

PLANNING COMMISSION AGENDA
September 12, 2013
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

I. CALL MEETING TO ORDER

II. ROLL CALL

III. PUBLIC COMMENTS (5 minute maximum per person)

1. For items not listed on the agenda

IV. CONSENT CALENDAR (items are considered routine and are not discussed unless requested by the commissioners)

1. Approval of July 11 and August 8, 2013 Planning Commission Meeting Minutes

V. QUASI-JUDICIAL PUBLIC HEARING (Continued from August 8 at the point of staff recommendation. Public testimony was closed, so no new public testimony will be taken.)

1. **APPLICANT:** Del Boca Vista, LLC
REQUEST: Approval of a 44 lot subdivision preliminary plat, to be called Terra Estates
LOCATION: 3805 Terrace Drive
TAX LOT: 3207-00500
FILE NO.: SUB2-12-003 **ORDER NO.:** 2013-13
CRITERIA: 15.235.060(A)

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)

1. **APPLICANT:** Oregon Dept. of Transportation
REQUEST: Consider amending the Newberg Transportation System Plan to reflect the Phase 1 alignment of the Newberg Dundee Bypass project.
FILE NO.: CPTA4-13-001 **RESOLUTION NO.:** 2013-301
2. **APPLICANT:** City of Newberg
REQUEST: Consider a proposal to establish a Historic Preservation Commission.
FILE NO.: DCA-13-001 **RESOLUTION NO.:** 2013-300

VII. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: October 10, 2013

VIII. ITEMS FROM COMMISSIONERS

IX. ADJOURN

FOR QUESTIONS PLEASE STOP BY, OR CALL 503-537-1240, 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 services please dial 711.

PLANNING COMMISSION MINUTES

July 11, 2013

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

I. CALL MEETING TO ORDER

Chair Cathy Stuhr called the meeting to order at 7:00 PM.

OATH OF OFFICE

Mayor Bob Andrews administered Commissioner Matt Fortner's Oath of Office.

II. ROLL CALL

Members Present:	Cathy Stuhr, Chair	Gary Bliss	Jason Dale
	Allyn Edwards	Matt Fortner	Philip Smith
	Art Smith, Vice Chair	Mayor Bob Andrews (Ex-officio)	

Members Absent: Antonio Saavedra, Student Planning Commissioner (excused)

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

III. CONSENT CALENDAR

Approval of June 13, 2013, Planning Commission Meeting Minutes.

MOTION: Art Smith/Jason Dale to approve the Consent Calendar including the planning commission minutes for June 13, 2013. Motion carried (7 Yes/0 No).

IV. PUBLIC COMMENTS

Chair Stuhr opened and closed the public comments, as there was no one to comment.

V. QUASI-JUDICIAL PUBLIC HEARINGS

- APPLICANT:** Del Boca Vista, LLC
REQUEST: Approval of a 44 lot subdivision preliminary plat, to be called Terra Estates
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TAX LOT: 3207-00500
FILE NO.: SUB2-12-003
CRITERIA: 15.235.060(A)

ORDER NO.: 2013-13

Chair Stuhr stated that the first hearing on the agenda was for a subdivision called Terra Estates, that the developer was Del Boca Vista LLC, and that the PC order number was 2013-13. Mr. Barton Brierley announced the applicant has requested a continuance to the August 8, 2013, planning commission meeting and will extend the 120 day deadline for one month. Chair Stuhr asked the planning commission for a vote on not opening the hearing and just continuing it to the next meeting. The planning commission took a consensus voice vote and

unanimously agreed to not open the hearing and just continue it until the August 8, 2013, planning commission meeting.

2. **APPLICANT:** Argyle Winery
REQUEST: Approval of a conditional use permit/design review to change the use of an existing site and allow a winery in the former Suntron building.
LOCATION: 800 N. Brutscher Street
TAX LOT: 3216-2009
FILE NO.: CUP-13-002/DR1-13-008 **ORDER NO.:** 2013-12
CRITERIA: 15.220.050, 15.225.060

Chair Stuhr opened the Quasi-Judicial Hearing; read ORS 197.763; and called for abstentions, bias, ex-parte contact, or objections to jurisdiction. None were brought forward.

Mr. Steve Olson, Associate Planner, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report). The city requests the applicant build a pedestrian path either hard or soft surfaced across the northern part of the site and grant a public access easement for this path. If this path is built across the northern edge of the former Suntron site, it will enable a continuous path all the way from The Greens subdivision to Brutscher Street. Mr. Olson handed out an update/revision to the staff report.

Chair Stuhr opened the public testimony beginning with proponents.

Mr. Rollin Soles began Argyle Winery in 1986, the first winery approved in Dundee. They have had a wonderful relationship with the City of Dundee and have been successful enough to have outgrown the current winery area. The Suntron building is perfect for the needs of the company as it sits on twelve acres. Mr. Soles is very proud that Argyle wine is served around the world and was one of the first Oregon wines in the White House. Newberg is the gateway to wine country and wineries are one of the future legs of economic stability in Yamhill County.

Vice Chair Art Smith asked if there are any expectations of having a tasting room or will the Suntron building be used for manufacturing and warehousing alone. Mr. Soles said they expect it to be primarily manufacturing and warehousing. It took 10 years before the tasting room in Dundee received many visitors, but now it is a great meeting ground. They don't want to change that. It may be appropriate to add a tasting room in Newberg in the future, so he would never say never. Vice Chair Smith encouraged Mr. Soles to add convenient bike parking to the building design.

Chair Stuhr closed public testimony.

MOTION: Philip Smith/Art Smith to adopt Planning Commission Order No. 2013-12, approving the requested conditional use permit with the attached conditions as modified by the memo dated July 11, 2013. Motion carried (7 Yes/0 No).

VI. ITEMS FROM STAFF

1. Update on Council items

Mr. Brierley reported the city council will have a work session regarding the Zoning Use Table on July 15, 2013, with the anticipated hearing on August 19, 2013. The south industrial urban growth boundary amendment was tentatively approved by the Yamhill County Commissioners, anticipating the adoption of the written decision next week.

2. Other reports, letters, or correspondence

Antonio Saavedra has been successful in recruiting a replacement student commissioner. Mayor Andrews will probably be appointing Sulamita Barbiyeru at the August 19, 2013, city council meeting.

3. The next planning commission meeting is scheduled for Thursday, August 8, 2013.

VIII. ITEMS FROM COMMISSIONERS

Chair Stuhr welcomed Commissioner Matt Fortner to the planning commission. Commissioner Fortner stated he is actively involved with Boy Scouts, served in the Air Force for 16 years, and has wanted to volunteer in the community for quite some time.

Chair Stuhr stated she will be unable to attend the September 12, 2013, planning commission meeting.

IX. ADJOURN

Chair Stuhr adjourned the meeting at 7:55 PM.

Approved by the Planning Commission on this 8th day of August, 2013.

AYES:

NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair

**CITY OF NEWBERG PLANNING COMMISSION MINUTES
MONDAY, AUGUST 8, 2013
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

I. CALL MEETING TO ORDER

Chair Cathy Stuhr called the meeting to order at 7:00PM

II. ROLL CALL

Members Present:	Cathy Stuhr, Chair	Jason Dale	Art Smith
	Antonia Saavedra, Student PC	Philip Smith	Gary Bliss

Members Absent: Allyn Edwards (Excused) Mayor Bob Andrews (Ex-officio)

Staff Present: Barton Brierley, Planning and Building Director
Jessica Nunley, Assistant Planner Mandy Dillman, Minutes Recorder

III. CONSENT CALENDAR

a. Approval of July 11, 2013, Planning Commission Meeting Minutes.

MOTION: P. Smith/Dale approving the July 11, 2013, Planning Commission Meeting Minutes.
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Chair Cathy Stuhr recalled she opened the hearing for the Del Boca Vista Terra Estates application. Mr. Barton Brierley, Planning and Building Director, said they did not open the public testimony. Chair Stuhr asked to have that reviewed to address that question.

VOTE: P Smith/Dale approving the July 11, 2013, Planning Commission Meeting Minutes. Motion carried (6 Yes/0 No/1 Absent [Edwards]).

IV. PUBLIC COMMENTS

Chair Stuhr opened and closed public comment as there was no one to testify.

V. QUASI-JUDICIAL PUBLIC HEARINGS (complete registration form to give testimony - 5 minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission). No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners.

APPLICANT: Del Boca Vista, LLC

REQUEST: Approval of a 44 lot subdivision preliminary plat, to be called Terra Estates

LOCATION: 3805 Terrace Drive

TAX LOT: 3207-00500

FILE NO.: SUB2-12-003

ORDER NO.: 2013-13

CRITERIA: 15.235.060(A)

Chair Stuhr read the procedure for quasi-judicial public hearings. She called for conflicts of interest; none stated. Commissioners Bliss, Stuhr, and Philip Smith indicated they had seen the site but did not have contact with neighbors.

Ms. Jessica Nunley, assistant planner, gave the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report) and recommended adoption of Order No. 2013-13.

Commissioner Gary Bliss asked what elevation the water pressure was designed for. Staff replied it was for approximately 300 feet. Commissioner Bliss wondered if lot 19 was relegated to a one story, because its noted elevation is 288 feet. Mr. Brierley explained it is not limited; however, if they build a two story home it will most likely need a booster for the water pressure. Commissioner Bliss expressed his concern for lack of data and said he cannot make a decision until he has more information. He also asked about re-naming Camelia Road. He asked if they have reviewed if Morris Street will be extended to the north. Mr. Brierley explained there is a stream corridor to the west, and it could make it a longer block unless the stream corridor is crossed. Commissioner Bliss also asked about the developer's agreement with adjoining neighbors to include CC&R's and if staff would make them follow through. Mr. Brierley said they received the letter second hand; however Planning Commission could make it a condition if the developer agrees. Commissioner Philip Smith asked what the rating for the intersection of College Street and Terrace Drive was. Chair Stuhr replied it was listed on page 207. Commissioner Art Smith asked for clarification on what is intended for Terrace Drive, which is currently a single lane. Ms. Nunley said the developer would have to do a half street improvement along their frontage. Chair Stuhr had questions about the existence of a stream corridor, if there were any criteria that needed addressing if it did exist, and if it would meet everything it needs to. Ms. Nunley explained there is one and it shows in the surveyor's map, however it does not show on the city's GIS. One of the conditions is to delineate the stream corridor and protect it during construction.

Chair Stuhr opened public testimony.

Mr. Marc Willcuts concurred with staff and mentioned he feels the project meets the applicable criteria. He said they met with several neighbors a few weeks ago and changed the plans to meet their concerns. Having the CC&R's as part of the conditions seemed like a good idea to Mr. Willcuts, however he is concerned if there is any delay in the project and he has to sell the property before completion, the CC&R's may cause issues for him. Commissioner Philip Smith asked for clarification on one of the conditions staff proposed, which was for Mr. Willcuts to meet with ODOT (Oregon Department of Transportation), the City of Newberg, and the County of Yamhill at the same time and create a plan for the College Street and Terrace Drive intersection. Mr. Willcuts said he contacted ODOT about that intersection and received good information to help solve the problem. Commissioner Bliss asked about the wall that will be put around the storm water pond. Mr. Eric Evans, engineer, explained there will be a wall 4 feet tall and 261.5 feet long surrounding the estates. Commissioner Bliss wondered if there would be a fence around the pond on the map. Mr. Evens mentioned Clean Water standards say that have to have a fence with locked gate around the pond.

Discussion commenced on storm drainage.

Mr. Willcuts ended by saying he had a good meeting with the neighbors and feels like it is always better to have met neighbors so they can hear each other out before a project begins.

Mr. Mike Hanks addressed the concern of tall grass growing at the intersection of College Street and Terrace Drive, which causes visibility issues. He said the procedure is to contact ODOT, and if they do not get back within 48 hours, you contact the district manager if someone feels the district manager is not listening to their concerns.

Mr. Mike Cook, realtor representing Terrace Heights over the last three years, explained he is a proponent of the project because the land will be developed, and the current developer is listening to the neighbors concerns and proposing lots which have bigger homes, two car garages and are nicer looking. He feels there is a need in the city for the types of homes Del Boca will bring and provide entry level homes as well as homes for those wanting to downsize. Mr. Cook mentioned he spoke with a buyer whose home is being built directly next to Del Boca and they are very pleased at the changes Mr. Willcuts is making and are not afraid or sorry for the

types of housing going in next to them. Larger property lots with more space would be much nicer in the area, Mr. Cook thinks; however, it is not realistic due to the expense and narrow market for high end housing in Newberg. In conclusion he said the market these houses are going for is appropriate and that he is thankful Mr. Willcuts is the developer and is taking the time to listen to neighbors and make changes for them, and is pleased with what they have decided to do.

Mr. Douglas Cushing, attorney, gave some history on the property in question and explained when the zoning changed for minimum lot sizes it was not something the owners had requested or knew was happening until after it was adopted. Mr. Cushing and the family he represents feels the developer is making the right choice and could essentially put ten more lots on the property if he only met the minimum. However, he is not and they are pleased with Mr. Willcuts decisions. He also mentioned Morris Street was always planned to continue through and connect and another street to the west would ultimately connect as well. It was mentioned the property slopes away from adjacent homes, the requirements are all met, and the city has planned well for the development of this property by including it into the Urban Growth Boundary (UGB). Mr. Cushing concluded his testimony by stating the current owners urge the commission to approve.

Mr. Mark Darula expressed his concern for the lack of signage to inform the neighbors of the development. He only learned of this subdivision three weeks ago and it has caught him and his neighbors by surprise. Mr. Darula said the meeting with Mr. Willcuts, Mr. Evans and Mr. Brierley did not cover all the concerns of the neighbors. He feels the development plan does not show any continuity to the current homes surrounding. Communication has been limited, there are things at the meeting tonight he has learned that he feels they should have been informed of beforehand and he does not feel the planning department is being the liaison they should be. Mr. Darula asked audience members to raise their hands if they felt the same. He continued to explain the changes in the R-1 causes the density of the lots to not follow the continuity of the neighborhood. Furthermore, Mr. Darula is concerned about the lack of parks in the area, with Jaquith being the closest at a mile and a half away which he cannot let his children walk to because they must cross a busy street. There has been a park proposed in the upper corner, however there are no intentions of developing it but there are more houses being built anyways. He asked why they are moving forward with high density developments and not making more parks. Next he addressed the issue of the schools in the area. He mentioned the report states the Newberg school district reviewed and saw no conflicts. Mr. Darula asked what that means and who said that a 44 unit, high density housing development would have zero impact on the school. He showed the commission a letter from a school in the Salem Kiezer school district, which is a typical response from a school district to city planning when a request like this is made. It was three pages long about how the proposed subdivision would affect the district. Mr. Darula said this lack of information has made him and his neighbors very upset. He was told that Newberg does not inform school districts until permits are pulled. Mr. David Beasley, a superintendent of Gaston schools, enlightened Mr. Darula on his perspective of how 44 new developments will affect the school district. He said Joan Austin has two empty rooms and Crater Elementary is full, so children will need to be removed from Crater Elementary and bussed to Joan Austin Elementary, which is disruptive on their community. Mr. Darula feels if this is were to happen it should be addressed before construction begins. He continued by stating the citizens feel the city did not do it's job correctly in informing the neighborhoods since many people he has spoken to had not received notice. Seventeen formal complaints were sent to the city and are in the commissioner's packets; however, the report says the response from citizens was excellent. Furthermore, he asked that the change in the R-1 zoning be further explained in laymen's terms because the citizens see it as the city being deceptive. Over a two day period he walked the neighborhood and had 43 people sign a petition against the development. The neighbors got together and came up with nine items they would like to see changed. First they would like the houses to match the continuity of the other houses in the area while going by the rules. Changing from 44 houses to 33 is their second condition and Mr. Darula feels that could help match the houses better. He mentioned he was taken around and shown several houses similar to what will be in Del Boca; however one had a three car garage which would never fit in the current purposed lots. Next they are asking for wider frontal spaces to allow for front lawns and to break up the feeling of row homes. Mr. Darula said he was surprised to learn that the city has no control over what size of lots a developer creates, but instead only sets a minimum. He met with the developers on July 16th, 2013 to discuss economics

and was told they could reduce the number of homes but will not and if he did he would have to renegotiate with the seller. Mr. Darula and the citizens feel he should at least consider lowering the amount of homes and they believe there is a strong market for the types of homes they are proposing. Additionally they are concerned about the danger of the intersection of Terrace Drive and College Street. Mr. Darula's wife had an accident there resulting in \$2,000.00 in damage to their car. Mowing the grass, adding markings or pavers, will not fix the issue with so many new homes adding so much more traffic. He met with a lawyer who said they would have to hire their own lawyer to have something done themselves, and he mentioned the citizens are willing to pay for a traffic study if the city will not. He listed the remaining conditions of the nine, which also included adding stop signs at Natalie Road and Morris Street, a formal declaration from the school on how students from their development will not effect class size and will be paid for under the current budget and estimated increased taxes resulting in this subdivision, confirmation that the park construction north of Crater Elementary will begin before permits are issued, the minimum size home be 1,800 square feet, and that a cement fence encompassing the development be built. He concluded with a quote from Mr. Beasley. Commissioner Philip Smith asked what the criteria would be for a cement fence to encompass the development. Mr. Darula replied to divide the houses and for safety. Commissioner Philip Smith repeated his question and wanted to know the criteria in the law. Mr. Darula explained he is a citizen not a lawyer and did not have criteria but the proposal offered a wall partially encompassing the development, and they would like to enlarge it to include the whole development. Commissioner Philip Smith explained to Mr. Darula the question is important because they cannot take away some people's property rights because other people are angry. If the developer offers a wall they can put it in the plan as a requirement, however the owner is willing to sell the property and the buyer has the right to build what they want within the law on their property and the commission cannot take that right away except by the law. Mr. Darula said that is why they need the commissions' help, so they can better understand the process. Commissioner Art Smith asked if there was any intention to grandfather in properties such as this one with the change in R-1. Mr. Brierley explained the changes apply to all properties no matter when it was designated R-1.

Discussion commenced on contacting the school district and it was decided they should have a similar report like the Salem Kiezer example Mr. Darula gave and they would be looking into what other cities do as well as to why their response, if they received one, was not more detailed.

Commissioner Bliss asked how many citizens did not receive the notice. Mr. Darula replied there were over seven citizens who did not receive the notice. Commissioner Bliss mentioned the city staff puts a sign in a specific location by law to announce developments and Mr. Darula agreed with him. Commissioner Bliss enlightened Mr. Darula that when the R-1 was changed from 7,500 square feet to 5,000 they put notices in the paper about meetings and they encourage Newberg residents to be involved. He explained the fact that he did not know they existed speaks that perhaps he is not as attuned to what is going on in the city. Mr. Darula said they know the city is following procedure but it still does not make things very clear. Chair Stuhr sympathized with Mr. Darula's frustrations and explained things are done in a very public process. Mr. Darula explained it is just their perception. Chair Stuhr suggested they take their traffic issues to the Traffic Safety Commission (TSC), which could address those concerns better. Commissioner Philip Smith shared that the intersection of College Street and Terrace Drive is rated an A, and a B in the afternoon, by ODOT. He also mentioned they could not simply change the corner because it is the county's property and that Mr. Darula's suggestions could be improved by having solutions that are feasible. Chair Stuhr mentioned TSC again and suggested Mr. Darula ask them for some solutions. Mr. Antonio Savaadra, student commissioner, was happy to see so many people representing the community at the meeting tonight and explained the city officials are not clear on what happens on the public end, which is why it is so important for citizens to come to the city meetings and be involved like Mr. Darula. Mr. Darula mentioned he had no qualms with the developers; just the city officials and he wanted to correct himself earlier when he mentioned three car garages, which is not in the proposed plan.

Mr. David Reitz was concerned about the number of vehicles the development will add to an already problematic area. The numbers of how many cars will be traveling through the neighborhood did not seem correct to him so he went out and did his own research. With a spreadsheet table from a website specific to

Yamhill County from 2010 he walked the streets of the current neighborhoods and calculated the number of cars the new development will add, coming up with 152 cars total. He did this by counting number of houses on each street and assigned the houses two cars each, an average, and then inputted them into the spreadsheet to found the number. What he did not know is how many trips these 152 cars will be taking each day, but the numbers he came up with seemed reasonable. He mentioned the intersection of College Street and Terrace Drive is very dangerous and the addition of vehicles will cause more accidents. Mr. Reitz went with Mr. Willcuts to see similar houses to what the development will build and showed the commission a document Mr. Willcuts sent to him, and he hopes that the development will look similar and not like row houses. Mr. Reitz said the document stated the houses would be 1,500 square feet minimum, have lap siding in place of vinyl, minimum 2 car garages, front yard sprinklers and irrigation, minimum of 3 exterior house colors, and wood trimming on the windows at the front of the houses. Additionally, Mr. Reitz would like to see stone work on the exterior of the houses. He feels Mr. Willcuts should not be allowed to not meet the negotiations if the economy goes bad because they will not be protected as homeowners. He also asked if they could have driveways set up on the outside of each lot to allow for more street parking. Commissioner Philip Smith asked Mr. Reitz if he was satisfied with the developer's plan. Mr. Reitz replied he was, however he is concerned about Mr. Willcuts removing the conditions if the economy should fail. Commissioner Jason Dale mentioned once they vote on the development he cannot renegotiate. Chair Stuhr mentioned they cannot add conditions that have to do with aesthetics; however working with the developer is a great way to achieve that. She also mentioned that his traffic analysis and thoughts were very helpful; however her numbers show something different so they cannot solve the issue but it gives him negotiating room since he has his own numbers. Mr. Reitz mentioned he just wants to make people aware of the problem.

Ms. Nina Boe told the commission her family moved to the neighborhood for specific reasons and is worried this development will be recreating what they moved away from. They want the houses to be varied size lots to match the continuity of the rest of the neighborhoods and the Heritage area example shows houses all the same size in a row, which is exactly what they do not want. She also feels the developer did not listen to what they wanted and then returned at the second meeting with a list of his suggestions and no one gave a formal answer that they would accept his ideas. She feels they want the neighborhoods to be similar so their new neighbors are like them.

Mr. Jason Millaney read a letter from a neighbor who could not attend tonight. It stated they are not in agreement with the design and are asking for a public hearing to discuss how they can keep the neighborhood dynamics similar from the old development to the new one. Mr. Millaney suggested the city start advertising in social media ways that would reach more of the city. He feels no one comes to meeting because they do not advertise well enough. Mr. Millaney stated he will never vote yes for an annexation because Newberg cannot regulate how developers build their projects. He feels Newberg is very lost and needs to step back and look at how the city is planned. Higher density housing has its place, however Mr. Millaney does not feel the edges of town is that location. Chair Stuhr mentioned they are always looking for new ways to reach people other than the city website and said she would love to hear more concrete ideas from citizens. Additionally, she explained when they discuss these items it is in a very dull way at a workshop and sometimes it is hard to relate it to the people who are living in the situation. Mr. Saavedra asked if the Planning Commission had a Facebook page to help advertise meetings. Mr. Brierley replied they do not currently have one, however the city is exploring using social media. Mr. Millaney shared Dundee has a Facebook citizens page and someone uploads scanned flyers of meetings and city happenings so citizens can share on their pages. He feels more citizens would see a Facebook notice than notices in the Graphic. Chair Stuhr said they had a committee seven to eight years called Newberg's Future, and asked Mr. Millaney if he thought there was enough community interest to start that discussion again. Mr. Millaney said he could not speak for everyone; however he and his wife would be very interested in being involved, but felt it would be worth exploring.

Ms. Connie Farr spoke passionately about the impact on the school and the intersections of Natalie Road and Morris Street. First she explained her family lived on Quail Drive when the Meadows was built and the residence were informed there would be no impact on the schools. Her experience was overcrowded

classrooms which caused her children, who were all early readers, to be kicked out into separate rooms with worksheets while the other children were given the teachers attention. Ms. Farr thinks this development will have a big impact on the schools. Next she addressed the intersection already is an issue without the extra 44 homes they will add. She has two children learning to drive and they have all almost been hit several times by people going through the intersection at 40 MPH. She feels there needs to be stop sign on Natalie Road. Additionally she feels something needs to be done at Morris Street and Foothills Road where she has also had near misses because of parked cars and untrimmed trees causing sight issues. She understands stop signs are expensive, but feels it is necessary with the housing development. Mr. Saavedra mentioned it would be a good thing to bring up at TSC and Mr. Brierley said they meet the second Monday of each month at 7:00PM.

Mr. Chris Strange reiterated several of the issues other citizens had brought up. He feels the proposed development as it stands now does not provide a safe and healthful community because it will not match the continuity of the current neighborhood. Furthermore, the developer says they agreed to 44 homes, which the citizens do not agree with, and is represented by the signatures they have brought tonight. Mr. Strange shared his story of how he worked hard to earn the home he lives in and wants a neighborhood in Del Boca which will attract others of the same mind as him; families who believe in working hard to earn what they want and who care about their houses. He was asked by a former council member to ask about the affordable housing code and what this does to development, who wrote the code, who benefits from it, and who understands it. Mr. Strange mentioned he does not want their neighborhood to be a good example of a bad example. As a contractor he understands what 1,500 square foot houses look like in a 5,000 square foot lot, and is worried they will look like tight, ugly row houses and not match the continuity with only 8 feet of space between houses. He mentioned he is not against development, however he would like to see instead varied property sizes with varied house sizes and create buffers by putting a 7,500 square foot lot next to an existing home, then a 6,500 square foot lot, then followed by a 5,000 square foot lot. Mr. Strange mentioned the issue of Natalie Road and Morris Street and as a community that is condensing land they will have issues there. He suggested looking out towards St. Paul for land to build on. There is a lot of land out that direction and Mr. Strange feels it is unfair they are being asked to have this type of development when it would be better suited elsewhere in the city. He works in Portland and sees developments trying to squeeze in as many home as possible, which is needed there, however he comes home to Newberg because he does not want to live in that type of community. Mr. Strange concluded by stating these are subjective things they need to think about as planning and consider the effect squeezing and condensing property does to development.

Mr. Chad Deseranno acknowledged that safety is not this commission's priority; however even though they are not specifically planning for traffic issues, this commission has the ability to control the flood gates. He wondered how many people are affected by these intersections every day currently, and feels a fatal accident may happen on Morris Street with the probable increase in traffic. The views shown of Morris Street tonight show no traffic control devices, they spoke about how dangerous Terrace Drive is, so Mr. Deseranno asked where the traffic is going to go to avoid Terrace Drive. His perception is they will travel down Morris Street, will not stop at the assumed four way intersection, and then will bottleneck at the bottom. Mr. Deseranno understands the city builds the road to avoid bottlenecking by narrowing the street; however, this allows no accident avoidance. He gave the example of the housing development near the airport which has on street parking and by law of probability the more cars on the street, the more likely an accident will happen. Speed bumps or stop signs could help lessen traffic issues, as well as increased lot sizes, which would equal less traffic, he feels. The commission stated the rating is not high enough to warrant intervention, however Mr. Deseranno has two friends who have been in accidents because of the lack of traffic control devices to control speeding. He concluded by stating the commission has the power to save a life and he knows no one wants to say they could have done something, or TSC could have done something, to save someone when they can make a decision to drastically change peoples lives on Morris Street. Chair Stuhr mentioned the traffic study ratings are A-E and relate to queuing, not the level of safety, and fails when it takes longer than 60 seconds to get through the light.

Mr. Louis Larson began by saying everyone agrees they want Newberg to be a nice place to live. Additionally, they should be rejoicing in the fact that there is a good deal of willingness between Mr. Willcuts and Mr. Evans and the neighbors to figure out issues. He said they could deny the application because one lot is at 5,000 square feet and it could be a way to delay the process. Mr. Larson does not advocate they do that, however it exceeds the minimum so they have legal authority to do so if the commission chooses. The solution, he feels, is for the developers and neighbors to work together to compromise on lot size. It would be easy to knock off a few spaces and make the neighborhood everyone is imagining. He mentioned Edgewood Drive and Burlington Drive where one half of the street had more desirable places. The old plan was to have lots across the street be 7,500 square feet, however the lots were reduced to 5,000 square feet and now that area is not one of the most desirable in Newberg. Mr. Larson feels the only way to make a community that will work well is to have an association to keep up the CC&R's. He mentioned the retention pond is an eyesore; the homeowners are responsible and it should be addressed if they have it laid out. He gave an example as to why homeowners associations are important and concluded by saying with the expansion of a community it needs to be remembered that by not having continuity and variety it is less inviting than everyone wants. He feels a narrow lot with all garage in front is a recipe for downgrade and you only need to drive through certain neighborhoods in Newberg to see that. Mr. Larson feels minor changes can make this development a great addition to the city. Commissioner Philip Smith asked if Mr. Larson's testimony to others in the room is that continuity is important and people will get angry if they do not get it; however a compromise between the neighborhood and the builders is to have CC&R's with a homeowners association or the CC&R's are not worth anything. Mr. Larson said that was correct. Commissioner Philip Smith explained the PC does not do that with developments; it is the citizen's responsibility to create a homeowners association. He did mention they can put it in the conditions if everyone agrees. Mr. Larson agreed and repeated he was giving them a way to turn down the developer if they so choose, although he is not endorsing they go that route. Additionally he is convinced the neighbors, the commission and the developer want the construction and he encouraged the city to use the tools they have to make it happen. Chair Stuhr corrected Mr. Larson by stating they cannot turn the application down because one lot is less than 5,000 square feet. The code allows the builder to use lot size averaging.

Ms. Lorraine Beracque spoke on Morris Street and Natalie Drive and the dangers of speeding cars. She said whether people are driving cars, motorcycles, skateboards or bicycles, they are going well over 25MPH because it is a downgrade and something needs to be done. She suggested they do something similar to Springbrook Road and place stop signs the length of Morris Street. If they cannot do that, she suggested they put in speed bumps and after cars take out their exhaust they will not speed on Morris Street anymore. The second item she spoke on was the issue of traffic and the nearby school. On school days between 8:00AM and 8:30AM it can take up to 15 minutes for her to go four blocks because of families dropping off their children. The vehicles go faster than 25MPH as well. She mentioned adding another 44 houses and not doing anything is not acceptable and suggested at minimum they add a stop sign at Morris Street and Foothills Drive, and eventually they will have to consider a stop light. Additionally there is the issue on Terrace Drive and College Road. Terrace Drive use to punch through onto Bell Road; however they closed it because of the dangerous intersection on that end. She said now they are going to add more homes and will be sending them through this intersection which already has issues. She concluded by mentioning the Foothills Drive development and how those small lots are now becoming rentals as the first time homeowners are moving into second homes and it is deteriorating the neighborhood. Ms. Beracque said she feels they do not need more of these starter homes.

Ms. Jane Greller began by stating the issue is the density of the land. The state of Oregon has land use guidelines and land use standards and chapter 92 speaks to subdivisions and partitioning, and she respectfully asks the commission to read both those because those rules are governed by the city's comprehensive plan. She said there is a plan and it comes down to density and they have spent the last two weeks emailing the director to get a formula for density and he has given them numbers. The Low Density Residential (LDR) is 4.4, the Medium Density Residential (MDR) is 9 and the High Density Residential (HDR) they had not figured she would use it so she had to figure out the formula on her own. She mentioned figure 16 and stated it was the first time she had seen it and asked who benefitted from that information. She asked where they get the numbers in the redundant email replies the city sent her. Additionally she asked for the limits so she can figure this out.

The comprehensive plan is driving what the limits are and her calculations say the density limit is not 4.4, by her calculations it is 5.1, and she asked why he is not building to the limits. Her next issue was with the agenda on page 8 which labels the area at MDR; however it also says it is a R1, and it cannot be both. She asked which one is true. Ms. Nunley said it was a typo she made. Ms. Greller said she does not know when they make typos and it is confusing. Next she asked if the standards for the comprehensive plan were there until January of 2010 or through January of 2010, because she feels it is important that they understand. Mr. Brierley said it was a change made through city council in 2010 and is still in effect. Ms. Geller asked that they clean up the language in the comprehensive plan so it is not so confusing. She explained it cannot be in place until 2010 because at that time the density limits were 7,500 square feet and at the end of 2010, and through 2010, that density limit was dictated by 5,000 square foot lots. She asked where the comprehensive plan lives. Seventeen people wrote in and that makes a difference to Ms. Geller. She mentioned Mr. Willcuts met with two or three neighbors and then submitted a letter of agreement. She believes not all the citizens are in agreement with that letter. The agenda on page 9 for the site info for July 11th, 2013 reports the site is 7.9 acres; however in the annexation document the traffic impact study says the site is 7.67 acres. All land is finite and this land is growing; Ms. Geller asked who that benefits. The neighborhood is getting denser and she can feel it. She also asked who posts notification for land use changes. Chair Stuhr said the applicant does. Ms. Geller said they have affidavits from four citizens that it was not posted on the South boundary, which the code states each side of boundary needs to be posted, plus every 600 feet. She does not drive up the dead end road and otherwise would not see the one sign they posted. When she met with the director on July 16th, 2013 she showed him what that looked like on her way to the meeting and the affidavit states the first posting was not a new sign it was an original sign. The first sign they saw of a land use notice was on July 24th, 2013, which is very frustrating. She is trying to understand the process and can only make decisions based on what the city has provided, however she believes if they process this decision in light of their next hearing it will make a lot more sense. This subdivision sets a 4.4 limit on density, and the new MDR is 8.8, which means it has shrunk 50%. They are feeling the stress of trying to fit 5.8, which is a little bigger but still too small, into an area that should be a 6.6. The city says it is a target, however even if the words are important, if it feels tight, it is tight. In conclusion she mentioned page 20, and asked whose jurisdiction it is from the curb to the sidewalk. It feels like people are chasing their tails trying to get the weeds cleaned up and something needs to be done about it. The traffic study was done in March when there were no weeds growing, so Ms. Geller suggested it may need to be re-done. She suggested they proof read the reports more closely so as to not make mistakes in the future and asked they figure out which side of 2010 they are living on and what the density limit is per their growth. Commissioner Philip Smith asked Ms. Geller how dense she thinks it should be. Ms. Geller replied it is not her position to make the rules. Commissioner Philip Smith said they are on this side of 2010 and the R-1 change means there is a 5,000 square foot minimum, which is in place for the whole city, not just this issue. Ms. Geller stated the density limits in place today are in the comprehensive zoning use table. Commissioner Philip Smith agreed, but said the comprehensive plan says LDR means it is an R1. Ms. Geller asked what the density limit is for today and suggested the table needs to be revised. Chair Stuhr and Commissioner Philip Smith mentioned it is being revised currently. Ms. Geller suggested they send out notices in water bills or other mailings about upcoming meeting and also include information about the zoning use table changes. They are now going to average the whole district and all the R-1's and make the density 4.4 average over the whole district. Chair Stuhr said the table is not the same topic and it is for a different usage. Ms. Geller restated the code is 6.6 for an R-1 with a minimum lot size of 5,000 square feet, however they are changing the code and repealing R-1 without telling anyone. Commissioner Philip Smith said she is misunderstanding that the definition of R-1 was changed in 2010 and applies to the entire city and the table they are revising is used to explain various uses of city property.

Discussion commenced on calculating the density limit of the lot and it was determined there is confusion on both parts and they need to figure out where the 8.9 acres came from.

Commissioner Bliss asked for clarification that there was no posting on the south side of the property until July 24th, 2013. Ms. Geller said she was correct.

Mr. Willcuts mentioned they did the posting and mailing correctly, and as Mr. Saavedra mentioned they have a lot of attendance tonight, which means people are aware of the meetings. He also said if someone has moved and the county has not updated, they cannot get a mailing to the new residence, as well as rentals. One gentleman suggested he go to the seller and offer 30% less than their original offer, which Mr. Willcuts said he would not dignify with a response. Mr. Willcuts said he would not apologize for Orchard Lair and feels that there is a need for affordable housing in Newberg. He feels they have met all the criteria they need to, have made an offer, which was accepted. He is concerned after the meeting he held that there was a couple people whom he felt would never want any development and are anti growth; however, the rest of the citizens he met seemed to understand and agree to what he was purposing with the addition of CC&R's. They made the CC&R's list and said they would go back and look at it. Mr. Willcuts felt before this meeting he was making affordable housing where there would be good neighbors who had a good understanding of his plan, however now he feels differently. He restated he has met criteria and if it is appealed he wants to not be locked into the CC&R's agreement. In conclusion, Mr. Willcuts stated he is trying to be a good neighbor, is not making it as dense as he could, and does not appreciate the multitude of misstatements he has heard tonight.

Mr. Evans mentioned the citizen's density concerns. He spoke about parks, saying their company donates land for parks, however they usually wait until the housing development is finished and houses are being sold so they have revenue to build the park. They would like to help with the school issues, but he mentioned they cannot control the rate which kids move in and out of the community. He spoke in high regards of Ms. Nunley and Mr. Brierley and felt the citizens spoke unfairly about them in some ways when they are just doing their jobs. The reduction of 44 homes to 33 is unbalanced and he feels the houses they are proposing will match the continuity, and gave The Greens development as an example, which has 5,000 square foot lots, however the houses are designed to make it look nicer. Mr. Evans spoke about the citizen who said he worked hard to live where he does, however Mr. Evans wants everyone to work hard, no matter what side they are on. He mentioned the citizens have control over the CC&R's and what happens in their neighborhood. Mr. Evans mentioned the traffic issues and suggested they work with ODOT to try and figure out a solution. Commissioner Philip Smith asked Mr. Willcuts if he is willing to work with the citizens. Mr. Willcuts said if they can move forward he is; however repeated if they get appealed or delayed he does not want the risk associated with that. Commissioner Bliss asked if it will be required for the CC&R's to have maintenance plan for the storm drainage. Mr. Willcuts replied they will have that request. Commissioner Bliss asked who is assigned to be responsible to honor and maintain the CC&R's. Mr. Willcuts explained if the citizens own it they must take responsibility for it.

