

PLANNING COMMISSION AGENDA
November 12, 2009
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

- I. **ROLL CALL**
- II. **OPEN MEETING**
- III. **CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)
• Approval of October 8, 2009 Planning Commission Meeting Minutes
- IV. **COMMUNICATIONS FROM THE FLOOR** (5 minute maximum per person)
• For items not listed on the agenda
- V. **QUASI-JUDICIAL PUBLIC HEARINGS** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.
- APPLICANT: City of Newberg**
REQUEST: Annexation of a 19.68 acre parcel
LOCATION: 1409 S. Sandoz Road (new animal shelter will be located on southeast corner)
TAX LOT: 3229-100
FILE NO.: ANX-09-001 RESOLUTION NO.: 2009-271
CRITERIA: Newberg Development Code § 151.262
- VI. **LEGISLATIVE PUBLIC HEARINGS** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)
- APPLICANT: City of Newberg**
REQUEST: Consider changes to the Newberg Development Code to support the development of more affordable housing: allow duplexes in R-1, allow flexibility for accessory dwelling units, allow second-story residences in C-1, incentivize more affordable dwelling units in PUDs, allow legal non-conforming duplex and multi-family units to be reconstructed if destroyed, and reduce and provide flexibility to parking standards for affordable housing projects.
FILE NO.: G-09-007 RESOLUTION NO.: 2009-272
CRITERIA: Newberg Development Code § 151.122(B)
- VII. **ITEMS FROM STAFF**
1. Update on Council items
 2. Holiday Dinner Plans
 3. Other reports, letters, or correspondence
 4. Next Planning Commission Meeting: December 10, 2009
- VIII. **ITEMS FROM COMMISSIONERS**
- IX. **ADJOURN**

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

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

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

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PLANNING COMMISSION MINUTES

October 8, 2009

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE NOV. 12, 2009 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Lon Wall, Chair Derek Duff Thomas Barnes
 Matson Haug Philip Smith Amanda Golson, student PC

Absent: Nick Tri, Vice Chair (excused) Cathy Stuhr (excused)

Staff Present: Barton Brierley, Planning & Building Director
David Beam, Economic Development Planner
Jessica Nunley, Assistant Planner
Luke Pelz, Assistant Planner
Dawn Karen Bevill, Recording Secretary

II. OPEN MEETING:

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

III. CONSENT CALENDAR:

Chair Wall entertained a motion to accept the minutes of the September 10, 2009 meeting.

MOTION #1: Haug/Smith to approve the minutes from the Planning Commission Meeting of September 10, 2009. (6 Yes/ 0 No/ 2 Absent [Tri, Stuhr]) Motion carried by unanimous voice vote.

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Wall offered an opportunity for non-agenda items to be brought forth. No topics were brought forward.

V. QUASI-JUDICIAL PUBLIC HEARING:

APPLICANT: Keith & Evelyn Barnes
REQUEST: Conditional Use Permit approval to build an accessory dwelling unit in the R-1 zone.
LOCATION: 429 S. Main Street
TAX LOT: 3219AC-8300
FILE NO.: CUP-09-003 **RESOLUTION NO.:** 2009-269
CRITERIA: Newberg Development Code 161.205 & 151.194

Opening of the Hearing:

Chair Wall opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. Commissioner Barnes stated that he has no relation to the applicants - Keith & Evelyn Barnes. Luke Pelz, Assistant Planner, presented the staff report (see official meeting packet for full report). The Planning Commission asked that staff clarify the City of Newberg’s policy regarding sidewalk replacement and the applicant’s proposal to use the dwelling for their personal use until a tenant occupies the unit. Chair Wall read ORS 197.763.

Public Testimony:

Chair Wall opened the public testimony portion of the hearing. There was a total of one proponent and no opponents. The proponent, Keith Barnes, asked that there be no condition of approval to replace the sidewalk on Fifth Street because it will cost burden the project and the sidewalk would incur damage from motor vehicles because no curb exists along Fifth Street. Chair Wall closed the public testimony portion of the hearing.

Deliberation:

Chair Wall opened the deliberation portion of the hearing. The Planning Commission discussed: the public testimony, whether to require sidewalk replacement along the Fifth Street frontage, the City’s plans to improve Fifth Street, and the Planning Commission’s authority to modify Development Code requirements. Chair Wall asked for final comments and recommendation from staff. Staff concluded with a recommendation to approve Resolution No. 2009-269 with no change to the proposed conditions of approval. Chair Wall asked for additional comments from Commissioners and after hearing none closed the public hearing.

MOTION #2: Haug/Barnes to adopt Resolution No. 2009-269 with the conditions as stated by staff; removing the condition of replacing the entire sidewalk along Fifth Street. (5 Yes/ 0 No/ Absent 2 [Tri, Stuhr]) Motion carried.

VI. LEGISLATIVE PUBLIC HEARINGS:

APPLICANT: City of Newberg
REQUEST: Amend the Newberg Development Code to include standards for a new M-4 industrial zoning district, new Interim Industrial Use overlay district, and amend the allowed uses in the M-2 and M-3 zoning districts.
FILE NO.: G-08-004 **RESOLUTION NO.:** 2009-270

TIME: 7:42 P.M.

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

Jessica Nunley, Associate Planner, explained the presentation is of the Development Code Amendments that implement Newberg’s South Industrial Area Master Plan, as well as an interim Industrial Overlay Zone (see official meeting packet Exhibit A for details).

Chair Wall asked when light industrial becomes heavy industrial. Jessica Nunley explained the main distinction is external impact. Heavy manufacturing has outdoor storage and processing of goods and

materials that may exceed 10% of the site, and with light manufacturing the external impact is less than 10% of the site.

Commissioner Smith referred to the questions/suggestions brought up about the draft zoning by Steve Oulman, (page 59/122 of the meeting packet), and asked for staff's responses to all five.

Jessica Nunley explained the meeting packet has been amended from what is in the actual plan document. Ms. Nunley continued to review all five questions/suggestions as follows:

1. The purpose statement was linked in section 151.418 (pg. 45, second paragraph of the meeting packet) by stating why the Development Code amendments were needed and why the area chosen was best suited for the City's needs.
2. This suggestion was not used since the size limit placed on the retail component would be adequate.
3. Staff agreed it can be more of a retail commercial use and took it out.
4. This suggestion was not used since wineries are not allowed in the City at the moment and staff felt that the South Industrial area was an appropriate place for wineries.
5. At this time a trip cap would be premature. Trip caps and other conditions are usually discussed at the time of development, after a review of actual traffic impacts from proposed uses. The limited size of the commercial area itself may negate the need for trip caps.

MOTION #3: Haug/Duff moved to recommend Resolution No. 2009-270, which recommends to the City Council that they adopt the Development Code Amendments, Exhibit A of the meeting packet. (5 Yes/ 0 No/ 2 Absent [Tri, Stuhr]). Motion carried.

Discussion:

Commissioner Haug expressed his confusion regarding how much retail will be there and the rules pertaining to it.

Jessica Nunley explained that in the industrial employment area, which is most of the study area, there are some retail uses that staff deemed reasonable on site, such as a showroom or a winery tasting room. Staff did limit the size of retail sales to less than 25% of the total use and not in excess of 5,000 square feet.

Commissioner Smith asked if a drive-thru business would be allowed. Jessica Nunley replied no, they would not be permitted. Restaurants are allowed, without a drive-thru.

Commissioner Smith asked if the design standards are onerous or are they preventing businesses from coming in. Jessica Nunley replied no, while the bar is raised on some parts, it's lowered on others to balance it out. Newberg needs an attractive gateway into the city.

Chair Wall believes Commissioner Smith's point is valid and he feels the same. Whether or not it raises a threshold, making it difficult to sell parcels to industrial users, he's unsure. The planning is very well done, but he fears the reason developers aren't in attendance at this meeting is because the bars have been set too high.

Commissioner Haug remembers this same conversation in the past and the concern regarding the costs to developers in meeting the standards. He believed there was a consensus at that time that these standards are acceptable.

David Beam stated there are some businesses that want an attractive area and won't come into an area if it isn't attractive.

Jessica Nunley stated the planned biking and walking trails will help make the area an attractive place where people want to come to work. She believes this is similar to what other cities are doing.

Chair Wall understands and doesn't believe it needs to be changed, but stated that as a businessman, he's cautious.

VII. WORKSHOP: Residential Design Photos

TIME: 8:15 P.M.

Commissioner Barnes picked different zoning area and residences in making comparisons to design standards. He showed apartments on Cherry Street which had no porches and no overhang with mostly on-street parking. The apartments were built in the 1980s.

Immediately to the left, east of Cherry Hill is a new development. Off street parking is substantial; built late last year. The development has no color variation.

To the west of Cherry Hill are two units. Coyote Development built these, which were viewed as well constructed.

On Tenth Street across from Renne Field are recently renovated apartments; low cost housing. There are some carports and on-street parking; ten units in all.

Melody Court, which is a Coyote Homes development, are all in-fill. Many homes have been there a while with newer houses built behind. Varied materials were used from house to house; no two being the same. They all sold in the \$240,000- \$250,000 price range.

Oak Knoll on Foothills Drive are medium-sized homes. Recently, several have sold at \$200,000, all of which, have slopes. The garages are located in back; served by alleys. There is a variety of homes and the lots are all same size.

Jaquith Park Estates houses have no variation of siding materials and have minimal covered porches. These were built in the early 1990s. This development consists of homes built by different builders.

Orchards Lair homes, located on Second Street, are smaller built on small lots on the west end; garages with alleys, varying colors, all with porches and window treatments. SDCs were waived in this development. In total, 120 houses differ throughout the development.

Riverview Condominiums have more mature vegetation, which makes a big difference. The parking area is nice, single car garages, with extra parking in a lot. The prices are approximately \$180,000.

These have a Condominium Association. All the condos look different; some with porches. These scored high point-wise, especially with density.

Discussions included safety access to every home, connectivity to other neighborhoods and through streets, as well as street standards, topography, and whether it would be better if people owned their own condos or not.

Overall, the Planning Commission agreed the presentation was quite helpful and brought up many ideas and good discussions regarding the point system. The Committee thanked Commissioner Barnes for the time he spent in preparing the presentation.

VIII. ITEMS FROM STAFF:

TIME: 9:11 P.M.

Update on Council items:

Barton Brierley stated on the October 19, 2009 City Council will hear an UGB Amendment for a 1-¼ acre parcel on Wynooski Road.

On November 2, 2009 City Council will hear the Planning Commission's recommendation on the code amendments from tonight's meeting as well as the recommendations regarding the South Industrial Master Plan. Also, after much discussion and convincing, ODOT will be putting a traffic signal at Everest and Hwy 219, which has been a challenging intersection for quite awhile. An authorization is needed by City Council for that signal.

Other reports, letters, or correspondence:

Barton Brierley noted that a couple terms are expiring on the Planning Commission: Commissioner Matson Haug, who has reapplied, and Chair Wall. If anyone else in the community wants to serve, this is an opportunity to apply.

There are two terms expiring on NDRC, and Warren Parrish's term on NUAMC will be expiring, as well.

Commissioner Haug doesn't believe positions need to be reappointed time after time. He encouraged others in the community to become involved. If they're interested in applying for NUAMC, his term expires the end of this year. He currently serves as Chair of that committee and very much enjoys it.

Barton Brierley sent an email out today regarding the State Citizen Involvement Advisory Committee. This year they wanted to recognize local governments who do well with citizen involvement by giving out an award. Based on meetings regarding Newberg's future, neighborhood meetings, letters sent out to the community, etc., it was announced that Newberg won the 1st Star Citizen's Involvement Award in the State. Mr. Brierley congratulated all citizens who have shown up at the meetings, participated on a committee, etc.

The next Planning Commission meeting is on November 12, 2009.

IX. ITEMS FROM COMMISSIONERS:

X. ADJOURN:

Chair Wall adjourned the meeting at 9:20 p.m.

Approved by the Planning Commission this 12th day of November, 2009.

AYES:

NO:

**ABSENT:
(List Name(s))**

**ABSTAIN:
(List Name(s))**

Planning Recording Secretary

Planning Commission Chair

TYPE III, QUASI-JUDICIAL PUBLIC HEARING PROCEDURE

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

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

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

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

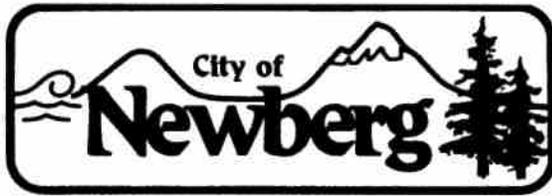
³ Questions by those wishing to testify should be directed to the Chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

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

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

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

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



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

ANNEXATION STAFF REPORT

FILE NO.: ANX-09-001

REQUEST: Annexation of one parcel (approximately 19.68 acres) to the City of Newberg with concurrent zone change from Yamhill County AF-10 (Agriculture/Forestry Small Holding) and HI (Heavy Industrial) zoning to City M-3 (Heavy Industrial), M-2 (Light Industrial), with an Interim Industrial Use overlay for the portion of the site within the Bypass route.

LOCATION: 1409 S. Sandoz Road (former Baker Rock property)

TAX LOTS: 3229-100

**APPLICANT/
OWNER:** City of Newberg

ZONE: Yamhill County AF-10 (Agriculture/Forestry Small Holding), HI (Heavy Industrial)

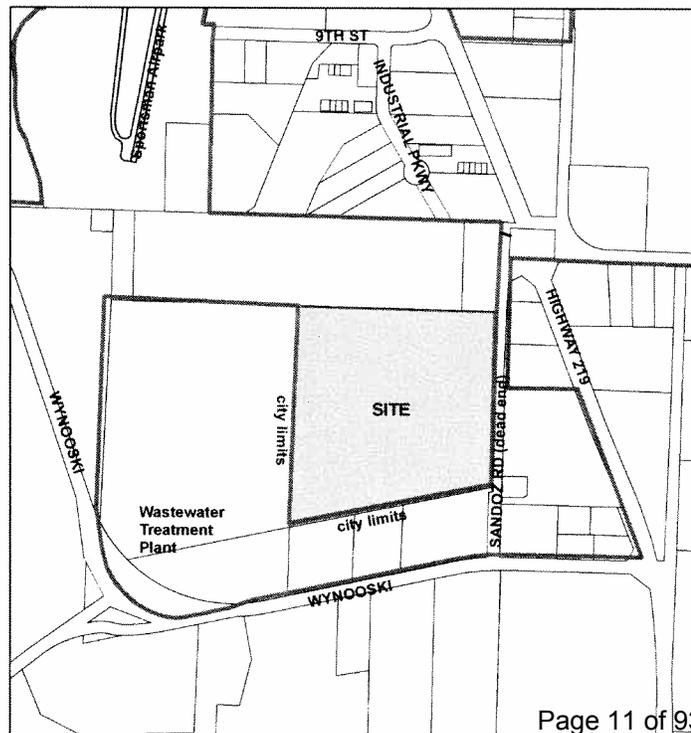
COMPREHENSIVE PLAN DESIGNATION: IND (Industrial), with an Airport Overlay and Bypass Interchange Overlay

DATE OF HEARING: November 12, 2009

ATTACHMENTS:

Reso. 2009-271 with

- Exhibit A: Findings
- Exhibit B: Annexation Map
- Exhibit C: Legal Description
- Exhibit D: Comprehensive Plan Map
- Exhibit E: Zoning Map
- 1. Aerial Photo - Vicinity
- 2. Aerial Photo - Site
- 3. Aerial Photo with topography
- 4. Existing Yamhill County zoning
- 5. Concept development plan
- 6. Latest ODOT bypass design
- 7. Application
- 8. Newberg Comprehensive Plan (by reference)
- 9. Newberg Development Code (by reference)
- 10. Comments received



A. PROCESS: The applicant's request for approval of an annexation is being processed through the provisions of Newberg Development Code § 151.024 as follows:

- October 22, 2009 Public notice was mailed to property owners within 500 feet of the site for comment.
- October 29, 2009 Notice was posted on the site.
- October 29, 2009 Notice was posted in four public places.
- October 24, 2009 Notice was published in the Newberg Graphic.
- October 29, 2009 The Director determined the application was complete.

B. CRITERIA: The Planning staff has determined that the following criteria apply to the subject proposal. The Planning Commission or other interested parties should direct their comments to the criteria listed or state why they feel other criteria may apply. The Newberg City Council has the authority to make the final decision on this matter. The Planning Commission has an advisory role.

NDC § 151.262 QUASI-JUDICIAL ANNEXATION CRITERIA

The following criteria shall apply to all annexation requests:

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

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

(1) Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

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

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

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

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

C. SITE INFORMATION:

1. Request: Annexation of a 19.68 acre parcel into the City of Newberg with concurrent zone change from Yamhill County AF-10 (Agriculture/Forestry Small Holding) and HI (Heavy Industrial) zoning to City M-3 (Heavy Industrial), M-2 (Light Industrial), with an Interim Industrial Use overlay for the portion of the site within the Bypass route.
2. Zoning/Comprehensive Plan designations: The site currently has Yamhill County zoning and is primarily HI (Heavy Industrial), with a 160 foot deep AF-10 (Agriculture/Forestry Small Holding) buffer zone along the southern and eastern boundaries. The site has an Industrial (IND) designation in Newberg's Comprehensive Plan, with an Airport Overlay and Bypass Interchange overlay. The Airport Overlay primarily limits the height of developments near the airport, and the Bypass Interchange Overlay primarily limits the uses permitted near the future Newberg-Dundee Bypass interchanges.
3. The City recently created an Interim Industrial Use Overlay. The purpose of this overlay is to allow interim use of industrially zoned properties in areas that are planned for future acquisition for right-of-way, such as the Newberg-Dundee bypass. The overlay allows non-structural uses of the land, such as parking and storage. The overlay also reduces requirements for permanent site improvements, such as parking and landscaping, which would be removed upon acquisition of the right-of-way. The northern part of this 19.68 acre parcel is within the most current design of the bypass right-of-way, so the Interim Industrial Use Overlay should apply to the northern part of this site upon annexation (approx. 6.7 acres, as shown in Exhibit E).
4. The City is also in the process of applying to Yamhill County for a conditional use permit to construct an animal shelter in the southeast corner of the site. If the conditional use permit application is approved then any conditions placed on the project by Yamhill County will still apply if the site is annexed into the city. The City has begun the conditional use permit process with the County before annexing the site into the city because we would like to begin construction of the animal shelter soon. The annexation process takes quite a while to complete. If the annexation application goes to the city

voters in May, 2010 and is approved then the site will officially be within the city in June, 2010.

