

PLANNING COMMISSION AGENDA
January 9, 2014
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

- I. CALL MEETING TO ORDER**
- II. OATH OF OFFICE FOR NEW COMMISSIONERS**
- III. ROLL CALL**
- IV. ELECTION OF CHAIR AND VICE CHAIR:** If the Planning Commission wishes to follow their usual rotation based on seniority then Art Smith is in line for Chair and there is a tie for Vice Chair between Allyn Edwards and Gary Bliss.
- V. PUBLIC COMMENTS** (5 minute maximum per person)
 1. For items not listed on the agenda
- VI. CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)
 1. Approval of December 12, 2013 Planning Commission Meeting Minutes
- VII. 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.
 1. **APPLICANT: EAA Holdings LLC**
REQUEST: Conditional use permit for a daycare in the M-2 zone
LOCATION: 141 N. Elliott Road
TAX LOT: 3220AD-1100
FILE NO.: CUP-13-004 **ORDER NO.: 2014-15**
CRITERIA: 15.225.060, 15.220.050
 2. **APPLICANT: Gerald Logan (Classic Auto Sales)**
REQUEST: Conditional use permit for auto sales in the C-3 zone
LOCATION: 301 W. First Street
TAX LOT: 3219AB-4500 & 4700
FILE NO.: CUP-13-005 **ORDER NO. 2014-14**
CRITERIA: 15.225.060, 15.220.050
- VIII. ITEMS FROM STAFF**
 1. Update on Council items
 2. Other reports, letters, or correspondence
 3. Next Planning Commission Meeting: February 13, 2014
- IX. ITEMS FROM COMMISSIONERS**
- X. 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

December 12, 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.

II. ROLL CALL

Members Present: Cathy Stuhr, Chair Art Smith, Vice Chair Jason Dale
Allyn Edwards Matt Fortner Gary Bliss
Philip Smith Sulamita Barbiyeru, student pc

Members Absent: Mayor Bob Andrews, Ex-Officio

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

Others Present: Marc D. Grenz, Peggy Mangis, Warren Parrish

III. PUBLIC COMMENTS

Chair Stuhr opened and closed the public comments as no one chose to comment.

IV. CONSENT CALENDAR

Approval of November 14, 2013, Planning Commission Meeting Minutes

MOTION: Allyn Edwards/Art Smith to approve the Consent Calendar including the planning commission minutes for November 14, 2013. Motion carried (7Yes/0 No).

V. QUASI-JUDICIAL HEARINGS

- 1. APPLICANT:** Springbrook Investments LLC
- REQUEST:** Annexation of approximately 7.2 acres
- LOCATION:** 108 S. Springbrook Road
- TAX LOT:** 3221-900
- FILE NO.:** ANX-13-001 **RESOLUTION NO.:** 2013-304
- CRITERIA:** 15.250.020, 15.250.030, 15.302.030(A)3

Chair Cathy Stuhr opened the Quasi-Judicial Hearing; read ORS 197.763; and called for abstentions, bias, ex-parte contact, or objections to jurisdiction. Commissioner Gary Bliss declared he knows the applicant and has reviewed his work in the past, but can make an unbiased decision on this application. Chair Stuhr declared she is familiar with the area as she drives by it; questions she has considered are driveway locations and sight distance. Commissioner Jason Dale declared he drives by the area on his way to work.

Mr. Steve Olson, associate planner, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report). Staff recommends adoption of Resolution 2013-304, recommending the city council approve the requested annexation and zone change to R-3 with a stream corridor overlay, an airport inner horizontal surface overlay, and withdraw the parcel from the Newberg Rural Fire Protection District.

Chair Stuhr opened public testimony beginning with proponents at 7:26 PM.

Mr. Marc D. Grenz, representing the applicant, stated he is aware of the development constraints on utility connections with the improvements on Springbrook Road and made himself available for questions.

Commissioner Philip Smith asked if the development will pay for the left turn lane. Mr. Grenz replied yes, they will work with city staff and determine what the proportionate share will be and if it fits in to the transportation plan. He does not envision being responsible for all of it.

Ms. Peggy Mangis is a broker representing the seller of the property. The personal representative could not be present this evening, but the heirs to the estate are in favor of this application.

Mr. Warren Parrish expressed his concern with the future use of this property and the intersection being signaled in a timely manner. He shared concern about the entrance into the property and exit onto Fernwood Road.

Mr. Barton Brierley, planning & building director, provided a revised copy of the annexation legal description in Exhibit "A" to the commission.

Mr. Marc Grenz stated the property is intended to be a multi-family project, which was the assumption used for the traffic analysis.

Commissioner Philip Smith asked about the timing of the intersection improvement and who will pay for it. Mr. Grenz stated the earliest opportunity for the voters to consider the annexation is May, 2014, assuming it is approved by the city council. Design review and construction drawings could be reviewed next July or August, 2014, at the earliest. Units could be built in early to mid-2015; about the same time as Oregon Department of Transportation has planned the stop light. Mr. Brierley stated ODOT is planning to complete the Springbrook improvements in 2016.

Chair Stuhr closed public testimony at 7:50 PM

<p>MOTION: Philip Smith/Allyn Edwards moved to approve Resolution No. 2013-304, recommending that the city council approve the requested annexation and zone change. Motion carried (7 Yes/0 No).</p>
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Mr. Brierley distributed a list of next year priorities for the commission to consider and weigh in on.

VI. ITEMS FROM STAFF

1. Update on Council items

Mr. Brierley reported the city council reappointed planning commissioners Allyn Edwards, Matthew Fortner, and Art Smith for three more years; and approved the Transportation System Plan amendment for phase-one of the Newberg-Dundee Bypass.

2. Other reports, letters, or correspondence

Mr. Brierley stated if the planning commission continues to follow the current rotation, Commissioner Art Smith will be next in line to serve as Chair and Commissioner Bliss or Commissioner Edwards as Vice-Chair.

3. The next planning commission meeting is scheduled for Thursday, January 9, 2014.

VII. ITEMS FROM COMMISSIONERS

No items were brought forward.

VIII. ADJOURN

Chair Stuhr adjourned the meeting at 8:33 PM.

Approved by the Planning Commission on this 9th day of January, 2014.

AYES:

NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

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.

**PLANNING COMMISSION STAFF REPORT
DAYCARE AT 141 N. Elliott Road
CONDITIONAL USE PERMIT**

HEARING DATE: January 9, 2014

FILE NO: CUP-13-004

REQUEST: Conditional use permit to operate a daycare in an existing building in the M-2 (Light Industrial) zone

LOCATION: 141 N. Elliott Road

TAX LOT: 3220AD-1100

APPLICANT/
OWNER: EAA Holdings, LLC

ZONE: M-2 (Light Industrial)

PLAN DISTRICT: IND (Industrial)

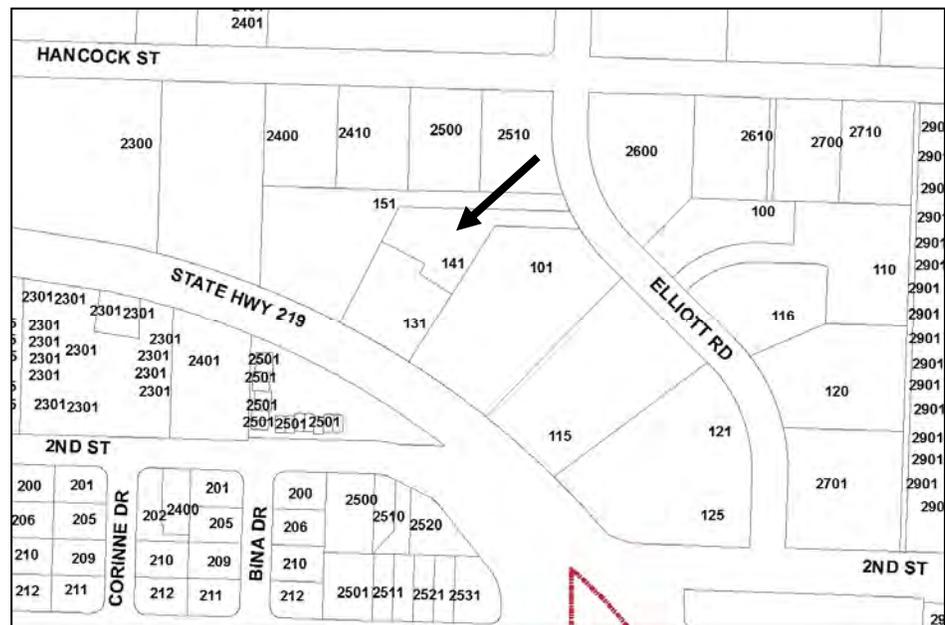
OVERLAYS: Airport Transitional Surface Zone

ATTACHMENTS:

Order 2014-15 with

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

1. Aerial Photo
2. Airport Zones Map
3. Site Plan
4. Application
5. Public Comments
6. OR Dept of Aviation
Comments
7. Sample Hold Harmless
Agreement



A. DESCRIPTION OF APPLICATION: EAA Holdings, LLC, has requested a conditional use permit to operate a daycare in an existing building at 141 N. Elliott Road. The site is in the M-2 (Light Industrial) zone, and a daycare is a conditional use in this zone. The daycare facility would be limited by its license to 31 children, and would have 3 to 5 staff members depending on the age of the children. The previous use of the existing building was a medical office/laboratory. The building's interior would be remodeled into approximately 1,196 square feet of daycare space, 1,579 square feet of office space, plus space for building utilities and restrooms. No exterior remodeling is proposed, with the exception of the addition of a fence around the building and a lawn that will be used as an outdoor play area. There are currently 11 parking spaces on the site, including one ADA parking space. The site is currently landscaped with mature trees, shrubs, and grass, and no landscaping changes are proposed.

B. SITE INFORMATION:

1. Location: 141 N. Elliott Road
2. Size: Approximately 0.47 acres
3. Topography: Generally level, with a slight slope to the southwest
4. Current Land Uses: Vacant building (formerly a medical office/laboratory)
5. Natural Features: mature landscaping throughout the site.
6. Adjacent Land Uses:
 - a. North: vacant land, two industrial buildings with multiple tenants such as auto related uses, pest management companies, tool & die makers
 - b. East: Cascade Laser Corp. (laser supplies and accessories)
 - c. South: vet clinic
 - d. West: vacant
7. Access and Transportation: The site has an existing access on Elliott Road, which is fully improved. No changes to the driveways or street improvements are proposed.
8. Utilities: The existing building is currently served by city sewer and water from Elliott Road. Stormwater drains southwest into an existing catch basin in the parking lot of the adjacent property. The project would not be adding any additional impervious area.

C. PROCESS: The conditional use permit/design review request is a type III application and follows the procedures in Newberg Development Code 15.100.050. The planning commission will hold a quasi-judicial hearing on the application. The commission is to make a decision on the application based on the criteria listed in the attached findings. The planning commission's decision is final unless appealed. Important dates related to this

application are as follows:

12/9/13	The planning director deemed the application complete.
12/17/13	The applicant mailed notice to the property owners within 500 feet of the site.
12/16/13	The applicant posted notice on the site.
12/25/13	The <i>Newberg Graphic</i> published notice of the planning commission hearing.
1/9/14	The planning commission will hold a quasi-judicial hearing to consider the application.

D. AGENCY COMMENTS: The application was routed to several public agencies & city departments for review and comment. As of the writing of this report, the city received the following agency comments:

1. City of Newberg:
 - a. Finance Dept.: *Reviewed, no conflict*
 - b. Public Works Maintenance Superintendent: *Reviewed, no conflict*
 - c. Public Works - Engineering: *All improvements are interior; no new utility connections; street frontage is in good condition.*
2. Oregon Department of Aviation – The proposed use is classified as an Incompatible Land Use with respect to noise...If this application is approved as proposed, ODA recommends that noise mitigation measures are in place to minimize the noise impact that could be caused by planes using the Sportsman Airpark.

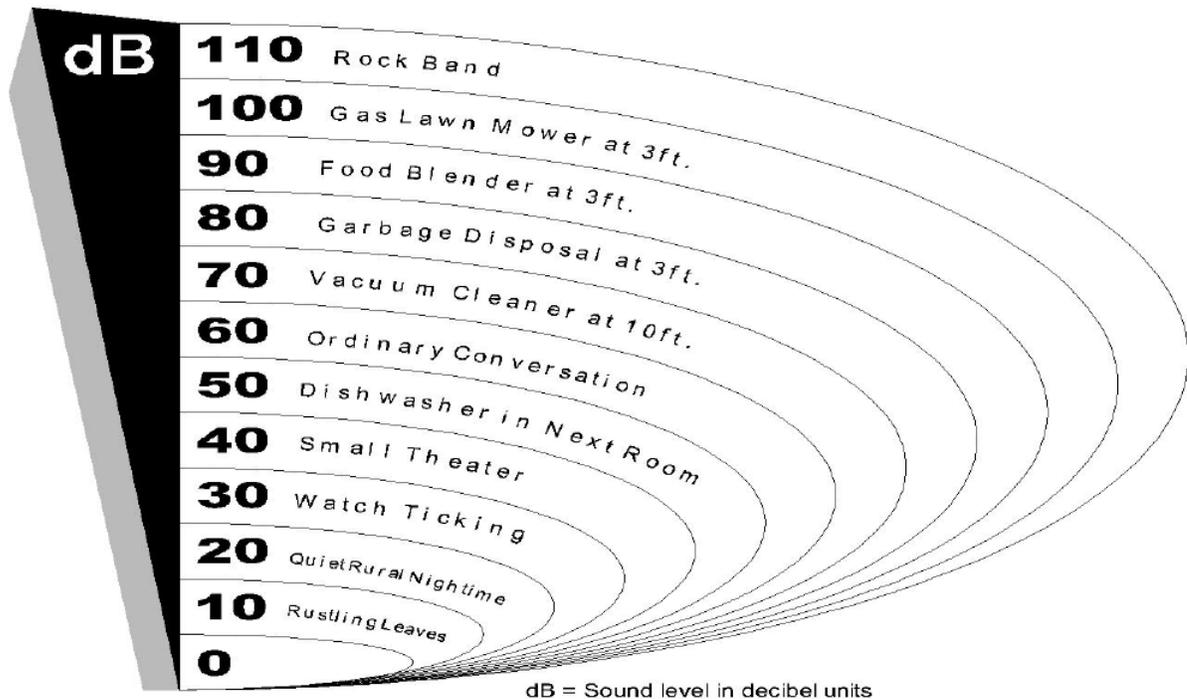
E. PUBLIC COMMENTS: As of the writing of this report, the city has received two written public comments, which are attached as Attachment “5”.

F. ANALYSIS: A conditional use permit must be reasonably compatible and have minimal impacts on the surrounding area. A daycare may or may not be compatible in an industrial area, depending on the surrounding uses. In this case, the surrounding uses are primarily conducted inside of existing buildings with minimal outdoor impacts. The daycare use will also primarily be conducted indoors, and little conflict would be anticipated.

The main compatibility concern that has arisen through the review process is the potential noise impact on the daycare from the nearby Sportsman Airpark airport. Staff received a comment from the Oregon Department of Aviation stating that a daycare is an incompatible use with respect to noise, and that the noise impacts should be mitigated if approved. The existing building is located in the Transitional Surface Zone area, which extends seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface area. The existing building is located approximately 650 feet from the end of the runway area.

Research into airport noise controls and the Sportsman Airpark airport indicate that most users of the Sportsman Airpark are small propeller aircraft, due to the fairly short runway length. The Department of Aviation *Airport Land Use Compatibility Guidebook* contains a decibel unit graph relating common sounds to their noise levels, as depicted below. Estimated sound levels for small planes are approximately 70 decibels and below, which is roughly equivalent to a vacuum cleaner at 10 feet away. The Guidebook states that “for airports with low activity, noise contours of 70 DNL (Average Day-Night Sound Level) and above are usually contained within airport property. For small airports, the 65 DNL will often fall within the existing airport property.” It is not clear what decibel reading might be happening

at the existing building, but it is a possibility that the noise from truck traffic on Highway 219 may be just as loud as potential airport traffic. According to internet research, traffic noise can often be at approximately 70 decibels, and semi-trucks can be up to 90 decibels. As a comparison, there is an existing daycare station located across the street from the downtown fire station which is regularly subject to sirens from fire trucks and ambulances, and staff is unaware of any noise related issues with the daycare operations.



For the most part, noise issues can be mitigated with current building code requirements for insulation and with modern double paned windows. The owners of the daycare building can also grant a hold harmless agreement to the airport for noise related impacts.

The planning commission has several options for a decision on this application, including the following:

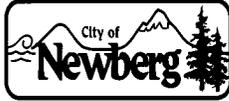
- A. Allow the daycare as proposed, with no additional conditions added to Exhibit “B”.
- B. Add a condition to Exhibit “B” to address the noise concern: *“Conduct a noise study by measuring the indoor decibel level of the building when a plane is flying overhead. If the indoor decibel level exceeds 55 decibels, upgrade building materials and replace windows as necessary to meet the 55 decibel threshold.”*
- C. Add a condition to Exhibit “B” to address noise compatibility concerns: *“Grant a Hold Harmless Agreement to the Sportsman Airpark for noise related impacts.”*
- D. Add both conditions cited above to Exhibit “B”.
- E. Deny the application.

This application is based in part on the recent approval of the zoning use table through Ordinance No. 2013-2763, which amended the code to allow daycare as a conditional use in the M-2 zone. Ordinance No. 2013-2763 is currently being appealed to the Land Use Board of Appeals (LUBA). According to ORS 197.625, “prior to acknowledgement [by DLC]...the change is effective at the time specified by the local government charter or ordinance; and...the local government shall apply

the change to land use decisions, expedited land use divisions and limited land use decisions unless a stay is granted under ORS 197.845.” The statute goes on to state that in the interim period before a comprehensive plan or land use regulation is acknowledged, findings must be made to applicable statewide planning goals to support any decision. ORS 197.625 also says that, “If an effective but unacknowledged provision of a comprehensive plan or a land use regulation fails to gain acknowledgment, a permit or zone change approved, in whole or in part, on the basis of the change does not justify retention of the improvements that were authorized by the permit or zone change.” In other words, the applicant would be proceeding with any improvements to the property for an approved daycare at their own risk prior to official acknowledgement of Ordinance No. 2013-2763 through the judicial process.

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 that planning commission:

Move to adopt Planning Commission Order 2014-15, approving the requested conditional use permit, and include the following condition in Exhibit “B”: *“Conduct a noise study by measuring the indoor decibel level of the building when a plane is flying overhead. If the indoor decibel level exceeds 55 decibels, upgrade building materials and replace windows as necessary to meet the 55 decibel threshold.”*



PLANNING COMMISSION ORDER 2013-12

AN ORDER APPROVING CONDITIONAL USE PERMIT CUP-13-004 FOR A DAYCARE AT 141 N. ELLIOTT ROAD, YAMHILL COUNTY TAX LOT 3220AD-1100

RECITALS

1. EAA Holdings, LLC, submitted an application for a conditional use permit for a daycare at 141 N. Elliott Road, Yamhill County Tax Lot 3220AD-1100.
2. After proper notice, the Newberg Planning Commission held a hearing on January 9, 2014, to consider the application. The commission heard public testimony and deliberated on the criteria.
3. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. The conditional use permit for a daycare, File No. CUP-13-004, is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted and by this reference incorporated.
3. This order shall be effective January 24, 2014, unless appealed prior to that date.
4. This order shall expire one year after the effective date above (by January 9, 2015) if the applicant does not obtain a building permit pursuant to this application by that time, unless an extension is granted per Newberg Development Code 15.225.100.

Adopted by the Newberg Planning Commission this 9th day of January, 2014.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

Attached:
Exhibit "A": Findings
Exhibit "B": Conditions

Exhibit "A"
to Planning Commission Order 2014-15
Findings | File: CUP-13-004 | Daycare at 141 N. Elliott Road

A. Applicable Conditional Use Permit Criteria - Newberg Development Code 15.225.060

The Planning Commission may grant or deny the application, or may require such changes or impose such reasonable conditions as are in their judgment necessary to ensure conformity to the conditional use permit criteria. A conditional use permit may only be granted if the proposal conforms to the following:

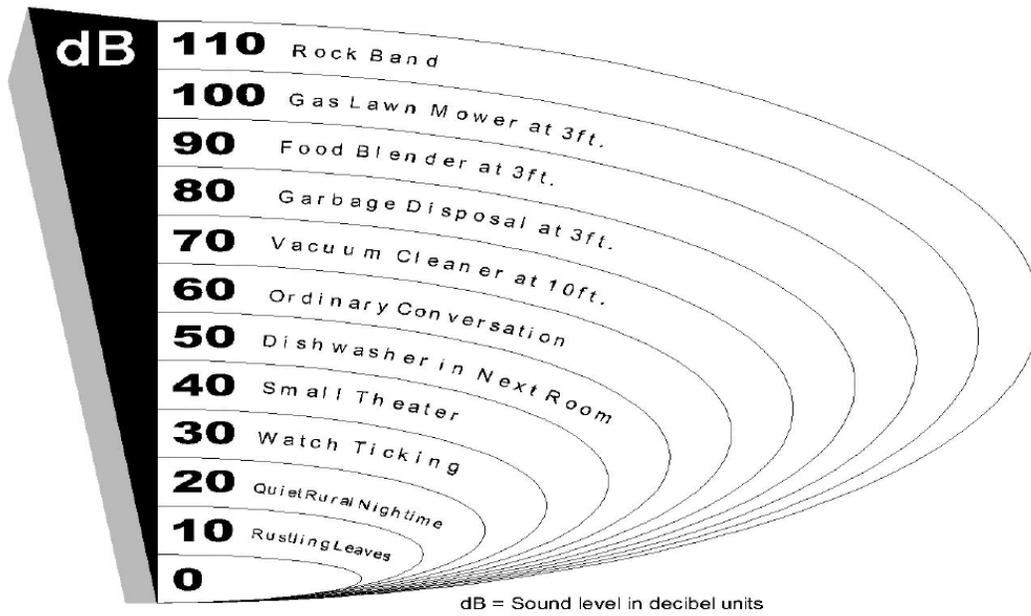
A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given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

Finding: The proposed daycare would be primarily within an existing building, the scale, bulk, coverage, and density of which would not change. The building is served by existing public facilities and the street frontage is in good condition. The proposed daycare use would not warrant a traffic study as it is projected to generate less than 40 trips in the pm peak hour and is not anticipated to unduly burden the traffic system. The main noise generator from the proposed daycare use would be children playing outside, and as the immediately adjacent use is a vet clinic with various animals and noises, the noise from the daycare will not be unduly burdensome. The play area for the daycare would be fenced and protected, which will mitigate the potential effects of kids outdoors in an industrial area.

A daycare is a fairly low-impact use relative to its impact on adjacent properties. A concern raised through the review process is the potential noise impact on the daycare from the nearby Sportsman Airpark airport. Staff received a comment from the Oregon Department of Aviation stating that a daycare is an incompatible use with respect to noise, and that the noise impacts should be mitigated if approved. The existing building is located in the Transitional Surface Zone area, which extends seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface area. The existing building is located approximately 650 feet from the end of the runway area. The building is not within the more restricted Airport Approach Safety Zone or Runway Protection Zone.

Research into airport noise controls and the Sportsman Airpark airport indicate that most users of the Sportsman Airpark are small propeller aircraft, due to the fairly short runway length. The Department of Aviation *Airport Land Use Compatibility Guidebook* contains a decibel unit graph relating common sounds to their noise levels, as depicted below. Estimated sound levels for small planes are approximately 70 decibels, which is roughly equivalent to a vacuum cleaner at 10 feet away. The Guidebook states that "for airports with low activity, noise contours of 70 DNL (Average Day-Night Sound Level) and above are usually contained within airport property. For small airports, the 65 DNL will often fall within the existing airport property." It is not clear what decibel reading might be happening at the existing building, but it is a possibility that the noise from truck traffic on Highway 219

may be just as loud as potential airport traffic. According to internet research, traffic noise can often be at approximately 70 decibels, and semi-trucks can be up to 90 decibels. In addition, there is an existing daycare station located across the street from the downtown fire station which is regularly subject to sirens from fire trucks and ambulances, and staff is unaware of any noise related issues with the daycare operations.



For the most part, noise issues can be mitigated with current building code requirements for insulation and with modern double paned windows. There are currently many houses, manufactured homes, and apartments in the Transitional Surface Zone.

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

Finding: The location of the daycare has the potential to create a nice synergy with working parents in nearby industrial uses, and will promote economic development by creating several jobs in a vacant building. The site has mature landscaping and is reasonably attractive for a building in an industrial zone. An exterior fence will help delineate the building and play area from the surrounding uses.

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

Finding: The proposed use will be consistent with this development code, as determined in the criteria above.

B. Additional Applicable Criteria - Newberg Development Code 15.225.080: Conditions

The hearing body shall designate conditions in connection with the conditional use permit deemed necessary to secure the purpose of this chapter and the general

conditional use permit criteria and require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

- (A) Regulation of uses.*
- (B) Special yards, spaces.*
- (C) Fences and walls.*
- (D) Surfacing of parking areas to city specifications.*
- (E) Street dedications and improvements (or bonds).*
- (F) Regulation of points of vehicular ingress and egress.*
- (G) Regulation of signs.*
- (H) Landscaping and maintenance thereof.*
- (I) Maintenance of the grounds.*
- (J) Regulation of noise, vibration, odors or other similar nuisances.*
- (K) Regulation of time for certain activities.*
- (L) Time period within which the proposed use shall be developed.*
- (M) Duration of use.*
- (N) Such other conditions as will make possible the development of the city in an orderly and efficient manner in conformity with the Newberg comprehensive plan and this Newberg Development Code.*

Finding: As noted in the criteria above, the daycare is expected to be compatible with the surrounding uses and does not require restrictions on the use beyond the conditions contained in Exhibit “B”.

C. Applicable Design Review Criteria - Newberg Development Code 15.220.050(A)

1. Parking. Parking areas shall meet the requirements of NMC 15.440.010.

Finding: There are currently 11 parking spaces on the site, including one ADA parking space. The Development Code would require 10 spaces, at a ratio of 5:1,000 square feet of gross floor area for the daycare and 1:400 square feet of gross floor area for the offices. There will be approximately 1,196 square feet used for the daycare [=5.98 spaces] and 1,579 square feet used for offices [=3.90 spaces], for a total of 9.88 required spaces. The existing site meets this criterion.

2. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

Finding: The applicant is not planning any additions to the building, so the setbacks, height, and other site characteristics will not change. The existing site meets the setback, vision clearance and yard requirements.

3. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

Finding: The site has extensive existing landscaping. The existing drive aisle has mature existing shrubs and the site has trees, shrubs, and grass around the building and existing parking area. No changes to the landscaping are proposed or required.

4. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

Finding: The applicant is not applying for new signs at this time. Any new signs will require a sign permit in accordance with 15.435.010.

5. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.304.010 through 15.328.040.

Finding: A daycare is listed as a conditional use in the M-2 (Light Industrial) zone.

This application is based in part on the recent approval of the zoning use table through Ordinance No. 2013-2763, which amended the code to allow daycares as a conditional use in the M-2 zone. Ordinance No. 2013-2763 is currently being appealed to the Land Use Board of Appeals (LUBA). According to ORS 197.625, “prior to acknowledgement [by DLCD]...the change is effective at the time specified by the local government charter or ordinance; and...the local government shall apply the change to land use decisions, expedited land use divisions and limited land use decisions unless a stay is granted under ORS 197.845.” The statute goes on to state that in the interim period before a comprehensive plan or land use regulation is acknowledged, findings must be made to applicable statewide planning goals to support any decision (see Section D below). ORS 197.625 also says that, “If an effective but unacknowledged provision of a comprehensive plan or a land use regulation fails to gain acknowledgment, a permit or zone change approved, in whole or in part, on the basis of the change does not justify retention of the improvements that were authorized by the permit or zone change.”

D. Applicable Statewide Planning Goals

Goal 2 (Land Use Planning): To establish a land use planning process and policy framework as a basis for all decision and actions related use of land and to assure an adequate factual base for such decisions and actions.

Finding: This decision for a conditional use permit is based on the city’s adopted Development Code criteria, and includes findings of fact for the decision, so Goal 2 is met.

Goal 9 (Economic Development): To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

Finding: The city takes economic development seriously and wants to provide adequate opportunities for compatible businesses of all types. In this case, a daycare is perhaps not a natural fit for an industrial area, but at the same time, it has the opportunity to create a good synergy with the existing industrial area by providing an amenity for nearby workers at the same time as creating jobs and nurturing a business opportunity in an existing building. Goal 9 is met.

E. CONCLUSION: Based on the above-mentioned findings, the application meets the required

criteria within the Newberg Development Code, subject to completion of the attached conditions in Exhibit “B”.