Discussion commenced on who is responsible for the storm and water drainage maintenance and it was determined in Newberg the developer is responsible unless there is a Home Owners Association (HOA), however the city may look into maintaining it themselves like other cities in Oregon.

Chair Stuhr closed public testimony.

Ms. Nunley asked that they close public testimony but leave written record open until August 15, 2013 4:30 p.m., allow people to respond until August 22, 2013 4:30 p.m., and give the applicant the final opportunity until August 29, 2013 at 4:30 p.m., and bring back the discussion at their September 12, 2013, meeting.

Commissioner Philip Smith mentioned they can ask staff to make an attempt to get a full report from the school district in this time as well.

Commissioner Art Smith feels the traffic issues need addressed before they can make a decision, but mentioned the TSC has a full agenda next month.

Chair Stuhr suggested they ask TSC to look into the issue and give some feedback, but not make any decisions right now. She asked staff to find out if the property is 7.9 acres or 7.67 acres, since this is very important. She asked for clarification of the "safe and healthful" criterion.

Commissioner Bliss seconded Commissioner Art Smith in regards to traffic issues and mentioned he does not understand submitting revised plat after a hearing as a condition of approval. He feels it needs to be presented on the map prior to the meeting.

MOTION: P. SMITH/A. SMITH to close public testimony and continue the hearing to September 12, 2013, at the point of staff recommendation. The written record to remain open until 4:30pm on August 15, 2013, with an additional seven days for anyone to respond to any new testimony submitted (until 4:30pm on August 22, 2013), and a final seven day period for the applicant to respond to any new testimony (until 4:30pm on August 29, 2013). Motion carried (6 Yes/0 No/1 Absent [Edwards]).

Discussion commenced on how citizens can get information for their questions in the future.

V. ITEMS FROM STAFF

TIME: 11:30PM

Mr. Brierley reported the zoning use table was shared with the city council and they gave their thanks and congratulated them on their good work. At the next PC meeting they will discuss pursuing becoming a certified local government for historical review and to change the transportation plan to reflect some changes with Phase One of the Bypass. He thanked Mr. Saavedra for his hard work. Mr. Saavedra thanked the commission for the opportunity and spoke a little about the new student planning commissioner who will be attending meetings after him.

Chair Stuhr spoke about having liaisons from PC and TSC attending each others meetings and asked for ideas on how to continue.

VI. ITEMS FROM COMMISSIONERS

Commissioner Art Smith mentioned he is surprised when people do not know about the PC and suggested anytime a commissioner or council member is present at a city event, they be announced to the public to help build awareness. Chair Stuhr mentioned city council members are listed on the website and suggested maybe PC and TSC commissions could also have website profiles to increase knowledge of citizens.

Discussion commenced on TSC looking into the traffic issues brought forth tonight and the process to get traffic control devices in the area.

VII. ADJOURNMENT

The meeting adjourned at 11:50PM.

Approved by the Newberg Planning Commission this 12th day of September, 2013.

Minutes Recorder

Planning Commission Chair

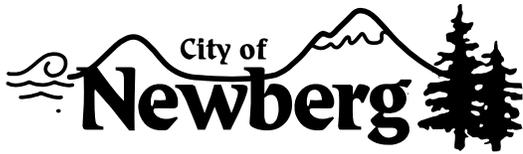
OUTLINE FOR QUASI-JUDICIAL PUBLIC HEARING
Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS, BIAS, EX PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**
- 3. LEGAL ANNOUNCEMENT**
READ “QUASI-JUDICIAL ANNOUNCEMENTS” SHEET
- 4. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 5. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT REBUTTAL
- 6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 7. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 8. PLANNING COMMISSION DELIBERATION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT**
- 9. ACTION BY THE PLANNING COMMISSION**
 - A. ORDER OR RESOLUTION – Usually requires passage of order if the commission is the final decision maker, or a resolution if the commission is only advisory to the council.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.

**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.



MEMORANDUM

TO: Newberg Planning Commission
FROM: Jessica Nunley, AICP
SUBJECT: Terra Estates Subdivision – File No. SUB2-12-003
DATE: September 4, 2013

****REMINDER: PLEASE BRING YOUR MEETING MATERIALS FROM JULY 11, 2013 AND AUGUST 8, 2013****

At the August 8, 2013 Planning Commission hearing on the Terra Estates subdivision, the Planning Commission asked for clarification and more information about a number of issues. Several of the issues were discussed in a staff memo submitted into the record on August 15, 2013 and attached here as Attachment 2. This memo will discuss the following issues: 1) density standards for the proposed subdivision, as well as target and maximum densities overall; 2) interpretation of the “safe and healthful” criterion; 3) several street issues, including concerns about the College Street/Terrace Drive intersection, the Morris Street/Natalie Drive intersection, temporary turnarounds for each phase of the proposed subdivision, and frontage improvements to Terrace Drive; 4) stormwater pond maintenance; 5) potential house design CC&R’s; and 6) parking for the subdivision.

1. Density

At the hearing, there were questions about density. The property is in an R-1 Zone. The Newberg Development Code states:

15.405.010 Lot area – Lot areas per dwelling unit.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

* * *

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

The subdivision meets the development code standards for density, as the average lot size is in excess of 5,000 square feet.

Additional details are in Attachment "5".

2. Interpretation of Criterion.

The Planning Commission asked for clarification of the following criterion:

Newberg Code Section 15.235.060(A)(1): *Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.*

This criterion, though not worded very clearly, requires that a subdivision can't create safety problems for future development of any portion of the property not developed nor for development or redevelopment of adjacent properties. This is what gives the city the right to require streets and utilities to be "to and through" the property being developed to the edges of adjacent undeveloped properties. In other words, if a property were going to be subdivided but did not put a road to the edge of their property to allow the adjacent undeveloped property to have access, it would be in violation of this criterion. Similarly, if public utilities were not extended to a point adjacent to the neighboring property, it would be an unacceptable adverse impact on the development potential of the adjacent property. In this particular case, the roads and public utilities are planned to be extended through the lot to the east and west edges to allow for future development of adjacent properties, and the entirety of the lot is planned for development so there is no remainder.

This is also a land use criterion that gives the city the ability require development to meet other applicable parts of the development code related to street improvements and public utilities. This is how the city may require such things as public utility hookups, sidewalks, street trees, and public pathways necessary for safety.

This criterion does not require correction of existing problems not caused by or affected by the development. It is a reasonable interpretation that the criterion could be used to require improving health or safety issues that are worsened by the subdivision. However, per case law, those requirements (1) must be directly tied to the impact of the development, and (2) must be roughly proportional to those impacts.

3. Street Issues

a. College Street/Terrace Drive Intersection

Testimony raised concerns about safety at the Terrace Drive/College Street intersection. This intersection was redesigned as part of the Terrace Heights subdivision to the south to meet engineering sight distance standards. Realigning the intersection, as suggested by testimony, would further extend sight distance. However, the intersection cannot be realigned without acquisition of right-of-way from an abutting private property owner. Staff recommends that this issue be referred to the Traffic Safety

Commission for review. If the commission feels the intersection should be realigned, then they can recommend to the City Council that the city begin the process of acquiring right-of-way.

In addition, there are other safety improvements that may be done at the intersection, such as better marking the existing culvert at the northwest corner or removing existing vegetation. Staff included a condition that the applicant coordinates with city staff, Yamhill County, and ODOT on potential safety improvements there as that will be the primary access point to the neighborhood.

b. Morris Street/Natalie Drive Intersection

Testimony included a request to place a stop sign at the Morris Street/Natalie Drive intersection. Staff has attached information on stop sign warrants (See Attachment "2.c"). Staff recommends that this request be forwarded to the Traffic Safety Commission. If the commission determines that stop signs are warranted at this intersection, then staff recommends that the subdivider pay to have them installed.

c. Temporary turnarounds.

The applicant has submitted plans for temporary turnarounds between phases. Therefore, staff recommends removal of condition A.1.a., as that condition has been fulfilled.

d. Terrace Drive cross section

Commissioner Bliss will be absent from the hearing on September 12, 2013, but he has submitted comments into the record along with recommended additional conditions of approval regarding Terrace Drive. We appreciate Commissioner Bliss' input and recommend the condition be added with minor changes as follows:

Condition A.2.b.v. Terrace Drive is to be constructed with the proper structural road section applicable to its designation to provide a half street improvement as depicted by the typical section on the "Site and Utility Plan" plus additional paving and improvements as necessary to construct a 28-foot wide street matching the construction profile of the southern portion of Terrace Drive adjacent to the Terrace Heights subdivision.

This condition is slightly modified to direct the applicants to match the as-builts for the existing improved section of Terrace Drive to the south, but keeps the intent of Commissioner Bliss' concern for adequate roadway width.

4. Stormwater pond maintenance.

Commissioner Bliss also recommended a condition regarding maintenance of the stormwater pond. We appreciate Commissioner Bliss' input and recommend the conditions be added with minor changes as follows:

- *Condition A.2.c.v. The applicant shall coordinate with City Engineering staff to prepare a protocol for the maintenance of the stormwater quality/detention pond and water quality swale.*

This condition is slightly modified from Commissioner Bliss' suggest to direct the condition to the applicant.

5. House Design CC&R's

A letter from Marc Willcuts to the Planning Commission was included into the record on August 8, 2013 in testimony from Mr. Reitz. The letter refers to the applicant's offer to include the following items in CC&Rs in exchange for neighbor support of the subdivision:

- 1500 square feet minimum lot size
- Minimum two car garages
- Lap siding; no vinyl
- Front yard to have sprinklers and irrigation
- Minimum of three exterior colors on house
- Wood trimmed windows on front of house

At the hearing on August 8, 2013, the applicants indicated they would be willing to do these items if their project was approved, but not if the project were appealed. As indicated in staff's memo to Planning Commission dated July 31, 2013, the city cannot require such conditions because aesthetics are not related to the quasi-judicial criteria for a subdivision; however, the applicant can agree to add such things in CC&Rs as a condition if they so choose. At this time, staff recommends the Planning Commission modify condition of approval C.3.d.in the staff report to read as follows:

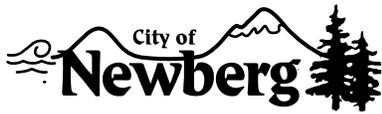
- *[Documents required:] C.3.d. A final draft copy of Codes, Covenants and Restrictions (CC&Rs) for the subdivision. Planning staff will review the proposed CC&Rs for compliance with City Code prior to recordation. The CC&Rs must include the following:*
 - *Maintenance responsibility for the paved pedestrian path between lots 4, 5, 10, and 11.*
 - *If the subdivision has final preliminary plat approval by March 12, 2014, the CC&Rs shall include the following design elements:*
 - *1500 square feet minimum lot size*
 - *Minimum two car garages*
 - *Lap siding; no vinyl*
 - *Front yard to have sprinklers and irrigation*
 - *Minimum of three exterior colors on house*
 - *Wood trimmed windows on front of house*

6. Parking

Public testimony raised questions about parking within the subdivision. Single family dwellings typically require at least two off-street parking spaces on each lot. Developers may elect to provide more. In the proposed subdivision, the streets are classified as local streets. The proposed street cross section allows on street parking on both sides of the interior streets. A typical 50-foot wide lot would have one or possibly two on street parking spaces in front.

Attachments:

- 1. Revised Planning Commission Order 2013-13 with
Exhibit "A": Findings
Exhibit "B": Conditions of Approval**
- 2. Supplemental information for the record through 8/15/13**
 - 2.a. Revised plat showing temporary turnarounds
 - 2.b. Preliminary cross-sections for Petunia Drive & Terrace Drive
 - 2.c. Staff memo
 - 2.d. Public comments & media received from 8/8/13 to 8/15/13
 - 2.e. Email correspondence regarding density
- 3. Supplemental information for the record from 8/16/13 to 8/22/13**
 - 3.a. Public comments received from 8/16/13 to 8/22/13
- 4. Supplemental information for the record from 8/23/13 to 8/29/13**
 - 4.a. Applicant final comments, received 8/23/13
- 5. Letter explaining density, dated August 23, 2013**



PLANNING COMMISSION ORDER 2013-13

AN ORDER APPROVING SUB2-12-003 FOR A SUBDIVISION TO BE KNOWN AS TERRA ESTATES THAT INCLUDES 44 LOTS AND ONE TRACT, LOCATED AT 3805 TERRACE DRIVE, YAMHILL COUNTY TAX LOT 3207-00500

RECITALS:

1. Mike Hanks, member of Del Boca Vista, LLC, submitted an application for tentative subdivision approval for a subdivision to include 44 lots and one tract, Yamhill County Tax Lot 3207-00500. The proposed tract A would be used for a stormwater quality/detention pond to serve the subdivision.
2. The Planning Division received a citizen request to hold a public hearing about the subdivision.
3. After proper notice, the Newberg Planning Commission held a hearing on July 11, 2013 to consider the application. The Planning Commission continued the item to August 8, 2013, at the request of the applicant. On August 8, 2013, the Planning Commission heard public testimony and continued the item to September 12, 2013 for deliberation.
4. On September 12, 2013, the Commission deliberated on the item. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings attached in Exhibit "A" and must comply with the conditions of approval shown in Exhibit "B".

The Newberg Planning Commission orders as follows:

1. The tentative subdivision plan application SUB2-12-003 for the Terra Estates Subdivision is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings attached as Exhibit "A" are hereby adopted and by this reference incorporated.
3. This order shall be effective September 27, 2013 unless appealed prior to that date. This order shall expire two years after the effective date above if the applicant does not record the final plat by that time, unless an extension is granted per Newberg Development Code 15.235.130(B).

Adopted by the Newberg Planning Commission this 12th day of September, 2013.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

Attached:

- Exhibit "A": Findings
- Exhibit "B": Conditions

Exhibit “A”
to Planning Commission Order 2013-13
Findings –File SUB2-12-003 – Terra Estates Subdivision

I. Applicable Subdivision Criteria: Newberg Development Code 15.235.060(A).

The Director (Type II) or Planning Commission (Type III) shall approve a subdivision of four parcels or more under a Type II or Type III procedure if the resulting parcels comply with the following approval criteria:

1. Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.

Finding: Approval will not impede the future best use of the property as the entirety of the property will be divided into buildable lots and a stormwater tract. Approval of the requested subdivision would allow the adjoining land to develop in the future by extending the city’s road network and utilities to the edges of the parcel.

2. The subdivision complies with this code including but not limited to 15.340.010 through 15.440.080 and 15.235.030 et seq.

Finding: Following compliance with the conditions of approval as shown in Exhibit “B”, the subdivision complies with all applicable requirements of the code. See sections II through IV for specific Development Code standards and findings.

3. Either:

a. Improvements required to be completed prior to final plat approval; or

b. The sub divider will substantially complete, as defined by city policies, required improvements prior to final plat approval, and enter into a performance agreement to complete the remaining improvements. The performance agreement shall include security in a form acceptable to the city in sufficient amount to insure completion of all required improvements; or

c. A local improvement district shall have been formed to complete the required improvements; or

d. The required improvements are contained in a city or other government agency capital improvement project that is budgeted and scheduled for construction.

Finding: The required improvements will either be completed prior to final plat or the developer will enter into an agreement with the city for the remainder of the improvements to be completed. In this case, public improvements include: construction of Morris Street northward through the subdivision; construction of both east-west roads through the subdivision; a half street improvement to Terrace Drive along the frontage of the subdivision; a half street improvement to Petunia Drive; construction of city water, sewer, and stormwater infrastructure throughout the subdivision; and construction of a stormwater quality/detention facility to serve the subdivision. All street

improvements will include sidewalk, curb, gutter, and planting strip.

II. Applicable Lot Requirement: Newberg Development Code 15.405.010, Lot Area; Lot Areas per Dwelling Unit

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

Finding: The property is all zoned R-1. The size of the lots in the proposed subdivision range from 5,000 square feet to 7,629 square feet, and the subdivision has an overall average lot size of 5,656 square feet, which meets the criteria.

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

Finding: Due to the east-west road alignment and resulting lot configuration, one lot is below the 5,000 square foot lot size. However, the average size of all lots in the subdivision is 5,656 square feet, which meets this criterion.

III. Applicable Lot Requirements – Newberg Development Code 15.405.030 Lot Dimensions and Frontage

A. Width. Widths of lots shall conform to the standards of this code.

B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:

a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access.

b. Each lot in an R-2 and R-3 zone shall have a minimum width of 30 feet at the front building line.

c. Each lot in an R-1, AI, or RP zone shall have a minimum width of 50 feet at the front building line.

d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

Finding: Each proposed lot meets the required width for the R-1 zone and all have adequate frontage on a public street. Lots 7, 8, 25, 34, and 36 must have buildings facing the wide section of the lot in order to comply with the criterion. Therefore, lot 7 is conditioned to have the house facing Terrace Drive; lots 25 and 34 are conditioned to have houses facing Morris Street; and lot 36 and lot 8 are conditioned to have a house facing the east-west road.

IV. Applicable Development Standards

NDC 15.510.040: Water Supply. All lots and parcels within subdivisions and partitions shall be served by the water system of the City of Newberg.

NDC 15.510.050: Sewage. All lots and parcels within subdivisions and partitions shall, where practicable, as determined by the Director, in accordance with the provisions of this Code, be served by the sewage system of the City.

NDC 15.510.060: Land Surface Drainage. Such grading shall be done and such drainage facilities shall be constructed by the land divider as are adequate for the purpose of proper drainage of the partition or subdivision, of areas affected thereby, and for the preservation of healthful and convenient surroundings and conditions for residents of the subdivision or partition, and for the general public, in accordance with specifications adopted by the City Council under 15.510.030.

NDC 15.505.030: Streets and Alleys. The land divider or developer shall grade and pave all streets and alleys in the subdivision or partition to the width specified in 15.505.060, and provide for drainage of all such streets and alleys, construct curbs and gutters within the subdivision or partition in accordance with specifications adopted by the City Council under 15.510.030. Such improvements shall be constructed to specifications of the City under the supervision and direction of the Director. It shall be the responsibility of the land divider or developer to provide street signs

NDC 15.505.040: Existing Streets. A subdivision, partition or development requiring a Type II design review abutting or adjacent to an existing road of inadequate width, shall dedicate additional right-of-way to and improve the street to the width specified in 15.505.060.

NDC 15.505.210: Sidewalks. Sidewalks shall be located and constructed in accordance with the provisions of 15.510.030. Minimum width is five feet.

NDC 15.505.220.(A): Public Walkways. The review body for a design review or land division may require easements for and construction of public walkways where such walkway is needed for the public safety and convenience or where the walkway is necessary to meet the standards of this code or a walkway plan. Public walkways are to connect to cul-de-sacs, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas of such design, width, and location as reasonably required to facilitate public use.

Where possible, said dedications may also be employed to accommodate public utilities.

NDC 15.510.070: Street Trees. *Street trees shall be provided adjacent to all public rights-of-way abutting or within a subdivision or partition. Street trees shall be installed in accordance with the provisions of 15.420.010(B) (4).*

Finding: All of the proposed lots will be served by an extension of city sewer and water facilities. The existing 8-inch sanitary sewer line in Terrace Drive will be extended north and west “to and through” the property in Terrace Drive and the northern east-west road in order to serve future development on adjacent properties. The sewer line will also be extended west on Drèa’s Way and south down Morris Street from the northern east-west road. The existing 8-inch water line will be extended north in both Terrace Drive and Morris Street, looped through the site, and similarly extended “to and through” to the edges of the property. There is an existing fire hydrant at the north edge of the property in Terrace Drive; two new fire hydrants are planned for the north and south boundaries of Morris Street in the subdivision. The applicant submitted a preliminary fire flow report indicating there was adequate domestic and fire flow capacity. The applicant will be conditioned to submit further calculations conforming to Fire Department and Building Division standards indicating minimum service requirements will be met.

In accordance with the city’s new stormwater standards, the development will include a tract set aside for a stormwater quality/detention pond facility to serve the subdivision. There will be new stormwater lines installed at various points in the subdivision to collect the stormwater. Stormwater will be conveyed from the detention pond to the existing creek. As conditioned, the outfall will have erosion control measures to protect against water velocity and the design must be approved by the Engineering Services Department. The detention pond facility will be privately owned and maintained with a public storm drainage easement, and must be designed to Clean Water Services Standards and approved by the Engineering Services Department. A private maintenance agreement through a homeowners association will be required, as conditioned.

Morris Street and the two east-west streets are all standard local streets with a 54-foot right-of-way. All will be fully improved with sidewalk, curb, gutter, and planter strip. As conditioned, all sidewalks are setback behind the planter strip. Terrace Drive required a right-of-way dedication of 10 feet along the frontage, and will be improved with a half-street improvement to widen the paved area and add sidewalk, curb, gutter, and planter strip along the frontage. Petunia Drive required a right-of-way dedication of 7-15 feet along the frontage, and will be improved with a half street improvement to widen the paved area and add sidewalk, curb, gutter, and planter strip along the frontage. All public streets will have street trees in accordance with the code. In addition, a paved pedestrian path will be built in the public access easement between lots 4, 5, 9, and 10. The pedestrian path will be privately maintained and maintenance responsibility will need to be included in the CC&Rs, as conditioned.

NDC 15.505.160: Platting standards for blocks. B. Maximum Block Length and Perimeter. *The maximum length and perimeters of blocks in the zones listed below shall be according to the following table. The review body for a subdivision, partition, conditional use permit, or a Type II design review may require installation of streets or walkways as necessary to meet the standards below.*

<i>Zone(s)</i>	<i>Maximum Block Length</i>	<i>Maximum Block Perimeter</i>
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<i>Zone(s)</i>	<i>Maximum Block Length</i>	<i>Maximum Block Perimeter</i>
<i>R-1</i>	<i>800 feet</i>	<i>2,000 feet</i>
<i>R-2, R-3, RP, I</i>	<i>1,200 feet</i>	<i>3,000 feet</i>

Finding: The proposal meets the block length and perimeter standard. The northern east-west road is approximately 620 feet from Terrace Drive to the west edge of the property. Morris Street is approximately 722 feet from Camellia Road south to Natalie Drive. The block bounded by the northern east-west road/Morris Street/Drèa’s Way/Terrace Drive is approximately 1325 feet in perimeter length. The block bounded by Drèa’s Way/Morris Street/Natalie Drive/Dahlia Street/Petunia Drive/Terrace Drive is approximately 1792 feet in perimeter length. The tentative plat shows a paved pedestrian path between lots 4, 5, 10, and 11 that will contribute to the overall connectivity through the subdivision.

V. Applicable Newberg Comprehensive Plan Section: Public Facilities and Services, All Facilities and Services Policy #1.h.

Finding: According to the finding above for Development Code requirements for infrastructure, the proposed subdivision complies with the policy to have paved streets, curbs, pedestrian ways, water, sewer, storm drainage, street lights and underground utilities, and meets the intent of the Newberg Comprehensive Plan.

VI. Conclusion: Based on the above findings, the application meets the goals and policies of the Newberg Comprehensive Plan and the required criteria within the Newberg Development Code for a subdivision, subject to completion of the attached conditions.

Exhibit "B"

to Planning Commission Order 2012-02

Conditions of Approval – File SUB2-12-003 – Terra Estates Subdivision

A. The applicant must provide the following information for review and approval prior to construction of any improvements:

- 1. Revised Tentative Plan:** Provide a revised tentative subdivision plan that shows the following:
 - a. Name the northern east-west road. Note that the name cannot be Camellia Road, as the new road does not line up with the existing Camellia Road.

- 2. Construction Plans:** Submit engineered construction plans for review and approval of all public utilities. Plans should be drawn to show storm information on one sheet; water and sanitary on another sheet. Please note that additional Engineering Services Department plan review application and fees apply for review of plans. The plans must note the following:
 - a. Sanitary Sewer/Water:
 - i. Submit detailed utility construction plans for review and approval for all public water meters, sanitary sewer mains, and sanitary sewer laterals.
 - ii. Sanitary sewer facilities in Terrace Drive shall be constructed to serve future development in the basin. A basin plan shall be prepared by engineer of record and submitted to the Engineering Services Department.
 - iii. An abbreviated fire flow calculation dated July 25, 2013 for the project site was submitted by the applicant. Fire flow calculations will be required to be submitted to the Engineering Services Department for the proposed subdivision that conform to the City of Newberg Fire Department standards, indicating that each lot in the new subdivision will meet the minimum service requirements.
 - iv. Domestic water flow calculations will be required to be submitted to the Engineering Services Department for the proposed subdivision that conform to the City Building Division requirements indicating that minimum service pressures are available at the future highest fixtures in the development.
 - b. Streets:
 - i. Full improvements for Morris Street, the northern east-west road, and Drèa's Way, including curb, gutter, planter strip, and sidewalk. Note: all sidewalks are to be setback behind the planter strip.
 - ii. Half street improvement to the north side of Petunia Drive along the frontage, to include curb, gutter, planter strip, and sidewalk. Note: the sidewalk must be setback behind the planter strip.

- iii. Street names should be “Morris Street” and “Drèa’s Way”, plus a new street name for the northern east-west road.
 - iv. Each street intersection in the proposed subdivision shall meet AASHTO vertical and horizontal intersection sight distance requirements, as verified by the engineer of record.
 - v. Terrace Drive is to be constructed with the proper structural road section applicable to its designation to provide a half street improvement as depicted by the typical section on the “Site and Utility Plan” plus additional paving and improvements as necessary to construct a 28-foot wide street matching the construction profile of the southern portion of Terrace Drive adjacent to the Terrace Heights subdivision.
- c. Stormwater:
- i. The proposed stormwater quality/detention pond facility shall be fully constructed with the first phase of development. Applicant’s Civil Engineer is to meet with Engineering Services Department Staff to review the proposed design. The stormwater facility should be designed according to Clean Water Services standards, and the control structure shall discharge into a rock armored open channel/ditch to transmit the stormwater flows to the receiving stream. The plan for the stormwater facility shall include a secure fence around the pond.
 - ii. The proposed stormwater tract shall be under ownership separate from the City and subject to a recorded public storm drainage easement over its entirety. A City standard private stormwater facility maintenance agreement shall be completed by the applicant and recorded for private maintenance of the stormwater facility. The agreement shall state the responsible party(s) for the required facility maintenance.
 - iii. All stormwater detention and water quality hydraulic and sediment control structures shall have adequate maintenance access for the City vactor truck within 10 feet of the proposed structure.
 - iv. Delineate the stream corridor and provide a plan to protect the stream corridor during site grading and construction.
 - v. The applicant shall coordinate with City Engineering staff to prepare a protocol for the maintenance of the stormwater quality/detention pond and water quality swale.
3. **Stormwater Facility Maintenance Agreement:** Provide a stormwater facility maintenance agreement for private maintenance of the stormwater facility. The agreement must state the responsible party(s) for the required facility maintenance.
 4. **Geotechnical Report.** Provide a geotechnical engineering report for the subdivision.
 5. **Grading:** If required, obtain a DEQ 1200-C permit and a city grading permit prior to site grading.

6. **Stream Corridor Protection Plan.** Provide a plan to protect the stream corridor during construction with erosion control measures.
7. **Stormwater Outfall.** Provide an erosion control plan for the proposed stormwater outfall area into the existing creek to reduce water velocity and speed.
8. **Terrace Drive/College Street Intersection Safety.** Coordinate with city staff, Yamhill County, and ODOT on safety improvements to the intersection. Improvements may include installation of safety reflectors, additional striping, or additional paving, as warranted and approved by all agencies.

B. The applicant must complete the following prior to final plat approval.

1. **Substantially Complete the Construction Improvements:** Prior to final plat approval, the applicant must substantially complete the construction improvements and secure for them in accordance with city policy. Complete construction and call for a walk-through inspection with the Engineering Services Department (503-537-1273). In addition to those items listed below, the inspector will also be looking for completion of items such as street signs, street lights, etc.
 - a. Construct all water meters, sanitary sewer mains, and sanitary sewer laterals as shown on the approved utility construction plans.
 - b. Construct the stormwater system as shown in the approved plans.
 - c. Construct all public roads and the public pathway identified on the approved tentative plat.
 - d. Install stop signs at the intersection of Natalie Drive and Morris Street if found to be warranted by the Newberg Traffic Safety Commission.
2. **Street Tree Bond:** Provide a landscape plan that identifies all planned tree species for street trees in accordance with NDC 15.420.010. A landscape bond will be required for installation of street trees prior to final plat approval.
3. **Existing Wells/Septic:** Decommission any wells or septic tanks currently on the property.

C. Final Plat Application: In accordance with NDC 15.235.150, submit the following for City review of the final plat application. Construction improvements should be substantially complete at this point.

1. **Application Materials:**
 - a. Type I application form (found either at City Hall or on the website – www.newbergoregon.gov in the Planning Forms section) with the appropriate fees.
 - b. A current title report (within 6 months old) for the property. Include copies of all existing easements and CC&Rs that pertain to the property.
 - c. A written response to these Conditions of Approval that specifies how each condition has been met.
 - d. Two blue-line copies of the final subdivision plat for preliminary review by the City Engineering Services Department. The Engineering Services

Department will make red-line comments on these sheets for your surveyor/engineer to correct prior to printing final Mylar copies.

2. **Dedications/Easements Required:** The plat must show the following:
 - a. 10 ft public utility easements along all street frontages.
 - b. A 15-foot wide public access and storm drainage easement between lots 4, 5, 9, and 10.
 - c. The storm drainage easement along the northern edge of the subdivision as shown on the tentative plat. In addition, the entirety of Tract A shall have a public surface water and public storm drainage easement.
 - d. Right-of-way as shown on the preliminary plat for Terrace Drive and Petunia Drive improvements.

3. **Documents Required:** Provide the following documents for review and approval:
 - a. Stormwater facility maintenance agreement for private maintenance of the stormwater facility. The agreement must state the responsible party(s) for the required facility maintenance.
 - b. A signed and notarized performance agreement that assures construction and performance in accordance with the approved final plans.
 - c. A bond for street tree planting in an amount to be approved by the Planning Division.
 - d. A final draft copy of Codes, Covenants and Restrictions (CC&Rs) for the subdivision. Planning staff will review the proposed CC&Rs for compliance with City Code prior to recordation. The CC&Rs must include the following:
 - i. Maintenance responsibility for the paved pedestrian path between lots 4, 5, 10, and 11.
 - ii. If the subdivision has final preliminary plat approval by March 12, 2014, the CC&Rs shall include the following design elements:
 - (a) 1500 square feet minimum lot size
 - (b) Minimum two car garages
 - (c) Lap siding; no vinyl
 - (d) Front yard to have sprinklers and irrigation
 - (e) Minimum of three exterior colors on house
 - (f) Wood trimmed windows on front of house

4. **Final Mylar Copies of the Subdivision Plat:** Submit final mylar copies of the corrected final subdivision plat (after red-line corrections have been made).
 - a. Two sets (one original and one copy) of the plat. Original plats shall be in substantial conformity to the approved tentative plan and shall conform to the Yamhill County Surveyor's specifications and requirements. Scale requirements shall be the same as specified for the tentative plans. Note: Newberg Development Code requires a mylar copy of the recorded plat. To complete this requirement, you may either record a mylar copy of the plat for the city or you may have your surveyor/engineer print a copy of the recorded plat on mylar. This requirement must be met to complete the final plat

process, and building permits will not be issued until the mylar copy is received.

D. The final plat process must be completed prior to issuance of any building permits. The City will review the final plat application after the applicant has completed all of the conditions of approval listed above.

1. **City Review:** In accordance with NDC 15.235.160 and 15.235.180, Planning staff shall determine that:
 - a. Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
 - b. The proposal complies with this code.
 - c. The plat is in substantial conformity with the provisions of the tentative plan for the subdivision, as approved.
 - d. The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems.
 - e. Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision have been accounted for and referenced on the plat.
 - f. There will exist an adequate quantity and quality of water and an adequate sewage disposal system to support the proposed use of the land described in the plat.
 - g. Either:
 - i. Improvements as required by this code or as a condition of tentative plan approval have been filed with the Director; or
 - ii. A performance agreement (bond) or suitable substitute as agreed upon by the city and applicant has been filed with the Director in sufficient amount to insure the completion of all required improvements; or
 - iii. A petition for improvements has been properly executed by the applicant who is effecting the subdivision and will be assessed for said improvements.
 - h. Taxes, as well as public liens, assessments and fees, with respect to the subdivision area have been paid, or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.
 - i. The subdivider has entered into agreement with the city relating to completion of improvements, payment of sewer and water hookup fees, inspection fees, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other city ordinance, state statute or federal law.
 - j. If the conditions set at the time of tentative land division approval are not fulfilled and the final plat or final map is not recorded by the tentative plan expiration date, the tentative land division approval is null and void.
2. **Required Signatures:** According to NDC 15.235.180, approval of a final subdivision plat must be acknowledged and signed by the following:
 - a. Planning and Building Director
 - b. The County Assessor
 - c. The County Surveyor
 - d. The City Recorder

3. **Recording:** Deliver the approved subdivision plat to the office of the County Clerk for recording. The County Clerk's office is located at 414 NE Evans St, McMinnville, OR 97128.
4. **Completion:** Return an exact mylar copy of the recorded plat to the Director to complete the subdivision process. Note: the city will not issue building permits or other permits for construction on individual lots until the mylar copy is returned.

E. Development Notes:

1. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of proposed mailbox delivery locations. Contact the Newberg Post Office for assistance at 503-554-8014.
2. **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE, at 503-463-4348.
3. **Frontier:** The developer must coordinate trench/conduit requirements with Frontier. Contact the Engineering Services Department, Frontier, at 541-269-3375.
4. **Waste Management:** Contact Waste Management for garbage service to the new lots.
5. **Addresses:** The Planning Division will assign addresses for the new subdivision. Planning Division staff will send out notice of the new addresses after they receive a recorded mylar copy of the final subdivision plat.
6. **Building Plans for Lots 7, 8, 25, 34, and 36:** The building plans for these lots must show the front of the house facing the widest portion of the lot. Lot 7 must face Terrace Drive, lots 25 and 34 must face Morris Street, and lots 7 and 36 must face the northern east-west road.
7. **Street Trees on Corner Lots:** Street trees on corner lots shall be adjusted to not interfere with street signs as necessary.
8. **Fence:** Consider constructing a six foot tall opaque fence along the southern boundary of the subdivision.

