartments wears on them and can cause friction between occupants. This is not how to treat people. Be realistic. Be wise. Do right by the future occupants. Newberg has been naive to believe the developers in the recent past. George Fox Medical Sciences building is a prime example of unrealistic parking space requirements. Come take a look at Werth Blvd on a weekday and see for yourselves how the street is packed with cars.

I am greatly disturbed by the precedent this developer is making by reneging on building 12 affordable houses. As a society, we have an obligation to make certain Newberg is not only for elite homeowners and renters who must bend and break to the constant rent increases that outpace wage hikes. The fact that 12 affordable homes was part of the deal to make a development that is so dense and has no sound barriers from the highway shows that the developers used that as a bargaining tool to get away with such horrible building practices. In the future, these kinds of permits that don't build sound barriers when the dwellings are literally on the side of the highway need to be rejected.

Please recognize that housing requires more than four walls and a roof. Alleviate the stress for those who work hard all day/night and come home in the rain carrying their groceries and work gear by preparing a parking spot within a short range of their doorway. Provide a community that is welcoming.

Sincerely,  
Debra Ng-Wong  
Oak Meadows @ Newberg



Russ and Lisa Thomas  
 1808 Leo Lane  
 Newberg, Oregon 97132

May 26, 2023

Newberg Planning Commission  
 City of Newberg  
 Community Development Department  
 PO Box 970  
 Newberg, OR 97132

Packet Hand Delivered	
Date	<u>5/24/2023</u>
Time	<u>2:40 p.m.</u>
Received by:	<u>Shirley Thomas</u>
Name	<u>Shirley Thomas</u>
Title	<u>office Assistant I</u>

Re: File No. MAMD323-0001 (**Written Comments in Opposition**)

**RECEIVED**

**MAY 26 2023**

Initial: ST

Dear Commissioners,

We hereby submit the following documentation regarding File No. MAMD323-0001 (*Ella Gueldner/J.T. Smith Companies LLC/Gramor Development*), the project known as "Crestview Crossing" in opposition to the Major Modification to a Planned Unit Development & Conditional Use Permit application.

As stated at the May 11, 2023 Planning Commission meeting, over this past 5 years the "Crestview Crossing" development project has been in an accelerated state of expansion and transformation, one that has reached far beyond the parameters the citizens of Newberg were presented for approving the annexation of this parcel on October 19, 2007.

All original designs of "Crestview Crossing" have since undergone extensive modifications and revisions including the elimination of greenspace, vastly reduced on-site wetlands, road placement, elimination of barrier walls, zone changes, and waivers to build beyond existing City of Newberg Building Codes.

Additionally, we heard during the May 11th Planning Commission Meeting that J.T. Smith Companies, LLC had received a substantial reduction (50%?) of development fees from the City of Newberg that should have been used for the citizens of Newberg. Why? Is this showing good stewardship?

Attached you will find copies of our previous public input from the time period of 2018 to 2023.

- **May 11, 2023: Public and Written Comments to the Newberg Planning Commission**
- **April 11, 2023 (postmark): Notification Letter for Quasi-Judicial Hearing**  
*This notice was read into the public record during the May 11, 2023 Planning Commission Meeting. The City of Newberg staff acknowledged the “administrative error” as the mailed notice did not meet the State of Oregon, Department of Justice requirements that specifically state the Date, Time, and Location of the public meeting must be published on all official notifications.*

*A decision was then made by the Newberg Planning Commission (noting a new notice would be sent that adheres to all legal requirements and the Public Record would remain open) that the “Crestview Crossing” application would be placed on the June 8, 2023 Planning Commission Meeting Agenda.*

- **March 21, 2020: Written Comments submitted to the U.S. Army Corp of Engineers**
- **March 6, 2019: Written Comments submitted to the Newberg Planning Commission**
- **November 14, 2018: Written Comments submitted to the U.S. Army Corp of Engineers**
- **October 11, 2018: Russell Thomas - Public Testimony (personal notes) from the Newberg Planning Commission Meeting**
- **October 11, 2018: Newberg Planning Commission Meeting Minutes, Pages 1-4.**
  - *Page 3, Russell Thomas – Public Testimony*
  - *Page 4, Andrew Tull, 3J Consulting – Testimony (there will be additional buffering between the proposed lots and the existing lots)*

It is my understanding that the Newberg Planning Commission represents the citizens of Newberg and are specifically appointed to serve Districts. It is also my understanding that the Planning Commission does not work for the City of Newberg, Community Development Department. It is further my understanding that the Planning Commission is in place as a “check and balance” to the city government, as well as the designs and desires of developers wishing to develop property within the City of Newberg. Planning Commissioners serve these positions with the expectation that their actions will be lawful, in good faith and conscientiously consider public input from the citizens of Newberg.

We appreciate your thorough review of this information, as this matter will be before you once again at the Planning Commission Meeting to be held on June 8, 2023. It is our request that you will **not approve** the "Major Modification to a Planned Unit Development & Conditional Use Permit" application from J.T. Smith Companies, LLC.

Please send J.T. Smith Companies, LLC back to the drawing board if they are unhappy with the already expanded plan that is currently approved. As we have learned, they have no problem redesigning this parcel (Tax Lot: R3216AC 13800). They have done it over and over and over again. Or, they can proceed with the plan currently approved that you so graciously issued waivers from our City of Newberg Building Codes to assist them in further expanding their development.

Sincerely,

*Lisa Thomas*

Lisa Thomas, Major Opponent  
1808 Leo Lane  
Newberg, OR 97132

*Russell Thomas*

Russell Thomas, Opponent  
1808 Leo Lane  
Newberg, OR 97132

(7) Attachments as noted above

City of Newberg  
Newberg Planning Commission  
Community Development Department

Re: J.T. Smith Companies, LLC.  
Newberg Crestview, LLC  
Land Use Hearing  
May 11, 2023

Written Comments in Opposition

Dear Commissioners,

Thank you for this opportunity to speak. Public input is an essential part of keeping Newberg a Great Place to Grow. This major modification application before you tonight deserves serious consideration. One that ensures citizens of Newberg are heard and valued, that our existing codes and processes are followed, that our elected officials are assured the honor of truly representing their constituents and lastly, that our city acts in a responsible manner and does not simply rubber stamp a developer's ever evolving dream plan.

I'd like to address Jeff Smith and extend my congratulations. Well done. Well played. Textbook story of a multi-million-dollar company cultivating a gold mine out of a small town. You've orchestrated this development process brilliantly.

A process that began in 2007 with the request of the annexation of the Gueldner property and a promise to purchase and develop the land responsibly.

Measure 36-112 was brought before the voters on May 15, 2007. As stated in the official Yamhill County Voters' Pamphlet, "The proposed zoning may allow up to 30 dwelling units". This annexation was voted down and did not pass. Exhibit A

Six months later this became Measure 36-115 and was once again brought before the voters on November 6, 2007. This parcel to be annexed was described to voters as, proposed to be zoned R-1 (low density residential) and R-2 (medium residential) with C-2 (community commercial) on the land close to Hwy. 99W. The proposed zoning may allow up to 30 dwelling units. Exhibit B

Jeff Smith of J.T. Smith Companies submitted an argument in support of this annexation. Here's what he said, "This proposal is sensible and a small change. This annexation allows The City of Newberg and its citizens to define what change will occur...he continued, "This annexation and the Crestview Crossing proposal only adds 16 home sites - a modest change."

What did Ella Gueldner think at this point? She made it crystal clear in her argument in support of Measure 36-115 as she wrote, "16 homes will complement the existing neighborhood and homes will be built by a local, well-known home builder." She also stated there would be, "Protection of existing greenspace and establishment of additional open space with landscaping."

This measure received approval by the citizens of Newberg who relied on the accuracy and honesty of the declarations printed in the November 6, 2007 official Yamhill County Voters' Pamphlet. The measure was approved and the parcel was annexed.

So, it began. Heavy equipment illegally entered the parcel via Spring Meadow Park destroying park trees and foliage. I stood in front of that equipment, and the operator responded with every dirty name in the book while repeatedly lunging at me with the bucket up at head height in hopes of intimidating me to leave. I stood there on my cellphone and contacted the Chehalem Parks District and the City of Newberg. The operator then received a call demanding he vacate the property immediately.

Being caught red handed, this destructive action would have cost the developer a fine of approximately \$600 per damaged park tree. Instead, a settlement was reached with the city and a section of the land adjacent to the park was then donated to the City of Newberg in lieu of any incurred fines and/or prosecution.

Public meetings were held and the Crestview Crossing development plans at that time designated a greenspace and a wall as a buffer between existing developed properties on Leo Lane. A verbal promise was made by the then Mayor of Newberg, Mr. Bob Andrews, that the property would be developed responsibly and the greenspace and wall would defuse any existing property owners' concerns.

The development began, including the area of the designated wetlands on the parcel. This was not a legal, permitted activity as the U.S. Army Corp of Engineers had not approved their permit. The job was shut down, but eventually continued in non-wetland areas.

It's now April of 2019. J.T. Smith had not adequately addressed the designated wetlands. The U.S. Army Corp of Engineers stated "the application is administratively withdrawn due to a lack in response to a request for additional information." Exhibit C

Development proceeded; some wetland spaces were purchased instead of addressing them all on site. More meetings with new plans were revealed. The greenspace and wall have now evaporated. A waiver was applied for and the City of Newberg granted the request to deviate from existing building codes. Density was once again increased.

How were our concerns addressed by the developer? I quote, "If you don't like what we are doing, buy the land and do what you want." Ask yourself, are these the type of developers we need to keep Newberg a Great Place to Grow? Who will hold them accountable if not you?

So here we are, May of 2023, with yet another request from the developer to pave the way to increase their profit. The City of Newberg once again has a say. Has this developer been honest, trustworthy and acted in good faith with this project thus far? Are they being held accountable to their words and deeds? It appears to be a very long game of bait and switch. How many Mayors, City Managers, council people, planning commission persons, and City Planners are no longer serving since the start of this process in 2007? How many currently serving know the true history of the development of this land?

From 16 single-family homes to 299 three-story waived over-height cottages and now a request to go to 386 units in the form of 8 apartment buildings? Wow. No buffer, no wall, an additional story taller than existing homes and all with only a minimal setback. From 16 single family homes to 386 apartments?

Is this developer acting in good faith? Will the Newberg Planning Commission and the City of Newberg act in good faith towards their citizens with this decision before you today?

Please consider this request with great seriousness and discernment. I respectfully request you do not approve the application for a "Major Modification" of the previously approved Conditional Use Permit and Planned Unit Development by J.T. Smith Companies, LLC.

Lastly, this is the now the second meeting notice mailed to us with incomplete information. The first, for a meeting on December 11, 2019 that omitted the location of the meeting and this meeting tonight that omitted the meeting start time and the location. What does it say at the top of the letter? "We want your comments..."



Whether these important omissions are deceptively intentional or incompetent administrative errors, they decrease and discourage the opportunity for public input and should not happen again going forward. Please note, this is not just a request, but a reminder to you that it is a legal requirement in the State of Oregon per the Department of Justice which reads as follows:

Contents of the Notice:

Must provide the date, time, and place of the meeting (Exhibit D)

Thank you for your consideration.