Exhibit “B”

to Planning Commission Order 2014-15
Conditions | File: CUP-13-004 | Daycare at 141 N. Elliott Road

A. THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:

1. **Permit Submittal:** Submit a building permit application, two (2) complete working drawing sets of the proposed project, two (2) complete electrical plans, and two (2) copies of a site plan. Show all the features of the plan approved through design review, including the following:
 - a. Mechanical details
 - b. O.S.S.C. Chapter 11 (ADA) requirements relating to access from the public way, parking spaces and signage
 - c. On-site walks
 - d. Plumbing details
 - e. Structural details
2. **Noise Study:** Conduct a noise study by measuring the indoor decibel level of the building when a plane is flying overhead. If the indoor decibel level exceeds 55 decibels, upgrade building materials and replace windows as necessary to meet the 55 decibel threshold.
3. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.
4. **Disabled/ADA Requirements:** Coordinate with the Building Division to comply with O.S.S.C. Chapter 11 requirements.

B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY

1. Complete any necessary building material or window upgrades, per condition # 2 above.
2. **Design Review Conditions:** Contact the Planning Division (503-537-1240) to verify that all design review conditions have been completed.
3. **Site Inspection:** Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections. Contact the Fire Department (503-537-1260) for Fire Safety final inspections. Contact Yamhill County (503-538-7302) for electrical final inspections. Contact the Planning Division (503-537-1240) for landscaping final inspections.

C. DEVELOPMENT NOTES

1. **Signage:** A separate design review process is required for any new signs on the site.
2. **Systems development charges (SDCs)** are collected when building permits are issued. For questions regarding SDCs please contact the Engineering Division.

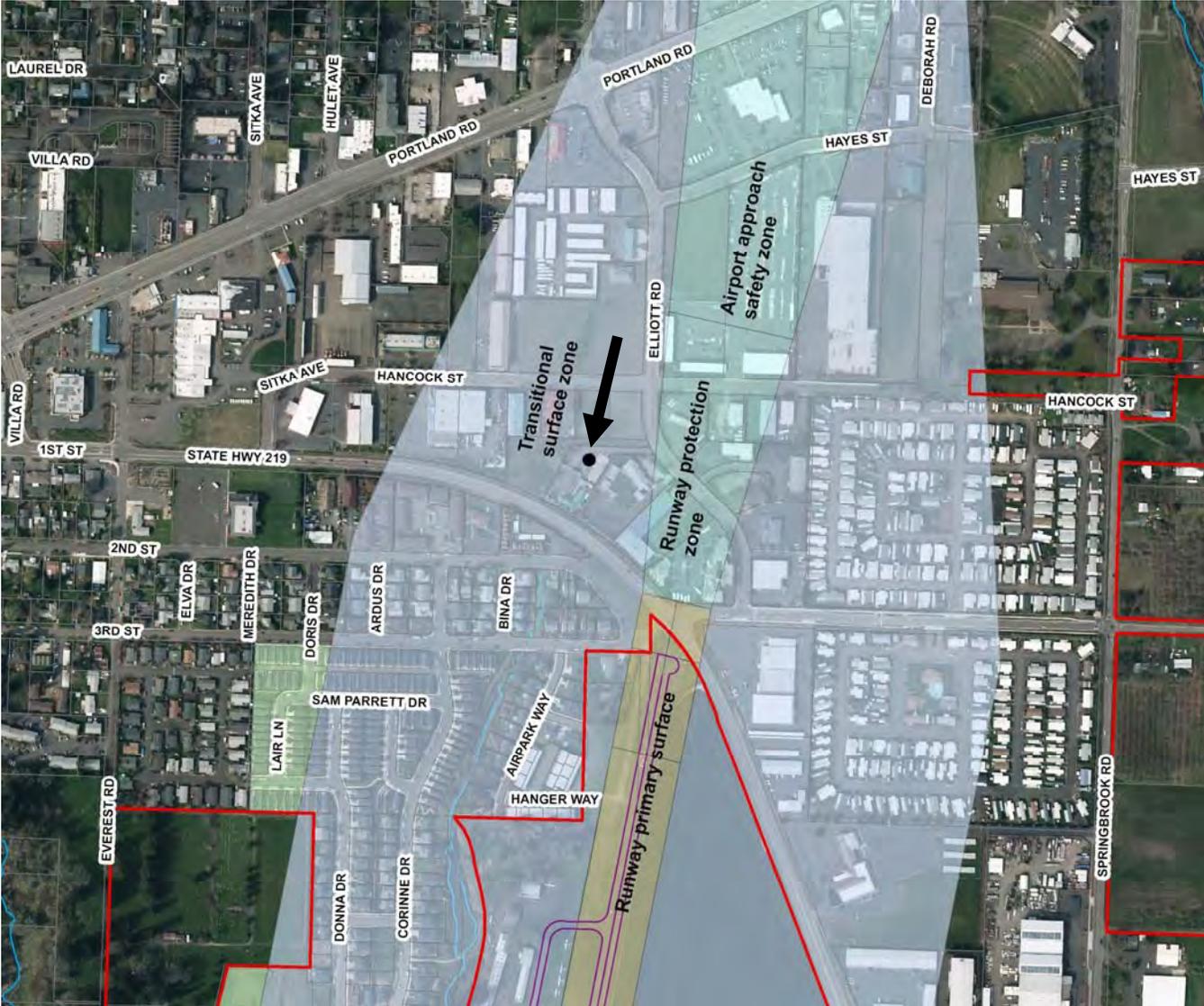
Attachment 1: Aerial Photo



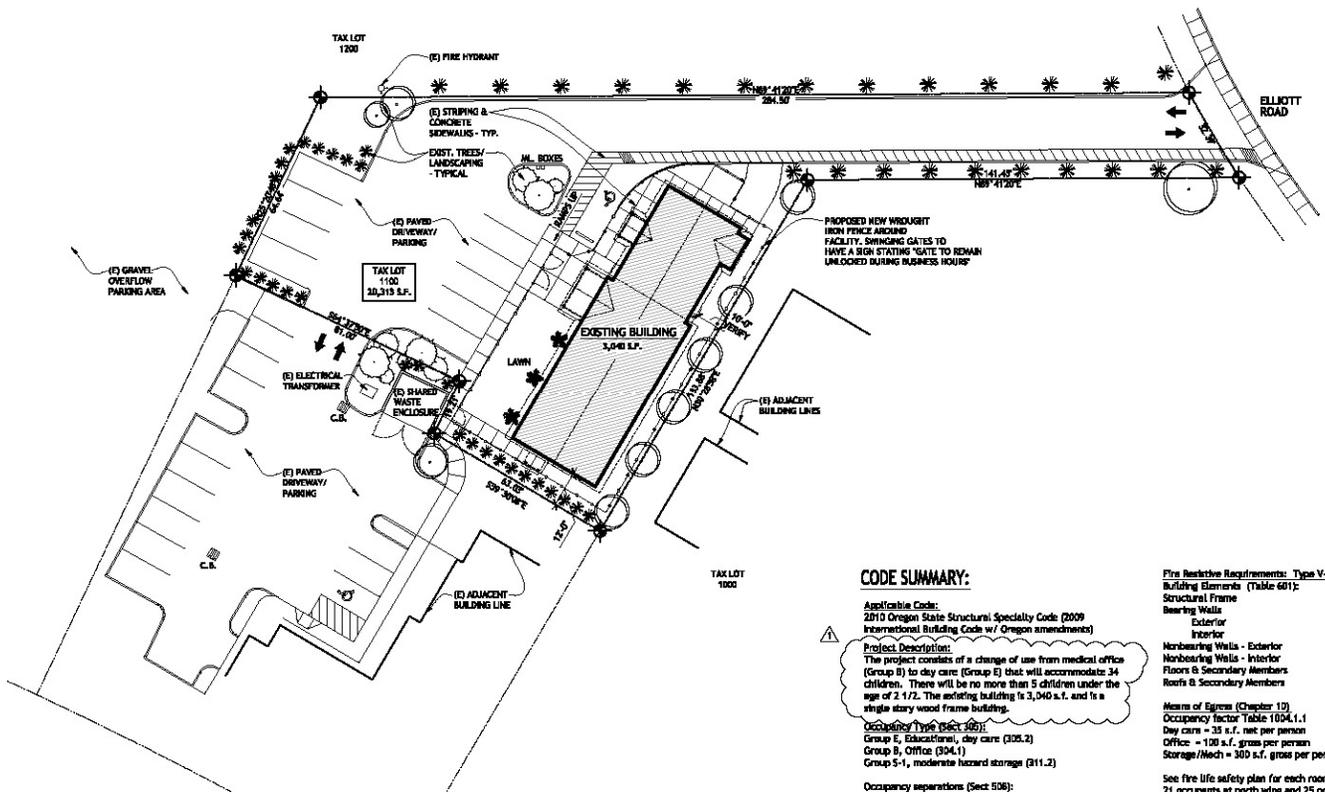
“Working Together For A Better Community-Serious About Service”

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Attachment 2: Airport Zones Map



Attachment 3: Site Plan



CODE SUMMARY:

Applicable Code:
 2010 Oregon State Structural Specialty Code (2009)
 International Building Code w/ Oregon amendments

Project Description:
 The project consists of a change of use from medical office (Group I) to day care (Group E) that will accommodate 34 children. There will be no more than 5 children under the age of 2 1/2. The existing building is 3,040 s.f. and is a single story wood frame building.

Occupancy Type (Sect. 102):
 Group E, Educational, day care (305.2)
 Group B, Office (304.1)
 Group 5-1, moderate hazard storage (311.2)

Occupancy separations (Sect. 506):

Fire Resistive Requirements: Type V-B

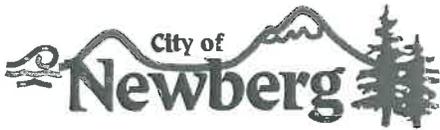
Building Elements (Table 601):

Structural Frame	0
Bearing Walls	0
Exterior	0
Interior	0
Nonbearing Walls - Exterior	0
Nonbearing Walls - Interior	0
Floors & Secondary Members	0
Roofs & Secondary Members	0

Means of Egress (Chapter 10)

Occupancy factor Table 1034.1.1
 Day care = 23 s.f. net per person
 Office = 100 s.f. gross per person
 Storage/Mech = 300 s.f. gross per person

See fire life safety plan for each room occupant
 24 occupants at north wing and 25 occupants



TYPE III APPLICATION - 2013 (QUASI-JUDICIAL REVIEW)

File #: _____

TYPES - PLEASE CHECK ONE:

- Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration
Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain) Design review

APPLICANT INFORMATION:

APPLICANT: EAA HOLDINGS, LLC, REPRESENTED BY JOHN BRIDGES
ADDRESS: C/O JOHN BRIDGES, 515 E FIRST ST, NEWBERG, OR 97132
EMAIL ADDRESS: john@newberglaw.com
PHONE: 503-538-3138 MOBILE: FAX: 503-538-9812
OWNER (if different from above): PHONE:
ADDRESS:
ENGINEER/SURVEYOR: ARCHITECT: BRITTELL ARCHITECTURE, INC. PHONE: 503-537-9140
ADDRESS: P.O. BOX 1145, NEWBERG, OR 97132

GENERAL INFORMATION:

PROJECT NAME: DAY CARE FACILITY PROJECT LOCATION: 141 N ELLIOT RD
PROJECT DESCRIPTION/USE: DAY CARE FACILITY
MAP/TAX LOT NO. (i.e. 3200AB-400): 3220AD-01100 ZONE: M-2 SITE SIZE: .47 SQ. FT. ACRE
COMP PLAN DESIGNATION: INDUSTRIAL TOPOGRAPHY: FLAT
CURRENT USE: VACANT / PRIOR USE AS MEDICAL LABORATORY
SURROUNDING USES:
NORTH: VACANT LOT SOUTH: WILLAMETTE VALLEY FAMILY PET CLINIC
EAST: CASCADE LASER CORPORATION WEST: VACANT LOT

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: [X] Fees [X] Public Notice Information [X] Current Title Report [X] Written Criteria Response [X] Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexationp. 15
Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
Conditional Use Permitp. 21
Historic Landmark Modification/Alterationp. 23
Planned Unit Developmentp.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

[Signature] 12-3-13
Applicant Signature Date

[Signature] 12-21-13
Owner Signature Date

John Bridges, OSB #904206

EAA Holdings, LLC
Curtis Goodwin, Member

Print Name

Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

CONDITIONAL USE PERMIT CHECKLIST

The following items must be submitted with each application. Incomplete applications will not be processed. Incomplete or missing information may delay the review process. Check with the Planning Division regarding additional requirements for your project.

FEES

PUBLIC NOTICE INFORMATION – Draft of mailer notice and sign; mailing list of all properties within 500’.

CURRENT TITLE REPORT (within 60 days old)

Submit one original 8 ½" x 11" or 11" x 17" reproducible document together with 10 copies of the following information. In addition, submit two (2) full size copies of all plans.

WRITTEN CRITERIA RESPONSE – Address the criteria listed on page 21.

PROJECT STATEMENT – Provide a written statement that addresses the operational data for the project, including hours of operation, number of employees, traffic information, odor impacts, and noise impacts.

SITE DEVELOPMENT PLAN. Make sure the plans are prepared so that they are at least 8 ½ x 11 inches in size and the scale is standard, being 10, 20, 30, 40, 50, 100 or multiples of 100 to the inch (such as 1":10', 1":20' or other multiples of 10). Include the following information in the plan set (information may be shown on multiple pages): SEE LETTER

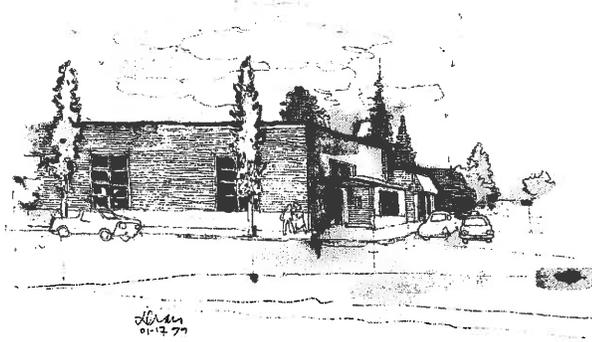
- Existing Site Features: Show existing landscaping, grades, slopes and structures on the site and for areas within 100' of the site. Indicate items to be preserved and removed.
- Drainage & Grading: Show the direction and location of on and off-site drainage on the plans. This shall include site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project. Provide an engineered grading plan if necessary.
- Utilities: Show the location of and access to all public and private utilities, including sewer, water, storm water and any overhead utilities.
- Public Improvements: Indicate any public improvements that will be constructed as part of the project, including sidewalks, roadways, and utilities.
- Access, Parking, and Circulation: Show proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points from adjacent streets. Provide dimensions for parking aisles, back-up areas, and other items as appropriate. Indicate where required bicycle parking will be provided on the site along with the dimensions of the parking spaces.
- Site Features: Indicate the location and design of all on-site buildings and other facilities such as mail delivery, trash disposal, above ground utilities, loading areas, and outdoor recreation areas. Include appropriate buffering and screening as required by the code.
- Exterior Lighting Plan: Show all exterior lighting, including the direction of the lighting, size and type of fixtures, and an indication of the amount of lighting using foot candles for analysis.
- Landscape Plan: Include a comprehensive plan that indicates the size, species and locations of all planned landscaping for the site. The landscape plan should have a legend that indicates the common and botanical names of plants, quantity and spacing, size (caliper, height, or container size), planned landscaping materials, and description of the irrigation system. Include a calculation of the percentage of landscaped area.
- ADA Plan Compliance: Indicate compliance with any applicable ADA provisions.
- Architectural Drawings: Provide floor plans and elevations for all planned structures.
- Signs and Graphics: Show the location, size, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features if applicable.
- Other: Show any other site elements which will assist in the evaluation of the site and the project.

n/a **TRAFFIC STUDY.** A traffic study shall be submitted for any project that generates in excess of forty (40) trips per p.m. peak hour. This requirement may be waived by the Director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the Director for projects below forty (40) trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service.

**BROWN, TARLOW, BRIDGES &
PALMER, PC**
Attorneys at Law

ALLYN E. BROWN
JOHN T. BRIDGES
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FACSIMILE: (503) 538-9812
www.newberglaw.com

December 3, 2013

Barton Brierly
Planning Division
Newberg City Hall
414 E. First Street
Newberg, OR 97132

**Re: EEA Holdings, LLC - 141 N Elliot Road
Design Review and Conditional Use Application**

Dear Barton:

I represent EAA Holdings, LLC (EAA) for purposes of the enclosed application for Design Review and a Conditional Use Permit for a day care facility at 141 N Elliot Road. EAA has a tenant who wishes to operate a day care facility at the site. The facility would be limited by license to 31 children and three to five staff depending on the age of the children.

APPLICABLE STANDARDS AND CRITERIA

The following are the criteria that apply for Design Review, NDC 15.220.050, and the Conditional Use Permit, NDC 15.225.060:

A. 15.220.050 Criteria for design review (Type II process).

A. Type I. The following criteria are required to be met in order to approve a Type I design review request:

1. Parking. Parking areas shall meet the requirements of NMC 15.440.010.

2. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

3. *Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.*

4. *Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.*

5. *Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020.*

B. 15.225.060 General conditional use permit criteria – Type III.

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

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

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

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

PROJECT STATEMENT

The owner wishes to use an existing building in an M-2 light industrial zone for a day care facility. The existing site was previously developed and used as a medical laboratory. It is currently vacant. The proposed project will result in a change of use from a Group B to a Group E occupancy. Due to licensing standards, the day care will accommodate a limit of 31 children, including no more than five children under the age of two-and-a-half years. City staff has approved the architecture remodeling plans as compliant with the building code requirements.

Building square footage data

Restrooms/utility rooms:	265 square feet
Day care space:	1,196 square feet
<u>Office/storage space:</u>	<u>1,579 square feet</u>
Total building size:	3,040 square feet

Gross floor area: 2,775 square feet (Building size less restrooms/utility rooms)

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Hours of operation: 6 am - 6 pm; Monday to Friday

No. of employees: three to five

Traffic information: The proposed facility will not generate more than forty (40) trips per p.m. peak hour. A method of calculating the trip count for a day care is that it generates 0.82 trips per child per peak evening hour. The upper limit of children at this day care will be 31 children. The projected trip count with this method is 25.42 trips per peak evening hour, which is less than forty trips per p.m. peak hour. Therefore, there is no need for a traffic study.

Odor impacts: none anticipated

Noise impacts: none anticipated

GOAL-POST RULE

This application is based on the city’s standards and approval criteria in effect at the time of this application. Those standards include amendments to the Zone Use Table and Newberg Municipal Code enacted by Newberg City Ordinance 2013-2673. The Ordinance was approved by the City Council on August 19, 2013. The Ordinance has been appealed. Once an application for a permit is first submitted, approval or denial of the application must be based on the standards and criteria that were applicable at the time of the application. ORS 227.178(3)(a) (commonly referred to as the goal-post rule). The appeal is irrelevant.

WRITTEN RESPONSE TO CRITERIA

Design Review Response.

1. Parking. Parking areas shall meet the requirements of NMC 15.440.010.

*15.440.010 Required off-street parking.
A. Off-street parking shall be provided on the development site for all R-1, C-1, M-1, M-2 and M-3 zones. . . .All required parking must be under the same ownership as the development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the development site.*

The current parking lot has 11 spaces of off-street parking, which includes one ADA space. Under NMC 15.440.030, a day care requires five parking spaces per 1,000 square feet of gross floor area and offices require one parking space per 400 square feet of gross floor area. As shown by the enclosed plans, the relevant data for the building is as follows:

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		<u>Parking spaces needed</u>
Public restrooms/utility:	265 square feet	0.00 spaces
Day care space:	1,196 square feet	5.98 spaces
<u>Office/storage space:</u>	<u>1,579 square feet</u>	<u>3.90 spaces</u>
Total building size:	3,040 square feet	9.88 spaces

This data shows that 10 parking spaces are required. Here there are 11, including an ADA space. This meets the requirements of the development code.

2. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and NMC 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

The site met the development code when built. The only change outside the building is the installation of a fence around the exterior of the building. The provision applicable to the fence change is NMC 15.410.070(D), which is as follows:

15.410.070(D). Fences and Walls.

** * **

2. In any commercial or industrial district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.

** * **

3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.

4. The requirements of vision clearance shall apply to the placement of fences.

The site plans depict a new fence around the exterior of the building. The owner proposes a six-foot chain link fence.¹ The gauge will be at least 11-1/2. This complies with the development code.

¹ The available plans incorrectly state that the type of fence will be a wrought iron fence. The plans have not been updated to reflect the change to a chain link fence.

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3. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

No changes are proposed to the existing landscaping, which met the development code when it was originally installed. Please see enclosed photos for depiction of nature of landscaping, attachment 17.

4. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

No sign is proposed as part of this application.

5. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020.

The proposed use – a day care facility – is a conditionally permitted use in the M-2 light industrial zone.

Conditional Use Permit Response.

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

This day care is reasonably compatible with the surrounding neighborhood. The day care is of limited size. It will operate in a remodeled existing building and maintain that building's current footprint. The day care is expected to employ no more than five people and will be limited to 31 children. The day care, as previously discussed, will not significantly affect traffic. There is adequate access to public facilities and utilities, including roads, police and fire.

Attachment 3 identifies some existing facilities within 500 feet and 1000 feet of the site. The property's closest neighbors include a pet clinic, accessory distributor, and vacant land. Attachment 4 is a list of the permitted uses in an M-2 zone. The day care will not cause any detrimental affect to these uses, nor vice versa.

The permitted uses in the M-2 zone will not have a significant detrimental effect on the day care or its users. In an M-2 zone, the permitted industrial uses mainly involve storage, distribution, light manufacturing and sales. Light manufacturing is by definition secondary processing and assembly of materials and components into finished products. Light manufacturing does not involve significant processing of raw materials or result in significant smog or pollution. If there were any impact (i.e. noise), the day care will be able to mitigate the issue on its own. In the past, a few persons have expressed concern that the children might be exposed to traffic, chemical or other hazards. These "risks" to the children are speculative and unfounded; they are no different than the "risks" faced by children and others that are within a stone's throw of the day care site, including the Chehalem Park and

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Recreation District offices, Calvary Chapel Newberg, and other nearby dwellings. Children are exposed to more hazards and pollutants at locations like Rogers Landing, the drive-in (near the largest intersection in town), and Hoover Park. In addition, these type of concerns are best considered by each child's parent or guardian. A legally responsible adult can sufficiently consider these issues and decide whether the proposed facility is best for their children. It is also important to note that the proposed design calls for a fence around the building to promote security and safe outside play (which will be limited to the front yard area).

The proposed daycare is appropriately located within a few hundred feet of at least two facilities that provide child care services on a weekly or seasonal basis. Calvary Chapel Newberg offers child care or a children's program during its worship service for children from birth through sixth grade. The church would be outright permitted to offer full-day weekday day care services to children. Also nearby are the district offices for Chehalem Park and Recreation District. There are three meeting spaces at that location that CPRD has used to provide programs for children, including a summer day care program. Last summer, for example, CPRD offered four weeks of day care programs at the district offices. The programs involved educational daily care, Monday - Thursday. CPRD has offered a variety of other programs at the district offices, including weekly photography classes and dog training classes during winter months, weekly art classes, and monthly CPR classes. Between June and August last year, CPRD offered a total of 65 camps and classes for children and adults at the district offices.

The uses that are conditionally permitted in the M-2 zone that could be developed on the vacant adjacent lots are likewise not unreasonably harmful to children. The conditional uses in an M-2 zone include: mixed-use dwelling, home occupation, prison, cemetery, airport, landing field, heliport/helipad, wastewater treatment plant, telecom facility less than 100 feet in height, commercial recreation-outdoors, commercial recreation-motor vehicle related, and a recreational vehicle park. All of these conditional uses are unfeasible as they would be in conflict with Sportsman Airpark, unfeasible because of size (wastewater treatment plant and prison), or would not present any conflict with the day care facility.

The location of the proposed facility will promote the livability of Newberg because it will provide a support service to nearby industrial and commercial facilities. It is also conveniently located near major transportation arteries but not on them. The location is about 1000 feet from the runway at Sportsman Airpark. Attachments 5 and 6 are copies of the airport district overlay showing the location of the day care in relation to the runway. As shown in those exhibits, the site is not in the "runway protection zone" or the "airport approach safety zone." It is in a less-restricted area called the "transitional surface zone."

The location of the airport does not pose an unreasonable danger or risk to the children or employees of the day care facility. The "transitional surface zone" presents limited safety issues related to the airport. That zone only involves a height-restriction under the development code. The proposed day care will not change the height of the current building. The height of the existing building met the development code when it was initially approved so the day care will continue to meet the development code requirements.

An examination of the nearby facilities also shows that the location is acceptable. There are houses, manufactured homes, and apartments in the "transitional surface zone" on the east and west side of the runway, and on the east and west side of the "airport approach safety zone." Many of those dwellings,

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approved by the City, are closer to the runway than the proposed day care.

As discussed previously, child care services and community service programs are already permitted and occurring in “the runway protection zone” at the church and CPRD. That zone poses more risk than where the day care would be located. Just as the City previously determined that the church and CPRD were located in an acceptable place, next to the airport, there is every reason to believe the location of this day care is acceptable.

The airport has a strong record of safety. FAA data for Sportsman Airpark is in Attachment 7, which shows that there are an average of about 32 trips in or out of the airport daily. It is our understanding most of the flights take place during the summer, focusing on weekends, when the day care facility would not be open. Accident history for Sportsman Airpark is in Attachment 8. Since the 1960s, there have been only nine incidents – all of them nonfatal. We investigated those incidents, and found that seven of the nine incidents happened at the airport or on the airstrip. Only two incidents occurred off the airport.

There is no way to make any facility 100% safe when it is in proximity to the airport, however the level of risk depends on exactly where it is located. The proposed location is in transitional surface zone, which is the safest zone within the airport overlay district. There are many facilities that are used by children – homes, a church, and CPRD offices – that are in more problematic locations and yet the City has found those to be acceptable in location. The City should not arbitrarily apply a more stringent standard to this application.

In summary, the day care facility will have no impact on its neighbors. Likewise, the current and likely future neighbors will not have a detrimental impact on the children.

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

The proposed daycare facility will be good for the City of Newberg and will be attractive. The applicant is not making any exterior changes to the building. The remodel plans show that the facility will remain attractive through the modification of the building interior for day care purposes as well as the addition of an exterior fence. The civic good will be promoted by turning a vacant building into a building in use, providing jobs, and provide convenient child care services to support the industrial facilities in that area of Newberg.

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

City staff has already approved the design plans as consistent with the building code.

Site Development Plan

Attachments 9 and 10 are the site plans and floor plans. They show the proposed changes to 141 N Elliot Rd: the addition of an exterior fence, striping the handicap access and interior remodeling. In

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In addition to the proposed changes, the plans show some but not all of the site plan features requested by the City. Unfortunately, the original development plans and as-built plans are unavailable to both the applicant and the City. For that reason, we are supplementing the application with a GIS map as Attachment 11 and photographs of the existing site as Attachments 12 to 18. All of the enclosed photographs are dated November 27, 2013. We believe what is enclosed addresses all of the information the City needs.

For the City's reference, the site plan information is enclosed as follows:

Existing Site Features: See Attachment 9 (Site Plans) and Attachments 11 to 18.

Drainage and Grading: See Attachment 9 (Site Plans), Attachment 11 and Attachment 14.

Utilities: See Attachment 9 (Site Plans), Attachment 11 and Attachment 13.

Public improvements: Not applicable.

Access, Parking, and Circulation: See Attachment 9 (Site Plans) and Attachment 12.

Site Features: See Attachment 9 (Site Plans), and Attachment 13.

Exterior Lighting Plan: See Attachment 16.

Landscaping: See Attachment 9 (Site Plans) and Attachment 17.

ADA Plan Compliance: See Attachment 9 (Site Plans) and Attachment 18.

Architectural Drawings: See Attachment 10.

Signs and Graphics: Not applicable.

Other: Not applicable.

SUPPORTING MATERIALS

The following supporting materials are enclosed:

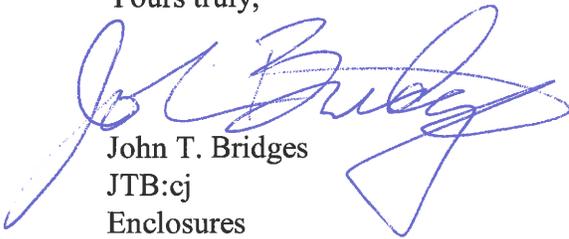
1. Aerial Photo: Overview
2. Aerial Photo: Site
3. Permitted Uses in an M-2 zone
4. Aerial Photo: Facilities within 500 feet and 1000 feet
5. Airport District Overlay: Overview
6. Airport District Overlay: Site
7. FAA Information regarding Sportsman Airpark, Newberg, OR

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8. Accident data regarding Sportsman Airpark, Newberg, OR
9. Site Plans
10. Floor Plans
11. GIS Map: Contours and Utilities
12. Access Photos
13. Structure Photos
14. Drainage Notes, Photos
15. Utilities Notes, Photos
16. Exterior Lighting Notes, Photos
17. Landscaping Photos
18. ADA Compliance Photos
19. Public Notice Information: Proposed Notice and sign format and mailing list.
20. Lot Book Report.