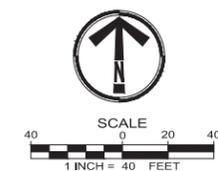
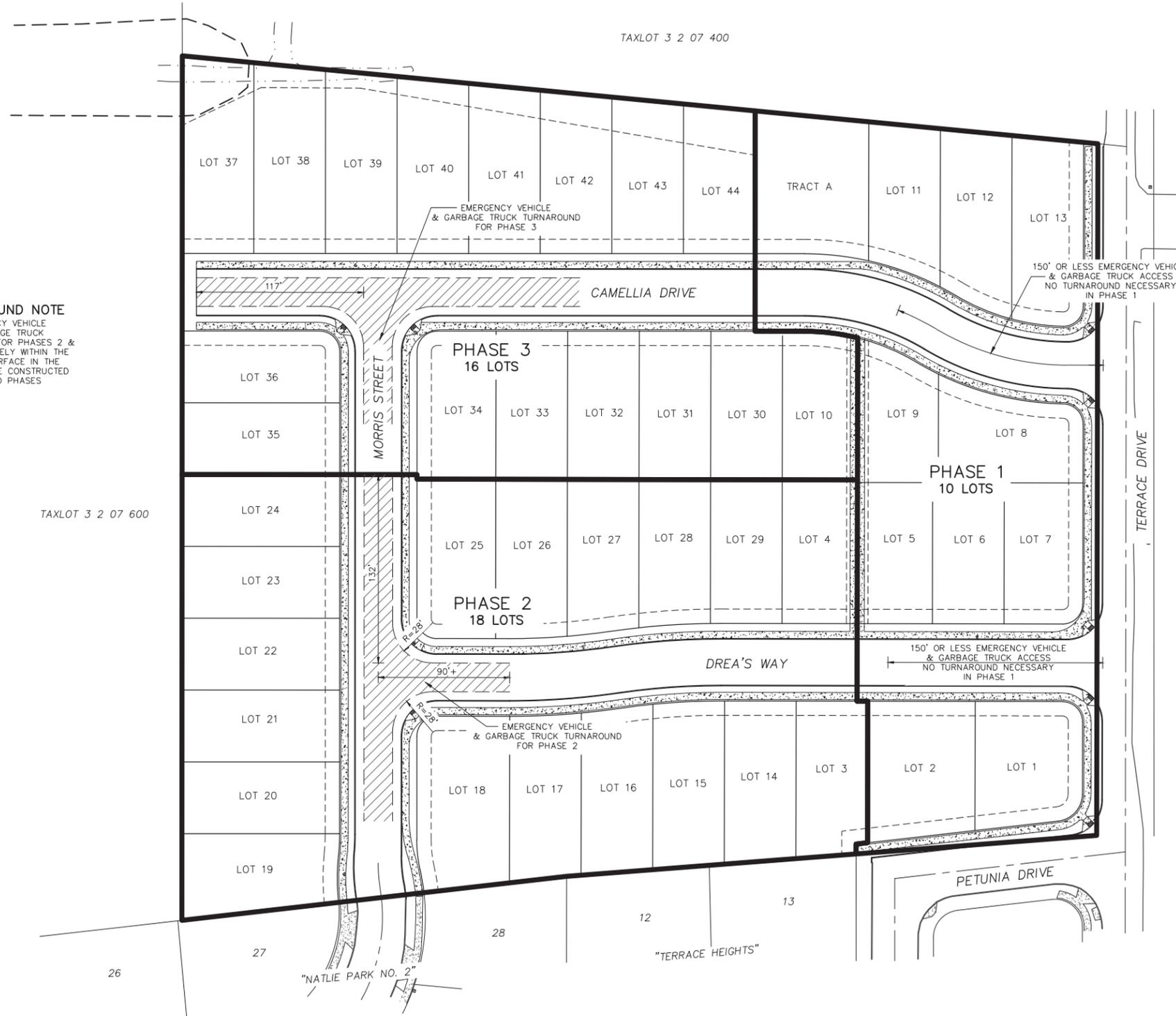
Supplemental information to be included in the
record (through 8/15/13)

File No. SUB2-12-003 | Terra Estates
Subdivision | Planning Commission Order
2013-13

Attached:

- 2.a. Revised plat showing temporary turnarounds
- 2.b. Preliminary cross-sections for Petunia Drive & Terrace Drive
- 2.c. Staff memo
- 2.d. Public comments & media received from 8/8/13 to 8/15/13
- 2.e. Email correspondence regarding density

TURNAROUND NOTE
 EMERGENCY VEHICLE
 & GARBAGE TRUCK
 TURNAROUNDS FOR PHASES 2 &
 3 LIE COMPLETELY WITHIN THE
 ASPHALT SURFACE IN THE
 STREETS TO BE CONSTRUCTED
 FOR SAID PHASES



TERRA
 PROPOSED 44 LOT SUBDIVISION
 TAX LOT 3 2 07 500
 CITY OF NEWBERG
 YAMHILL COUNTY, OREGON

REVISED
 PHASING
 PLAN
 8-14-13

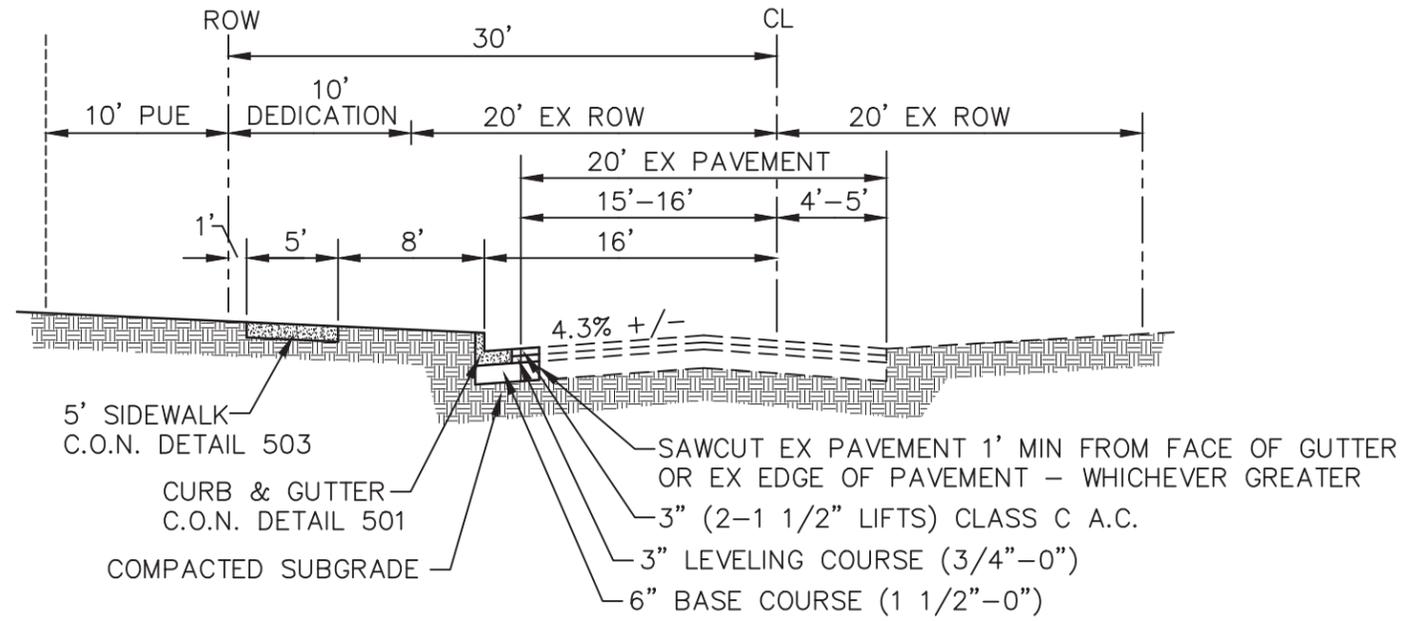
NO.	DATE	DESCRIPTION

EMERIO
Design
 6107 SW MURPHY BLVD, SUITE 147
 BEAVERTON, OREGON 97008
 TEL: (503) 515-5528
 FAX: (503) 639-9592
 www.emeriodesign.com



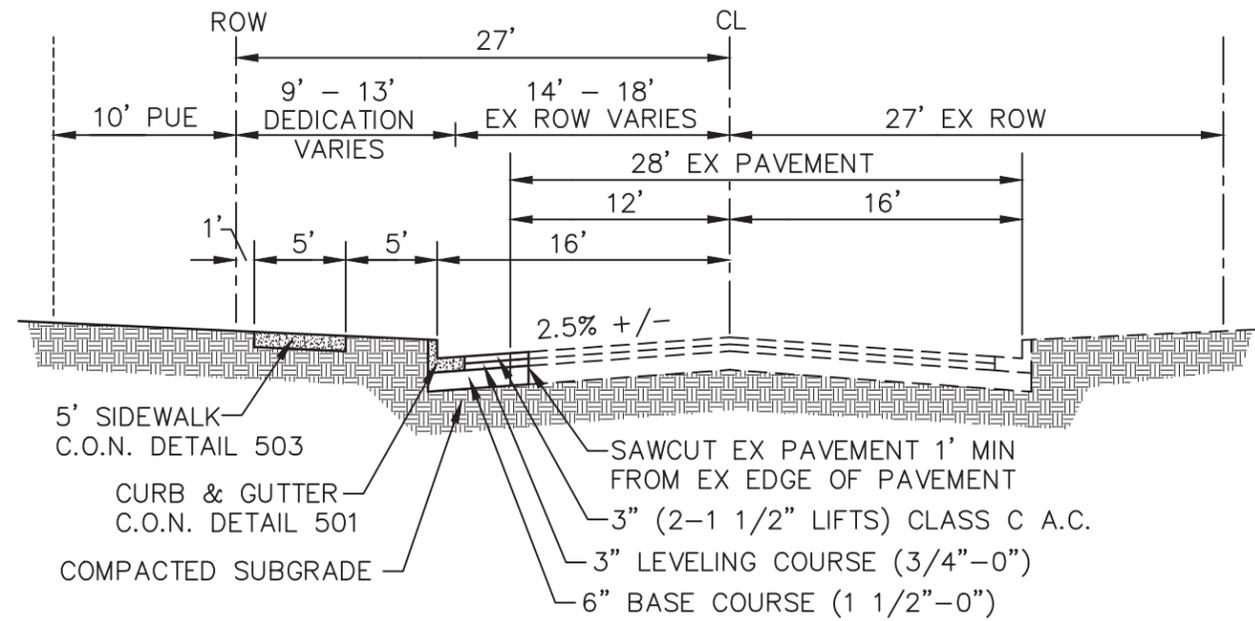
SHEET
 OF

Plotted: Aug 15, 2013 - 3:56pm, P: \\244-005 Terra (vwa)\Planning\244-005 (07) Phasing.dwg, Layout: Layout1



**TYPICAL SECTION
TERRACE DRIVE**

NOT TO SCALE



**TYPICAL SECTION
PETUNIA DRIVE**

NOT TO SCALE

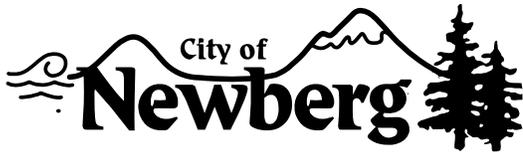
EMERIO
Design

6107 SW MURRAY BLVD, SUITE 147
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FAX: (503) 639-9592
www.emeriodesign.com

**ADDITIONAL STREET SECTIONS
"TERRA" SUBDIVISION**

PROJECT NO. 244-005
ORIG. DATE: 8-14-13
DRAWN BY: RR
SHEET No. 1 OF 1

TAX LOT 3 2 07 500
CITY OF NEWBERG
YAMHILL COUNTY, OREGON



Planning and Building Department
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

MEMORANDUM

TO: Newberg Planning Commission
FROM: Jessica Nunley, AICP
SUBJECT: Terra Estates Subdivision – File No. SUB2-12-003
DATE: August 15, 2013

At the August 8, 2013 Planning Commission hearing on the Terra Estates subdivision, the Planning Commission asked for clarification and more information about several issues, including: further comments from the Newberg School District; coordination with the Traffic Safety Commission on existing traffic issues in the neighborhood; notice to the neighborhood; development of nearby parks; and size of the subject lot.

Newberg School District Response

In our conversation with the school district, they indicated they don't normally send detailed comments for every application. Our normal practice is to send the application packet to the school district, along with other agencies¹, for any comments they may have. One option on our regular notification form is to check the box for "reviewed, no conflict", which is what the school district checked after they reviewed the application. This does not mean that the proposed subdivision will have zero impact, but that the school district is aware, has no current conflicts, and will keep a careful eye on enrollment as it occurs. We asked the school district to submit more comprehensive comments in response to questions raised at the hearing, and their response is attached as Attachment 1.

Coordination with Traffic Safety Commission

The Traffic Safety Commission (TSC) has recently created a *Neighborhood Traffic Calming Plan* (2013), with a stated purpose to "establish a set of consistent standards offering the City of Newberg's approach to potential traffic calming requests by the public, City staff, Newberg Traffic Safety Commission, and others." The plan includes sections on the evaluation process, funding of traffic calming measures, design and construction, traffic calming measures, and references. The plan is attached as Attachment 2, along with a STOP Sign application memo from the Engineering Services Department. Testimony at the Planning Commission hearing indicated there may be an existing traffic safety problem with speeding on Morris Street, and the potential need for a stop sign at Morris Street and Natalie Drive. This issue is ripe for referral to the TSC so that they may evaluate the problem and recommend solutions. Note that the plan does say that the city may subsidize some traffic calming projects, but the neighborhood would be expected to contribute, at a minimum, but may be assessed the full cost if warranted by the point scale. The proposed development may also have to pay a fair share if

¹ We send subdivision applications to the following departments and agencies for comments: city manager, public works director, building official, police, fire, finance, public works maintenance superintendent, legal, NW Natural, School District, PGE, Comcast, Frontier, Waste Management, CPRD, postmaster.

Attachment 2.c. ~

traffic calming was found to be warranted. Staff is willing to refer this issue to the TSC at their October 8, 2013 meeting for their consideration and study.

Notice

There were several mentions of lacking notice at the hearing. Attachment 3 includes the applicant's notice affidavits, notice mailing list, photos of the notice signs on Terrace Drive, and an email and photo regarding the notice sign on Petunia Drive. We did receive comments from five neighbors at the first neighborhood meeting that they did not receive notice. After checking the list and GIS records, we found that three of the neighbors were on the notice mailing list and two were outside the 500 foot notice boundary. Notice guidelines specify that notice signs must be posted 10 days before the first hearing. The applicant posted the Terrace Drive frontage in June 2013, and posted a sign on the Petunia Drive frontage on July 25, 2013, which was at least 10 days prior to the hearing.

Development of Area Parks

The Darnell Wright Sports Complex/Crater Park is located north of Chehalem Valley Middle School, and contains "softball fields, walking and jogging trails, restrooms, playground equipment, picnic tables", according to Chehalem Park and Recreation District (CPRD). We spoke with Don Clements, CPRD Director, about whether any further improvements were planned for this park. Mr. Clements indicated that the park was currently developed and that no further developments were planned at this time. The Darnell Wright Sports Complex/Crater Park is accessible to the neighborhood by a public pathway off Jones Street, halfway in between Natalie Drive and Hilltop Drive, and is located within a half mile from the proposed subdivision. Attachment 4 contains a map of Newberg parks along with several aerial photos of the park and the neighborhood.

Lot Size

The applicants hired a professional surveyor to survey the property. The survey shows the lot size as 7.9 acres, and also makes it clear the northern boundary of the lot is at more of an angle than is shown in GIS data. The assessor's office, and subsequently the city's GIS data, has the property at 7.67 acres and with a more straight line northern boundary. It is fairly common to have a discrepancy in things such as lot sizes when you are relying on data from the assessor's office and GIS versus an actual survey of property. Where things are resolved in the field are through actual on the ground surveys done by a professional surveyor. Therefore, the city's staff report uses the more accurate 7.9 acre number. This doesn't really change any analysis of the project as the project proposal still depends on how things fit with extending roads, creating adequate access for all proposed lots, and creating a lot layout plan that fits the code criteria.

Attachments:

- 1. Newberg School District comments**
- 2. *Neighborhood Traffic Calming Plan* and Engineering Services Department memo**
- 3. Notice information for File No. SUB2-12-003**
- 4. Neighborhood parks information**



NEWBERG

PUBLIC
SCHOOLS

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RECEIVED

August 13, 2013

Jessica Nunley, Planner
City of Newberg
414 E. First Street
Newberg, OR 97132

AUG 15 2013

Initial: _____

RE: Planning Commission questions regarding impact of Terra Estates Development on Newberg schools

The proposed Terra Estates subdivision would add 44 homes within the school attendance area of Antonia Crater Elementary, Chehalem Valley Middle School and Newberg High School. Elementary and middle school students would be within the walk zones and have no impact on school transportation. High school students would be eligible for transportation to Newberg High School.

The data below addresses potential impact on district schools as requested by the Planning Commission.

Enrollment

- Antonia Crater Elementary enrollment is currently 450 students. Building capacity is 550 students. The school has managed an enrollment of 589 students prior to the opening of Joan Austin Elementary School.
- Chehalem Valley Middle School current enrollment is 600 with a capacity of 650 students. Portable classrooms are used for specialized programs.
- Newberg High School enrollment is 1500 students; capacity is 1800
- Capacity at these schools would not require any adjustment to school attendance boundaries.

Class Size

- Elementary schools are staffed at a ratio of
 - K-3 26 : 1
 - Grades 4-5 29 : 1
 - Grades 6-8 30 : 1
 - Grades 9-12 30 : 1
- Managing class sizes depends on many factors and adjustments are made on a case-by-case basis within the current resources.

Taxes

New homes in Newberg would impact the Newberg School District in the following manner:

- Revenue from construction excise taxes would support capital improvements including land acquisition, remodeling or improvements, school equipment or furnishings.
- New residents would pay into the school district's bonded indebtedness, reducing the overall cost to school district residents.
- New property taxes would reduce the district's reliance on state funding sources for general education revenue.

The impact of new housing on Newberg schools has been challenging to predict. We never assume each new housing unit contains school-age children. The district monitors community growth to anticipate and plan for serving future enrollment, but until students actually appear at school, we cannot accurately predict how additional housing units will impact specific schools.

Sincerely,

Dr. Kym LeBlanc-Esparza, Superintendent

Cc: Troy Fisher, Principal, Antonia Crater Elementary School
Jon Franco, Principal, Chehalem Valley Middle School



Neighborhood Traffic Calming Plan

Engineering Services Department & Newberg-Dundee Police Department

1. INTRODUCTION AND PURPOSE

The purpose of this Neighborhood Traffic Calming Plan (NTCP) is to establish a set of consistent standards offering the City of Newberg's approach to potential traffic calming requests by the public, City staff, Newberg Traffic Safety Commission, and others.

Local residential streets in the City are designed and constructed to serve neighborhood traffic. As collector or arterial streets experience congestion, local residential streets report an increase in cut through traffic. This increase can be attributed to population growth in the City which averages around three percent each year over the last decade. Other growth related traffic issues are higher traffic volumes that reduce roadway capacity and excessive speed beyond the posted limits. These traffic problems have been brought to the attention of Newberg Traffic Safety Commission for consideration in accordance with the Municipal Code §2.15.070 through §2.15.220.

The City of Newberg recognizes the benefits of reasonable traffic calming measures (TCM) that may restore livability and enhance traffic and pedestrian safety. TCM, on the other hand, may adversely affect emergency response time for fire and rescue if they are not properly applied. This NTCP is created to provide a unified response in addressing speed, volume, and cut through traffic problems that are often expressed by local residents. Upon adoption by Newberg Traffic Safety Commission and the Newberg City Council, NTCP will provide guidance to the public and staff on traffic calming implementation.

2. EVALUATION PROCESS

Although requests for TCM are often initiated by local residents, the City can also request it proactively. Careful consideration must be given to the applicability, location and design of TCM based upon a set of established traffic engineering principles.

The *Manual on Uniform Traffic Control Devices (MUTCD)*, 2009 Edition or the latest as revised, offers authoritative principles on certain TCM. *U.S. Traffic Calming Manual*, published by APA Planners Press and American Society of Civil Engineers, 2009, provides practical guidance only on when and how to implement TCM and not all listed TCM are acceptable to the City of Newberg. See Section 5 for acceptable TCM on city streets.

2.1 Involving the Community

Getting community support and adequate funding is crucial for the success of TCM. Input from all stakeholders including decision makers is essential in building support for a sustainable TCM. Newberg-Dundee Police Department and Newberg Engineering Services Department offer staff support in the TCM process. Approval from Newberg Fire Department is also required.

2.2 Understanding the Problems

Listening to citizens' complaints is essential for each traffic issue. By listening, root problems or causes may be isolated from perceptions.

2.3 Visiting Problem Areas and Collecting Data

Visits to problematic areas may identify certain site issues such as lack of visibility due to vegetative growth that may be easily corrected. Often, traffic data such as speed and volume has to be collected and crash information from Newberg-Dundee Police Department records evaluated for a traffic study. Details of crash information are now available through the City's Geographic Information System.

2.4 Developing and Analyzing Options

Data that is collected for a TCM consideration would typically be reviewed by City staff within 30 days of its collection. Recommendations that meet Federal Highway Administration Rules as set forth in the current MUTCD edition and the Oregon Supplement to MUTCD may follow.

Newberg Fire Department has identified the following routes as primary to their fire and paramedic responses:

Main Street, College Street, Meridian Street, Villa Road, Springbrook Road, Blaine Street, River Street, Wyooski Road, Haworth Avenue, Mountainview Drive, Vittoria Way, Brutscher Street, Hayes Street/Providence Drive, and Fernwood Road.

Consequently, traffic calming on these routes requires special review and must demonstrate no loss in emergency response time. Horizontal deflection devices such as roundabouts may be the only calming measure approvable in these circumstances. Joint approvals from Police, Fire and Engineering Services Departments will be required prior to implementation of any TCM projects.

City streets of *local* or *minor collector* classifications with a posted speed limit of 25 MPH or less per current edition of *Newberg Transportation System Plan* (other than the above emergency routes) may receive full consideration for TCM.

The Average Daily Traffic (ADT) is defined as the total traffic volume on a street during a given time period (in whole days), greater than 1 day and less than 1 year, divided by the number of days in that time period. The 85th percentile speed is the speed under which 85 percent of traffic is traveling in a free flowing condition. This should be a good indicator for the posted speed. TCM solutions are best used when the 85th percentile speed is more than 5 mph higher than the posted speed limit and the ADT exceeds 1,000 vehicles. Speeds are best controlled by law enforcement actions when these criteria are not met.

A post-implementation evaluation will be performed by City staff following each TCM project. This should identify all impacts to the citywide transportation system. Although TCM may address a speeding or volume issue on a single street or at a single intersection, only an analysis will determine if the real issue has been fully mitigated and not simply shifted to the neighboring streets. TCM must not be installed if they generate other traffic hazards.

3. FUNDING

Normally community neighborhoods will fund 100% of TCM projects. The City may participate in funding when TCM for certain streets is deemed critical from the City's perspective. Funding options must be reviewed and determined before planning for design and construction occurs. Cost of the design, construction permits, etc. of any TCM projects must be developed and sources of funding determined prior to implementation.

3.1 Determining Eligibility for Funding

Each street or intersection will be given a score to determine eligibility for City funding according to the point system in the following table. Proposed TCM project would be eligible for partial City funding when street scoring reaches at least 50 points, with full City funding at 100 points.

Table A: Street Scoring for Subsidy

Category	Points	Basis for Point Assignment
85 th Percentile Speed	Max 40	10 points for every mph greater than 5 mph over the posted speed limit.
Average Daily Traffic Volume	Max 20	2 points for every 100 vehicles.
Sidewalks	Max 20	10 points for missing sidewalk on one side; 20 points for no sidewalks at all.
Pedestrian Generators	Max 20	10 points for each school, church, library, community center, park or playground.
Total Scoring	Max 100	

3.2 Setting Funding Level

The City intends to subsidize TCM projects based on budget allowance for design and construction according to the following levels of participation:

Table B: Funding from the City

Points	Subsidy Level
49 or less	None
50	50% of total cost up to a maximum of \$5,000
60	60% of total cost up to a maximum of \$6,000
70	70% of total cost up to a maximum of \$7,000
80	80% of total cost up to a maximum of \$8,000
90	90% of total cost up to a maximum of \$9,000
100	100% of total cost up to a maximum of \$10,000

The City's contribution is limited and will be based on budgetary constraints and available funding for requests that meet NTCP criteria.

3.3 Exploring Funding Options

The City may explore grant opportunities or in-kind donations for implementing TCM on city streets. When neighborhood funding is able to support 100% of the construction cost, the City will offer a TCM construction plan at no cost to the neighbors, provided at least 60% of households in the calming area support the cause.

The neighbors can also petition for the formation of a local improvement district per Newberg Municipal Code Chapter 3.15.

4. DESIGN AND CONSTRUCTION

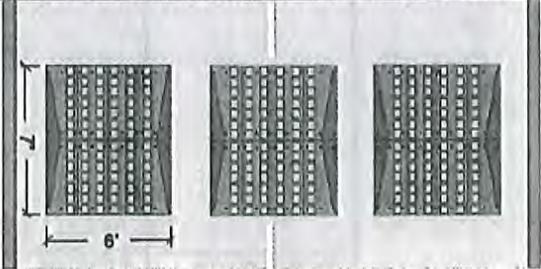
Construction plans require review by all affected City Departments prior to construction and must comply with Federal and State regulations and requirements. The City will install TCM per the approved plan.

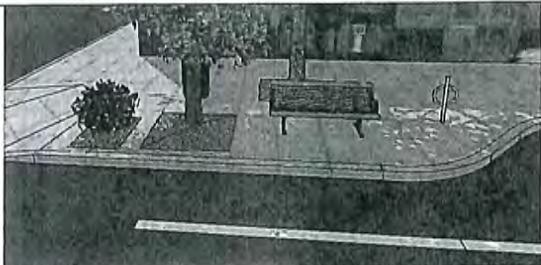
5. TRAFFIC CALMING MEASURES

This section identifies TCM that are in use by the City of Newberg. Some are listed for information and not allowed for use at this time.

Table C: Legend for key words in the "Comments" column of Traffic Calming Measures:

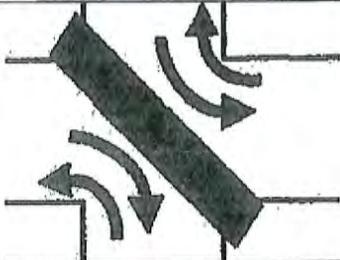
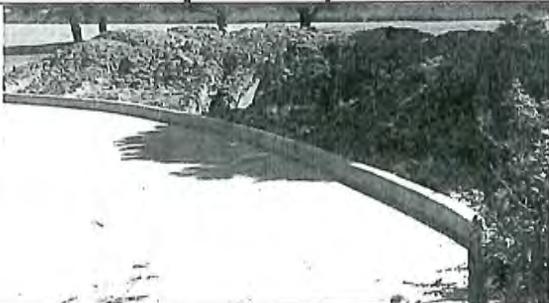
Key Words	Meaning
Allowed	The described device is permitted. Use when designed in accordance with generally accepted engineering principles and practices.
Cautioned	The described device may be allowed under certain conditions. Use when approved and designed in accordance with generally accepted engineering principles and practices.
Restricted	The described device is restricted due to <i>side effect</i> and is therefore not likely approved for use.
Not Allowed	The described device is not permitted.
Not Recommended	The described device reduces flexibility in traffic flow and is therefore discouraged for use.

Traffic Calming Measures			
Devices	Comments <small>See Table C</small>	Photos and/or Descriptions	
Vertical Deflection Techniques	Speed Hump	Cautioned	
	Speed Table	Cautioned	"A long raised speed hump with a flat section in the middle and ramps on both approaches"
	Speed Cushion	Allowed	 <p>Designed as several small speed humps installed across the width of the street with spaces between them for the wider axle of emergency vehicles such as fire engines and ambulances to straddle them without slowing down or increasing the response time</p>
	Raised Crosswalk	Cautioned (at bus shelters or on critical pedestrian routes but not always – Must be engineered to the posted speed)	 <p>Same as "speed table" but with crosswalk marking</p>
	Textured Crosswalk	Cautioned (on critical pedestrian routes but not always)	
	Rumble Strips	Restricted (due to noise creation)	"Raised parallel strips of material placed on pavement that transmits an audible rumbling through the wheels when travel on"
	Raised Intersection	Restricted	"A flat raised area covering an entire intersection, with ramps on all approaches"

Traffic Calming Measures			
Devices	Comments <small>See Table C</small>	Photos and/or Descriptions	
Horizontal Deflection Techniques	Curb Extension	Allowed	
	Crosswalk Bulb Out	Allowed	
	Traffic Circle (controlled by stop signs)	Allowed (but must accommodate fire/garbage trucks and school buses)	"A raised island, placed in an intersection, around which traffic circulates"
	Roundabout (with yield control)	Allowed	
	Raised Median Island	Cautioned	
	Chicane	Not recommended	
	Choker	Not recommended	"A curb extension on both sides of the street"

Traffic Calming Measures			
Devices		Comments <small>See Table C</small>	Photos and/or Descriptions
Horizontal Deflection Techniques	On-street Parking	Allowed (per code)	

Traffic Calming Measures			
Devices		Comments <small>See Table C</small>	Photos and/or Descriptions
Obstruction Techniques	Right-in/Right-out	Restricted (use only when warranted)	
	Raised Median Through Intersection	Allowed (but must accommodate fire/garbage trucks and school buses)	
	Intersection Channelization	Cautioned	

Traffic Calming Measures			
Devices		Comments <small>See Table C</small>	Photos and/or Descriptions
Obstruction Techniques	Bike Lane Channelization	Cautioned	
	Diverter	Not recommended	
	Full Closure	Not recommended	

Traffic Calming Measures			
Devices		Comments <small>See Table C</small>	Photos and/or Descriptions
Signage (for traffic calming purposes)	Traffic Calming Neighborhood	Cautioned	
	Playground (not truly a traffic calming signage)	Allowed (per code) but not typically effective	

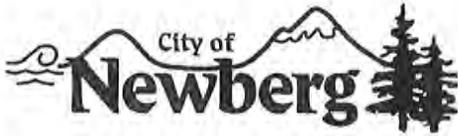
Traffic Calming Measures		
Devices	Comments <small>See Table C</small>	Photos and/or Descriptions
Signage (for traffic calming purposes)	Local Traffic Only (cannot be enforced on public streets)	Cautioned 
	One Way Street	Not recommended 
	Speed Limit	Allowed (per code) 
	Right Turn Only	Restricted (no left turn) 
	Yield	Allowed (per code) 
	Stop	Not recommended (for traffic calming as problems shift to other areas) 

Traffic Calming Measures			
Devices	Comments <small>See Table C</small>	Photos and/or Descriptions	
Other Techniques	Speed Radar	Cautioned http://www.trafficlogix.com	
	Crossing Flags	Not allowed http://pedflags.com/ http://www.seattle.gov	

6. REFERENCES

For additional information on traffic calming, see the following websites:

- <http://www.trafficcalming.org>, Traffic Calming by Fehr & Peers Transportation Consultants.
- <http://www.ite.org>, Institute of Transportation Engineers.
- http://safety.fhwa.dot.gov/speedmgt/traffic_calm.cfm, U.S. Department of Transportation, Federal Highway Administration.



ENGINEERING SERVICES DEPARTMENT
 P.O. Box 970 • 414 E. First Street • Newberg, Oregon 97132
 Tel 503.537.1240 • Fax 503.537.1277

STOP Sign Application

Excerpts taken from the Manual on Uniform Traffic Control Devices (MUTCD) 2009 Edition

- 30 x 30 inches for single lane approaches on a typical City residential street. A minimum size of 36 x 36 inches shall be used for STOP signs that face multi-lane approaches (oversized at 48 x 48 inches).
- The following factors should be considered for STOP sign request:
 - A. Vehicular, bicycle, and pedestrian traffic volumes on all approaches;
 - B. Number and angle of approaches;
 - C. Approach speeds;
 - D. Sight distance available on each approach; and
 - E. Reported crash experience.
- Warrants for STOP sign
 Because the STOP sign causes a substantial inconvenience to motorists, it should be used only where warranted. STOP signs should be used at an intersection if one or more of the following conditions exist:
 - A. An intersection of a less important road with a main road where application of the normal right-of-way rule would not be expected to provide reasonable compliance with the law;
 - B. A street entering a designated through highway or street; and/or
 - C. An unsignalized intersection in a signalized area.
 - D. High speeds, restricted view, or crash records indicate a need for control by the STOP sign.
- STOP signs should also be considered at the intersection of two minor streets or local roads where the intersection has more than three approaches and where one or more of the following conditions exist:
 - A. The combined vehicular, bicycle, and pedestrian volume entering the intersection from all approaches averages more than 2,000 units per day;
 - B. The ability to see conflicting traffic on an approach is not sufficient to allow a road user to stop or yield in compliance with the normal right-of-way rule if such stopping or yielding is necessary; and/or
 - C. Crash records indicate that five or more crashes that involve the failure to yield the right-of-way at the intersection under the normal right-of-way rule have been reported within a 3-year period, or that three or more such crashes have been reported within a 2-year period.
- STOP signs (or YIELD signs) should not be used for speed control.
- Once the decision to install two-way STOP control has been made to control an intersection, the roadway carrying the lowest volume of traffic should be STOP controlled. STOP sign should not be installed on the higher volume roadway unless justified by an engineering study.
- Where two roadways with relatively equal volumes and/or characteristics intersect:
 - A. Controlling the direction that conflicts the most with established pedestrian crossing activity or school walking routes;
 - B. Controlling the direction that has obscured vision, dips, or bumps that already require drivers to use lower operating speeds; and
 - C. Controlling the direction that has the best sight distance from a controlled position to observe conflicting traffic.

- When it is determined that a full stop is always required on an approach to an intersection, a STOP (R1-1) sign shall be used.



The STOP sign shall be octagonal with a white legend and border on a red background.

At intersections where all approaches are controlled by STOP signs, an ALL WAY supplemental plaque (R1-3P) shall be mounted below each STOP sign. (Do not use 2-WAY, 3-WAY, 4-WAY, or other numbers of ways.)

- **Multi-way STOP control** can be useful as a safety measure at intersections if certain traffic conditions exist. Safety concerns associated with multi-way stops include pedestrians, bicyclists, and all road users expecting other road users to stop. Multi-way stop control is used where the volume of traffic on the intersecting roads is approximately equal.
- The decision to install multi-way stop control should be based on an engineering study.
- The following criteria should be considered in the engineering study for a multi-way STOP sign installation:
 - A. Where traffic control signals are justified, the multi-way stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.
 - B. Five or more reported crashes in a 12-month period that are susceptible to correction by a multi-way stop installation. Such crashes include right-turn and left-turn collisions as well as right-angle collisions.
 - C. Minimum volumes:
 1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least 300 vehicles per hour for any 8 hours of an average day; and
 2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour; but
 3. If the 85th-percentile approach speed of the major-street traffic exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the values provided in Items 1 and 2.
 - D. Where no single criterion is satisfied, but where Criteria B, C.1, and C.2 are all satisfied to 80 percent of the minimum values. Criterion C.3 is excluded from this condition.
- Other criteria that may be considered in an engineering study for a multi-way STOP sign installation include:
 - A. The need to control left-turn conflicts;
 - B. The need to control vehicle/pedestrian conflicts near locations that generate high pedestrian volumes;
 - C. Locations where a road user, after stopping, cannot see conflicting traffic and is not able to negotiate the intersection unless conflicting cross traffic is also required to stop; and
 - D. An intersection of two residential neighborhood collector (through) streets of similar design and operating characteristics where multi-way stop control would improve traffic operational characteristics of the intersection.
- In the event the visibility of a STOP sign at any location is restricted, the sign shall be located as specified, and a Stop Ahead sign shall be erected in advance of the STOP sign.

To: City of Newberg
Planning and Building Department
Attn: Jessica Nunley

Re: SUB2-12-003

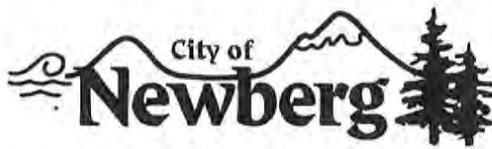
From: Sean Brannon
Del Boca Vista, LLC
PO BOX 486
Newberg, OR 97123

Affidavit of mailing notice sent: Per requirements of public notice of public hearing for our proposed subdivision on July 11th 2013. I swear that on June 20th, the mailing was completed per the approved notice, and that on that same day, two signs were in place on the property giving notice of a land use decision.



Sean Brannon

Date: 6/26/2013



Planning and Building Department

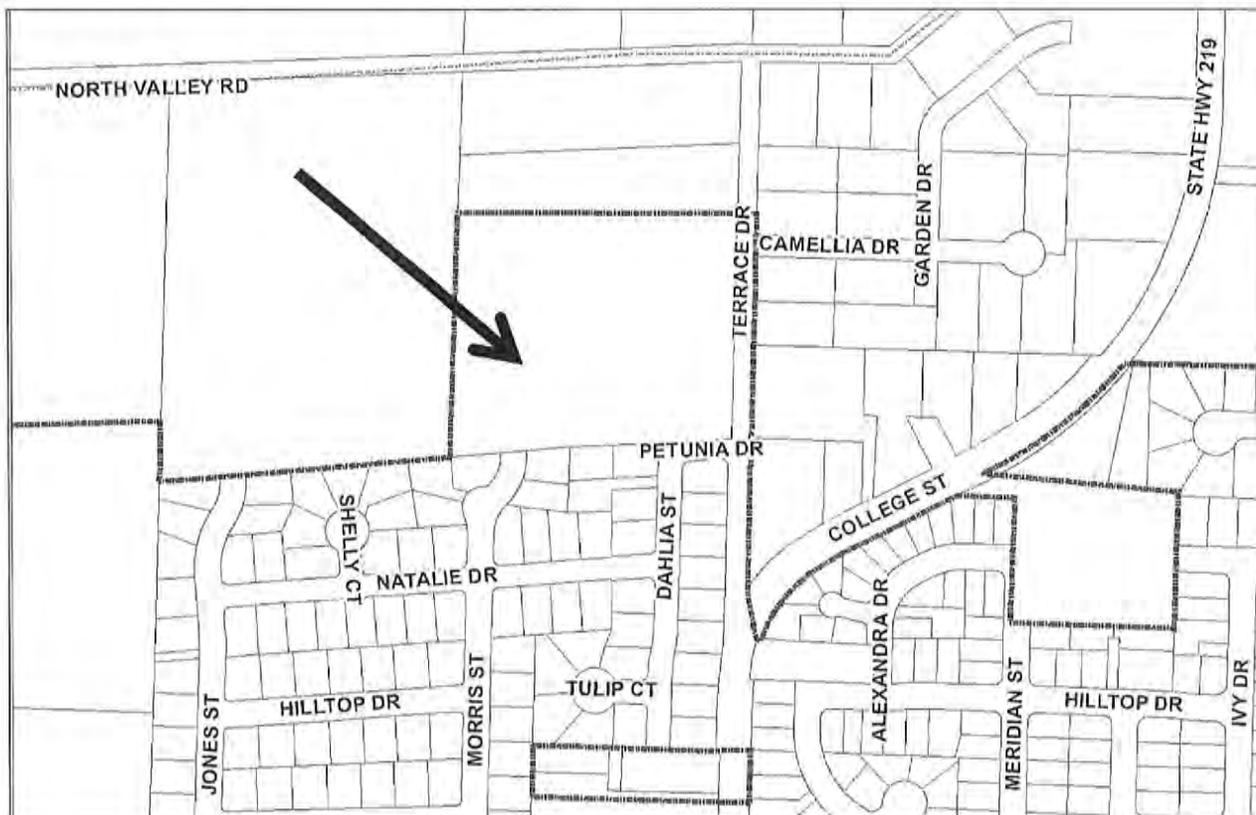
P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

NOTICE OF PLANNING COMMISSION HEARING ON PROPOSED SUBDIVISION

A property owner in your neighborhood submitted an application to the City of Newberg for a proposed subdivision at 3805 Terrace Dr. The Newberg Planning Commission will hold a hearing on **July 11, 2013** at 7pm at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The development would include 44 new lots, and would be accessed from Terrace Drive and from an extension of Morris Street. The proposed subdivision is located north of the Terrace Heights subdivision in north Newberg.