Lisa Thomas

Exhibit A

**Yamhill County Voters' Pamphlet**  
**VOTER REGISTRATION INFORMATION**  
 To be eligible to vote in the May 15, 2007, election, a completed voter registration card must be on file with the Yamhill County Clerk by not later than 5:00 p.m., April 24, 2007.

- YOU MAY REGISTER TO VOTE IF:**
- You are a citizen of the United States.
  - You will be 18 years of age or older on election day.
  - You are a resident of Oregon.
- YOU MUST REREGISTER TO VOTE IF:**
- Your residence or mailing address changes.
  - Your name changes.
  - You wish to change party affiliation.

**VOTING INSTRUCTIONS**  
 When you get your ballot packet in the mail after April 27, 2007, immediately examine it to make certain it is complete. It should contain the following items:

- A printed ballot on which you may vote your choice;
- A secrecy envelope with voting instructions on it;
- A pre-addressed blue trimmed return envelope in which to return your ballot;

If any items are missing, contact the Yamhill County Clerk's Office, at 503-554-7850, and a replacement ballot packet will be sent to you.

**VOTING YOUR BALLOT**  
 To vote for a candidate whose name is printed on the ballot, with a #2 pencil or ball point pen, simply connect the arrow next to the candidate of your choice.

To vote for a candidate whose name is not on the ballot, under the heading of the appropriate office, write the person's name on the (write-in) line provided. Then connect the arrow pointing to the write-in line. You must connect the arrow to insure that your write-in vote is tallied



BILLY THE KID  
 (Write-In) John Doe

If you make an error on your ballot, spoil it in any way or lose it, you may obtain a replacement ballot by contacting the Yamhill County Clerk's Office at 503-554-7850.

**RETURNING YOUR VOTED BALLOT**  
 Follow the instructions on the secrecy envelope. Fold your ballot along the pre-scored fold and insert it into the secrecy envelope. SEAL the return envelope and SIGN the statement on the back of the envelope. Your ballot will not be counted if your envelope is not signed.

**EXPLANATORY STATEMENT  
 MEASURE 36-112**

**EFFECT OF PASSAGE:** If this measure passes, one parcel consisting of 14.74 acres would be incorporated into the city limits of the city of Newberg. The parcel would be withdrawn from the Newberg Rural Fire Protection District.

**BACKGROUND:** This measure would annex one parcel located north of Hwy 99W, across from Providence Newberg Medical Center, into the city of Newberg. The parcel is east of the current city limits and is currently a vacant field. The preliminary development plan shows the parcel divided into residential areas in the northern portion of the lot, with commercial development in the southern portion of the lot. The proposed zoning may allow up to 30 dwelling units to be developed on the site. Any new units will be required to connect to sanitary sewer and water services upon development.

The owner of the parcel is Ella Guelchner Survivor's Trust/Herbert V. Guelchner CS Trust. The owner requested that the City annex the property.

The property is within the Newberg Urban Growth Boundary. The property is proposed to be zoned R-1 (low density residential) for the northernmost 170 ft of the property, followed by 220 ft of R-2 (medium density residential), with C-2 (community commercial) making up the remainder of the parcel.

The Newberg City Council determined that the application has met the land use criteria for approval and that an adequate level of services is available or will be made available to serve the annexation area.

The Newberg Charter provides that annexations must be approved by a majority vote of the electorate of the city. The Council referred this matter to the May 15, 2007, election.

Information pertaining to this annexation measure, including a legal description, findings and additional maps, can be found on the City's website at <http://www.ci.newberg.or.us>. Copies of the reports, minutes of the hearing, and a legal description are also available at the Newberg Planning and Building Department located at City Hall - 414 East First Street, Newberg, Oregon or (503) 537-1240.

**EFFECT OF FAILURE:** If this measure fails, the parcel would not be part of the city of Newberg but remain in Yamhill County outside the city limits, and the parcel would remain in the Newberg Rural Fire Protection District.

**NO ARGUMENTS WERE SUBMITTED IN SUPPORT OR IN OPPOSITION TO THIS MEASURE**

Information furnished by Dawn M. Wilson,  
 Elections Officer, City of Newberg

**REFERRED BY INITIATIVE PETITION  
 CITY OF NEWBERG - MEASURE 36-112**

**MEASURE PROPOSING ANNEXATION OF  
 14.74 ACRES (ONE PARCEL) INTO NEWBERG**

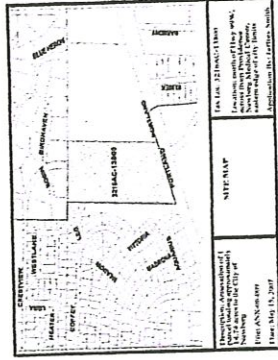
**QUESTION:** Should Newberg annex approximately 14.74 acres located north of Hwy 99W, across from Providence Newberg Medical Center?

**SUMMARY:** This would annex one parcel into the city of Newberg. The parcel is east of current city limits. The parcel is proposed to be zoned R-1 (low density residential) for the northernmost 170 ft of the property, followed by 220 ft of R-2 (medium density residential), with C-2 (community commercial) making up the remainder of the parcel. If this parcel is annexed into the city, the parcel would be withdrawn from the Newberg Rural Fire Protection District.

The parcel is a vacant field. The proposed zoning may allow up to 30 dwelling units to be developed on the northern portion of the site with commercial development in the southern portion. New development will be required to connect to sanitary sewer and water services at time of development.

The owner of the parcel has requested that the City annex the property.

The Newberg City Council determined that the application meets land use approval criteria. The Newberg Charter requires annexations to be approved by the electorate of the city. For more information, see the Explanatory Statement.



**CHEHALEM PARK AND RECREATION  
 DISTRICT - DIRECTOR AT LARGE**

**DON LOVING**

**OCCUPATION:** Public Affairs Director, American Federation of State, County and Municipal Employees (AFSCME), 1986 - present

**OCCUPATIONAL BACKGROUND:** Radio and newspaper reporter, 1981 - 1986

**EDUCATIONAL BACKGROUND:** Forest Grove High School, 1976; University of Oregon, B.S. Journalism, 1980

**PRIOR GOVERNMENTAL EXPERIENCE:** Chehalam Park & Recreation District Board of Directors, 1990 - present; Special Districts Association of Oregon Board of Directors, 1996 - 2001

It has been my privilege to serve on the Chehalam Park & Recreation District (CPRD) Board of Directors for the past several years. Much has changed during my tenure on the CPRD Board. We've added hundreds of acres to the park district, many small neighborhood parks and several large projects, included in the latter category are the skate park, the softball complex and the Senior Center at Crater School and Chehalam Glenn Golf Course.

I believe special districts such as CPRD are the most efficient form of government. I also believe elected boards need a variety of perspectives and well-rounded individuals. I think I fit that bill for CPRD. My family and I participate in park district programs, community events and are active in our church (Newberg First Assembly of God). My wife and I have lived in Newberg since 1984, our children were both born here and attend Newberg public schools. We have roots in and commitment to the Newberg/bundee community. Because I am a registered lobbyist in Salem for my employer, I also bring CPRD its own set of eyes and ears at the capitol, and have frequently used that advantage to the park district's benefit.

We have important projects to press forward: a community center and a new park for Dundee, the cultural center (Central School) and the next phases of the golf course. I believe I've been a good steward of your tax money in years past and appreciate your support in previous elections. I ask for your support once again.

Thank you.

Information furnished by Don Loving  
 The above information has not been verified for accuracy by the county. Printed exactly as submitted

**REFERRED BY THE CITY OF NEWBERG  
MEASURE 36-115**

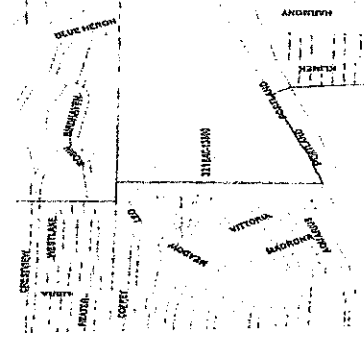
**MEASURE PROPOSING ANNEXATION OF 14.74  
ACRES (ONE PARCEL) INTO NEWBERG**

**QUESTION:** Should Newberg annex approximately 14.74 acres located north of Hwy 99W, across from Providence Newberg Medical Center?  
**SUMMARY:** This measure would annex one parcel into the city of Newberg. The parcel is east of current city limits. The parcel is proposed to be zoned R-1 (low density residential) for the northernmost 170 ft of the property, by 220 ft of R-2 (medium density residential), with C-2 (community commercial) making up the remainder of the parcel. If this parcel is annexed into the city, the parcel would be withdrawn from the Newberg Rural Fire Protection District.

The parcel is a vacant field. The proposed zoning may allow up to 30 dwelling units to be developed on the northern portion of the site with commercial development in the southern portion. New development will be required to connect to sanitary sewer and water services at time of development.

The owner of the parcel has requested that the city annex the property.

The Newberg City Council determined that the application met use approval criteria. The Newberg requires annexations to be approved by the electorate of the city. For more information, see the Explanatory Statement.



**EXPLANATORY STATEMENT  
MEASURE 36-115**

**EFFECT OF PASSAGE:** If this measure passes, one parcel consisting of 14.74 acres would be incorporated into the city limits of the city of Newberg. The parcel would be withdrawn from the Newberg Rural Fire Protection District.

**BACKGROUND:** This measure would annex one parcel located north of Hwy 99W, across from Providence Newberg Medical Center, into the City of Newberg. The parcel is east of the current city limits and is currently a vacant field. The preliminary development plan shows the parcel divided into residential areas in the northern portion of the lot, with commercial development in the southern portion of the lot. The proposed zoning may allow up to 30 dwelling units to be developed on the site. Any new units will be required to connect to sanitary sewer and water services upon development.

The owner of the parcel is Elia Gueidner. Survivor's Trust/Herbert V. Gueidner CS Trust. The owner requested that the City annex the property.

The property is within the Newberg Urban Growth Boundary. The property is proposed to be zoned R-1 (low density residential) for the northernmost 170 ft of the property, followed by 220 ft of R-2 (medium density residential), with C-2 (community commercial) making up the remainder of the parcel.

The Newberg City Council determined that the application has met the land use criteria for approval and that an adequate level of services is available or will be made available to serve the annexation area.

The Newberg Charter provides that annexations must be approved by a majority vote of the electorate of the city. The Council referred this matter to the November 6, 2007, election.

Information pertaining to this annexation measure, including a legal description, findings and additional maps, can be found on the City's website at <http://www.ci.newberg.or.us>. Copies of the reports, minutes of the hearing, and a legal description are also available at the Newberg Planning and Building Department located at City Hall - 414 East First Street, Newberg, Oregon or (503) 637-1240.

**EFFECT OF FAILURE:** If this measure fails, the parcel would not be part of the city of Newberg but remain in Yamhill County outside the city limits, and the parcel would remain in the Newberg Rural Fire Protection District.

*This information submitted by Dawn M. Wilson  
Elections Officer, City of Newberg  
Printed exactly as submitted*

**ARGUMENT IN OPPOSITION TO  
MEASURE 36-115**

Let's "Just Say NO" again!