BROWN, TARLOW, BRIDGES & PALMER, PC

Yours truly,



John T. Bridges
JTB:cj
Enclosures

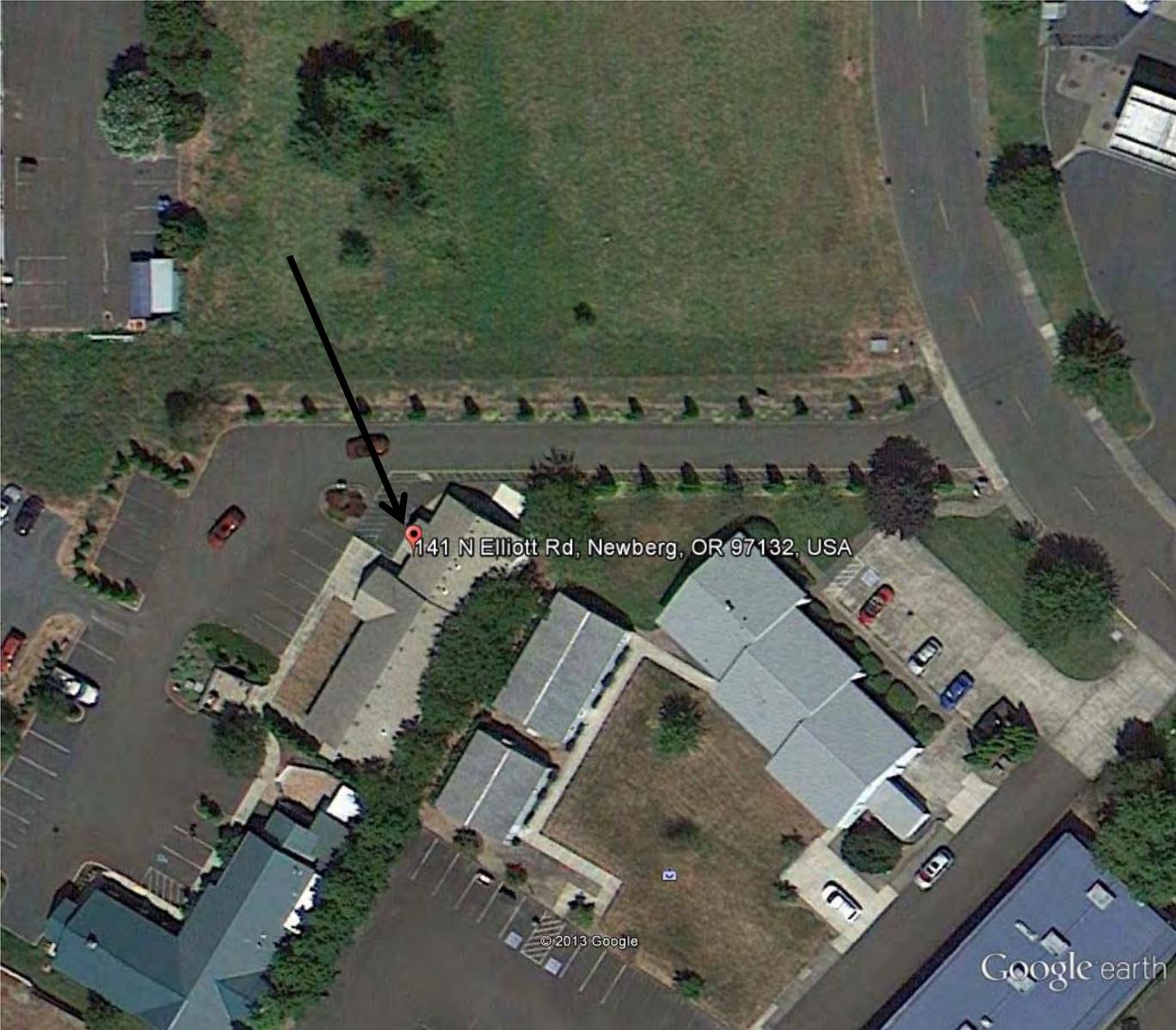
Attachment 1: Aerial Photo

Overview



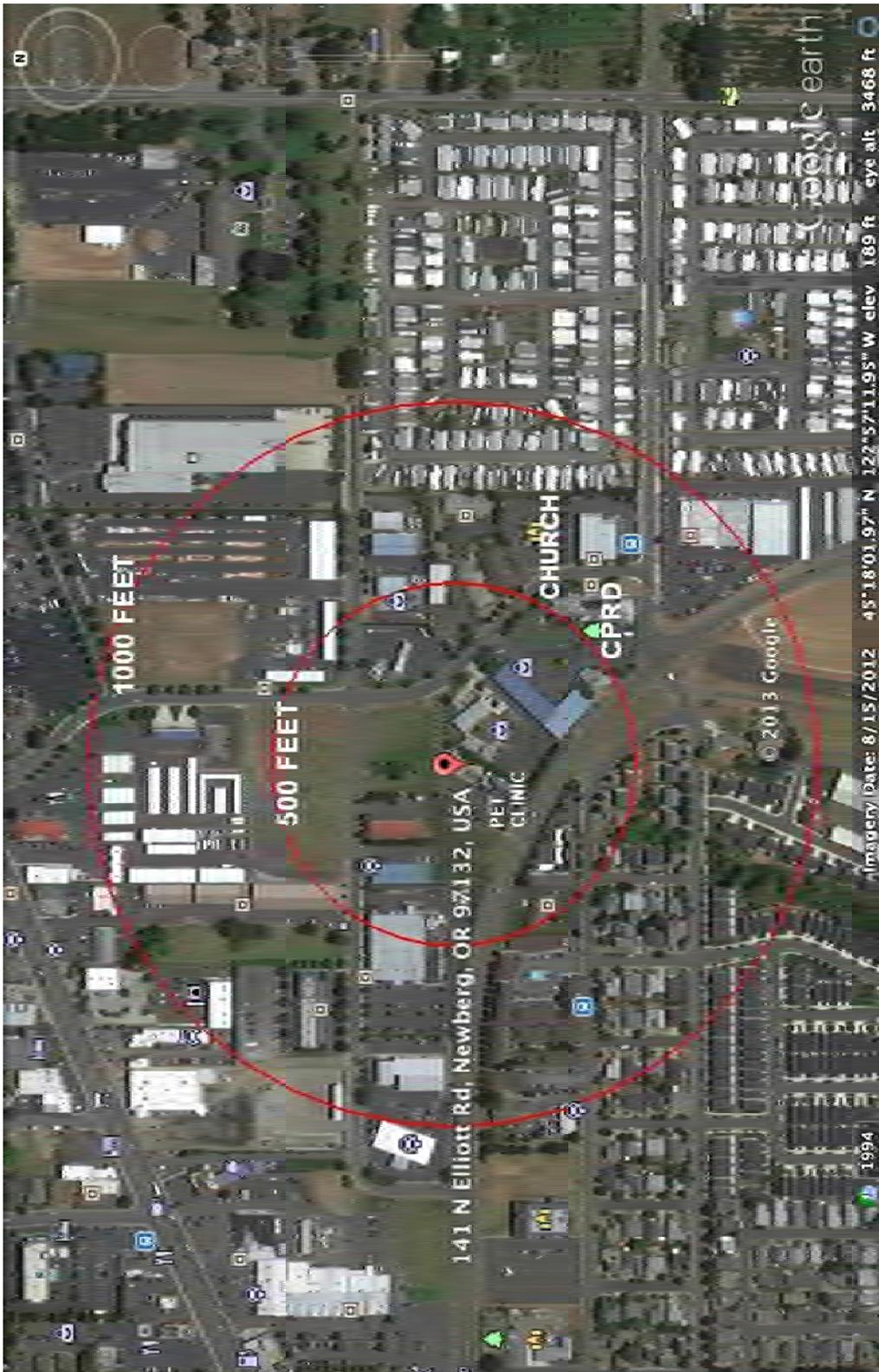
Attachment 2: Aerial Photo

Site



Attachment 3: AERIAL PHOTO

Certain Facilities within 500 feet and 1000 feet



Attachment 4

PERMITTED USES IN AN M-2 ZONE

#	USE	PERMISSION TYPE	NOTES AND SPECIAL USE STANDARDS
100	AGRICULTURAL USES		
Def	Horticulture	P(1)	
Def	Home gardening	P	
200	RESIDENTIAL USES		
Def.	Dwelling, caretaker	P	Limited to one per lot, and allowed whenever the use requires the on-site residence of such person
320	ASSEMBLY		
321	Religious institution, place of worship	P(29)	
340	PARKS AND OPEN SPACES		
341	Open space	P	
350	PUBLIC SERVICES		
352	Emergency services	P	
Def.	Pound, dog or cat	P	
360	TRANSPORTATION	P	
Def.	Transportation facilities and improvements	P	
Def.	Transit center	P	
Def.	Parking facility	P	
420	COMMERCIAL SALES AND RENTALS		
421	Retails sales - general	P(23)	
422	Retails sales - bulk outdoor	P	
423	Retail sales - convenience	P(24)	
430	EATING AND DRINKING ESTABLISHMENTS		
430	Eating and drinking - non-alcohol related	P	

Attachment 4

440	COMMERCIAL SERVICES		
443	Commercial vehicle service	P	
Def.	Kennel, commercial	P	
450	COMMERCIAL RECREATION		
451	Commercial recreation - indoors	P(29)	
500	INDUSTRIAL USES		
501	Traded-sector industry office	P	
502	Industrial services	P	
503	Wholesale and industry sales	P	
504	Warehouse, storage, and distribution	P	
505	Self-service storage	P	
506	Light manufacturing	P	

Notes:

(1) Limited to sites with pre-existing agricultural uses, including at time of annexation.

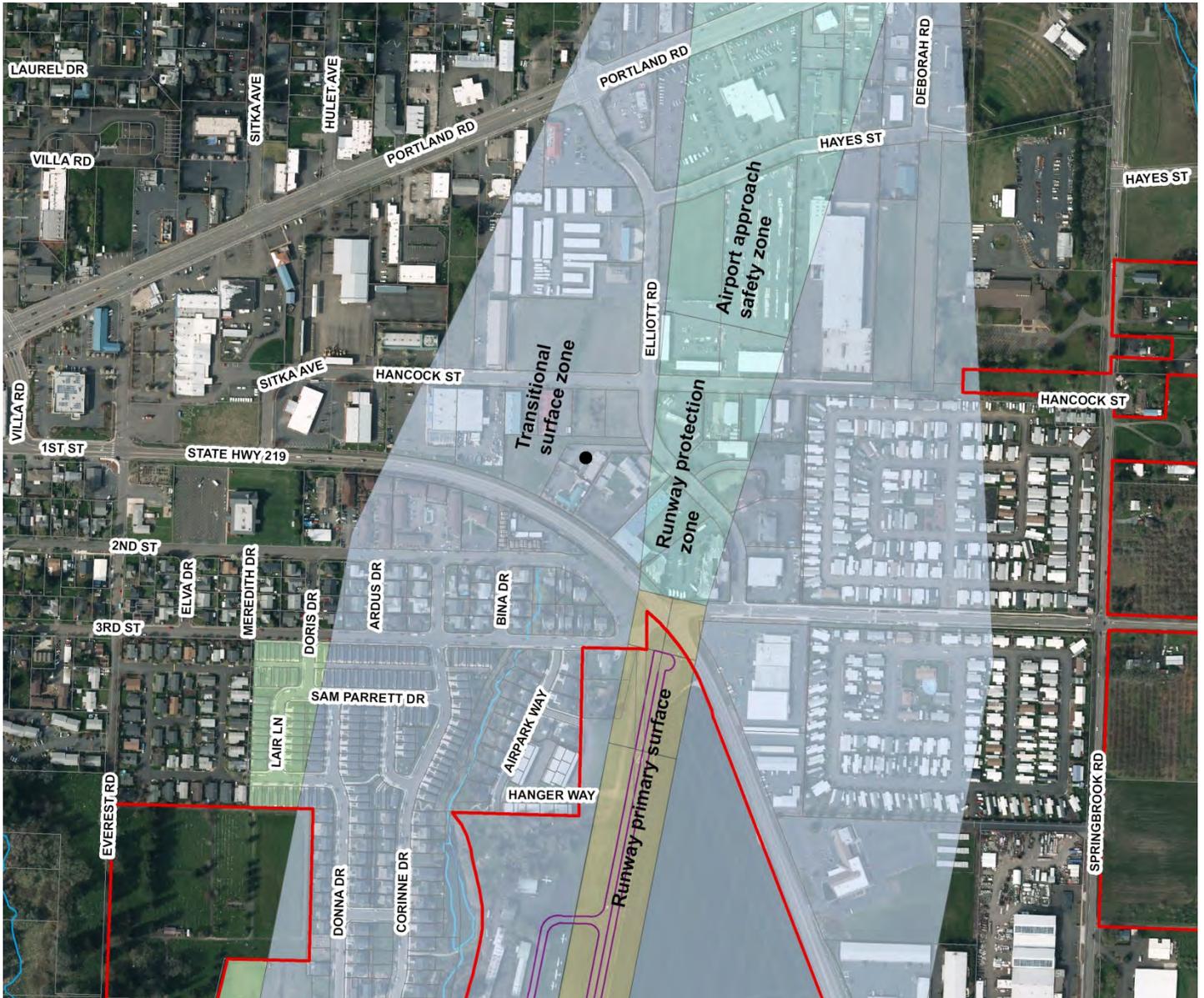
(23) Limited to second hand stores.

(24) Store size is limited to 2,000 square feet gross floor area.

(29) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.

Attachment 5: Airport District Overlay

Overview



Attachment 6: Airport District Overlay

Site



Attachment 7:
FAA Information regarding
Sportsman Airpark, Newberg, OR

Manager: JERRY & LESSIE DALE
 504 S AIRPARK WAY
 NEWBERG, OR 97132
 Phone 503-538-2134

KHIO 211720Z 2118/2218 05007KT P6SM
 15000 N SKC FM220800 04003KT P6SM SKC

NOTAMs

Click for the latest **NOTAMs**
 NOTAMs are issued by the DoD/FAA and will open in a separate window not controlled by AirNav.

Airport Operational Statistics

Aircraft based on the field: 59	Aircraft operations: avg 32/day *
Single engine airplanes: 44	66% transient general aviation
Multi engine airplanes: 3	33% local general aviation
Helicopters: 12	<1% air taxi

* for 12-month period ending 02 September 2011

Instrument Procedures

There are no published instrument procedures at 2S6.

Some nearby airports with instrument procedures:

- KUAO - Aurora State Airport (8 nm E)
- KMMV - Mc Minnville Municipal Airport (10 nm SW)
- KHIQ - Portland-Hillsboro Airport (15 nm N)
- KPDX - Portland International Airport (23 nm NE)
- KVUU - Pearson Field Airport (23 nm NE)

FBO, Fuel Providers, and Aircraft Ground Support

Business Name	Contact	Services / Description	Fuel Prices	Comments
<u>Sportsman Airpark</u>	503-538-2134 [web site] [email]	Airport management, Aviation fuel, Flight training, Aircraft rental, Aircraft sales / leasing / brokerage, Other business More info about Sportsman Airpark	independent 100LL Jet A FS \$5.83 \$4.89 Updated 05-Nov-2013 FS=Full service	not yet rated write

UPDATE PRICES

Where to Stay: Hotels, Motels, Resorts, B&Bs, Campgrounds

In this space we feature lodging establishments that are convenient to the Sportsman Airpark. If your hotel/inn/B&B/resort is near the Sportsman Airpark, provides convenient transportation, or is otherwise attractive to pilots, flight crews, and airport users, consider listing it here.

FEATURE A LODGING ESTABLISHMENT

AirNav users who flew into 2S6 have stayed at...

	Miles	Price (\$)
<u>SHILO INN SUITES - NEWBERG</u>	0.6	77-86
<u>TRAVELODGE NEWBERG</u>	0.7	61-101

Other hotels near Sportsman Airpark

	Miles	Price (\$)
<u>BEST WESTERN NEWBERG INN</u>	0.5	72-121
<u>THE ALLISON INN AND SPA</u>	1.7	504-640
<u>INN AT RED HILLS</u>	3.3	

Distances are approximate, and may vary depending on the actual route traveled and the location of the travel start on the airport.

Hotels in other cities near Sportsman Airpark

4 in <u>Newberg</u>	9 in <u>Tigard</u>	7 in <u>Lake Oswego</u>
1 in <u>Carlton</u>	5 in <u>Mcminnville</u>	2 in <u>Forest Grove</u>
7 in <u>Wilsonville</u>	9 in <u>Beaverton</u>	2 in <u>Gladstone</u>
3 in <u>Woodburn</u>	13 in <u>Hillsboro</u>	

Would you like to see your business listed on this page?

Attachment 8:

Accident data regarding

Sportsman Airpark, Newberg, OR

9 records meet your search criteria.

A docket of supporting materials may exist for factual and probable cause reports. Please contact Records Management Division. Dockets are not available for preliminary reports.

Accident Database & Synopses [Download XML](#) [Download Delimited Text](#)

<u>Current Synopsis</u>	<u>PDF Report (s) (Published)</u>	<u>Event Date</u>	<u>Location</u>	<u>Make/Model</u>	<u>Regist. Number</u>	<u>NTSB No.</u>	<u>Event Severity</u>	<u>Type of Air Carrier Operation and Carrier Name (Doing Business As)</u>
<u>Probable Cause</u>	<u>Factual</u> (01/24/2011) <u>Probable Cause</u> (05/16/2011)	12/22/2010	Newberg, OR	Moyes Bailey Microlite	N7008Z	WPR11CA079	Nonfatal	
<u>Probable Cause</u>	<u>Factual</u> (09/12/2007) <u>Probable Cause</u> (11/29/2007)	8/12/2007	Newberg, OR	Quicksilver Manufacturing GT-500	N8058J	SEA07CA229	Nonfatal	
<u>Probable Cause</u>	<u>Factual</u> (02/27/2006) <u>Probable Cause</u> (05/30/2006)	10/15/2005	Newberg, OR	Piper PA-38-112	N23887	SEA06LA005	Nonfatal	
<u>Probable Cause</u>	<u>Factual</u> (05/02/2003) <u>Probable Cause</u> (06/25/2003)	8/13/2002	Newberg, OR	Mooney M20L	N1024Z	SEA02LA153	Nonfatal	
<u>Probable Cause</u>	<u>Factual</u> (05/01/1998) <u>Probable Cause</u> (12/08/1998)	1/28/1998	NEWBERG, OR	Raser MINI 500	N500YY	SEA98LA030	Nonfatal	
<u>Probable Cause</u>	<u>Factual</u> <u>Probable Cause</u> (08/13/1993)	1/4/1992	NEWBERG, OR	PIPER PA-28-140	N7491R	SEA92LA035	Nonfatal	
<u>Probable Cause</u>	<u>Factual</u> <u>Probable Cause</u> (02/12/1993)	5/8/1990	NEWBERG, OR	CESSNA 150L	N18024	SEA90LA073	Nonfatal	
<u>Probable Cause</u>	<u>Factual</u> <u>Probable Cause</u> (03/13/1989)	3/7/1988	NEWBERG, OR	PIPER J-3	N98028	SEA88LA075	Nonfatal	
<u>Probable Cause</u>	<u>Factual</u> <u>Probable Cause</u>	3/28/1987	NEWBERG, OR	PIPER PA-28-140	N4298T	SEA87LA070	Nonfatal	

(03/10/1988)									
--------------	--	--	--	--	--	--	--	--	--

NOTES:

- On Jan. 8, 2001, dynamic access to the accident data repository was implemented. Static files are no longer available.
- On Oct. 2, 2001, minor cases which do not fall under the definition of "accident" or "incident" were removed from the database; these entries were previously identified with "SA" in the accident number.
- On Sept. 18, 2002, data from 1962-1982 were added to the aviation accident information. The format and type of data contained in the earlier briefs may differ from later reports.

** - Do not use these fields as selection parameters if your date range includes pre-1982 dates, as they did not exist prior to 1982 and their use may falsely limit the data returned.

[Aviation Page](#) | [Switch to Monthly Lists](#)

Attachment 9:

Site Plans



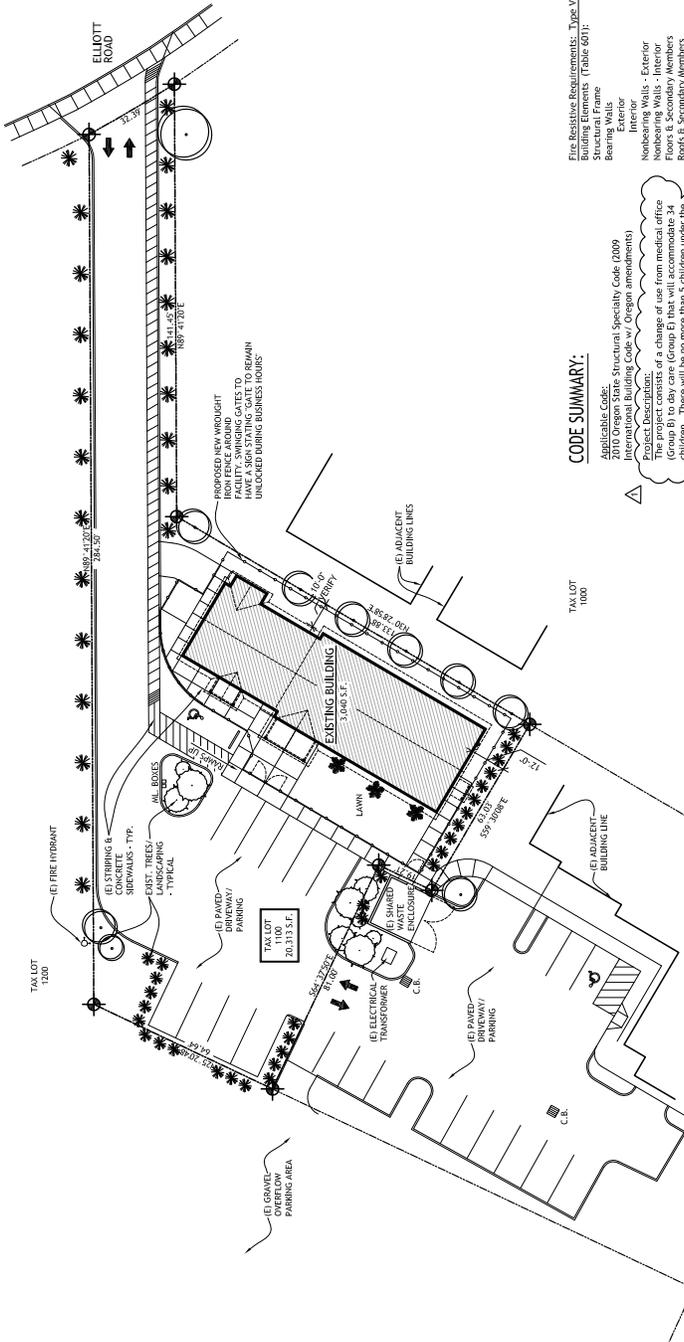
Brittelle Architecture Inc.
 307 East Second Street, Suite 140
 P.O. Box 1145
 Newberg, OR 97132
 P: 503.539.9740
 www.brittellearch.com

**Proposed Bldg. Occupancy Change for:
 Curtis Goodwin**
 11 North Elliott Road, Newberg, Oregon 97132
 Contact: Curtis Goodwin - phone 503-551-0466

Attachment 4

MARK	1	ISSUED FOR PERMIT
DATE	10-28-13	REVISED PER CITY PLAN REVIEW
JOB NUMBER	0132	
SHEET:		

SITE PLAN, CODE SUMMARY



CODE SUMMARY:

- Applicable Code: 2010 Oregon State Structural Specialty Code (2009)
- Project Description: A change of use from medical office (Group B) to day care (Group E) that will accommodate 34 children. There will be no more than 5 children under the age of 2 1/2. The existing building is 3,040 s.f., and is a single story building.
- Construction Type: V-B
- Group B, Office (304.1)
- Group S-1, moderate hazard storage (311.2)
- Occupancy separations (Sect 508)
- Non-Separated Occupancies (508.3)
- 508.3.1. The most restrictive applicable provisions of which the nonseparated occupancies are located.
- 508.3.2. Allowable building area and height. The allowable height shall be based on the most restrictive allowances for the occupancy groups under consideration for the type of construction.
- Construction Type: V-B
- Height and Area: (Table 503)
- Construction Type: V-B
- Most Restrictive Occupancy: E B S-1
- Allowable Height: 3 stories / 40'
- Allowable Area: 3,040 SF actual < 9,000 s.f. allowable
- Actual Area is less than Allowable Area.
- Fire-resistive for exterior walls - fire-separation distance
- Table 602: 5₂ X 10' ± 1 hr
- 10₂ X 30' ± 0 - 1 hr appears that all yards exceed 10'; therefore no fire-resistive construction required.

- Fire Protection Systems (Chapter 9).
- Fire sprinkler requirements:
 - 1. Throughout all Group E fire areas greater than 12,000 square feet in area.
 - 2. 12,000 square feet in area.
- 902.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy where one of the following conditions exists:
 - 1. A Group S-1 fire area exceeds 12,000 square feet.
 - 2. A Group S-1 fire area is located more than three stories above grade plane.
- Fire Alarm requirements:
 - 907.2.2 Group B. A manual fire alarm system shall be provided for Group B occupancies where one of the following conditions exists:
 - 1. The combined Group B occupant load of all floors is 500 or more.
 - 2. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
 - 907.2.3 Group E.
- Exceptions:
 - 1. A manual fire alarm system is not required in Group E occupancies with an occupant load of less than 50.
- In summary, since the building area is 3,040 s.f. total, single story with an occupant load of 46, a fire sprinkler and fire alarm system is not required for the proposed use.
- PUMPING EXCISES (IBC TABLE 2902.1)**
 - E - Schools use 50 s.f. per occupant
 - Total staff use area = 693 s.f./50 = 14 occupants, 7 men, 7 boys, 12 girls.
 - Total day care area = 1,196 s.f./50 = 24 occupants, 12 boys, 12 girls.
- Staff needs according to Section 2003.3, exceptions: since the total staff occupancy is less than 15, one restroom can serve both sexes.
- Day care seats:
 - Required Water Closets = 1 for 1-20 = 1 boys, 1 girls reqd.
 - Required Lavatories = 1 for 1-25 = 1 boys, 1 girls reqd.
- There are other aspects to be considered that each building must have water closet and one lavatory. The existing will meet the code requirements as outlined above.

- Fire Resistive Requirements: Type V-B
- Building Elements (Table 601):
 - Exterior Walls - 0
 - Interior - 0
 - Nonbearing Walls - Exterior
 - Nonbearing Walls - Interior
 - Floors & Secondary Members - 0
 - Roofs & Secondary Members - 0
- Means of Egress (Chapter 10):
 - Occupancy Factor Table 1004.1.1
 - Day care = 35 s.f. net per person
 - Office = 100 s.f. gross per person
 - Storage/lockers = 30 s.f. gross per person
- See fire life safety plan for each room occupancy
- 21 occupants at north wing and 20 occupants at south wing.
- Exit Signs (Sect 1011.1)
- Required exit signs - 148 occupants - 2
- Provided each wing - 74 occupants - 1
- Exit Access Max. Travel Distance (Table 1001.2)
 - B, E, S Occupancies - 75'
 - Actual Max. from any location - 46.5'
- Corridor Balms (Table 1018.1.1)
 - Corridors within occupancies B, E & S that serve less than 20 occupants are not required.
 - Corridor and the maximum number served is 28. Therefore the corridors may be non-rated.
- Exit Signage (Sect 1011)
 - Section 1011.1 exception one states that exit signs are not required in areas that require only one exit. Since only one exit is required, exit signs are not required.
- Egress Illumination (Sect 1006)
 - Emergency egress illumination is not required for any exit in required, emergency power is not required.
- Accessibility for Existing Buildings (Section 3411)
 - This section of code was amended and adopted 3/1/2012.
 - Section 3411.4 Change in occupancy. Where a building or a portion thereof is changed to a new occupancy classification, the building shall comply with Sections 3411.6, 3411.7 and 3411.8.
- Since there will essentially be no alterations to the existing building, the building will continue to meet the accessibility requirement for accessibility.

THE INFORMATION SHOWN IN THIS SITE PLAN DRAWING HAS BEEN PREPARED BASED ON FIELD MEASUREMENTS. BRITTELLE ARCHITECTURE INC. DOES NOT ASSUME THE ACCURACY OF EXISTING CONDITIONS. BRITTELLE ARCHITECTURE INC. DOES NOT ASSUME THE ACCURACY OF EXISTING CONDITIONS. BRITTELLE ARCHITECTURE INC. DOES NOT ASSUME THE ACCURACY OF EXISTING CONDITIONS WHICH MAY HAVE BEEN INCORPORATED AS A RESULT.