APPLICANT: **Del Boca Vista, LLC**
TELEPHONE: **503-590-8600 (Michael Hanks, member)**
PROPERTY OWNER: **Hutchison Estates**
LOCATION: **3805 Terrace Drive, Newberg, OR 97132**
TAX LOT NUMBER: **3207-00500**



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

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

Written Comments: File No. SUB2-12-003
City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

All written comments must be received by 4:30 p.m. on **July 3, 2013**. Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. A staff report relating to the proposal will be available for inspection at no cost seven days prior to the public hearing. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for preliminary subdivision plan approval are found in Newberg Development Code 15.235.060(A).

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

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

Date Mailed: **6/20/2013**

RECEIVED

MAY 23 2013

Initial: ml

Notice of mail affidavit:

Public Mailing and Posting for:

FILE # SUB2-12-003

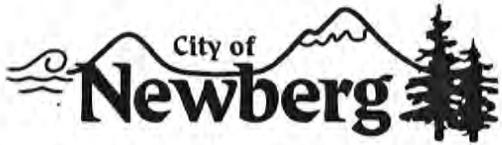
PROPOSAL: Subdivision to create 44 New Lots

Was completed per requirements on 5/23/2014 by Sean Brannon for Del Boca Vista, LLC, the date of mailing on the letters was 5/23/2014 and the response date was 6/6/2013. The Following two pages are copies of the notice as it was sent.

Sean Brannon acknowledges completion of the posting and mailing requirements.



Sean Brannon
Del Boca Vista, LLC
503-590-8600



Planning and Building Department

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

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

A property owner in your neighborhood submitted an application to the City of Newberg to subdivide a parcel of land into 44 lots, to be known as the Terra Estates subdivision. You are invited to take part in the City's review of this project by sending in your written comments. You also may request that the Planning Commission hold a hearing on the application. For more details about giving comments, please see the back of this sheet.

The development would include 44 new lots, and would be accessed from Terrace Drive and from an extension of Morris Street. The proposed subdivision is located north of the Terrace Heights subdivision in north Newberg.

APPLICANT:	Del Boca Vista, LLC
TELEPHONE:	503-590-8600 (Michael Hanks, member)
PROPERTY OWNER:	Hutchison Estates
LOCATION:	Project Address
TAX LOT NUMBER:	Yamhill County Tax Map and Lot Number (i.e. 3219AB-1400)



Working Together For A Better Community-Serious About Service"

U:\1 - Terrace Drive\Type II Mailed Notice - Subdivision - Terrace Estates I.doc

We are mailing you information about this project because you own land within 500 feet of the proposed new project. We invite you to send any written comments for or against the proposal within 14 days from the date this notice is mailed. You also may request that the Newberg Planning Commission hold a hearing on the application by sending a written request during this 14-day period and identifying the issues you would like the Planning Commission to address.

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

Written Comments: File No. SUB2-12-003
City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

All written comments must be turned in by 4:30 p.m. on **June 6th 2013**. Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be submitted to the City in writing before this date. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for preliminary subdivision plan approval are found in Newberg Development Code 15.235.060(A).

You can look over all the information about this project or drop comments off at Newberg City Hall, 414 E. First Street. You can also buy copies of the information for a cost of 25 cents a page. If you have any questions about the project, you can call the Newberg Planning Division at 503-537-1240.

The City Planning director will make a decision at the end of a 14-day comment period. If you send in written comments about this project, you will be sent information about any decision made by the City relating to this project.

Date Mailed: **5/23/2013**

R320602400
Kjersten Kenneth W Trustee For
25025 North Valley Rd
Newberg, OR 97132

R320700100
Gist Forrest M Trustee For
25655 North Valley Rd
Newberg, OR 97132

R320700200
Joseph E McKee
25575 North Valley Rd
Newberg, OR 97132

R320700300
David A & Diann B Conser
4101 NE Terrace Dr
Newberg, OR 97132

R320700400
Thomas B & Kathryn L Lloyd
7995 W Marigold St
Rockaway, OR 97136

R320700500
Charles H Hutchison
PO Box 184
Dayton, OR 97114

R320700600
Melvin J Taylor
18975 Pilkington Rd
Lake Oswego, OR 97035

R3207AA00500
Shauna J Yakich
3904 NE Terrace Dr
Newberg, OR 97132

R3207AA00600
Sturdevant Michael R Trustee For
3916 NE Terrace Dr
Newberg, OR 97132

R3207AA00700
Vance B Lewelling
707 NE Camelia Dr
Newberg, OR 97132

R3207AA00701
Scott R Conant
4012 NE Terrace Dr
Newberg, OR 97132

R3207AA00800
Darryl B Reid
4009 NE Garden Dr
Newberg, OR 97132

R3207AA00900
Nicholas J Morrell
4001 NE Garden Dr
Newberg, OR 97132

R3207AA01000
Kelly Stockston
1957 Westlake Loop
Newberg, OR 97132

R3207AA01100
James L Wtta Fisher
215 S College St
Newberg, OR 97132

R3207AA01200
Ricky D Baxter
900 NE Camelia Dr
Newberg, OR 97132

R3207AA01400
James Kiser
909 NE Camelia Dr
Newberg, OR 97132

R3207AA01401
Melvin R Olson
61375 Barger Rd
St Helens, OR 97051

R3207AA01702
Darrel B Fuller
4035 NE Garden Dr
Newberg, OR 97132

R3207AA01703
Jeffery L Danielson
4050 NE Terrace Dr
Newberg, OR 97132

R3207AA01704
Jeffrey L Danielson
4050 NE Terrace Dr
Newberg, OR 97132

R3207AA01800
James R Keller Jr
25701 North Valley Rd
Newberg, OR 97132

R3207AA01900
Lowe Morton H & Barbara F Trustees For
25935 North Valley Rd
Newberg, OR 97132

R3207AC00101
Jay G Martin
3870 Morris St
Newberg, OR 97132

R3207AC00109
Marc K Maki
212 Natalie Dr
Newberg, OR 97132

R3207AC00110
Jillian A Risher
224 Natalie Dr
Newberg, OR 97132

R3207AC00111
Joel Spurlock
236 Natalie Dr
Newberg, OR 97132

R3207AC00112
Linda S Burnett
304 Natalie Dr
Newberg, OR 97132

R3207AC00113
George T Burnside
312 Natalie Dr
Newberg, OR 97132

R3207AC00114
Arnold D Rahier
311 Natalie Dr
Newberg, OR 97132

R3207AC00115
Janie M Johnson
3824 Shelly Ct
Newberg, OR 97132

R3207AC00116
Mary L Willett
3848 Shelly Ct
Newberg, OR 97132

R3207AC00117
Gene L Fournier
3856 Shelly Ct
Newberg, OR 97132

R3207AC00118
Barbara Teatro
3841 Shelly Ct
Newberg, OR 97132

R3207AC00119
Marvin Bixby
3823 Shelly Ct
Newberg, OR 97132

R3207AC00120
Lindsay M Lillie
3801 Shelly Ct
Newberg, OR 97132

R3207AC00121
Eric Jenkins
5834 Windwood Dr
Lakeland, FL 33813

R3207AC00122
Michael D Thompson
3800 Jones St
Newberg, OR 97132

R3207AC00123
Kimberly A Caldwell
3824 Jones St
Newberg, OR 97132

R3207AC00124
Steven D Richards
3842 Jones St
Newberg, OR 97132

R3207AC00125
John E 1/2 Clemons
3850 Morris St
Newberg, OR 97132

R3207AC00126
Christopher J Strange
3800 Morris St
Newberg, OR 97132

R3207AC00127
Ronald A Auld
411 Natalie Dr
Newberg, OR 97132

R3207AC00128
Ryan Z Bizeau
421 Natalie Dr
Newberg, OR 97132

R3207AC00129
Mark Darula
431 Natalie Dr
Newberg, OR 97132

R3207AC00130
Allan D Harding
436 Natalie Dr
Newberg, OR 97132

R3207AC00131
Pack Kenneth R & Sharon A Trustees For
424 Natalie Dr
Newberg, OR 97132

R3207AC00132
Gerald F Boe
412 Natalie Dr
Newberg, OR 97132

R3207AC00133
Rightmire James J & Joann Trustees
26045 NE View Crest Ct
Newberg, OR 97132

R3207AC00134
Edward Howard
336 Natalie Dr
Newberg, OR 97132

R3207AC00135
David W Beasley
324 Natalie Dr
Newberg, OR 97132

R3207AC00136
Donna Ramos
321 Natalie Dr
Newberg, OR 97132

R3207AC00137
Christopher A Jensen
331 Natalie Dr
Newberg, OR 97132

R3207AC00138
Leonard C Farr Jr
3823 Morris St
Newberg, OR 97132

R3207AC00139
Martin V Ferrero
3841 Morris St
Newberg, OR 97132

R3207AC00140
Jeffrey D Auld
3861 Morris St
Newberg, OR 97132

R3207AC00300
Morris Street LLC
9760 SW Freeman Dr
Wilsonville, OR 97070

R3207AC00301
Rodney R Hart
3608 Morris St
Newberg, OR 97132

R3207AC00328
Mike Vangrunsven
3615 Morris St
Newberg, OR 97132

R3207AC00329
Eugenia Keegan
PO Box 10386
Portland, OR 97296

R3207AC00330
Michael Rennick
315 Hilltop Dr
Newberg, OR 97132

R3207AC00331
Maxine A Nelson
301 Hilltop Dr
Newberg, OR 97132

R3207AC00400
Royal F Graff
PO Box 1124
Newberg, OR 97132

R3207AC00401
Pacific NW Land Development LLC
20241 S Central Point Rd
Oregon City, OR 97045

R3207AC00402
Pacific NW Land Development LLC
20241 S Central Point Rd
Oregon City, OR 97045

R3207AC00403
Pacific NW Land Development LLC
20241 S Central Point Rd
Oregon City, OR 97045

R3207AC00404
Pacific NW Land Development LLC
20241 S Central Point Rd
Oregon City, OR 97045

R3207AC00405
Greller John H & Jane K Trustees For
3641 Dahlia St
Newberg, OR 97132

R3207AC00406
Devin Mair
3629 Dahlia St
Newberg, OR 97132

R3207AC00407
Jason A Mullaney
3617 Dahlia St
Newberg, OR 97132

R3207AC00408
Pacific NW Land Development LLC
20241 S Central Point Rd
Oregon City, OR 97045

R3207AC00409
Douglas E Whitman
503 Tulip Ct
Newberg, OR 97132

R3207AC00415
Pacific NW Land Development LLC
20241 S Central Point Rd
Oregon City, OR 97045

R3207AC00416
Monte Hughes
3626 Dahlia St
Newberg, OR 97132

R3207AC00417
Pacific NW Land Development LLC
20241 S Central Point Rd
Oregon City, OR 97045

R3207AC00418
Darren R Hodson
3650 Dahlia St
Newberg, OR 97132

R3207AC00419
Pauline F C Fka Berglund
PO Box 210
Tolovana Park, OR 97145

R3207AC00420
Seaman Lori M Trustee For
3726 Dahlia St
Newberg, OR 97132

R3207AC00421
Pacific NW Land Development LLC
20241 S Central Point Rd
Oregon City, OR 97045

R3207AD00200
Ricky D Baxter
900 NE Camelia Dr
Newberg, OR 97132

R3207AD00300
Robert L Burnett
3713 N College St
Newberg, OR 97132

R3207AD00400
Gene R Baxter Jr
3711 N College St
Newberg, OR 97132

R3207AD00500
Gene R Baxter Jr
3711 N College St
Newberg, OR 97132

R3207AD00600
Darla R Baxter
3708 NE Terrace Dr
Newberg, OR 97132

R3207AD00803
Elaine McDowell
PO Box 133
Newberg, OR 97132

R3207AD00804
Ryan D Martin
809 Alexandra Dr
Newberg, OR 97132

R3207AD00805
Luke P Kjersten
801 Alexandra Dr
Newberg, OR 97132

R3207AD00806
Federal National Mortgage Association
Quality Loan Service Corp Of
Wash2141 5th Ave Attn: Albert
San Diego, CA 92101

R3207AD00807
Jonathan D Vail
719 Alexandra Dr
Newberg, OR 97132

R3207AD00808
Boehme Richard F & Mary K Trustees For
715 Alexandria Dr
Newberg, OR 97132

R3207AD00809
Derek G Duff
705 Earl Ct
Newberg, OR 97132

R3207AD00810
David M Buckwalter
701 Earl Ct
Newberg, OR 97132

R3207AD00811
Joshua P Luben
702 Earl Ct
Newberg, OR 97132

R3207AD00812
Benjamin R Yates
706 Earl Ct
Newberg, OR 97132

R3207AD00813
Dallas Stahle
710 Earl Ct
Newberg, OR 97132

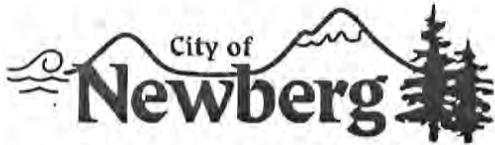
R3207AD00900
Doug Horst
14156 Gargany St
Portland, OR 97229





From: [Michael Hanks](#)
To: [Jessica Nunley](#); [Barton Brierley](#)
Cc: [Marc Willcuts](#)
Subject: IMG_0732.jpeg
Date: Thursday, July 25, 2013 10:35:35 AM
Attachments: [ATT00001.txt](#)



- reposting

Planning and Building Department

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

HEARING NOTICE

The Newberg Planning Commission will hold a public hearing on August 8, 2013 at 7 p.m. at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR, to evaluate the following proposals:

1) 44-lot subdivision preliminary plat (Terra Estates): Continued from July 11, 2013 meeting. Located at 3805 Terrace Drive, tax lot 3207-00500. The application would divide the site into 44 new lots for single family homes. The subdivision would build new internal streets and be accessed from Terrace Drive and from an extension of Morris Street.
File: SUB2-12-003

You may examine information regarding these projects at the Newberg Planning and Building Department, 414 E. First Street, Newberg, OR 97132, or on the city website at <https://www.newbergoregon.gov/planning>. The staff recommendations regarding these projects will be available one week before the hearing. If you have any questions, please call the Newberg Planning Division at 503-537-1240. All interested persons may appear and provide testimony. Any written testimony must be submitted to the Planning and Building Department office by noon on August 5, 2013. Written testimony received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings. Only those persons who participate either orally or in writing in the hearing proceedings leading to the adoption of the action may appeal the decision.

Date Posted: 7/29/13

Post Until: 8/9/13

- Library
- Public Safety Building
- Fire Department
- City Hall

FILE #: SUB2-12-003

Meeting Type:

- Planning Commission
- City Council
- Other:

**CITY OF NEWBERG
AFFIDAVIT OF NOTICING**

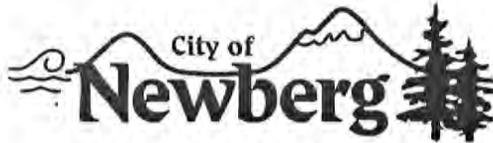
REFERENCE ATTACHED LIST(S)/NOTICE(S)

I, Steve Olson, for the City of Newberg, Oregon, do hereby certify that the attached Notice of Public Hearing was:

- a. mailed to the following list of property owners, by United States mail, postage prepaid on _____; (by applicant)
- b. posted in the *Newberg Graphic* on 6/26/13 ;
Date emailed to Graphic: 6/21/13 *Jeanine Behm*
Confirmation that ad will run by: Monty Gant on 6/21/13
Name Date
- c. posted on the site on date: _____; (by applicant)
- d. posted in four public locations (City Hall, Library, Fire Station, Public Safety Building) on date: 6/26/13.
- e. posted on Newberg's website www.newbergoregon.gov on date: _____.

Steve Olson
Signature

Associate Planner 6/25/13
Title Date



Planning and Building Department

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

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File: CUP-13-002/DR1-13-008

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Date Posted: 6/26/13

Post Until: 7/12/13

- Library
- Public Safety Building
- Fire Department
- City Hall



6605 SE Lake Road, Portland, OR 97222 • PO
Box 22109 • Portland, OR 97269-2109
Phone: 503-684-0360 Fax: 503-620-3433
E-mail: legals@commnewspapers.com

AFFIDAVIT OF PUBLICATION

State of Oregon, County of Yamhill, SS

I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of *The Newberg Graphic*, a newspaper of general circulation, published at Newberg, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

City of Newberg
Newberg Planning Commission
Hearing Notice
NG439947

a copy of which is hereto annexed, was published in the entire issue of said newspaper for

1

successive and consecutive week in the following issues:

June 26, 2013

Charlotte Allsop

Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this
June 28, 2013.

René R. Muller

NOTARY PUBLIC FOR OREGON

My commission expires September 11, 2016

Acct #16316319

City of Newberg
PO Box 970
Newberg, OR 97132



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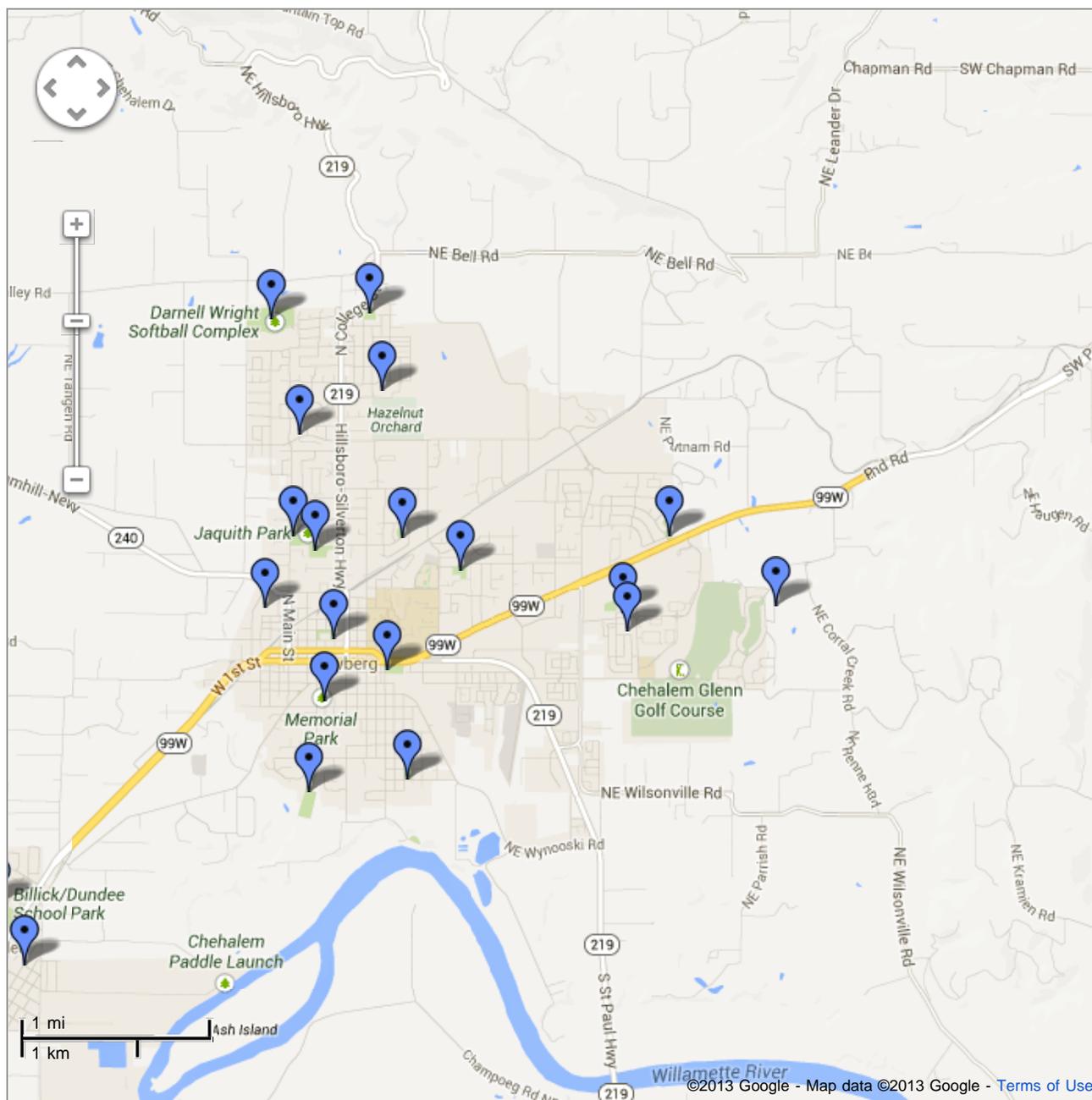
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Publish 06-26-13 NG439947



Print



Newberg Area Parks

Newberg and Dundee Parks

Public · 27,234 views

Created on May 27, 2010 · By [Scott](#) · Updated Jul 15

Herbert Hoover Park



114 S River St, Newberg

Summary: Frisbee Golf, Restrooms, Picnic Tables, Walking and Jogging trails.
([click for details](#))



Memorial Park



411 S. Howard St., Newberg

Summary: Covered Area, Playground Equipment, Restrooms, Walking and Jogging Trails, Picnic Tables.
([click for details](#))



Babe Nicklous Pool Park



1802 Haworth Ave., Newberg

Summary: Basketball Court, Playground Equipment, Restrooms, Walking and Jogging Trails, Picnic Tables.
([click for details](#))



Spring Meadow Park



3815 Vittoria Way, Newberg

Summary: Basketball Court, Playground Equipment, Walking and Jogging Trails, Picnic Tables.
(click for details)

to PG Memo, 8/15/13

 Scott Leavitt Park



1310 E. 10th St., Newberg

Summary: Basketball Court, Playground Equipment, Picnic Tables.
(click for details)

 Ewing Young Park



1201 S. Blaine St., Newberg

Summary: Skateboard Park, BMX Track, Walking and Jogging Trails, Covered Shelter, Playground Equipment, Restrooms, Picnic Tables, Frisbee Golf Course.
(click for details)

 Rotary Centennial Park



415 E. Sheridan St., Newberg

Summary: Playground Equipment, Picnic Tables.
(click for details)

 Dundee Billick Park



320 5th St., Dundee

Summary: Basketball Court, Covered Area, Horseshoe Pits, Playground Equipment, Restrooms, Soccer Fields, Softball Fields, Tennis Courts, Walking and Jogging Trails, Picnic Tables.

[\(click for details\)](#)



Dundee Scenic Overlook



1155 S. W. Falcon Crest Dr., Dundee

Summary: Undeveloped.

[\(click for details\)](#)



Falcon Crest Park



1070 S.W. Falcon Crest Dr., Dundee

Summary: Basketball Court, Playground Equipment, Walking and Jogging Trails, Picnic Benches.

[\(click for details\)](#)



Crabtree Park



Worden Hill Rd., Dundee

Summary: Covered Area, Horseshoe Pits, Playground Equipment, Restrooms, Walking and Jogging Trails, Picnic Tables.
(click for details)



Oak Knoll Tot Lot



N Center St & Hilltop Dr, Newberg

Summary: Playground Equipment, Picnic Tables

(click for details)



Jaquith Park



Between N. College & N. Main St, Newberg

Summary: Basketball Court, Covered Area, Horseshoe Pits, Playground Equipment, Restrooms, Soccer Fields, Softball Fields, Tennis Courts, Walking and Jogging Trails, Picnic Tables

(click for details)



College Park



1200 Sierra Vista St, Newberg

Summary: Basketball Court, Horseshoe Pits, Playground Equipment, Walking and Jogging Trails, Picnic Tables

[\(click for details\)](#)



Jaquith Park Softball Fields



1378 N Main St, Newberg

Summary: Basketball Court, Covered Area, Horseshoe Pits, Playground Equipment, Restrooms, Soccer Fields, Softball Fields, Tennis Courts, Walking and Jogging Trails, Picnic Tables

[\(click for details\)](#)



Darnell Wright Sports Complex



303 W Foothills Dr, Newberg

Summary: Softball Fields, Walking and Jogging Trails, Restrooms, Playground Equipment, Picnic Tables.

[\(click for details\)](#)



Armory Park



620 N. Morton St, Newberg

Summary: Playground Equipment, Picnic Tables.

[\(click for details\)](#)



Buckley Park



201 E Mountainview Rd, Newberg

Summary: asketball Courts, Playground Equipment, Walking and Jogging Trails, Picnic Tables.

[\(click for details\)](#)



Tom Gail Park



1060 E. Edgewood Dr., Newberg

Summary: This neighborhood park features a basketball court, playground, climbing structure and is wrapped by a walking trail.

[\(click for details\)](#)



White Oak Park



3575 Oak Grove St

Summary: This quite little spot suprisingly near the bustle of our shopping centers holds White Oak trees and picnic tables.

[\(click for details\)](#)



Gladys Park



[3720 Mistletoe Dr, Newberg](#)

Summary: Basketball Court, Playground Equipment, Picnic Tables.

[\(click for details\)](#)



Schaad Park



[Eagle St, Newberg](#)

Summary: Outstanding high elevation view, paths, wild roses from NHS, a nature-style playground, benches, basketball court, a large netted climbing dome, and a 30' stainless steel slide.

[\(click for more\)](#)



Fortune Park



[700 SE Locust St, Dundee](#)

Summary: Basketball Court, Playground Equipment, 2 Picnic Tables

[\(click for more\)](#)

Darnell Wright Sports Complex/Crater Park





Comments for Newberg Planning Commission Meeting, August 8, 2013
Opposition to Terra Estates Proposal
Nina Boe

Why is the Terra Estates proposal such a big deal? What makes our neighborhood so desirable that we feel threatened by this denser development? You can see that we take pride in the individuality, the atmosphere of our neighborhood. Variety is the word that best describes it. There is a variety in the sizes, shapes, colors, and positions of the houses on the lots.

When we moved here in 2002 we chose this neighborhood in Newberg primarily because it was different from the housing tract we lived in. Like the proposed development, our tract was denser and we had more cars driving by late at night. People needed their garages for storage and parked one or two cars on the street. Something set off a car alarm nearly every night and we were awakened by a series of different alarm sounds for up to 15 min. Every weekend there was a garage sale at one of the homes on our street. Signs directed motorists from the nearest major street, increasing the traffic on the weekend to match the traffic to and from work or school on the weekdays. Now we are faced with the prospect of the same problems.

The Terra Estates development will not have any continuity with our neighborhood. The lots are narrower and there will not be that spacious feeling that we treasure. The streets of homes shown by the developer to our neighbors have homes that are all basically the same size and shape.

It was our understanding that the meeting with the developer was for the purpose of listening to *his* ideas for building. *We neighbors* also had a list of possible conditions which we never read to him. As we recall, the only things we brought up were square-footage and stone. Our list includes, among other things, more variety of lot sizes, square footages, placement of the homes in the development (no two the same size in a row), distances from the front faces of the houses to the street, and materials used on the fronts.

Thank you for listening to our concerns. We are looking forward to sharing the neighborhood with more Newberg- lovers.

Nina and Gerald Boe
412 Natalie Dr.
Newberg, OR 97132

Newberg Planning Committee

Date: 8/8/13

Re: Terra Estates

No.: 2013-13

Blythe Darula
431 Natalie Drive
Newberg, OR 97132

August 8, 2013

City Planning Commission
Newberg, OR

Re: Terra Subdivision by Del Boca Vista and Mark Willcuts

My name is Blythe Darula and I live directly south of the new proposed Terra Subdivision on Natalie Drive. We were included in the 500 foot notification requirement and received a notice there was a proposed development on the 7.8 acres north of us. It was a basic outline showing the boundaries and if anyone wanted to know the details, there were instructions to go down to the city planner's office and look it up. Fortunately, one of our neighbors did just that and the proposed plan was revealed as a higher density development on 5000 sq. ft. lots compared to the adjacent neighborhoods of a minimum of 7500 sq. ft. lots.

We didn't receive another mailing from the developer/builder until we met with the city planner voicing our concerns on what was being proposed. The developer initially put up a sign on the front of the property along Terrace Drive indicating the land was going to be developed. This affects approximately 15 homes. At the time of that meeting there was not a sign going into the Terrace Estates Development directly to the south, which leads to four times as many homes.

We met with the builder and developer two weeks later and Mark Willcuts stated that "he really hadn't considered the affect his building project would have on the neighbors." He proceeded to share that his plan was to put in 900 sq. ft., single car garage homes as the minimum size home with a starting price of 180K. Once our outrage died down, he asked those present what we wanted and we told them we wanted less density, more continuity with the surrounding neighborhoods, a safer intersection at Terrace and Hwy 219 and also on Morris when it goes through. I also wanted to understand how they think the schools couldn't possibly be affected. We asked for the school impact report. The city planner didn't have one. The builder and developer with the help of the realtor, who sells homes in Terrace Estates adjacent to the new development, talked in private and seemed to arbitrarily come up with a minimum of 1500 sq. ft., 2 car garage homes but they were adamant about not changing or varying the lot sizes, which is one of our biggest issues with this planned subdivision. They volunteered to take two of the neighbors Jason Mullaney and David Reitz around to show them houses they planned on building and after the tour proceeded to hand them a letter of agreement stating that we, the neighbors, agreed to those CC&R terms and we would support the development. That is not the case and we have not come to an agreement at all. Jason said in an email that they had discussed what the proposed building would be but none of that was in the letter.

The city planner claims the school board has said there will be no impact. However, I don't see how that is possible when last year there were 32 kids in my sons 5th grade class and they barely had room to get around their desks. The same situation existed in my daughter's 7th grade class at CV. Where is the report that shows how the schools won't be impacted with that much development? We have asked for it and I have yet to see one. What is the developer going to do to mitigate the inevitable impact that so many new homes will have on the schools?

The developer did the bare minimums to notify the surrounding neighbors because that is all they were required to do. What happened to doing what is right instead of the minimums because that is all that is required? It seems like disingenuous behavior. The few notices that went out to neighbors within 500 ft. barely scratched

the surface of those that needed to be notified and would be affected by the proposal. Posting a notice in the Newberg Graphic complies with a requirement but it is difficult to read much less understand. The fliers that were sent out the second time just as easily could have been sent the first time instead of the bare minimums. It would not have cost a dime more to do it right and it seemed like the developer wanted to sweep it under the carpet until it was too late for someone to protest. The traffic study had someone counting cars but it didn't involve interviewing people that actually experience those unsafe intersections on a regular basis.

The way this whole thing has been handled suggests that the city planner, developer and builder did the bare minimums to comply with requirements and nothing more and acted at the least with a cavalier disregard for those who would be affected and/or at worst with intention to misdirect or hide something. It also looks like once they realized they might have a fight on their hands, they did just a little bit more and sent out some more flyers and repositioned a sign. All of which, should have been done in the first place. I do appreciate them meeting with us but even that felt carefully orchestrated. I feel like my neighbors and I have been played and steamrolled by the city planner's office, builder and developers. That they and the planning commission were indifferent to the impact on the surrounding area and only interested in rubber stamping this project and getting on with the business of making money. In short, I don't believe the city planner's office and the planning commission are doing their jobs and aren't exercising due diligence when it comes to the safety, esthetics, property values and overall plan for Newberg and have demonstrated a decided lack of concern for the wellbeing of Newberg's citizens and communities. The builders and developers seem to be only interested in making money with as little delay as possible, regardless of how it impacts everyone in the area until they are called on it. They were adamant about not even considering reducing the density. The threat by the builder that other developers would come in and do the same thing or worse just goes to make my point that the developers may say they are interested in working with the neighbors but only so far as it doesn't affect the bottom line. Maybe now is the time to get out from behind the money and start doing the right and decent thing, like think about your fellow man for a change instead of how to make a fast buck. My disappointment in how this situation was handled by the city and planning commission up to this point is immense and will affect how I vote on any future development requests.

In summary, we are not opposed to development but we don't want 44 houses on 7.8 acres on 50ft wide by 100ft deep lots. We don't want row houses that will turn into rentals before they are finished being built and that will cause surrounding property values to drop. I believe the development, as currently planned, would have very little continuity with the surrounding neighborhoods, creates a traffic and safety hazard at Terrace and Hwy 219 as well as on Morris when it connects the new neighborhood with the existing one. We want these problems concerning traffic and safety mitigated and the issue of school impact addressed. Most importantly, we want a reduction of the density from 44 homes to a maximum of 33 homes for the proposed development with lots that vary in width so they aren't all the same. I would also ask that Mark Willcuts build homes that are valued in the \$300 to \$360 range with a variety of home designs like he said he would. The behaviors and actions leading up to this hearing do not lead one to trust the parties involved or that this is going to turn out to be a win-win for all parties involved. I sincerely hope I am wrong and the planning commission, city planner, builder and developer step up and do what is right.

Thank you for your time.

Newberg Planning Committee
Date: 8/8/13
Re: Teva Estates
No.: 2013-13

FILE NO: SUB2-12-003

Submitted into the record on August 8, 2013 at the City of Newberg
Planning Commission Hearing on Terra Estates Subdivision

By John and Jane Greller

1. Is this land use decision based on the City of Newberg's Comprehensive Plan density limits in place on January 1, 2010, or is this land use decision based on the City of Newberg's Comprehensive Plan density limits in place on December 31, 2010?
2. The State of Oregon guidelines for land use plans, OAR 660-015-0000(2) are established by the Comprehensive Plan of the City. Those guidelines include provision for major revisions and minor changes in a Comprehensive Plan.
3. Land use decisions are governed by the State of Oregon Statutes.
ORS: 92 – Subdivisions and Partitions

Attachments:

1. 2 Affidavits of Lack of Noticing
2. Planning Commission Staff Report, Terra Estates, page 8 of Planning Commission Agenda packet, July 11, 2013 meeting
3. Northwest section the Newberg Zoning Map
4. Northwest section of Newberg Comprehensive Plan Map
5. Planning Commission Staff Report, Terra Estates, page 9 of Planning Commission Agenda packet, July 11, 2013 meeting
6. Executive Summary of Terrace Estates Traffic Impact Study, page
7. ORDER NO. 2008-0011 Recitals, Item 2
8. ORDER NO. 2008-0011, III. Applicable Zoning Map Amendment Regulations – Newberg Development Code 151.122(3) Amendment Criteria.

Newberg Planning Committee

Date: 8/8/13

Re: Terra Estates

No.: 2013-13

PLANNING DIVISION FILE #: SUB2-12-003
Terrace Estates

AFFIDAVIT OF NOTICING

I/We, JANE GRELLER - JOHN GRELLER, do certify that the Notice of Land Use Action was:

- a) not posted on the south boundary of the site on July 16, 2013, and the image below was shown to the director (via cell phone) at the informal meeting held at 7 PM in the Public Safety Building.

- b) first posted on the south boundary of the site according to standards established in Newberg Development code 15.100.260 on July 24, 2013.

Jane Greller 08.08.13
Signature Date

John Greller
Signature Date

JANE GRELLER
Print name

JOHN GRELLER
Print name



PLANNING DIVISION FILE #: SUB2-12-003
Terrace Estates

AFFIDAVIT OF NOTICING

I/We, Jason & Brandi Mullaney do certify that the Notice of Land Use Action was:

- a) not posted on the south boundary of the site on July 16, 2013, and the image below was shown to the director (via cell phone) at the informal meeting held at 7 PM in the Public Safety Building.
- b) first posted on the south boundary of the site according to standards established in Newberg Development code 15.100.260 on July 24, 2013.

Jason Mullaney 8/7/13
Signature Date

Brandi Mullaney 8/7/13
Signature Date

Jason Mullaney
Print name

Brandi Mullaney
Print name





Planning and Building Department

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

PLANNING COMMISSION STAFF REPORT TERRA ESTATES SUBDIVISION

HEARING DATE: July 11, 2013

FILE NO: SUB2-12-003

REQUEST: Tentative plan approval for a subdivision that would include 44 lots and one stormwater tract.

LOCATION: 3805 Terrace Drive

TAX LOT: 3207-00500

APPLICANT: The applicant is Del Boca Vista, LLC, represented by Mike Hanks, member. The property is owned by the Hutchison Estate.