5. Site: The site is currently a hazelnut orchard with mature trees. The topography is generally flat, with a slight slope to the northwest. There is a grove of tall oak trees in the northeast corner, where a house used to be located.
 6. Surrounding uses:
West: City wastewater treatment plant, within city limits. M-3 (Heavy Industrial) zoning.
South: Two light industrial uses, vacant industrial lot. Inside city limits. M-2 (Light Industrial) zoning.
East: Manufactured home park, inside city limits. R-2 (Medium Density Residential) zoning.
Northeast: Single family home, outside city limits. County VLDR-2.5 (Very Low Density Residential) zoning.
North: Single family home with pasture, outside city limits. County AF-10 (Agriculture/Forestry Small Holding) zoning.
 7. Ownership: The City of Newberg recently purchased the parcel from Baker Rock.
 8. Utilities: The animal shelter project will probably begin construction before annexation. Any wells and septic systems on the site will be decommissioned after annexation.
Sanitary Sewer: The project will install a grinder pump and forced main line to the wastewater treatment plant west of the site upon annexation. This is similar to the systems used by the industrial uses south of the site. There are no sanitary sewer lines in Wyooski Street or Sandoz Road near the site.
Water: The animal shelter project will connect to the city water line in Sandoz Road. This line will probably be extended west along the southern property line when the remainder of the property is developed to connect to another city water line, and complete a loop.
Stormwater: Stormwater from the animal shelter roof and paved area will be directed to Sandoz Road, where a ditch will carry it to Wyooski Street and a city catch basin.
 9. Roads: The site is adjacent to and will take access from Sandoz Road, a dead-end local street. Sandoz Road provides access to Wyooski Road, a major collector. Sandoz Road has a 60 foot right-of-way south of the site, and a 50 foot right-of-way adjacent to the site. The City will dedicate an additional 10 feet of right-of-way along the western side of Sandoz Road to match the right-of-way to the south. The west side of Sandoz Road adjacent to the animal shelter project will be improved with additional paving, curb, gutter and sidewalk as part of the animal shelter project.
- D. AGENCY COMMENTS:** The proposal was referred to the following public agencies: City Manager, Planning and Building Director, Public Works Director, Public Works Surveyor, Maintenance Supt., Legal, Building, Police, Fire, Finance, NW Natural Gas, Newberg School District, PGE, Comcast, Verizon, Newberg Garbage, Chehalem Park and Rec. District, Newberg Rural Fire District, Postmaster, Yamhill County Planning, Yamhill County Roads, and ODOT.

The following responded:

Reviewed; no conflict: Fire Dept., Newberg Rural Fire Protection District, Police Dept., School District, Newberg Garbage, Finance.
Reviewed, no comment: City Manager.

Yamhill County, Dept. of Planning and Development commented:

Re: **Docket No. ANX-09-001, Proposed annexation of Tax Lot 3229-100**

Dear Mr. Olson:

Thank you for the referral related to annexation of the 19.68 acres addressed as 1409 S. Sandoz Road. As part of the annexation the City will need to take over jurisdiction and maintenance of Sandoz Road. The Yamhill County Transportation Plan Section 5.2.2 has Goals and Policies that deal with the issue of Annexations. Goals 5 and 6 of this section state:

5. County policy will encourage the expeditious transfer of jurisdiction of roadways to incorporated cities in conjunction with annexation. It is the policy of Yamhill County that developers of property who propose annexation and who have frontage on a road that does not meet city road standards shall have the primary responsibility for upgrading the road to city standards. Roads shall be upgraded at the time of annexation, or the developer shall sign an agreement with the city to upgrade the road at the time of development. Transfer of jurisdiction shall require the approval of both the County and the City in accordance with the provisions in Oregon Revised Statutes 373.270.

6. It is the policy of Yamhill County to require the transfer, or an agreement to transfer with specific time lines and milestones as part of the agreement, of jurisdiction of County roadways within urban growth boundaries to their respective cities at the time of annexation.

In reading through the application packet I did not notice findings related to the future jurisdiction and maintenance of Sandoz Road. Please contact the Yamhill County Public Works Department and Yamhill County Counsel's office to formalize an agreement to transfer jurisdiction of Sandoz Road to the City.

Please also consider Yamhill County to be a party to the application and please send future public notices to the following departments:

Yamhill County Public Works
John Phelan, Road Director
2060 NE Lafayette Avenue
McMinnville, OR 97128

Yamhill County Public Works
Bill Gille, Engineer
2060 NE Lafayette Avenue
McMinnville, OR 97128

Yamhill County Planning Dept.
Ken Friday, Planning Div. Manager
525 NE 4th Street
McMinnville, OR 97128

Yamhill County Counsel
Rick Sanai, Assistant Co. Counsel
434 NE Evans Street
McMinnville, OR 97128

If you have any questions, please contact this office at (503) 434-7516.

Sincerely,



Kenneth P. Friday
Planning Division Manager

cc (via e-mail):Board of Commissioners
John Phelan, Road Director
Bill Gille, Engineer
Rick Sanai, Assistant Co. Counsel
Mike Brandt, Planning Director
Barton Brierley, Newberg Planning Director

Oregon Department of Transportation commented:

SUBJECT: Comments on ANX-09-001 (City of Newberg)

Dear Mr. Olson:

Thank you for referring the subject application to the Oregon Department of Transportation (ODOT) for review and comment. ODOT staff have reviewed the proposed City of Newberg annexation application and supporting documents and our comments are provided below.

The application is a request by the City of Newberg for annexation of 19.68 acres into the City. A concurrent zone change from the Yamhill County AF-10 (Agriculture/Forest Small Holding) and HI (Heavy Industrial) zoning to the City's M-3 (Heavy Industrial) and M-2 (Light Industrial) districts is also proposed. The City's Comprehensive Plan designates the property "Industrial." The subject property is located west of Sandoz Road north of its intersection with Wyooski Road. The City currently has an application pending with Yamhill County for the construction of an animal shelter on the southeast corner of the site. Other uses proposed for the site include and expansion of the City's wastewater treatment facility and a public works maintenance yard.

The proposed Newberg-Dundee Bypass crosses the northern portion of the property. The Comprehensive Plan applies a Bypass Interchange overlay to that property. The City is currently considering a development code amendment that would create an Interim Industrial Use Overlay that, if adopted, would be applied to the portion of the site crossed by the proposed bypass alignment and would limit use of the property subject to the overlay to interim and non-structural uses.

The application materials include proposed findings related to compliance with Statewide Planning Goal 12 and the Transportation Planning Rule (OAR 660-012-0060). The findings pertaining to "Roads" conclude, "*The future development on the site will have a low impact in transportation facilities in the area.*" ODOT staff concur with this finding as it relates to the uses described in the application. Other uses allowed in the M-2 and M-3 zoning districts could, however, generate a level of traffic that could result in significant impacts to area transportation facilities. ODOT recommends that the City adopt a limited use overlay or other enforceable condition on the zone change that would limit use of the property to those described in the application materials. This condition will ensure that proposed findings for the Transportation Planning Rule can be met.

As a final matter, ODOT supports the actions proposed by the City to limit development of the northern portion of the site that is crossed by the proposed Newberg-Dundee Bypass alignment. The proposed Interim Industrial Use overlay, as described in the application, will serve to allow a level of development on the site while protecting the property for future acquisition.

This letter should be included in the record as ODOT testimony. ODOT should be considered a party to the hearing and be entitled to notices of future hearings, or hearing continuances or extensions. Please provide me with a copy of the City's decision, including findings and conditions of approval.

Sincerely,



Daniel L. Fricke
Senior Transportation Planner

DLF:

cc: Cyndi Buswell, ODOT Region 2
Terry Cole, ODOT Region 2
Steve Oulman, DLCD

PUBLIC COMMENTS: One public comment was received during the two week public comment period. It is summarized below and addressed within the findings. The full text of the comment is included in Attachment 10.

Gene & Lynda Spaugh, 1500 S. Sandoz Road, were concerned about buffering the noise and view of future development on the site, the impact of increased traffic, and that development include parking within the site.

General response: The parking and buffering issues will be addressed in detail when any future development on the site applies for design review approval. The concept development plan shown for the site is not being approved as part of the annexation; it only shows an example of how the site could develop. The design review process for future development will include public notice and a public comment period, so there will be an opportunity for neighbors to review and comment on any specific development proposals. In general, however, the Newberg Development Code will require any future development to provide off-street parking on the site (typically 1 parking space for every 500 square feet of building for industrial uses), and will require at least a 20 foot deep

landscaped front yard along Sandoz Road to buffer the view of future development. The animal shelter project that is currently being reviewed by Yamhill County also includes a 20 foot deep landscaped front yard along Sandoz Road, a 100 foot building setback from Sandoz Road to minimize noise, and an off-street parking lot. The traffic concerns are addressed within the transportation findings.

E. ISSUES:

1. Animal shelter conditional use approval by Yamhill County: The County review of the animal shelter conditional use permit is a separate process and is currently underway. If Yamhill County approves the conditional use permit then City staff will apply for building permits and begin construction. If the annexation proposal is approved by the City Council and by the voters then all future development of the site would be reviewed under the City design review criteria in the Newberg Development Code.
2. Bypass Route: The most current design of the Newberg-Dundee Bypass right-of-way covers the northern part of the site. The site would not have direct access to the bypass. The Interim Industrial Use overlay would allow some use of the northern portion of the site but not obstruct the future construction of the bypass.
3. The existing Yamhill County zoning on the site has an AF-10 zone to buffer nearby properties from the Heavy Industrial zone that covers most of the site. The City's Comprehensive Plan designation for the entire site is Industrial. The City is proposing a Light Industrial (M-2) buffer zone along the eastern edge of the site to buffer the nearby residents from the Heavy Industrial (M-3) zone on the remainder of the site.

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

- 6Move to adopt Planning Commission Resolution 2009-271, which recommends to the City Council approval of the requested annexation.

PLANNING COMMISSION RESOLUTION NO. 2009-271

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE ANX-09-001, AN ANNEXATION OF 19.68 ACRES LOCATED AT 1409 S. SANDOZ RD., TAX LOT 3229-100.

WHEREAS, On September 29, 2009, City of Newberg staff submitted an application requesting annexation and concurrent zone change for a 19.68 acre property located at 1409 S. Sandoz Road, Yamhill County tax lot # 3229-100; and

WHEREAS, On October 22, 2009, notice of this proposed annexation/zone change and withdrawal from the Newberg Rural Fire Protection District was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 500 feet, and on October 29, 2009 notice of the proposal was posted on the site; and

WHEREAS, Notice was published in *The Newberg Graphic* newspaper on October 24, 2009, which is at least ten days prior to the public hearing before the Planning Commission on November 12, 2009, and on October 29, 2009, notice of the Planning Commission hearing was posted at four public places to comply with Oregon Revised Statute requirements for annexations.

WHEREAS, On November 12, 2009, a hearing was held by the Newberg Planning Commission.

WHEREAS, The Planning Commission finds that the application meets the applicable criteria, and would be in the best interest of the citizens of Newberg.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends that the City Council:

1. Approve the requested annexation of this parcel, with concurrent zone change from Yamhill County AF-10 (Agriculture/Forestry Small Holding) and HI (Heavy Industrial) zoning to Newberg M-3 (Heavy Industrial), M-2 (Light Industrial), with an Interim Industrial Use overlay for the portion of the site within the Bypass route, as shown on Exhibit E.
2. Withdraw the parcel from the Newberg Rural Fire Protection District.
3. If the annexation is approved by the voters, initiate a request to Yamhill County to transfer the jurisdiction of Sandoz Road to Newberg.

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

DATED this 12th day of November, 2009.

AYES: NAYS: ABSTAIN: ABSENT:

ATTEST:

Planning Commission Secretary

Planning Commission Chair

Exhibits

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

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EXHIBIT A: FINDINGS

Annexation of 19.68 acres located at 1409 S. Sandoz Road

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

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

FINDING: The site is within Newberg’s urban growth boundary.

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

FINDING: The subject site is contiguous to the existing city limits along its west, south and east sides.

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

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

FINDING: The comprehensive plan designation for the site is Industrial (IND), with an Airport Overlay and a Bypass Interchange Overlay. The proposed zoning for the site is partly M-3 (Heavy Industrial) and partly M-2 (Light Industrial), with an Interim Industrial Use overlay on the route of the Newberg-Dundee Bypass (the northern approx. 6.7 acres, as shown in Exhibit E).

The M-2 and M-3 zones correspond with the Industrial comprehensive plan designation. The proposed wastewater treatment plant expansion shown on the concept plan is planned for the M-3 portion of the site, where it is an allowed use. The public works maintenance yard would be placed primarily within the M-2 portion of the site, although it would be an allowed use within either the M-2 or M-3 zones. The animal shelter project will probably already be built by the time the property is annexed, and will be within the M-2 zone in the southeast corner. The animal shelter is an allowed use in the M-2 zone. The Airport Overlay primarily limits the height of structures near the airport; all of the projects shown on the concept plan will be able to comply with the Airport Overlay requirements.

The Bypass Interchange Overlay prohibits certain commercial uses:

151.531.4 PROHIBITED USES.

(A) Several commercial types of uses are permitted outright or with conditional use approval in Newberg’s Industrial Districts (M 1, M 2, and M 3). The area within the Newberg UGB near the Oregon 219 interchange is generally planned for industrial use. To protect the interchange area from commercial development, the following uses are prohibited within the M 1, M 2, and M 3 Districts within the boundaries of the Bypass Interchange Overlay.

- (1) Automobile sales, new and used.*
- (2) Billboards.*
- (3) Car washes.*

- (4) Convenience grocery stores.
- (5) Restaurants larger than 2000 square feet or with drive-up service windows.
- (6) Service stations.
- (7) Drive-in theaters.
- (8) Auction sales.
- (9) Bakeries, retail.
- (10) Building material sales.
- (11) Driving ranges.
- (12) Feed and seed stores.
- (13) Miniature golf courses.
- (14) Skating rinks.

(Ord. 2004-2602, passed 9-20-04)

All of the proposed uses for the site are allowed by the Bypass Interchange Overlay.

The City recently created an Interim Industrial Use Overlay zone. The purpose of this overlay is to allow interim use of industrially zoned properties in areas that are planned for future acquisition for right-of-way, such as the Newberg-Dundee bypass. The overlay allows non-structural uses of the land, such as parking and storage. The overlay also reduces requirements for permanent site improvements, such as parking and landscaping, which would be removed upon acquisition of the right-of-way. The northern part of this 19.68 acre parcel is within the most current design of the bypass right-of-way, so the Interim Industrial Use Overlay should apply to the northern part of this site upon annexation (approx. 6.7 acres, as shown in Exhibit E).

ODOT has commented that they support placing the Interim Industrial Use Overlay on the northern part of the site.

Wetlands/wildlife habitat: The National Wetlands Inventory map does not show any wetlands or riparian corridors on this site. Staff walked the site to check the existing conditions. The site is currently a hazelnut orchard, and is generally flat. The northeast corner of the site has a grove of tall oak trees, which surround a clearing where a house used to be located. There are blackberry bushes and grass under the oak trees. There is little vegetation on the site beneath the hazelnut trees, so there were no plants that indicated potential wetlands. There were no wet spots, soft spots or dry streambeds to indicate potential wetlands on the site. Staff therefore did not determine a need to apply a protective stream corridor or wetland overlay on any portion of the site. The wildlife habitat on the site is limited because of the lack of vegetation other than hazelnut trees on most of the site.

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

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

FINDING: As explained below, public facilities will have adequate capacity to accommodate the demands of the site within three years time of annexation.

Water: The animal shelter and other future development can connect to an existing water line within Sandoz Road. This line will probably be extended west along the southern property line of the parcel to connect to another city water line, and complete a loop.

Stormwater: Development on the eastern edge of the site (animal shelter) will be able to drain stormwater from gutter and parking areas towards Sandoz Road, where a ditch will take the stormwater to a catchbasin on Wyooski Street.

Sanitary Sewer: Development on the property will be able to install grinder pumps with forced mains to the wastewater treatment plant west of the site. There is no sanitary sewer line in Wyooski south of the site, or in Sandoz Road east of the site. If the animal shelter has already constructed a septic tank prior to annexation then it will be decommissioned after annexation and installation of a grinder pump/force main system.

Roads: The site is adjacent to and will take access from Sandoz Road, a dead-end local street. Sandoz Road provides access to Wyooski Road, a major collector. Sandoz Road has a 60 foot right-of-way south of the site, and a 50 foot right-of-way adjacent to the site. The City will dedicate an additional 10 feet of right-of-way along the western side of Sandoz Road to match the right-of-way to the south. The west side of Sandoz Road adjacent to the animal shelter project will be improved with additional paving, curb, gutter and sidewalk as part of the animal shelter project. If the Public Works Maintenance yard is developed north of the animal shelter then the portion of Sandoz Road adjacent to the project will be improved to city standards at that time.

One public comment was concerned about increased traffic from future development. The proposed future development on the site will have a low impact on transportation facilities in the area. The animal shelter will have only a few employee or visitor trips in any given day. The wastewater treatment plant expansion on the western part of the site is unlikely to add staff or trips to the site. If the WWTP expansion did add trips they would be through the existing wastewater treatment plant driveway on Wyooski Road, which is some distance west of Sandoz Road. The Public Works Maintenance yard could add approx. 30 to 40 trips during the PM peak hour on Sandoz Road. Sandoz Road is a dead-end, however, and is not a busy road. Wyooski Road is a major collector and has adequate capacity. Staff's conclusion is that even if the site is fully developed as shown on the concept plan it would not have a significant impact on area transportation facilities.