Last May the Newberg voters sent a clear message to the City Council and the Planning Department that Newberg residents want only responsible, wise growth in our community. With their "No" votes on the annexation of the NewB and Gueidner properties, Newberg residents said, "Wait...we don't need more development at this time." Unfortunately, our city leaders are still listening more closely to developers than they are to Newberg residents, so it is necessary to again vote "NO" on the Gueidner property annexation on the November ballot.

Why vote "NO" again?

- The Crestview connector can be built without annexing the Gueidner property. A representative for Springbrook Development has confirmed that they will assume responsibility for building the connector.
- The Crestview connector might well prove to be ineffective in alleviating the current congestion on Hwy. 99, due to the extra traffic that will be generated by development.
- City services, such as schools, fire, and police, are at the same levels as they were when the annexations were rejected last May. Concerns still exist over adding additional burdens on the city's infrastructure in addition to the demands which will occur with the Springbrook Development.
- Newberg doesn't need this development now. With the development of the Auslin properties (Springbrook Development) and the slowing housing market, there is no lack of property available in Newberg.
- We still want to keep Newberg a semi-rural, small town community. The development planned for this site looks very different. (See [crestviewcrossing.com](http://crestviewcrossing.com))

We are not against wise, responsible growth; we simply want Newberg to proceed in a slower, more thoughtful manner. We trust a wise citizenry to know when more growth is needed.

Do we really want this development?

If not, please "Just Say NO!" again.

*This information submitted by Jeffrey and Susan Osborn  
Printed exactly as submitted*

The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.

**ARGUMENT IN OPPOSITION TO  
MEASURE 36-115**

You do have the ability to CONTROL GROWTH in the City of Newberg but you must "VOTE NO" once again on annexations.

This annexation was put to a vote on the May 15, 2007 election.

The Newberg City Council did not believe the voters a short six months ago when this annexation was voted down overwhelmingly. If the voters had said "yes" would this issue be back on the ballot? It is hard to believe the City Council disregarded the will of the voters and brought this annexation back at this time.

- The developer has said the voters were not well educated on this annexation before the May election. His plan is to build more houses and a strip mall along 99W. Is this what you want?
- The developer may talk about the needed Crestview Road extension he will build without new taxes. Do you believe this?
- Some may say the Crestview Road extension will relieve traffic. What do you think? Will it add to Newberg's traffic problems?
- Could it be the traffic studies are premature given that 400 plus acres are being developed as Springbrook Village?
- Remember there is not going to be a bypass any-time soon.

You are urged to educate the city government by sending a strong "NO VOTE". Let them know this is an unacceptable way to run our city.

*This information submitted by Gail Wickersham  
Printed exactly as submitted*

The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.

**YAMHILL COUNTY VOTERS' PAMPHLET  
NOVEMBER 6, 2007**

**VOTER REGISTRATION INFORMATION**  
To be eligible to vote in the November 6, 2007, election, a completed voter registration card must be filed with the Yamhill County Clerk by not later than 5:00 p.m., October 16, 2007.

**YOU MAY REGISTER TO VOTE IF:**

- You are a citizen of the United States.
- You will be 18 years of age or older on election day.
- You are a resident of Oregon.

**YOU MUST REREGISTER TO VOTE IF:**

- Your residence or mailing address changes.
- Your name changes.
- You wish to change party affiliation.

**VOTING INSTRUCTIONS**  
When you get your ballot packet in the mail after October 19, 2007, immediately examine it to make certain it is complete. It should contain the following items:

- A printed ballot on which you may vote your choice;
  - A secrecy envelope with voting instructions on it;
  - A pre-addressed blue trimmed return envelope in which to return your ballot.
- If any items are missing, contact the Yamhill County Clerk's Office, at 503-554-7850, and a replacement ballot packet will be sent to you.

To vote for an issue on the ballot, with a #2 pencil or a dark ball point pen, simply connect the arrow next to "Yes" or "No" like this ←—|

If you make an error on your ballot, spoil it in any way or lose it, you may obtain a replacement ballot by contacting the Yamhill County Clerk's Office at 503-554-7850.

**RETURNING YOUR VOTED BALLOT**  
Follow the instructions on the secrecy envelope. Fold your ballot along the pre-scored fold and insert it into the secrecy envelope. **SEAL** the return envelope and **SIGN** the statement on the back of the envelope. Your ballot will not be counted if your envelope is not signed.

**YOU MAY RETURN YOUR BALLOT POSTAGE FREE TO ONE OF THE FOLLOWING DROPSITES OR AT THROUGHOUT THE COUNTY:**

- Newberg Public Safety Parking Lot, 1802 Haworth Ave., Newberg
- Howard Street, Newberg
- Newberg Open 24 Hours, Open 24 Hours

**ARGUMENT IN SUPPORT OF MEASURE 36-115**

Thirty years ago our family, the Gueidners, moved to the Chehaltem Valley and the lovely community of Newberg. Like many Newberg citizens we raised our children in safe neighborhoods, educating them in local schools and finally retired in the Newberg area. I suspect that many Newberg citizens had and have the same dream.

Today I am asking for your support and your YES vote on Measure #36-115 so future Newberg residents can benefit from the legacy of our community.

If voters approve Measure #36-115 the Crestview Crossing project will become a reality. This small annexation of 14.74 acres will allow for the following benefits:

- 16 homes will compliment the existing neighborhoods and homes will be built by a local, well known homebuilder.
- A commercial & business center that will bring goods and services we don't currently have in Newberg.
- Well paid construction jobs performed by Newberg companies and living wage jobs for Newberg citizens who will become employees of the new shops and stores.
- Protection of existing greenspace and establishment of additional openspaces with landscaping.
- Greater safety for Newberg motorists as they enter Highway 99W by building the long planned for and awarded Crestview Drive extension from Oxberg Lake Estates to Highway 99W. In addition, this road (paid for entirely by me without any taxpayer expense) will reduce the increasing congestion along Benjamin Road and other surrounding roads.

As a person who loves this community I have tried very hard to make sure that the contribution I make is a positive one. If you agree, please vote YES! On Measure #36-115 this coming November 6<sup>th</sup>.

Questions? Contact me: Ella Gueidner, P.O. Box 15 Newberg OR 97132 (503) 538-6896

Measure #36-115 is of, by and for Newberg. Be sure to register to vote. Don't forget to Vote Tuesday, November 06, 2007.

**VOTE YES ON MEASURE #36-115.**  
Information submitted by Ella Gueidner  
Yes for Newberg! Yes on Measure #36-115  
Printed exactly as submitted

The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.

**ARGUMENT IN SUPPORT OF MEASURE 36-115**

Chamber of Commerce Endorsement For Annexation of Crestview Crossing

In November, 2007 the citizens of Newberg will have an opportunity to share in creating a very positive addition to our city. A "yes" vote for the Crestview Crossing annexation will establish several vital and long overdue projects that will enhance the livability of our community.

- Crestview Drive will be extended to 99W directly across from Providence Hospital. Funded entirely by the developer, this arterial will take an enormous amount of traffic off of 99W and route it around a large portion of the city. With construction of the "Bypass" now placed even further into the future, the need for this link becomes crucial. Without a "yes" vote the extension of Crestview Drive will not happen and 99W will continue to increase in congestion with no relief in sight. When possible, local companies will have preference in receiving awarded construction contracts on every phase of this project.
- Local businesses will have an opportunity to locate in an upscale, aesthetically pleasing shopping center that will allow customers safely, easy parking and a quiet and varied shopping experience.
- It offers a wonderful mix of residential options to choose from.
- It will provide a significant number of new jobs in our community, thereby helping Newberg avoid the "bedroom community" syndrome.
- It will assist in our need to retain spendable dollars in our own community rather than export them to surrounding cities that offer more and varied shopping choices.
- Communities with well-planned, common sense growth are an attraction to new businesses or those simply looking to expand or move.

These are a few of the more important reasons that the Board of Directors for The Chehaltem Valley Chamber of Commerce has voted unanimously to support annexation of Crestview Crossing on the November ballot. It is a vital part of the future for the entire community.

Michael Sherwood, President  
Chehaltem Valley Chamber of Commerce  
Information submitted by Sheroy A. Kelsch, Executive Director,  
Chehaltem Valley Chamber of Commerce (CVCC)  
Printed exactly as submitted

The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.

**ARGUMENT IN SUPPORT OF MEASURE 36-115**

As a citizen, a parent, and a business owner and as a participant in the Crestview Crossing Project I support Measure #36-115 and I'd like to provide you four good reasons why you should also:

**VOTE YES! ON MEASURE #36-115!**

- Change in Newberg is ongoing. Too much change is just that - too much. This proposal is a sensible and small change of only 14.74 acres. We can manage change or let it manage us. This annexation allows The City of Newberg and its citizens to define what change will occur. Newberg citizens and businesses will receive numerous additional benefits.
- Newberg needs housing. Upgrading and replacing existing housing is important. This annexation and the Crestview Crossing proposal only adds sixteen home sites - a modest change.
- Traffic congestion along Highway 99W needs to be relieved and this annexation helps to achieve that. The owner, long time Newberg area resident and community volunteer Ella Gueidner, has directed that the long awaited extension of Crestview Drive be completed and that it be completed at her expense and NOT taxpayer expense. Traffic that traditionally has utilized Benjamin Road will now have a safe alternative. The traffic volume along Springbrook Road is reduced as cars accessing the neighborhoods to the north will have an additional traffic controlled intersection at Highway 99W.
- Jobs for Newberg citizens will be created as preparation and construction begins on the residential, commercial and protected open spaces of Crestview Crossing. Once Crestview Crossing is completed Newberg area citizens will find work at the high-end commercial businesses making up the business area.

If you have your own reasons for supporting this annexation please share them with me by writing to:  
Mr. Jeff Smith  
P.O. Box 15  
Newberg OR 97132-0015

Measure #36-115 is of, by and for Newberg. Be sure to register to vote. Don't forget to Vote Tuesday, November 06, 2007.

**VOTE YES ON MEASURE #36-115.**  
Information submitted by Jeff Smith, JT Smith Companies  
Yes for Newberg! Yes on Measure #36-115  
Printed exactly as submitted

The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.

Exhibit-C

Friesen, Kinsey M CIV USARMY CENWP (USA) <kinsey.m.friesen@usace.army.mil>

4/7/2019 3:19 PM

## NWP-2008-192-2 (UNCLASSIFIED)

To Lisa Thomas <t.lisamarie@comcast.net>

CLASSIFICATION: UNCLASSIFIED

Good afternoon Lisa,

The application, NWP-2008-192-2 is administratively withdrawn due to a lack in response to a request for additional information.

Thank you,  
Kinsey Friesen  
U.S. Army Corps of Engineers  
Portland District, Regulatory Branch  
Tillamook, Polk, and Yamhill County Project Manager  
[Kinsey.M.Friesen@usace.army.mil](mailto:Kinsey.M.Friesen@usace.army.mil)  
Office: 503-808-4378  
Cell: 503-577-8298

Let us know how we're doing.  
[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)

-----Original Message-----

From: Lisa Thomas [mailto:[T.LisaMarie@comcast.net](mailto:T.LisaMarie@comcast.net)]  
Sent: Wednesday, March 06, 2019 1:46 PM  
To: Friesen, Kinsey M CIV USARMY CENWP (USA) <[Kinsey.M.Friesen@usace.army.mil](mailto:Kinsey.M.Friesen@usace.army.mil)>  
Subject: [Non-DoD Source] NWP-2008-192-2

Can you please let me know the status of the above referenced application?