As-Built SITE PLAN
 1" = 20'
 MAP/TAX LOT NO.: R322040 01100

Attachment 10:

Floor Plans



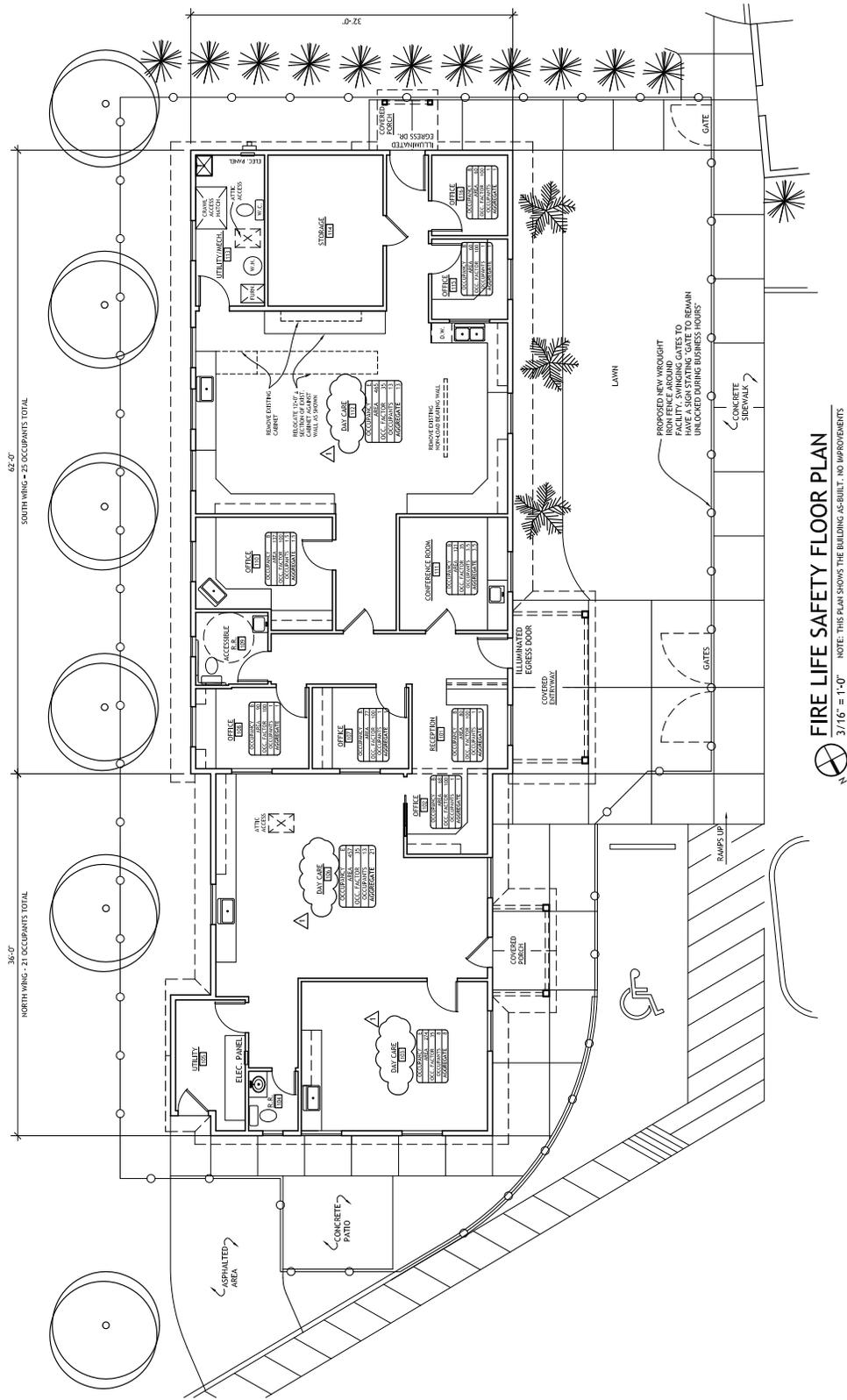
Brittall Architecture Inc.
 307 East Second Street, Suite 140
 P.O. Box 1145
 Newberg, OR 97132
 P: 503.539.9740
 www.brittallarch.com

**Proposed Bldg. Occupancy Change for:
 Curtis Goodwin**
 141 North Elliott Road, Newberg, Oregon 97132
 Contact: Curtis Goodwin - phone 503-351-0466

MARK	DATE	DESCRIPTION
1	10-28-13	REVISED PER CITY PLAN REVIEW
0	9-6-12	ISSUED FOR PERMIT

JOB NUMBER: **0132**
 SHEET: **A-2**

FLS - FLOOR PLAN



FIRE LIFE SAFETY FLOOR PLAN
 3/16" = 1'-0"
 NOTE: THIS PLAN SHOWS THE BUILDING AS-BUILT. NO IMPROVEMENTS ARE PROPOSED EXCEPT FOR THOSE NOTED HERE.

Attachment 11: Map
Contours and Utilities



Turquoise blue line: public water
Green line: public sanitary sewer
Orange line: public storm water
Pink line: private storm water

Attachment 12:

Access Photos



Access: From Elliot Rd Looking West



Access: From Property Looking East
Toward Elliot Road

Attachment 13:
Structure Photos



East Face



North Face



West Face (angled), from NW corner



West Face from pet clinic parking lot



South Face (from SW corner)



South Face (from SE corner)



View of Elliot Road from handicapped parking location



View (looking northeast) from front building entrance

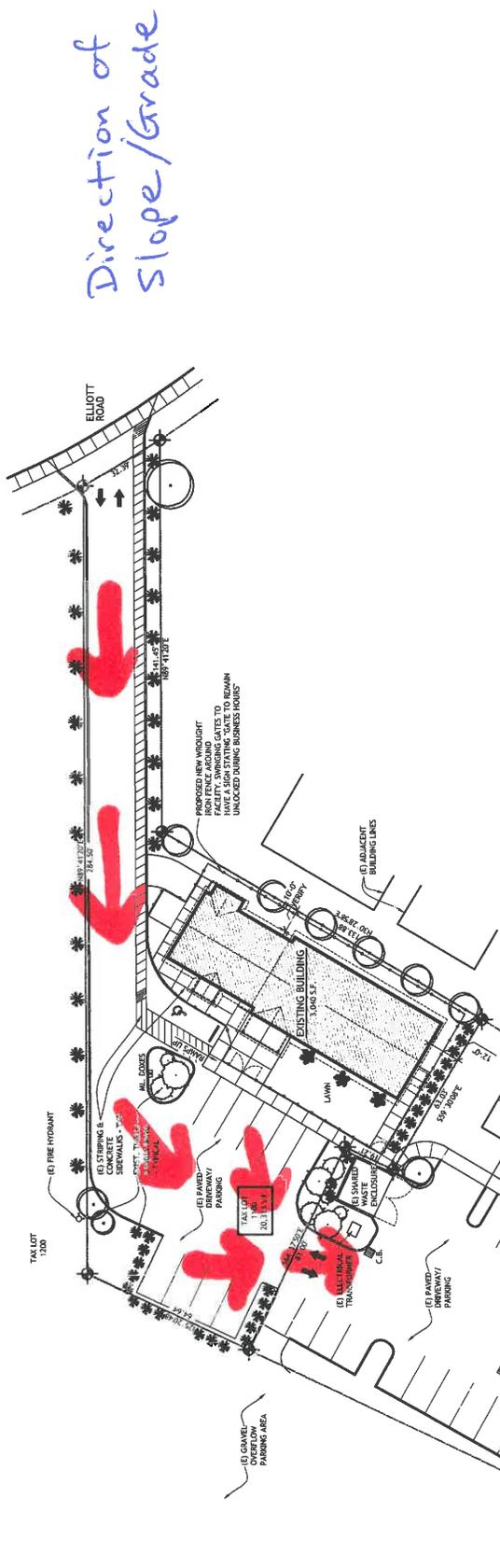


View (looking north) from front building entrance



View (looking west) from front building entrance

Attachment 14:
Drainage Notes, Photos



Direction of Slope/Grade

CODE SUMMARY:

- Applicable Code: 2010 Oregon State Structural Specialty Code (OSBC)
- Approved Building Code: Oregon amendments
- Project Description: Change of use from medical office (Group B) to day care (Group E) that will accommodate 34 children. There will be no more than 3 children under the age of 17, and no more than 3,000 s.f. and is a day care.
- Group E, Educational, day care (105.2)
- Group B, Office (104.1)
- Occupancy separations (Sect 508)
- Non-separated Occupancies (508.3)
- 508.3.1. The most restrictive applicable provisions of Chapter 9 shall apply to the building or portion thereof in which the non-separated occupancies are located.
- 508.3.2. Allowable building area and height. The allowable building area and height of the building or portion thereof shall be based on the most restrictive allowances for construction.
- Construction Type (Sect 502, Table 501.1)
- Height and Area (Table 503)
- Construction Type: V-A
- Most Restrictive Occupancy: E & B-1
- Allowable Height: 1 Stories / 4'
- Allowable Area: Most restrictive Occupancy: B & E-1 = 9,000 s.f. 3,000 SF actual < 9,000 allowable
- Fire-retardant for exterior walls - fire-separation distance (Table 602): 5' x 10' = 1 hr 10' x 30' = 0 - it appears that all yards exceed 10', therefore no fire-retardant construction required.

Fire Protection Requirements, Table V-8

Building Elements (Table 601):	Group V-A
Structure Frame	0
Roof	0
Exterior	0
Interior	0
Noncombustible Walls - Exterior	0
Floors & Secondary Members	0
Roofs & Secondary Members	0
Means of Egress (Chapter 10)	0
Day care = 35 s.f. net per person	1
Storage/Mech = 300 s.f. gross per person	2

See fire life safety plans for each room occupancy
 21 occupancies at or below 100 occupants at death wing.
 Each wing has its own exit system.
 Number of Exits (Sect. 102.1, Table 1021.2)
 Required each wing 1-49 Occupants = 1
 Provided each wing 2
 Actual Max. from any location = 46.5
 Corridor Width (Table 1028.1)
 Corridors within occupancies B, E & S that serve less than 30 occupants are not required to be rated. Each wing has its own corridor and the maximum number served is 26. Therefore the exits may be un-rated.
 Exit Signs (Sect. 1028.2)
 Section 101.1 exception one states that exit signs are not required in areas that require only one exit. Since only one exit is required, exit signs are not required.
 Egress Illumination (Sect. 1008)
 Egress illumination of not less than 1 foot candle at the walking surface shall be provided. Since only one exit is required, emergency power is not required.
 Accessibility for Existing Buildings (Section 3411)
 This section of code was amended and adopted 3/1/2012.
 Section 3411.4 Change in occupancy. Where a building or a portion thereof is changed to a new occupancy classification, the building shall comply with Section 3411.6, 3411.7 and 3411.8.
 Since there will be no alterations to the existing building, the building substantially complies with the requirement for accessibility.

Fire Protection Systems (Chapter 9)

Fire sprinkler requirements:
 902.2.3 Group E - An automatic sprinkler system shall be installed in Group E fire areas greater than 12,000 square feet in area.
 2. Throughout every portion of industrial buildings other than the street level of exit.
 902.2.9 Group S-1 - An automatic sprinkler system shall be installed in Group S-1 fire areas greater than 12,000 square feet in area.
 1. A Group S-1 fire area is located more than three stories above grade plane.
Fire alarm requirements:
 907.2.2 Group B, E & S - Fire alarm systems shall be installed in Group B occupancies where one of the following conditions apply:
 1. The combined Group B occupant load of all floors is 500 or more.
 2. The Group B occupant load is more than 100 occupants above or below the lowest level of exit discharge.
 907.2.3 Group E
 Exceptions:
 1. Fire alarm systems are not required in Group E occupancies with an occupant load of less than 50.
 In summary, since the building area is 3,040 s.f. total, including EGRESS (Sect. 1028.1, Table 1021.2) and fire alarm system is not required for the proposed use.
 E-Storage use 50 s.f. per occupant (Sect. 105.2)
 Total staff use area = 693 s.f./750 = 4 occupants, 7 men, 7 women
 Staff use area = 1,196 s.f./750 = 24 occupants, 12 boys, 12 girls.
 Staff area according to section 1002.3, exception: since the fire alarm occupancy is less than 75, one restroom can serve both sexes.
 Day care Water Closets = 1 for 120 = 1 boy, 1 girl req'd.
 Required Lavatories = 1 for 125 = 1 boy, 1 girl req'd.
 There are no other restrooms provided that each have one water closet and one urinal. The existing will meet the code requirements as outlined above.

THE INFORMATION SHOWN IN THIS SITE PLAN DRAWING HAS BEEN PREPARED BASED ON CITY OF YAMHILL INTERACTIVE MAPS, YAMHILL COUNTY ASSESSOR MAP AND FIELD MEASUREMENTS. WHILE THIS INFORMATION IS BELIEVED TO BE A REASONABLE SECOND OPINION, THE INFORMATION SHOWN HEREIN IS NOT TO BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED AS A RESULT.

AS-BUILT
 N
 SITE PLAN
 T = 20
 1/407 TAX LOT NO:
 R322040 01100

MRK	DATE	DESCRIPTION
0	9-6-12	ISSUED FOR PERMIT
1	10-26-15	REVISED PER CITY PLAN REVIEW

Attachment 4
A-
013
 SHEET:

Proposed Bldg. Occupancy Change for:
Curtis Goodwin
 11 North Elliott Road, Newberg, Oregon 97132
 Contact: Curtis Goodwin - phone 503-351-0466

BA
Brittelle
 Architecture Inc.
 307 East Second Street, Suite #40
 P.O. Box 1070
 Newberg, OR 97132
 P: 503-537-7140
 www.brittellearch.com

SITE PLAN, CODE SUMMARY



Catch basin in parking lot



Utility drain near east face



Berm along south edge of driveway access



Arrow depicting slope of driveway access



Arrows depicting slope of parking lot



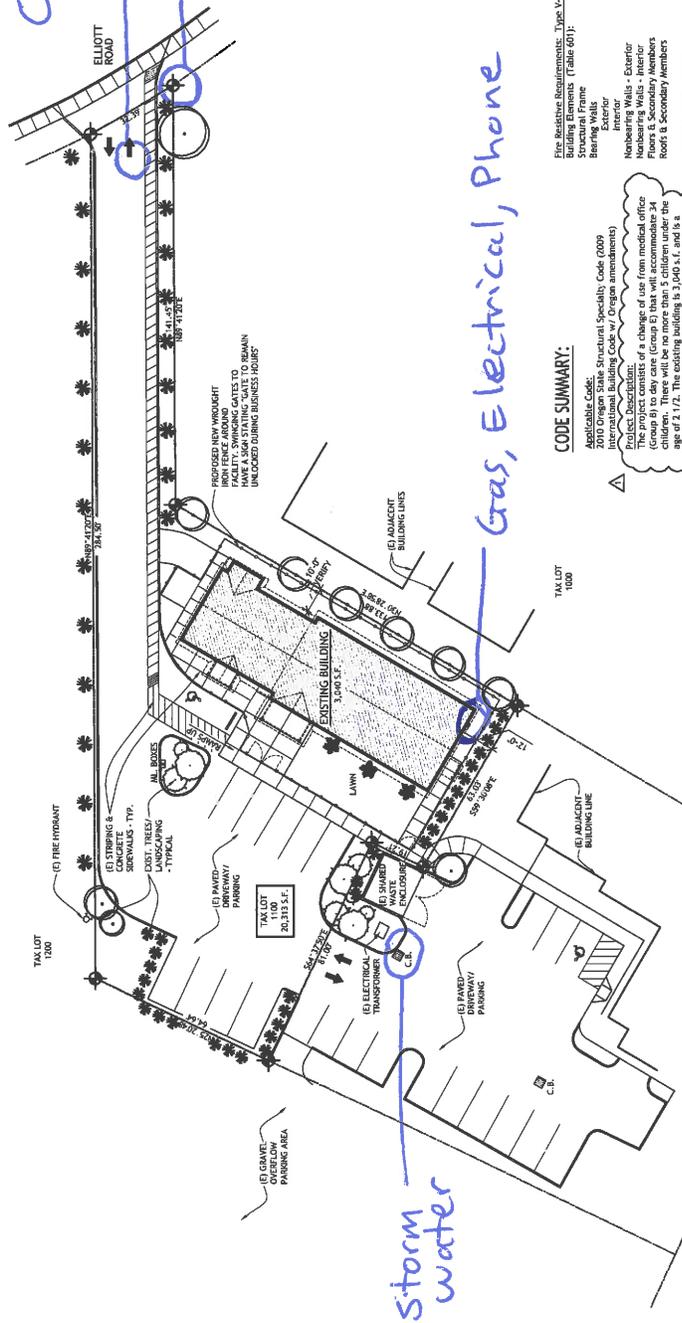
Arrows depicting slope of parking lot



Second catch basin

Attachment 15:
Utilities Notes, Photos

O-public sewer
private sewer
water



Storm water

Gas, Electrical, Phone

CODE SUMMARY:

- Applicable Codes: 2010 Oregon State Structural Specialty Code (OSCC)
- International Building Code w/ Oregon amendments
- Local Ordinance: 19.02.010
- Project Description: A change of use from medical office (Group B) to day care (Group E) that will accommodate 24 children. There will be no more than 5 children under the age of 2 1/2. The existing building is 3,040 s.f., and is a Group B, Educational, day care (202.2).
- Group B, Office (204.1)
- Group S-1, moderate hazard storage (311.2)
- Occupancy separations (308.508)
- Non-separated Occupancies (308.3)
- 508.3.1. The most restrictive applicable provisions of Chapter 9 shall apply to the building or portion thereof in which the non-separated occupancies are located.
- 508.3.2. Allowable building area and height. The allowable building area and height of the building or portion thereof shall be based on the most restrictive allowances for construction.
- Construction Type (305.2, Table 601.1)
- Type I-IV
- Building Area (Table 603)
- Construction Type (Table 603)
- Most Restrictive Occupancy: E B S-1
- Allowable Height: 1 Stories / 40'
- Allowable Area: Most restrictive occupancy: B B S-1 = 9,000 s.f. Total allowable building area: 3,040 SF actual = 9,000 allowable
- Fire-separation for exterior walls - fire-separation distance (Table 603): 5' x 10' = 1 hr 10' x 30' = 0 - It appears that all yards exceed 10', therefore no fire-resistive construction required.

- Fire Resistive Requirements: Type V-B Building Elements (Table 601):
 - Structural Frame: 0
 - Exterior Wall: 0
 - Interior Wall: 0
 - Roof Deck: 0
 - Roof Structure: 0
 - Nonbearing Walls: Exterior
 - Floors & Secondary Members: 0
 - Floors & Secondary Members: 0
 - Mezzanine: 0
 - Areas of Egress (Chapter 10)
 - Occupancy Factor: Table 1004.1, 1
 - Day care = 35 s.f./net per person
 - Storage/MCH = 300 s.f./gross per person
- See fire life-safety plan for each room occupancy
- 2. Each room shall have its own exit system.
- Number of Exits (Sect 102.1, Table 1021.2)
 - Required each wing: 1-9 Occupants = 1
 - Provided each wing: 2
- Exit Access Max. Travel Distance (Table 1021.2)
 - B, E, S Occupancies: 75'
 - Group B, Office (204.1): 40.5'
- Corridor Width (Table 1015.1)
 - Corridors with occupancies B, E & S that serve less than 30 occupants are not required to be rated. Each wing has its own corridor and the maximum number served is 28. Therefore the corridors may be non-rated.
- Section 101.5.1.1.1. One egress exit sign is required in areas that require only one exit. Since only one exit is required, exit signs are not required.
- Egress Illumination (Sect. 1008)
 - Egress illumination of not less than 1 foot candle at the walking surface shall be provided. Since only one exit is required, emergency power is not required.
- Accessibility for Existing Buildings (Section 341.1). This section of code was amended and adopted 3/1/2012.
- Section 3411.4 Change in occupancy. Where a building or a portion thereof is changed to a new occupancy classification, the alterations shall comply with sections 3411.6, 3411.7 and 3411.8.
- Since there will essentially be no alterations to the existing building, the building shall be deemed to be complying with the requirement for accessibility.

Proposed Bldg. Occupancy Change for:
Curtis Goodwin
141 North Elliott Road, Newberg, Oregon 97132
Contact: Curtis Goodwin - phone 503-531-0466

BA
Brittelle Architecture Inc.
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www.brittellearch.com

MRK	DATE	DESCRIPTION
0	10-28-13	REVISED PER CITY PLAN REVIEW
1	9-6-12	ISSUED FOR PERMIT
2	8-1-12	

JOB NUMBER: 013-12
SHEET: A-1

Attachment 4
A-1

SITE PLAN, CODE SUMMARY

THE INFORMATION SHOWN IN THIS SITE PLAN DRAWING HAS BEEN PREPARED BASED ON CITY OF NEWBERG INTERACTIVE MAPS, YAMHILL COUNTY ASSESSOR MAP AND FIELD MEASUREMENTS. WHILE THIS INFORMATION IS BELIEVED TO BE A RELIABLE RECORD OF THE INFORMATION SHOWN, THE CITY OF NEWBERG AND ITS ENGINEERS CAN BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS WHICH MAY HAVE BEEN INCORPORATED AS A RESULT.

AS-BUILT
SITE PLAN
1" = 20'
N
MAP OF LOT NO: R222040 01100



Public sewer connection on center of Elliot Road east of driveway access



Private sewer connection near driveway access point



Water access near driveway access point

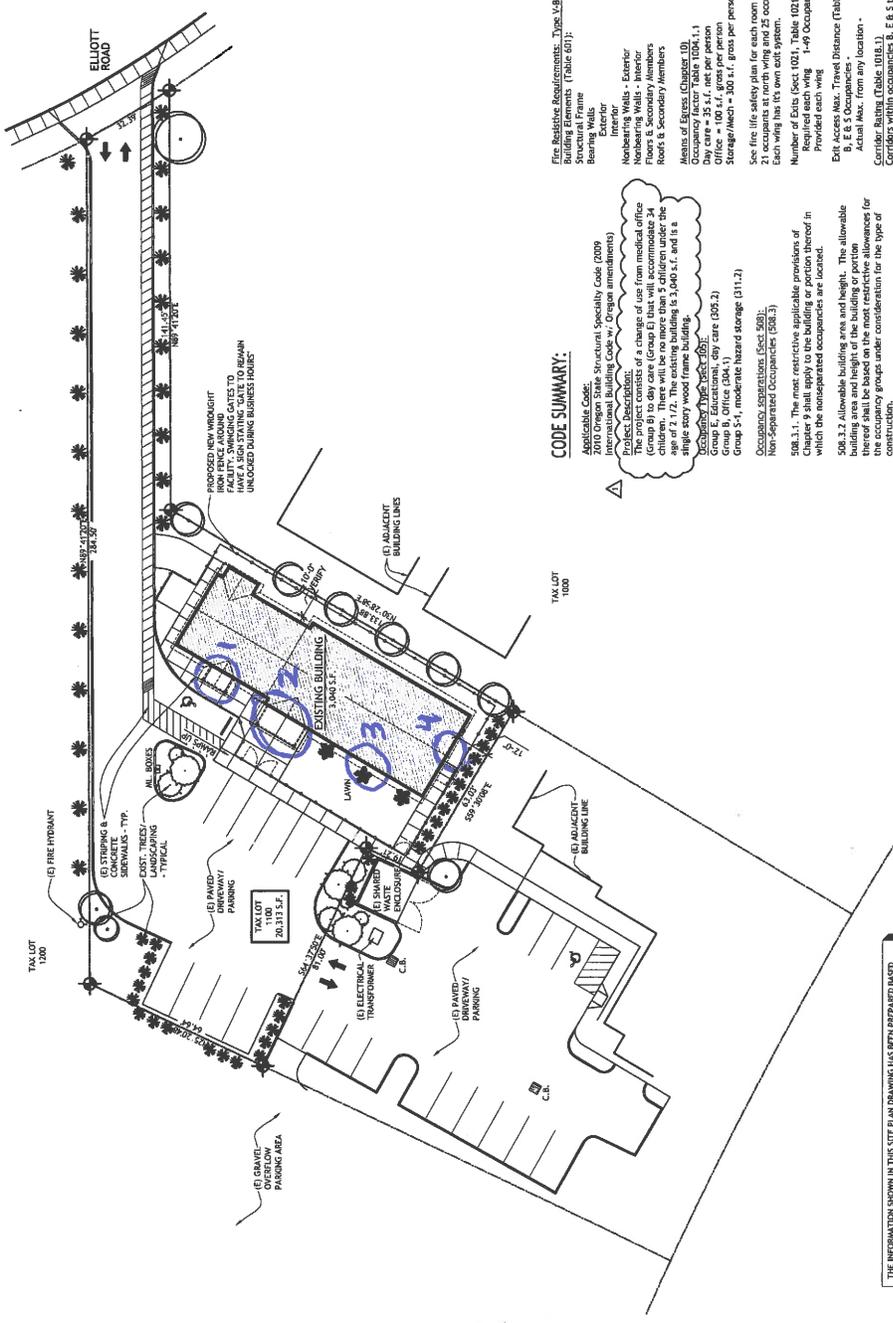


Gas, Electrical and Phone Access on west face of building near SW corner

Attachment 16:

Exterior Lighting Notes, Photos

Exterior Lighting



Proposed Bldg. Occupancy Change for:
Curtis Goodwin
 11 North Elliott Road, Newberg, Oregon 97132
 Contact: Curtis Goodwin - phone 503-531-0466

BA
Brittell
Architecture Inc.
 307 East Second Street, Suite 140
 Newberg, OR 97132
 P: 503-537-7740
 www.brittellarch.com

JOB NUMBER		013
SHEET:		A-4
MARK		1
DATE		10-26-13
DESCRIPTION		ISSUED FOR PERMIT
		REVISED PER CITY PLAN REVIEW

Attachment 4

SITE PLAN, CODE SUMMARY

Fire Protection Systems (Chapter 9).
 Fire sprinkler requirements:
 907.2.1.1. Automatic sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.2. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.3. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.4. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.5. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.6. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.7. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.8. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.9. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.10. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.11. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.12. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.13. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.14. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.15. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.16. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.17. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.18. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.19. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.20. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.21. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
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 907.2.1.23. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.24. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.25. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.26. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.27. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.28. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
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 907.2.1.98. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.1.99. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.
 907.2.2.0. Through-pipe sprinkler system shall be required for Group E fire areas greater than 13,000 square feet in area.

Fire Resistive Requirements, Type V-8
 Building Elements (Table 601):
 Exterior Bearing Walls 0
 Interior 0
 Exterior 0
 Nonbearing Walls - Exterior 0
 Nonbearing Walls - Interior 0
 Floors & Secondary Members 0
 Roofs & Secondary Members 0
 Areas of Egress (Chapter 10):
 Occupancy Factor Table 1008.1.1 0
 Area of Egress 0
 Office = 100 s.f./gross per person 0
 Storage/Arch = 300 s.f./gross per person 0
 See fire life safety plans for each room occupancy.
 21 occupants at north wing and 25 occupants at south wing.
 Each wing has its own exit system.
 Number of Exits (Sect. 1021, Table 1021.2)
 Required each wing 1-49 Occupants = 2
 Provided each wing 1-49 Occupants = 2
 Exit Access Max. Travel Distance (Table 1021.2)
 Actual Max. (from any location) = 44'-5"
 Corridor Width (Table 1018.1)
 Corridors within occupancies E, E-6.5 that serve less than 30 occupants are not required to be rated. Each wing has its own exit system. The number of exits is 2. Therefore the corridor may be non-rated.
 Exit Storage (Sect. 1011)
 Section 1011.1 exception one states that exit signs are not required in areas that require only one exit. Since only one exit is required, exit signs are not required.
 Egress Illumination (Sect. 1009)
 Egress illumination of not less than 1 foot-candle at the walking surface of each exit. If only one exit is required, emergency power is not required.
 Accessibility for Existing Buildings (Section 3411.1)
 This section of code was amended and adopted 3/1/2012.
 Section 3411.4 Change in occupancy. Where a building or a portion thereof is changed to a new occupancy classification, the building shall comply with sections 3411.6, 3411.7 and 3411.8.
 Since there will be no alterations to the existing building, therefore, no changes are required to meet accessibility. The building substantially complies with the requirement for accessibility.