Yamhill County commented that Newberg should take jurisdiction of Sandoz Road upon annexation. If the proposed annexation is approved by the voters then staff recommends that the City Council initiate a request to Yamhill County to transfer the jurisdiction of Sandoz Road to Newberg.

State Transportation Planning Rule:
660-012-0060
Plan and Land Use Regulation Amendments

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

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

Finding: As noted above, the development of the site with the proposed City uses would have a low impact on existing transportation facilities and will comply with the Transportation Planning Rule. ODOT has commented that they concur with this finding for the proposed uses, but they are concerned that other potential uses allowed in the M-2 and M-3 zones could generate a higher level of traffic and result in significant impacts to area transportation facilities. ODOT recommended that the City adopt a limited use overlay or other enforceable condition that would limit use of the property to the City's proposed uses. Staff understands ODOT's concern but does not recommend adopting a limited use overlay zone because of its lack of flexibility. For example, if the City decided in the future to add a storage building for city archives on the site it would first require a zone change to the limited use overlay, even though the building would add very little traffic to the site.

The existing design review process has provisions that should address ODOT's concerns. The Newberg Development Code requires all development on the site after annexation to be reviewed under a Type II design review process. This process requires new development that will generate more than 40 trips in the PM peak hour to submit a traffic study that examines the impact of the project on area transportation facilities and determines any needed improvements. A copy of the design review application would be routed to ODOT for comments because of the bypass interchange overlay on the site. If the City develops the site as proposed on the concept development plan then the transportation impact will be low. If for some reason the City wants to develop different uses on the site in the future that generate more traffic then a traffic impact study will be required as part of the design review process, which will determine any needed improvements to mitigate the impact to area transportation facilities. In either case, ODOT will receive a copy of the design review application for review and comment.

In conclusion, adequate transportation facilities will be available to serve the proposed uses.

(C) Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the

proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

Finding: Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. The property will be developed for public uses, so it will not generate additional revenues. The City added three police officers in the General Fund budget for 2008-09, and has established a city-wide public safety fee that will fund an additional three officers. The proposed development on this site would not generate additional need for parks or school services. The proposed projects for this site are necessary expansions of City facilities, however, and are (or will be) needed to provide adequate public services to the city. The new animal shelter on the site will improve one aspect of Newberg's public safety services. Overall, adequate public facilities and services exist to support the proposed annexation.

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

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

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

FINDING: This criterion is not applicable to this property.

Positive and Negative effects of the annexation

FINDING: This annexation will have several positive effects. It will enable the expansion of the city's wastewater treatment plant, which will be a critical need in the future. It will also allow the Public Works Maintenance yard to move from its current site on W. 3rd Street, which it has outgrown. The annexation and subsequent development will improve the western half of Sandoz Road, widen the Sandoz Road right of way by 10 feet, and improve the water system in the area. The developments fronting Sandoz Road will have landscaped front yards at least 20 feet deep to soften the appearance of any development, and will provide a buffer between the wastewater treatment plant to the west, and the residential developments east of Sandoz Road. One negative effect of the annexation is that the hazelnut orchard will be removed as the site develops. The orchard is part of the local hazelnut industry. The site is within the Urban Growth Boundary, however, and is targeted for eventual urban development. Developing farmland within the UGB ultimately saves more farmland outside the UGB by constraining leapfrog development. The tall oak trees in the northeast corner of the site will probably be removed by the construction of the Newberg-Dundee bypass; this will be a negative effect of the bypass, however, and not of the

annexation. On the whole, the positive effects of the annexation are much more substantial than the negative effects.

CONCLUSION:

The proposed annexation of this 19.68 acre parcel meets the criteria for annexation into the City of Newberg and should therefore be approved and sent to the voters at the May, 2010 election.

EXHIBIT C: LEGAL DESCRIPTION

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

Situate, lying and being in Yamhill County, Oregon, and being a part of the Donation Land Claim of Samuel D. Snowden, Claim No. 68, Notification No. 1476, in Township 3 South, Range 2 West of the Willamette Meridian, in said County and State, said part herein conveyed being more particularly described as follows:

Beginning at an iron pipe at the Northeast corner of said Donation Land Claim, and running thence South 7' West along County Road 6.39 chains and which is the Southeast corner of an 18 acre tract conveyed by Martin J. Conrad to Mary Jane Conrad on December 23, 1910, for a place of beginning of the tract herein conveyed; thence North 89° 20' West 28.17 chains to an iron pipe and the Southwest corner of said Mary Jane Conrad tract of 18 acres; thence South 22' West 18.895 chains to an iron pipe; thence North 76° 41' East 29.00 chains to center of County Road, said true corner being shown by an iron pipe 2 inches X 24 inches set 20 feet South 76° 41' West from said corner; thence North 7' East along said County road 11.875 chains to the place of beginning of the tract herein conveyed.

EXCEPTING THEREFROM that portion conveyed to Spaulding Pulp & Paper Co., by deed dated June 8, 1974 and recorded June 12, 1974 in Film Volume 100, Page 1211, Deed and Mortgage Records.

ALSO EXCEPTING THEREFROM that portion conveyed to City of Newberg, a Municipal Corporation of the State of Oregon, by deeds recorded June 22, 1984 in Film Volume 187, Pages 501 and 503, Deed and Mortgage Records.

EXHIBIT D: COMPREHENSIVE PLAN MAP

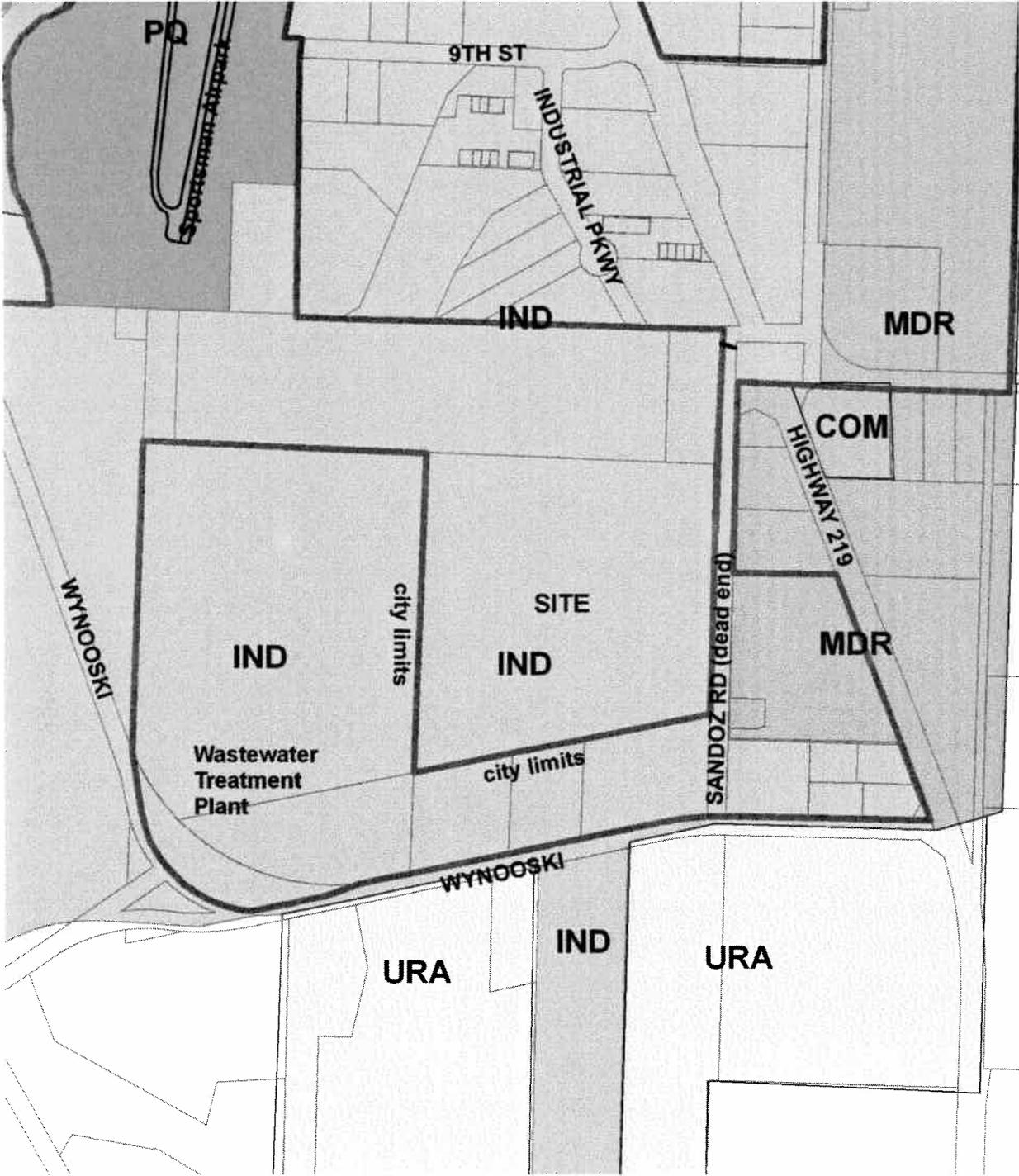
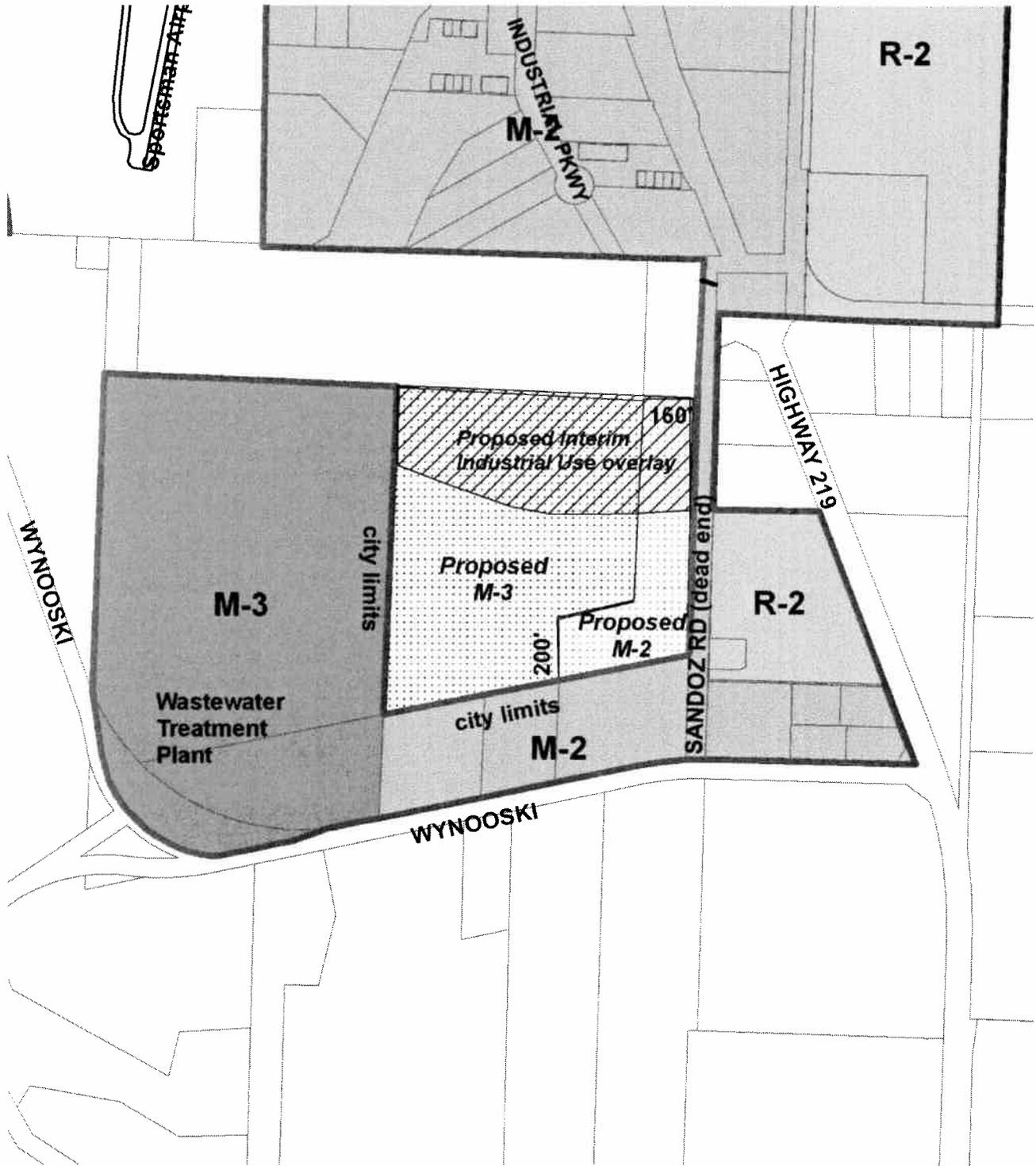