Thanks,  
Lisa Thomas

Sent from my iPad  
CLASSIFICATION: UNCLASSIFIED

# Oregon Department of Justice

ATTORNEY GENERAL ELLEN F. ROSENBLUM

Choose to search: **Attorney General** or **All DOJ**

ATTORNEY GENERAL

CHILD SUPPORT

CONSUMER PROTECTION

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VICTIMS & SURVIVORS

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Client Resources

Public Records

Forms, Manuals & Reports

Careers

[DOJ Home](#) / [Attorney General](#) / [Public Records](#) / [Attorney General's Public Records and Meetings Manual 2019](#) / [II. Public Meetings](#)

**PUBLIC RECORDS**

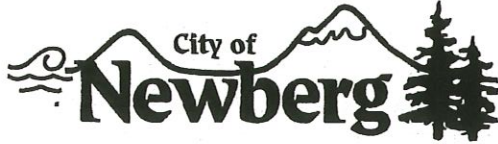
Public Records and

## II. Public Meetings

### a. Contents of Notice

In addition to providing the date, time, and place of the meeting, the notice should provide the name and telephone number (including TTY number if the public body has such equipment in service) of a person at the public body to contact to request an interpreter for the hearing impaired or for other communication aids.<sup>[632]</sup> As an alternative, governing bodies that know their audience is likely to require a sign language interpreter or other communication aids and services should simply make those services available and so state in their notice.

<https://www.doj.state.or.us/oregon-department-of-justice/public-records/attorney-generals-public-records-and-meetings-manual/ii-public-meetings/#:~:text=In%20addition%20to%20providing%20the,or%20for%20other%20communication%20aids.>



## Community Development Department

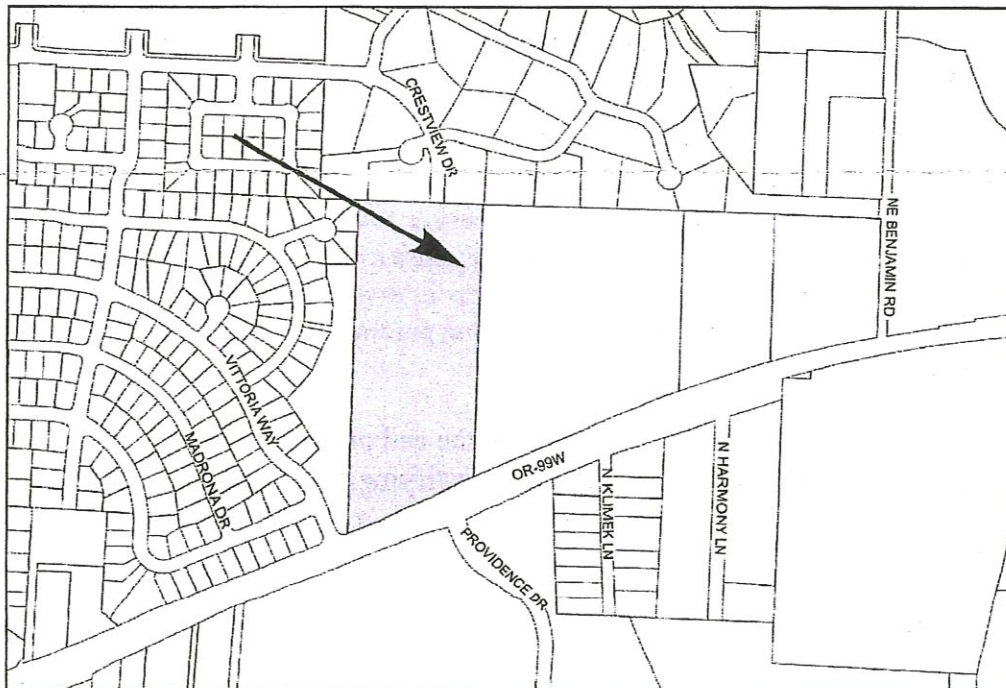
P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132  
503-537-1240. Fax 503-537-1272 [www.newbergoregon.gov](http://www.newbergoregon.gov)

### WE WANT YOUR COMMENTS ON A PROPOSED NEW DEVELOPMENT IN YOUR NEIGHBORHOOD

A property owner in your neighborhood submitted an application to the City of Newberg for a Major Modification of a previously approved Conditional Use Permit and Planned Unit Development at OR 99W & E Crestview Drive. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The proposed project would make modifications to the previously approved case files PUD18-0001/CUP18-0004. The applicant is proposing to construct 8 multi-family buildings providing 196 dwelling units in place of the previously approved 110 small-lot single-family detached homes. The proposed development would increase the total number of units in the PUD from 299 units to 386 units. The proposed multi-family development includes a mix of unit types provided in eight garden-style apartment buildings and community recreation facility for use by the residents.

APPLICANT:	<b><i>J.T. Smith Companies, LLC.</i></b>
TELEPHONE:	<b><i>(503) 730-8620</i></b>
PROPERTY OWNER:	<b><i>Newberg Crestview, LLC</i></b>
LOCATION:	<b><i>OR 99W &amp; E Crestview Drive</i></b>
TAX LOT NUMBER:	<b><i>R3216AC 13800</i></b>



We are mailing you information about this project because you own land within 500 feet of the proposed planned unit development. We invite you to participate in the land use hearing scheduled before the Planning Commission on **May 11, 2023**. If you wish to participate in the hearing, you may do so in person or be represented by someone else. You also may submit written comments. Oral testimony is typically limited to five minutes per speaker.

If you mail your comments to the City, please put the following information on the outside of the envelope:

Written Comments: File No. MAMD323-0001  
City of Newberg  
Community Development Department  
PO Box 970  
Newberg, OR 97132

All written comments must be received by **4:30 p.m. on Monday, May 8, 2023**. Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. Project information and application materials can be accessed online at <https://www.newbergoregon.gov/planning/page/mamd323-0001-major-modification-cup-and-pud-0>. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application are found in Newberg Development Code Chapter 15.225, Chapter 15.240, and Division 15.400.

Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue precludes appeal to the State Land Use Board of Appeals based on that issue.

The Planning Commission will make a decision at the end of the public hearing process. If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, we will send you information about any decision made by the City relating to this project.

Date Mailed: *April 11, 2023*

**ACCOMMODATION OF PHYSICAL IMPAIRMENTS:**

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

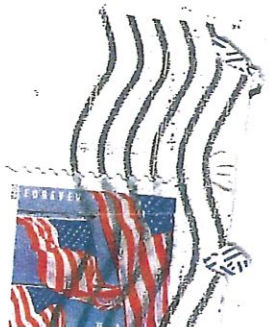


*In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the City Recorder at 503-537-1283. For TRS services please dial 711.*

**3J CONSULTING**  
9600 SW Nimbus Avenue  
Suite 100  
Beaverton, OR 97008

R3216AC 12200  
Russell & Lisa Thomas  
1808 E Leo Ln  
Newberg, OR 97132

PORTLAND OR 972  
11 APR 2023 PM 5 L



97132-154008



RUSS & LISA THOMAS  
1808 Leo Lane  
Newberg, OR 97132

March 21, 2020

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

Re: NWP-2008-192-3; Comments in Opposition; Request for Public Hearing; Application for Permit;  
Gramor Investments

Dear Kinsey M. Friesen,

Upon review of the above referenced Gramor Investments application for permit issued February 21, 2020 we would like to provide the following comments.

Our property is located adjacent to the proposed development. We have resided here since March 2001 and we are very familiar with the history of this property from farm to annexation to where we are now.

Though we are not opposed to the land being developed, and some minor changes have been made since the last request, the proposal still inadequately meets the needs for responsibly addressing wetlands, native species and existing property owners. For these reasons we oppose the current proposal and request a public hearing.

When a portion of the property (parcel 3216AC-13800 @ 14.74 acres) was annexed, it was proposed to voters to be zoned R-1 for the northernmost 170 ft of the property, by 220 ft of R-2, with C-3 making up the remainder of the parcel. (See Exhibit A)

Arguments in support of this annexation (Measure 36-115) were submitted in the Voter's pamphlet. \*Jeff Smith's own words exclaim, "Change in Newberg is ongoing. Too much change is just that – too much. This proposal is a sensible and small change of only 14.74 acres... This annexation and the Crestview Crossing proposal only adds sixteen home sites – a modest change." (See Exhibit A)

An additional argument in support of Measure 36-115 was submitted by the original property owner herself, Ella Gueldner. She gives a brief history of their family and states: "16 homes will compliment

the existing neighborhoods and homes will be built by a local, well know homebuilder... Protection of existing greenspace and establishment of additional openspace with landscaping.” (See Exhibit A) What the developer is now proposing does not honor what was presented to voters who chose to eventually annex this parcel. In fact, much has changed since that time with current plans to increase density, fill in wetlands, provide little open space, request waivers to exceed code to build taller dwellings, narrower sidewalks etc. The buffer of greenspace between existing homeowners on Leo Lane has evaporated.

The total project area is approximately 33 acres in size. As I've stated in previous letters, 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. As amateur bird watchers we have documented dozens of birds alone. Swainsons's Hawk, Steller's Jay, Western Scrub-Jay, Western Meadowlark, Bullock's Oriole, Black-capped Chickadee, Mountain Chickadee, House Finch, Western Tanager, Red-breasted Nuthatch, White-breasted Nuthatch, American Robin, Varied Thrush, Great Horned Owl, Spotted Towhee, Mourning Doves, White-crowned sparrow, Black-headed Grosbeak, Allen's Hummingbird, Rufous Hummingbird, Acorn Woodpecker, Downy Woodpecker, Northern Flicker, to name some of the many species who flourish in these wetlands and existing vegetation and trees.

The Corp's preliminary review indicates the described activity may affect an endangered or threatened species or designated critical habitat. The cumulative impacts of the described activity are not in the best public interest at this time. Additional amendments are needed to address conservation, aesthetics, general environmental concerns, wetlands, land use, and consideration of existing adjacent property ownership.

We look forward to the developer honoring the words they spoke long ago when voters approved this annexation. We remember the assurances given verbally at previous meetings that they would provide space between our property and the new development. We respectfully oppose the issuance of the permit as the proposal currently stands.

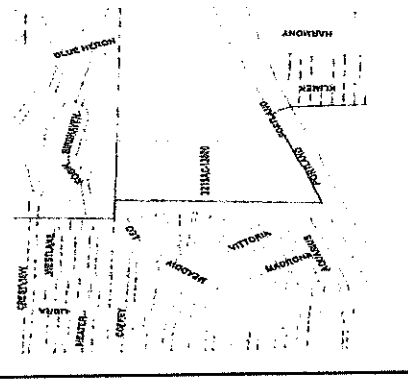
Sincerely,

*Russ & Lisa Thomas*

Russ & Lisa Thomas  
1808 Leo Lane  
Newberg, OR 97132  
[T.LisaMarie@Comcast.net](mailto:T.LisaMarie@Comcast.net)

\*Jeff Smith, President, J.T. Smith Co., <http://www.jtsmithhomes.com/newberg-crestview>

Attachment: "Exhibit A" – Voter's Pamphlet, Measure 36-115, 2 pgs.