ZONE: R-1 (Low Density Residential) → zoning use map

PLAN DISTRICT: MDR comprehensive plan map

OVERLAYS: Stream Corridor (a small portion of the stream corridor is on proposed lot 37)

ATTACHED:

Order 2013-13 with
Exhibit "A": Findings
Exhibit "B": Conditions

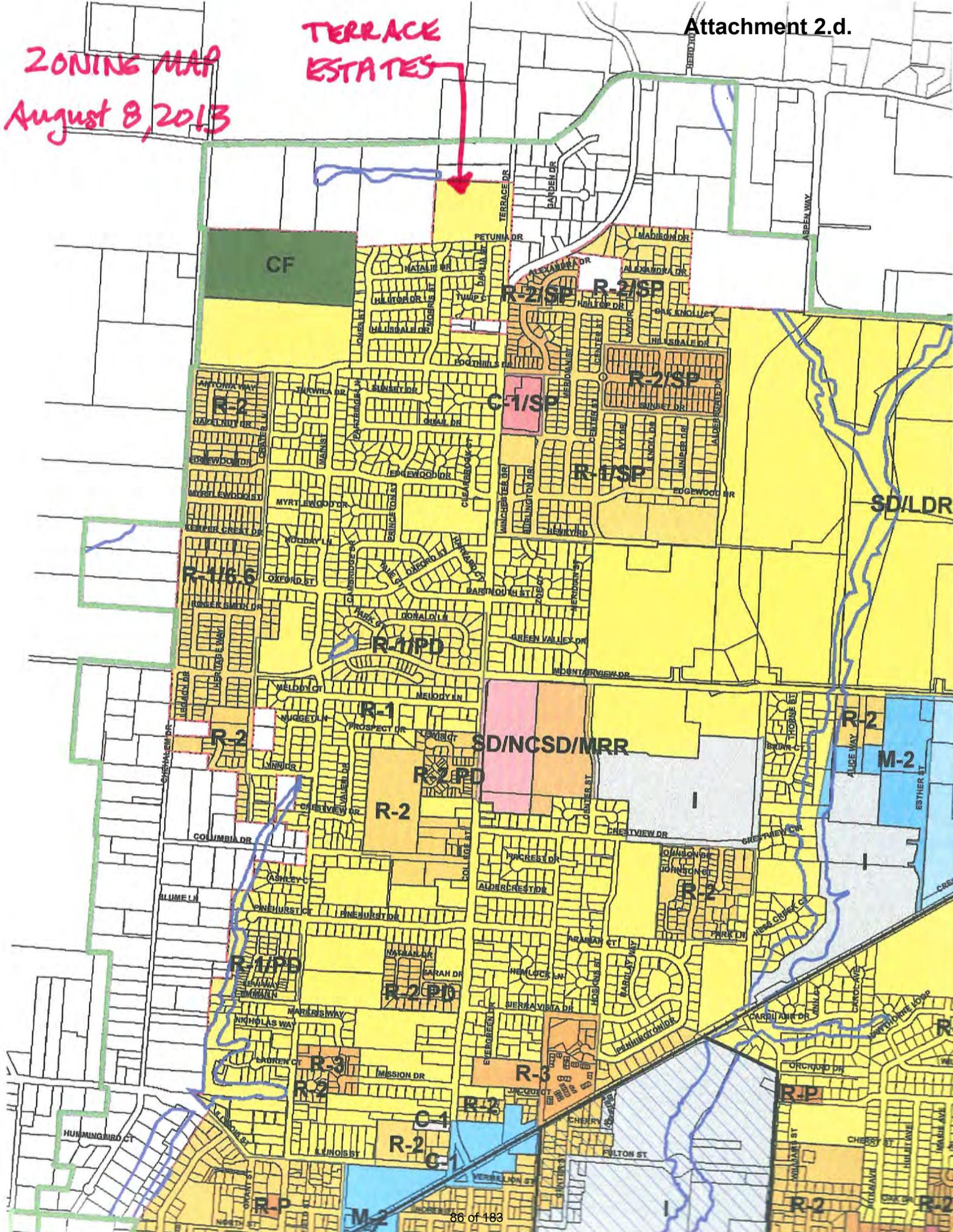
ATTACHMENTS:

1. Aerial Photo
2. Tentative Plan
3. Contours Map
4. Zoning Map
5. Public Comments
6. Application
7. Development Code (by reference)



ZONING MAP
August 8, 2013

TERRACE
ESTATES



A. DESCRIPTION OF APPLICATION: The applicant, Del Boca Vista, LLC, has requested approval to subdivide a piece of property into 44 lots and one stormwater tract. One of the proposed lots (lot 37) contains a small portion of the city's mapped and protected stream corridor, and proposed tract A will have a stormwater quality/detention pond to serve the site. The proposed subdivision would have access from two new east/west streets off of Terrace Drive and from a northern extension of Morris Street. The lots range in size from 5,000 to 7,629 square feet. All meet or exceed the minimum lot size of 5,000 square feet required for the R-1 zone.

B. SITE INFORMATION:

1. Location: 3805 Terrace Drive
2. Size: approximately 7.9 acres
3. Topography: relatively gentle slope to the northeast
4. Current Land Uses: vacant, with an existing gravel driveway used by the former house on the property, which was donated to the fire department and used in a "burn to learn" in 2011
5. Natural Features: There is a small portion of the city's designated stream corridor overlay in the far northwest corner of the property; the stream corridor area will be required to be delineated and protected during site grading and construction. The site contains a few large trees around the former home site and near the southern portion of the property, many of which will likely be removed during site construction.
6. Adjacent Land Uses:
 - a. North: rural residential
 - b. East: rural residential
 - c. South: single-family residential
 - d. West: vacant farmland
7. Access and Transportation: The proposed subdivision is accessed by two new east/west streets coming off of Terrace Drive and by a northerly extension of Morris Street. Terrace Drive is currently substandard width and will require a 10-foot right-of-way dedication from the property along with a half-street improvement to include sidewalks, curbs, and gutters. All streets serving the subdivision will be fully improved with sidewalks, curbs, and gutters.
8. Utilities:
 - a. Sanitary Sewer: All of the lots would be served by a new 8-inch line extending north from the existing line in Terrace Drive.
 - b. Water: All of the lots would be served by a new 8-inch water line extending north from both Morris Street and Terrace Drive and looping through the subdivision. There is an existing fire hydrant on Terrace Drive at the northeast edge of the subdivision, and new fire hydrants are planned for the southwest

7.629 per annexation record / Traffic Impact Study

EXECUTIVE SUMMARY

1. A 44-lot residential subdivision has been proposed for a 7.67 acre plot of land located at 3805 N Terrace Drive in Newberg, Oregon. The property is located on the northwest corner of the intersection of N Terrace Drive and Petunia Street.
2. The subdivision of 44 residential lots will consist of single-family dwellings. These residences are expected to generate 33 trips in the morning peak hour and 44 trips in the evening peak hour.
3. A left-turn refuge is currently in place along N College Street at N Terrace Drive. No other turn lanes are warranted. No new traffic signals are warranted.
4. The available sight distance at the study intersection was measured to be in excess of 800 feet in both travel directions, exceeding the minimum intersection sight distance requirement of 445 feet. No visibility mitigations are recommended.
5. A detailed observation of the crash history at the study intersection shows no trends that are indicative of safety issues that need to be addressed. No safety mitigations are recommended.
6. The intersection of N College Street at N Terrace Drive is projected to operate at a satisfactory volume-to-capacity ratio through the year 2015 regardless of additional trips resulting from the proposed development. No operational mitigations are recommended.



ORDER No. 2008-0011

AN ORDER FINDING THAT PROPERTY AT 3805 TERRACE DRIVE, YAMHILL COUNTY TAX LOT 3207-00500 MEETS THE APPLICABLE NEWBERG DEVELOPMENT CODE CRITERIA TO BE ANNEXED INTO THE CITY, AND MEETS THE APPLICABLE CODE CRITERIA TO CHANGE THE CURRENT ZONING DESIGNATION FROM COUNTY AF-10 TO CITY R-1

RECITALS:

1. On March 31, 2008, Douglas Cushing of Jordan Schrader Ramis PC submitted an application to annex property at 3805 Terrace Drive, Yamhill County tax lot 3207-00500, and change the zoning from County AF-10 to City R-1 (Low Density Residential). The applicant submitted a signed Measure 49 waiver along with the application.
2. The request is for annexation of one parcel of approximately 7.67 acres into the City of Newberg, as well as a corresponding zone change to R-1 upon annexation. The zone change request follows the current comprehensive plan designation of LDR (low density residential). The adjacent parcels to the west, north and east are located outside the city limits but within the Newberg urban growth boundary and all share the same comprehensive plan designations of LDR. The adjacent property to the south is within the city limits and zoned R-1.
3. The Newberg Planning Commission heard the proposed annexation and zoning amendment on May 8, 2008 and recommended approval per Resolution 2008-250.
4. After proper notice, on June 16, 2008, the Newberg City Council held a hearing to consider the annexation and zoning amendment requests. The City Council continued the hearing to July 21, 2008.
5. The City Council finds that the requirements of the City of Newberg Comprehensive Plan and Newberg Development Code regarding zoning map amendments have been met, and that the applicable criteria for annexation have been met.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The City Council finds that the annexation and zoning map amendment meet the Newberg Comprehensive Plan and Newberg Development Code criteria.
2. The City Council adopts the findings and conditions of approval, which are attached hereto as Exhibit A and Exhibit B and incorporated herein by reference.

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

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

Finding: This criterion is not applicable to this property.

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

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

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

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

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

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

Finding: The zone change in itself is in compliance with the State Transportation Rule and does not significantly affect transportation facilities. **Proposed build-out of the property** at 35 single-family dwellings (according to R-1 density standards) would only create approximately 35 new trips in the PM peak hour. This is a relatively small number, and would not have a significant impact on operating conditions of the surrounding streets and intersections. **A traffic safety issue was identified** at the Terrace Drive/College Street intersection during review of the Terrace Heights subdivision to the south. That subdivision has been required to mitigate that safety issue prior to final approval, and mitigation must be completed prior to any development on this property. Additional review and mitigation of the intersection may be required at the time of subdivision review for this property.

Thursday, Aug 8th, 7:00pm Terra Estates Public Planning Meeting

Re: Agenda for Rejection of Terrace Estates Subdivision

Submitted by: Neighbors against Terra Subdivision Developed by Marc Willcuts & Michael Hanks of Boca Vista Developments, Inc. and Joyce C Howell, Robert Hutchinson representatives for the Minda E. Hutchinson Estate.

To: Commissioners of the City of Newberg - Philip Smith, Matt Fortner, Jason Dale, Cathy Stuhr, Allyn Edwards, Art Smith, Gary Bliss

Opposition Agenda

We support the City of Newberg's planned R-1 – Low Density Development (LDR) . The following is what we are asking:

- 1) 33 homes to meet the current 4.4 dwellings per acre density limit as stated in the Comprehensive Plan.
 - a) We support the development of Terrace Estates at the 4.4 density standard required by the Comprehensive Plan and the Newberg Municipal Code. Comprehensive Plan, pages 25-26, page 69, Chapter 15.304 R1 Low Density Residential District Newberg Municipal Code, 15.304.010(this section of the code will be repealed by the adoption of Ordinance No. 2013-2763).
- 2) Varied front lot dimension to detour away from row home designs.
- 3) Move Terrace Drive ingress/egress to allow established safe site line distances in both directions on highway 219.
- 4) Add stop signs at Natalie & Morris.
- 5) Move mailboxes off of Terrace Drive. Relocate to Dahlia St. and Petunia Dr. where dead-end barrier is now.
- 6) Formal declaration from school district that increase in students resulting from this development will not increase class size and will be paid under current budget and estimated increased taxes resulting from this subdivision.
- 7) Confirmation in writing that the construction of park north of Crater Elementary School will begin before permits are issued for new homes.
- 8) Cement fence encompassing the development.
- 9) List under the "Conditions of Proposal" the minimum home size will be 1800sf.

We are asking that the Terra Estates proposal be rejected based upon the following:

- 1) Density Limits – The Comprehensive Plan calls for 4.4 dwellings per acre. This proposal represents 5.8 dwellings per acre. Provision are already in place for subdistricts.
 - a. Newberg Municipal Code Chapter 15.250 Annexation, 15.250.010 State of purpose, 15.250.080 Comprehensive Plan and Zoning Designations
 - b. Newberg Municipal Code Chapter 15.100 Land Uses and Procedure, 15.100.340 Burden and Nature of Proof is upon the proponent
 - c. Newberg Municipal Code Chapter 15.302 Districts and Their Amendment, 15.302.040 Sub districts
- 2) R2 Becoming the New R1

Attachment 2.d.

- a. R1 is becoming the new medium/low density residential designation with a density limit of 6.6.
- b. Note that the Staff Report dated July 11, 2013, states: ZONE: = R-1 (Low Density Residential); PLAN DISTRICT: = MDR
- 3) Bait & Switch - There is a strong perception by citizens that this parcel was annex under the conditions of 7500sf minimum lots size. Only latter to be redefined down to 5000sf. Appears that there has been very careful manipulation of code and policy and seems to be on-going for Aug 19th hearing.
- 4) Traffic Issues – Turning from Highway 219 onto Terrace Drive is unsafe. We question the projected traffic counts from the subdivision. It will be deadly with increased traffic resulting from this proposed subdivision. Traffic on Morris to Foothill gives way to accident with children. Simply look at the activity now on Morris.
 - a. Please address traffic issues raised in the annexation document, the suggestion made in the Staff Summary Report, and the request that the City Engineer review citizen concerns.
 - b. Please commit to the jurisdiction responsibility of the green space between the curb of Highway 219 and the sidewalk: City of Newberg, ODOT, or Yamhill County? The City of Newberg provides for a remedy in NMC 8.20, Obnoxious Vegetation/Fire Hazard.
- 5) Application – The proposed application by Michael Hanks which was approved by staff is inaccurate, subjective and misleading at many levels.
 - a. The proposed application did not follow compliance regulations in the Newberg Municipal Code 15.100.260 for posted notices. Application should include the affidavit of compliance signed by the developer.
 - b. Please provide an explanation of the MDR Comprehensive Plan district and where that is reflected in the application.
 - c. Please indicate where this “MDR Zone” is labeled on the Comprehensive Plan Use map.
 - d. Misrepresentation by Marc Willcuts that a “letter of understanding/Terrace Estates” exists.
- 6) School Overcrowding - Impact to school district and class size not addressed in proposal.
- 7) Roads – The proposed straight road grid structure with minimal open spaces and overflow parking is inconsistent with the Master Plan and the existing community.
- 8) Lack of Parks, Green Spaces – The closest park is Jaquith Park, 1.4 miles away. The proposed park north of CV middle school has not been developed by city. There are no confirmed plans to build this park in the near or long-term future.
- 9) Connectivity - Current plans allowing minimal connectivity to the existing community. Small sized lots getting pushed to edge of boundary furthest away from services.
- 10) Balanced Community – No commitment to build a balanced community consisting of lots with varied front lot dimensions that will break up the congestion associated with narrow row home designs.
- 11) Lack of commitment to retain continuity of neighborhood - Significant changes in lot size, density, congestion, access to services and lack of proper school planning is creating an unsafe community.
 - a. Newberg Development Code 15.235.060(A) We question the “safe and healthful development of such remainder or adjoining land or access thereto.”
- 12) Developers are needed that are aware and involved with the citizens and the community.
 - a. This is not the case with Boca Vista, Inc. as evidenced by the statement made by Marc Willcuts at the July 16th meeting: *“Until today, we have not given any thought to the surrounding neighbors or neighborhood.”*

Newberg Planning Committee

Date: 8/8/13

Re: Terra Estates

No.: 2013-13

State Heritage Area, in the park itself and in a nearby field. Watson was a 26-year veteran of the Oregon State Police who retired in 2002 and had worked since then as the assistant director of public safety at the University of Portland. He left behind a



Subdivision draws neighbors' ire

City planning — Planning commission will decide the fate of project on Terrace Drive

TYLER FRANCKE
Newberg Graphic Reporter
tfrancke@newberggraphic.com

The Newberg Planning Commission is set to consider an application this week that would tentatively allow for the creation of a new 44-lot subdivision on 7.9 acres off Terrace Drive in the northern part of the city. Though the commission has yet to hear the developers' case, several neighboring residents have expressed concerns about the project.

The site is zoned for light residential use and owned by the estate of Minda Hutchinson, according to documents provided by the city Planning and Building Department. The applicant is a company called Del Boca Vista LLC, represented by local entrepreneur and developer

Mike Hanks.

If approved, the project, dubbed "Terra Estates," will be served by a new stormwater quality/detention

largest being about 7,600 square feet, but all of them meet or exceed the minimum lot size of 5,000 square feet, according to the developers.

The plans, however, haven't been enough to assuage the concerns of a number of nearby property owners, many of whom have already entered public comments into the record expressing their fears and plan to attend and possibly testify during the Thursday hearing.

The residents share a number of concerns, such as increased traffic, decreased property values and incompatibility. The latter concern is tied to the aforementioned proposed

“
Our biggest concern is the density of the 44 proposed lots for this subdivision, because it is too high for this part of Newberg ...

Excerpt from letter from neighbors Fritz and Kathy Graff

pond, and two new, fully developed (with sidewalks, curbs and gutters) streets coming off Terrace Drive. The proposed lots vary in size, the

Please see SUBDIVISION,
pg. A2

44 homes planned — A Newberg Planning Commission hearing Thursday will decide the fate of a proposed subdivision on Terrace Drive that would support 44 homes on land that formerly held a farm house and agricultural activities. Neighbors of the land are objecting to the subdivision for economic, safety and environmental reasons.



Gary Allen / Newberg Graphic

The St. Paul, Dundee and Newberg LEADER

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DR. ROBERT B. PAMPLIN JR.
OWNER AND NEIGHBOR



Butteville St
still go
The only original survivor
the former river town of
generations of William

Newberg Planning Committee

Date: 8/8/13

Re: Terra Estates

No.: 2013-13

THE NEWBERG GRAPHIC

www.NewbergGraphic.com

Subdivision: Lot sizes smaller than area

Continued from page A1

lot sizes. Though the average size of the lots (5,900 square feet) is well above the minimum under R-1 zoning, they are smaller than those of the surrounding neighborhoods.

"Our biggest concern is the density of the 44 proposed lots for this subdivision, because it is too high for this part of Newberg and does not come close to matching the adjacent properties and lots that surround it," a letter from Fritz and Kathy Graff read in part. "A more reasonable lot size minimum would be 7,500 square feet, in keeping with the adjacent Terrace Heights community, which is still under construction."

(The minimum lot size for R-1 zones in Newberg used to be 7,500, but this was de-

creased to 5,000 by a vote of the City Council in October 2010.)

Morris Street residents Jay and Bridget Martin also shared their concerns, but stressed that "no one is trying to stop the development of this property."

"Our concerns are genuine from an economic, safety and environmental standpoint," they wrote.

Gerald and Nina Boe, who have lived on Natalie Drive since 2002, said safety concerns stemming from increased traffic were among their primary worries about the proposal.

"All this school traffic in the morning and afternoon will pour right through there, and there is a lot of small children in our neighborhood," Gerald Boe said.

Not all public comment thus far has been critical of the project, however. Joyce

Howell, Hutchinson's daughter and a personal representative of her estate, opined in a letter that "all the necessary conditions for development have been met" and urged commissioners to approve the application.

Howell said the property in question, which is where she and her four brothers had lived and grown up since the family moved there in the 1960s, was left "for the benefit of (her) and (her) siblings" following the death of their mother in 2006. The property was annexed into Newberg in late 2008, around the time the nation's housing market was beginning to crumble.

Howell said one of her brothers has died in the time it has taken to attempt to sell the property.

The hearing on Terra Estates is scheduled to begin at 7 p.m. Thursday at the Newberg Public Safety Building.

Foster care: Couple pursuing options

Continued from page A1

clear. DHS officials have refused to discuss the specifics of the case, citing state law, though their formal revocation in January alleged that the couple had failed to meet several foster parent criteria, including exercising sound judgment, maintaining safe and healthy home conditions, participating in the DHS home study process, supporting the department's efforts to maintain relationships with the children's birth family and following through with prescribed services and activity plans.

However, the Buyseries disputed these charges, calling the letter of revocation a mix of "truths, half-truths, lies and omissions." They alleged that DHS had a differ-

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A12 • Wednesday, August 14, 2013

Hearing continued on disputed subdivision

Planning — Neighbors concerned about safety and density issues related to proposed 44-lot residential neighborhood on Terrace Drive

TYLER FRANCKE

Newberg Graphic Reporter
tfrancke@newberggraphic.com

A proposed 44-lot subdivision off Terrace Drive in the northern part of the city faced staunch opposition from neighboring property owners during a meeting of the Newberg Planning Commission last week, ultimately leading to the hearing being continued until September.

The property in question, which the city's staff report lists as 7.9 acres, is zoned for light residential use and owned by the estate of Minda Hutchinson. Heading up the project, dubbed Terra Estates, is a company called Del Boca Vista LLC, represented by local developer Mike Hanks and realtor Marc Willcuts. Willcuts was the first to speak in favor of the project during the Aug. 8 hearing.

"I feel like the project meets the criteria that the city has laid out for the site," he said. "The property had been on the market for quite a while and the seller based their value and we based

"I feel like the project meets the criteria that the city has laid out for the site."

Marc Willcuts, realtor

R-1 minimum size of 5,000 square feet, the surrounding neighborhoods were built with lots that are 7,500 square feet or larger — which was the light residential standard before it was lowered by a vote of the City Council in October 2010. Darula called the 44-lot proposal a "fly in the ointment" of Newberg's light residential zones

"It's obvious," he said. "It doesn't show any continuity to the existing neighborhood."

Residents also aired concerns of increased traffic and safety issues (there are currently no traffic safety devices on Natalie, Hilltop or Hillsdale roads), lowered property values, the lack of parks and public recreation in the area to serve existing residents and the impact the new subdivision could have on the Newberg School District.

"Where is the due diligence by (Planning and Building) Director Barton (Brierley) and the school district? Where is it? It doesn't exist."

Cat

• Contin

ture, ain not onl class siz able app to studer Roge will atte a closed a.m. and students and sever quired will be h 6 p.m. b vidual st

"If at we have icant chi of the we're n the chan successf Rogers ed to thi Catal curricula week cy ing kids anew m allowing the pro and lea school v it.

One unique incorpor opportun ment, f week on Durin

our value on the current zoning and criteria to develop it to its highest and best use."

Willcuts noted that the developers have met with neighboring property owners and altered their plans to assuage concerns that were expressed. That move was echoed and applauded by Realtor Mike Cook, who represents the unfinished Terrace Heights development directly south of Terra Estates.

"I think we should be thankful that local developers are involved," he said. "Outside developers would not care. They would build whatever was allowed by the city and met the code and requirements. The local guys here have listened; they've acquiesced. They've decided to try and work with the neighborhood, and I'm pleased with what they've decided to do."

Cook said the project developers agreed to increase the size of the planned homes and double their garage size — thus altering their target buyers — in an effort to defuse neighbors' concerns that the subdivision of mostly entry-level homes would be incongruous.

"To me, that worked well, about as well as we could hope for, to protect Terrace Heights and Natalie (Drive) and the surrounding neighborhoods," Cook said.

His enthusiasm, however, didn't appear to be shared by many of the residents in those neighborhoods who lined up to speak in opposition to the project. Summarizing the residents' primary concerns was Mark Darula, a resident on Natalie Drive. Darula said he and many other residents opposed to the current plans believe the proposed lots are too small for light residential zoning.

Though all of the proposed lots are well above the

Darula alleged. "I don't know who to escalate this to, but we're not happy. We don't feel like we're being represented."

Chris Strange, a resident of Morris Street — which is planned to be extended into the new subdivision — expressed similar sentiments.

"My criteria that I want us to stand behind is that this development is not a safe and healthful development adjoining the land and access thereto," he said. "I look at that and say, does this match? Is it healthful to our neighborhood to do this to us? Is it healthful to force this and say, 'Here it is, deal with it?'"

Commissioners ultimately voted unanimously to continue the hearing at the point of staff recommendation on Sept. 12. At that meeting, no further testimony will be taken. However, the written record will remain open until 4:30 p.m. Thursday, with additional time provided for involved parties to respond.

In the meantime, planning commissioners directed city staff to request a full response from the school district regarding the proposal and ask the Traffic Safety Commission to work with area property owners in addressing their street safety concerns.

"I do think a number of the traffic safety issues that have been brought up do need to be addressed and somehow resolved before I would feel comfortable making a vote on it one way or another," Vice Chairman Art Smith said.

They also requested clarification on several potential discrepancies highlighted by neighbors regarding the city codebook and the information submitted by the developers.

McMenamins

August 14, 2013

Jay & Bridget Martin
3870 Morris Street
Newberg, OR 97132
(503) 490-2594

RECEIVED
AUG 15 2013
Initial: _____

City of Newberg
Planning & Building Department
Director of City Planning
PO Box 970
Newberg, OR 97132

Re: Terra Estates Subdivision - SUB2-12-003

Dear Newberg Planning Commission,

I attended the public hearing on August 8, 2013 and am grateful for the Planning Commissions time and consideration. I know it was a long evening for everyone involved. This proposal obviously has many opponents, but more importantly concerned neighbors to the adjoining property. There are a couple of points I would like to focus on in my last written response before the window closes.

- Commissioner Bliss has a valuable point in asking city staff about the water pressure at the Morris Street Extension. My neighbor across the street and I can attest to low water pressure in our respective second floor bathrooms. It would probably meet the code; however, will the increased demand further diminish our current water flow rate?
- It is concerning to many of us that Marc Wilcuts and Mike Hanks, through their own admission, did not take the current neighborhood into consideration when they drew up their plot map and plans for Terra Estates, considering the Newberg Building Code section **15.240.010 Purpose, subsections A, B and C** state:
 - A. Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot-by-lot development and that are reasonably compatible with the surrounding area; and
 - B. Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and

- C. Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types; and
- Additionally, Newberg Building Code section **15.240.020 General provisions, section B “Processing Steps” Step 1**, outlines the following:

Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.

No one in this community is trying to stop this proposed development. We are not shouting “Not in my backyard”; our concerns from day one have been density, traffic safety, architectural design elements, environmental elements (old growth trees, water shed, etc...) the neighborhood transition and the “Hodge Podge” appearance this plan creates. This proposal completely changes the flow of Dahlia Street. It will forever change Terrace Drive and does not assure “reasonable compatibility with the surrounding area”.....

Thank you for your time and consideration.



Jay G. Martin



Bridget C. Martin

COMMENTS FOR THE TERRACE ESTATES PROPOSED SUBDIVISION
File No. SUB2-12-003
Submitted by John and Jane Greller
August 15, 2013

RECEIVED

AUG 15 2013

Initial: @ 4:04

We are concerned citizens of the community, trying to do what is right, even in a situation where we are raising concerns. We all live by guidelines. We have been asking questions, trying to understand those guidelines for establishing a subdivision, and make sense of the process.

We assumed that the City of Newberg Planning Department is our advocate and representative in understanding that process, participating in that process, and helping us in the process. Nothing could be further from the truth in this entire process for us.

Seventeen (17) citizens submitted written testimony. The director represented us in the staff report as "several". You have heard testimony about the confusion of mailed land use notices to residents. You have affidavits from residents about unposted land use notices, lack of posting of which the director was aware. Residents raised specific concerns and asked for specific guidance in addressing the impact on schools and traffic safety issues. The director essentially ignored those questions, questions the planning commission asked to be answered at the August 8 hearing. These are not trick questions.

We have asked direct questions to the director about density calculations, beginning on July 26. The slide on page 16 of the August 8 hearing power point was the first time we saw any of those density calculations. It has taken the director three (3) weeks and fourteen (14) emails (available upon request) to finally answer the question:

" Could you please advise me as to the formula the city uses to determine target densities for LDR, MDR, and HDR?" July 26, 2013

This is not a trick question.

The planning commission asked us where we have been in participating the in the city planning process. We are present. We are listening. We are earnestly trying to understand.

If this process is so confusing, labor intensive, and exhausting, *there is a problem*. Why is it difficult for citizens to get clear, understandable answers to basic questions? Why are untrained citizens expected to sort through codes and a comprehensive plan to extract basic information? Why does the director of city planning require fourteen emails and three weeks to answer a simple, direct question? Who benefits from such a belabored

and difficult process? It is *not* the citizens before you submitting piles of testimony.

We are frustrated. We are distrustful of a system that seems to not be serving the citizens it represents. We question the integrity of the process.

We close with what should be a simple math exercise. Please take the Low Density Residential/R-1 Density table from page 16 of the August 8 planning commission power point presentation. Included is the vocabulary sent to us from the director on August 12, as well as the formula for determining density on August 14. Please do the math for each of those calculations, using the vocabulary provided by the director.

Completion of this basic computation should certainly convince this commission and the Newberg City Council to whom you report, that there are serious and potentially far reaching problems within the city planning department. Citizens should not need an interpreter to understand a density table. Neither should the planning commission. We expect an accurate, open, and transparent process.

We request that the Planning Commission withhold approval of the Terrace Estates subdivision until our questions are answered, this entire process be examined, and the director be held accountable for his computations.

Who benefits if everyone is confused and frustrated?

ATTACHMENTS

1. Citizen emails regarding school impact and traffic safety issues - 5 pages
2. Low Density Residential/ R-1 Density table, provided by director on page 16 of the power point presentation at the August 8 Planning Commission hearing
3. Formula and vocabulary for density calculations provided by the director, via emails on August 12 and 14.

ATTACHMENT 1(five pages)

SCHOOLS

(shared with permission from Mark Darula)

From: Mark Darula [<mailto:mdarula@usa.com>] **Sent:** Monday, July 15, 2013 2:28 PM **To:** Barton Brierley **Cc:** jayseclipse@hotmail.com; jimbaker008@gmail.com; bangle450@msn.com; Ken & Sharon Pack; vanguardelectric@gmail.com; jeff.danielson@comcast.net; Lisa Auld; Blythe Darula **Subject:** 3505 Terrace - Zero Impact to School District

Hello Barton

Who is the person at Newberg Public Schools that said this 44 unit High Density housing development would have zero impact on the school district. We have 4 teachers in the neighborhood at Crater, CV and High School that do not agree with this conclusion.

Thanks

Mark

From: Barton Brierley [<mailto:barton.brierley@newbergoregon.gov>] **Sent:** Monday, July 15, 2013 3:33 PM **To:** mdarula@usa.com **Cc:** Jessica Nunley **Subject:** RE: 3505 Terrace - Zero Impact to School District

We have not received any such statement, so I can't help with this request.

Barton Brierley, AICP

From: Mark Darula [<mailto:mdarula@usa.com>] **Sent:** Monday, July 15, 2013 4:59 PM **To:** 'Barton Brierley'; 'Jessica Nunley' **Cc:** 'Brandi Mullaney'; 'bangle450@msn.com'; Blythe Darula (bdarula@frontier.com); Ken & Sharon Pack (kenpack47@yahoo.com); 'vanguardelectric@gmail.com'; 'jeff.danielson@comcast.net'; 'Jason Mullaney'; 'jimbaker008@gmail.com'; 'vanguardelectric@gmail.com'; Lisa Auld (auldl@newberg.k12.or.us); 'janeogrell@hotmail.com'; 'bearjohn90@gmail.com' **Subject:** RE: 3505 Terrace - Zero Impact to School District

Hello Barton

May I direct you to page 10, Section D of your departments staff report that contains your recommendation to approve this development, dated 7-11-2013. Copied below. It clearly listed that the Newberg public schools has reviewed this proposal. The decision was no impact to schools resulting from this development. Where is the report that communicates these findings? Who is the person at Newberg Public Schools that is responsible for this decision?

D. AGENCY COMMENTS: The application was routed to several public agencies and comment. Comments and recommendations from city departments have been incorporated into the findings and conditions. As of the writing of this report, the received the following agency & department comments:

1. Newberg School District: *Reviewed; no conflict*
2. Waste Management (Jack Miller): *Reviewed; no conflict.*
3. Newberg Fire Department: *Place hydrants as required by Fire Code and c GPM.*
4. Newberg Engineering Services Department:
 - a. *An abbreviated fire flow calculation dated July 25, 2013 for the pro was submitted by the applicant. Fire flow calculations will be required submitted to the Engineering Services Department for the proposed sui that conform to the City of Newberg Fire Department Standards, indic each lot in the new subdivision will meet the minimum service requiren*
 - b. *Domestic water flow calculations will be required to be submitted i Engineering Services Department for the proposed subdivision that co City Building Department requirements indicating that minimum servi are available at the future highest fixtures in the development.*
 - c. *The proposed storm drainage water quality/quantity facility shall b constructed with the first phase of development. Applicant's civil engi meet with Engineering Services Department staff to review the propose The control structure shall discharge into a rock armored open channe transmit the stormwater flows to the receiving stream.*

I noticed MANY concerns, comments and questions raised by citizens published within this 203 page report. Does the Newberg Planning Department have any intentions of formally addressing these concerns raised?

Please do not remove the citizens from this e-mail thread. They deserve answers to all questions raised.

Mark

Mark **From:** Barton Brierley [mailto:barton.brierley@newbergoregon.gov]
Sent: Monday, July 15, 2013 3:33 PM **To:** mdarula@usa.com **Cc:** Jessica
Nunley **Subject:** RE: 3505 Terrace - Zero Impact to School District

We have not received any such statement, so I can't help with this request.

Barton Brierley, AICP

TRAFFIC

jane greller [mailto:janeogrell@hotmail.com] **Sent:** Monday, July 29, 2013 12:07 AM **To:** Paul Chiu **Subject:** Terrace Estates question

Hello, Paul,

We are John and Jane Greller, residents in the Terrace Heights subdivision in north Newberg. There is a hearing on August 8 for approval of the proposed Terrace Estates subdivision, a 7.67 parcel annexed in 2008(Order No. 2008-0011), just north of our neighborhood. Section III (c) of that order states that "Additional review and mitigation of the intersection may be required at the time of subdivision review for this property" (page 5).This is the intersection of Terrace Drive/College Street(Highway 219). A traffic impact study was submitted for the proposed Terrace Estates subdivision.

Karl Birky suggested that we contact you for some input regarding our traffic study questions. As Senior Engineer/Project Manager for the city of Newberg, have you reviewed this traffic impact study and the questions that have been submitted by residents in the review process? We will be submitting the following in writing for the hearing:

Traffic Impact Study, Dated April 15, 2013, completed by Lancaster Engineering with traffic counts on March 20 and March 21, 2013. Omission of consideration of hazardous and insufficient sight line distances in spring/summer/fall with 42" vegetation. This affects safety turning left from College (heading north) onto Terrace. Concern of the right turn angle from Highway 219 (College) heading south, onto Terrace, particularly when a vehicle

is heading south from Terrace, turning onto Highway 219.

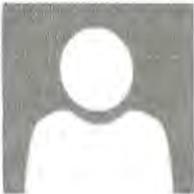
If you have, could you please respond to the issues that have already been raised about the safety of the intersection of College (Highway 219) and Terrace Drive. If you have not had an opportunity to review the traffic impact study, would you be able to do that and respond to our concerns before the August 8 hearing?

Thank you, Paul.

John and Jane Grel Paul Chiu (paul.chiu@newbergoregon.gov) [Add to contacts](#) 7/29/13

To: John & Jane Greller (Terrace Hts residents)

Cc: Barton Brierley



Hello John and Jane,

I read your email and appreciate your input.

I have copied this email response to Barton Brierley, Planning and Building Director, for his advice although I was not involved or tasked with this subdivision request. Please stay tuned as one of us will get back with you.

Thank you.

Paul Chiu, P.E.

Other Issues – Density Discussion

Low Density Residential/R-1 Density

	Lot size (square feet)	Units per gross buildable acre	Units per net buildable acre
Maximum Density (Density limit)	5,000 square foot average	8.7 du/gba*	8.7 du/nba
Terra Estates Proposed	5,656 square foot average	5.6 du/gba	7.7 du/nba
Target Density (Planned density)	7,500 square foot average	4.4 du/gba	5.9 du/nba

*Maximum density may be less depending on right-of-way needs

To: barton.brierley@newbergoregon.gov
Cc: jessica.nunley@newbergoregon.gov

I understand that. So how many 5000 square foot lots could be built out on one acre?

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

This is the question I have been asking you since July 26, Barton. What is the formula that the city uses to determine the density **limit** in the R-1 district? I am not asking for the philosophy of density calculations. It is your responsibility, as Director of City Planning to provide that information to any citizen in a timely and understandable manner. To date, that has not been my experience.

I am still waiting for an answer.

Jane

Up to 8.7 lots could be created out of one acre (actually 8, since you can't get 0.7 of a lot)

1 acre x 43,560 square feet per acre/5,000 square feet per lot = 8.7 lots

It would be rare to achieve that many lots, as usually some street dedication would be required. (August 14 email from director)

Vocabulary from August 12 email from director:

Gross buildable acre: This is an acre of land (43,560 square feet) before it is developed with roads, sidewalks, utilities, buildings or other development. It excludes unbuildable areas, which in Newberg are mostly areas next to streams.

Net buildable acre: This is an acre of land (43,560 square feet) that already has all needed roads, sidewalks, utilities, and similar deductions taken out.

For planning purposes, we estimate that 1.0 gross buildable acre yields about 0.75 net buildable acres, because about 25% of the land is used for roads, sidewalks, utilities, etc. This amount can vary on individual projects which may require more or less right-of-way (or even none).

7-Day Response to Commission, Thursday, Aug 15th
Continuation of Terra Estates Public Planning Meeting

Re: Rejection of Terra Subdivision

Submitted by: Neighbors against Terra Subdivision Developed by Marc Willcuts & Michael Hanks of Boca Vista Developments, Inc. and Joyce C Howell, Robert Hutchinson representatives for the Minda E. Hutchinson Estate.

To: Commissioners of the City of Newberg - Philip Smith, Matt Fortner, Jason Dale, Cathy Stuhr, Allyn Edwards, Art Smith, Gary Bliss

RECEIVED

AUG 15 2013

Commission:

Thanks for allowing us to speak in your forum on Aug 8th. It was an enlightening experience.

Initial: 3:38

I sincerely hope the simple fact that more people showed up to speak against this topic and planning process than any recent hearing is a loud and clear message to this commission. There is a problem in the process, which is allowing decisions to be made that are ruining our city. The fact that more people have showed up to speak against this proposal, the planning process and the deliberate lack of communication by Staff and Planning Commission demonstrates that this needs to be heard by City Council. The system is broken and from what I heard on Aug 8th at the hearing, as well as from leaders in our community, it appears that covering up is more important than fixing the problem.

I am not surprised at how many people outside our neighborhood are willing to support this cause in signatures and financially so that the \$800 appeal fee will be shared. Collecting this money also gives us the opportunity to collect more than the 43 signatures already collected and presented to this commission. The biggest concern came to light, as more people were notified on what is going on, that there appears to be something less than above board happening in City Hall!