CODE SUMMARY:
 Applicable Code:
 2010 Oregon State Structural Specialty Code (OSCC)
 2010 Oregon State Building Code (OSBC)
 The project consists of a change of use from medical office (Group B) to day care (Group E) that will accommodate 34 children. There will be no more than 5 children under the age of 2 in any room. The building is a single story wood frame building with a 3,040 s.f. and is a Group E, Educational, day care (E-6.5).
 Group B, Office (B-1)
 Group E, Educational, day care (E-6.5)
 Group S-1, moderate hazard storage (S11.2)
 Occupancy separations (Sect. 508):
 Non-separated occupancies (S08.3)
 508.3.1. The most restrictive applicable provisions of Chapter 9 shall apply to the building or portion thereof in which the non-separated occupancies are located.
 508.3.2. Allowable building area and height. The allowable building area and height of the building or portion thereof shall be determined in accordance with the provisions of the occupancy group under consideration for the type of construction.
 Construction Type (Sect. 602, Table 601):
 Type V-8
 Height and Area (Table 603)
 Construction Type: V-8
 Most Restrictive Occupancy: E-6.5
 Allowable Height:
 1 Stories / 40'
 Allowable Area:
 Occupancy: B, E-6.5 = 9,000 s.f.
 Actual Area is less than Allowable Area:
 3,040 SF actual < 9,000 Allowable Area
 Fire-separation for exterior walls - fire-separation distance (Table 602):
 5'-2, 3'-10" = 1' or
 10'-2, 3'-10" = 0' - it appears that all yards exceed 10', therefore no fire-resistive construction required.

THE INFORMATION SHOWN IN THIS SITE PLAN DRAWING HAS BEEN PREPARED BASED ON CITY OF NEWBERG INTERACTIVE MAPS, YAMHILL COUNTY ASSESSOR MAP AND FIELD SURVEY DATA. BRITTELL ARCHITECTURE INC. DOES NOT ASSURE THE ACCURACY OF THIS INFORMATION NOR CAN BE HELD RESPONSIBLE FOR ANY ERRORS OR OMISSIONS THAT MAY HAVE BEEN IDENTIFIED AS A RESULT.

As-Built
SITE PLAN
 1" = 20'
 MAP/TAX LOT NO:
 R3220AD 0100



Location of exterior light #1



Exterior Light #1 (100 watts)



Location of exterior light #2



Exterior light #2 (100 watts)



Location of exterior light #3



Exterior light #3 (100 watts)



Exterior Light #4 (100 watts)

Attachment 17:
Landscaping Photos



Landscaping in driveway (view from Elliot Road)



Landscaping in driveway (view from property parking lot)



Landscaping to the northeast of building



Landscaping to the north of building



Landscaping to the northwest of building



Landscaping along front of building



Landscaping to the northwest of building



Landscaping on west side of building



Landscaping south of building (from SE corner, looking west)



Planter area NW of building



Planter area north of building

Attachment 18:
ADA Compliance Photos

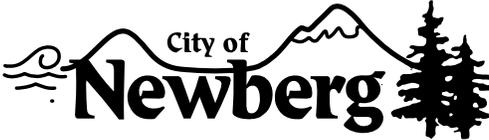


View of handicap parking spot



View of handicap access to Elliot Road
(to be restriped)

Attachment 19:
Public Notice Information



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 DESIGN REVIEW AND CONDITIONAL USE PERMIT**

A property owner in your neighborhood submitted an application to the City of Newberg for design review and a conditional use permit to allow a day care facility. The Newberg Planning Commission will hold a hearing on January 9, 2014 at 7 p.m. 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 by testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application is to make changes to an existing building and site to allow this 0.47 acre parcel to be used as a day care facility. The site was previously developed and used as a medical laboratory. Anticipated changes to the building are interior remodeling. Anticipated exterior improvements include a fence around the perimeter of the building and restriping.

- APPLICANT: *EAA Holdings, LLC, represented by John Bridges*
- TELEPHONE: *503-538-3138 (John Bridges)*
- PROPERTY OWNER: *EAA Holdings, LLC*
- LOCATION: *141 N Elliot St, Newberg, OR 97132*
- TAX LOT NUMBER: *3220AD-1100*



“Working Together For A Better Community-Serious About Service”

Attachment 4

We are mailing you information about this project because you own land within 500 feet of the proposed conditional use. 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. Oral testimony typically is 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. _____
City of Newberg
Planning & Building Department
PO Box 970
Newberg, OR 97132

All written comments must be turned in by noon on **Monday, January 6, 2014**. 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 a conditional use permit are found in Newberg Development Code Section 15.225.060.

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.

If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: **December 9, 2013**

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

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

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

**CITY OF NEWBERG
SAMPLE POSTED NOTICE**

Land Use Notice

FILE # TBD

PROPOSAL: DAY CARE FACILITY

FOR FURTHER INFORMATION, CONTACT:

City of Newberg

Planning & Building Department

414 E First Street

Phone: 503-537-1240

2'

3'

Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.

Attachment 4



First American Title

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

geoAdvantage
www.digitshare.org 208.777.1252

Attachment 4

R322000300
Whitney Family Properties Ltd Prtshp
1/2
PO Box 248
Newberg , OR 97132

R3220AA00800
Parr Lumber Company
5630 NW Century Blvd
Hillsboro , OR 97124

R3220AA00900
Parr Lumber Company
5630 NW Century Blvd
Hillsboro , OR 97124

R3220AA01100
Davison Brothers LLC
10551 NW Brentano Ln
McMinnville , OR 97128

R3220AB00202
Total Concept Development LLC
PO Box 927
Newberg , OR 97132

R3220AB00301
Fred L For Casey
PO Box 188
Newberg , OR 97132

R3220AB01203
Psdm Properties LLC
PO Box 258
Mt Angel , OR 97362

R3220AB01204
Leonard & Joan B For & Joan Silvers
3300 N Aspen Way
Newberg , OR 97132

R3220AB01800
Lena & George M For & Lena Lopiparo
PO Box 12585
Portland , OR 97212

R3220AB01900
Lena & George M For & Lena Lopiparo
PO Box 12585
Portland , OR 97212

R3220AB02000
Lena & George M For & Lena Lopiparo
PO Box 12585
Portland , OR 97212

R3220AB90000
Ken's Court Condominium Units At
1/15 Ea
151 Royal Oak St
Newberg , OR 97132

R3220AB90001
Martha L For & Martha Bowman
521 NE Mt Mazama St
McMinnville , OR 97128

R3220AB90002
Ronda Wright
PO Box 2337
Post Falls , ID 83877

R3220AB90003
Jeffrey & Luz Greenemeier
1513 W Larane Wy
Anaheim , CA 92802

R3220AB90004
Rebecca Moss
2501 E 2nd St No 4
Newberg , OR 97132

R3220AB90005
Frank & Romi Frebe
2343 Kudu Pl
Ventura , CA 93003

R3220AB90006
Phyllis Nottoli
2139 E Huron Ct
Gilbert , AZ 85234

R3220AB90007
Sue Nenadov
23311 Laglorieta Unit H
Mission Viejo , CA 92691

R3220AB90008
Merlin G For & Merlin Bowman
521 NW Mt Mazama St
McMinnville , OR 97128

R3220AB90009
John Spock
12302 Herbert St
Los Angeles , CA 90066

R3220AB90010
Michael & Rosanna Prucha
230 Rancho Rio Ave
Ben Lomond , CA 95005

R3220AB90011
Mulugeta Ghile
951 I St
Union City , CA 94587

R3220AB90012
Howard & Michele Lyon
309 Jeannie Way
Livermore , CA 94550

R3220AB90013
Machauer Investment Properties LLC
PO Box 21833
Keizer , OR 97307

R3220AB90014
Chris & Anne Adderson
932 Black Oak Dr
Medford , OR 97504

R3220AB90015
Machauer Investment Properties LLC
PO Box 21833
Keizer , OR 97307

R3220AD00100
Bretthauer Newberg LLC
PO Box 1299
Hillsboro , OR 97123

R3220AD00200
Steven & Michelle Roy
2610 E Hancock St
Newberg , OR 97132

R3220AD00300
Steven & Michelle Roy
2610 E Hancock St
Newberg , OR 97132

Attachment 4

R3220AD00301
Jack Williams
2700 E Hancock St
Newberg , OR 97132

R3220AD00400
Keith & Mary Gouger
9600 NE Glen Hollow Dr
Newberg , OR 97132

R3220AD00500
Bretthauer Newberg LLC
PO Box 1299
Hillsboro , OR 97123

R3220AD00501
Septimus Management LLC
110 S Elliott Rd
Newberg , OR 97132

R3220AD00502
Douglas Geier
101 N Elliott Rd
Newberg , OR 97132

R3220AD00600
David & Elizabeth Schmitz
PO Box 271
St Paul , OR 97137

R3220AD00700
Leland & Elizabeth Dundas
1911 Westlake Lp
Newberg , OR 97132

R3220AD00800
Chehalem Park And Recreation District
1802 Haworth Ave
Newberg , OR 97132

R3220AD00900
Jankat LLC
115 S Elliott Rd
Newberg , OR 97132

R3220AD01000
Douglas Geier
101 N Elliott Rd
Newberg , OR 97132

R3220AD01100
Eaa Holdings LLC
10830 SW Tualatin Sherwood Rd
Tualatin , OR 97062

R3220AD01101
Daniel & Randall & Marsha Matthiesen
131 N Elliott Rd
Newberg , OR 97132

R3220AD01200
Randall & Marsha & Daniel & (wros)
Matthiesen
1320 NW Alder Crest Ct
Dundee , OR 97115

R3220AD01300
McA Investments LLC
35101 SW Ladd Hill Rd
Wilsonville , OR 97070

R3220AD01400
James Sheehan
PO Box 369
Forest Grove , OR 97116

R3220AD01500
John & Marie Leslie
2569 Glen Eagles Pl
Lake Oswego , OR 97034

R3220AD01600
John & Marie Leslie
2569 Glen Eagles Pl
Lake Oswego , OR 97034

R3220AD01800
Margo Pierson
200 Bina Dr
Newberg , OR 97132

R3220AD01900
Kristin Snyder
206 Bina Dr
Newberg , OR 97132

R3220AD02000
Denise Arnold
210 Bina Dr
Newberg , OR 97132

R3220AD02400
Jeremy Lloyd
205 Bina Dr
Newberg , OR 97132

R3220AD02500
Sharon Caldwell
201 Bina Dr
Newberg , OR 97132

R3220AD02600
Carmen & Catalina Camacho
2400 E 2nd St
Newberg , OR 97132

R3220AD03300
James Backmann
2500 E 2nd St
Newberg , OR 97132

R3220AD03301
Thomas Little
2510 E 2nd St
Newberg , OR 97132

R3220AD03302
Richard & Sarah Bowen
2023 Lloyd Center
Portland , OR 97232

R3220AD03303
Jack & Katherine Percy
11290 SW Lynn St
Tigard , OR 97223

R3220AD03304
Paul Wanner
17630 Boones Ferry Rd
Hubbard , OR 97032

R3220AD03305
Richard Muehlfelt
2511 E 3rd St
Newberg , OR 97132

R3220AD03306
Suzanne F For & Suzanne Kennedy
PO Box 518
Umatilla , OR 97882

Attachment 4

R3220AD03307
Arlin & Shaun Davis
2514 E 2nd St
Newberg , OR 97132

R3220AD03308
Paul Wanner
17630 Boones Ferry Rd
Hubbard , OR 97032

R3220AD03309
Michael Flagler
2515 E 3rd St
Newberg , OR 97132

Attachment 20:
Lot Book Report



First American

Attachment 4

First American Title Company of Oregon

825 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

YAMHILL COUNTY TITLE UNIT

FAX (866)800-7294

Title Officer: **Clayton Carter**
(503)376-7363
ctcarter@firstam.com

LOT BOOK SERVICE

Brown, Tarlow, Bridges, Palmer & Stone,PC
515 E 1st ST
Newberg, OR 97132

Order No.: 1039-2183458
November 27, 2013

Attn: Rich Brown
Phone No.: (503)538-3138 - Fax No.: (503)538-9812
Email: rich@newberglaw.com

Fee: \$225.00

We have searched our Tract Indices as to the following described property:

Parcel 1 of Partition Plat No. 2001-44, recorded December 13, 2001 in Plat Records for Yamhill County, Oregon, as Instrument No. 200122133, Deed and Mortgage Records

and as of November 18, 2013 at 8:00 a.m.

We find that the last deed of record runs to

EAA Holdings, LLC, an Oregon limited liability company

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. Taxes for the year 2013-2014
Tax Amount \$ 5,011.09
Unpaid Balance: \$ 5,011.09 , plus interest and penalties, if any
Code No.: 29.0
Map & Tax Lot No.: R3220AD-01100
Property ID No.: 396315

2. Taxes for the year 2012-2013

Tax Amount	\$	4,850.63
Unpaid Balance:	\$	970.44 , plus interest and penalties, if any
Code No.:		29.0
Map & Tax Lot No.:		R3220AD-01100
Property ID No.:		396315

3. City liens, if any, of the City of Newberg.

4. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

5. Easement on the recorded plat/partition as follows: for public and private utilities

6. Covenants, conditions, restrictions and/or easements; but deleting any covenant, condition or restriction indicating a preference, limitation or discrimination based on race, color, religion, sex, handicap, family status, or national origin to the extent such covenants, conditions or restrictions violate Title 42, Section 3604(c), of the United States Codes:

Recording Information:	April 4, 1977 in Film Volume 119, Page 444, Deed and Mortgage Records
------------------------	---

7. Easement, including terms and conditions contained therein:

Granted to:	City of Newberg
For:	Storm Sewer
Recorded:	December 31, 1979
Recording Information:	Film Volume 147, Page 295, Deed and Mortgage Records

8. Restrictive Covenant to Waive Remonstrance, including the terms and provisions thereof

Recorded:	December 31, 2001 as Instrument No. 200122131
-----------	---

9. Easement, including terms and conditions contained therein:

For:	Driveway and utility maintenance
Recorded:	December 13, 2001
Recording Information:	Instrument No. 200122132

10. Restrictive Covenant to Waive Remonstrance, including the terms and provisions thereof

Recorded:	February 5, 2002 as Instrument No. 200202547
-----------	--

11. Easement, including terms and conditions contained therein:

For:	Driveway and utility maintenance
Recorded:	March 21, 2002
Recording Information:	Instrument No. 200212184

12. Line of Credit Trust Deed, including the terms and provisions thereof, given to secure an indebtedness of up to \$135,139.37
- Grantor: EAA Holdings, LLC, an Oregon limited liability company
 Beneficiary: Columbia Community Bank
 Trustee: First American Title Company of Oregon
 Dated: September 26, 2013
 Recorded: September 27, 2013
 Recording Information: 201315289, Deed and Mortgage Records
13. Assignment of leases and/or rents and the terms and conditions thereof:
- Assignor: EAA Holdings, LLC, an Oregon limited liability company
 Assignee: Columbia Community Bank
 Recorded: September 27, 2013
 Recording Information: 201315290, Deed and Mortgage Records
14. Line of Credit Trust Deed, including the terms and provisions thereof, given to secure an indebtedness of up to \$100,000.00
- Grantor: EAA Holdings, LLC
 Beneficiary: Columbia Community Bank
 Trustee: First American Title Company of Oregon
 Dated: November 05, 2013
 Recorded: November 12, 2013
 Recording Information: 201317246, Deed and Mortgage Records

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

Situs Address as disclosed on Yamhill County Tax Roll:

141 N Elliott Road, Newberg, OR 97132

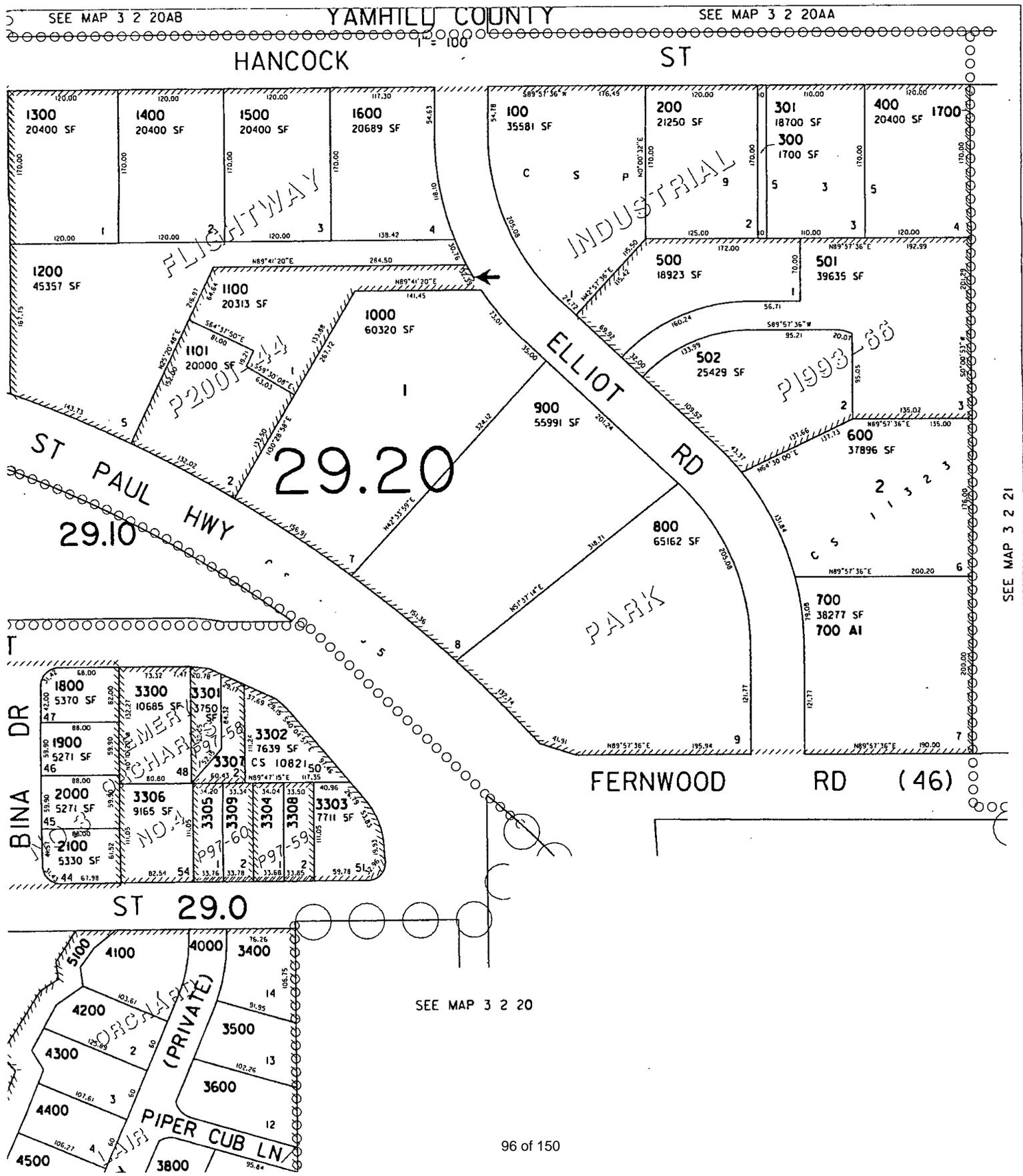
THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey



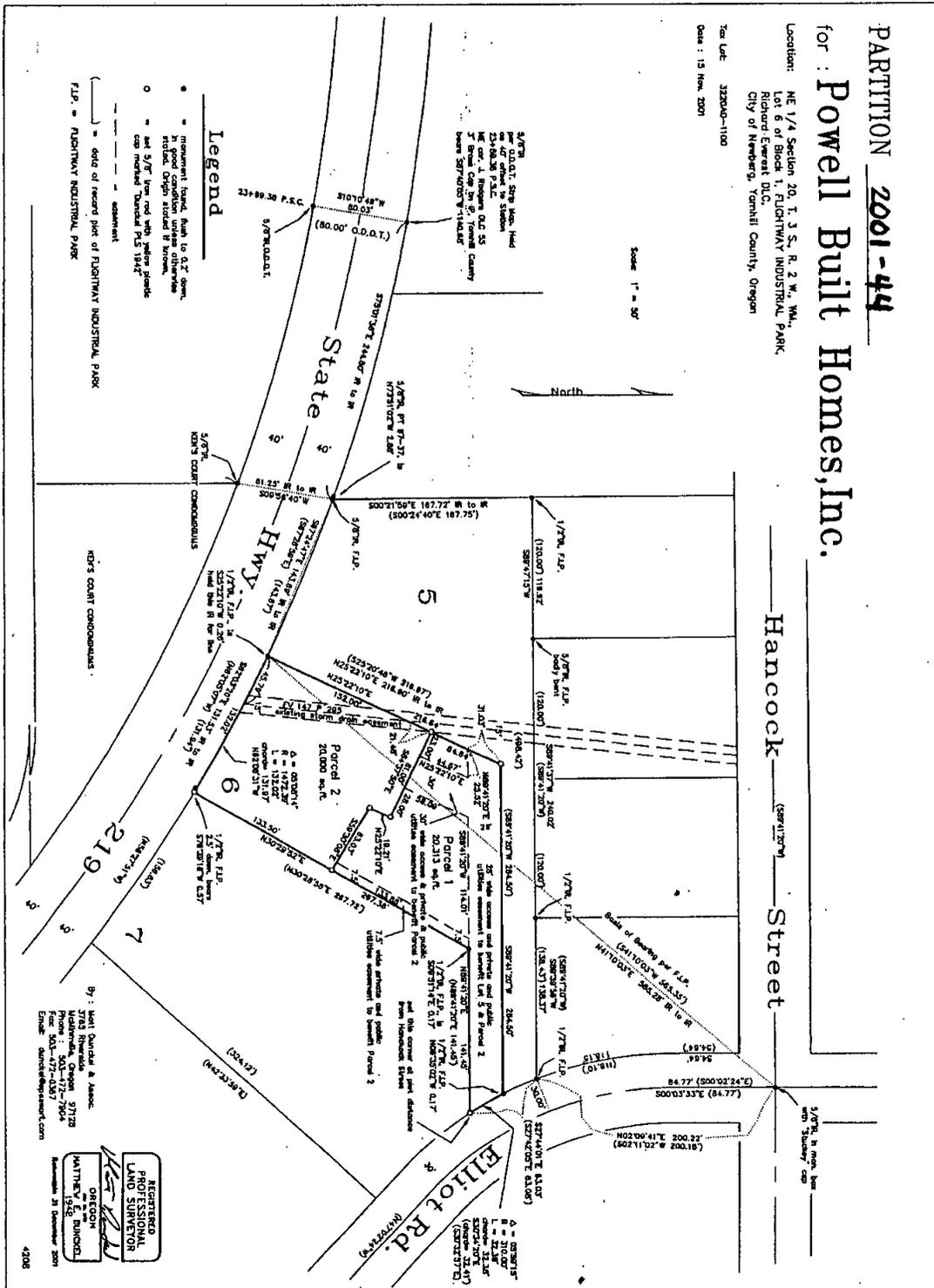
OFFICIAL YAMHILL COUNTY RECORDS
 CHARLES STERN, COUNTY CLERK

200122133



\$66.00

12/13/2001 12:35:23 PM
 PR-PARPR Cnt=1 Stn=2 ANITA
 \$45.00 \$10.00 \$11.00



PARTITION 2001-44

for: Powell Built Homes, Inc.

Location: NE 1/4 Section 20, T. 3 S., R. 2 W., NW,
Lot 8 of Block 1, FLIGHTWAY INDUSTRIAL PARK,
Richard Everett DDC,
City of Newberg, Yamhill County, Oregon

Fee Lot: 22000-100

Date: 15 Nov. 2001

Approvals:

Richard O. Maly 10-2-01
City of Newberg Recorder Date

Mark A. ... 11-20-01
City of Newberg Community Development Director Date
Newberg File No. P-87-01

Mark A. ... 12/4/01
Yamhill County Surveyor Date

Pursuant to ORS 92.095,
Taxes have been paid or bond
posted to this
date: March 30, 2002
Richard O. Maly
Yamhill County Tax Collector

OFFICE: YAMHILL COUNTY CLERK
CORRECTIONAL INSTITUTION
142.25 111.25 111.25
7812133 12-15-21 PM 12/15/2001 \$65.00

DECLARATION

KNOW ALL MEN BY THESE PRESENTS that WEST VALLEY EXCHANGE SERVICES, INC. and the owner of the units represented on the attached plat, have caused said land to be partitioned into the 2 parcels and agreements as shown.

John ...
WEST VALLEY EXCHANGE SERVICES, INC.
JOHN ... President

Acknowledgement

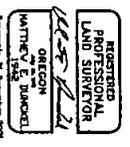


STATE OF OREGON)
COUNTY OF YAMHILL)
On this day the 21st of Nov., 2001, did personally appear JOHN ... before me, the above identified person named in the foregoing instrument and that he executed said instrument freely and voluntarily.

SURVEYOR'S CERTIFICATE

I, Mark ... do hereby certify that I have correctly surveyed and marked with proper monuments the land shown on Parcel 1 and 2, the boundary of which is described as follows:

Lot 8 of Block 1, FLIGHTWAY INDUSTRIAL PARK
Mark ...
Yamhill County Surveyor
1155 ... Oregon 97125
Phone: 503-472-7904
Fax: 503-472-0057



Narrative
The purpose of this survey is to partition Lot 8 of Block 1, FLIGHTWAY INDUSTRIAL PARK into the 2 parcels as shown. The highway right-of-way is established through my previous survey CS-11410 which is based data on CS-11108. I have measured into the former ord monuments of CS-11410 and found them to be in the same position as they were when I set the SE corner of Lot 8. I have laid the plat distance by chord distance is slightly different from the record of FLIGHTWAY INDUSTRIAL PARK.



After recording return to:
EAA Holdings, LLC
10830 SW Tualatin Sherwood Rd.
Tualatin, OR 97062

Until a change is requested all tax
statements shall be sent to the
following address:
EAA Holdings, LLC
same as above

File No.: 1032-1859718 (JW)
Date: April 23, 2012

THIS SPACE RESERVED FOR RECORDER'S USE

OFFICIAL YAMHILL COUNTY RECORDS
REBEKAH STERN DOLL, COUNTY CLERK

2012-05666

\$46.00



00390698201200056660020028

04/30/2012 03:06:53 PM

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

STATUTORY WARRANTY DEED

Anna M. Leslie, Grantor, conveys and warrants to **EAA Holdings, LLC**, an Oregon limited liability company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

Parcel 1 of Partition Plat No. 2001-44, recorded December 13, 2001 in Plat Records for Yamhill County, Oregon, as Instrument No. 200122133, Deed and Mortgage Records

Subject to:

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

The true consideration for this conveyance is **\$225,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN TITLE 1859718

APN: 396315

Statutory Warranty Deed
- continued

File No.: 1032-1859718 (JW)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

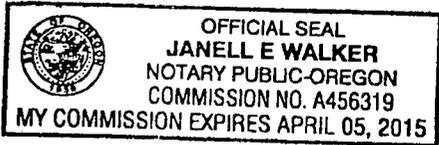
Dated this 27 day of April, 2012

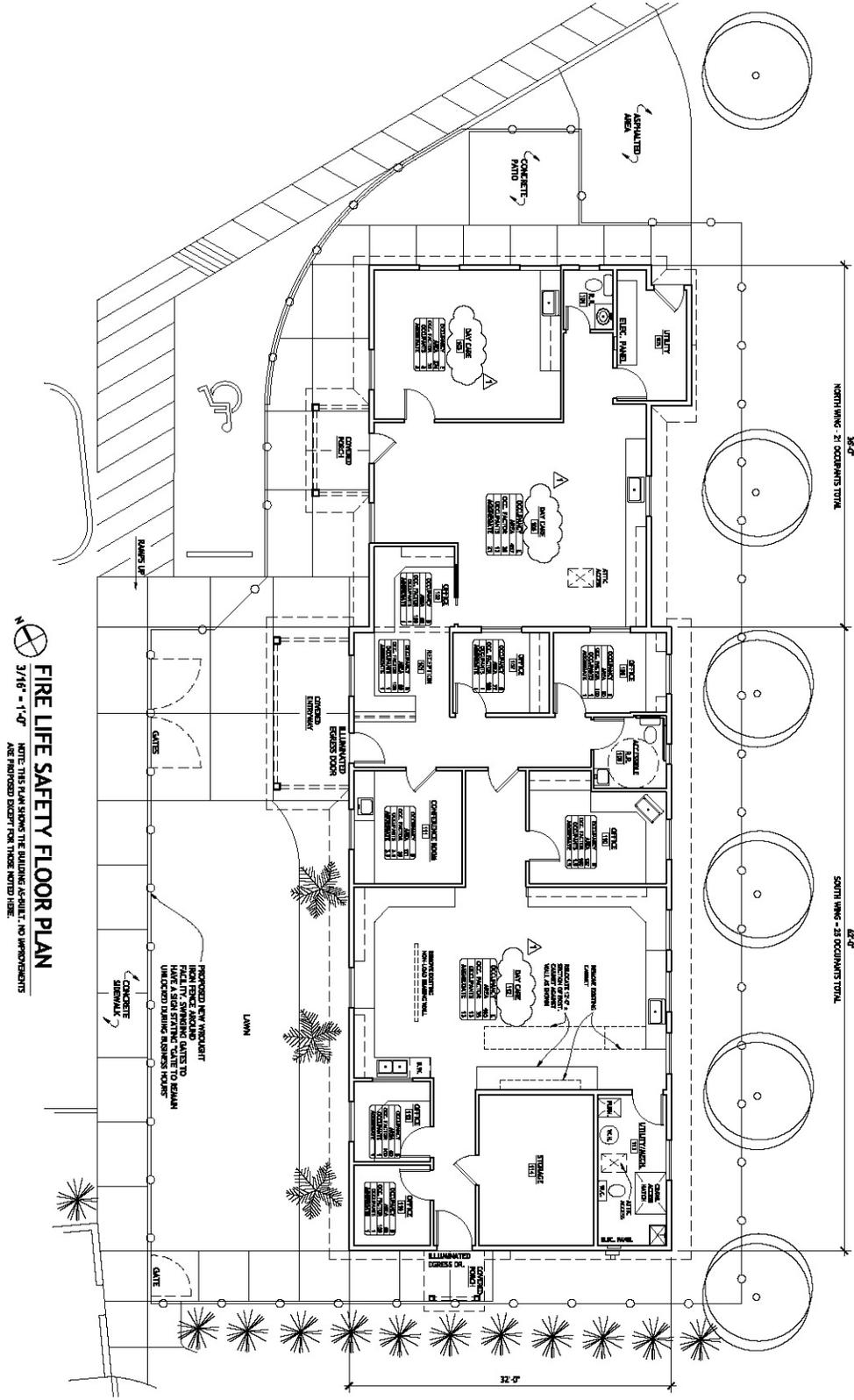
Anna M. Leslie
Anna M. Leslie

STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 27th day of April, 2012
by **Anna M. Leslie**.