<p><b>REFERRED BY THE CITY OF NEWBERG MEASURE 36-115</b></p>	<p><b>MEASURE PROPOSING ANNEXATION OF 14.74 ACRES (ONE PARCEL) INTO NEWBERG</b></p> <p><b>QUESTION:</b> Should Newberg annex approximately 14.74 acres located north of Hwy 99W, across from Providence Newberg Medical Center?</p> <p><b>SUMMARY:</b> This measure would annex one parcel into the city of Newberg. The parcel is east of current city limits. The parcel is proposed to be zoned R-1 (low density residential) for the northernmost 170 ft of the property, with C-2 (medium density residential) with the remainder (community commercial) making up the remainder of the parcel. If this parcel is annexed into the city, the parcel would be withdrawn from the Newberg Rural Fire Protection District.</p> <p>The parcel is a vacant field. The proposed zoning may allow up to 30 dwelling units to be developed on the northern portion of the site with commercial development in the southern portion. New development will be required to connect to sanitary sewer and water services at time of development.</p> <p>The owner of the parcel has requested that the City annex the property.</p> <p>The Newberg City Council determined that the application met use approval criteria. The Newberg requires annexations to be approved by the electorate of the city. For more information, see the Explanatory Statement.</p> 
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<p><b>EXPLANATORY STATEMENT MEASURE 36-115</b></p>	<p><b>EFFECT OF PASSAGE:</b> If this measure passes, one parcel consisting of 14.74 acres would be incorporated into the city limits of the city of Newberg. The parcel would be withdrawn from the Newberg Rural Fire Protection District.</p> <p><b>BACKGROUND:</b> This measure would annex one parcel located north of Hwy 99W, across from Providence Newberg Medical Center, into the City of Newberg. The parcel is east of the current city limits and is currently a vacant field. The preliminary development plan shows the parcel divided into residential areas in the northern portion of the lot, with commercial development in the southern portion of the lot. The proposed zoning may allow up to 30 dwelling units to be developed on the site. Any new units will be required to connect to sanitary sewer and water services upon development.</p> <p>The owner of the parcel is Ella Gueidner Survivor's Trust/Herbert V. Gueidner CS Trust. The owner requested that the City annex the property.</p> <p>The property is within the Newberg Urban Growth Boundary. The property is proposed to be zoned R-1 (low density residential) for the northernmost 170 ft of the property, followed by 220 ft of R-2 (medium density residential), with C-2 (community commercial) making up the remainder of the parcel.</p> <p>The Newberg City Council determined that the application has met the land use criteria for approval and that an adequate level of services is available or will be made available to serve the annexation area.</p> <p>The Newberg Charter provides that annexations must be approved by a majority vote of the electorate of the city. The Council referred this matter to the November 6, 2007, election.</p> <p>Information pertaining to this annexation measure, including a legal description, findings and additional maps, can be found on the City's website at <a href="http://www.ci.newberg.or.us">http://www.ci.newberg.or.us</a>. Copies of the reports, minutes of the hearing, and a legal description are also available at the Newberg Planning and Building Department located at City Hall - 414 East First Street, Newberg, Oregon or (503) 537-1240.</p> <p><b>EFFECT OF FAILURE:</b> If this measure fails, the parcel would not be part of the city of Newberg but remain in Yamhill County outside the city limits, and the parcel would remain in the Newberg Rural Fire Protection District.</p> <p style="text-align: right;"><i>This information submitted by Dawn M. Wilson Elections Officer, City of Newberg Printed exactly as submitted</i></p>
--	--

<p><b>ARGUMENT IN OPPOSITION TO MEASURE 36-115</b></p>	<p>Let's "Just Say NO" again!</p> <p>Last May the Newberg voters sent a clear message to the City Council and the Planning Department that Newberg residents want only responsible, wise growth in our community. With their "No" votes on the annexation of the NewB and Gueidner properties, Newberg residents said, "Wait...we don't need more development at this time." Unfortunately, our city leaders are still listening more closely to developers than they are to Newberg residents, so it is necessary to again vote "NO!" on the Gueidner property annexation on the November ballot.</p> <p>Why vote "NO" again?</p> <ul style="list-style-type: none"> <li>The Crestview connector can be built without annexing the Gueidner property. A representative for Springbrook Development has confirmed that they will assume responsibility for building the connector.</li> <li>The Crestview connector might well prove to be ineffective in alleviating the current congestion on Hwy. 99, due to the extra traffic that will be generated by development.</li> <li>City services, such as schools, fire, and police, are at the same levels as they were when the annexations were rejected last May. Concerns still exist over adding additional burdens on the city's infrastructure in addition to the demands which will occur with the Springbrook Development.</li> <li>Newberg doesn't need this development now. With the development of the Austin properties (Springbrook Development) and the slowing housing market, there is no lack of property available in Newberg.</li> <li>We still want to keep Newberg a semi-rural, small town community. The development planned for this site looks very different. (See <a href="http://crestviewcrossing.com">crestviewcrossing.com</a>)</li> </ul> <p>We are not against wise, responsible growth; we simply want Newberg to proceed in a slower, more thoughtful manner. We trust a wise citizenry to know when more growth is needed.</p> <p>Do we really want this development? If not, please "Just Say NO!" again.</p> <p style="text-align: right;"><i>This information submitted by Jeffrey and Susan Osborne Printed exactly as submitted</i></p> <p>The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.</p>
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<p><b>ARGUMENT IN OPPOSITION TO MEASURE 36-115</b></p>	<p>You do have the ability to <b>CONTROL GROWTH</b> in the City of Newberg but you must "VOTE NO" once again on annexations.</p> <p>This annexation was put to a vote on the May 15, 2007 election.</p> <p>The Newberg City Council did not believe the voters a short six months ago when this annexation was voted down overwhelmingly. If the voters had said "yes" would this issue be back on the ballot? It is hard to believe the City Council disregarded the will of the voters and brought this annexation back at this time.</p> <ul style="list-style-type: none"> <li>The developer has said the voters were not well educated on this annexation before the May election. His plan is to build more houses and a strip mall along 99W. Is this what you want?</li> <li>The developer may talk about the needed Crestview Road extension he will build without new taxes. Do you believe this?</li> <li>Some may say the Crestview Road extension will relieve traffic. What do you think? Will it add to Newberg's traffic problems?</li> <li>Could it be the traffic studies are premature given that 400 plus acres are being developed as Springbrook Villages?</li> <li>Remember there is not going to be a bypass anytime soon.</li> </ul> <p>You are urged to educate the city government by sending a strong "NO VOTE". Let them know this is an unacceptable way to run our city.</p> <p style="text-align: right;"><i>This information submitted by Gail Wicksham Printed exactly as submitted</i></p> <p>The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.</p>
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# Exhibit A, Page 2 of 2

## YAMHILL COUNTY VOTERS' PAMPHLET NOVEMBER 6, 2007

**VOTER REGISTRATION INFORMATION**  
To be eligible to vote in the November 6, 2007, election, a completed voter registration card must be on file with the Yamhill County Clerk by not later than 5:00 p.m., October 16, 2007.

**YOU MAY REGISTER TO VOTE IF:**

- You are a citizen of the United States.
- You will be 18 years of age or older on election day.
- You are a resident of Oregon.

**YOU MUST REREGISTER TO VOTE IF:**


- Your residence or mailing address changes.
- Your name changes.
- You wish to change party affiliation.

**VOTING INSTRUCTIONS**

When you get your ballot packet in the mail after October 19, 2007, immediately examine it to make certain it is complete. It should contain the following items:

- A printed ballot on which you may vote your choice;
- A secrecy envelope with voting instructions on it;
- A pre-addressed blue "rimmed" return envelope in which to return your ballot.

If any items are missing, contact the Yamhill County Clerk's Office, at 503-554-7850, and a replacement ballot packet will be sent to you.

To vote for an issue on the ballot, with a #2 pencil or a dark ball point pen, simply connect the arrow next to "Yes" or "No" like this 

If you make an error on your ballot, spoil it in any way or lose it, you may obtain a replacement ballot by contacting the Yamhill County Clerk's Office at 503-554-7850.

**RETURNING YOUR VOTED BALLOT**  
Follow the instructions on the secrecy envelope. Fold your ballot along the pre-scored fold and insert it into the secrecy envelope. **SEAL** the return envelope and **SIGN** the statement on the back of the envelope. Your ballot will not be counted if your envelope is not signed.

**YOU MAY RETURN YOUR BALLOT POSTAGE FREE TO ONE OF THE FOLLOWING DROPSITES OR AT THROUGHOUT THE COUNTY:**

- Newberg Public Safety      Chehaltem Park Dist.
- Parking Lot,                      1802 Haworth Ave.,
- Howard Street,                      Newberg
- Newberg Open 24 Hours      Open 24 Hours

ARGUMENT IN SUPPORT OF MEASURE 36-115	ARGUMENT IN SUPPORT OF MEASURE 36-115
<p>Thirty years ago our family, the Gueidners, moved to the Chehaltem Valley and the lovely community of Newberg. Like many Newberg citizens we raised our children in safe neighborhoods, educating them in local schools, and finally retired in the Newberg area. I suspect that many Newberg citizens had and have the same dream.</p> <p>Today I am asking for your support and your YES vote on Measure #36-115 so future Newberg residents can benefit from the legacy of our community.</p> <p>If voters approve Measure #36-115 the Crestview Crossing project will become a reality. This small annexation of 14.74 acres will allow for the following benefits:</p> <ul style="list-style-type: none"> <li>• 16 homes will compliment the existing neighborhoods and homes will be built by a local, well known homebuilder.</li> <li>• A commercial &amp; business center that will bring goods and services we don't currently have in Newberg.</li> <li>• Well paid construction jobs performed by Newberg companies and living wage jobs for Newberg citizens who will become employees of the new shops and stores.</li> <li>• Protection of existing greenspace and establishment of additional openspace with landscaping.</li> <li>• Greater safety for Newberg motorists as they enter Highway 99W by building the long planned for and awaited Crestview Drive extension from Oxberg Lake Estates to Highway 99W. In addition, this road (paid for entirely by me without any taxpayer expense) will reduce the increasing congestion along Benjamin Road and other surrounding roads.</li> </ul> <p>As a person who loves this community I have tried very hard to make sure that the contribution I make is a positive one. If you agree, please vote YES! On Measure #36-115 this coming November 6<sup>th</sup>.</p> <p>Questions? Contact me: Ella Gueidner, P.O. Box 15 Newberg OR 97132 (503) 536-6896</p> <p>Measure #36-115 is of, by and for Newberg. Be sure to register to vote.</p> <p>Don't forget to Vote Tuesday, November 06, 2007.</p> <p><b>VOTE YES ON MEASURE #36-115.</b> Information submitted by Ella Gueidner Yes for Newberg! Yes on Measure #36-115 Printed exactly as submitted</p>	<p>The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.</p>