This public hearing and the press has allowed a new level of momentum that is receiving support from a wider part of the community. It appears that the distrust and perception of misrepresentation is not isolated to only this Terra Subdivision topic. We as a growing group of neighbors are now ready to take this to City Council.

We were insulted by Phillip Smith accusing us of not being informed of what is going on in our community, when the commission deliberately turns a blind eye to the lack of public access to information and the intentional stifling of information by Staff when simple citizens are trying to do the right thing and educate themselves on the process. This smacks of disingenuous intent or at the very least staff incompetence. This was clearly demonstrated when a significant fact on documents concerning density was incorrect and was explained away as a simple typo by Jessica, in the city planner's office. This was significant information that future decisions can be based on and would have slipped by unnoticed if they hadn't been called on it.

This broken approach was also apparent when the schools weren't even contacted to see if there was going to be any impact with the new proposed subdivision. However, the city planner told the commission the school said there was no impact. Either that was an outright lie or incredible incompetence by the City Planner and his office.

We were also insulted when the Commission hid behind code rather than hear public concerns and would rather push us on the builder to come up with a solution. Phillip Smith point blank asked Mark Willcuts if he was willing to meet with the neighbors to resolve our concerns just to make this go smoothly. Mark Willcuts' response didn't answer the question but rather danced around it. He said he was not interested in meeting with any neighbors if that would delay his personal agenda. Seriously, it sounded like the builder was running the show instead of the commission at that point!

Regarding the traffic issues on Morris Drive and the intersection at 219 and Terrace Drive, there was very little effort made to address the issues of traffic and safety on these streets and intersections.

It is just a matter of time before someone is hurt or killed. This commission has been publicly warned of this dangerous condition. We hope the lack of attention that was displayed on Everest Street that resulted in a child being killed is not the same level of attention being applied here. The process is broken. Too many serious oversights are being approved by Staff with public interest and safety being taken out of the decision process.

We have escalated our concerns to Staff without any response beyond, "the intersection is safe per the engineering report in the application." We have also escalated this to Paul Chiu, Senior Engineer who also forwarded it to Barton then just dropped it. To drop a serious request by citizens clearly shows there is no accountability in City Planning or Engineering. The System is broken. The Planning Commission met on August 8th and the only thing that had been done about the traffic issue was invite someone from the Traffic department to sit in on the meeting. If we hadn't been there to voice our concerns on August 8th it appeared that this issue would have been voted on and passed without any further action. Where is the due diligence that the commission, city planner, city engineer and traffic safety board have been charged with carrying out?

The builder's explanation as to the lack of effective public notice is that they did what they needed to do according to code and stated that, "obviously people were notified or there wouldn't be this many people at the hearing." The reason people were at the hearing is simple. A few neighbors that have been through this before with this group recognized what was going on and told the rest of us. We are mystified and distressed by the actions of the parties involved in trying to pass this application. There needs to be deeper scrutiny toward this project as well as any further development in this city before anything is approved.

One only needs drive around town in various areas to see what less than diligent planning and lack of foresight can do to a neighborhood. These less than competent approaches to planning, in the long run, will cause the beautiful community of Newberg to become just another run down slum, with crooked politicians and city officials firmly entrenched in the pockets of builders and developers looking to make a fast buck at the expense of the very community they claim to supposedly care about. Be advised, this isn't just about the Terra Subdivision anymore. It is about a broken city system that desperately needs fixing before it is too late. Please, vote no on the Terra Subdivision application and fix the problems in our City offices.

Sincerely,



Mark and Blythe Darula August 15, 2013

BD

RECEIVED
AUG 15 2013

Initial: he

August 15, 2013

Barton Brierley, Director of Building and Planning
City of Newberg, OR
P.O. Box 970 Newberg, OR

RE: Terra Estates Subdivision, File SUB2-12-003

Dear Barton:

A personal commitment will not allow me to attend the Planning Commission Hearing scheduled for September 12, 2013. I therefore wish to submit these comments to be considered during the deliberation period by the Commission.

I believe the following items are pertinent to the development of the subject development and would ask staff and or the Commission to consider them as part of their deliberation regarding the approval of the subdivision:

1. It has been my experience that Water Quality/Detention Facilities do not get proper maintenance when not done by a public entity. Unless the Engineering Staff has prescribed measures to be taken by the responsible maintenance party I would ask that the following item be added to the Conditions of Approval.

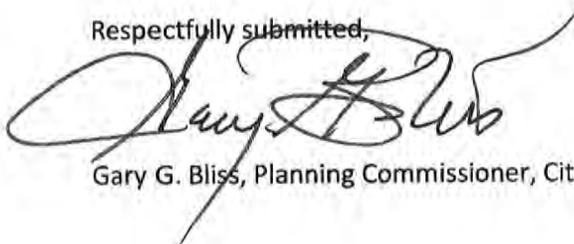
Item 2.C.v; The City Engineering Staff shall prepare a protocol for the maintenance of the Stormwater Quality/Detention Pond and water quality swale.

2. Upon review of the condition of Terrace Drive I found the existing road surface lacking in good repair. With the added traffic by the subject subdivision, I would like to assure there is a substantial structural road section with a proper road width to allow for two travel lanes and parking along the frontage of the subdivision. I suggest the following condition to be added to the Conditions of Approval.

Item 2.b.v; Terrace Drive is to be constructed with the proper structural road section applicable to its designation to provide a half street improvement as depicted by the typical section on the "Site and Utility Plan" plus 8-feet east of the street centerline along the frontage of the subdivision.

3. During the testimony of the applicant and the opponents reference was made to a July 20, 2013, letter addressed to the Newberg Planning Commission, by Del Boca Vista, LLC, listing 6-items that appear to have been negotiated between the developer and the surrounding neighbors. I would ask that the Commission consider this letter during their deliberation of the subdivision.

Respectfully submitted,



Gary G. Bliss, Planning Commissioner, City of Newberg, OR

From: Barton Brierley
To: ["jane greller"](#)
Cc: [Jessica Nunley](#)
Subject: RE: Density limits in revised zoning use table
Date: Wednesday, August 14, 2013 10:08:00 AM

Up to 8.7 lots could be created out of one acre (actually 8, since you can't get 0.7 of a lot)

1 acre x 43,560 square feet per acre/5,000 square feet per lot = 8.7 lots

It would be rare to achieve that many lots, as usually some street dedication would be required.

Might I suggest we talk via phone if you'd like more information.

*Barton Brierley, AICP
Planning and Building Director
City of Newberg
P.O. Box 970, Newberg, OR 97132
503-537-1212 Fax 503-537-1272
barton.brierley@newbergoregon.gov*

From: jane greller [<mailto:janeogrell@hotmail.com>]
Sent: Wednesday, August 14, 2013 9:12 AM
To: Barton Brierley
Cc: Jessica Nunley
Subject: RE: Density limits in revised zoning use table

I understand that. So how many 5000 square foot lots could be built out on one acre?

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

This is the question I have been asking you since July 26, Barton. What is the formula that the city uses to determine the density **limit** in the R-1 district? I am not asking for the philosophy of density calculations. It is your responsibility, as Director of City Planning to provide that information to any citizen in a timely and understandable manner. To date, that has not been my experience.

I am still waiting for an answer.

Jane

From: barton.brierley@newbergoregon.gov
To: janeogrell@hotmail.com
CC: jessica.nunley@newbergoregon.gov
Subject: RE: Density limits in revised zoning use table
Date: Wed, 14 Aug 2013 15:59:48 +0000

As stated below:

In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit.

This was determined by the City Council by ordinance and not by a particular formula, though in a previous e-mail I shared with you some of the logic in choosing that number. Also note, the proposed revisions to the zoning table do not change this section or the density allowed in R-1.

Barton Brierley, AICP

Planning and Building Director

City of Newberg

P.O. Box 970, Newberg, OR 97132

503-537-1212 Fax 503-537-1272

barton.brierley@newbergoregon.gov

From: jane greller [<mailto:janeogrell@hotmail.com>]
Sent: Tuesday, August 13, 2013 3:11 PM
To: Barton Brierley
Subject: RE: Density limits in revised zoning use table

I am asking you specifically what that number is for the R-1 district. I am also asking what the formula is for determining that number.

Jane

From: barton.brierley@newbergoregon.gov
To: janeogrell@hotmail.com
Subject: RE: Density limits in revised zoning use table
Date: Tue, 13 Aug 2013 22:06:30 +0000

Here is that section. These were established by the City Council by ordinance.

15.405.010 Lot area – Lot areas per dwelling unit.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

2. In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

3. In the AI, AR, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.

4. In the M-1, M-2 and M-3 districts, each lot or development site shall have a minimum area of 20,000 square feet.

5. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.

6. Within the commercial zoning district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

B. Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit.

2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multiple-family dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

3. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit. Lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multiple-family dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size. [Ord. 2730 § 1 (Exh. A (2)), 10-18-10; Ord. 2720 § 1(14), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.565.]

Barton Brierley, AICP

Planning and Building Director

City of Newberg

P.O. Box 970, Newberg, OR 97132

503-537-1212 Fax 503-537-1272

barton.brierley@newbergoregon.gov

From: jane greller [<mailto:janeogrell@hotmail.com>]

Sent: Tuesday, August 13, 2013 12:57 PM

To: Barton Brierley

Cc: Jessica Nunley

Subject: Density limits in revised zoning use table

Hello, Barton,

On the proposed revised zoning use table (draft of the Zoning Use Table Ordinance 2013-2763), section 200 RESIDENTIAL USES: line item for Dwelling, single-family detached notes:

Subject to density limits of 15.405.010(B)

What is that limit?

What is the formula used to determine that limit?

Thanks,

Jane

Barton Brierley

From: Barton Brierley
Sent: Wednesday, August 07, 2013 3:14 PM
To: 'jane greller'
Cc: Jessica Nunley
Subject: RE: planning commission hearing

We can have those things at the commission meeting.

In answer to your other questions:

The Newberg Comprehensive Plan sets a target density or planned density for Low Density Residential areas of 4.4 dwelling units per gross buildable acre. It does not establish a density limit. The Newberg Development Code establishes a minimum of 5,000 square feet per dwelling unit for the R-1 zone.

The Newberg Comprehensive Plan has been updated a number of times to reflect future land needs. It continues to be a guiding document for future land uses. A number of sections have been updated, including needs for residential, commercial, and industrial land to reflect needs through 2025, 2032, and/or beyond.

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From: jane greller [<mailto:janeogrell@hotmail.com>]
Sent: Wednesday, August 07, 2013 10:57 AM
To: Barton Brierley
Subject: planning commission hearing

Hello, Barton,

I wasn't sure what would be available at the planning commission hearing for Terrace Estates on Thursday, August 8.

Could you please provide a small table, an easel, and a printed copy of the zoning use map as well as the comprehensive plan map?

If you could email me the answers to those questions that we submitted (in the supplement), that would be helpful.

Thanks,
Jane

Barton Brierley

From: Barton Brierley
Sent: Thursday, August 01, 2013 5:30 PM
To: 'jane greller'
Cc: Jessica Nunley
Subject: RE: target density

Suppose a property owner has a 10 acre piece of property. They want to build 100 townhouse units on that property. Their proposal would be 10 dwelling units per gross buildable acre (100 units/10 gross buildable acres). They build several streets through the property, dedicate some land along the frontage, and build a storm water detention pond. They end up with 7.5 acres of private property, as 2.5 acres has been dedicated for these other uses. They build their 100 townhouses on the remaining property. This is still 10 units per gross buildable acre, and also can be counted as 13.3 units/net buildable acre (100 units/7.5 net buildable acres).

Some documents you read do this math differently, that's why I note the caution.

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barton.brierley@newbergoregon.gov*

From: jane greller [mailto:janeogrell@hotmail.com]
Sent: Thursday, August 01, 2013 10:38 AM
To: Barton Brierley
Cc: Jessica Nunley
Subject: Re: target density

Can you provide with an appropriate context to use the definition of "net buildable" acre?

Sent from my iPhone

On Aug 1, 2013, at 8:51 AM, "Barton Brierley" <barton.brierley@newbergoregon.gov> wrote:

The definition of "net buildable acre" depends on the context. It normally means one acre of land that can be developed and does not require any further land to be dedicated or set aside for streets, sidewalks, utilities, open space, natural resource preservation, or similar set asides. Some professionals and documents use the term differently.

*Barton Brierley, AICP
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City of Newberg*

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barton.brierley@newbergoregon.gov

From: jane greller [<mailto:janeogrell@hotmail.com>]
Sent: Wednesday, July 31, 2013 5:40 PM
To: Barton Brierley
Cc: Jessica Nunley
Subject: Re: target density

Great! What would the definition of "net buildable acre" be?

Sent from my iPhone

On Jul 31, 2013, at 4:50 PM, "Barton Brierley"
<barton.brierley@newbergoregon.gov> wrote:

Those are good questions. Let me do my best to direct a response to that Sixth Grade student:

Newberg's vision is guided by the city's comprehensive plan, which is adopted by City Council. The comprehensive plan seeks to provide all the things Newberg needs to be a great community: places for everyone to live, work, play, worship, shop, and more. The target densities are based on the community's choice about how to best meet these needs.

The city arrived at this based on asking: "How can Newberg be the best community for you and your classmates?" This led to a number of other questions: "Where will you play?" "Where will you shop?" "Where will you work?" "How will you get around town" "How can we keep what's good and improve the community you will live in?" The city engaged the community in many forums to help find answers to these questions.

A fundamental question the city asked is "where will you live?" We hope that you will choose to and continue to be able to live in Newberg. In order to keep that a possibility, the city studied both your probable choices of where to live and the economics of what you will be able to afford. Those studies tell us that, out of a group of 10 of your classmates:

- 4 will live in apartments
- 1 will live in a duplex, townhouse, or manufactured home
- 1 will live in a detached single family home on a lot under 5,000 square feet in size.
- 2 will live in a detached single family home on a lot between 5,000 and 7,500 square feet.

2 will live in a detached single family home on a lot over 7,500 square feet in size.

The city then sought and continues to seek to make sure there is enough land with the proper zoning so that you will have a place to continue to make your home in Newberg. The city generally designates land in three classifications:

High Density Residential (For most of the apartments)

Medium Density Residential (For most of the duplexes, townhouses, manufactured homes, and single family homes on lots under 5,000 square feet)

Low Density Residential (for most of the single family homes on lots 5,000 square feet and over): The City has planned for Low Density Residential areas to be built at 4.4 dwelling units per gross buildable acre since the 1970's. This corresponds roughly to an average of one house per 7,500 square feet (43,560 sf/ac / 4.4 du/ac x 75% (25% deducted for streets etc.) = 7,425 sf/du.)

A few years ago, the city did a study to see whether development in low density residential areas was in fact being developed according to the plan. Those studies found that these areas were being developed at about 3.6 dwelling units per acre, or only about 80% of the planned density. One of the main reasons for this was that the zoning code required all the lots to be *at least* 7,500 square feet, whereas the comprehensive plan and projected land needs was for an *average of* about one house per 7,500 square feet. Thus, it was clear then that the city needed to change its minimum lot size to allow smaller than 7,500 square foot lots in low density residential areas to provide the kind of homes half of your classmates looking to live in low density residential areas will need. In 2010 this is what the city chose to do.

You asked for some vocabulary clarification:

1. Dwelling unit: This is an independent living unit for one family or group of people. It can be a house, an apartment unit, or one side of a duplex. A fourplex would be four dwelling units. A duplex would be two dwelling units.
2. Density: This is the number of dwelling units in a certain area of land. It is usually expressed as the number of dwelling units per acre of land.
3. Target density: This is the density the community is trying to get on a certain area of land.

4. Planned density: This is the density the community is counting on being provided on a certain area of land. This is essentially the same the target density.
5. Gross buildable acre: This is an acre of land (43,560 square feet, or an area roughly 200 feet by 200 feet) before it is developed with roads, sidewalks, utilities, buildings or other development. It excludes unbuildable areas, which in Newberg are mostly areas next to streams.
6. Density limits: This the highest number of dwelling units that are allowed on a certain area of land.
7. Units per gross acre: This is the number of dwelling units that are placed on a certain area of land. It includes the entire area of land including the streets, sidewalks, utilities, small pocket parks, etc. Basically, it's the number dwelling units you would count if you drew a square on a map to scale one acre and counted the number of dwelling units in that square.
8. Units per net acre: This is the number of dwelling units that are placed in a certain area of land excluding the street, sidewalks, utilities, pocket parks, etc. Newberg estimates that 25% of the land area is used in these other areas.
9. Until 2010, Through 2010: These depend on the context. Newberg's comprehensive plan was adopted in 1979, updated in 1991, and has been updated a number of times since. Some of the older provisions still refer to "until 2010" or "through 2010" as a planning horizon as that used to be 20 years away.

I hope this information helps.

*Barton Brierley, AICP
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City of Newberg
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503-537-1212 Fax 503-537-1272
barton.brierley@newbergoregon.gov*

From: jane greller [<mailto:janeogrell@hotmail.com>]
Sent: Tuesday, July 30, 2013 3:06 PM
To: Barton Brierley
Subject: RE: target density

Help, again, Barton! I have those figures before me already, but I don't think you are answering my question.

Imagine I am a 6th grader at Antonia Crater, working on my civics project. The question I'm directing to you is this:

Hello, Mr. Brierley,

My class is studying densities in our neighborhood. Can you please tell me how our city of Newberg arrived at the 4.4 units (I think that means houses) per gross acre? What is a gross acre? My report is due on Monday and it would help me out a lot if you could show me how you did that.

Thank you,
Jane Greller, Mrs. Smith's class

From: barton.brierley@newbergoregon.gov
To: janeogrell@hotmail.com
Subject: RE: target density
Date: Tue, 30 Jul 2013 16:24:38 +0000

Those figures come from the Newberg Comprehensive Plan. See the attached.

Barton Brierley, AICP

Planning and Building Director

City of Newberg

P.O. Box 970, Newberg, OR 97132

503-537-1212 Fax 503-537-1272

barton.brierley@newbergoregon.gov

From: jane greller [<mailto:janeogrell@hotmail.com>]
Sent: Monday, July 29, 2013 2:40 PM
To: Barton Brierley
Subject: Re: target density

- c. Commercial development will be encouraged to be clustered and to develop off-street parking facilities in conjunction with other nearby developments.
- d. To maintain the integrity and function of the highway system, new commercial development shall be discouraged along the route of any limited access highway.
- e. Deleted by Ordinance 2004-2602, September 29, 2004

4. Riverfront District Policies

- a. The City will enhance commercial diversity and activity in the Riverfront area by encouraging a business mix that provides goods and services to satisfy neighborhood and visitor needs and that also draws people from the greater region.
- b. The City will encourage development of the Riverfront District as a distinct river-oriented center that can help support a variety of local businesses.
- c. The City will encourage the development of commercial and retail uses that have a strong reason for locating near the Riverfront and support the vision of the Riverfront District as a walkable and bikeable mixed-use area. (Ordinance 2002-2564, April 15, 2002)

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2534)

POLICIES:

1. Density Policies

- a. Density rather than housing type shall be the most important development criteria and shall be used to classify different types of residential areas on the plan.
- b. Target densities shall be as follows:



<u>Classification</u>	<u>Units Per Gross Acre*</u>
-----------------------	----------------------------------

Urban Low Density	4.4
-------------------	-----

Urban Medium Density	9
----------------------	---

Urban High Density	16.5
--------------------	------

*Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.

- c. In determining net residential densities, developers may be given density credit for land donated and accepted by the City for needed public facilities.
- d. The City encourages the creation of affordable housing through density bonuses. Developers may be given density bonuses for projects meeting minimum City standards for housing affordability and design, as defined under subsection 3, Housing Mix and Affordability.. (Ordinance 2006-2534, January 3, 2006, Ordinance 2010-2730, October 18, 2010)
- e. In determining net residential densities, developers may be given density credit for land donated and accepted by the City for needed public facilities.

2. Location Policies

- a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.
- b. The City will encourage medium density housing in and adjacent to the commercial core of the Riverfront District and lower intensity residential uses in the western portions of the Riverfront District. (Ordinance 2002-2564, April 15, 2002)



I am not following how you arrive at the 4.4 dwelling units per gross buildable acre for LDR?

What figures would you use for the MDR and LDR as well to arrive at the 9 and 16.6 dwelling units?

Thanks,

Jane

Sent from my iPad

On Jul 29, 2013, at 2:07 PM, "Barton Brierley" <barton.brierley@newbergoregon.gov> wrote:

LDR: 4.4 dwelling units per gross buildable acre

MDR: 9 dwelling units per gross buildable acre

LDR: 16.6 dwelling units per gross buildable acre

Barton Brierley, AICP

Planning and Building Director

City of Newberg

P.O. Box 970, Newberg, OR 97132

503-537-1212 Fax 503-537-1272

barton.brierley@newbergoregon.gov

From: jane greller [<mailto:janeogrell@hotmail.com>]

Sent: Monday, July 29, 2013 1:51 PM

To: Barton Brierley

Subject: RE: target density

That is very helpful. How would that translate into R1 / LDR? What would that target density be?

Thanks,

Jane

From: barton.brierley@newbergoregon.gov

To: janeogrell@hotmail.com

Subject: RE: target density

Date: Mon, 29 Jul 2013 20:32:34 +0000

The target density is expressed in terms of number of dwelling units per gross buildable acre. We factor in an estimate that 25 percent of the land will be used for street right-of-way, utilities, and similar uses. We exclude protected stream corridors or similar unbuildable areas. Note that it is a “target” density and not a “maximum” or “minimum” density. The expectation is that some areas are likely to be developed at higher than the target and some at lower than the target density. So for example in HDR the target density is 16.5 dwelling units per acre. If you had a 10 acre property with no streams, we would expect 165 dwelling units and about 2.5 acres used in streets, utilities, etc. Some projects might have more and some might have less.

I hope this helps.

Barton Brierley, AICP

Planning and Building Director

City of Newberg

P.O. Box 970, Newberg, OR 97132

503-537-1212 Fax 503-537-1272

barton.brierley@newbergoregon.gov

From: jane greller [<mailto:janeogrell@hotmail.com>]

Sent: Friday, July 26, 2013 3:38 PM

To: Barton Brierley

Subject: target density

Hi, Barton,

Could you please advise me as to the formula the city uses to determine target densities for LDR, MDR, and HDR?

Thanks,

Jane Greller

**Supplemental information to be included in the
record (8/16/13 to 8/22/13)**

**File No. SUB2-12-003 | Terra Estates
Subdivision | Planning Commission Order
2013-13**

Attached:

3.a. Public comments received from 8/16/13 to 8/22/13

COMMENTS FOR THE PROPOSED TERRACE ESTATES SUBDIVISION
File No. SUB2-12-003
Submitted by John and Jane Greller
August 22, 2013

AUG 22 2013

14 pages

Initial: 3:33 pm BM

1. The "Letter of Understanding" submitted into the record by Mr. Willcuts clearly does not represent support of the "surrounding neighbors" for this subdivision. The Petition of Opposition to Terra Estates, signed by 43 neighbors and entered into the record at the August 8, 2013, hearing should be evidence of this to the commission. The questions we have asked this commission have not been answered.
2. I submitted written, stapled testimony into the record for the continuation of the hearing for the proposed Terrace Estates subdivision on August 15, 2013. Two pages went missing after I submitted this testimony. Jessica Nunley emailed me that they were not attached. I told her that was surprising to me, and resubmitted them. My question: Where did they go, and who would want them? I am submitting those two pages into the record (Attachment 1).
3. In the written testimony I submitted on August 15, 2013, for the continuation of the Terrace Estates hearing, I noted my frustration in requiring fourteen emails over a three week period to get one question answered by the director. I noted I would make those emails sent to the director available upon request. Those emails, however, appear on the record in the testimony. These were not submitted by Jane Greller. My question: Where did they come from, if not from me? And why are three of the fourteen emails missing? I am submitting for the record those three omitted emails (Attachment 2).
4. This commission has approved a **DENSITY LIMIT** to be added to the zoning use table in the proposed City of Newberg Ordinance 2013-2763(Attachment 3.a).

Attachment 3.a.

This commission reviewed the R-1 Density Table provided by the planning department on page 16 of the power point presentation at the August 8, 2013, quasi-judicial hearing (Attachment 3.b).

This commission is aware of page 8 in the (postponed) July 11, 2013, agenda packet. This is the first page of the Staff Report. This commission is aware that the comprehensive plan district is identified as MDR (Medium Density Residential) in that report (Attachment 3.c).

5. This commission is aware that the proposed Terrace Heights subdivision was not posted in accordance with Newberg Development Code 15.100.260(Attachment 4).

QUESTIONS WE EXPECT TO BE ANSWERED BEFORE THE PLANNING COMMISSION VOTES ON THIS PROPOSED SUBDIVISION:

1. Where are the safety issues of the intersection of Highway 219 and Terrace Drive addressed?
2. Who submitted testimony into the record for Jane Greller and omitted three emails?
3. What is the **DENSITY LIMIT** for the R-1 Low Density Residential district, expressed in a number and not the 5000 square foot lot size?
4. What is the formula for determining this limit?
5. What are the definitions of terms used in determining this limit?
6. When can we expect an explanation of the calculations from the density table on page 16 of the power point presentation from the August 8, 2013, quasi-judicial hearing?
7. What action does this commission plan to take in regards to the blatant disregard by the developer and the city planning department of the posted land use notice required by the Newberg Development Code?

The City Council has assured us that our questions will be answered. My email address is janeogrell@hotmail.com.

ATTACHMENTS

1. Attachment 1: two missing pages from written, stapled testimony submitted by Jane Greller on August 15, 2013, for the proposed Terrace Estates subdivision, File No. SUB2-12-003
2. Attachment 2: emails were submitted for the public record by someone other than Jane Greller for the proposed Terrace Estates subdivision, File No. SUB2-12-003. There were 14 emails from Jane Greller to the Director of City Planning, Barton Brierley, covering a 3 week period from July 26, 2013, to August 14, 2013. This attachment is the three emails that were omitted by whomever submitted them into the record (3 pages)
3. Attachment 3.a: proposed Zoning Use Table Revision, also found on page 165 of the City Council agenda for the August 19, 2013, meeting, Ordinance No. 2013-2763(1 page)

Attachment 3.b: Density Table on page 16 of the city planning department power point presentation to the Planning Commission on August 8, 2013, regarding the proposed Terrace Estates subdivision, File No. SUB2-12-003 (1 page)

Attachment 3.c: page 8 of Newberg Planning Commission Agenda packet, July 11, 2013, meeting, Planning Commission Staff Report(1 page).

4. Attachment 4: from the Supplemental information to be included in the record for File No. SUB2-12-003 (through 8/15/13), Planning Commission Order 2013-13. Memorandum to the Newberg Planning Commission from Jessica Nunley, dated August 15, 2013 (3 pages).

To: barton.brierley@newbergoregon.gov
Cc: jessica.nunley@newbergoregon.gov

I understand that. So how many 5000 square foot lots could be built out on one acre?

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

This is the question I have been asking you since July 26, Barton. What is the formula that the city uses to determine the density limit in the R-1 district? I am not asking for the philosophy of density calculations. It is your responsibility, as Director of City Planning to provide that information to any citizen in a timely and understandable manner. To date, that has not been my experience.

I am still waiting for an answer.

Jane

Up to 8.7 lots could be created out of one acre (actually 8, since you can't get 0.7 of a lot)

1 acre x 43,560 square feet per acre / 5,000 square feet per lot = 8.7 lots

It would be rare to achieve that many lots, as usually some street dedication would be required. (August 14 email from director)

Vocabulary from August 12 email from director:

Gross buildable acre: This is an acre of land (43,560 square feet) before it is developed with roads, sidewalks, utilities, buildings or other development. It excludes unbuildable areas, which in Newberg are mostly areas next to streams.

Net buildable acre: This is an acre of land (43,560 square feet) that already has all needed roads, sidewalks, utilities, and similar deductions taken out.

For planning purposes, we estimate that 1.0 gross buildable acre yields about 0.75 net buildable acres, because about 25% of the land is used for roads, sidewalks, utilities, etc. This amount can vary on individual projects which may require more or less right-of-way (or even none).

RE: written submitted comments

From: **Barton Brierley** (barton.brierley@newbergoregon.gov) This sender is in your safe list.
Sent: Wed 8/07/13 10:23 AM
To: jane greller (janeogrell@hotmail.com)

The purpose is so that the Planning Commissioners can review the material before the meeting. We sent those comments to them in a supplemental packet Monday afternoon.

Barton Brierley, AICP

Planning and Building Director

City of Newberg

P.O. Box 970, Newberg, OR 97132

503-537-1212 Fax 503-537-1272

barton.brierley@newbergoregon.gov

From: jane greller [mailto:janeogrell@hotmail.com]
Sent: Tuesday, August 06, 2013 10:34 PM
To: Barton Brierley
Subject: written submitted comments

Hello, Barton,

I understood that the purpose of having written comments submitted by the noon deadline on August 5 was to have those included in the agenda packet for the August 8 hearing. Did I understand this correctly?

Jane

414 E First St

Newberg, OR 97132

503-554-7744

ATTACHMENT 2
Attachment 3.a.2/3

From: jane greller [mailto:janeogrell@hotmail.com]

Sent: Friday, August 09, 2013 4:26 PM

To: Barton Brierley

Cc: Jessica Nunley

Subject: density limit formula

Hello, Barton,

Could you please forward me the slide on page 20 of the power point presentation from the August 8, 2013, planning commission meeting? I would appreciate having that on Monday. This would be the one showing the table of density calculations for the 5000 square foot lot minimum requirements.

Thanks,

Jane

RE: density limit formula

From: **jane greller** (janeogrell@hotmail.com)
Sent: Sun 8/11/13 7:47 PM
To: Jessica Nunley (jessica.nunley@newbergoregon.gov); Barton Brierley (barton.brierley@newbergoregon.gov)

Thanks for sending me the slide on page 16 of the agenda packet, Jessica. I have several questions regarding the table.

1. Could you please define "gross buildable acre"
2. Could you please define "net buildable acre"
3. Could you please provide the formula for arriving at the figures for each of those definitions.

I'm also wondering if the "supplemental" materials provided for the agenda packet for the August 8, 2013, hearing will be on line.

Thanks,
Jane

From: jessica.nunley@newbergoregon.gov
To: janeogrell@hotmail.com; barton.brierley@newbergoregon.gov
Subject: RE: density limit formula
Date: Fri, 9 Aug 2013 23:34:16 +0000

Hi Jane,

I've attached our presentation here for you, and you can also find it online on the project website here: <https://www.newbergoregon.gov/planning/terra-estates-subdivision-sub2-12-003> (the powerpoint is near the bottom of the files in the box at the bottom of the page).

Thanks,

Jessica Nunley, AICP

Assistant Planner

City of Newberg

ATTACHMENT 3.a Attachment 3.a.

Newberg Development Code - Zoning Use Table Revision

7/24/2013

#	Def.	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	M-4-C	C-5	I	AM	AI	Notes	
100	AGRICULTURAL USES																				
	Def. Horticulture	P	P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)		
	Def. Livestock and poultry farming	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
	Def. Home gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
	Def. Home livestock and poultry raising	S	S																		Title 6
200	RESIDENTIAL USES																				
	Def. Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)			Subject to density limits of 15,405.010(B)
	Def. Dwelling, single-family attached	S(2)	S	S(3)		S		C(4)	C(5)								P	P(6)			15,415.050; Subject to density limits of 15,405.010(B)
	Def. Manufactured home on individual lot	S(2)	S	S(3)	P(7)	S												P(6)			15,445.050 - 15,445.070; Subject to density limits of 15,405.010(B)
	Def. Manufactured dwelling park		S	S	S																15,445.075 - 15,445.160
	Def. Mobile home park		S	S	S																15,445.075 - 15,445.160
	Def. Manufactured home subdivision		S	S	S																15,445.075 - 15,445.160
	Def. Dwelling, two-family (duplex)	P(2)	P	P	C	P		C(4)	P(8) /C(5)								P				Subject to density limits of 15,405.010(B)
	Def. Dwelling, multifamily	C	P	P	C	P		C(4) /C(5)	P(8) /C(5)								P				Subject to density limits of 15,405.010(B)
	Def. Dwelling, accessory	C	S	S		S											S				15,445 Article V.
	Def. Dwelling, mixed-use						P(9)	P(10)	P(8) /C(5)	P(11)											Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
	Def. Dwelling, caretaker					P					P	P	P	C							P(12)
	Def. Dormitory		C	P																	
	Def. Home occupation (No more than one outside paid employee)	S	S	S(13)	S	S	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S	S	S		15,415.060
	Def. Home occupation (More than one outside paid employee)	C	C	C(13)	C	C	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C	C	C		15,415.060
300	INSTITUTIONAL CARE AND HOUSING																				
	Def. Family child care home	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(13)			ORS 657A
	Def. Day care	P	P	P	C	P	P	P	P		C	C	C	C	P		P				ORS 657A
	Def. Residential care home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(13)			ORS 197.665
	Def. Residential care facility (6-15 people)	C	C	C	C	C	C	C	C								P				ORS 197.665
	Def. Group care facility (16+ people)	C	C	C	C	C	C	C	C								P				
	Def. Hospital	C	C	C	C	C	C	C	C								P				
	Def. Prison										C	C	C	C							
320	ASSEMBLY																				
	Def. Religious institution, place of worship	P	P	P	P	P	P	P	P	P	P(29)						P				
	Def. Private club, lodge, meeting hall																				
330	SCHOOLS																				

Key:

P: Permitted use
C: Conditional use - requires a conditional use permit

S: Special use - use requires a special use permit
X: Prohibited use

(#): See notes for limitations

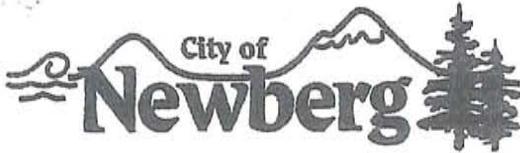
* there are limits

Other Issues – Density Discussion

Low Density Residential/R-1 Density

	Lot size (square feet)	Units per gross buildable acre	Units per net buildable acre
Maximum Density (Density limit)	5,000 square foot average	8.7 du/gba*	8.7 du/nba
Terra Estates Proposed	5,656 square foot average	5.6 du/gba	7.7 du/nba
Target Density (Planned density)	7,500 square foot average	4.4 du/gba	5.9 du/nba

*Maximum density may be less depending on right-of-way needs



Planning and Building Department

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PLANNING COMMISSION STAFF REPORT
TERRA ESTATES SUBDIVISION

HEARING DATE: July 11, 2013

FILE NO: SUB2-12-003

REQUEST: Tentative plan approval for a subdivision that would include 44 lots and one stormwater tract.

LOCATION: 3805 Terrace Drive

TAX LOT: 3207-00500

APPLICANT: The applicant is Del Boca Vista, LLC, represented by Mike Hanks, member. The property is owned by the Hutchison Estate.

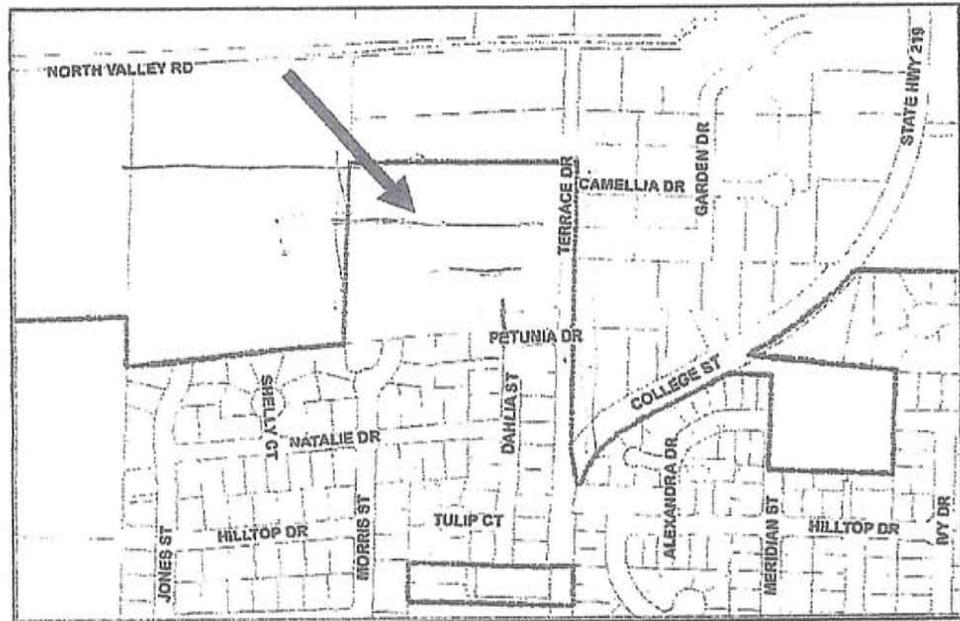
ZONE: R-1 (Low Density Residential) → zoning use map

PLAN DISTRICT: MDR → comprehensive plan map

OVERLAYS: Stream Corridor (a small portion of the stream corridor is on proposed lot 37)

ATTACHED:
Order 2013-13 with
Exhibit "A": Findings
Exhibit "B": Conditions

- ATTACHMENTS:**
1. Aerial Photo
 2. Tentative Plan
 3. Contours Map
 4. Zoning Map
 5. Public Comments
 6. Application
 7. Development Code (by reference)



Supplemental information to be included in the
record (through 8/15/13)

File No. SUB2-12-003 | Terra Estates
Subdivision | Planning Commission Order
2013-13

Attached:

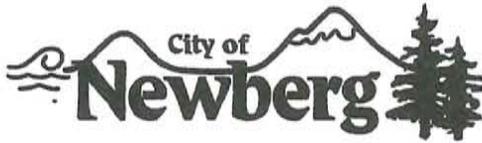
Revised plat showing temporary turnarounds

Preliminary cross-sections for Petunia Drive & Terrace Drive

Staff memo

Public comments & media received from 8/8/13 to 8/15/13

Email correspondence regarding density



Planning and Building Department

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MEMORANDUM

TO: Newberg Planning Commission
FROM: Jessica Nunley, AICP
SUBJECT: Terra Estates Subdivision – File No. SUB2-12-003
DATE: August 15, 2013

At the August 8, 2013 Planning Commission hearing on the Terra Estates subdivision, the Planning Commission asked for clarification and more information about several issues, including: further comments from the Newberg School District; coordination with the Traffic Safety Commission on existing traffic issues in the neighborhood; notice to the neighborhood; development of nearby parks; and size of the subject lot.