Janell Walker
Janell Walker
Notary Public for Oregon
My commission expires: 4-5-15





FIRE LIFE SAFETY FLOOR PLAN
 3/16" = 1'-0"
 NOTE: THIS PLAN SHOWS THE BUILDING AS-BUILT. NO IMPROVEMENTS ARE PROPOSED EXCEPT FOR THOSE NOTED HERE.

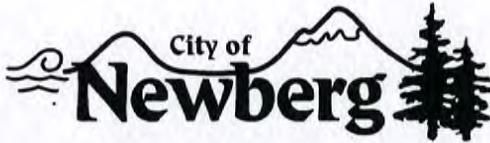
MRK	DATE	DESCRIPTION
0	8-4-12	ISSUED FOR PERMIT
1	10-28-13	REVISED PER CITY PLAN REVIEW

JOB NUMBER: 013-12
 SHEET: A-2

Proposed Bldg. Occupancy Change for:
Curtis Goodwin
 141 North Elliott Road, Northbrook, IL 60062-9713
 Contact: Curtis Goodwin - phone 503-351-0466

BA
Pittell
Architecture Inc.
 307 East Second Street, Suite 110
 P.O. Box 110
 Mendota, WI 53182
 F: 530.237.9700
 www.pittellarch.com

F5 - FLOOR PLAN



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 DESIGN REVIEW AND CONDITIONAL USE PERMIT

A property owner in your neighborhood submitted an application to the City of Newberg for design review and a conditional use permit to allow a day care facility. The Newberg Planning Commission will hold a hearing on January 9, 2014 at 7 p.m. 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 by testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

The application is to make changes to an existing building and site to allow this 0.47 acre parcel to be used as a day care facility. The site was previously developed and used as a medical laboratory. Anticipated changes to the building are interior remodeling. Anticipated exterior improvements include a fence around the perimeter of the building and restriping.

APPLICANT: *EAA Holdings, LLC, represented by John Bridges*

TELEPHONE: *503-538-3138 (John Bridges)*

PROPERTY OWNER: *EAA Holdings, LLC*

LOCATION: *141 N Elliot St, Newberg, OR 97132*

TAX LOT NUMBER: *3220AD-1100*



12-18-13
20' M for new business.
go for it.
Merlin Bowman

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



To: City of Newberg, Planning Dept.

Date: December 27, 2013

Subject: File CUP-13-004

Dear Planning Commission,

I am writing with respect to a proposed Day Care at 141 N Elliott Rd.

The same proposal was put forth about one year ago and rejected, so I am not sure what the basis would be for approving it now? I have no problem with the concept of having a day care next to our facility, but I have to question the rationale behind putting a daycare in an industrial area? Some of my concerns with regard to this location being a reasonable choice for a day care are;

1. There is no yard outside. With a fence proposed around the perimeter and no yard to play in, it seems this facility would feel more like a compound than a day care.
2. It is not unusual for people to walk past the back of this building when taking a shortcut from highway 219 over to Elliott Rd. I have concerns about security based on this. Perhaps this is the rationale behind fencing the perimeter?
3. There is a pet clinic next door. Though most pet owners are responsible, we have seen dogs running on our property on several occasions. Not all dogs are friendly and many children do not understand this. The parking areas are adjacent to each other.

Again, I don't have any issue with a day care next door, other than it seems like there must be hundreds of more suitable locations to care for young children in Newberg.

Sincerely,

Doug Geier
President, Cascade Laser Corporation



Oregon

John A. Kitzhaber, MD, Governor



3040 25th Street, SE
Salem, OR 97302-1125
Phone: (503) 378-4880
Toll Free: (800) 874-0102
FAX: (503) 373-1688

December 12, 2013

Jessica Nunley-Pelz, AICP
Associate Planner
Planning Division
PO Box 970
Newberg, Oregon, 97132

SUBJECT: PL13-00074 & CUP 13-004(Daycare in M-2 Zone)

This letter is in response to the city of Newberg's application for a daycare in the M-2 zone located at 141 N. Elliott Road, north of Sportsman Airpark. After a preliminary review of the proposed application the Oregon Department of Aviation (ODA) has prepared the following comments.

The proposed use of a daycare is classified as a Public Use, specifically a Place of Public Assembly according to Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas, as located in the Airport Land Use Compatibility Guidebook (January 2003) (see attached). The proposed use is classified as an Incompatible Land Use with respect to noise.

Since this use is identified as an incompatible land use ODA recommends that this site be used for land use activities that are compatible, in accordance with Table 3-4. However, if this application is approved as proposed, ODA recommends that noise mitigation measures are in place to minimize the noise impact that could be caused by planes using the Sportsman Airpark.

Thank you for allowing ODA to comment on this development proposal. If you have any questions or need further information please feel free to contact me at 503-378-2529 or Jeff.Caines@aviation.state.or.us or Heather Peck – Projects and Planning Manager at 503-378-3168 or Heather.Peck@aviation.state.or.us.

Sincerely,

Jeff Caines, AICP
Aviation Planner

Table 3-4: Compatible Land Uses per FAR Part 77 Surfaces and FAA Safety Areas**Legend:**

C Generally compatible land use

NC Incompatible Land Use

- Not clearly compatible or incompatible, requires specific study

Criteria for Compatibility:

1. Does not exceed height standards
2. Does not attract large concentrations of people
3. Does not create a bird attractant
4. Does not cause a distracting light/glare
5. Does not cause a source of smoke
6. Does not cause an electrical interference
7. Does meet compatible DNL sound levels

Land Uses	Primary Surface	Transitional Surface	Horizontal Surface	Conical Surface	Approach Surface	Runway Protection Zone
Residential						
Residential, other than those listed below	NC	NC	•	C	•	NC
Mobile home parks	NC	NC	•	C	•	NC
Transient lodgings	NC	NC	•	C	•	NC
Public Use						
Places of public assembly (schools, hospitals, churches, auditoriums)	NC	NC	•	C	NC	NC
Government services	NC	•	C	C	•	NC
Transportation (parking, highways, terminals)	NC	•	C	C	•	•
Commercial Use						
Offices, business and professional	NC	•	C	C	•	NC
Wholesale & retail - building materials, hardware and farm equipment	•	•	C	C	•	NC
Retail trade - general	NC	•	C	C	•	NC
Utilities	NC	•	•	•	•	•
Communication	NC	•	•	•	•	NC
Manufacturing & production						
Manufacturing - general	NC	•	•	•	•	NC
Agricultural (except livestock) and forestry	•	•	C	C	•	•
Livestock farming and breeding	NC	•	•	C	•	NC
Mining and fishing, resource production and extraction	NC	NC	•	•	•	NC
Recreational						
Outdoor sports arenas and spectator sports	NC	NC	•	C	NC	NC
Nature exhibits and zoos	NC	NC	•	C	NC	NC
Amusement parks, resorts and camps	NC	NC	C	C	NC	NC
Golf courses	NC	NC	C	C	NC	NC
Parks	NC	•	•	•	•	•

EXAMPLE 3

HOLD HARMLESS AGREEMENT

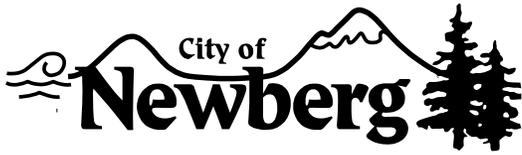
KNOW ALL MEN BY THESE PRESENTS, that the undersigned, hereinafter referred to as Grantees (whether singular or plural), hereby covenant and agree that they shall not, by reason of their ownership or occupation of the following described real property, protest or bring suit or action against the _____ Airport or the City (County) of _____ for aviation related noise, property damage or personal injuries resulting from activities at or connected with the _____ Airport when such activities conform to the then existing rules and regulations of said airport and the applicable federal air regulations and no negligence on the part of said airport is involved. The real property of Grantees subject to this covenant and agreement is situated in the County of _____, State of Oregon, and described as follows:

(Insert Legal Description and Appropriate Map)

This covenant and agreement is made and executed by the Grantees in consideration of the City (County) of _____ granting a conditional use permit for Grantees use and development of the above described real property, which real property is located in the airport approach zone of the _____ Airport. The execution of this covenant and agreement by Grantees is required by the City (County) of _____ as a prerequisite to the granting of the above said conditional use permit to Grantees. This agreement is executed for the protection and benefit of the _____ Airport and the City (County) of _____ interest in said airport and to prevent development in adjacent lands to said airport which will interfere with the continued operation existent and development of said airport. This covenant and agreement is intended to be binding upon the Grantees, their heirs, assigns, and successors and inure to the benefit of the City (County) of _____ and the Airport, their successors and assigns.

DATED this _____ day of _____, 20____.

STATE OF OREGON) GRANTEES:
)
)
) ss. _____
)
City/County of _____) _____



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 AUTO SALES AT 301 W. FIRST STREET: CONDITIONAL USE PERMIT

HEARING DATE: January 9, 2014

FILE NO: CUP-13-005

REQUEST: Conditional use permit for automobile sales in the C-3 zone

LOCATION: 301 W. First Street

TAX LOT: 3219AB-4500 & -4700

APPLICANT: Gerald Logan (Classic Auto Sales)

OWNER: Ron & Janet Milton

ZONE: C-3 (central business district commercial)

PLAN DISTRICT: COM (commercial)

OVERLAYS: none

ATTACHMENTS:

Order 2014-14 with

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

1. Aerial Photo
2. Site Plan
3. Zoning
4. Utility lines
5. Application
6. Public Comments/Correspondence Received (none as of the date of this report)



A. DESCRIPTION OF APPLICATION: The applicant, Gerald Logan, has requested a conditional use permit for automobile sales in the C-3 (central business district) commercial zone. The site has an existing building, is completely paved, and has existing utility connections. The catchbasins on site drain to a city stormwater line in the vacated section of Lincoln Street. The interior of the existing building will be remodeled to create a showroom for 6-8 cars. The building is one story tall and has a floor area of approximately 5,600 square feet. The west side of the property will have a fenced outdoor storage/display area for 12-16 cars, and the east side of the site will have parking spaces for customers and employees. The proposed changes to the existing site are relatively minor; the proposal would add a trash enclosure, add a fence on the west side of the site, and add planter strips and landscaping along the Hancock and First Street frontages.

B. SITE INFORMATION:

1. Location: 301 W. First Street
2. Size: 28,795 square feet
3. Topography: flat
4. Current Land Uses: The existing building is currently vacant. It was formerly used for a motorcycle shop. There is a Goodwill collection trailer on the west side of the site, which will be removed. The north end of the building will become a separate 900 square foot retail space and will be leased to a separate tenant.
5. Natural Features: The existing site is completely paved. There are street trees on the southern edge of the site in the right of way, and a large mature oak tree (72 inch diameter trunk) in the right of way just west of the site near the city "welcome" sign.
6. Adjacent Land Uses:
 - a. North/Northwest: residential (R-2 zone - across Hwy 99W and railroad right-of-way)
 - b. East: commercial (C-3 zone)
 - c. South: commercial (C-3 zone), with a mix of commercial and residential uses.
 - d. West: commercial (C-2 zone - across Hwy 99W and railroad right-of-way)



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

Z:\WP5FILES\FILES.CUP\2013\CUP-13-005 classic cars\CUP-13-005 SR classic cars.doc

7. **Access and Transportation:** The site has access from Hancock Street on its northwest side and First Street on its southern side. Hancock Street is westbound Hwy 99W downtown, and First Street is eastbound Hwy 99W downtown; both streets are major arterials. The site also has access from the vacated section of Lincoln Street on the eastern edge of the site. There are sidewalks on both First Street and Hancock Street, and they have ADA ramps where they meet the vacated section of Lincoln Street. The applicant is not proposing any changes to the existing access points. There are some tripping hazards on the sidewalks that will need to be repaired, and the western driveway approach on First Street will also need to be repaired/replaced.
8. **Utilities:**
 - a. **Sanitary Sewer:** Existing 8 inch public sanitary sewer line in First Street. No changes to the sewer connection are proposed.
 - b. **Water:** Existing 6 inch public water line in First Street. No changes to the water connection are proposed.
 - c. **Storm:** Existing 12 inch public storm water line crosses the northern part of the site and runs along the eastern edge of the site (in the vacated section of Lincoln Street).
 - d. **Other:** There are overhead power lines on the First Street frontage.

C. PROCESS: The conditional use permit request is a Type III application and follows the procedures in Newberg Development Code 15.100.050. The Planning Commission will hold a quasi-judicial hearing on the application. The commission is to make a decision on the application based on the criteria listed in the attached findings. The Planning Commission's decision is final unless appealed. Important dates related to this application are as follows:

1. December 23, 2013: The planning director deemed the application complete.
2. December 17, 2013: The applicant mailed notice to the property owners within 500 feet of the site.
3. December 21, 2013: The applicant posted notice on the site.
4. December 25, 2013: The *Newberg Graphic* published notice of the Planning Commission hearing.
5. January 9, 2013: The Planning Commission will hold a quasi-judicial 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. Waste Management (Jack Miller): *Reviewed; no conflict*
2. City of Newberg: Public Works Maintenance Supt.: *Reviewed, no conflict.*
3. City of Newberg: Engineering Services:
 - a. *Building plan set shall show the location of all existing public and private utilities on the project site as well as all public/private utility and access easements.*
 - b. *Frontage improvements on Hancock Street & First Street: Submit an onsite improvement plan for approval by the Engineering Services Department indicating the location of existing sidewalk, driveway and ADA improvements and depicting the needed improvements to repair/replace nonstandard and damaged sections to*

city standards. The work shall be completed and approved by the Engineering Services Department before final occupancy is approved for the project. Additionally, all work in the ODOT right of way will need to be reviewed and approved by ODOT before commencing construction. The applicant shall submit written correspondence from ODOT approving the proposed work before commencing construction.

E. PUBLIC COMMENTS: As of the writing of this report, the city has not received any written public comments.

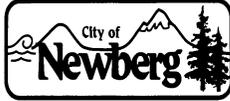
F. ANALYSIS:

1. **Purpose of the C-3 zone:** The C-3 (central business district) zone is intended to preserve and enhance the greatest possible concentration of retail sales and businesses. This helps make the zone pedestrian friendly. Automobile sales are classified as "Retail sales – Bulk outdoor category" in the development code. Bulk outdoor retail uses are a conditional use in C-3 because they typically need large sites with large outdoor areas, which is generally not consistent with a great concentration of retail businesses. Bulk outdoor retail may fit some sites in C-3, however, which is why the category is a conditional use in C-3.
2. **Compatibility with C-3 and surrounding properties:** The proposed site at 301 W. First Street is on the western edge of the C-3 zone, and away from the pedestrian center and shared parking lots of downtown. The site is also not a typical car lot, which often have just a small sales building and large outdoor display lot. The site has a relatively large building, which will have an indoor showroom to go with a moderate-sized outdoor display area. This makes the site more like a typical retail business than a car lot. The applicant intends to use the auto service shop just east of the site for service and washing, which certainly helps make the proposed use compatible with the surrounding area. The area south of the site is zoned C-3 but has a mix of commercial and residential businesses. The applicant intends to limit the operating hours to 10 AM - 8 PM, which helps make it compatible with the nearby residential uses. The site has no landscaping along the northern edge; the applicant intends to add a strip of landscaping behind the sidewalk on the Hancock and First frontages to soften the appearance of the site and make it more compatible with nearby sites, many of which already have some front yard landscaping.
3. **Car sales vs. high-end classic car sales:** A high-end classic car business may be more interesting to visit than a typical car sales business, and may be a better fit for the C-3 zone. The terms "high-end" and "classic" are subjective, however, and will mean different things to different people. It would be difficult to enforce a requirement that the business only sell high-end classic cars. The review and approval, therefore, should be based on a general car sales showroom and lot. City staff encourages the business owner to pursue the high-end classic car business, but the conditional use permit review is based on a typical car sales showroom and lot. The use is limited to car sales, however, and does not include sales of agricultural equipment, boats, recreational vehicles, trailers and other vehicles.

4. **Building improvements:** The building will be remodeled to remove some interior walls, create a showroom, and add ADA bathrooms. The east and west walls of the existing building are largely blank walls. The remodel will add some windows and glass overhead doors to these walls, which will make the building appear less massive and more interesting. The owner replaced the siding last year, which significantly improved the appearance of the building.
5. **Site improvements:** The project would add fencing on the west side of the building, restripe the western parking spaces, add a trash enclosure, and add planter strips with landscaping along the street frontages. The landscaping will significantly improve the appearance of the site and will decrease the amount of impervious surface. The applicant will need to verify that the trash enclosure location is not in a public utility easement.

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 Order 2014-14, which approves the requested conditional use permit with the attached conditions.



PLANNING COMMISSION ORDER 2014-14

**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP-13-005 FOR
AUTOMOBILE SALES AT 301 W. FIRST STREET, YAMHILL COUNTY TAX LOTS
3219AB-4500 & -4700**

RECITALS

1. The applicant, Gerald Logan, submitted an application for a conditional use permit for automobile sales at 301 W. First Street, Yamhill County Tax Lots 3219AB-4500 & -4700.
2. After proper notice, the Newberg Planning Commission held a hearing on January 9, 2014 to consider the application. The commission considered testimony, and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable criteria as shown in the findings shown in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Conditional Use Permit Application CUP-13-005 is hereby approved, subject to the conditions contained in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This order shall be effective January 24, 2014 unless appealed prior to that date.
4. This order shall expire one year after the effective date above if the applicant does not obtain a building permit pursuant to this application by that time, unless an extension is granted per Newberg Development Code 15.225.100.

Adopted by the Newberg Planning Commission this 9th day of January, 2014.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions

**Exhibit “A” to Planning Commission Order 2014-14
Findings –File CUP-13-005
Automobile sales at 301 W. First Street**

A. Conditional Use Permit Criteria That Apply - Newberg Development Code 15.225.060.

The Planning Commission may grant or deny the application, or may require such changes or impose such reasonable conditions as are in their judgment necessary to ensure conformity to the conditional use permit criteria. A conditional use permit may only be granted if the proposal conforms to the following:

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

Finding: The purpose statement of the C-3 Central Business District is:

The C-3 central business district is intended to preserve and enhance areas within which the greatest possible concentration of retail sales and business will occur. The district will be applied to the “core” area based upon the guidelines established in the comprehensive plan. The buildings and uses permitted reflect the desire to have parking provided on a district-wide basis rather than having each individual building or use provide parking. The C-3 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

The characteristics of the "retail sales - bulk outdoor category" are:

15.303.422 Retail sales – Bulk outdoor category.

A. Characteristics. Bulk outdoor sales uses sell or rent large items to the general public from stock displayed or stored in whole or in part outdoors. Large items include vehicles and materials that require forklifts, tow trucks, or other loading equipment to load to customers. Sales may include sale of other items indoors or outdoors.

C. Examples. Automobile sales, RV sales, boat sales, bark chip sales, automobile rental, self-moving truck rental, retail lumber yard.

The C-3 (central business district) zone is intended to preserve and enhance the greatest possible concentration of retail sales and businesses. This helps make the zone pedestrian friendly. Automobile sales are classified as "Retail sales – Bulk outdoor category" in the development code. Bulk outdoor retail uses are a conditional use in C-3 because they typically need large sites with large outdoor areas, which are generally not consistent with a great concentration of retail businesses. Bulk outdoor retail may fit some sites in C-3, however, which is why the category is a conditional use in C-3.

The proposed site at 301 W. First Street is on the western edge of the C-3 zone, and away from the

pedestrian center and shared parking lots of downtown. It is not a typical car lot, which often have just a small sales building and a large outdoor display lot. The site has a relatively large building, which will have an indoor showroom to go with a moderate-sized outdoor display area. This makes the site more like a typical retail business than a car lot, and makes the location a reasonably good candidate for automobile sales even though it is in the C-3 zone.

The operating characteristics and size of the business will help make it compatible with surrounding uses. The interior showroom will include 6-8 cars at a time, and the fenced outside display will include approx. 12-16 cars. The applicant intends to use the auto service shop just east of the site for service and washing, which certainly helps make the proposed use economically compatible with the surrounding area. It also limits noise, odors, and water runoff from the site. The area south of the site is zoned C-3 but has a mix of commercial and residential businesses. The applicant intends to limit the operating hours to 10 AM - 8 PM, which helps make it compatible with these residential uses.

The site has no landscaping along the northern edge, and limited landscaping on the southern edge; the applicant intends to add a strip of landscaping with street trees, shrubs and groundcover behind the sidewalk to soften the appearance of the site and make it more compatible with nearby sites, many of which already have some front yard landscaping. There is a large oak tree west of the site that is a significant landmark. The proposed site already has paving and fencing near the tree. The applicant should take care when installing new fencing along the property line to protect the oak tree and not cause additional harm to the root system.

The applicant expects that 20-30 customers will visit the site during the day, which will not add a significant amount of traffic to surrounding streets. No changes are proposed to the existing site utilities. The addition of landscaping to the site will slightly reduce the amount of stormwater runoff from the site. The existing site lighting already meets the development code light trespass standards because it is either low wattage, shielded, or on a motion sensor.

Car sales vs. high-end classic car sales: A high-end classic car business may be more interesting to visit than a typical car sales business, and may be a better fit for the C-3 zone. The terms "high-end" and "classic" are subjective, however, and will mean different things to different people. It would be difficult to enforce a requirement that the business only sell high-end classic cars. The review and approval, therefore, should be based on a general car sales showroom and lot. City staff encourages the business owner to pursue the high-end classic car business, but the conditional use permit review is based on a typical car sales showroom and lot. The use is limited to car sales, however, and does not include sales of agricultural equipment, boats, recreational vehicles, trailers and other vehicles.

On the whole, the location, size, design and operating characteristics are such that the proposed use will be reasonably compatible and have minimal impact on the livability of surrounding uses.

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

Finding: The design of the proposed use will be functional. The parking on the eastern side of the site already meets development code design requirements. The parking on the west side of the site

will be modified so that users do not have to back onto Hancock Street, which will make the parking safer and functional. The applicant is not proposing any changes to the existing access points on Hancock Street or First Street. The western curb cut on First Street is damaged, and will need to be either repaired or replaced. The building renovation will create a useful indoor showroom for cars, and the fenced outdoor display area will use black steel fencing to create a secure outdoor storage area. The new trash enclosure has been located to provide good access to Waste Management trucks. The applicant will need to verify that the trash enclosure location is not in a public utility easement.

The existing site has no landscaping along the Hancock frontage, and minimal landscaping along the First Street frontage. The proposed landscaping will significantly improve the appearance of the site and break up the large expanse of asphalt. The landscaping along the fencing will soften the appearance of the fencing. The masonry walls of the trash enclosure will make it reasonably attractive if it is either finished with a brick surface or if the cinder blocks are painted a neutral color. The building was partially renovated with new siding and lighting a year ago, which significantly improved its appearance. The proposed automobile sales use will also add windows on the east façade and roll up glass doors on the west façade, which will further improve the appearance of the building. There is an old sign pole on the western part of the site which should be removed to improve the appearance of the site.

The design of the site will provide a functional environment and be as attractive as the nature of the use warrants.

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

15.220.050 Criteria for design review

A. Type I. The following criteria are required to be met in order to approve a Type I design review request:

- 1. Parking. Parking areas shall meet the requirements of NMC 15.440.010.***
- 2. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions and public access; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.***
- 3. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.***
- 4. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.***
- 5. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020.***

Finding: Most of the existing parking meets development code requirements. The applicant will add a van-accessible ADA parking space that meets current standards, and will revise the parking on the west side of the site so that backing onto Hancock Street is no longer necessary. The applicant needs to stripe a walkway on the existing pavement from the sidewalk to the front door, and will need to add at least one bike parking space within 50 feet of the front door.

The proposed landscaping will significantly improve the site, and the proposed street trees are an approved type for downtown. The landscaping plan will need to be revised to either add an irrigation system or show that drought-tolerant plants are used and a watering plan is in place until the plants are established. The applicant will apply for a sign permit at a later date. All signs on the site, including temporary and portable signs, will need to comply with the sign code.

Finally, the proposed use for the site is bulk outdoor retail, which is a conditional use in the C-3 zone. The applicant has applied for a conditional use permit, so if that is approved then the proposed use complies with the C-3 zone.

The city Engineering Services Department has commented:

a. Building plan set shall show the location of all existing public and private utilities on the project site as well as all public/private utility and access easements.

b. Frontage improvements on Hancock Street & First Street: Submit an onsite improvement plan for approval by the Engineering Services Department indicating the location of existing sidewalk, driveway and ADA improvements and depicting the needed improvements to repair/replace nonstandard and damaged sections to city standards. The work shall be completed and approved by the Engineering Services Department before final occupancy is approved for the project. Additionally, all work in the ODOT right of way will need to be reviewed and approved by ODOT before commencing construction. The applicant shall submit written correspondence from ODOT approving the proposed work before commencing construction.

B. Additional Criteria That Apply

Newberg Development Code 15.225.080: Conditions

The hearing body shall designate conditions in connection with the conditional use permit deemed necessary to secure the purpose of this chapter and the general conditional use permit criteria and require the guarantees and evidence that such conditions will be complied with. Such conditions may include:

- (A) Regulation of uses.*
- (B) Special yards, spaces.*
- (C) Fences and walls.*
- (D) Surfacing of parking areas to city specifications.*
- (E) Street dedications and improvements (or bonds).*
- (F) Regulation of points of vehicular ingress and egress.*
- (G) Regulation of signs.*
- (H) Landscaping and maintenance thereof.*
- (I) Maintenance of the grounds.*
- (J) Regulation of noise, vibration, odors or other similar nuisances.*
- (K) Regulation of time for certain activities.*
- (L) Time period within which the proposed use shall be developed.*
- (M) Duration of use.*
- (N) Such other conditions as will make possible the development of the city in*

an orderly and efficient manner in conformity with the Newberg comprehensive plan and this Newberg Development Code.

Finding: The operating characteristics of the automobile sales business will not create odor or noise problems for the surrounding properties, and do not require additional mitigation. The development code already requires that any landscaping that is installed to meet development code requirements must be maintained. The applicant will be required to maintain the proposed landscaping and the existing landscaping on the site. No additional conditions beyond those already listed in the findings are required to comply with the development code requirements.

C. CONCLUSION:

Based on the above-mentioned findings, the application meets the required criteria within the Newberg Development Code, subject to completion of the attached conditions.

**Exhibit “B” to Planning Commission Order 2014-14
Conditions –File CUP-13-005
Automobile sales at 301 W. First Street**

A. THE FOLLOWING MUST BE COMPLETED BEFORE THE CITY WILL ISSUE A BUILDING PERMIT:

1. **Permit Submittal:** Submit a building permit application, two (2) complete working drawing sets of the proposed project, two (2) complete electrical plans, and two (2) copies of a revised site plan. Show all the features of the plan approved through design review, including the following:
 - a. Structural details
 - b. Landscaping plan including existing and proposed landscaping and method of irrigation
 - c. O.S.S.C. Chapter 11 (ADA) requirements relating to access from the public way, parking spaces and signage
 - d. On-site walks
 - e. Parking lot design, including ADA compliant spaces
 - f. Bicycle parking plan (at least one space within 50 feet of the entrance)
 - g. Building plan set shall show the location of all existing public and private utilities on the project site as well as all public/private utility and access easements.