EXHIBIT E: NEWBERG ZONING MAP



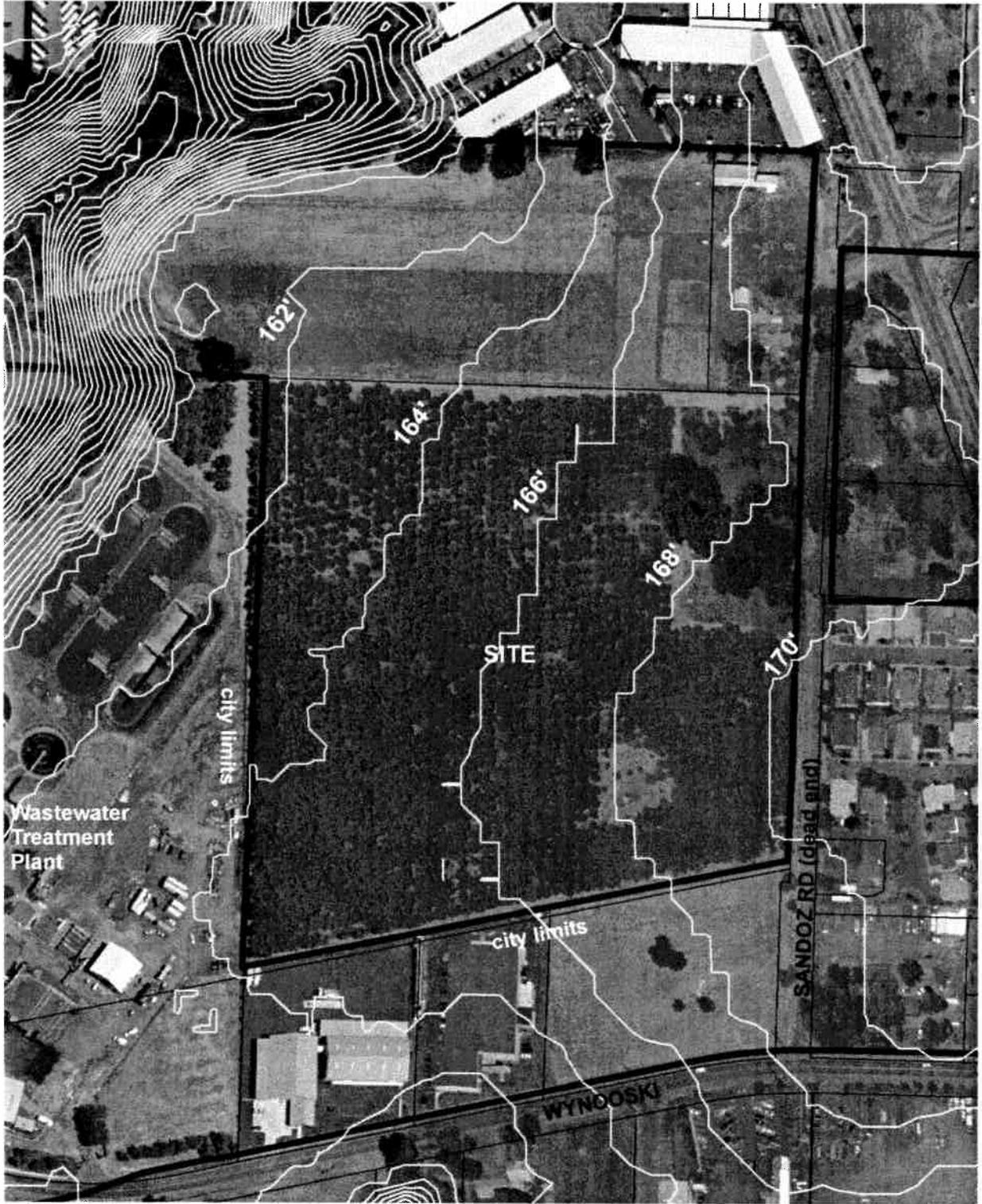
ATTACHMENT 1: AERIAL PHOTO - VICINITY



ATTACHMENT 2: AERIAL PHOTO - SITE



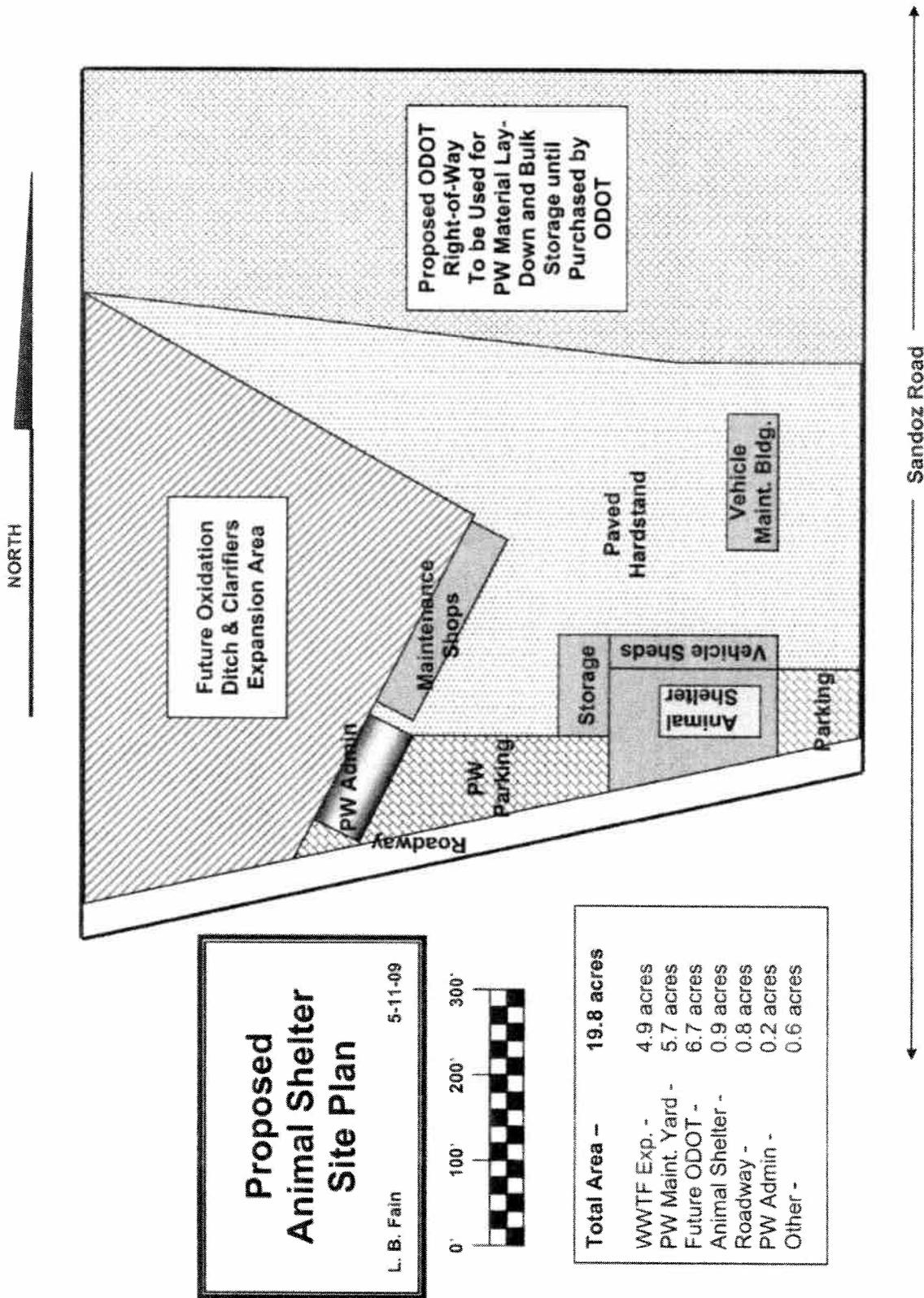
ATTACHMENT 3: AERIAL PHOTO WITH TOPOGRAPHY
Elevation – 2 foot contours



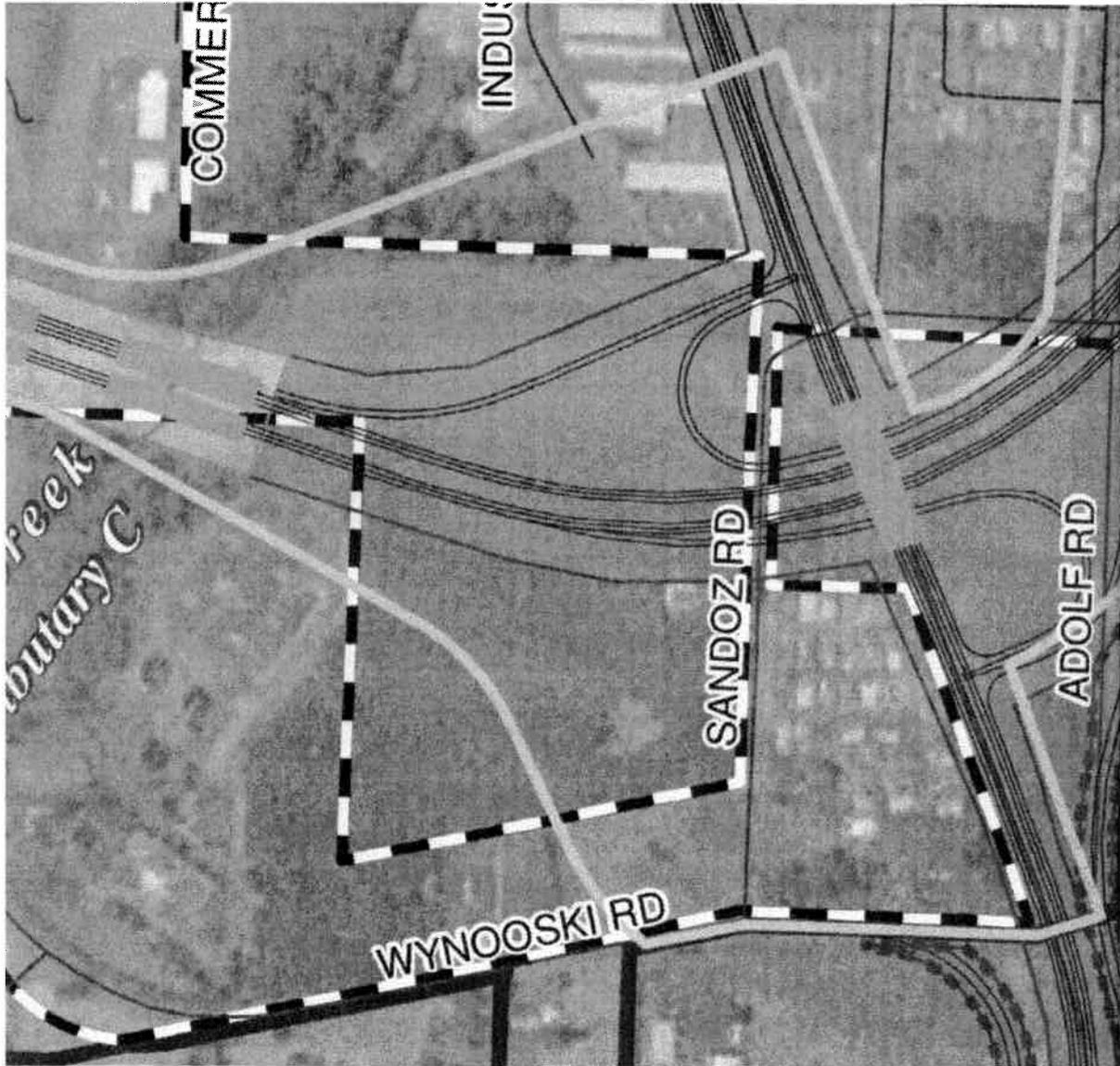
ATTACHMENT 4: EXISTING YAMHILL COUNTY ZONING

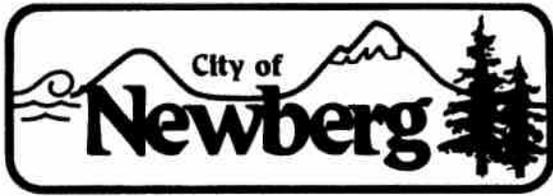


ATTACHMENT 5: CONCEPT DEVELOPMENT PLAN



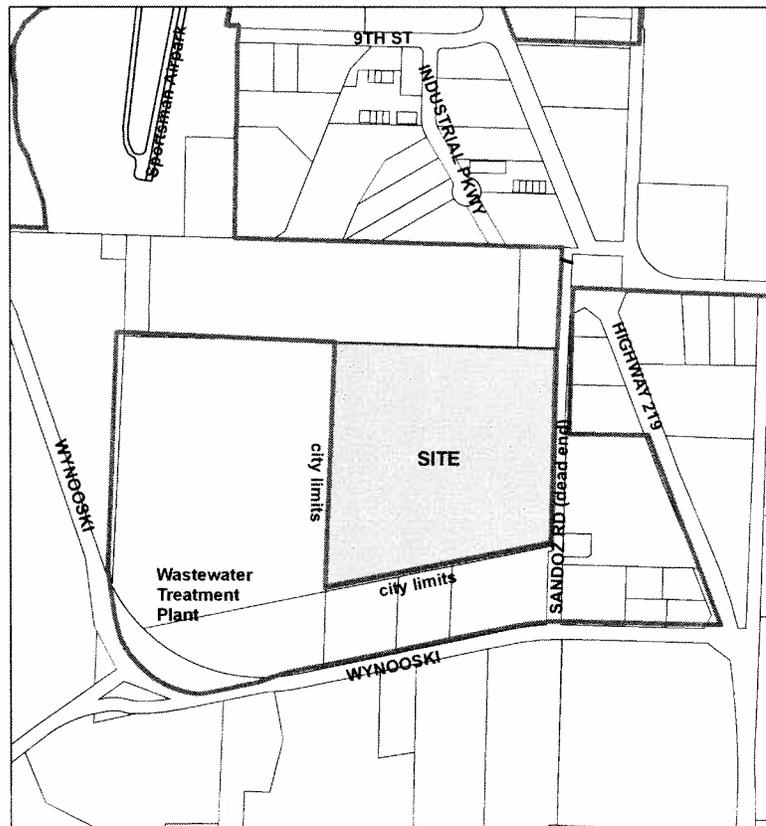
ATTACHMENT 6: LATEST ODOT BYPASS DESIGN (8/28/08)





ANNEXATION APPLICATION: 1409 S. Sandoz Road

- REQUEST:** Annexation of one parcel (approximately 19.68 acres) to the City of Newberg with concurrent zone change from Yamhill County AF-10 (Agriculture/Forestry Small Holding) and HI (Heavy Industrial) zoning to City M-3 (Heavy Industrial), M-2 (Light Industrial), with an Interim Industrial Use overlay for the portion of the site within the Bypass route.
- LOCATION:** 1409 S. Sandoz Road (former Baker Rock property)
- TAX LOTS:** 3229-100
- APPLICANT/
OWNER:** City of Newberg
- ZONE:** Yamhill County AF-10 (Agriculture/Forestry Small Holding), HI (Heavy Industrial)
- COMPREHENSIVE PLAN DESIGNATION:** IND (Industrial), with an Airport Overlay and Bypass Interchange Overlay



OVERVIEW:

1. Request: Annexation of a 19.68 acre parcel into the City of Newberg with concurrent zone change from Yamhill County AF-10 (Agriculture/Forestry Small Holding) and HI (Heavy Industrial) zoning to City M-3 (Heavy Industrial), M-2 (Light Industrial), with an Interim Industrial Use overlay for the portion of the site within the Bypass route.
2. Zoning/Comprehensive Plan designations: The site currently has Yamhill County zoning and is primarily HI (Heavy Industrial), with a 160 foot deep AF-10 (Agriculture/Forestry Small Holding) buffer zone along the southern and eastern boundaries. The site has an Industrial (IND) designation in Newberg's Comprehensive Plan, with an Airport Overlay and Bypass Interchange overlay. The Airport Overlay primarily limits the height of developments near the airport, and the Bypass Interchange Overlay primarily limits the uses permitted near the future Newberg-Dundee Bypass interchanges.
3. The City is currently considering a Development Code amendment that would create an Interim Industrial Use Overlay. The purpose of this overlay would be to allow interim use of industrially zoned properties in areas that are planned for future acquisition for right-of-way, such as the Newberg-Dundee bypass. The overlay allows non-structural uses of the land, such as parking and storage. The overlay also reduces requirements for permanent site improvements, such as parking and landscaping, that would be removed upon acquisition of the right-of-way. The northern part of this 19.68 acre parcel is within the most current design of the bypass right-of-way. If the Interim Industrial Use Overlay is created by the City Council then it should apply to the northern part of this site upon annexation (approx. 6.7 acres, as shown in Exhibit G). The code amendment would also make sewage treatment plants and ponds allowed uses in M-3, and a pond an allowed use in M-2.
4. The City is also in the process of applying to Yamhill County for a conditional use permit to construct an animal shelter in the southeast corner of the site. If the conditional use permit application is approved then any conditions placed on the project will still apply if the site is annexed into the city. The City has begun the conditional use permit process with the County before annexing the site into the city because we would like to begin construction of the animal shelter within a few months. The annexation process takes quite a while to complete. If the annexation application goes to the city voters in May, 2010 and is approved then the site will officially be within the city in June, 2010.
5. Site: The site is currently a hazelnut orchard with mature trees. The topography is generally flat, with a slight slope to the northwest. There is a grove of tall oak trees in the northeast corner, where a house used to be located.
6. Surrounding uses:
West: City wastewater treatment plant, within city limits. M-3 (Heavy Industrial) zoning.
South: Two light industrial uses, vacant industrial lot. Inside city limits. M-2 (Light Industrial) zoning.
East: Manufactured home park, inside city limits. R-2 (Medium Density Residential) zoning.

Northeast: Single family home, outside city limits. County VLDR-2.5 (Very Low Density Residential) zoning.

North: Single family home with pasture, outside city limits. County AF-10 (Agriculture/Forestry Small Holding) zoning.

7. Ownership: the City of Newberg recently purchased the parcel from Baker Rock.
8. Utilities: The animal shelter project will probably begin construction before annexation. Any wells and septic systems on the site will be decommissioned after annexation.
Sanitary Sewer: The project will install a grinder pump and forced main line to the wastewater treatment plant west of the site upon annexation. This is similar to the systems used by the industrial uses south of the site. There are no sanitary sewer lines in Wyooski Street or Sandoz Road near the site.
Water: The project will connect to the city water line in Sandoz Road. This line will probably be extended west along the southern property line of the parcel to connect to another city water line, and complete a loop.
Stormwater: Stormwater from the animal shelter roof and paved area will be directed to Sandoz Road, where a ditch will carry it to Wyooski Street and a city catch basin.
9. Roads: The site is adjacent to and will take access from Sandoz Road, a dead-end local street. Sandoz Road provides access to Wyooski Road, a major collector. Sandoz Road has a 60 foot right-of-way south of the site, and a 50 foot right-of-way adjacent to the site. The City will dedicate an additional 10 feet of right-of-way along the western side of Sandoz Road to match the right-of-way to the south. The west side of Sandoz Road adjacent to the animal shelter project will be improved with additional paving, curb, gutter and sidewalk as part of the animal shelter project.

EXHIBIT A: FINDINGS

Annexation of 19.68 acres located at 1409 S. Sandoz Road

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

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

FINDING: The site is within Newberg’s urban growth boundary.

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

FINDING: The subject site is contiguous to the existing city limits along its west, south and east sides.

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

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

FINDING: The comprehensive plan designation for the site is Industrial (IND), with an Airport Overlay and a Bypass Interchange Overlay. The proposed zoning for the site is partly M-3 (Heavy Industrial) and partly M-2 (Light Industrial), with an Interim Industrial Use overlay on the route of the Newberg-Dundee Bypass (the northern approx. 6.7 acres, as shown in Exhibit G).

The M-2 and M-3 zones correspond with the Industrial comprehensive plan designation. The proposed wastewater treatment plant expansion shown on the concept plan is planned for the M-3 portion of the site, where it can be permitted as a conditional use. The public works maintenance yard would be placed primarily within the M-2 portion of the site, although it would be an allowed use within either the M-2 or M-3 zones. The animal shelter project will probably already be built by the time the property is annexed, and will be within the M-2 zone in the southeast corner. The animal shelter will be a preexisting conditional use in the M-2 zone. The Airport Overlay primarily limits the height of structures near the airport; all of the projects shown on the concept plan will be able to comply with the Airport Overlay requirements.

The Bypass Interchange Overlay prohibits certain commercial uses:

151.531.4 PROHIBITED USES.

(A) Several commercial types of uses are permitted outright or with conditional use approval in Newberg’s Industrial Districts (M 1, M 2, and M 3). The area within the Newberg UGB near the Oregon 219 interchange is generally planned for industrial use. To protect the interchange area from commercial development, the following uses are prohibited within the M 1, M 2, and M 3 Districts within the boundaries of the Bypass Interchange Overlay.

- (1) Automobile sales, new and used.*
- (2) Billboards.*

- (3) Car washes.
- (4) Convenience grocery stores.
- (5) Restaurants larger than 2000 square feet or with drive-up service windows.
- (6) Service stations.
- (7) Drive-in theaters.
- (8) Auction sales.
- (9) Bakeries, retail.
- (10) Building material sales.
- (11) Driving ranges.
- (12) Feed and seed stores.
- (13) Miniature golf courses.
- (14) Skating rinks.

(Ord. 2004-2602, passed 9-20-04)

All of the proposed uses for the site are allowed by the Bypass Interchange Overlay.

The City is currently considering a development code amendment that would create an Interim Industrial Use Overlay. The purpose of this overlay would be to allow interim use of industrially zoned properties in areas that are planned for future acquisition for right-of-way, such as the Newberg-Dundee bypass. The overlay allows non-structural uses of the land, such as parking and storage. The overlay also reduces requirements for permanent site improvements, such as parking and landscaping, that would be removed upon acquisition of the right-of-way. The northern part of this 19.68 acre parcel is within the most current design of the bypass right-of-way. If the Interim Industrial Use Overlay is created by the City Council then it should apply to the northern part of this site upon annexation (approx. 6.7 acres, as shown in Exhibit G). The code amendment would also make sewage treatment plants and pounds allowed uses in M-3, and a pound an allowed use in M-2.

Wetlands/wildlife habitat: The National Wetlands Inventory map does not show any wetlands or riparian corridors on this site. Staff walked the site to check the existing conditions. The site is currently a hazelnut orchard, and is generally flat. The northeast corner of the site has a grove of tall oak trees, which surround a clearing where a house used to be located. There are blackberry bushes and grass under the oak trees. There is little vegetation on the site beneath the hazelnut trees, so there were no plants that indicated potential wetlands. There were no wet spots, soft spots or dry streambeds to indicate potential wetlands on the site. Staff therefore did not determine a need to apply a protective stream corridor or wetland overlay on any portion of the site. The wildlife habitat on the site is limited because of the lack of vegetation other than hazelnut trees on most of the site.