Newberg School District Response

In our conversation with the school district, they indicated they don't normally send detailed comments for every application. Our normal practice is to send the application packet to the school district, along with other agencies¹, for any comments they may have. One option on our regular notification form is to check the box for "reviewed, no conflict", which is what the school district checked after they reviewed the application. This does not mean that the proposed subdivision will have zero impact, but that the school district is aware, has no current conflicts, and will keep a careful eye on enrollment as it occurs. We asked the school district to submit more comprehensive comments in response to questions raised at the hearing, and their response is attached as Attachment 1.

Coordination with Traffic Safety Commission

The Traffic Safety Commission (TSC) has recently created a *Neighborhood Traffic Calming Plan* (2013), with a stated purpose to "establish a set of consistent standards offering the City of Newberg's approach to potential traffic calming requests by the public, City staff, Newberg Traffic Safety Commission, and others." The plan includes sections on the evaluation process, funding of traffic calming measures, design and construction, traffic calming measures, and references. The plan is attached as Attachment 2, along with a STOP Sign application memo from the Engineering Services Department. Testimony at the Planning Commission hearing indicated there may be an existing traffic safety problem with speeding on Morris Street, and the potential need for a stop sign at Morris Street and Natalie Drive. This issue is ripe for referral to the TSC so that they may evaluate the problem and recommend solutions. Note that the plan does say that the city may subsidize some traffic calming projects, but the neighborhood would be expected to contribute, at a minimum, but may be assessed the full cost if warranted by the point scale. The proposed development may also have to pay a fair share if

¹ We send subdivision applications to the following departments and agencies for comments: city manager, public works director, building official, police, fire, finance, public works maintenance superintendent, legal, NW Natural, School District, PGE, Comcast, Frontier, Waste Management, CPRD, postmaster.

traffic calming was found to be warranted. Staff is willing to refer this issue to the TSC at their October 8, 2013 meeting for their consideration and study.

Notice

There were several mentions of lacking notice at the hearing. Attachment 3 includes the applicant's notice affidavits, notice mailing list, photos of the notice signs on Terrace Drive, and an email and photo regarding the notice sign on Petunia Drive. We did receive comments from five neighbors at the first neighborhood meeting that they did not receive notice. After checking the list and GIS records, we found that three of the neighbors were on the notice mailing list and two were outside the 500 foot notice boundary. Notice guidelines specify that notice signs must be posted 10 days before the first hearing. The applicant posted the Terrace Drive frontage in June 2013, and posted a sign on the Petunia Drive frontage on July 25, 2013, which was at least 10 days prior to the hearing.

Development of Area Parks

The Darnell Wright Sports Complex/Crater Park is located north of Chehalem Valley Middle School, and contains "softball fields, walking and jogging trails, restrooms, playground equipment, picnic tables", according to Chehalem Park and Recreation District (CPRD). We spoke with Don Clements, CPRD Director, about whether any further improvements were planned for this park. Mr. Clements indicated that the park was currently developed and that no further developments were planned at this time. The Darnell Wright Sports Complex/Crater Park is accessible to the neighborhood by a public pathway off Jones Street, halfway in between Natalie Drive and Hilltop Drive, and is located within a half mile from the proposed subdivision. Attachment 4 contains a map of Newberg parks along with several aerial photos of the park and the neighborhood.

Lot Size

The applicants hired a professional surveyor to survey the property. The survey shows the lot size as 7.9 acres, and also makes it clear the northern boundary of the lot is at more of an angle than is shown in GIS data. The assessor's office, and subsequently the city's GIS data, has the property at 7.67 acres and with a more straight line northern boundary. It is fairly common to have a discrepancy in things such as lot sizes when you are relying on data from the assessor's office and GIS versus an actual survey of property. Where things are resolved in the field are through actual on the ground surveys done by a professional surveyor. Therefore, the city's staff report uses the more accurate 7.9 acre number. This doesn't really change any analysis of the project as the project proposal still depends on how things fit with extending roads, creating adequate access for all proposed lots, and creating a lot layout plan that fits the code criteria.

Attachments:

1. Newberg School District comments
2. *Neighborhood Traffic Calming Plan* and Engineering Services Department memo
3. Notice information for File No. SUB2-12-003
4. Neighborhood parks information

Supplemental information to be included in the
record (8/23/13 – 8/29/13)

File No. SUB2-12-003 | Terra Estates
Subdivision | Planning Commission Order
2013-13

Attached:

4.a. Applicant final comments, received 8/23/13



700 Deborah Road, Suite 270
Newberg, OR 97132

Office (503) 590 – 8600 Fax (503) 590 - 8640

To Planning Commission,
 Members of City Staff
 and Interested Citizens:

August 23rd, 2013

I would like to thank everyone for the input and the combined efforts in order to evaluate and enhance the application for Terra.

After a review of the supplemental comments, and looking at key documents, I believe that the standards have been met. In addition to our review (Marc and I) we have asked our planning consultant, and engineer if they see any standards not being met. The answer is that they also believe that the criteria has been met and done so in a reasonable and responsible fashion.

We would like to highlight a few areas and point to parts of the record that helps to answer some of the questions / comments that occurred during the August planning commission hearing.

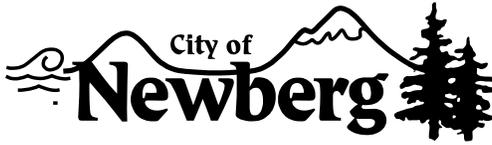
- School Impact. The letter from Dr. Kym Leblanc-Esparza (August 13, 2013) and the review from Jessica Nunley, (Memo August 15th 2013) confirm that no current conflicts exist, and that school capacity is not an issue. In addition Dr LeBlanc-Esparza, correctly points out three positive impacts from a revenue base with new homes.
- Traffic. We all agree that having a good TSP system in place is important for all. The thoughts would be to have the Traffic Safety Committee review and see if traffic calming measures are warranted.
- Lancaster Traffic Study. The study submitted (Original Record see page 10) shows that the Safety Analysis has no impact for Warrants, Sight Distance, and Crash Data Analysis.
- Notices. We agree with Staff's Report of August 15th, 2013 that notice has occurred. We hope that with the combination of the notice posted, advertised, and meetings with neighbors that everyone is aware of this application.
- Parks. We enjoy the parks that Newberg has created/made. It is our opinion that the Parks Department is one of the best in Oregon.

- Lot Sizes. A question arose as to the conflict between 7.67 acres per the assessors map, and 7.9 acres per the survey. The correct size is 7.9 acres as shown on the site map.

We will continue to reach out to the community and answer/address questions and look for good ideas that will make the development successful.

Marc Willcuts
Managing Owner

Michael Hanks
Managing Owner



Planning and Building Department

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August 23, 2013

Jane Greller
 Via e-mail janeogrell@hotmail.com

Dear Mrs. Greller:

Subject: Response to your question regarding residential densities

At the August 19, 2013 City Council hearing regarding updates to the zoning use table, you asked questions regarding residential densities. I am happy to share with you answers to your questions. Please note that the proposed changes to the zoning use table do not change the densities or minimum lot sizes allowed in the zones.

In brief, you asked what are the target density and the maximum density in the R-1 zone. The target density is 4.4 dwelling units per gross buildable acre (or 5.9 dwelling units per net buildable acre). The maximum density is 6.5 dwelling unit per gross buildable acre¹ (or 8.7 dwelling units per net buildable acre).

You also asked for definitions of terms, explanations of the formulas used to determine these densities, and similar information for the R-2 and R-3 zones. Below are detailed responses to these questions.

“Density” is a term that is used to denote the number of dwelling units in a particular area of land. A dwelling unit is an independent living unit for one family or group of people. It can be a house, an apartment unit, or one side of a duplex. For example, a fourplex would be four dwelling units, and a duplex would be two dwelling units.

Density is expressed either as “gross density” or “net density.” “Gross density” is the number of dwelling units in a given area of land before land is deducted for streets, utilities, and similar features. This is usually expressed in terms of the number of dwelling units per gross buildable acre (though it also can be expressed in square feet). “Net density” is the number of dwelling units in a given area of land after land is deducted for streets, utilities, and similar features. Net density is usually expressed in terms of the number of square feet per dwelling unit (though it also can be expressed in acres).

For planning purposes, we estimate that 1.0 gross buildable acre yields about 0.75 net buildable acres, because about 25% of the land is used for roads, sidewalks, utilities, etc. This amount can vary on individual projects which may require more or less right-of-way (or even none).

¹ This is based on a planning level assumption that 25 percent of the tract would need to be dedicated for right-of-way, utilities, or similar features. The actual maximum density could be lower or higher if more or less dedications are required. If no such dedications are required, which would be unusual, the maximum density is 8.7 dwelling units per gross buildable acre.

Other terms that will help in understanding this concept are:

“Target density” or “planned density”: This is the density the community is planning on being provided on a certain area of land. In order to achieve the target or planned density, the average density of residential development in that district needs to be this density.

“Maximum density” or “density limit”: This is the highest density that is allowed on a certain tract of land. This is usually expressed in terms of minimum lot size or minimum square feet per dwelling unit, though it can be expressed as maximum dwelling units per acre.

“Minimum density”: This is the lowest density that is allowed on a certain tract of land. This is usually expressed in terms of maximum lot size or maximum square feet per dwelling unit, though it can be expressed as minimum dwelling units per acre.

Put in simple terms, the “minimum density” is the floor, the “maximum density” is the ceiling, and the “target density” is close to the middle.

The Newberg Comprehensive Plan establishes three main residential density categories: low density, medium density, and high density. It also establishes target densities for each of those classifications. The following is taken from Section I.1.b of the Newberg Comprehensive Plan:

Target densities shall be as follows:

<u>Classification</u>	<u>Units Per Gross Acre*</u>
<i>Urban Low Density</i>	4.4
<i>Urban Medium Density</i>	9
<i>Urban High Density</i>	16.5
<i>*Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.</i>	
[bold added]	

The Newberg City Council established these target densities in 2005 along with forecasts of housing needs through 2025 and 2040 at these target densities. The target density for low density residential has remained at 4.4 units per gross acre since the adoption of the 1979 comprehensive plan. In 2005 the medium residential density was adjusted from 8.8 to 9, and the high density was adjusted from 21.8 to 16.5.

The Newberg Development Code establishes maximum densities or density limits as follows:

15.405.010 Lot area – Lot areas per dwelling unit.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.

2. *In the R-2, R-3, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.*

* * *

B. Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit.

2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multiple-family dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

3. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit. Lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multiple-family dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size. [Ord. 2730 § 1 (Exh. A (2)), 10-18-10; Ord. 2720 § 1(14), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.565.] [bold added]

These most recently were amended in 2010.

Attachment 5

The table below summarizes this information for each comprehensive plan district and zone, and shows the source or formula from which these were derived.

Comprehensive Plan District/Zoning District	Expressed as	Low Density/R-1	Medium Density/R-2	High Density/R-3	Source/Formula
Target/Planned Density	units per gross buildable acre	4.4	9.0	16.5	Newberg Comprehensive Plan
	units per net buildable acre	5.9	12.0	22.0	Units per gross buildable acre/75%
	average square feet lot area per unit	7,425	3,630	1,980	43,560 sf/acre divided by units per net buildable acre
Maximum Density	units per gross buildable acre	Typically 6.5, but could be more or less depending on dedication requirements, in no case more than 8.7	Typically 10.9, but could be more or less, depending on dedication requirements, in no case more than 14.5	Typically 21.8, but could be more or less, depending on dedication requirements, in no case more than 29.0	Units per net buildable acre x 75%
	units per net buildable acre	8.7	14.5	29.0	43,560 sf/acre divided by average square feet lot area per unit buildable acre
	average square feet lot area per unit	5,000	3,000	1,500	Newberg Development Code

I hope this information, along with several previous e-mails I have sent you on this subject, answers your questions. If you would like additional information, I suggest we talk on the phone or meet in person.

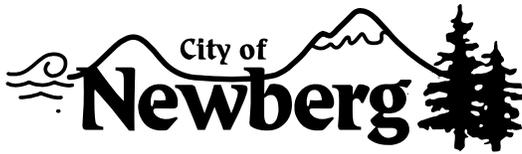
Sincerely,

Barton Brierley, AICP
 Planning and Building Director

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OUTLINE FOR LEGISLATIVE PUBLIC HEARING
Newberg Planning Commission

- 1. CALL TO ORDER**
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. CALL FOR ABSTENTIONS AND OBJECTIONS TO JURISDICTION**
- 3. STAFF REPORT**
COMMISSION MAY ASK BRIEF QUESTIONS FOR CLARIFICATION
- 4. PUBLIC TESTIMONY**
5 MINUTE TIME LIMIT PER SPEAKER (15 MINUTE LIMIT FOR APPLICANT AND PRINCIPAL OPPONENT). SPEAKER GOES TO WITNESS TABLE, STATES NAME & PRESENTS TESTIMONY. COMMISSION MAY ASK QUESTIONS OF SPEAKERS.
 - A. APPLICANT(S) (IF ANY)
 - B. OTHER PROPONENTS
 - C. OPPONENTS AND UNDECIDED
 - D. STAFF READS WRITTEN CORRESPONDENCE (TIME LIMIT APPLIES)
 - E. APPLICANT (IF ANY) REBUTTAL
- 5. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**
- 6. FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
- 7. PLANNING COMMISSION DELIBERATION**
- 8. ACTION BY THE PLANNING COMMISSION**
 - A. RESOLUTION – Usually requires passage of resolution.
 - B. VOTE – Vote is done by roll call.
 - C. COMBINATION – Can be combined with other commission action; separate vote on each action is required.



Planning Division

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Planning Commission Staff Report Transportation System Plan Amendment for Bypass Phase 1

File No.: CPTA4-13-001

Proposal: Amend the Transportation System Plan to reflect the Phase 1 alignment of the Newberg Dundee Bypass project.

Planning Commission Hearing Date: September 12, 2013

Summary of Proposal: The Transportation System Plan (TSP) contains the full Bypass alignment, which will be an 11-mile, four-lane highway around the cities of Newberg and Dundee from Highway 99W northeast of Newberg to the Highway 18 interchange south of Dundee. However, funding constraints preclude full construction of the Bypass at this time, and the Bypass will be a phased development. Phase 1 of the Bypass will include construction of one lane of the Bypass in each direction between Highway 219 and Highway 99W south of Dundee, about 4 miles in length, and will reestablish the intersection of Wilsonville Road and Highway 219.

Summary of TSP Amendment: Newberg's TSP shows Wilsonville Road as a minor arterial that connects to Springbrook Road. Phase 1 reestablishes the previous connection of Wilsonville Road directly to Highway 219 and removes the connection with Springbrook Road. The current north-south segment of Wilsonville Road from the proposed new intersection with Highway 219 to the current Springbrook Road connection would be reclassified as a local road and would end in a cul-de-sac at the southern end by the new intersection. Exhibit "A" contains a proposed text amendment to the TSP and a revised TSP Figure 6-1, Functional Classification Plan.

The realignment of Wilsonville Road will improve connectivity between Wilsonville Road and Highway 219 and meet Oregon Department of Transportation (ODOT) operating standards in 2016, the opening year of the Phase 1 Bypass. If left unimproved, the current Wilsonville Road/Springbrook Road intersection would not meet the city's operating standard in 2016 and would operate at a lower level of service than the No Build Alternative due to increased traffic on Springbrook Road following the opening of the Bypass.

The connection of Wilsonville Road to Highway 219 is an *interim* connection that is within the footprint of the Bypass and the Highway 219 Interchange as shown in the Newberg Comprehensive Plan and TSP. When the full Bypass and Highway 219 Interchange are built in a future phase, Wilsonville Road will be rerouted south to connect to Highway 219 near Wyooski Road. The connection of Wilsonville Road to Highway 219 will remain in place until such time as the Bypass and the Highway 219 Interchange are funded and constructed. The portion of Wilsonville Road that is converted to a cul-de-sac will be a

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

Z:\WP5FILES\FILES.CPTA\CPTA4-13-001 BYPASS PHASE I ALIGNMENT\PC PACKET 2013-0912\PC STAFF REPORT_2013-0823.DOC

permanent change, and the Planning Commission should consider street name options for that short section of road. That road section serves as access to the Springbrook Estates mobile home park and several other residences and businesses, which will need to be readdressed following this change.

The Phase 1 intersection and roadway realignment will have the following elements, as shown in Exhibit “B”:

- Extend Wilsonville Road west to connect to a new signalized intersection with Highway 219, which is the beginning of the Phase 1 Bypass.
- Construct left, through, and right turn lanes on westbound Wilsonville Road.
- Construct a five-lane section on Highway 219 between the Springbrook Road intersection and the new Phase 1 Bypass intersection.
- Construct a cul-de-sac at the southern end of the existing Wilsonville Road between the realignment and Springbrook Road.

The full layout of the Phase 1 Bypass is shown in Exhibit “C”.

ATTACHMENTS:

Planning Commission Resolution 2013-301 with:

Exhibit “A”: TSP Text Amendment and Revised Figure 6-1, Functional Classification Plan

Exhibit “B”: Figure 2 Phase 1 Wilsonville Road Realignment

Exhibit “C”: Figure 1 Phase 1 Location and Segments

Exhibit “D”: Findings



PLANNING COMMISSION RESOLUTION 2013-301

A RESOLUTION RECOMMENDING CITY COUNCIL APPROVAL OF TRANSPORTATION SYSTEM PLAN AMENDMENTS TO REFLECT THE PHASE 1 ALIGNMENT OF THE NEWBERG DUNDEE BYPASS

RECITALS:

1. Oregon Department of Transportation submitted an application to amend Newberg's Transportation System Plan (TSP) to reflect the Phase 1 alignment of the Newberg Dundee Bypass project (Bypass).
2. The TSP contains the full Bypass alignment, which will be an 11-mile, four-lane highway around the cities of Newberg and Dundee from Highway 99W northeast of Newberg to the Highway 18 interchange south of Dundee. However, funding constraints preclude full construction of the Bypass at this time, and the Bypass will be a phased development. Phase 1 of the Bypass will include construction of one lane of the Bypass in each direction between Highway 219 and Highway 99W south of Dundee, about 4 miles in length, and will reestablish the intersection of Wilsonville Road and Highway 219. Phase 1 will add a traffic signal to the Wilsonville Road and Highway 219 intersection and will remove the current connection between Wilsonville Road and Springbrook Road. The current north-south section of Wilsonville Road between the new Highway 219 intersection and Springbrook Road will end in a cul-de-sac at the southern end.
3. After proper notice, the Newberg Planning Commission held a hearing on September 12, 2013 to consider the proposal.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it recommends to the City Council adoption of the Transportation System Plan text amendment and Figure 6-1 amendment as shown in Exhibit "A". This recommendation is based on the staff report, the findings in Exhibit "D", and testimony.

Adopted by the Newberg Planning Commission this 12th day of September, 2013.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

Attached:

Exhibit "A": TSP Text Amendment and Revised Figure 6-1, Functional Classification Plan

Exhibit "B": Figure 2 Phase 1 Wilsonville Road Realignment

Exhibit "C": Figure 1 Phase 1 Location and Segments

Exhibit "D": Findings

Exhibit "A" to PC Resolution 2013-301

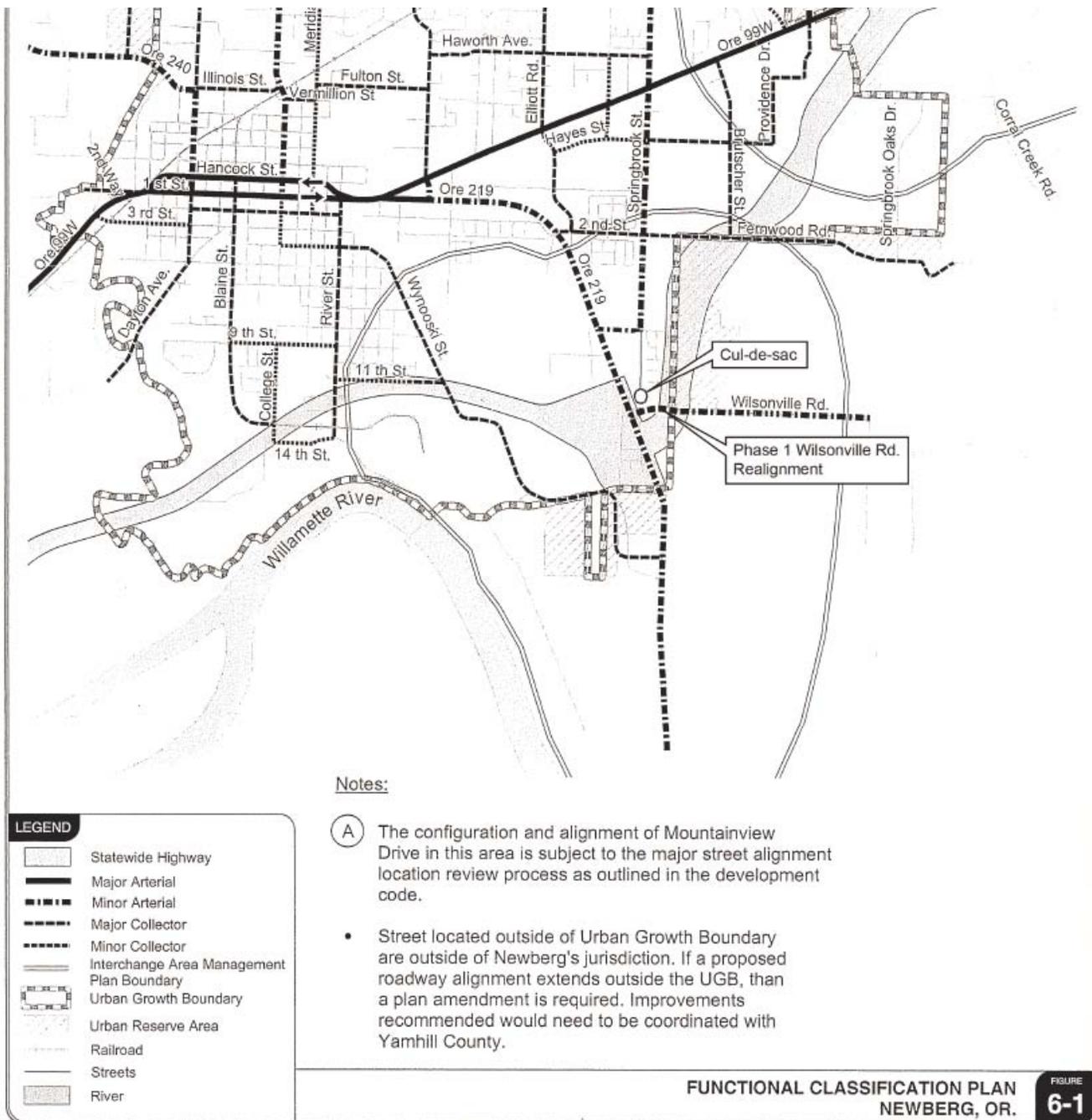
The following text amendment should be made to section 6.2.2(6) of the Newberg Transportation System Plan (2005). Deletions are shown as ~~striketrough~~; additions are shown as double underline:

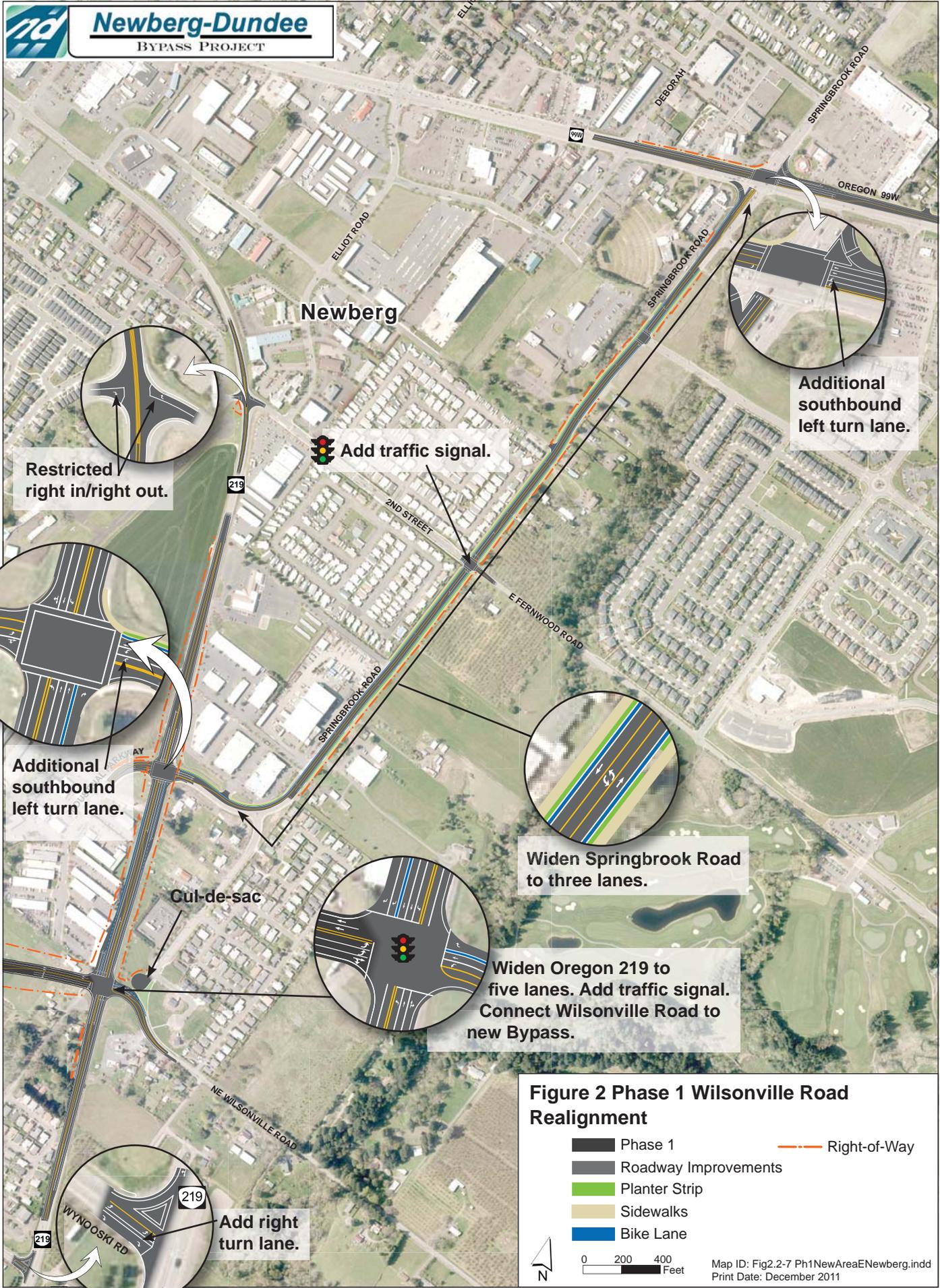
(From page 123 of 2005 TSP.)

6. *Wilsonville Road*: ~~Wilsonville Road is to be rerouted to the north to cross the Bypass (without an interchange) and to intersect with Springbrook Street. Wilsonville Road will then extend westward from its intersection with Springbrook Street to a new signalized intersection with Ore 219 at about 8th Street. The reroute and extension of Wilsonville Road will be constructed to minor arterial street standards. The purpose of this project is to provide adequate spacing of intersections on Ore 219 from the proposed interchange with the bypass. The cost of this project is estimated at about \$2.0 million, and will be funded by ODOT as a safety improvement project. The improvement will comply with spacing standards as defined in the NDTIP bypass project. Moreover, this project will be full considered and potentially modified under the context of the NDTIP Bypass/Ore 219 Interchange Area Management Plan. This project is included as a Safety Project in the Statewide Transportation Improvement Program, 2002-2005, Key#09274. See Appendix "N" for a conceptual plan of this project. Wilsonville Road is to be extended to the west to connect to Oregon 219. A cul-de-sac will be placed on Wilsonville Road between the new extension to Oregon 219 and Springbrook Road. The rerouting and extension of Wilsonville Road will be constructed to minor arterial street standards. The purpose of this project is to provide access to Phase 1 of the Bypass at acceptable levels of service and improve safety. The improvement will comply with ODOT spacing standards for a District Highway. The future Phase 2 of the Bypass will disconnect the new intersection of Wilsonville Road and Oregon 219. During Phase 2 construction, Wilsonville Road will be rerouted further south to a new intersection with Oregon 219.~~

Wilsonville Road is to be extended to the west to connect to Oregon 219. A cul-de-sac will be placed on Wilsonville Road between the new extension to Oregon 219 and Springbrook Road. The rerouting and extension of Wilsonville Road will be constructed to minor arterial street standards. The purpose of this project is to provide access to Phase 1 of the Bypass at acceptable levels of service and improve safety. The improvement will comply with ODOT spacing standards for a District Highway. The future Phase 2 of the Bypass will disconnect the new intersection of Wilsonville Road and Oregon 219. During Phase 2 construction, Wilsonville Road will be rerouted further south to a new intersection with Oregon 219.

Excerpt from Figure 6-1, Functional Classification Plan, Newberg TSP (2005)





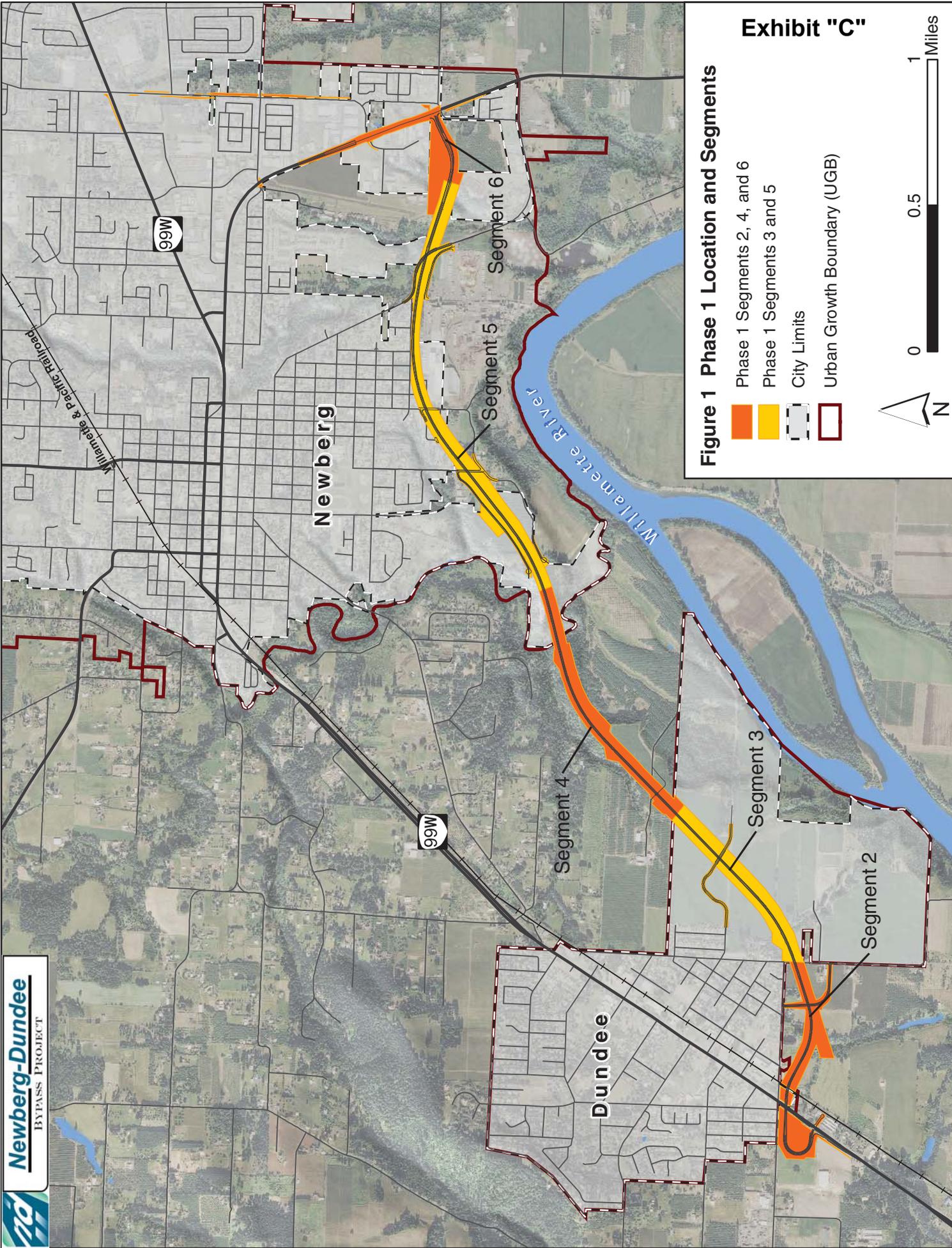


Figure 1 Phase 1 Location and Segments

- Phase 1 Segments 2, 4, and 6
- Phase 1 Segments 3 and 5
- City Limits
- Urban Growth Boundary (UGB)

Exhibit “D”: Findings to PC Resolution 2013-301

Transportation System Plan (TSP) amendments must be consistent with the Newberg Comprehensive Plan and the applicable statewide planning goals.

Newberg Comprehensive Plan – applicable goals and policies

A. *Citizen Involvement*

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

Section A, Citizen Involvement, notes that the city will continue to implement an ongoing citizen involvement program that provides residents opportunity to be involved in all phases of the planning process. For the Wilsonville Road realignment, the city will provide public notice to affected property owners, opportunities for testimony at public hearings, and opportunities for appeal of local decisions.

B. *Land Use Planning*

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

The proposed TSP amendments are consistent with the land use planning goal because they will help implement Phase 1 of the Bypass which is an approved project in the Newberg TSP and Comprehensive Plan.

H. *The Economy*

GOAL: To develop a diverse and stable economic base.

Policy 1.o. The City shall collaborate with other public and private entities and project developers to construct and maintain the best surface transportation infrastructure possible (e.g. roads, airport, railroad).

The Phase 1 Bypass Project, including the Wilsonville Road realignment, will improve mobility and accessibility in general, and freight movement in particular, throughout the Newberg Dundee urban area, thus resulting in substantially reduced congestion and hours of delay when compared to a No Build Alternative. This supports the goal of developing a diverse and stable economic base.

K. *Transportation*

Policy 1.f. The City shall coordinate with Yamhill County and the State on the development of the Newberg Dundee Bypass.

The city is directly coordinating with ODOT and Yamhill County on the development of the Bypass. The TSP currently contains the full Bypass alignment, which will be an 11-mile, four-lane highway around the cities of Newberg and Dundee from Highway 99W northeast of Newberg to the Highway 18 interchange south of Dundee. However, funding constraints preclude full construction of the Bypass at this time, and the Bypass will be a phased development. The proposed TSP amendments are necessary to implement Phase 1 of the Bypass.

M. Energy

GOAL: To conserve energy through efficient land use patterns and energy-related policies and ordinances.

The Bypass project, including Phase 1 and the Wilsonville Road realignment, is intended to improve statewide and regional mobility through the area and to make existing Highway 99W more accessible for local and regional traffic. The project will help relieve much of the substantial traffic congestion that currently exists along Highway 99W. Facilitating the smooth flow of traffic at acceptable levels of service also helps conserve fuel by avoiding the wasteful burning of fuel at intersections already above capacity or expected to exceed capacity during the planning period.

Oregon Statewide Planning Goals – applicable goals

Goal 1 (Citizen Involvement)

Goal 1 requires the opportunity for citizens to be involved in all phases of the planning process. Generally, Goal 1 is satisfied when a local government follows the public involvement procedures set out in its acknowledged comprehensive plan and land use regulations. The City of Newberg Comprehensive Plan requires the city maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process. Compliance with these regulations results in compliance with Goal 1.

Goal 2 (Land Use Planning), Part I

Goal 2, Part I requires that actions related to land use be consistent with acknowledged comprehensive plans of cities and counties. It is specifically noted that the City of Newberg updated the Comprehensive Plan to include the Newberg Dundee Bypass.

Goal 2, Part I also requires coordination with affected governments and agencies, evaluation of alternatives, and an adequate factual base. In developing the Wilsonville Road realignment, ODOT engaged in coordination efforts with planners, officials, and other representatives of Newberg. The amendment also is consistent with the Phase 1 Bypass as authorized by the Oregon Legislature and approved by Yamhill County.

Goal 5 (Open Spaces, Scenic and Historic Areas, and Natural Resources)

Goal 5 requires local governments to adopt programs to protect natural resources and conserve scenic, historic, and open space resources for present and future generations as provided in the Oregon Department of Land Conservation and Development's Goal 5 administrative rule, OAR 660, Division 23.