ARGUMENT IN SUPPORT OF MEASURE 36-115	ARGUMENT IN SUPPORT OF MEASURE 36-115
<p><u>Chamber of Commerce Endorsement For Annexation of Crestview Crossing</u></p> <p>In November, 2007 the citizens of Newberg will have an opportunity to share in creating a very positive addition to our city. A "yes" vote for the Crestview Crossing annexation will establish several vital and long overdue projects that will enhance the livability of our community.</p> <ul style="list-style-type: none"> <li>• Crestview Drive will be extended to 99W directly across from Providence Hospital. Funded entirely by the developer, this arterial will take an enormous amount of traffic off of 99W and route it around a large portion of the city. With construction of the "Bypass" now placed even further into the future; the need for this link becomes crucial. Without a "yes" vote the extension of Crestview Drive will not happen and 99W will continue to increase in congestion with no relief in sight.</li> <li>• When possible, local companies will have preference in receiving awarded construction contracts on every phase of this project.</li> <li>• Local businesses will have an opportunity to locate in an upscale, aesthetically pleasing shopping center that will allow customers safety, easy parking and a quiet and varied shopping experience.</li> <li>• It offers a wonderful mix of residential options to choose from.</li> <li>• It will provide a significant number of new jobs in our community, thereby helping Newberg avoid the "bedroom community" syndrome.</li> <li>• It will assist in our need to retain spendable dollars in our own community rather than export them to surrounding cities that offer more and varied shopping choices.</li> <li>• Communities with well-planned, common sense growth are an attraction to new businesses or those simply looking to expand or move.</li> </ul> <p>These are a few of the more important reasons that the Board of Directors for The Chehaltem Valley Chamber of Commerce has voted unanimously to support annexation of Crestview Crossing on the November ballot. It is a vital part of the future for the entire community.</p> <p>Michael Sherwood, President Chehaltem Valley Chamber of Commerce Information submitted by Sheryl A. Kelsch, Executive Director, Chehaltem Valley Chamber of Commerce (CVCC) Printed exactly as submitted</p>	<p>The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.</p>

ARGUMENT IN SUPPORT OF MEASURE 36-115	ARGUMENT IN SUPPORT OF MEASURE 36-115
<p>As a citizen, a parent, and a business owner and as a participant in the Crestview Crossing Project I support Measure #36-115 and I'd like to provide you four good reasons why you should also:</p> <ul style="list-style-type: none"> <li>• <b>VOTE YES! On MEASURE #36-115!</b> Change in Newberg is ongoing. Too much change is just that - too much. This proposal is a sensible and small change of only 14.74 acres. We can manage change or let it manage us. This annexation allows The City of Newberg and its citizens to define what change will occur. Newberg citizens and businesses will receive numerous additional benefits.</li> <li>• Newberg needs housing. Upgrading and replacing existing housing is important. This annexation and the Crestview Crossing proposal only adds sixteen home sites - a modest change.</li> <li>• Traffic congestion along Highway 99W needs to be relieved and this annexation helps to achieve that. The owner, long time Newberg area resident and community volunteer Ella Gueidner, has directed that the long awaited extension of Crestview Drive be completed and that it be completed at her expense and NOT taxpayer expense. Traffic that traditionally has utilized Benjamin Road will now have a safe alternative. The traffic volume along Springbrook Road is reduced as cars accessing the neighborhoods to the north will have an additional traffic controlled intersection at Highway 99W.</li> <li>• Jobs for Newberg citizens will be created as preparation and construction begins on the residential, commercial and protected open spaces of Crestview Crossing. Once Crestview Crossing is completed Newberg area citizens will find work at the high-end commercial businesses making up the business area.</li> </ul> <p>If you have your own reasons for supporting this annexation please share them with me by writing to: Mr. Jeff Smith P.O. Box 15 Newberg OR 97132-0015</p> <p>Measure #36-115 is of, by and for Newberg. Be sure to register to vote. Don't forget to Vote Tuesday, November 06, 2007.</p> <p><b>VOTE YES ON MEASURE #36-115.</b> Information submitted by Jeff Smith, JT Smith Companies Yes for Newberg! Yes on Measure #36-115 Printed exactly as submitted</p>	<p>The printing of this argument does not constitute an endorsement by Yamhill County, nor does the county warrant the accuracy or truth of any statement made in the argument.</p>

*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 an 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 11/14/2018

-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

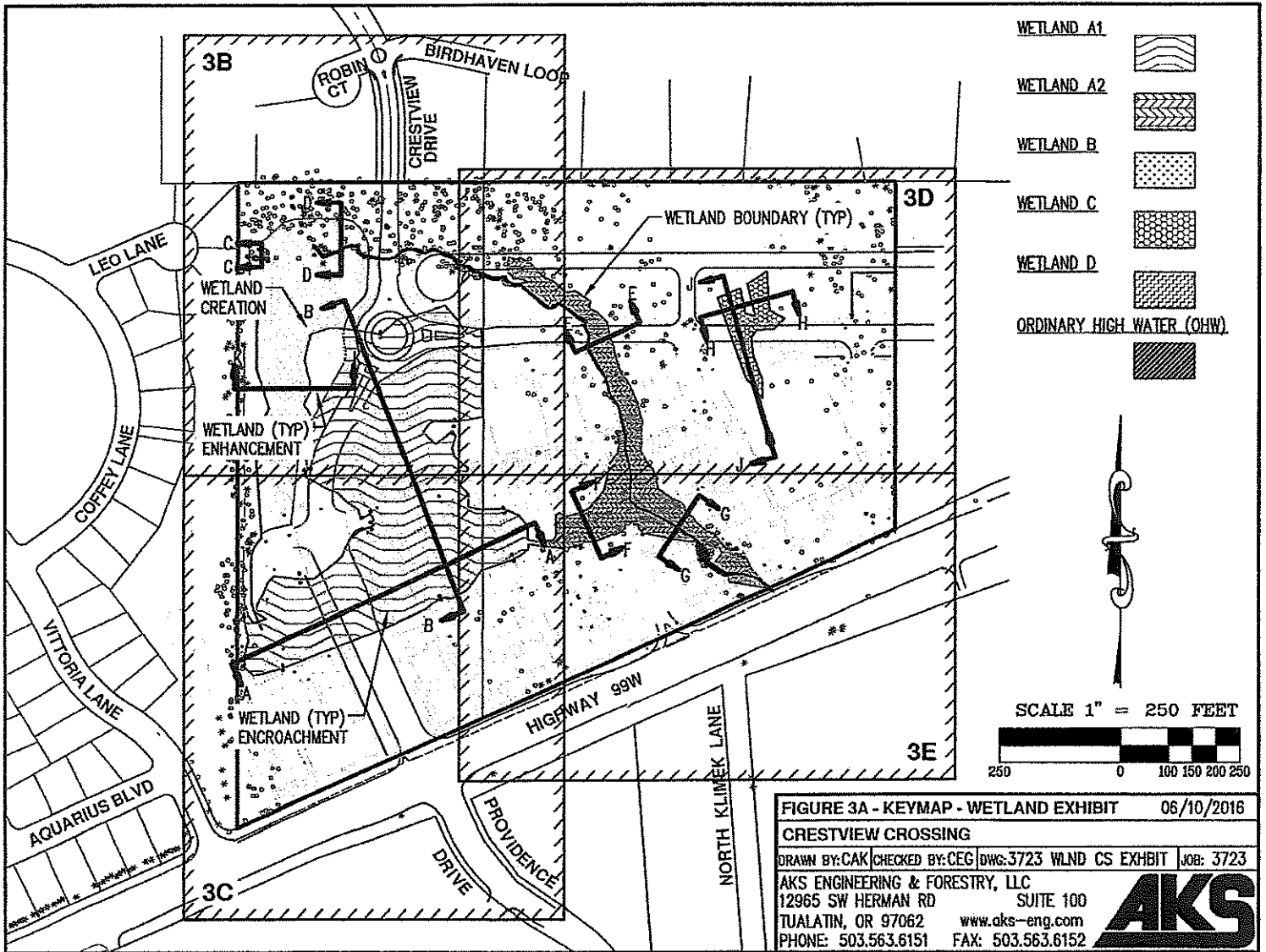
Portland District

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.









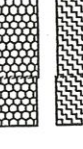


We urge you to consider the weight of this development on the impact of the wetlands, native species and existing property owners. We oppose the issuance of the permit as the proposal stands and would ask that the developers go back to the drawing board and come up with a respectable and prudent plan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

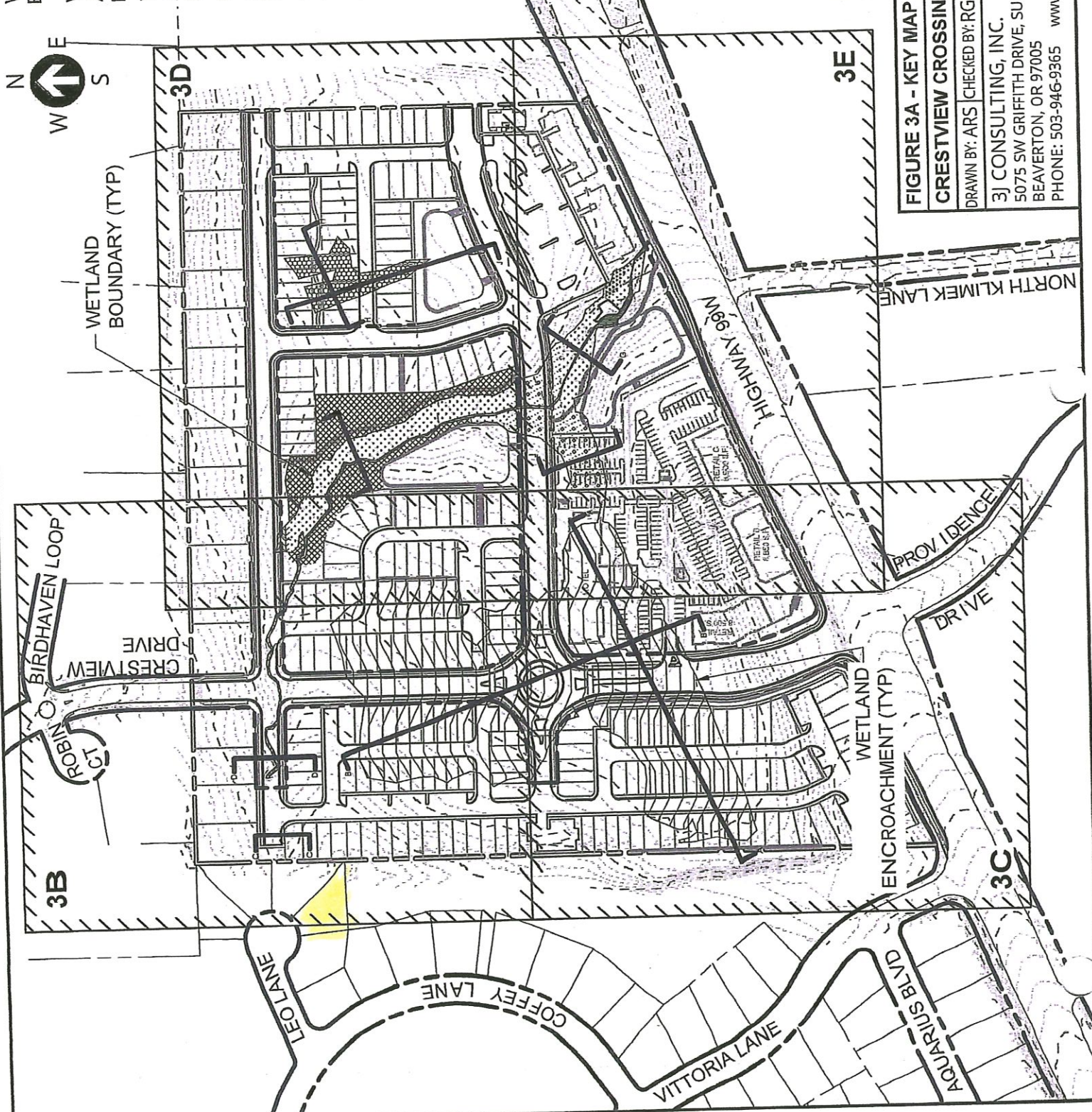
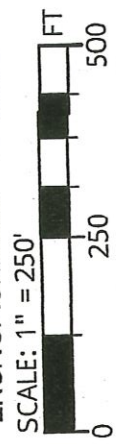
Sincerely,