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

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

costs for improvement and the ability of the city to provide for those costs.

FINDING: As explained below, public facilities will have adequate capacity to accommodate the demands of the site within three years time of annexation.

Water: The property can connect to an existing water line within Sandoz Road. This line will probably be extended west along the southern property line of the parcel to connect to another city water line, and complete a loop. If the animal shelter project has already installed a well prior to annexation then it will be decommissioned.

Stormwater: Development on the eastern edge of the site (animal shelter) should be able to drain stormwater from gutter and parking areas towards Sandoz Road, where a ditch will take the stormwater to a catchbasin on Wynooski Street.

Sanitary Sewer: Development on the property will be able to install grinder pumps with forced mains to the wastewater treatment plant west of the site. There is no sanitary sewer line in Wynooski south of the site, or in Sandoz Road east of the site. If the animal shelter has already constructed a septic tank prior to annexation then it will be decommissioned after annexation and installation of a grinder pump/force main system.

Roads: The site is adjacent to and will take access from Sandoz Road, a dead-end local street. Sandoz Road provides access to Wynooski Road, a major collector. Sandoz Road has a 60 foot right-of-way south of the site, and a 50 foot right-of-way adjacent to the site. The City will dedicate an additional 10 feet of right-of-way along the western side of Sandoz Road to match the right-of-way to the south. The west side of Sandoz Road adjacent to the animal shelter project will be improved with additional paving, curb, gutter and sidewalk as part of the animal shelter project. If the Public Works Maintenance yard is developed north of the animal shelter then the portion of Sandoz Road adjacent to the project will be improved to city standards at that time.

The proposed future development on the site will have a low impact on transportation facilities in the area. The animal shelter will have only a few employee or visitor trips in any given day. The wastewater treatment plant expansion on the western part of the site is unlikely to add staff or trips to the site. If the WWTP expansion did add trips they would be through the existing wastewater treatment plant driveway on Wynooski Road, which is some distance west of Sandoz Road. The Public Works Maintenance yard could add approx. 30 to 40 trips during the PM peak hour on Sandoz Road. Sandoz Road is a dead-end, however, and is not a busy road. Wynooski Road is a major collector and has adequate capacity. Staff's conclusion is that even if the site is fully developed as shown on the concept plan it would not have a significant impact on area transportation facilities.

State Transportation Planning Rule:

660-012-0060

Plan and Land Use Regulation Amendments

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

to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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

Finding: As noted above, the potential development of the site would have a low impact on existing transportation facilities. The annexation will therefore not have a significant impact on transportation facilities, and will comply with the Transportation Planning Rule.

In conclusion, adequate transportation facilities will be available to serve the proposed uses.

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

Finding: Police services are currently provided to the area by Yamhill County Sheriff's Office. Fire service is provided by Newberg Rural Fire District. The proposed annexation will shift police and fire services to the city. The property will be developed for public uses, so it will not generate additional revenues. The City added three police officers in the General Fund budget for 2008-09, and has established a city-wide public safety fee that will fund an additional three officers. The proposed development on this site would not generate additional need for parks or school services. The proposed developments for this site are necessary expansions of City facilities, however, and are (or will be) required to provide adequate public services to the city. Overall, adequate public facilities and services exist to support the proposed annexation.

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

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

- (E) The City Council may annex properties where urban services are not and cannot practically be made available within the three year time frame noted in division (B) above, but where annexation is needed to address a health hazard, to annex an island, to address sewer or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted

specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the Council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available.

FINDING: This criterion is not applicable to this property.

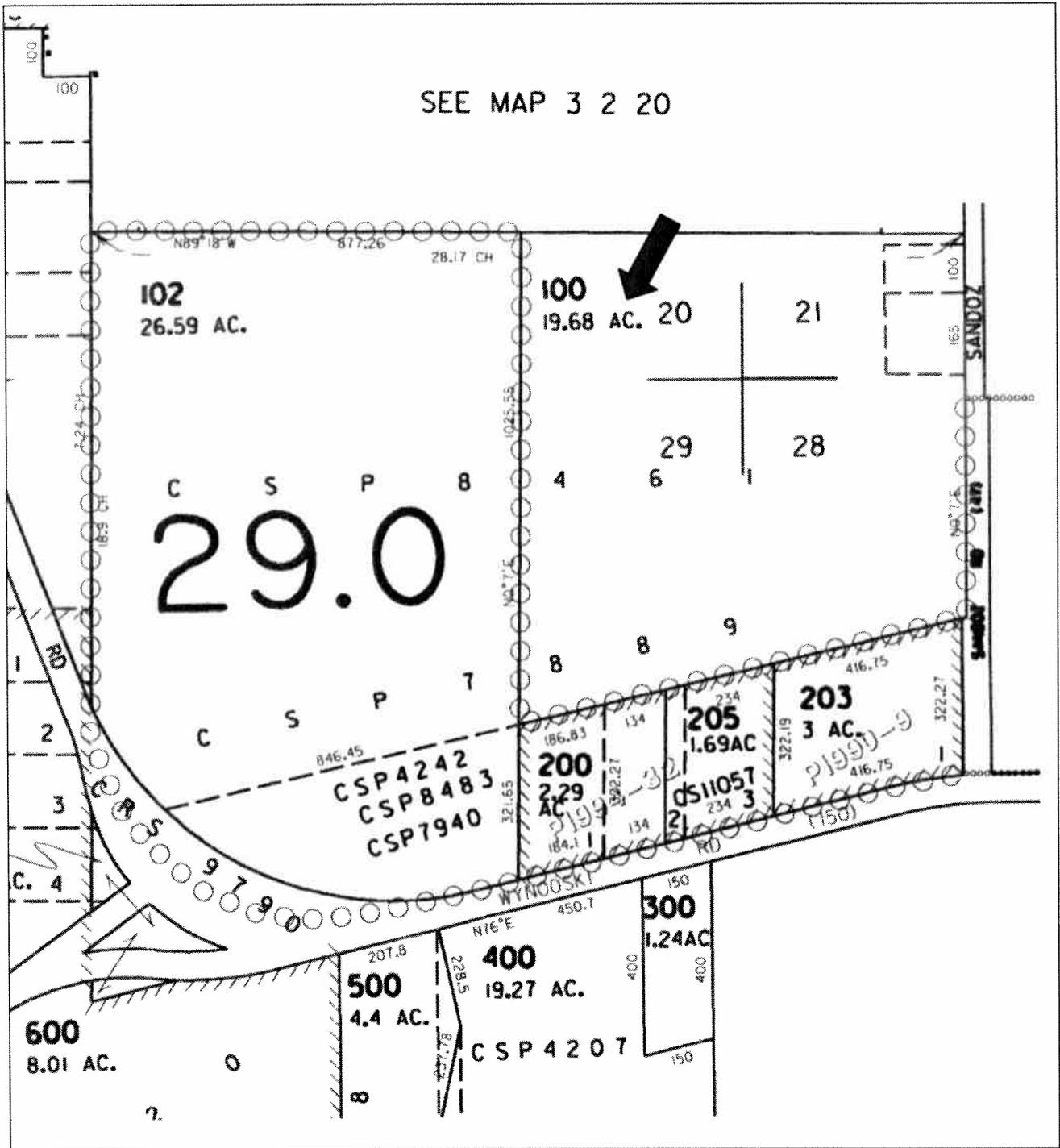
Positive and Negative effects of the annexation

FINDING: This annexation will have several positive effects. It will enable the expansion of the city's wastewater treatment plant, which will be a critical need in the future. It will also allow the Public Works Maintenance yard to move from its current site on W. 3rd Street, which it has outgrown. The annexation and subsequent development will improve the western half of Sandoz Road, widen the Sandoz Road right of way by 10 feet, and improve the water system in the area. The developments fronting Sandoz Road will have landscaped front yards at least 20 feet deep to soften the appearance of any development, and will provide a buffer between the wastewater treatment plant to the west, and the residential developments east of Sandoz Road. One negative effect of the annexation is that the hazelnut orchard will be removed as the site develops. The orchard is part of the local hazelnut industry and has been a quiet neighbor for the residential properties along Sandoz Road. The site is within the Urban Growth Boundary, however, and is targeted for eventual urban development. Developing farmland within the UGB ultimately saves more farmland outside the UGB by constraining leapfrog development. The tall oak trees in the northeast corner of the site will probably be removed by the construction of the Newberg-Dundee bypass; this will be a negative effect of the bypass, however, and not of the annexation. On the whole, the positive effects of the annexation are much more substantial than the negative effects.

CONCLUSION:

The proposed annexation of this 19.68 acre parcel meets the criteria for annexation into the City of Newberg and should therefore be approved and sent to the voters at the May, 2010 election.

EXHIBIT A: ANNEXATION MAP & LEGAL DESCRIPTION



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

Situate, lying and being in Yamhill County, Oregon, and being a part of the Donation Land Claim of Samuel D. Snowden, Claim No. 68, Notification No. 1476, in Township 3 South, Range 2 West of the Willamette Meridian, in said County and State, said part herein conveyed being more particularly described as follows:

Beginning at an iron pipe at the Northeast corner of said Donation Land Claim, and running thence South 7' West along County Road 6.39 chains and which is the Southeast corner of an 18 acre tract conveyed by Martin J. Conrad to Mary Jane Conrad on December 23, 1910, for a place of beginning of the tract herein conveyed; thence North 89° 20' West 28.17 chains to an iron pipe and the Southwest corner of said Mary Jane Conrad tract of 18 acres; thence South 22' West 18.895 chains to an iron pipe; thence North 76° 41' East 29.00 chains to center of County Road, said true corner being shown by an iron pipe 2 inches X 24 inches set 20 feet South 76° 41' West from said corner; thence North 7' East along said County road 11.875 chains to the place of beginning of the tract herein conveyed.

EXCEPTING THEREFROM that portion conveyed to Spaulding Pulp & Paper Co., by deed dated June 8, 1974 and recorded June 12, 1974 in Film Volume 100, Page 1211, Deed and Mortgage Records.

ALSO EXCEPTING THEREFROM that portion conveyed to City of Newberg, a Municipal Corporation of the State of Oregon, by deeds recorded June 22, 1984 in Film Volume 187, Pages 501 and 503, Deed and Mortgage Records.