Under OAR 660-023-0250(3)(b), local governments are not required to apply Goal 5 in post-acknowledgment plan amendment proceedings unless the amendment affects a Goal 5 resource to allow new uses that could be conflicting uses with a particular significant Goal 5 resource site. The Wilsonville Road realignment does not impact any resource sites inventoried and designated as significant under Goal 5. Therefore, Goal 5 does not apply.

Goal 6 (Air, Water and Land Resources Quality)

Goal 6 addresses the quality of air, water, and land resources. In the context of a comprehensive plan amendment, a local government complies with Goal 6 by explaining why it is reasonable to expect that the proposed uses authorized by the plan amendment will be able to satisfy applicable federal and state environmental standards, including air and water quality standards. Because the Wilsonville Road realignment is part of Phase 1, which provides the first step in implementing the Bypass project, and because the Bypass project is an approved project in the City of Newberg's acknowledged TSP and Comprehensive Plan, the Wilsonville Road realignment is consistent with the City's TSP and Comprehensive Plan findings of compliance with Goal 6.

By substantially relieving congestion in the region, the Bypass project will improve air quality. This 2013 amendment will help substantially relieve congestion in the region by facilitating implementation of Phase 1. Like the Bypass project in its entirety, the Wilsonville Road realignment will impact water resources by adding a small amount of impervious surface to the watershed area. Where areas are paved, water cannot penetrate the soils, so it rushes over the surface. This can increase erosion, increase the movement of fine sediments, and increase pollutant loads in watercourses. However, these impacts can adequately be mitigated through the use of effective land-based stormwater treatment systems that include measures to preserve and restore mature vegetation and maximize infiltration. The use of construction techniques that include temporary and permanent best management practices (BMPs) for erosion and sediment control and spill control and prevention also can achieve compliance with clean water standards. OHP 5A.1 directs ODOT to implement BMPs. These BMPs will apply to development of JTA Phase 1. Mitigation strategies have been identified and agreed to in the Newberg Dundee Tier 2 Final EIS.

Stormwater is also subject to statewide permits that are issued to ODOT. For construction activities, ODOT will comply with the terms and conditions of its statewide National Pollution Discharge Elimination System (NPDES) permit: 1200-CA. ODOT will also comply with the terms and conditions of its statewide MS4 permit for ongoing maintenance and operation of the highway. To comply with the terms of the permits, ODOT follows BMPs set out in the *Routine Road Maintenance Water Quality and Habitat Guide*, or Blue Book, which details the standard maintenance activities and describes how to perform them in the most environmentally sensitive way. The Blue Book, first published in 1999, is the basis for Endangered Species Act compliance with the National Marine Fisheries Service under the Clean Water Act's 4(d) exemption for maintenance activities. Goal 6 is met.

Goal 8 (Recreational Needs)

Goal 8 provides for local governments to meet the recreational needs of the citizens of Oregon. The Bypass project, including the Wilsonville Road realignment, will further Goal 8's objectives by improving access to recreational destination areas such as the Oregon coast, Yamhill County wineries, and the Spirit Mountain Casino. The proposed road realignment will not impact existing park or recreational lands.

Goal 9 (Economic Development)

Goal 9 requires local governments to adopt comprehensive plans and policies that "contribute to a stable and healthy economy in all regions of the state." The City of Newberg's Comprehensive Plan has been acknowledged to comply with Goal 9. The Bypass project, including the Wilsonville Road realignment to implement Phase 1, will improve mobility and accessibility generally, and freight movement in particular, throughout the Newberg Dundee urban area, thus resulting in substantially reduced congestion and hours of delay when compared to a No Build Alternative.

Goal 10 (Housing)

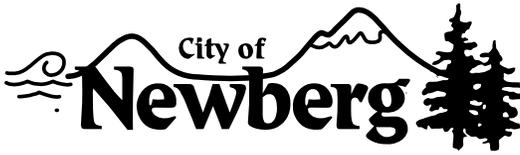
Goal 10 applies inside urban growth boundaries. While the Wilsonville Road realignment is within land zoned as medium-density residential, there are no impacts to housing, because the road will be placed on land that was previously roadway. Wilsonville Road will be reconnected to Highway 219 in its previous location. Therefore, this action is consistent with Goal 10.

Goal 12 (Transportation)

Goal 12 requires local governments to "provide and encourage a safe, convenient, and economic transportation system." Goal 12 is implemented through the Transportation Planning Rule (TPR), OAR 660, Division 12. Because the Newberg Dundee Bypass Project is an approved project in the City of Newberg's acknowledged TSP, and the Wilsonville Road realignment is necessary to implement Phase 1 of the project, it is consistent with Goal 12 and with the TPR planning and coordination requirements. The Wilsonville Road realignment will improve connectivity between the Bypass, Highway 219 and Wilsonville Road and avoid violating roadway performance standards on Springbrook Road by severing the connection between the two roads. The new intersection of Wilsonville Road and Highway 219 will operate within ODOT's performance standards.

Goal 13 (Energy Conservation)

Goal 13 directs cities and counties to manage and control land and uses developed on the land to maximize the conservation of all forms of energy, based on sound economic principles. The Bypass project, including JTA Phase 1 and the Wilsonville Road realignment, is intended to improve statewide and regional mobility through the area and to make existing Highway 99W more accessible for local and regional traffic. The project will help relieve much of the substantial traffic congestion that already exists along Highway 99W and that will only deteriorate further in its absence. Providing safe and convenient travel through an area and facilitating the efficient movement of people, goods, and services in that area serves the growth needs and objectives of the region and the state, and follows sound economic principles. Facilitating the smooth flow of traffic at acceptable levels of service also helps conserve fuel by avoiding the wasteful burning of fuel at intersections already above capacity or expected to exceed capacity during the planning period.



Planning and Building Department

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PLANNING COMMISSION STAFF REPORT HISTORIC PRESERVATION COMMISSION MUNICIPAL CODE AMENDMENT

HEARING DATE: September 12, 2013

FILE NO: DCA-13-001

APPLICANT: Initiated by Newberg City Council

REQUEST: Amend the Newberg Municipal Code to:

1. Establish a Historic Preservation Commission.
2. Transfer application review responsibility regarding designation, alteration, new construction, and demolition of city designated historic landmarks from the Planning Commission to the Historic Preservation Commission.

ATTACHMENTS:

Resolution 2013-300 with

Exhibit "A": Proposed Development Code Text Amendments

Exhibit "B": Findings

Attachment 1: Requirements and Benefits of a Certified Local Government

Attachment 2: Comments from Kuri Gill of Oregon Heritage Program

A. SUMMARY: In general, the proposal establishes a Historic Preservation Commission. The main charges of the Commission would be to: (1) reviewing the code requirements for historic landmarks; and, (2) reviewing and maintaining the historic inventory.

Specifically, the proposed amendments do the following:

1. Add a new definition to Chapter 15.05.030 of the municipal code regarding a "Historic preservation commission".
2. Add new Sections 2.15.500 to 2.15.610 which establishes the historic preservation commission as well as describes its purpose, powers and duties, and administration.
3. Change Chapter 15.344 HISTORIC LANDMARKS (H) SUBDISTRICT as follows:
 - a. Add Section 15.344.015 Historic Preservation Commission Review, which

describes the commission's Type III review process for designation, alteration, new construction and demolition of city designated landmarks. It also states in the case where an application requires both historic preservation commission and planning commission review, such as a modification of a landmark for a conditional use, the commissions shall hold a combined hearing. However, the two commissions shall make separate decisions.

- b. Change all references to the planning commission to the historic preservation commission in Section 15.344.020 Landmark designation and Section 15.244.030 Alteration, new construction, demolitions.

The proposed action is an important step in Newberg becoming a Certified Local Government (CLG). Becoming a CLG would bring many benefits to the community, such as access to grants for historic preservation projects.

- B. BACKGROUND:** On April 1, 2013, the Newberg City Council heard a presentation by Kuri Gill of the Oregon Parks and Recreation Department – Heritage Programs regarding their CLG program. After hearing of the CLG program and discussion, the Council instructed city staff to bring to Council a proposal regarding the designation of Newberg as a CLG. The recommended municipal code changes included in this resolution is a first step in complying with many of the criteria needed to be met in becoming a designated CLG. City staff has been working with the Heritage Program in the development of the proposed recommended municipal code changes in this resolution.

There are multiple requirements and benefits to becoming a CLG:

Requirements

- Establish a Historic Preservation Commission
- Establish a historic preservation ordinance
- Help update state's historic building inventory
- Comment on local nominations to National Register of Historic Places (NRHP)
- Enforce state preservation laws

Benefits

- Access to state grant funds for historic preservation projects
- Access to technical training opportunities
- Access to state and federal technical assistance
- Increased overall effectiveness to local historic preservation program

Attachment 1 provides a more detailed description of the requirements and benefits of becoming a CLG.

C. PROCESS: A development code amendment is a Type IV application and follows the procedures in Newberg Development Code 15.100.060. The Planning Commission will hold a legislative hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission's recommendation, the Newberg City Council will hold a legislative hearing to consider the matter. Important dates related to this application are as follows:

1. April 1 2013: The Newberg City Council directed staff to begin process to have Newberg become a Certified Local Government.
2. August 26, 2013 Planning staff placed notice on Newberg's website.
3. August 28, 2013: Planning staff posted notice in four public places. The *Newberg Graphic* published notice of the Planning Commission hearing.
4. September 12, 2013: The Planning Commission will hold a legislative hearing to consider the application.

D. AGENCY COMMENTS: The application was routed to several public agencies for review and comment. As of the writing of this report, the city received the following agency comments:

1. Oregon Parks and Recreation Department – Heritage Programs: Attachment 2 is an email response received from Kuri Gill of the Oregon Heritage Program. Her comments pertain to a part of the development code that regulates the Historic Landmarks Subdistrict.

The purpose of this proposal is to establish a Historic Preservation Commission. One of the task of the newly formed Commission would be to review the Historic Landmarks Subdistrict section of the code to see if any provisions may need changing. Staff feels that it would be more appropriate for a future Historic Preservation Commission to consider Ms. Gill's comments at that time.

E. PUBLIC COMMENTS: As of the writing of this report, the city has received no written comments on the application. If the city receives additional written comments by the comment deadline, planning staff will forward them to the commissioners

F. ANALYSIS: A Historic Preservation Commission will likely require some additional city resources to implement. The Commission will not only be taking over the role of the Planning Commission in the review of historic landmark application, it will also likely be taking a proactive role in the husbandry of local historic resources. The creation and implementation of a Historic Preservation Commission will strengthen the effort to preserve historic resources. It will be a commission specifically tasked to work toward the preservation of local historic resources and it will have members with strong interests and special skills that will be especially useful in achieving this goal.

With the adoption of the proposed code changes, the city should only need to appoint members to the newly created historic preservation commission to meet all the criteria to become a CLG. Forming this commission may lead to the city becoming a Certified Local

Government, which will provide the city with a variety of new resources intended to assist with the preservation of local historic resources.

- G. 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 2013-300, which recommends that the City Council adopt the requested amendments.



PLANNING COMMISSION RESOLUTION 2013-300

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE
NEWBERG DEVELOPMENT CODE AND MUNICIPAL CODE REGARDING THE
ESTABLISHMENT AND FUNCTIONS OF A HISTORIC PRESERVATION COMMISSION**

RECITALS

1. On April 1, 2013, the Newberg City Council heard a presentation by Kuri Gill of the Oregon Parks and Recreation Department – Heritage Programs regarding their Certified Local Government (CLG) program. After hearing of the CLG program and discussion, the Council instructed city staff to bring to Council a proposal to establish Newberg as a CLG. The recommend municipal code changes included in this resolution would comply with a portion of the criteria needed to become a CLG.
2. After proper notice, the Newberg Planning Commission held a hearing on September 12, 2013 to consider the amendment. The Commission considered testimony and deliberated.

The Newberg Planning Commission resolves as follows:

1. The Commission recommends that the City Council adopt the amendments to the Newberg Development Code as shown in Exhibit “A”. Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit “B” are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 12th day of September, 2013.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

- Exhibit “A”: Development Code Text Amendments
- Exhibit “B”: Findings

**Establishment of Newberg Historic Preservation Commission
Newberg Code Amendments**

Legend for proposed development code changes:

Red lettering = directions for code changes

Black lettering = existing code language

~~Black strikeout~~ = proposed language deletion

Black double underline = proposed language addition

Section 1: The following shall be added to Chapter 15.05.030 Definitions of the Newberg Code.

“Historic preservation commission” means the historic preservation commission of the City of Newberg, a body of officials appointed by the mayor with the consent of the city council, serving the city council by overseeing historic preservation issues affecting the city.

Section 2: The following shall be added as Chapter 2.15, Article VI of the Newberg Code.

Article VI. Historic Preservation Commission

2.15.500 Establishment.

There is hereby established a historic preservation commission for the City of Newberg, Oregon.

2.15.510 Purpose.

The City of Newberg Historic Preservation Commission is established to identify, recognize, and preserve significant properties related to the community’s history, encourage the rehabilitation and ongoing viability of historic buildings and structures, strengthen public support for historic preservation efforts within the community, foster civic pride, and encourage cultural heritage tourism.

2.15.520 Membership.

A. The commission shall consist of five members who are not officials or employees of the city and an ex officio nonvoting member who shall be a student from one of the local high schools.

**Exhibit "A" to Planning Commission
Resolution No. 2013-300**

B. Members should have a demonstrated competence, knowledge, or interest in historic preservation with preference given to those with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties.

C. Three of the five members shall have their principal place of residency inside the city limits. One member may have their principal place of residency outside city limits provided it is within one mile of the urban growth boundary of the city at the time of their appointment and during the term that they serve on the historic preservation commission. There is no residency requirement for the one remaining member or the ex officio student.

2.15.530 Term of office.

A. Members of the historic preservation commission shall be appointed by the mayor with the consent of the city council for a term of three years from the first calendar day of the year. The appointments of some members shall be for other than specified terms in order to establish an approximately equal expiration of terms each year. The term of the student member will begin June 1st of each calendar year and end May 31st of succeeding calendar year with reappointment not to exceed three years. Members of the historic preservation commission shall continue after expiration of their term until such time as their successors are appointed.

B. The term of each member shall continue until such time as their successors are appointed.

2.15.540 Vacancies and removal.

A. Any vacancy in the commission shall be filled by appointment of the mayor with consent of the city council for the unexpired term of the predecessor in the position.

B. A member of the commission may be removed by the city council after hearing for misconduct or nonperformance of duty.

C. A member who is absent from two consecutive meetings without an excuse as approved by the historic preservation commission is rebuttably presumed to be in nonperformance of duty and the city council shall declare the position vacant unless finding otherwise following the hearing.

2.15.550 Presiding members.

At the commission's first meeting of each calendar year, the commission shall elect a chair and vice chair to serve one-year terms.

2.15.560 Staff services.

The city recorder shall provide a secretary to the commission and such other staff and consultation services as may be appropriate. The secretary shall keep a record of commission proceedings.

2.15.570 Meetings.

A. A majority of the voting members of the historic preservation commission shall constitute a quorum. The commission shall meet at least four times a year, and as required to conduct business in a timely fashion. Meetings of the commission

**Exhibit "A" to Planning Commission
Resolution No. 2013-300**

shall be open to the public and shall be subject to the Open Meetings Law. Meetings other than the regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records.

B. The chair, upon the chair's own motion, may, or at the request of two members of the commission, shall, by giving notice to the members of the commission, call a special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of a special meeting shall be posted at City Hall and to the extent feasible, provided to interested persons and the local newspaper at least 24 hours prior to the meeting.

C. Meeting minutes, applications for historic review, landmark nominations, records of landmark designation, staff reports, and decisions of the commission shall be created and maintained as public records in accordance with applicable local state laws.

2.15.580 Powers and duties.

A. The commission shall have the powers and duties which are now and may hereinafter be assigned to it by Charter, ordinances or resolutions of the city and general laws of the state.

B. The commission shall identify and evaluate properties in the City of Newberg and maintain a Historic Resource Survey consistent with the standards of the Oregon State Historic Preservation Office, hereinafter referred to as "SHPO."

C. The commission shall make recommendations to the city council regarding properties to be designated to the list of designated landmarks

D. The commission shall review and act upon applications for the alteration, relocation, or demolition of designated landmarks.

E. The commission shall support the enforcement of all state laws relating to historic preservation.

F. The commission shall perform any other functions that may be designated by resolution or motion of the city council.

G. The commission may publish and adopt written and graphic guidelines and example materials to clarify the criteria in the historic landmarks section of this code and to assist applicants in developing complete and viable applications to designate, alter, rehabilitate, relocate, or demolish landmarks. The commission may make recommendations to the city council regarding changes to regulations of designated landmarks within City of Newberg Development Code using the established procedures for amendments.

H. The commission may undertake to inform the citizens and visitors to the City of Newberg of the community's history and prehistory, promote research into its history and prehistory, collect and make available materials on the preservation of designated landmarks, provide information on state and federal preservation programs, and document designated landmarks prior to their alteration, demolition, or relocation and archive that documentation.

I. The commission may make recommendations to the city council regarding expenditures for historic preservation activities and potential funding source in which to pay for the recommended expenditures.

J. The commission may recommend incentives and code amendments to the city council and planning commission to promote historic preservation in the community.

**Exhibit "A" to Planning Commission
Resolution No. 2013-300**

K. The commission may comment on local, state, or federal issues, laws, and requests relating to historic preservation.

L. The commission may adopt rules to conduct its business meetings.

2.15.590 Application for membership.

A. The city shall give public notice of any vacancy of the historic preservation commission and accept such application for such vacancies.

B. The application for membership on the historic preservation commission shall state the principal occupation of the applicant, the principal residence of the applicant, and give other information and qualifications as the city may deem necessary.

2.15.600 Conflict of interest.

A member of the historic preservation commission shall abide by and be in accordance with the State Ethics Code.

2.15.610 Training.

The city shall offer training to historic preservation commissioners to educate them in their duties. It shall be the duty of any newly appointed historic preservation commissioner to attend a basic training session from staff within 30 days of the historic preservation commissioner's appointment. It shall be the duty of any reappointed historic preservation commissioner to attend at least a one-hour training session from staff or offered by the city within 12 months from the beginning of that person's appointed term.

Section 3: Chapter 2.15, Article VI of the Newberg Code, "Penalty" shall be renumbered as Article VII, and the current Section 2.15.490 and all cross references to this section shall be renumbered as Section 2.15.900.

Section 4: The following amendments shall be made to Chapter 15.344 of the Newberg Development Code.

**Chapter 15.344
HISTORIC LANDMARKS (H) SUBDISTRICT**

Sections:

- | | |
|------------|--|
| 15.344.010 | Purpose. |
| 15.344.020 | Landmark designation. |
| 15.344.030 | Alteration, new construction, demolitions. |
| 15.344.040 | Exceptions for economic hardship. |
| 15.344.050 | General administration. |

15.344.010 Purpose.

The purpose of the H overlay zone is to:

A. Safeguard the historic landmarks, buildings and sites representing significant elements of Newberg history;

**Exhibit "A" to Planning Commission
Resolution No. 2013-300**

- B. Promote the historic, educational, cultural, economic and general welfare of the public through the preservation, restoration and protection of these buildings, structures, sites, and objects of historic interest within the city;
- C. Foster civic pride in the accomplishments of the past;
- D. Protect and enhance the city's attractions to tourists and visitors;
- E. Carry out the provisions of the Land Conservation and Development Commission Goal 5. [Ord. 2451, 12-2-96. Code 2001 § 151.490.]

15.344.015: Historic Preservation Commission Review

The historic preservation commission shall review applications for landmark designation, alteration, new construction, and demolition requiring Type III review as outlined in this chapter. In conducting a Type III review, the commission shall have all powers and duties of the planning commission. The notice, review, and appeal provisions of this code that apply to Type III planning commission reviews shall apply equally to Type III historic preservation commission review. In cases where an application requires both historic preservation commission and planning commission review, such as for a modification to a landmark for a conditional use, the two commissions may hold a combined hearing. However, the two commissions shall make separate decisions.

15.344.020 Landmark designation.

A. Institution of Proceedings. The owner(s) of record may initiate the proceedings for designation of a historic landmark. Initiation of an application by a property owner is voluntary and landmark designation may not occur without an owner's consent. Applications for designation shall be made available by the director. No fee shall be charged for the application.

B. Application Information. The following information shall be provided for designation or modification of a historic landmark:

1. Site plan indicating the existing and/or proposed building or buildings.
2. Architectural elevations or pictures of the structure and, if appropriate, elevations of any proposed additions or revisions.
3. Information regarding the age and historic character of the landmark. Where available, information indicating its association with historic events, former residents or users of the landmark, and the period or style of the landmark.

C. Designation Procedure Type III. Designation of a (H) historic landmarks subdistrict will be treated as a zoning map amendment and shall be processed under the Type III procedure. The designation of a site-specific historic landmark shall be processed under a Type III procedure and reviewed by the planning commission/historic preservation commission. Sites or buildings identified as historic landmarks shall be subject to this chapter.

D. Designation Criteria. If the building, structure, site, or object is currently listed in the National Register of Historic Places of the United States of America, the property or properties shall be designated as a local landmark. In addition, landmarks shall include those buildings, structures, sites, or objects which have been identified as landmarks in the historic resources element of the comprehensive plan. The following criteria will be

**Exhibit "A" to Planning Commission
Resolution No. 2013-300**

used by the ~~planning commission~~ historic preservation commission and city council in considering other properties:

1. The evaluation criteria used in the 1990 historic resources evaluation shall be considered. Any or all of the criteria may be satisfied for designation:

a. The landmark is associated with natural history, historic people, or with important events in national, state or local history. The age of a specific building shall be considered but shall not be deemed sufficient in itself to warrant designation as a significant historic resource.

b. The landmark embodies distinguishing characteristics of architectural specimens inherently valuable for a study of a period, style, or method of construction.

c. The landmark is a notable work of a master builder, designer or architect, or the structure represents a rarity of type, style, or design in the community.

d. The landmark retains a high degree of original design, crafting, materials, and original site features.

e. The landmark contributes to the immediate environment and the character of the neighborhood or city.

2. The proposed landmark will serve the purpose of this section as stated in NMC 15.344.010.

3. The economic, social, environmental, and energy consequences of conflicting uses shall be considered.

E. Designation Removal. Request for removal of a historic landmark designation may be made by the property owner and shall follow the same procedures as required for inclusion by this code. The ~~planning commission~~ historic preservation commission is not obligated to remove a historic landmark designation if the landmark still meets the criteria contained in subsection (D) of this section. If a historic landmark designation is removed from the register, the ~~planning commission~~ historic preservation commission or city council is authorized to require that all city fees that were waived during the time period that the landmark was designated be repaid to the city prior to the landmark designation being removed. [Ord. 2451, 12-2-96. Code 2001 § 151.491.]

15.344.030 Alteration, new construction, demolitions.

A. Exterior Alterations.

1. Application Process. Application for permit approval shall be made to the director. The application shall include site plans, floor plans, elevations, materials, textures, and other information deemed necessary by the director to determine the appropriateness of the alterations of the designated landmark.

2. Director Review of Minor Alterations Type I.

a. The director shall approve minor alteration requests through the Type I procedure if there is no significant change in appearance, or in original material integrity, from the existing structure or site. The director's approval may include conditions to ensure compatibility. Minor alterations meeting the following standards shall be approved and shall be documented by written findings:

i. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials;

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ii. The proposed alteration results in new siding, roofing, or foundation skirting which matches materials used on the structure or is typical in terms of material and texture for the style of the landmark;

iii. The proposed alteration results in the replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match or appear to match those typically used on similar-style buildings;

iv. The proposed alteration results in a new foundation that does not raise or lower the building elevation, provided the foundation materials and/or craftsmanship do not contribute to the historical and architectural significance of the landmark;

v. The proposed alteration results in the application of storm windows made with wood, bronze or flat-finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building;

vi. The proposed alteration results in replacement of existing sashes with new sashes, when using material which is consistent with the original historic material and appearance;

vii. The proposed alteration results in modifications to the porch which imitate or restore railings, posts, steps, and skirting which were typical for the style of the landmark;

viii. The proposed alteration results in construction of a wood fence in the front yard which was typical for the style of the landmark. Solid wood fences shall be permitted along side and rear property boundaries;

ix. The proposed alteration results in the installation of permanent air conditioning or heating facilities, including solar panels, which do not result in the destruction or removal of original architectural features. If possible, facilities should be located in such a manner that they are not readily visible from the public right-of-way, excluding alleys;

x. The proposed alteration results in new awnings or signage which were typical for the style of the landmark.

b. The ~~planning commission~~historic preservation commission may develop additional standards to guide the director in determining what constitutes a significant change.

3. ~~Planning Commission~~Historic Preservation Commission Review Criteria and Guidelines Type III. Excluding routine maintenance and minor alterations subject to director review, requests to alter a designated landmark in such a manner as to affect its exterior appearance shall be reviewed for permit approval by the ~~planning commission~~historic preservation commission using the Type III procedure. The ~~planning commission~~historic preservation commission, in considering applications for permit approval for any alteration, shall base their decision on substantial compliance with the following criteria and guidelines:

a. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Specific design elements which must be addressed include:

i. Average Setback. When a new structure is being constructed on an infill lot, the front yard setback shall be the same as the buildings on either side. When the front setbacks of the adjacent buildings are different, the front setback of the new structure shall be an average of the two.

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ii. Architectural Elements. The design shall incorporate architectural elements of the city's historic styles, including Queen Anne, colonial revival, Dutch colonial revival, and bungalow styles. Ideally, the architectural elements should reflect and/or be compatible with the style of other nearby historic structures. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, roof dormers, and decorative trim boards.

iii. Building Orientation. The main entrance of the new structure shall be oriented to the street. Construction of a porch is encouraged but not required. Such a porch shall be at least six feet in depth.

iv. Vehicle Parking/Storage. Garages and carports shall be set back from the front facade of the primary structure and shall relate to the primary structure in terms of design and building materials.

v. Fences. Fences shall be built of materials which are compatible with the design and materials used in the primary structure.

b. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

c. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

d. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved to the extent possible.

e. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall reasonably match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

f. Chemical or physical treatments, such as sandblasting, that cause extensive damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

g. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

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

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

B. New Construction Type III Review Criteria.

1. Review Required. If an application is made to build a new building on a landmark site, the ~~planning commission~~ historic preservation commission shall review the request through the Type III procedure to assure the plans are compatible with any

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existing landmark structures on the site. No new structure or major public improvement shall be constructed without review pursuant to the following criteria.

2. Review Criteria. Designs shall be compatible with any existing landmark structures on the site in terms of size, scale, material and character. Contemporary designs shall not be discouraged when they do not destroy significant historical, architectural, or cultural material. Review criteria shall include consideration of the guidelines listed in subsection (A)(3) of this section.

C. Demolition and Moving Review.

1. Building Director Review Type I. The building director shall issue a permit for moving or demolition if any of the following conditions exist:

a. The building is not a designated landmark. If the landmark is pending review under NMC 15.344.020, no permit shall be issued; and/or

b. The landmark has been damaged beyond reasonable repair through fire, flood, wind or other acts of God, vandalism, or neglect, and poses an immediate threat to public safety. For any demolition or moving which does not comply with the above criteria, it shall be referred to the ~~planning commission~~historic preservation commission under the Type III procedure.

2. ~~Planning Commission~~Historic Preservation Commission Review Process Type III. The process and public notice for review of a demolition permit shall be conducted under the Type III procedure. Unless extended by mutual consent of the applicant and the ~~planning commission~~historic preservation commission, the ~~planning commission~~historic preservation commission shall complete any review within 45 days of the date the city received a complete application, with the intent that the ~~planning commission~~historic preservation commission and applicant seek alternatives such as sale, salvage, relocation or donation to historic or interested groups, not simply to delay the demolition or moving.

3. Review Criteria. In reviewing an application for a demolition permit or moving permit, the commission shall consider the purpose of this chapter as stated in NMC 15.344.010 and the criteria used in the original designation of the landmark as stated in NMC 15.344.020(D).

D. City Council Review of Dangerous Structures. The city council may order the removal or demolition of any structure determined to be dangerous to life, health, or property.

E. Documentation. In the event of the demolition or moving of a landmark, building, structure, site or object, the history of such landmark shall be documented and kept on file with the city. [Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.492.]

15.344.040 Exceptions for economic hardship.

A. When the applicant has demonstrated an economic hardship as a result of the provisions of this code, the commission or city council may relax the requirements of the ordinance, provided the relaxation is consistent with the purpose of this chapter as stated in NMC 15.344.010. Any relaxation of requirements shall be the minimum necessary to alleviate the economic hardship. In determining whether an exception due to economic hardship is justified, the commission or city council shall consider the following factors:

1. Estimated cost of rehabilitation;

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2. Estimated market value of property in current condition and after proposed construction;
 3. Potential income from property if income-producing;
 4. Any other economic information deemed relevant to the decision; and
 5. Economic, social, environmental, and energy consequences of the exception.
- B. The applicant shall provide adequate documentation to justify an economic hardship. The information shall be provided on a form available from the director. [Ord. 2451, 12-2-96. Code 2001 § 151.493.]

15.344.050 General administration.

- A. Signs. One sign no larger than 200 square inches is permitted in addition to other permitted signs.
- B. Maintenance. Nothing in this code shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance of such feature, nor to prevent the construction, reconstruction, alteration or demolition of such feature which the city's building director shall certify is required by the city's building and development codes. Maintenance and repair actions include, but are not limited to:
1. Repair of siding, roofing, foundations, and gutters or downspouts when required due to deterioration, with materials that match the original materials or are in character with materials typically used on similar-style buildings;
 2. Painting and related preparation;
 3. Water quality protection actions;
 4. Installation of air conditioners, provided the units are removable and no architectural alterations are necessary;
 5. Site maintenance such as pruning, landscaping maintenance, brush clearing and removal of debris;
 6. Temporary removals of roofs or other access obstructions for purposes of repair or maintenance of interior components of industrial or power generation facilities. [Ord. 2521, 11-15-99; Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.494.]

**Exhibit “B” to Planning Commission Resolution 2013-300
Findings –File DCA-13-001
Historic Preservation Commission**

I. Statewide Planning Goal 5

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

II. Newberg Comprehensive Goal G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.

Policy 3 - Historic Resources Policies

a. The continued preservation of Newberg's designated historic sites and structures shall be encouraged.

b. Newberg's Historic Inventory shall be updated as needed to reflect new information.

c. The City will encourage the establishment of a museum for the housing of historic artifacts, the sponsorship of touring exhibits, seminars and oral history, archival research, etc.

d. The City will encourage the re-use of historic structures such as the establishment of bed and breakfast operations, specialty shops, restaurants and professional offices.

e. The City will encourage identification and/or preservation of significant historic landmarks, archaeological or architectural sites which meet criteria established by the City.

Finding: The creation and implementation of a Historic Preservation Commission will strengthen the effort to achieve these goals and policies. It will be a commission specifically tasked to work towards the preservation of local historic resource and it will have members with strong interests and special skills that will be especially useful in achieving these goals and policies. In addition, forming this commission may lead to the city becoming a Certified Local Government, which will provide the city with a variety of new resources intended to assist with the preservation of local historic resources.

II. Conclusion: The proposed development code amendments meet the applicable requirements of state law, state rules, the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.

Certified Local Government Certification

Requirements

The basic certification requirements for local governments are as follows:

- Establish a historic preservation commission and appoint interested and qualified residents to serve. To the extent they are available, at least some of the commission members should meet "professional" qualifications in the disciplines of history, architecture, architectural history, archaeology, or related fields.
- Pass a preservation ordinance that outlines how the local government will address historic preservation issues.
- Agree to participate in updating and expanding the state's historic building inventory program. SHPO takes the lead in this effort by maintaining the master database and the files for the statewide inventory, and by providing grants to survey additional properties.
- Agree to review and comment on any National Register of Historic Places nominations of properties within the local government boundaries. Nominations are usually submitted by the property owners themselves or other members of the public. SHPO administers the National Register program in Oregon.
- Affirm that it will fulfill its obligation to enforce existing state preservation laws.



Benefits

- **Grants:** CLGs may apply for annual grants from SHPO. The grants, which require a 50/50 match, have typically been in the \$5,000--\$20,000 range in recent years. Grants can be used for a broad range of preservation activities, though some of the most common grant-funded projects include the following:
 - Surveys of historic properties and accompanying context studies
 - National Register nominations of either individual buildings or historic districts
 - Public education activities: plaques, walking tour booklets, websites, etc.
 - Preservation planning: updating ordinances, preparing design guidelines, administering local preservation programs, etc.
 - Architectural and engineering studies and plans for rehabilitating historic properties
 - "Brick-and-mortar" rehabilitation work on National Register buildings
- **Training:** workshops and conferences for staff and commission members
- **SHPO and National Park Service assistance:** CLGs enjoy a partnership relationship with the state and federal agencies that have the primary responsibility for promoting historic preservation in the U.S. As such, CLGs are able to tap into the expertise and resources of these agencies in order to help address their local preservation issues. **Networking:** Through CLG workshops, conferences, listservs, and websites, CLGs are able to participate in the discussion of preservation issues with other local governments throughout the state and country.
- **Increased Effectiveness:** By participating in the CLG program, local governments become more skilled and effective at promoting the economic, social, and educational benefits of historic preservation in their community. They are also able to avoid much of the controversy that comes from mishandled local historic preservation issues.



Kuri Gill, CLG Coordinator Phone: (503) 986-0685

Email: Kuri.Gill@state.or.us

David Beam

From: Kuri Gill <kuri.gill@state.or.us>
Sent: Thursday, August 22, 2013 11:16 AM
To: David Beam
Subject: Re: Proposed Newberg Historic Preservation Commission - Code Amendments

hi David,

This looks pretty good and meets all of the requirements for CLG. There are a couple of suggestions we have.

1. Where you talk about the commission documenting historic properties, it would be nice to include how (inventory maintained in City hall, Oregon historic Sites database, etc.)
2. 15.344.020 Landmark Designation. We would recommend allowing anyone to propose a landmark, but making designation subject to owner consent, except in the case of city-owned properties. I would not include the discussion of future alterations as part of the designation process. The commission should consider buildings as is. Also I recommend dropping D.3 from this section, consideration of economic, social, environmental consequences of conflicting uses. Finally, E is a little wishy-washy on under what situations a landmark can be removed.
3. 15.344.030 Alteration, new construction, demolitions. The passages for alteration of existing buildings and new construction appear to be mixed. Not bad necessarily, but confusing. Specially, A.3.a.i-v appear to deal mostly with new construction, which is addressed under B. The demolition delay period is pretty short, 45 days. We recommend extending this period to at least 90 days with the option of another 90-day extension.
4. 15.344.040 Exceptions for economic hardship. It's good to see that they have this, but item 5 is broad enough that they may see more requests for hardship than expected. However, if it has worked so far perhaps it's fine.

Take care, kuri

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>>> David Beam <david.beam@newbergoregon.gov> 8/15/2013 4:09 PM >>>
Kuri,

As I mentioned to you recently, we are starting the process to meet the criteria to become a CLG. Our first public hearing will be with the Planning Commission on Sept. 12th. Attached you will find the code amendments that will be under consideration for adoption. If you have any comments regarding these proposed amendments, please provide them to me by COB of Friday, August 30th.

Thanks.

David A. Beam, AICP

Steve Olson

From: Dan Shepherd [danielshepherd@comcast.net]
Sent: Tuesday, August 20, 2013 8:15 PM
To: Barton Brierley; ehui@hayc.org; jpierce@hayc.org
Cc: Bart Rierson; Bob Andrews; Brooks Bateman; Denise Bacon; Jessica Nunley; Lesley Woodruff; Mike Corey; Norma Alley; Ryan Howard; Stephen McKinney; Steve Olson
Subject: Dust control at 1103 N Meridian street

Hello Barton:

Dan Shepherd here, 1117 N Meridian street. I am writing to complain about the dust control at the HAYC project at 1103 N Meridian Street, or actually the lack thereof. The City Comprehensive Plan calls for dust control during "demolition, construction or renovation projects" (section Q). As of today, I have contacted Earl Newton, the project superintendent for Bremik Construction for this project 3 times to discuss dust controls. He will no longer answer my calls. They have a water truck on site, they just seem unwilling to use it. Earl just gives me lip service saying that they will do something but over the past two days (August 19th and 20th) they have not used it but once on the 19th. I have been home both days and watched the operation and my complaints have been ignored and I have a dust bowl blowing over my house and all of my neighboring areas. The entire project needs to be wetted down, not just the part they are working on at the moment. I am tired of trying to deal with Bremik and am turning to the City. Our Comprehensive Plan calls for dust control, I was informed of this during the Planning Commission meetings on the subject that this would not be a problem as there were "Codes to take care of this" and now I expect the City to do something about enforcing their regulations. I expect that the area be wetted down 4 times a day since their working times seem to be 7:00 am to 3:30 pm. I expect that the wetting down operation should begin when they start at 7:00 am, at 10:00 am, at 2:00 pm and when they shut down at 3:30 or 4:00 pm. I do not feel that this is too much to ask for, especially as they are supposed to do this anyway. Good Lord people, it's just water! I am tired of being ignored and my phone calls unanswered as "if I ignore this, it will go away". Rest assured, I will not go away nor do I feel that I should. This is a requirement by the City Comprehensive Plan and as such should be paid attention to.

Please forward this information to the Newberg City Planning Commission . Thank you for your time. I can be reached at 971-246-0437.

Daniel W Shepherd
1117 N Meridian Street
Newberg, OR 97132