Russ & Lisa Thomas  
1808 Leo Lane  
Newberg, OR 97132  
[T.LisaMarie@comcast.net](mailto:T.LisaMarie@comcast.net)  
503-538-9255

attachment: US Army Corps of Engineers No. NWP-2008-192-1; Figure 3A, Keymap, Wetland Exhibit, 6/10/2016

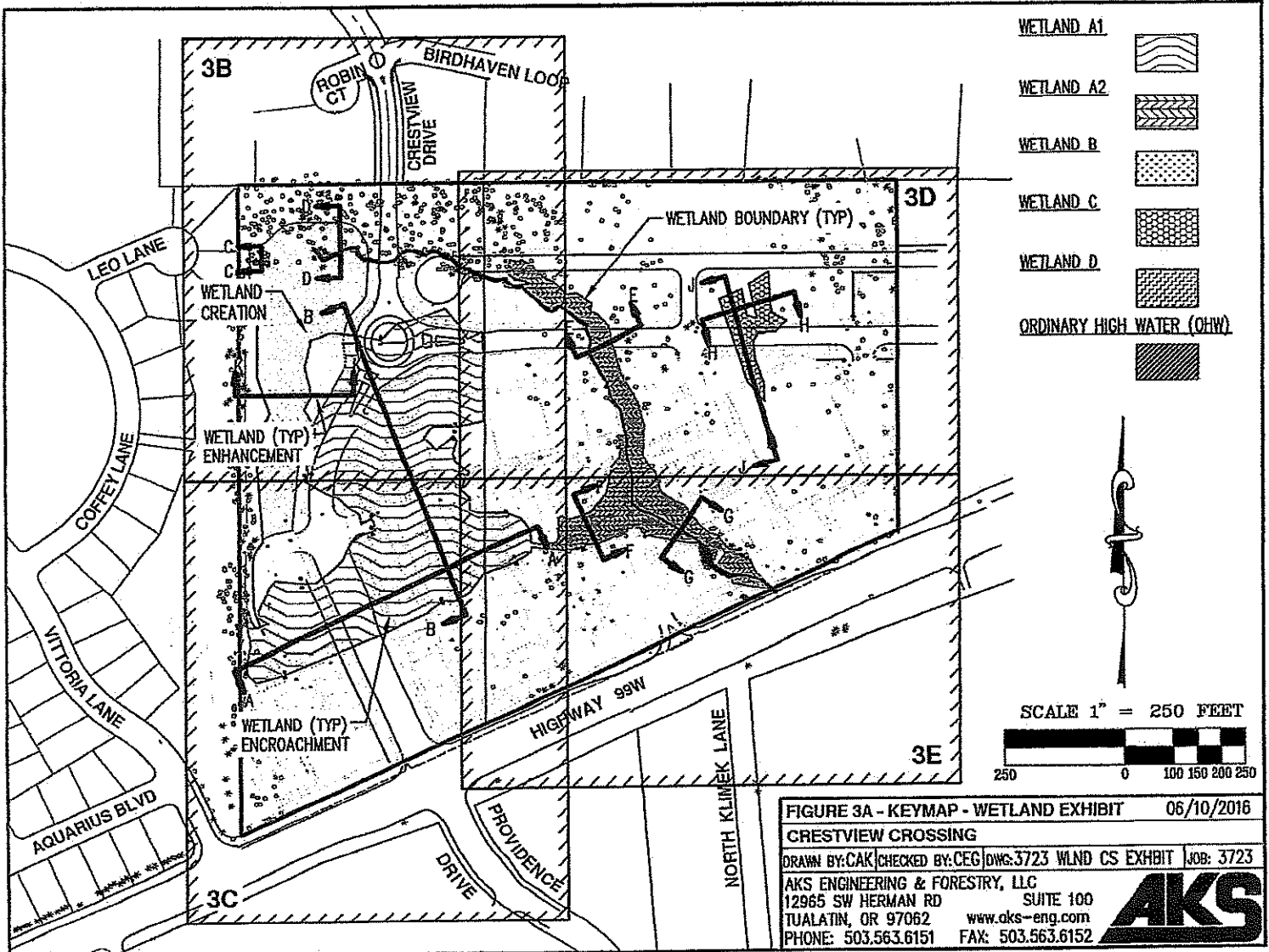
-  WETLAND A1 ENCROACHMENT
-  WETLAND A2 - AREA A ENCROACHMENT
-  WETLAND A2 - AREA B ENCROACHMENT
-  WETLAND A2 - AREA C ENCROACHMENT
-  WETLAND A2 TO REMAIN
-  WETLAND A2 VEGETATED CONSTRUCTION SETBACK
-  WETLAND B ENCROACHMENT
-  WETLAND C ENCROACHMENT
-  WETLAND D ENCROACHMENT
-  ORDINARY HIGH WATER (OHW) TO REMAIN
-  ORDINARY HIGH WATER (OHW) ENCROACHMENT



**FIGURE 3A - KEY MAP - WETLAND EXHIBIT** 05/07/2018  
**CRESTVIEW CROSSING**  
 DRAWN BY: ARS CHECKED BY: RGW | DWG: 17393-JA-EXH-3 | JOB: 17393  
 3J CONSULTING, INC.  
 5075 SW GRIFFITH DRIVE, SUITE 150  
 BEAVERTON, OR 97005  
 PHONE: 503-946-9365 www.3j-consulting.com



**Exhibit 3**



- WETLAND A1
- WETLAND A2
- WETLAND B
- WETLAND C
- WETLAND D
- ORDINARY HIGH WATER (OHW)

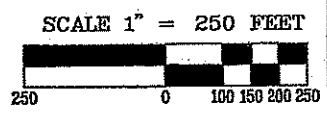


FIGURE 3A - KEYMAP - WETLAND EXHIBIT 06/10/2016  
 CRESTVIEW CROSSING  
 DRAWN BY: CAK | CHECKED BY: CEG | DWS: 3723 WLND CS EXHBIT JOB: 3723  
 AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD SUITE 100  
 TUALATIN, OR 97062 www.aks-eng.com  
 PHONE: 503.563.6151 FAX: 503.563.6152



## NOTES

City of Newberg – Planning Commission Meeting

October 11, 2018

### Testimony

My name is Russ Thomas. I live at 1808 Leo Lane. I have been a long-standing citizen in the City of Newberg. My wife and I have tried to closely follow all the changes that have been happening in this project. We have attended many meetings and provided our input. Each meeting presents a different plan than the meeting before.

This project now does not include the wall and buffer next to our property line that was presented at a previous meeting. What happened?

The buffer was supposed to be considered existing and created wetlands. After that meeting, I was able to speak with our Mayor, Bob Andrews and he made it clear that this project would go forward in a way that respects existing property owners and that the land would be “developed responsibly” and that included the buffer and a wall.

So, the plans that you are bringing here today are yet another “Bait and Switch”.

They called a recess and left the room. Interesting. I guess we wait.

They came back and told me my time was up.

Ok now I was informed that the project is no longer a Gramor project and is now Crestview Crossing – 3J Consulting. Good to know that it switched.

Andrew from 3J said there will be additional buffering between the existing properties and their development.