EXHIBIT B: AERIAL PHOTO - VICINITY



EXHIBIT C: AERIAL PHOTO - SITE



EXHIBIT D: AERIAL PHOTO WITH TOPOGRAPHY
Elevation – 2 foot contours



EXHIBIT E: EXISTING YAMHILL COUNTY ZONING



EXHIBIT F: NEWBERG COMPREHENSIVE PLAN MAP

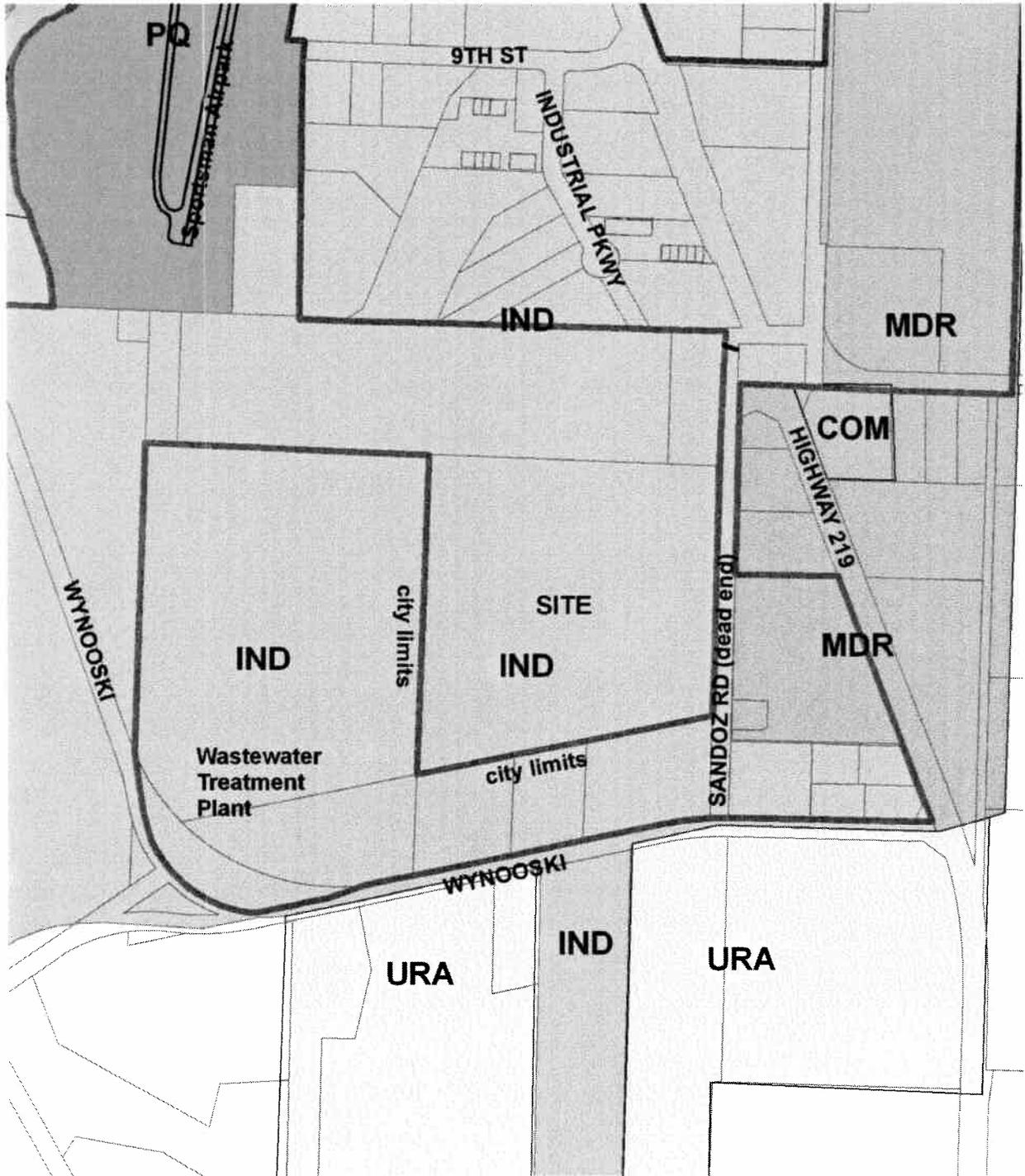


EXHIBIT G: NEWBERG ZONING MAP – EXISTING & PROPOSED

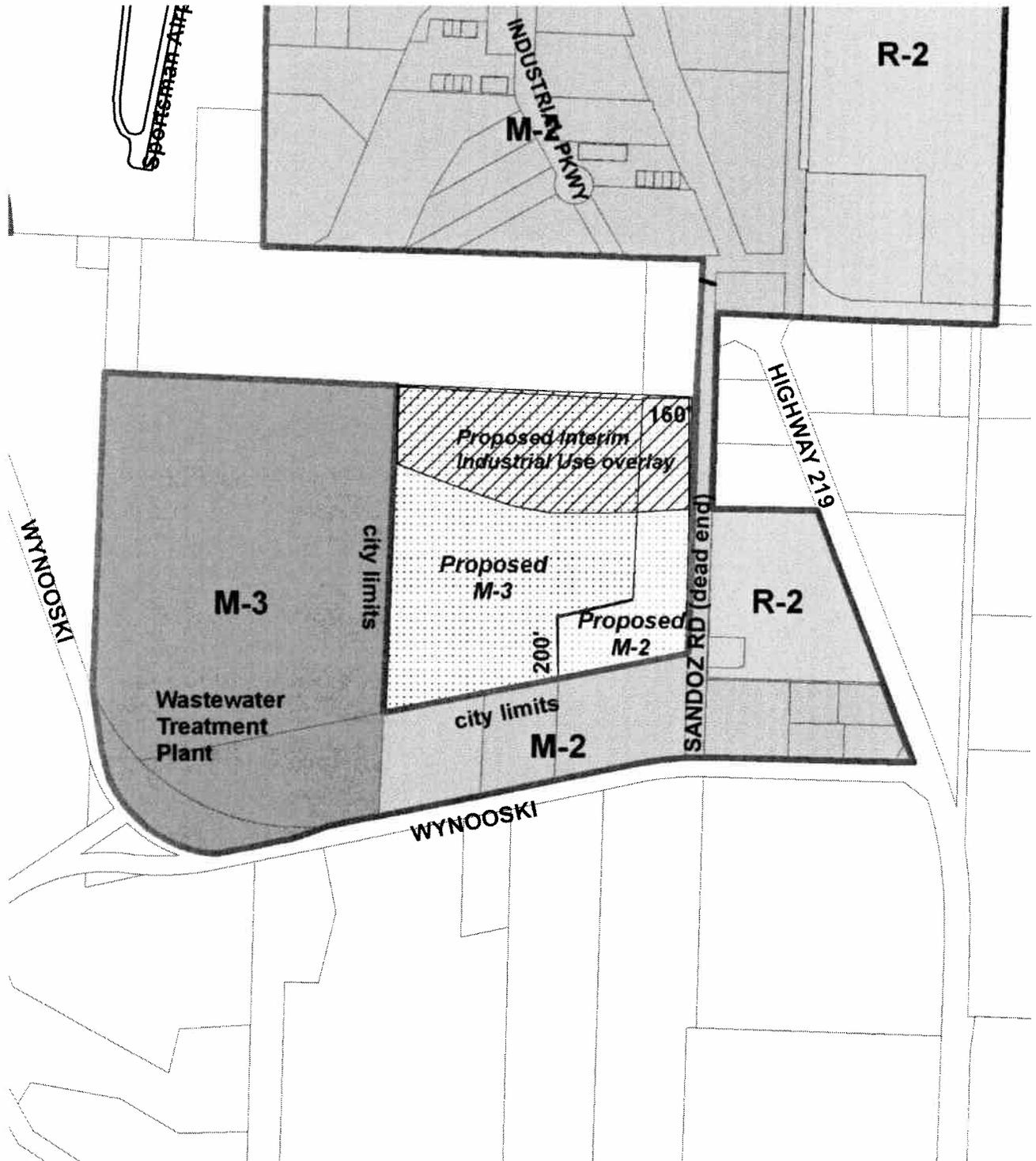


EXHIBIT H: CONCEPT DEVELOPMENT PLAN

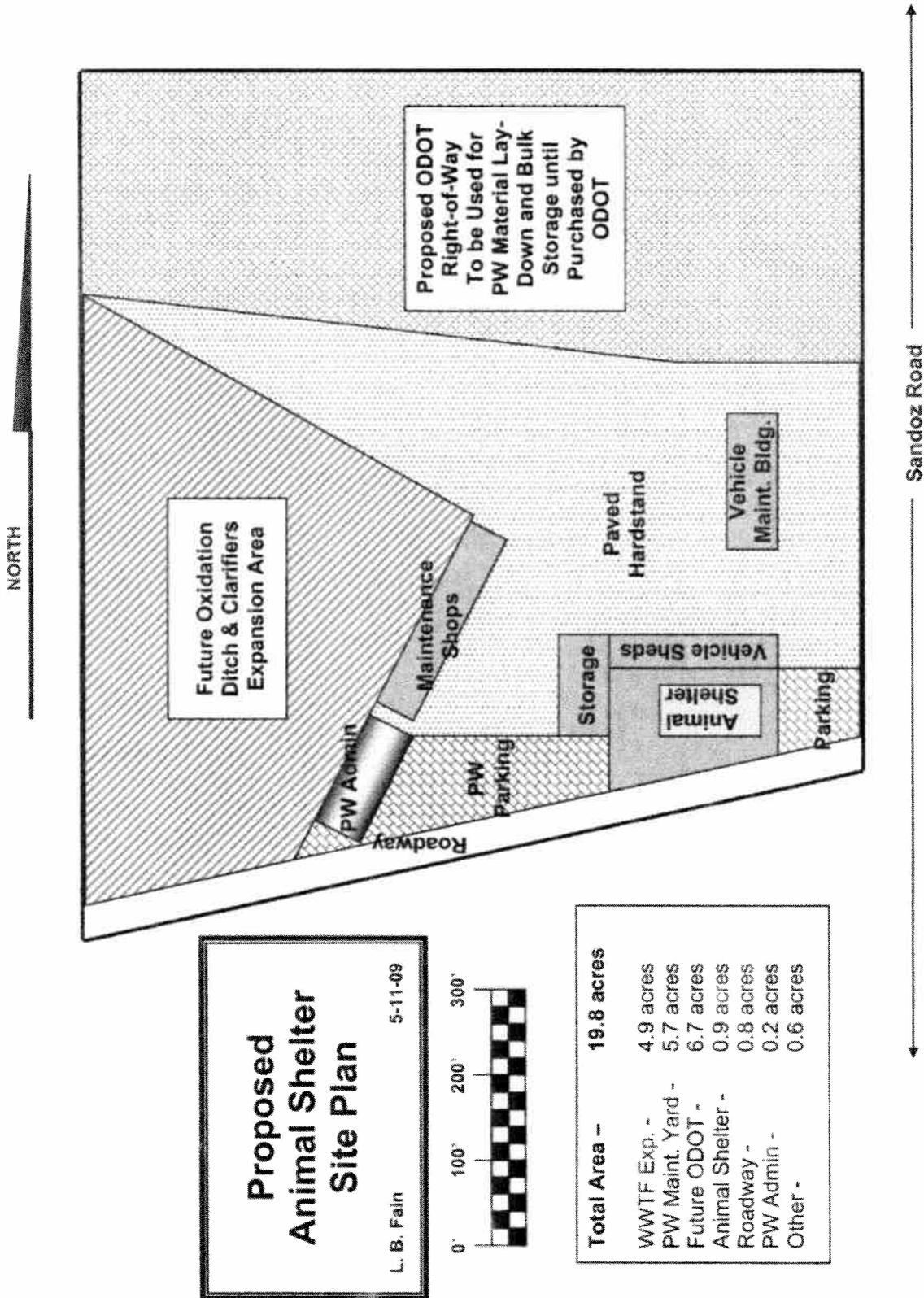
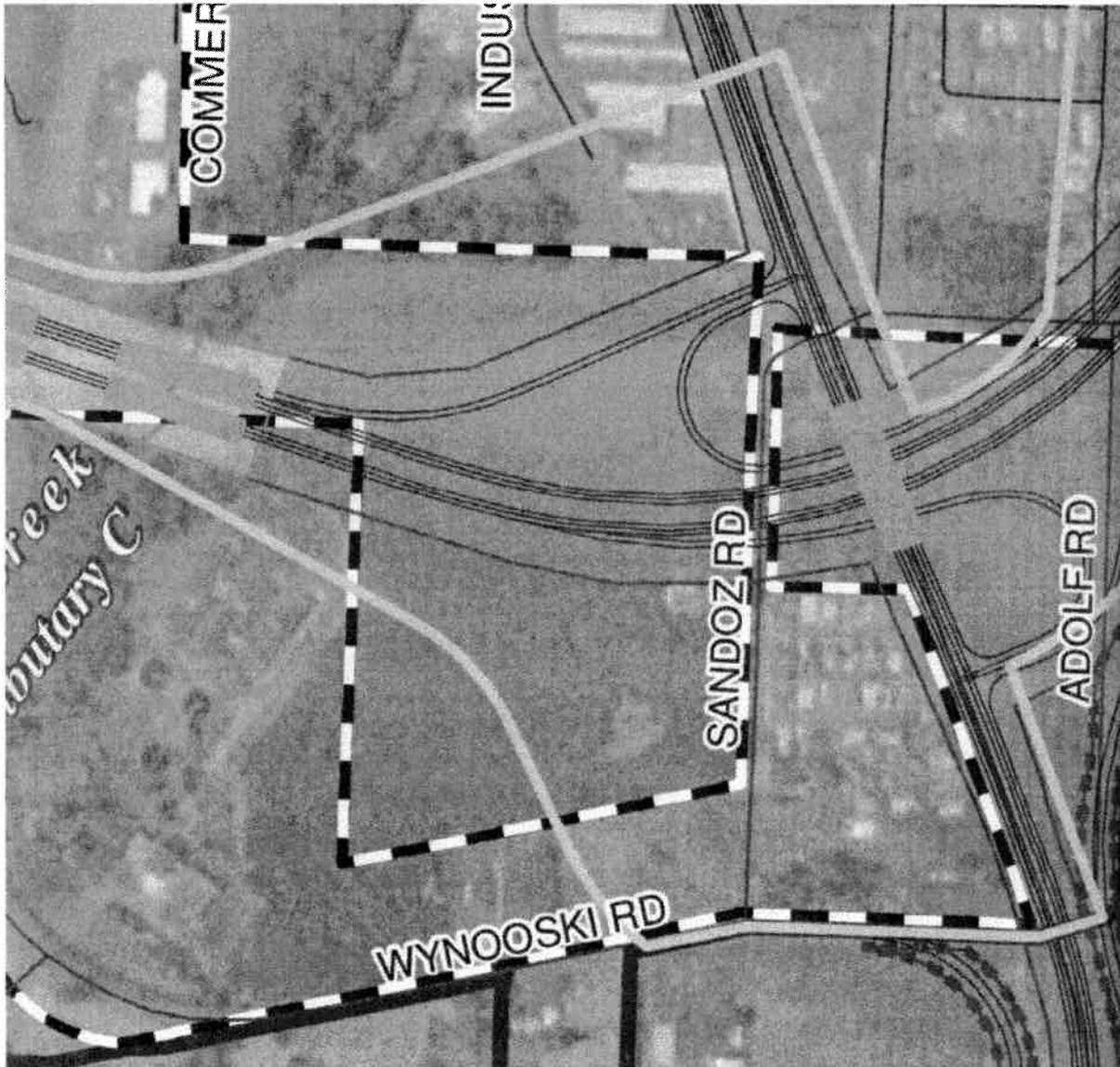


EXHIBIT I: LATEST ODOT BYPASS DESIGN (8/28/08)





After recording return to:
City of Newberg
414 E. 1st Street
Newberg, OR 97132

Until a change is requested all tax statements shall be sent to the following address:
City of Newberg
414 E. 1st Street
Newberg, OR 97132

File No.: 1032-1166144 (JW)
Date: July 02, 2009

THIS SPACE RESERVED FOR RECORDER'S USE

200910510

OFFICIAL YAMHILL COUNTY RECORDS
REBEKAH STERN DOLL, COUNTY CLERK



\$36.00

00328403200900105100030039 07/07/2009 12:35:14 PM

DMR-DDMR Cnt=1 Stn=2 ANITA
\$15.00 \$10.00 \$11.00

STATUTORY WARRANTY DEED

Baker Rock Crushing Inc., an Oregon Corporation dba Baker Rock Resources, Grantor, conveys and warrants to **City of Newberg, an Oregon Municipal Corporation**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$1,930,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN TITLE 1166144

EXHIBIT A

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

Situate, lying and being in Yamhill County, Oregon, and being a part of the Donation Land Claim of Samuel D. Snowden, Claim No. 68, Notification No. 1476, in Township 3 South, Range 2 West of the Willamette Meridian, in said County and State, said part herein conveyed being more particularly described as follows:

Beginning at an iron pipe at the Northeast corner of said Donation Land Claim, and running thence South 7' West along County Road 6.39 chains and which is the Southeast corner of an 18 acre tract conveyed by Martin J. Conrad to Mary Jane Conrad on December 23, 1910, for a place of beginning of the tract herein conveyed; thence North 89° 20' West 28.17 chains to an iron pipe and the Southwest corner of said Mary Jane Conrad tract of 18 acres; thence South 22' West 18.895 chains to an iron pipe; thence North 76° 41' East 29.00 chains to center of County Road, said true corner being shown by an iron pipe 2 inches X 24 inches set 20 feet South 76° 41' West from said corner; thence North 7' East along said County road 11.875 chains to the place of beginning of the tract herein conveyed.

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ALSO EXCEPTING THEREFROM that portion conveyed to City of Newberg, a Municipal Corporation of the State of Oregon, by deeds recorded June 22, 1984 in Film Volume 187, Pages 501 and 503, Deed and Mortgage Records.



FAX TRANSMITTAL

DATE: **06/25/2009 10:51:43 AM**

FILE NO.: **1032-1166144**

TO: **Garvey Schubert Barer**
Attn: **John Junkin**

FAX: **1(503)226-0259**

FROM: **Sue Cole**

Special Instructions/Comments: **Attached you will find the Preliminary Title Report and map.**

Thank you for choosing First American Title Insurance Company of Oregon.

Sue

Thank You For Your Business! We Know You Have A Choice.

IMPORTANT NOTICE:

Should any of these papers require an **ORIGINAL SIGNATURE** and your fax machine produces the facsimile on thermal paper, please **PHOTOCOPY** then sign the photocopy.

We will "not" accept an Original Signature on THERMAL fax paper.

Thank you for your cooperation in this matter.

**IF TRANSMISSION OF ALL PAGES IS NOT COMPLETE OR IF AN ORIGINAL IS NEEDED,
PLEASE CONTACT THE SENDER.**



First American

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

Order No.: 1032-1166144
June 25, 2009

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

JANELL WALKER, Escrow Officer/Closer
Phone: (503)538-7361 - Fax: (866)800-7290 - Email:janewalker@firstam.com
First American Title Insurance Company of Oregon
515 E Hancock, Newberg, OR 97132

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Clayton Carter, Title Officer
Phone: (503)472-4627 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Preliminary Title Report

ALTA Owners Standard Coverage	Liability \$	1,930,000.00	Premium \$	3,495.00
ALTA Owners Extended Coverage	Liability \$		Premium \$	
ALTA Lenders Standard Coverage	Liability \$		Premium \$	
ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement			Premium \$	
Govt Service Charge			Cost \$	15.00
Other			Cost \$	

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

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

and as of June 24, 2009 at 8:00 a.m., title vested in:

Baker Rock Crushing Inc., an Oregon Corporation dba Baker Rock Resources

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

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

Preliminary Report

Order No.: **1032-1166144**

Page 2 of 5

- 3. Easements, or claims or easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
- 4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or other facts which a correct survey would disclose.
- 5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

i.

- 6. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
- 7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 8. Sewer Line Easement Agreement Agreement and the terms and conditions thereof:
Between: June G. Melcher
And: the City of Newberg, Oregon, a municipal corporation
Recording Information: June 22, 1984 in Film Volume 187, Page 505
- 9. Unrecorded leases or periodic tenancies, if any.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: NONE

NOTE: We find no judgments or United States Internal Revenue liens against City of Newberg or Baker Rock Crushing

NOTE: Taxes for the year 2008-2009 PAID IN FULL

Tax Amount: \$579.75
Map No.: R3229-100
Property ID: 66822
Tax Code No.: 29.2

Situs Address as disclosed on Yamhill County Tax Roll:

1409 S. Sandoz Road, Newberg, OR 97132

Preliminary Report

Order No.: **1032-1166144**

Page 3 of 5

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

RECORDING INFORMATION

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

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

cc: City of Newberg
cc: Baker Rock

Preliminary Report

Order No.: 1032-1166144

Page 4 of 5



First American Title Insurance Company of Oregon

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

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

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

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

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

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

SCHEDULE OF STANDARD EXCEPTIONS

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

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST

TI 149 Rev. 7-22-08

Preliminary Report

Order No.: **1032-1166144**

Page 5 of 5

Exhibit "A"

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

Situate, lying and being in Yamhill County, Oregon, and being a part of the Donation Land Claim of Samuel D. Snowden, Claim No. 68, Notification No. 1476, in Township 3 South, Range 2 West of the Willamette Meridian, in said County and State, said part herein conveyed being more particularly described as follows:

Beginning at an iron pipe at the Northeast corner of said Donation Land Claim, and running thence South 7' West along County Road 6.39 chains and which is the Southeast corner of an 18 acre tract conveyed by Martin J. Conrad to Mary Jane Conrad on December 23, 1910, for a place of beginning of the tract herein conveyed; thence North $89^{\circ} 20'$ West 28.17 chains to an iron pipe and the Southwest corner of said Mary Jane Conrad tract of 18 acres; thence South 22' West 18.895 chains to an iron pipe; thence North $76^{\circ} 41'$ East 29.00 chains to center of County Road, said true corner being shown by an iron pipe 2 inches X 24 inches set 20 feet South $76^{\circ} 41'$ West from said corner; thence North 7' East along said County road 11.875 chains to the place of beginning of the tract herein conveyed.

EXCEPTING THEREFROM that portion conveyed to Spaulding Pulp & Paper Co., by deed dated June 8, 1974 and recorded June 12, 1974 in Film Volume 100, Page 1211, Deed and Mortgage Records.

ALSO EXCEPTING THEREFROM that portion conveyed to City of Newberg, a Municipal Corporation of the State of Oregon, by deeds recorded June 22, 1984 in Film Volume 187, Pages 501 and 503, Deed and Mortgage Records.

Tax Parcel Number: R3229-100

29 T3S R2W W.M.
MILL COUNTY

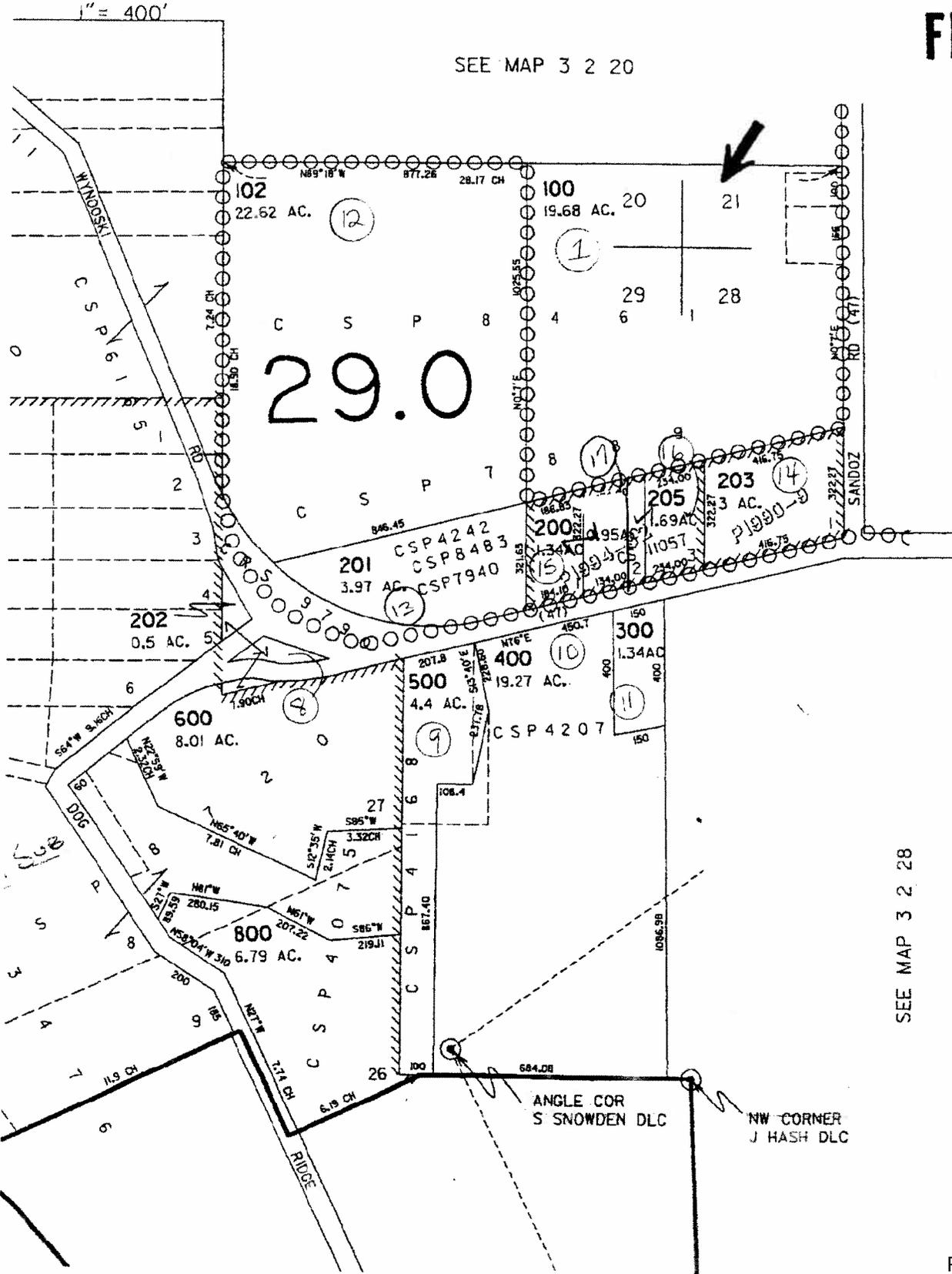
This sketch is furnished to help you locate the property. It is not a survey and the company assumes no liability for errors.