2. **Conditions of Approval:** Either write or otherwise permanently affix the conditions of approval contained within this report onto the first page of the plans submitted for building permit review.

3. **Garbage:** Verify that the proposed trash enclosure location is not in a public utility easement. Provide written confirmation that Waste Management has approved the final design, size, and location of the trash enclosure. The trash enclosure must be constructed of masonry, and either finished with a brick surface or painted a neutral color.

4. **Landscape Plan:** Submit a revised landscape plan, subject to review and approval by the City Planner, with the following additions or modifications :
 - a. Method of irrigation (either add an underground system or show that drought-tolerant plants are used and a watering plan is in place until the plants are established).
 - b. Walkway: Stripe a walkway on the existing pavement from the sidewalk to the front door.
 - c. Fencing/large oak tree: Reuse the existing fence posts if possible to minimize the impact to the roots and protect the oak tree base and root system during construction.

5. **Frontage improvements on Hancock Street & First Street:** Submit an onsite improvement plan for approval by the Engineering Services Department indicating the location of existing sidewalk, driveway and ADA improvements and depicting the needed improvements to repair/replace nonstandard and damaged sections to city standards. The work shall be completed and approved by the Engineering Services Department before final occupancy is approved for the project. Additionally, all work in the ODOT right of way will need to be reviewed and approved by ODOT before commencing construction. The applicant shall submit written correspondence from ODOT approving the proposed work before commencing construction.
6. **Signage:** A separate design review process is required for all signage that is submitted separately from this application. All signs on site must comply with city codes, including portable and temporary signs. The existing old sign pole on the western part of the site must be removed prior to occupancy.
7. **Disabled/ADA Requirements:** Coordinate with the Building Division to comply with O.S.S.C. Chapter 11 requirements.

B. THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO OCCUPANCY

1. **Fire Department Requirements:** This project is subject to compliance with all Fire Department standards relating to access and fire protection.
2. **Design Review Conditions:** Contact the Planning Division (503-537-1240) to verify that all design review conditions have been completed.
3. **Site Inspection:** Contact the Building Division (503-537-1240) for Building, Mechanical, and Plumbing final inspections. Contact the Fire Department (503-537-1260) for Fire Safety final inspections. Contact Yamhill County (503-538-7302) for electrical final inspections. Contact the Planning Division (503-537-1240) for landscaping final inspections.

C. DEVELOPMENT NOTES

1. Operating requirements of the conditional use permit:
 - a. Operating hours are limited to 10 AM-8 PM, 7 days a week.
 - b. No car servicing or washing is allowed on site.
 - c. Car sales are not limited to high-end or classic cars, may include pickups, but may not include RVs, boats, trailers, agricultural equipment, construction vehicles or equipment, or other non-cars.

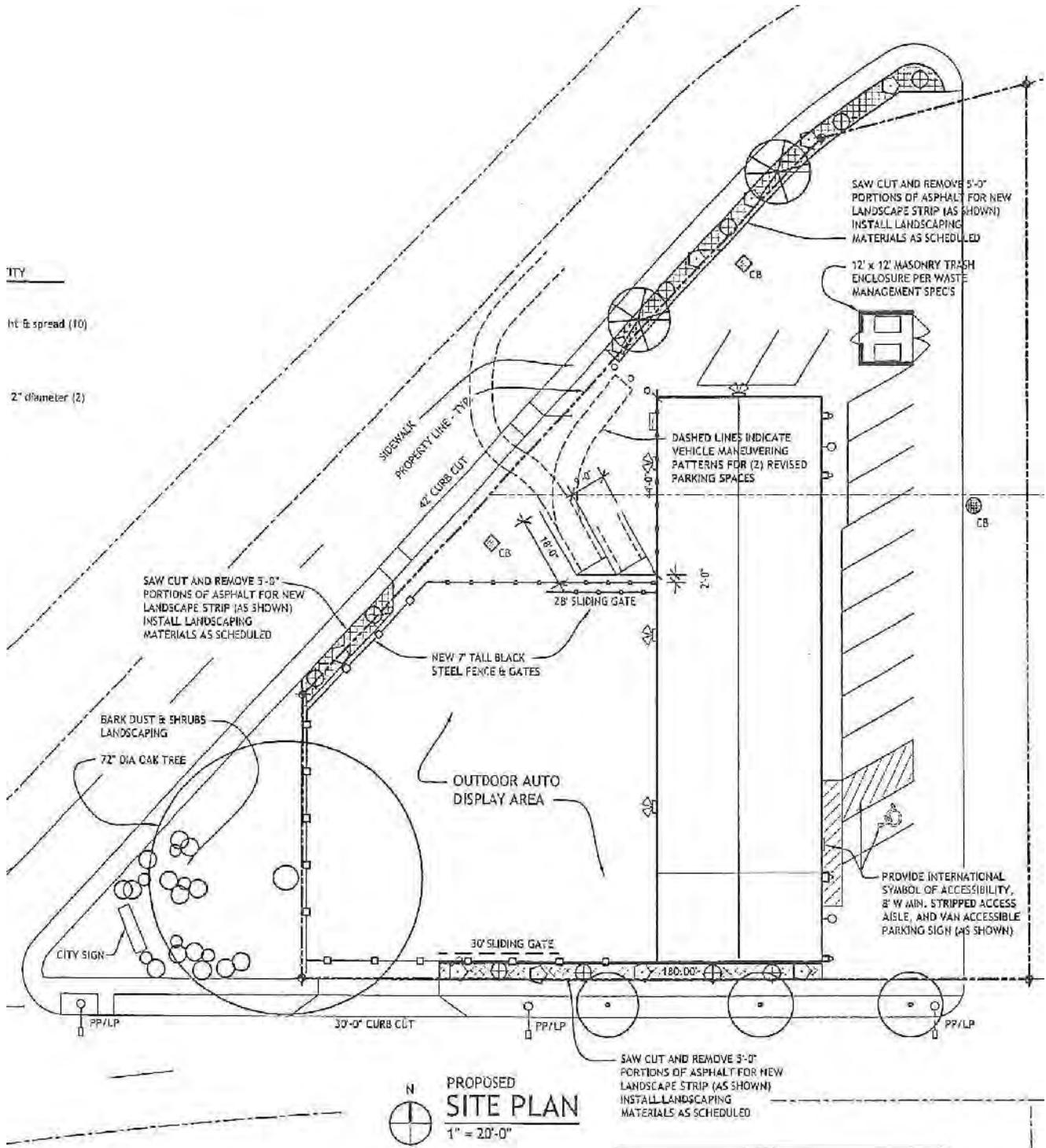
Attachment 1: Aerial Photo





"Working Together For A Better Community-Serious About Service"
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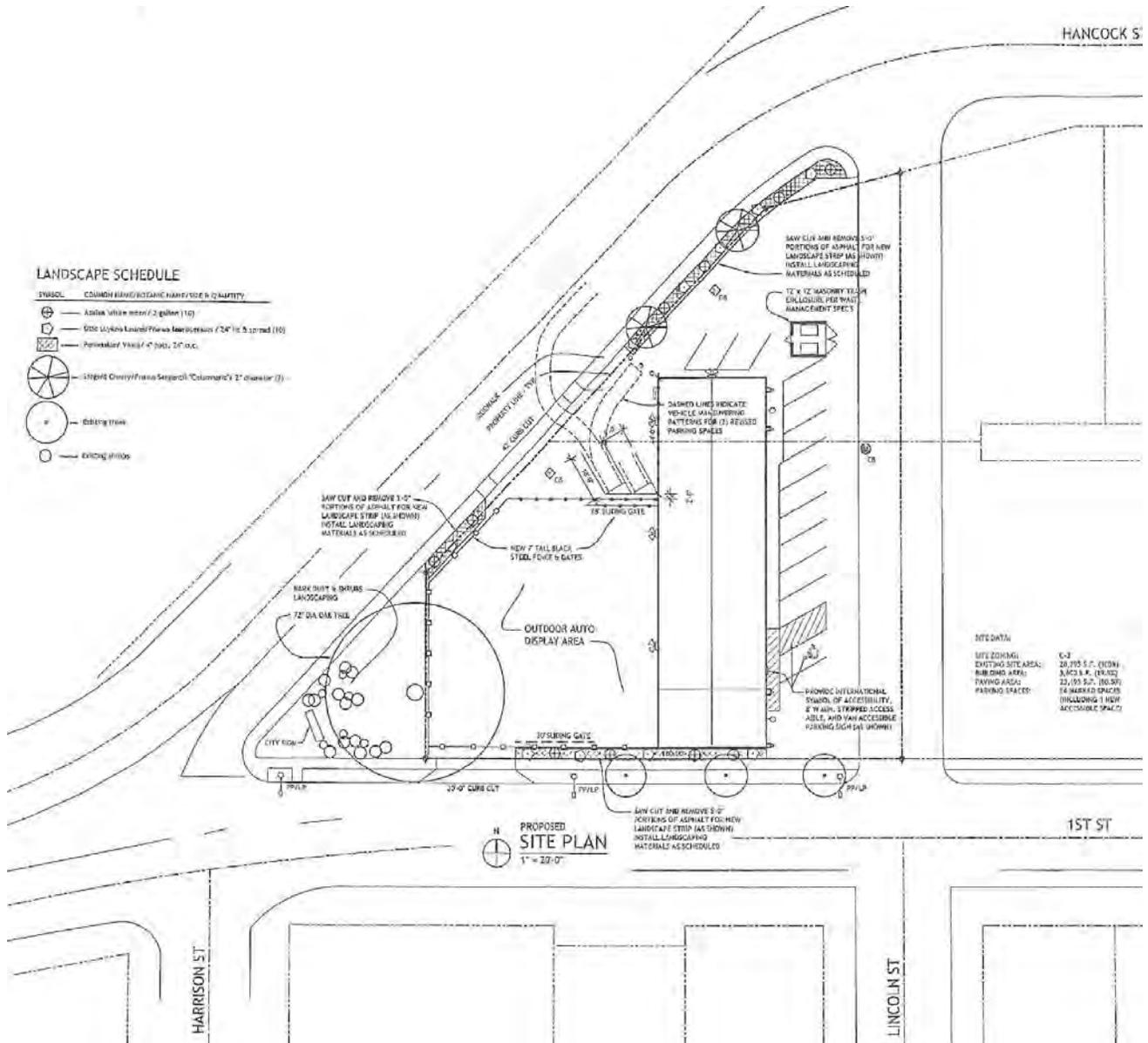
Attachment 2: Site Plan



HANCOCK ST

LANDSCAPE SCHEDULE

SYMBOL	COUNTY NAME/BOTANICAL NAME / SIZE & QUANTITY
	Aspid. White rose (2 gallon) (10)
	Old Fashioned Double Flower Geranium (24" to 36" spread) (10)
	Periwinkle (1/2" to 3/4" to 24" to 36")
	Spring Cherry/Frasa/Sagegroll/Columnar's 1" diameter (2)
	Edible tree
	Existing shrub

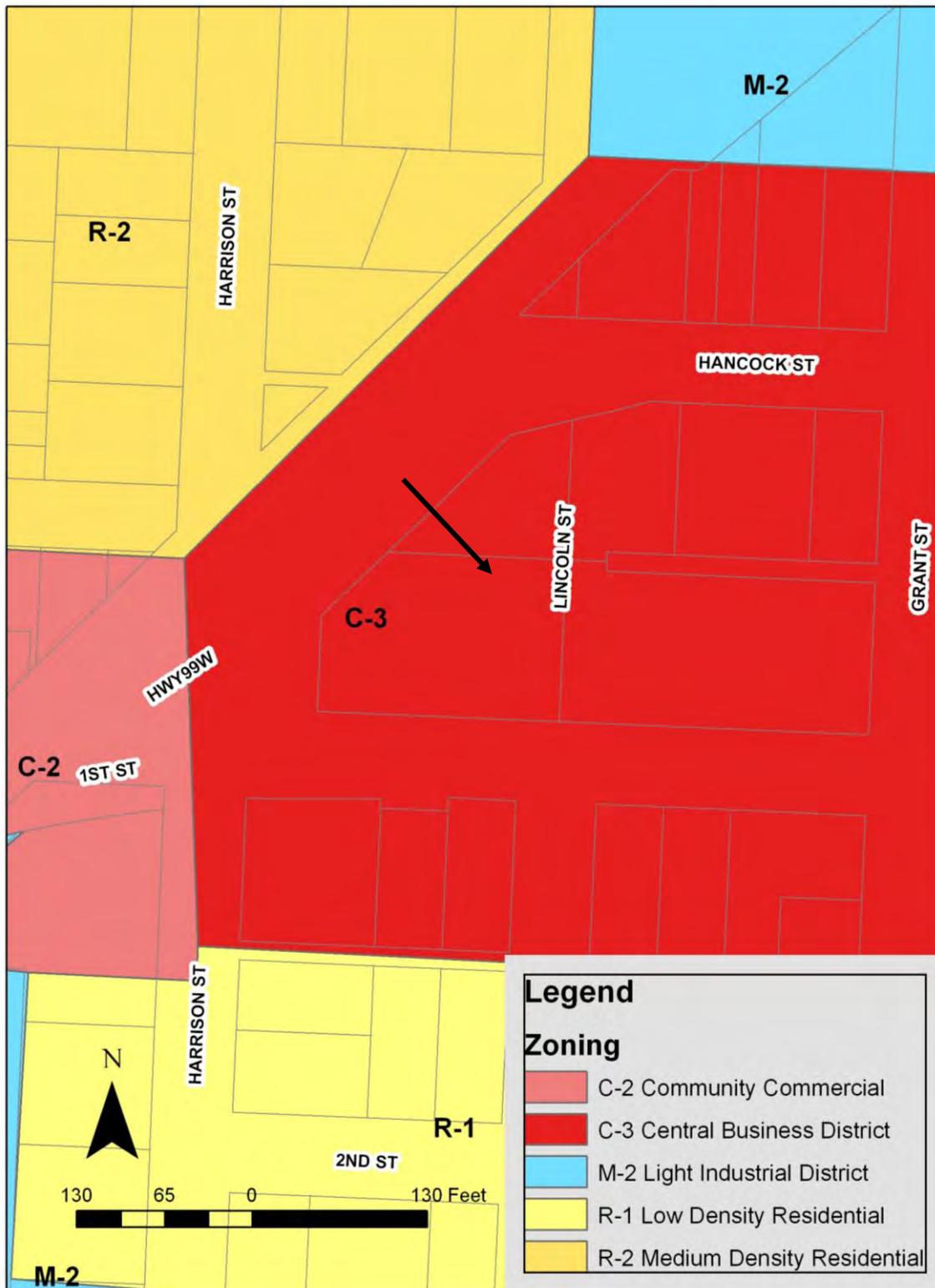


SITE DATA

SITE ZONING	C-3
EXISTING SITE AREA	28,705 S.F. (659M)
BUILDING AREA	3,403 S.F. (313M)
PAVING AREA	22,195 S.F. (2053M)
PARKING SPACES	14 MARKED SPACES (INCLUDING 1 NEW ACCESSIBLE SPACE)

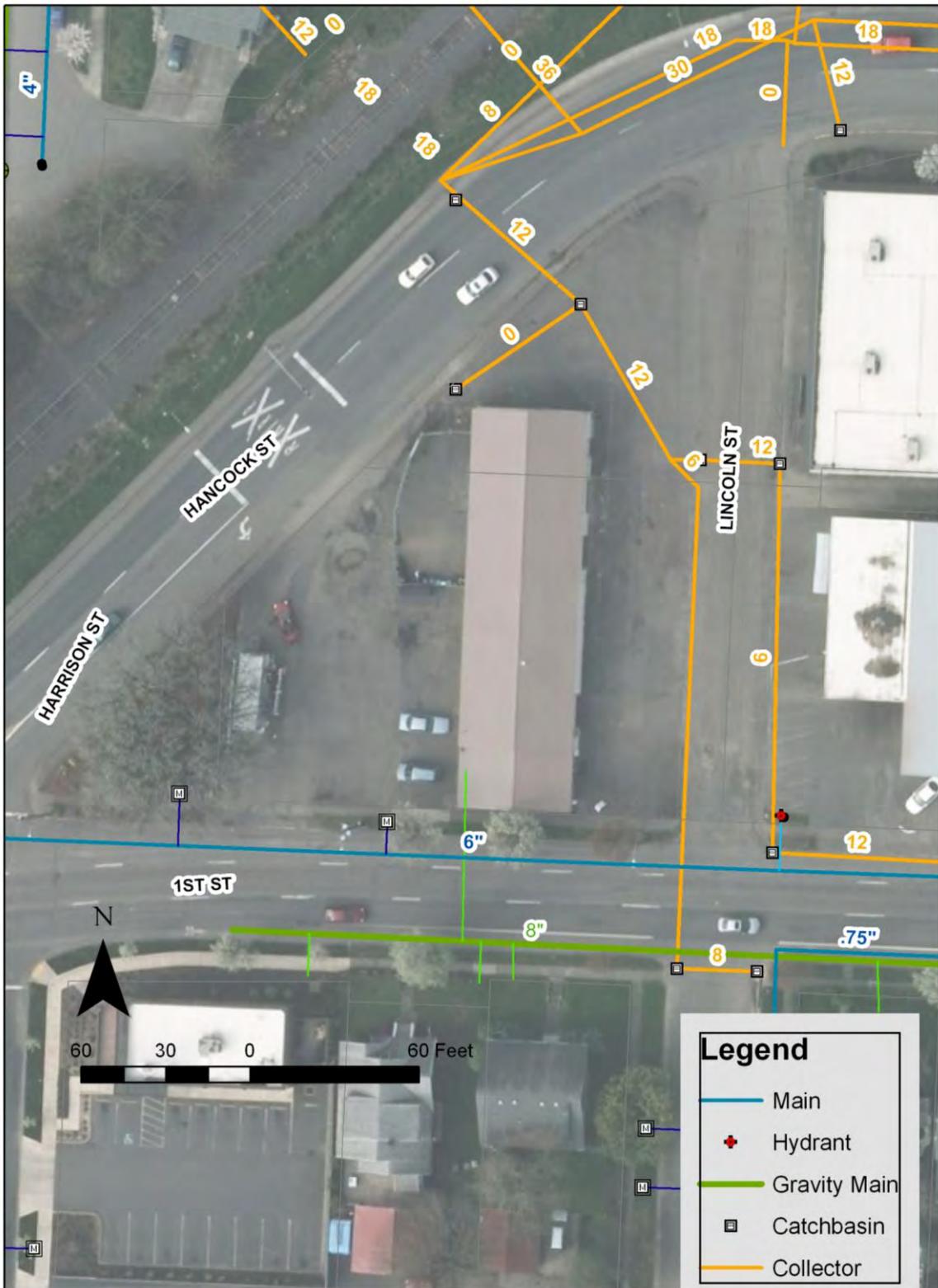
PROPOSED SITE PLAN
1" = 20'-0"

Attachment 3: Zoning



Attachment 4: Utility Lines

Water = blue line, Sanitary sewer = green line, Storm water = orange line



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

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TYPE III APPLICATION - 2013 (QUASI-JUDICIAL REVIEW)

File #: CUP-13-005

TYPES - PLEASE CHECK ONE:

- Annexation
Comprehensive Plan Amendment (site specific)
Zoning Amendment (site specific)
Historic Landmark Modification/alteration

- Conditional Use Permit
Type III Major Modification
Planned Unit Development
Other: (Explain)

APPLICANT INFORMATION:

APPLICANT: GERALD LOGAN
ADDRESS: 2154 NE B STATE DRV, HILLSBORO, OR 97124
EMAIL ADDRESS: JERRY@BUSHWACKER.COM
PHONE: 503-283-1335 MOBILE: 503-781-7921 FAX:
OWNER (if different from above): RON & JANET MILTON PHONE: 503-519-5700
ADDRESS: PO BOX 3058, NEWBERG OR 97132
ARCH ENGINEER/SURVEYOR: DAVID BRITTELL - BRITTELL ARCHITECTURE INC. PHONE: 503-537-9140
ADDRESS: P.O. Box 1145, NEWBERG OR 97132

GENERAL INFORMATION:

PROJECT NAME: CLASSIC AUTO SALES PROJECT LOCATION: 301 W. FIRST ST, NEWBERG
PROJECT DESCRIPTION/USE: DISPLAY & SALE OF CLASSIC AUTOMOBILES
MAP/TAX LOT NO. (i.e. 3200AB-400): 4500 & 4700 ZONE: C3 SITE SIZE: 28,795 SQ. FT. [X] ACRE []
COMP PLAN DESIGNATION: TOPOGRAPHY: GENERALLY FLAT
CURRENT USE: CURRENTLY VACANT - PREVIOUS USE MOTORCYCLE SHOP
SURROUNDING USES:
NORTH: RESIDENTIAL SOUTH: RESIDENTIAL / COMMERCIAL
EAST: COMMERCIAL WEST: HWY 99W

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist: [] Fees [] Public Notice Information [] Current Title Report [] Written Criteria Response [] Owner Signature

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexationp. 15
Comprehensive Plan / Zoning Map Amendment (site specific)p. 19
Conditional Use Permitp. 21
Historic Landmark Modification/Alterationp. 23
Planned Unit Developmentp.26

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

[Signature] 11.27.13
Applicant Signature Date

[Signature] 11-25-13
Owner Signature Date

GERALD A. LOGAN
Print Name

Ron Milton / Janet Milton
Print Name

Attachments: General Information, Fee Schedule, Noticing Procedures, Planning Commission Schedule, Criteria, Checklists

**Brittelle Architecture Inc.**

Longview, WA ♦ Newberg, OR ♦ Manzanita, OR

www.brittellarch.com

LETTER OF TRANSMITTAL

DATE: December 11, 2013

 Fax Mail UPS Other
DeliveredTO: Steve Olson
City of Newberg
414 E 1st Street
Newberg, OR 97132PROJECT: 301 W 1st Street - CUP-13-005

PROJ. NO.: 1336

WE ARE SENDING YOU THE FOLLOWING:

Conditional Use Permit Application Packet including: (one original and 10 copies)

- Project Statement and Written Criteria Response Letter
- Current Title Report
- Public Notice Information (letter, sign, addresses)
- Existing Utilities
- 11 x 17 size Existing Site Plan - Sheet A1
- 11 x 17 size Proposed Site Plan - Sheet A2
- 11 x 17 size Building Plan and Elevations - Sheet A3

- (2) additional full size (24 x 36) sets of drawings A1, A2, A3

Signed:

David Brittelle - Principal Architect

Cc: Gerald Logan, Mary Martin Miller (via email)



Brittelle Architecture Inc.

Longview, WA ♦ Newberg, OR ♦ Manzanita, OR

www.brittellarch.com

December 10, 2013

Steve Olson, Associate Planner
 City of Newberg Planning Department
 414 E 1st St
 PO Box 970
 Newberg OR 97132

Re: Narrative for Conditional Use Permit Application - CUP-13-005
 301 W. First Street, Newberg OR 97132

Dear Mr. Olson,

Thank you for meeting with us the other day to discuss what will be needed for the conditional use permit application. Based on the following narrative, you will find that the proposed use will meet the criteria for a conditional use permit.

Proposed Use:

The proposed use is for the display and sale of classic automobiles. This will not be an ordinary auto sales business. These automobiles will all be upper end classic cars. The interior showroom will include classics such as Maserati's and Ferrari's and the outside display will include classic "muscle cars" such as Camaro's and Mustang's. The operating hours will be from 10am - 8pm seven days a week. It is expected that there will be approximately 20 customers per day during the week and 30 customers per day during the weekend. During regular work hours there will be 2 employees on site. There will not be any servicing or washing of automobiles on site. It is anticipated that the new business will utilize the services of the detailing shop across the street. The proposed use will not produce negative odors or excessive noise.

Following is the permit criteria listed in Section 15.225.060 of the City of Newberg Municipal Code along with a description of how the proposed use will meet the criteria.

15.225.060 General conditional use permit criteria - Type III.

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

Response to criteria A:

The proposed use has been described above. The previous use of the building was a motorcycle repair shop. As such, the display and sale of motorized vehicles is not a new use to this property. The classic automobile display and sales will provide a point of interest for those entering Newberg from the west or leaving Newberg from the east. The automobiles

displayed will be top quality and will add to the intrigue of the town. Since there will be no washing or repair, there will be no oil or dirt present other than what is contained in the automobiles. The interior show room will include about 6-8 cars at a time and the outside display will include approximately 12-16 cars total.

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

Response to criteria B:

The façade of the existing building has been fully renovated by the owners. The improvements have added much value and attraction to the previously shabby exterior. The proposed use will further improve the building by the installation of additional fenestration in the form of overhead glass doors and windows. The site is situated at the west entrance to the City of Newberg and there is a triangular landscape feature with a large oak tree, shrubs and entrance sign to the City. The triangular landscape element provides an attractive buffer between Hwy 99W and the property as the Hwy splits into one way traffic lanes around the property. The proposed development includes the addition of new landscape elements along W First Street and Hancock Street in order to provide a buffer between the Hwy and the subject property. Currently none exists along Hancock Street and only partially at W First Street.

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

Response to criteria C:

The current property zoning is C-3, Central Business District. Following is a description of how the project meets Title 15 Development Code.

15.316.030, Automobile sales (new and used) is a use that is permitted conditionally.

15.405.010, Lot area: C-3 District minimum = 5,000 s.f. The property is 28,795 s.f.

15.410, Yard setbacks: C-3 = No minimum, 20' front yard maximum. The south front yard is setback approximately 5' and therefore complies.

15.415.020, Building height limitations: C-3 no limit.

15.420.010, Landscape: C-3 is exempt from the 15% landscape area requirement except for the landscape requirements related to parking and loading areas. This requirement is not met. Additional landscape elements are proposed along W First Street and Hancock Street in lieu of meeting the parking landscape requirements.

15.425, Exterior lighting: No additional exterior lighting is proposed. Existing light fixtures are installed on the building (see site plan and building elevations). There are three different lighting types on the building as follows: At the east side there are cylinder type light fixtures mounted on the building each side of the two entry doors at 8ft high. They are fully shielded and have (2) 65 watt bulbs. There are two gooseneck sign lights that are mounted 14ft high. They are full shielded and angle in toward the signs. On the west and north side of the building there are (4) motion sensor floodlights that are not on for long periods of time. All of the existing lighting were reviewed by the City and were deemed to be in compliance with the code at the time of installation in January of 2013.

15.430, Underground utilities: No additional utilities are proposed. The existing utilities will continue to serve the property. A diagram of the existing utilities is attached.

15.435, Signs: Signs are not part of this application. They will be under a separate permit.

15.440, Off-street parking: Off-street parking is not required in the C-3 district. There are (14) existing parking spaces to remain. The west parking area will be reconfigured so vehicles will not pull into the street when maneuvering (see attached site plan). One of the existing parking spaces is removed to allow for a new 12' x 12' masonry trash enclosure at the northeast portion of the site. Another one of the spaces will be used for the passenger aisle of the ADA parking space.

The proposed use will also include the installation of the ADA accessible elements such as bringing the accessible parking into current compliance with the code. The existing restroom will be removed and renovated in order to provide two separate ADA accessible restrooms to meet the current code requirements. Although these improvements deal more specifically with the Building Code and not the Zoning ordinance, they will provide further code compliance.

If you have any additional question regarding the proposed use please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "David Brittell", with a long horizontal flourish extending to the right.

David Brittell
Principal Architect



First American

First American Title Company of Oregon
 825 NE Evans Street
 McMinnville, OR 97128
 Phn - (503)376-7363
 Fax - (866)800-7294

YAMHILL COUNTY TITLE UNIT
 FAX (866)800-7294

Title Officer: **Clayton Carter**
 (503)376-7363
 ctcarter@firstam.com

LOT BOOK SERVICE

Miller Consulting Group LLC
 PO BOX 1076
 Newberg, OR 97132

Order No.: 1032-2184153
 December 02, 2013

Attn: Mary Martin Miller
 Phone No.: (503)740-9200 - Fax No.: (503)336-6410
 Email: mary@millerconsultinggroup.net

Fee: \$85.00

We have searched our Tract Indices as to the following described property:

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

and as of November 21, 2013 at 8:00 a.m.