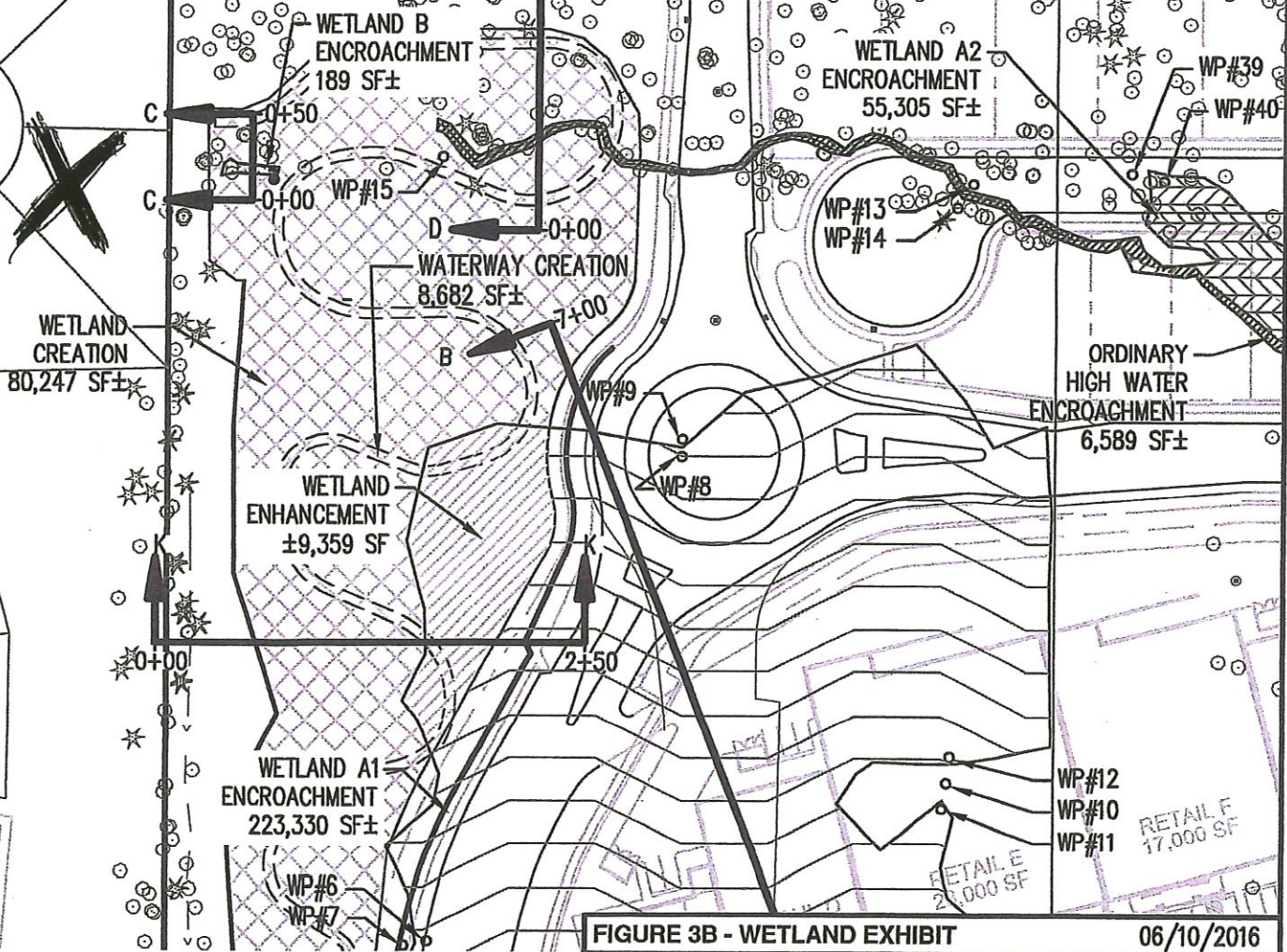


ROBIN CT

BIRDHAVEN LOOP

CRESTVIEW DRIVE

*Natural  
Suffice  
gone?*



SCALE 1" = 100 FEET



FIGURE 3B - WETLAND EXHIBIT 06/10/2016

CRESTVIEW CROSSING

DRAWN BY: CAK | CHECKED BY: CEG | DWG: 3723 WLND CS EXHIBIT | JOB: 3723

AKS ENGINEERING & FORESTRY, LLC  
 12965 SW HERMAN RD SUITE 100  
 TUALATIN, OR 97062 www.aks-eng.com  
 PHONE: 503.563.6151 FAX: 503.563.6152

**NEWBERG PLANNING COMMISSION MINUTES**  
**October 11, 2018**  
**PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

Chair PC Philip Smith called the meeting to order at 7:01p.m.

**ROLL CALL**

Members Present: Philip Smith, Chair  
Jason Dale  
Robert Ficker  
John Wuitschick  
Allyn Edwards  
Zach Pelz  
Capri Wheaton, Student

Members Absent: Gary Bliss, excused  
Bob Andrews, Ex-officio

Staff Present: Doug Rux, Community Development Director  
Keith Leonard, Associate Planner  
Cheryl Caines, Senior Planner  
Kristen Svicarovich, Engineering Associate  
Sue Ryan, City Recorder  
Joe Hannan, City Manager

**OATH OF OFFICE FOR NEW COMMISSIONERS**

City Recorder Ryan swore in Commissioner Zach Pelz and Student Commissioner Capri Wheaton.

**PUBLIC COMMENTS:** None

**CONSENT CALENDAR:**

<p><b>MOTION: Edwards/Wuitschick</b> moved to approve Planning Commission Minutes from September 13, 2018 Motion carried 6 Yes/0 No</p>
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**QUASI-JUDICIAL PUBLIC HEARINGS** (complete registration form to give testimony - 5-minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission).

- 1. Planned Unit Development and Conditional Use – Consider a proposal for a Planned Unit Development application on 33.13 acres of land that includes 18 single-family homes, 230 cottage homes and 51 multi-family units with modifications to the base zone’s dimensional requirements as permitted through the PUD process. The conditional use permit request is to allow residential use on C-2 Community Commercial zoned property.**

APPLICANT: Andrew Tull, 3J Consulting, Inc.

LOCATION: 4505 E Portland Road and abutting property without a street address

TAX LOTS: 3216-01100 and 3216AC-13800

FILE NO.: PUD18-0001/CUP18-0004

ORDER: 2018-10

CRITERIA: Newberg Development Code Sections: 15.225, 15.220.060, 15.240, 15.405, 15.410, 15.415, 15.420, 15.440, 15.505

CALL TO ORDER:

Chair Smith called the hearing on the Crestview Crossing Planned Unit Development and Conditional Use permit to order at 7:05 p.m.

CALL FOR ABSTENTIONS, BIAS, AND EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION: None

LEGAL ANNOUNCEMENT:

PC Student Commissioner Capri Wheaton read the hearing statement. CDD Rux gave a synopsis of what the Planning Commission discussed at the last meeting.

STAFF REPORT:

AP Leonard gave the staff report. He said Oxberg Lakes Estates Homeowners Association (HOA) and the applicant, GC Commercial, met on joint Conditions of Approval based on the 2008 Development Agreement. The City was not part of the 2008 agreement. The HOA and consultant provided a proposed groundwater monitoring program. City staff consider the groundwater issue to be a civil matter between the HOA and applicant.

Traffic calming issues have been mostly resolved with the City, applicant, and HOA in the agreement with the exception of the "no through truck" sign. In order for the City to determine if SDC credits can be grant the applicant shall follow Procedure 7B in the System Development Charge Procedures Guide. This will take place during the construction document review/public improvement permit stage of the process.

A summary of City changes to the jointly proposed conditions of approval (CoA) include removing SDC language (proposed CoA B 7, 111, 16, 17, 29, and 31); permanent maintenance access via a paved road extending within 10 feet of the center of all private stormwater structures unless otherwise approved by the City Engineer (the applicant/HOA concurred on this change); not installing No Through Truck signs; requiring a Sound Wall extend beyond Tax Lot 13800, Tax Lot 1100, and Oxberg Estates Tax Lots 1809, 1810, 1811, 1812, and a westerly portion of tax lot 1815.

Condition # 59 was reworded to not require Oxberg Lakes Estates owners abutting Tax Lot 1100 to pay for its maintenance and upkeep. This is considered by the City to be a civil issue between the Estates' owners and the applicant.

Under Condition #55, the applicant must provide estimates for timing completion of each phase of development. This is during an interim step between No. 1 and No. 2 of the Planned Unit Development (PUD) review process.

Under Condition #67, the pavement marking for the curb to curb lane will be retroreflective thermoplastic Method "A" Extruded Surface installed profiled pavement markings instead of raised pavement markings.

Because the applicant has not submitted a public improvement permit, the City cannot determine System Development Charges (SDC) credit eligibility prior to this stage of the review.

Staff does not agree with the stormwater drainage along the northern property line. City has no authority to require property owners outside the City limits to abide by agreements.

Staff recommended the Planning Commission adopt PC Order 2018-10, which approves the requested Planned Unit Development, conditional use permit, tentative plat and phasing plan with the findings shown in Exhibit "A" and the conditions of approval listed in Exhibit "B".

Planning Commission questions for staff:

PC Wuitschick asked about costs for access to Highway 99 West. Whose responsibility?

CDD Rux said the construction of Crestview Drive would be borne by applicant.

PC Edwards asked about the No Through Trucks sign. He thought it would mitigate risk.

EA Svicarovich explained why it would not be enforceable to have the no through truck sign.

There was discussion on the sign, roadway, definition of the word truck, and recent changes by the City on the use of private streets by the City.

#### PUBLIC TESTIMONY:

Applicant – Attorney Jamie Howsley, Jordan Ramis for applicant GC Commercial, and Attorney Jeff Kleinman for Oxberg Estates HOA, testified in favor of having the No Through Truck sign installed. Mr. Kleinman indicated the City of Newberg signed the 5-Party Agreement and there already is a sign on Crestview southbound. There was additional discussion on what is considered to be a truck.

PC Pelz said City adopted its Transportation System Plan (TSP) in 2016, and the HOA could have commented at that time but did not do so.

Mr. Arguea, traffic engineer for applicant attorneys, indicated there is an alternative sign to limit length and weight. N99W is a designated freight route. There was additional discussion on signs, and their effect on traffic safety.

Attorneys Howsley and Kleinman testified that they were in favor of a joint proposed condition (Exhibit A) to have the applicant and Oxberg Estates HOA enter into a well monitoring agreement and have it added as a condition of approval by the Planning Commission for PUD 18-0001 and CUP 18-0004. Mr. Kleinman noted the connection for the monitoring well is to the conditional use criteria.

PROPOSERS: None

#### OPPOSERS AND UNDECIDED:

Russell Thomas, spoke in opposition. He said there is no buffer between his home and the proposed development. There was a brief recess while we pulled up a map. Reconvened. Speaker continued. Chair Smith disagreed with Mr. Thomas about this being a "bait and switch" scheme as this is a different applicant than the previous Gramor proposed development that did not happen.

Applicant rebuttal: Applicant Attorney Howsley explained the difference between the previous Gramor commercial development and the current Crestview Crossing development.

Chair Smith asked him to describe the buffering.

Andrew Tull, 3 J Consulting, said there will be additional buffering between the proposed lots and existing lots.

CLOSE OF PUBLIC TESTIMONY:

FINAL COMMENTS FROM STAFF AND RECOMMENDATION:

AP Leonard recommended approval of the Order with some modified conditions for their consideration.

PLANNING COMMISSION DELIBERATION AND ACTION:

The Commission discussed the adjusted condition of approval for #67 on the retroreflective material instead of raised pavement. EA Svicarovich said this condition is language agreed to by applicant and attorney. There was consensus on Condition #67.

There was discussion on the No Through Truck sign.

There was consensus on the changes to Condition #59

PC Ficker asked about staff's recommendation of not adding the well agreement as a condition of approval. CDD Rux said it is a private matter between Crestview Crossing and Oxberg Lakes. He said the location could be in the road, which is a location the City does not want because it is not public infrastructure. He suggested that if the Commission wanted a condition on the monitoring well that it be tied to the conditional use criteria.

**MOTION: PC Dale/PC Ficker** moved to approve File No.PUD18-0001/CUP18-0004 Order No. 2018-10 with the addition of #67 and #59 with additional language as outlined, and number #68 of no through truck signs. PC Wuitschick/PC Ficker moved to amend motion to add number #69 to the Order. Vote #69 condition to the main Amendment motion passed 4 Yes/2 No [Ficker, Pelz]  
Main Motion carried 5 Yes/1 No [Pelz]

CDD Rux said you need to amend the findings.

Sound wall needs a finding

Sign needs a finding

Well needs a finding

Chair Smith said City officials have committed the city to these agreements (5-Party and annexation decisions).  
For the well it will have to be in the C-2 area.

PC Dale/PC Edwards moved to adopt the findings. Motion carried. 6 Yes/0 No

- 2. Sub-Division Preliminary Plat and Variance – Riverrun - Consider a proposal for subdivision and variance applications on a 23.16 acre site, comprised of three parcels, for 133 single family homes and a tract of land for future development. A variance is requested to the maximum number dwellings served by a cul-de-sac (18 homes). The proposal is for 21 homes on Street A and 20 homes on Street C. The subdivision would be developed in three phases.**

APPLICANT: Del Boca Vista LLC

LOCATION: E & W Weatherly Way and E Waterfront Street

TAX LOTS: R3230 00400, 00403, 00500

FILE NO.: SUB318-0001 / VAR18-0004

ORDER: 2018-12