First American Title
472-4627 538-7361



7-10-01
3 2 29
& INDEX
FILE COPY

SEE MAP 3 2 20



CANCELLED

- 101
- 700
- 900
- 901
- 1000
- 1001
- 1002
- 1100
- 1101
- 1200
- 1201
- 1300
- 1400
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- 1800
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- 1901
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- 1903
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- 1905
- 2200U1
- 2200U2
- 2300
- 2400

SEE MAP 3 2 28

ANGLE COR
S SNOWDEN DLC

NW CORNER
J HASH DLC

Attachment 10

October 30, 2009

City of Newberg
Planning and Building Department
P.O. Box 970
Newberg, OR 97132

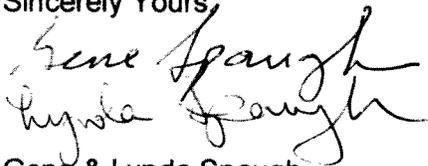
Ref: File No. ANX-09-001

Dear Sir:

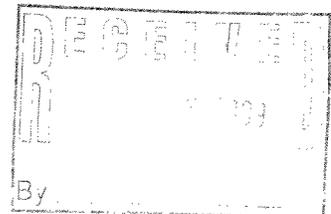
To fully support the proposed annexation we need to be assured that the City will:

1. Develop the property such that there will be a buffer between the adjacent residents and the facility, especially for noise and view.
2. Perform a traffic survey before designing the facility entrance or entrances so that local traffic will not be severely impacted. If this requires a common entrance for all of the city facilities, it will receive consideration. A single common entrance might be located away from the recycle yard facility entrances and be used for the treatment plant, animal shelter, and maintenance facilities with interior separate gates to each.
3. Design the facilities to include available parking inside the facility site.

Sincerely Yours,



Gene & Lynda Spough
1500 S. Sandoz Rd.
Newberg, OR 97132



Yamhill County

DEPARTMENT OF PLANNING AND DEVELOPMENT

525 NE FOURTH STREET • McMinnville, Oregon 97128

Phone:(503) 434-7516 • Fax:(503)434-7544 • TTY 1-800-735-2900 • Internet Address: <http://www.co.yamhill.or.us/plan/>

October 19, 2009

Newberg Planning and Building Department
Attn: Steve Olson
P.O. Box 970
Newberg, OR 97132

Re: **Docket No. ANX-09-001, Proposed annexation of Tax Lot 3229-100**

Dear Mr. Olson:

Thank you for the referral related to annexation of the 19.68 acres addressed as 1409 S. Sandoz Road. As part of the annexation the City will need to take over jurisdiction and maintenance of Sandoz Road. The Yamhill County Transportation Plan Section 5.2.2 has Goals and Policies that deal with the issue of Annexations. Goals 5 and 6 of this section state:

5. County policy will encourage the expeditious transfer of jurisdiction of roadways to incorporated cities in conjunction with annexation. It is the policy of Yamhill County that developers of property who propose annexation and who have frontage on a road that does not meet city road standards shall have the primary responsibility for upgrading the road to city standards. Roads shall be upgraded at the time of annexation, or the developer shall sign an agreement with the city to upgrade the road at the time of development. Transfer of jurisdiction shall require the approval of both the County and the City in accordance with the provisions in Oregon Revised Statutes 373.270.

6. It is the policy of Yamhill County to require the transfer, or an agreement to transfer with specific time lines and milestones as part of the agreement, of jurisdiction of County roadways within urban growth boundaries to their respective cities at the time of annexation.

In reading through the application packet I did not notice findings related to the future jurisdiction and maintenance of Sandoz Road. Please contact the Yamhill County Public Works Department and Yamhill County Counsel's office to formalize an agreement to transfer jurisdiction of Sandoz Road to the City.

Sandoz Road
Docket ANZ-09-001
Page 2

Please also consider Yamhill County to be a party to the application and please send future public notices to the following departments:

Yamhill County Public Works
John Phelan, Road Director
2060 NE Lafayette Avenue
McMinnville, OR 97128

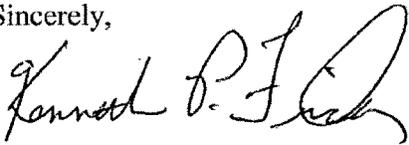
Yamhill County Public Works
Bill Gille, Engineer
2060 NE Lafayette Avenue
McMinnville, OR 97128

Yamhill County Planning Dept.
Ken Friday, Planning Div. Manager
525 NE 4th Street
McMinnville, OR 97128

Yamhill County Counsel
Rick Sanai, Assistant Co. Counsel
434 NE Evans Street
McMinnville, OR 97128

If you have any questions, please contact this office at (503) 434-7516.

Sincerely,



Kenneth P. Friday
Planning Division Manager

cc (via e-mail):Board of Commissioners
John Phelan, Road Director
Bill Gille, Engineer
Rick Sanai, Assistant Co. Counsel
Mike Brandt, Planning Director
Barton Brierley, Newberg Planning Director

F:\Share\KF\LTR\ANX-09-001.LTR.wpd



Oregon

Theodore R. Kulongoski, Governor

Department of Transportation

Region 2 Headquarters

455 Airport Road SE Building B

Salem, Oregon 97301-5395

Telephone (503) 986-2600

Fax (503) 986-2630

October 19, 2009

Mr. Steve Olson, Assistant Planner
City of Newberg Planning and Building Department
414 E. First Street
PO Box 970
Newberg, OR 97132

SUBJECT: Comments on ANX-09-001 (City of Newberg)

Dear Mr. Olson:

Thank you for referring the subject application to the Oregon Department of Transportation (ODOT) for review and comment. ODOT staff have reviewed the proposed City of Newberg annexation application and supporting documents and our comments are provided below.

The application is a request by the City of Newberg for annexation of 19.68 acres into the City. A concurrent zone change from the Yamhill County AF-10 (Agriculture/Forest Small Holding) and HI (Heavy Industrial) zoning to the City's M-3 (Heavy Industrial) and M-2 (Light Industrial) districts is also proposed. The City's Comprehensive Plan designates the property "Industrial." The subject property is located west of Sandoz Road north of its intersection with Wynooski Road. The City currently has an application pending with Yamhill County for the construction of an animal shelter on the southeast corner of the site. Other uses proposed for the site include and expansion of the City's wastewater treatment facility and a public works maintenance yard.

The proposed Newberg-Dundee Bypass crosses the northern portion of the property. The Comprehensive Plan applies a Bypass Interchange overlay to that property. The City is currently considering a development code amendment that would create an Interim Industrial Use Overlay that, if adopted, would be applied to the portion of the site crossed by the proposed bypass alignment and would limit use of the property subject to the overlay to interim and non-structural uses.

The application materials include proposed findings related to compliance with Statewide Planning Goal 12 and the Transportation Planning Rule (OAR 660-012-0060). The findings pertaining to "Roads" conclude, "*The future development on the site will have a low impact in transportation facilities in the area.*" ODOT staff concur with this finding as it relates to the uses described in the application. Other uses allowed in the M-2 and M-3 zoning districts could, however, generate a level of traffic that could result in significant impacts to area transportation facilities. ODOT recommends that the City adopt a limited use overlay or other enforceable condition on the zone change that would limit use of the property to those described in the application materials. This condition will ensure that proposed findings for the Transportation Planning Rule can be met.

Mr. Steve Olson
City of Newberg
October 19, 2009
Page 2 of 2

As a final matter, ODOT supports the actions proposed by the City to limit development of the northern portion of the site that is crossed by the proposed Newberg-Dundee Bypass alignment. The proposed Interim Industrial Use overlay, as described in the application, will serve to allow a level of development on the site while protecting the property for future acquisition.

This letter should be included in the record as ODOT testimony. ODOT should be considered a party to the hearing and be entitled to notices of future hearings, or hearing continuances or extensions. Please provide me with a copy of the City's decision, including findings and conditions of approval.

Sincerely,



Daniel L. Fricke
Senior Transportation Planner

DLF:

cc: Cyndi Buswell, ODOT Region 2
Terry Cole, ODOT Region 2
Steve Oulman, DLCD

TYPE IV, LEGISLATIVE PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS¹
2. CALL FOR ABSTENTIONS, CONFLICTS OF INTEREST AND OBJECTIONS TO JURISDICTION
3. STAFF REPORT
 - A. PROJECT SUMMARY AND RECOMMENDATION BY STAFF
 - B. STAFF SUMMARY OF LATE CORRESPONDENCE SUBJECT TO PLANNING COMMISSION REQUEST²
4. PUBLIC TESTIMONY (SEE "HOW TO TESTIFY" FORM)^{3 4}
 - A. THE PLANNING COMMISSION CHAIR WILL CALL YOUR NAME WHEN IT'S YOUR TURN TO TESTIFY (NOTE: COMMISSIONERS MAY ASK QUESTIONS DURING THE TESTIMONY PERIOD, AT THE DISCRETION OF THE CHAIR)
5. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS
6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)
7. FINAL COMMENTS FROM STAFF
8. DELIBERATION OF COMMISSION
9. ACTION BY THE PLANNING COMMISSION

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

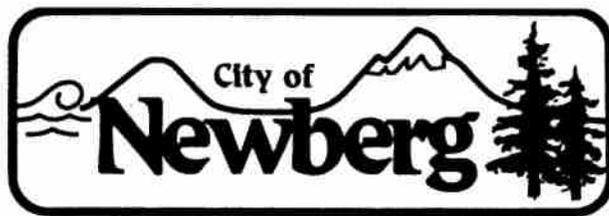
¹ The Chair of the Planning Commission may set time limits on the public testimony portion of the hearing.

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

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

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

City of Newberg
414 E First Street
P.O. Box 970
Newberg, OR 97132



City Manager
(503) 538-9421
(503) 538-5013 Fax

Planning and Building Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132 • (503) 537-1240 • Fax (503) 537-1272

CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

FILE NO: GEN FILE 09-007

REQUEST: Amend Newberg Development Code to support affordable housing regarding duplexes in the R-1, accessory dwelling units (ADUs), housing in the C-1 zone, planned unit developments (PUDs), legal non-conforming housing reconstruction, and parking requirements.

APPLICANT: City of Newberg

PREPARED BY: City of Newberg Planning Staff

DATE OF HEARING: November 12, 2009

ATTACHMENTS:
Planning Commission Resolution No. 2009-272:
Exhibit A: Proposed Development Code Amendments

1. Public Comment – Email from Roger Currier (via Commissioner Haug)
2. *Newberg Affordable Housing Action Plan* (by reference)

SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing.

On November 12, 2009, the Newberg Planning Commission will hold a public hearing regarding the following proposed flexible development standards intended to help support affordable housing:

- Permit duplexes in the Low Density Residential (R-1) zone as an allowed use;
- Allow greater flexibility to the use of accessory dwelling units (ADUs);
- Allow unlimited residential dwelling units above the ground floor in the Neighborhood Commercial (C-1) zone, provided private parking (one space per unit) is provided;
- Provide incentives for the development of more affordable dwelling units in Planned Unit Developments (PUDs);

- Allow any legal non-conforming duplex or multi-family dwelling unit to be reconstructed if destroyed; and,
- Reduce and provide flexibility to parking requirements for affordable housing projects.

The proposed Planning Commission Resolution No. 2009-272 recommends that the City Council adopt these proposed amendments.

BACKGROUND

In recent years, the City of Newberg has been taking examining the community's future land needs and taking steps to accommodate the anticipated future growth. The City's analysis of future land needs has found that if current housing construction trends continue into the future, lack of affordable housing in Newberg will likely continue to be a significant issue.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." The Committee met twice a month from July 2008 to April 2009 with the goal to create an action plan to support the development and retention of affordable housing. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

On November 12, 2009, the Newberg Planning Commission will hold a public hearing regarding various proposed *Newberg Development Code* amendments supporting affordable housing from the *Newberg Affordable Housing Action Plan*. The following is a description and the rational for these various proposed changes.

1. **Action 4.2I - Permit duplexes in the Low Density Residential (R-1) zone as an allowed use.** Duplexes are currently allowed in the R-1 zone as a conditional use on lots at least 15,000 square feet. They can be an efficient use of land, thereby can lower the cost of housing. To help make duplexes more in keeping with the density of the R-1 zone, the recommendation includes that the allowed duplexes would need to be sited on lots at least 10,000 square feet in size.
2. **Action 4.2C - Allow greater flexibility to the use of accessory dwelling units (ADUs.)** Accessory dwelling units are a good way to provide additional affordable housing. They are relatively small dwelling units and usually increase density on a given lot. In addition, if the ADU is rented, the rental funds can be used by the primary home owner to pay their housing costs, making their home more affordable as well. However, in constructing an ADU, consideration for the needs of surrounding neighbors must be given to ensure compatibility.

The *Action Plan* recommends the following changes to the development code:

- Allow accessory dwelling units as an outright permitted use in all R-1 or R-P zoned lands. Currently, ADUs are allowing in the R-1 zone as a conditional use and not allowed in the R-P zone.
- Allow ADUs with single family attached housing as well as detached housing. Currently, ADUs must be created within or as an addition to a detached, single family structure or as a free standing accessory building.
- Eliminate current restriction on a two-story accessory buildings so that accessory dwelling units may be constructed above detached garages or other structures (NOTE: The Planning Commission took action on this recommendation in July 2009 through Resolution No. 2009-266.) To protect neighbors, require windows on second stories close to property lines to be opaque.

- Eliminate current requirement that either primary house or ADU be owner-occupied. Elimination of this requirement will not supersede any existing or future homeowner association regulations regarding this subject.
 - Increase the current maximum allowed size of an ADU from 800 square feet to 1,000 square feet.
3. **Action 4.2D - Allow unlimited residential dwelling units above the ground floor in the Neighborhood Commercial (C-1) zone, provided private parking (one space per unit) is provided.** Currently, only one dwelling unit per lot is allowed in this zone, in conjunction with another allowed or conditional use in the zone. Also, two parking spaces per dwelling unit are required. Housing in this type of development tends to be relatively high in density, lowering housing costs. The housing is limited to upper stories, preserving the ground floor that is critical for the success of commercial activity. In addition, housing located within a commercial area provides nearby customers for businesses and improves safety (“eyes on the street”.) Requiring only one parking space per dwelling unit also lowers housing costs. Since multifamily developments tend to be smaller units, parking needs are reduced. Additional parking needs should be able to be accommodated with available on-street parking. With residents usually at work and not at home in the daytime and businesses open in the daytime, conflicts for on-street parking should be minimal.
4. **Action 4.2B - Provide incentives for the development of more affordable dwelling units in Planned Unit Developments (PUDs).** Currently, the number of dwelling units allowed in a PUD development is determined by the type dwelling units, e.g. more units are allowed if smaller units are proposed as opposed to larger dwelling units. Smaller dwelling units tend to be more affordable. The proposed development code change would permit higher densities for proposed dwelling units that are income-restricted.
5. **Action 4.2H - Allow any legal non-conforming duplex or multi-family dwelling unit to be reconstructed if destroyed.** Currently, only single family units that are legal non-conforming can be rebuilt. This change will help preserve higher density developments, which tend to be relatively affordable.
6. **Action 4.2G - Reduce and provide flexibility to parking requirements for affordable housing projects.** Space used for parking adds to housing costs. Under certain types of developments, the current standards tend to create more parking spaces than is needed. The following changes are intended to address the overbuilding of unnecessary parking spaces:
- For special needs housing, reduce parking requirements to one space per 3 beds, or allow parking numbers to be reduced, where actual parking needs can be demonstrated through a parking analysis. Currently, allowing this action would require a variance.
 - Allow for tandem parking, which is currently not permitted. This allows more flexibility in design of a project.

It should be noted that the *Action Plan* did recommend more changes on this issue. However, the City recently took action on those remaining recommended changes through Ordinance No. 2009-2710.

The proposed Planning Commission Resolution No. 2009-272 recommends that the City Council adopt the proposed amendments.

For reference, Attachment 1 describes the currently proposed development standard amendments as they were previously proposed in December 2007.

PRELIMINARY STAFF RECOMMENDATION

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

Move to adopt **Planning Commission Resolution 2009-272** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

PLANNING COMMISSION RESOLUTION NO. 2009-272

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT CODE STANDARDS REGARDING DUPLEXES IN THE R-1 ZONE, ACCESSORY DWELLING UNITS (ADUs), HOUSING IN THE C-1 ZONE, PLANNED UNIT DEVELOPMENTS (PUDs), LEGAL NON-CONFORMING HOUSING RECONSTRUCTION, AND PARKING REQUIREMENTS

RECITALS:

1. On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families."
2. On May 4, 2009, the Housing for Working Families Ad Hoc Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.
3. The *Newberg Affordable Housing Action Plan* recommends that the City should consider the adoption of various amendments to the Newberg Development Code regarding duplexes in the R-1, accessory dwelling units (ADUs), housing in the C-1 zone, planned unit developments (PUDs), legal non-conforming housing reconstruction, and parking requirements.
4. On October 24, 2009, notice of a public hearing on the proposed amendments was published in the Newberg Graphic. The same notice was posted in four public places on October 22, 2009 and mailed to interested parties on October 22, 2009.
5. On November 12, 2009, the Newberg Planning Commission held a public hearing on the proposed amendments.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Development Code as shown in Exhibit A, contingent upon the Planning Commission's review of additional proposed Development Code amendments described in the Newberg Affordable Housing Action Plan.

This recommendation is based on the staff report and testimony.

DATED this 12th day of November, 2009

AYES: NAYS: ABTAIN: ABSENT:

ATTEST:

Planning Commission Secretary

Planning Commission Chair

Exhibit A: Proposed Newberg Development Code Amendments

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**Exhibit A to Resolution 2009-272
Proposed Newberg Development Code Amendments**

Editorial Key:

Normal = existing text

~~Strikethrough~~ = proposed text deletion

Underline = proposed text additions

SECTION 1: Newberg Development Code § 151.145 shall be amended as follows:

151.145 SINGLE FAMILY NON-CONFORMING USE EXEMPTION.

(A) Where a single family, duplex, or multi-family dwelling is a legal, non-conforming use in any zoning district, it may be rebuilt if partially or completely destroyed. ~~This does not apply to any other type of residential use or other non-single family use (see § 151.146 for other types of uses).~~ If a single family, duplex, or multi-family dwelling is completely or partially destroyed, it may be rebuilt either in conformance with the setback, height restriction, and other regulations of the district in which it is located or with the standards of the R-2 Zoning District. The minimum lot area requirement does not apply.

SECTION 2: Newberg Development Code § 151.226 (F) shall be amended as follows:

PD PLANNED UNIT DEVELOPMENT REGULATIONS

§ 151.226 GENERAL PROVISIONS.

(F) Density. Except as provided in § 151.123 relating to sub-districts, dwelling unit density provisions for residential planned unit developments shall be as follows:

(1) Maximum density.

(a) Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

<u>District</u>	<u>Maximum Density per Gross Acre</u>	<u>Density Points</u>
R-1	175 density points as calculated below <u>per gross acre, as calculated in section (b) below</u>	
R-2	310 density points as calculated below <u>per gross acre, as calculated in section (b) below</u>	
R-3	640 density points as calculated below <u>per gross acre, as calculated in section (b) below</u>	

RP	310 density points as calculated below <u>per gross acre, as calculated in section (b) below</u>
C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

(b) Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant's discretion by 25% for long term affordable dwelling units as follows:

Density Point Table

Dwelling Type	Density Points: Standard Dwelling	Density Points: <u>Long Term Affordable Dwelling Unit</u>
Studio and efficiency	12	<u>9</u>
One bedroom	14	<u>11</u>
Two bedroom	21	<u>16</u>
Three bedroom	28	<u>21</u>
Four or more bedrooms	35	<u>26</u>

The density points in the right hand column are applicable to long term affordable dwelling units, provided the dwelling units meet the affordability criteria under § 151.232 (A) for developments using the Flexible Development Standards.

SECTION 3: Newberg Development Code § 151.281 shall be amended as follows:

ZONING DISTRICTS

Part 1. R-1 LOW DENSITY RESIDENTIAL DISTRICT

151.281 PERMITTED BUILDINGS AND USES.

In the R-1 Low Density Residential District the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

(A) Accessory buildings and uses normal and incidental to the uses permitted in this section and § 151.282.

(B) Accessory dwelling units (subject to the provisions of § 151.678).

(~~B~~C) Agricultural uses, limited to the following:

- (1) Berry and bush crops.
- (2) Flower gardening.
- (3) Orchards, tree crops, the raising and harvesting of.
- (4) Truck gardening, the raising and harvesting of vegetables for home consumption.

(~~C~~D) Churches, subject to the following conditions:

- (1) Dedication and improvements of public streets.
- (2) Conveyance or dedication of public utility easements, as determined by the city.

(~~D~~E) Churches, when using existing buildings.

(~~E~~F) Day nurseries.

(~~B~~G) Duplex, one per lot subject to density restrictions.

(~~F~~H) Group care homes.

(~~G~~I) Home occupation.

(~~H~~J) Manufactured homes on individual lots provided the homes meet the development standards set forth in §§ 151.640 through 151.642.

(~~I~~K) Modular homes.

(~~J~~L) Open space.

(~~K~~M) Private and public parks, playgrounds and golf courses.

(~~L~~N) Public and semi-public buildings essential to the physical and economic welfare of an area, such as fire stations, substations and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.

(~~M~~O) Single family dwellings (one per lot).

(~~N~~P) Schools; elementary, junior high and high schools and colleges, and related buildings in conjunction therewith, subject to the following conditions:

- (1) Dedication and improvement of public streets.

(2) Conveyance or dedication of public utility easements as determined by the city.

(~~Q~~) Transportation facilities and improvements.

(~~R~~) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. 96-2451, passed 12-2-96; Am. Ord. 99-2505, passed 2-1-99; Am. Ord. 99-2513, passed 8-2-99; Am. Ord. 2000-2537, passed 11-6-00; Am. Ord. 2005-2619, passed 5-16-05)

SECTION 4: Newberg Development Code § 151.282 shall be amended as follows:

151.282 BUILDING AND USES PERMITTED CONDITIONALLY.

In addition to the buildings and uses permitted conditionally, listed in § 151.211, the Planning Commission may grant a conditional use permit for the following buildings and uses in accordance with a Type III procedure.

(~~A~~)—~~Accessory dwelling units (subject to the provisions of § 151.678).~~

(~~B~~) Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).

(~~B~~) Bed and breakfast establishments.

(~~C~~) Community centers.

(~~D~~) Driving range.

(~~E~~) ~~Duplex and m~~Multi-family housing, including multiple single family dwellings or duplexes on a single lot, subject to density restrictions and permanent open space provisions of the comprehensive plan.

(~~F~~) Group care facilities.

(~~G~~) Hospitals.

(~~H~~) Nursing homes.

(~~I~~) Planned unit developments.

(~~K~~) Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure or utility pole more than 18 feet. Top hat antenna installations are prohibited.

(~~L~~K) Any building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. 96-2451, passed 12-2-96; Am. Ord. 99-2505, passed 2-1-99; Am. Ord. 2000-2536, passed 11-6-00; Am. Ord. 2000-2537, passed 11-6-00)

SECTION 5: Newberg Development Code § 151.326 shall be amended as follows

Part 4. RP RESIDENTIAL-PROFESSIONAL DISTRICT

151.326 PERMITTED BUILDINGS AND USES.

In the RP Residential-Professional District, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth by this code. All uses permitted in this district except parking areas shall be contained entirely within an enclosed building.

(A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and § 151.327.

(B) Accessory dwelling units (subject to the provisions of § 151.678).

(~~B~~C) Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).

(~~E~~D) Bed and breakfast establishment (two or fewer guest sleeping rooms).

(~~D~~E) Churches; subject to the following conditions:

(1) Dedication and improvement of public streets.

(2) Conveyance or dedication of public utility easements as determined by the city.

(~~E~~F) Clinics.

(~~F~~G) Day nurseries.

(~~G~~H) Dormitories.

(~~H~~I) Duplexes.

(~~I~~J) General office use, provided that the use does not involve any retail activities.

(~~J~~K) Group care homes.

(~~K~~L) Home occupations.

(LM) Laboratories, biochemical and X-ray.

(MN) Manufactured homes on individual lots provided the homes meet the development standards as set forth in §§ 151.640 through 151.642.

(NO) Multiple family dwellings.

(OP) Offices for the following:

(1) Accountants.

(2) Attorneys.

(3) Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state to practice the healing arts.

(4) Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.

(5) Insurance brokers.

(6) Lumber brokers.

(7) Real estate sales.

(8) Stockbrokers.

(PQ) Open space.

(QR) Planned unit developments.

(RS) Private and public parks, playgrounds or community centers.

(ST) Private parking area. These areas shall exist only as an accessory to a use already provided for within the RP District.

(TU) Public and semi-public buildings essential to the physical and economic welfare of an area, such as fire stations, substations, and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.

(UV) Single family dwellings (one or more per lot subject to density restrictions).

(VW) Studios for the following:

(1) Interior decorating.

(2) Photographers.

(3) Artists.

(~~WX~~) Schools; elementary, junior high and high schools and colleges, subject to the following conditions:

(1) Dedication and improvement of public streets.

(2) Conveyance or dedication of public utility easements as determined by the city.

(~~XY~~) Transportation facilities and improvements.

(~~YZ~~) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any a different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. 96-2451, passed 12-2-96; Am. Ord. 2000-2537, passed 11-6-00; Am. Ord. 2005-2619, passed 5-16-05)

SECTION 6: Newberg Development Code § 151.341 shall be amended as follows

Part 5. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

151.341 PERMITTED BUILDINGS AND USES.

In the C-1 Neighborhood Commercial District, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

(A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and § 151.342.

(B) Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).

(C) Bakeries (retail only).

(D) Banks.

(E) Barber and beauty shops.

(F) Bed and breakfast establishments (two or fewer guest sleeping rooms).

(G) Bicycle shops.

(H) Book stores.

(I) Chapels.

(J) Christmas tree sales (outdoor sales) in accordance with this code.

- (K) Churches; subject to the following conditions:
 - (1) Dedications and improvements of public streets.
 - (2) Conveyance or dedication of public utility easements as determined by the city.
- (L) Clinics.
- (M) Confectionery stores with fountains (no drive-ins or walk-ups).
- (N) Dairy products stores (retail only).
- (O) Day nurseries.
- (P) Delicatessen stores.
- (Q) Dry cleaners, coin operated.
- (R) Dwelling units - { On the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone}. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.
- (S) Fireworks sales (outdoor sales) from June 24 to July 6.
- (T) Florist shops.
- (U) Gift shops.
- (V) Grocery stores or markets.
- (W) Group care homes.
- (X) Laundromats, hand laundries, and self-service laundries.
- (Y) Meat markets.
- (Z) Offices for the following:
 - (1) Accountants.
 - (2) Attorneys.
 - (3) Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state to practice the healing arts.
 - (4) Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.

- (5) Insurance brokers.
- (6) Lumber brokers.
- (7) Real estate brokers.
- (8) Savings and loans.
- (9) Stockbrokers.
- (AA) Open space.
- (BB) Pharmacy or drug stores.
- (CC) Planned unit developments.
- (DD) Post offices.
- (EE) Public and semi-public buildings essential to the physical and economic welfare of an area such as fire stations, substations and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.
- (FF) Restaurants, except drive-through.
- (GG) Shoe repair shops.
- (HH) Small animal clinics.
- (II) Studios for the following:
 - (1) Interior decorators.
 - (2) Photographers.
 - (3) Artists.
- (JJ) Tailor or dressmaking shops.
- (KK) Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure more than 18 feet.
- (LL) Telephone and telegraph exchanges.
- (MM) Transportation facilities and improvements.
- (NN) Variety shops.

(OO) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. 96-2451, passed 12-2-96; Am. Ord. 2000-2536, passed 11-6-00; Am. Ord. 2005-2619, passed 5-16-05)

SECTION 7: Newberg Development Code § 151.612 shall be amended as follows

OFF-STREET PARKING REQUIREMENTS

151.612 PARKING SPACES REQUIRED

Use	Minimum Parking Spaces Required
RESIDENTIAL TYPES	
<p>Dwelling, multiple or two family or single family</p> <p> Studio or 1 bedroom unit</p> <p> 2 bedroom unit</p> <p> 3 and 4 bedroom unit</p> <p> 5 or more bedroom unit</p> <p>Unassigned spaces</p> <p>Visitor spaces</p> <p>On-street parking credit</p>	<p>2 for each dwelling unit; where fractioned, next highest full unit</p> <p>1 per dwelling unit</p> <p>1.5 per dwelling unit</p> <p>2 per dwelling unit</p> <p>0.75 spaces per bedroom</p> <p>If a development is required to have more than 10 spaces on a lot then it must provide some unassigned spaces. At least 15% of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the Director.</p> <p>If a development is required to have more than 10 spaces on a lot then it must provide at least 0.2 visitor spaces per dwelling unit.</p> <p>On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all City standards, and cannot be counted if they could be removed by future street widening or a bike lane on the street.</p>
<p><u>Dwellings in Neighborhood Commercial District (C-1), and Central Business District (C-3)</u></p>	<p><u>1 for each dwelling</u></p>

Dwelling, single family or two family	2 for each dwelling unit on a single lot
Fraternities, sororities, cooperatives and dormitories	1 for each three occupants for which sleeping facilities are provided
Hotels, motels, motor hotels, etc.	1 for each guest room
Rooming or boarding houses	1 for each guest room
<u>Special needs housing</u>	<u>1 space per 3 beds or actual parking needs as demonstrated through a parking analysis.</u>

SECTION 8: Newberg Development Code § 151.615 shall be amended as follows:

151.615 PARKING AREA AND SERVICE DRIVE IMPROVEMENTS.

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

(A) All parking areas and service drives shall have surfacing of asphaltic concrete or portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the Director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.

(B) All parking areas shall be designed not to encroach on public streets, alleys, and other right-of-ways. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The Director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.

(C) All parking areas, except those required in conjunction with a single family or two family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

(D) All parking areas, including service drives, except those required in conjunction with single family or two family dwellings shall be screened in accordance with § 151.580(B).

(E) Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

(F) All service drives and parking spaces shall be substantially marked and comply with § 151.616.

(G) Parking areas for residential uses shall not be located in a required front yard, except as follows:

(1) Attached or detached single family or two family - parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.

(2) Three or four family - parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (Fig. XII).

(H) A reduction in size of the parking stall may be allowed for up to a maximum of 30% of the total number of spaces to allow for compact cars. For high turn-over uses, such as convenience stores or fast-food restaurants, at the discretion of the Director, all stalls will be required to be full-sized.

(I) The review body may approve use of tandem parking where such such tandem spaces would reasonably be accessible to a single tenant.

SECTION 8: Newberg Development Code § 151.615 shall be amended as follows

Part 5. ACCESSORY DWELLING UNITS

151.678.2 DEVELOPMENT STANDARDS.

(A) Location. Accessory dwelling units are permitted ~~as conditional uses in the R-1 zone and as outright permitted uses in the R-1, R-2 and , R-3, and R-P zones.~~

(B) Limitations. An accessory dwelling unit is permitted providing there is compliance with all of the following standards:

(1) An accessory dwelling unit may be created within or as an addition to a detached or attached single family structure or as a free-standing accessory building.

(2) An accessory dwelling unit may not exceed 50% of the size of the primary unit, up to a maximum of ~~800~~ 1,000 square feet.

(3) The number of residents permitted to inhabit the accessory dwelling unit is regulated by the Uniform Building Code.

~~(4) Either the primary or accessory dwelling unit must be owner-occupied.~~

~~(54)~~ In addition to the number of parking spaces required for the primary residence, as established in § 151.612, one on-site parking space shall be provided for the accessory dwelling unit. This parking space shall be paved and/or covered.

~~(65)~~ The front door of the accessory dwelling unit shall not be located on the front facade of the primary residence unless the door is already existing.

(6) Second story windows 10 feet or less from the property line must be opaque.

(7) There shall be compliance with all of the development standards established in the base zone.

(Ord. 99-2505, passed 2-1-99)

David Beam

From: Haug, Matson [matson_haug@mentor.com]
Sent: Monday, October 26, 2009 5:36 PM
To: Barton Brierley
Cc: Steve Olson; Jessica Nunley; Luke Pelz; David Beam
Subject: FW: Parking requirements reduction for affordable housing
Attachments: Parking requirements for affordable housing.doc
to whom it may concern... passing along a comment from Roger Currier

From: Roger Currier [mailto:rcurrier@hevanet.com]
Sent: Monday, October 26, 2009 5:29 PM
To: Haug, Matson
Subject: Parking requirements reduction for affordable housing

Matson,
Could you please see that the Planning Commission gets a copy of this letter.
Thank You
Roger Currier
P. O. Box 45
503-538-9058
Newberg, Oregon 97132
rcurrier@hevanet.com

To the Newberg Planning Commission Members

Re: The item of ---Reduce and providing flexibility to parking requirements for affordable housing projects on your agenda.

Please consider maintaining at least what regulations that we have concerning this item. If you will at least go out and take the time to view just three examples of the mess we have now, I believe that you will agree!

Example 1 ---- look at the street and mess just north of the train tracks on North Meridian Street across from Spalding Oaks Condos. This is an area of cars in various stages of repair or not parked all over. Several have been towed from here. I was one of the supporters of this development and wish that I had been able to see the future first!

Example 2----- Look at Ninth Street after 5 PM between River Street and College Street. This is used for parking the extra cars of the more than one tenant in the surrounding residence that are living together (multiple persons in one).

Example 3---- Check out in the evenings between Church Street and Everest rd. on East 3rd street. Another mess of overcrowded vehicles parked every where from the rental over flows.

I believe that most all of the above qualify for the “affordable” housing status designation since most are rentals and #1 being a Habitat for Humanity home area.

My point being that if you just look at this mess that we the tax payer must pay for their free parking; while we are required to meet different standards for our homes. This is wrong to make us not only let subsidize their way of life with food, housing, etc., but now we pay for streets that they use for meeting the required parking codes!

Some have already received a reduced SDC allowance that we the taxpayers must make up for now. Yes it has to come from someone else when the City reduces it! Why can't the developers take a cut in their profit margins and maybe drive older trucks instead of us the taxpayers always having to help the ones who continue to move here because we help them pay their way.

Please take the time to at least view these 3 areas. There are many more and I believe that you need only spend 30 minutes driving and looking. Please take the time before you take away the rules or even lighten them!

Thank You for taking the time to read
Roger Currier
Newberg