We find that the last deed of record runs to

Ron E. Milton and Janet M. Milton, as tenants by the entirety

We find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. Easements, if any, in vacated alley area and the right to maintain the same as set forth in Ordinance No. 1630, a copy of which was recorded August 18, 1971 in Film Volume 85, Page 1227.
3. Easement in Final Judgment of Yamhill County Circuit Court Case No. 30185, including terms and provisions thereof.
 Entered: September 20, 1974

First American Title

4. Access Restriction in Final Judgment of Yamhill County Circuit Court Case No. 30185, including terms and provisions thereof.
Entered: September 20, 1974
5. Easement in vacated street area and the right to maintain the same as set forth in Ordinance No. 88-2242, a copy of which was recorded September 6, 1988 in Film Volume 225, Page 1612.
6. Deed of Trust and the terms and conditions thereof.
Grantor/Trustor: Ron E. Milton and Janet M. Milton
Grantee/Beneficiary: Virginia G. Wahl
Trustee: Western Title & Escrow Company
Amount: \$458,704.00
Recorded: June 09, 2008
Recording Information: Instrument No. 200809958
7. Lease and the terms and conditions thereof as disclosed by Memorandum of Lease.
Lessor: Ron E. Milton and Janet M. Milton
Lessee: Milton Investments, LLC, an Oregon Limited Liability Company
Dated: July 17, 2008
Recorded: July 22, 2008
Recording Information: Instrument No. 200812297
8. Unrecorded leases or periodic tenancies, if any.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find: NONE

We find the following unpaid taxes and city liens: NONE

Situs Address as disclosed on Yamhill County Tax Roll:

301 W First Street, Newberg, OR 97132 (R3219AB 04700)

Situs Address as disclosed on Yamhill County Tax Roll:

300 W Hancock Street, Newberg, OR 97132 (R3219AB 04500)

NOTE: Taxes for the year 2013-2014 PAID IN FULL

Tax Amount:	\$4,121.30
Map No.:	R3219AB 04700
Property ID:	48656
Tax Code No.:	29.0

Lot Book Service

Guarantee No.: 1032-2184153

Page 3 of 4

NOTE: Taxes for the year 2013-2014 PAID IN FULL

Tax Amount:	\$628.99
Map No.:	R3219AB 04500
Property ID:	48647
Tax Code No.:	29.0

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

Exhibit "A"

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

All of Lots 2, 3, 4, 5, 6 and 7 of Block 10, HURLEY AND LARGE'S ADDITION to the City of Newberg in Yamhill County, Oregon, according to the duly recorded plat thereof.

TOGETHER WITH those portions of vacated alley inuring to said Lots by Vacation Ordinance No. 1630 recorded August 18, 1971 in Film Volume 85, Page 1226, Yamhill County Records, in said Block 10, excepting that portion of said Block 10 and that portion of the vacated alley inuring to Lots in said Block 10 described in Final Judgment in Case No. 30-185 entered September 20, 1974 entitled "State of Oregon, by and through its Department of Transportation vs. Florence K. Newlin and Meyer Bros., Inc., an Oregon Corporation", in the Circuit Court of the State of Oregon for Yamhill County.

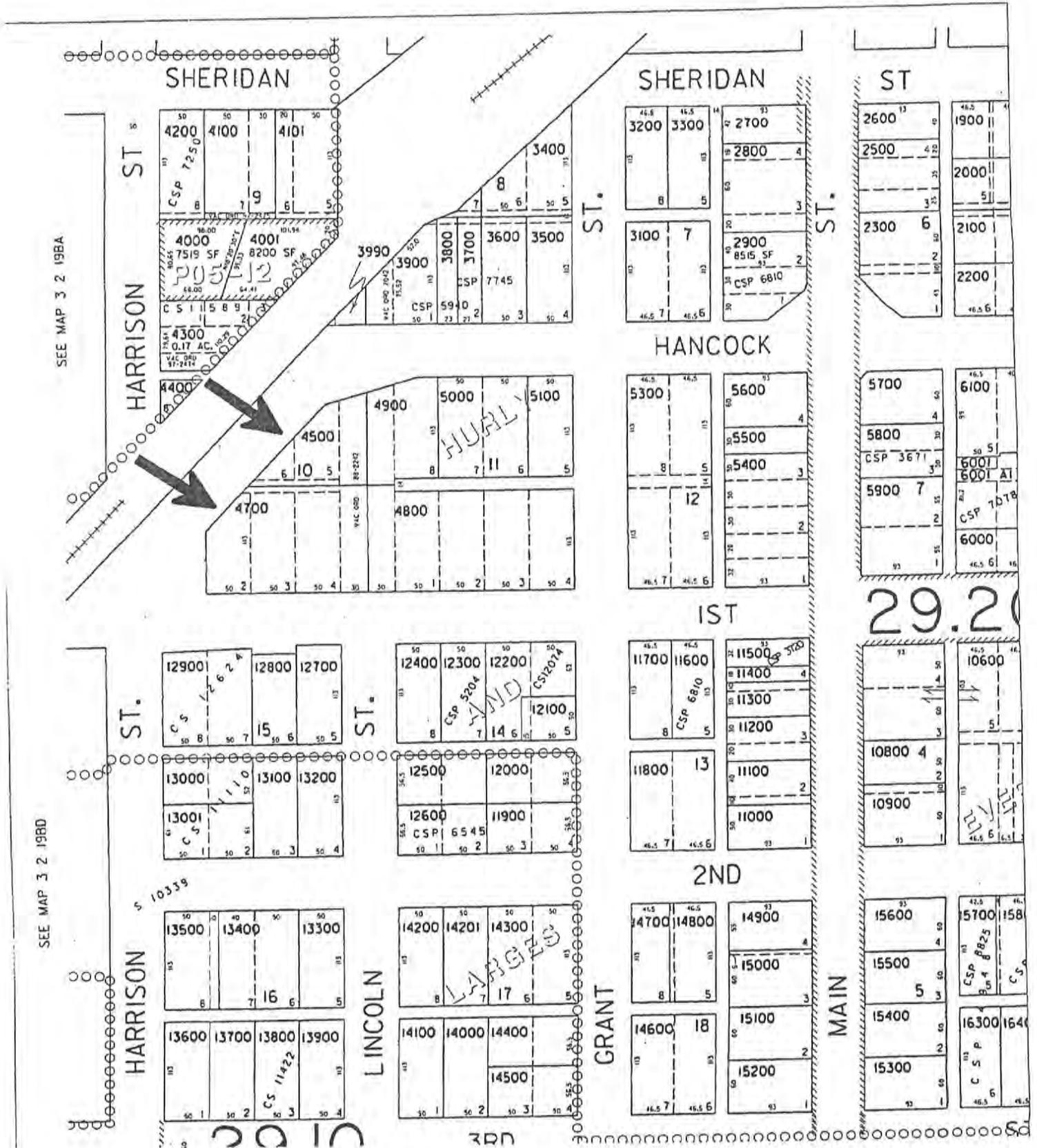
ALSO TOGETHER WITH that portion of vacated Lincoln Street inuring to said Lots by Vacation Ordinance No. 88-2242 recorded September 6, 1988 as Document No. 225-1611, Yamhill County Records.



First American



This map is furnished for illustration and to assist in property location. The company assumes no liability for any variation in dimensions by location ascertainable by actual survey



SEE MAP 3 2 198A

SEE MAP 3 2 198D

After recording return to:

Order Number: 8985

Western Title & Escrow
1215 NE Baker
McMinnville, OR 97128

Grantee Name(s):

Ron E. Milton
Janet M. Milton
14021 NE Hwy 240
Newberg, OR 97132

Until a change is requested, all tax statements shall be sent to the following address:

Same as Above

OFFICIAL YAMHILL COUNTY RECORDS
JAN COLEMAN, COUNTY CLERK

00302139200800099560020027
200809956 3:25:07 PM 6/09/2008 \$31.00

DMR-DDMR Cnt=1 Stn=1 KAREN
\$10.00 \$10.00 \$11.00

Reserved for Recorder's Use

STATUTORY WARRANTY DEED

Virginia G. Wahl, Grantor(s) convey and warrant to Ron E. Milton and Janet M. Milton, as tenants by the entirety, Grantees the following described real property free of encumbrances except as specifically set forth herein:

All of Lots 2, 3, 4, 5, 6 and 7 of Block 10, HURLEY AND LARGE'S ADDITION to the City of Newberg in Yamhill County, Oregon, according to the duly recorded plat thereof.

TOGETHER WITH those portions of vacated alley inuring to said Lots by Vacation Ordinance No. 1630 in said Block 10, excepting that portion of said Block 10 and that portion of the vacated alley inuring to Lots in said Block 10 described in Final Judgment in Case No. 30-185 entitled "State of Oregon, by and through its Department of Transportation vs. Florence K. Newlin and Meyer Bros., Inc., an Oregon Corporation", in the Circuit Court of the State of Oregon for Yamhill County.

ALSO TOGETHER WITH that portion of vacated Lincoln Street inuring to said Lots by Vacation Ordinance No. 88-2242, recorded September 6, 1988 as Document No. 225-1611, Yamhill County Records.

Account No(s): 48647/48656
Map/Tax Lot No(s): R3219AB-04500/4700

This property is free of encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$458,704.00. (Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 and 195.305 TO 195.336 AND SECTIONS 5 TO 11 OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Executed this 22 day of May, 2008

Virginia G. Wahl
Virginia G. Wahl

S/T EASE 30185
9/20/1974
ALSO ACCESS TRUST

1/2

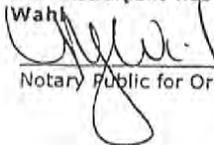
8985

WESTERN TITLE & ESCROW

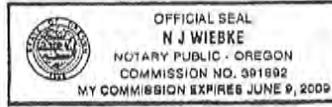
State of Oregon, County of Yamhill) ss.

This instrument was acknowledged before me on this 22 day of May, 2008 by Virginia G.

Wahl



Notary Public for Oregon



2/2

We are mailing you information about this project because you own land within 500 feet of the proposed conditional use. 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. Oral testimony typically is 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.CUP-13-005
 City of Newberg
 Planning & Building Department
 PO Box 970
 Newberg, OR 97132

All written comments must be turned in by noon on Monday *January 6th, 2014* 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 a conditional use permit are found in Newberg Development Code Section 15.225.060.

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.

If you participate in the public hearing process, either by testifying at the public hearing, or by sending in written comments, you will be sent information about any decision made by the City relating to this project.

Date Mailed: *December 19, 2013*

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

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

Land Use Notice

FILE # CUP 13-005

PROPOSAL: To propose a Classic Car Lot and Showroom.

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Planning & Building Department
414 E First Street
Phone: 503-537-1240

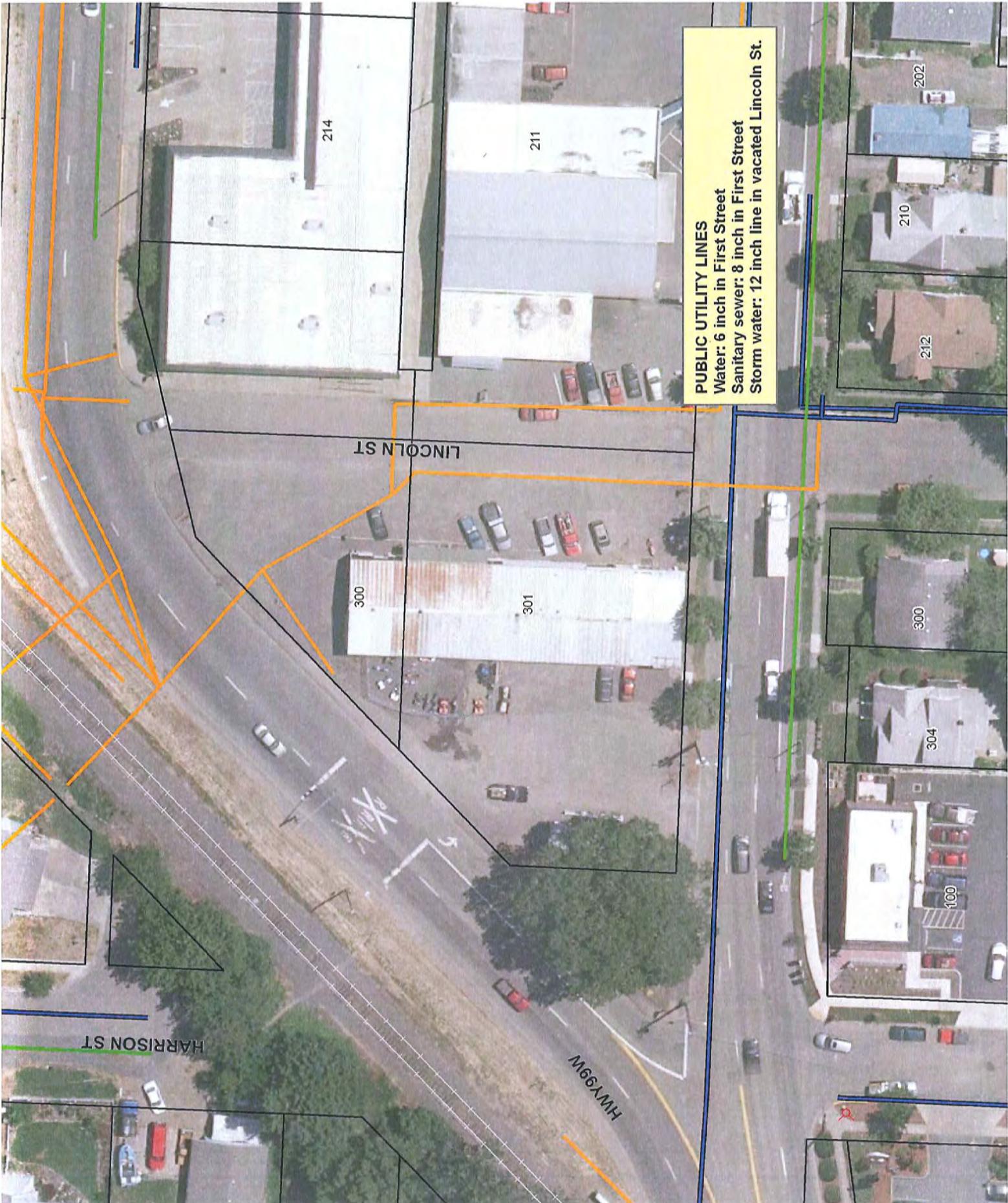
2'

3'

ParcelID	OwnerNm	OwnerNmFirst	OwnerNmLast	OwnerAddr	OwnerCity	OwnerZip
R3218DC05700	Joshuah & Melody DaJoshuah & Melody	Danner		313 W Sheridan St	Newberg OR	97132
R3218DC05800	Joshua & Rebecca KrzJoshua & Rebecca	Kraus		311 W Sheridan St	Newberg OR	97132
R3218DC05900	Patrick Murphy	Patrick	Murphy	305 W Sheridan St	Newberg OR	97132
R3218DC06000	Lawrence & Jennifer (Lawrence & Jennifer	Olsen		301 W Sheridan St	Newberg OR	97132
R3218DC08200	Chester & Denise CraiChester & Denise	Craig		1001 E 11th Ct	Newberg OR	97132
R3219AB02800	Raymundo Sosa	Raymundo	Sosa	209 N Main St	Newberg OR	97132
R3219AB02900	Raymundo & Lourdes Raymundo & Lourde	Sosa		109 W Hancock St	Newberg OR	97132
R3219AB03100	Raymundo & Lourdes Raymundo & Lourde	Sosa-Sota		810 SW View Crest Dr	Dundee OR	97115
R3219AB03200	J L Investments LLC		J L Investments LLC	23995 Highway 99w	Newberg OR	97132
R3219AB03300	Thomas Boucher	Thomas	Boucher	PO Box 1270	Veneta OR	97487
R3219AB03400	Stephen & Cora Wald Stephen & Cora		Waldroup	403 N Main St	Newberg OR	97132
R3219AB03500	Lip Properties LLC		Lip Properties LLC	PO Box 1060	Newberg OR	97132
R3219AB03600	Lip Properties LLC		Lip Properties LLC	PO Box 1060	Newberg OR	97132
R3219AB03700	Lip Properties LLC		Lip Properties LLC	PO Box 1060	Newberg OR	97132
R3219AB03800	Lip Properties LLC		Lip Properties LLC	PO Box 1060	Newberg OR	97132
R3219AB03900	Lip Properties LLC		Lip Properties LLC	PO Box 1060	Newberg OR	97132
R3219AB03990	Conversion 2014		Conversion 2014		Newberg OR	97132
R3219AB04000	Paul Mayer	Paul	Mayer	PO Box 23743	Tigard OR	97281
R3219AB04001	Jack & Angela May	Jack & Angela	May	2220 Thorne St	Newberg OR	97132
R3219AB04100	James & Virginia Seid. James & Virginia	Selden		308 W Sheridan St	Newberg OR	97132
R3219AB04101	David & Lisa Bailiff	David & Lisa	Bailiff	300 W Sheridan St	Newberg OR	97132
R3219AB04200	Irene Thompson	Irene	Thompson	312 W Sheridan St	Newberg OR	97132
R3219AB04300	Aaron & Alec Dohmai Aaron & Alec		Dohman	1871b Tartar Dr	Port Huene CA	93041
R3219AB04400	Larry Rice	Larry	Rice	23550 NE Hagey Rd	Dundee OR	97115
R3219AB04500	Ron & Janet Milton	Ron & Janet	Milton	PO Box 3058	Newberg OR	97132
R3219AB04700	Ron & Janet Milton	Ron & Janet	Milton	PO Box 3058	Newberg OR	97132
R3219AB04800	Steven D For Terjesor Steven D For		Terjeson	116 Rio Senda St	Umatilla OR	97882
R3219AB04900	Gray Wolf LLC		Gray Wolf LLC	12654 NW Millford St	Portland OR	97229
R3219AB05000	Gray Wolf LLC		Gray Wolf LLC	12654 NW Millford St	Portland OR	97229
R3219AB05100	Gray Wolf LLC		Gray Wolf LLC	12654 NW Millford St	Portland OR	97229
R3219AB05300	Pasquale Piscitelli	Pasquale	Piscitelli	204 Pinehurst Dr	Newberg OR	97132
R3219AB05400	J L Investment LLC		J L Investment LLC	23995 Highway 99w	Newberg OR	97132
R3219AB05500	J L Investment LLC		J L Investment LLC	23995 Highway 99w	Newberg OR	97132
R3219AB05600	Hang Rim Lee	Hang Rim	Lee	15435 SW Petrel Ln	Beaverton OR	97007
R3219AB11000	Ruben & Susan Perez Ruben & Susan		Perez	4205 SE Riverside Lp	McMinnville OR	97128

R3219AB11100	Nancy For & Nancy For & Nancy Fox	20805 NE Highway 240	Newberg	OR	97132
R3219AB11200	Jose & Rueben Perez	4205 SE Riverside Lp	McMinnville	OR	97128
R3219AB11300	Richard & Barbara Ov Richard & Barbara	300 W Sherman St	Newberg	OR	97132
R3219AB11400	Richard & Barbara Ov Richard & Barbara	300 W Sherman St	Newberg	OR	97132
R3219AB11500	Richard & Barbara Ov Richard & Barbara	300 W Sherman St	Newberg	OR	97132
R3219AB11600	Richard & Barbara Ov Richard & Barbara	300 W Sherman St	Newberg	OR	97132
R3219AB11700	James & Darlene L Fo James & Darlene L Fc Cain	27775 NW Williams Cat	Gaston	OR	97119
R3219AB11800	Richard & Barbara Ov Richard & Barbara	300 W Sherman St	Newberg	OR	97132
R3219AB11900	James & Diane Reichte James & Diane	201 W 2nd St	Newberg	OR	97132
R3219AB12000	Richard & Christine M Richard & Christine	111 S Grant St	Newberg	OR	97132
R3219AB12100	Nadine McLain	107 S Grant St	Newberg	OR	97132
R3219AB12200	Michael & Fen Tu Hol Michael & Fen Tu	343 SW Oliver Ct	Dundee	OR	97115
R3219AB12300	Norbert & Mary Smiti Norbert & Mary	210 W 1st St	Newberg	OR	97132
R3219AB12400	Kathleen Thelander	212 W 1st St	Newberg	OR	97132
R3219AB12500	Paul & Pennie Roth	1709 Meadow Ln	Newberg	OR	97132
R3219AB12600	Judith A For Wolhaupter	PO Box 10	Amity	OR	97101
R3219AB12700	Js & A Selig LLC	215 N School St	Newberg	OR	97132
R3219AB12800	William & Margi Won William & Margi	304 W 1st St	Newberg	OR	97132
R3219AB12900	100 S Harrison LLC	PO Box 3650	Wilsonville	OR	97070
R3219AB13000	Christopher Brown	110 S Harrison St	Newberg	OR	97132
R3219AB13001	Ramon Hermosillo	313 W 2nd St	Newberg	OR	97132
R3219AB13100	Kris Utz	307 W 2nd St	Newberg	OR	97132
R3219AB13200	Ramona Wiser	115 S Lincoln St	Newberg	OR	97132
R3219AB13300	Mark Chriss	25350 SE Garden Acres	Sherwood	OR	97140
R3219AB13400	Donna Ollis	PO Box 103	Aurora	OR	97002
R3219AB13500	Adam & Sharice McN. Adam & Sharice	314 W 2nd St	Newberg	OR	97132
R3219AB13600	Apolinar Perez	4205 SE Riverside Lp	McMinnville	OR	97128
R3219AB13700	McClure Leona Estate Of	4205 SE Riverside Lp	McMinnville	OR	97128
R3219AB13800	John & Patricia Journ. John & Patricia	1771 Riverside Dr	Bullhead Ci AZ		86442
R3219AB13900	Jason Bogers	3805 Coffey Ln	Newberg	OR	97132
R3219AB14000	Leonard Frketch III	209 W 3rd St	Newberg	OR	97132
R3219AB14100	Michael & Brenda Wc Michael & Brenda	215 W 3rd St	Newberg	OR	97132
R3219AB14200	William & Pamela Brc William & Pamela	218 W 2nd St	Newberg	OR	97132
R3219AB14201	Andrew & Maryanne Andrew & Maryanne Stebbins	210 W 2nd St	Newberg	OR	97132
R3219AB14300	Richard Meyer	200 W 2nd St	Newberg	OR	97132
R3219AB14700	International Church Of The	115 W 3rd St	Newberg	OR	97132

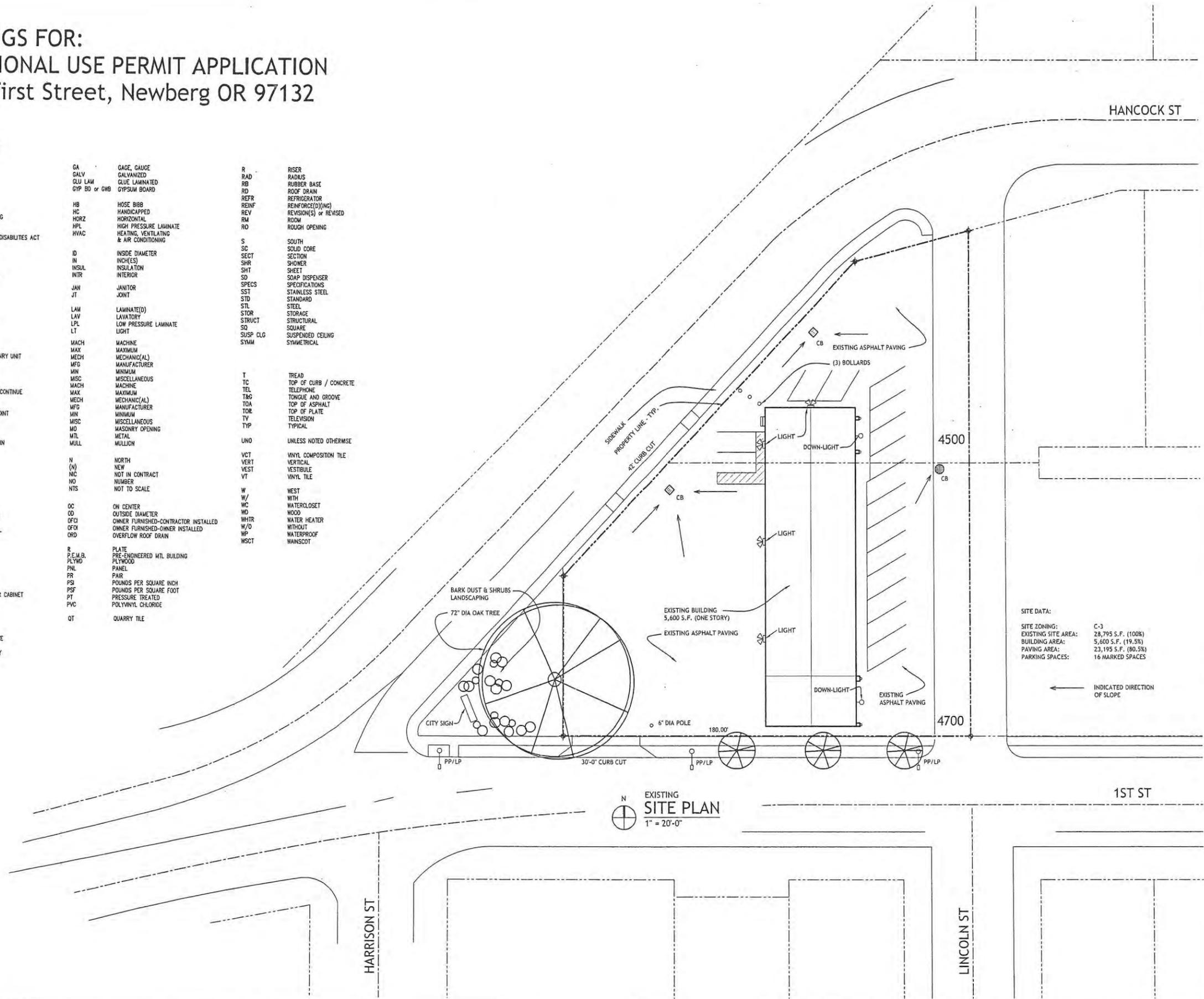
R3219AB14800	Russell & Mary Thom-Russell & Mary	Thomas	110 W 2nd St	Newberg	OR	97132
R3219BA02601	Craig & Karen Rathke-Craig & Karen	Rathke	10837 NE Hemlock Pl	Dundee	OR	97115
R3219BA02701	Ezequiel Rodriguez Sr Ezequiel	Rodriguez Sr	125 Morton St	Newberg	OR	97132
R3219BA02702	Raymond & Shirley G Raymond & Shirley	Griffin	201 Morton St	Newberg	OR	97132
R3219BA02800	Craig & Karen Rathke-Craig & Karen	Rathke	10837 NE Hemlock Pl	Dundee	OR	97115
R3219BA02900	Gary & Mary Conklin Gary & Mary	Conklin	1115 Madison St NE Nc Salem	Newberg	OR	97303
R3219BA03000	Jeffrey & Deona Twer Jeffrey & Deona	Twenge	23830 NE Dayton Ave	Newberg	OR	97132
R3219BA03100	Darla Baxter Darla	Baxter	3708 NE Terrace Dr	Newberg	OR	97132
R3219BA03200	Conrado & Ma-Auxilic Conrado & Ma-Auxili Pereda	Pereda	11980 NE Worden Hill F Newberg	Newberg	OR	97132
R3219BA03300	Conrado Pereda Conrado	Pereda	11980 NE Worden Hill F Newberg	Newberg	OR	97132
R3219BA03400	Rosemary & Rosemar Rosemary & Rosema Park	Park	9395 SW Aspen St	Beaverton	OR	97005
R3219BA03500	Rosemary & Rosemar Rosemary & Rosema Park	Park	9395 SW Aspen St	Beaverton	OR	97005
R3219BA03600	Archie & Aneta Munr Archie & Aneta	Munroe	118 Morton St	Newberg	OR	97132
R3219BA03700	Archie & Anita Munrc Archie & Anita	Munroe	118 Morton St	Newberg	OR	97132
R3219BA03800	Craig & Karen Rathke-Craig & Karen	Rathke	10837 NE Hemlock Pl	Dundee	OR	97115
R3219BA03801	Elmyra Williams Elmyra	Williams	200 Morton St	Newberg	OR	97132
R3219BA03900	Michael & Nanette Sc Michael & Nanette	Schwinof	10655 SW Watkins Pl	Tigard	OR	97223
R3219BA04000	Apolinar Perez Apolinar	Perez	4205 SE Riverside Lp	McMinnville	OR	97128
R3219BA04100	David Caldwell David	Caldwell	17250 SW Alexander St Beaverton	Newberg	OR	97006
R3219BA04200	Kenneth Backhaus Kenneth	Backhaus	205 N Harrison St	Newberg	OR	97132
R3219BA04300	Irene F (wros) Thomp Irene F (wros)	Thompson	201 N Harrison St	Newberg	OR	97132
R3219BA04400	Colleen Grimmett Colleen	Grimmett	119 N Harrison St	Newberg	OR	97132
R3219BA04500	Aj & Jean Bernards Aj & Jean	Bernards	115 N Harrison St	Newberg	OR	97132
R3219BA04600	Conrado Pereda Conrado	Pereda	11980 NE Worden Hill F Newberg	Newberg	OR	97132
R3219BA04700	Conrado Pereda Conrado	Pereda	11980 NE Worden Hill F Newberg	Newberg	OR	97132
R3219BD00100	Newberg City Of	Newberg City Of		Newberg	OR	97132
R3219BD00200	Boyd & Hendricks Inc	Boyd & Hendricks In- PO Box 610		Newberg	OR	97132
R3219BD00300	Hurl Bros LLC	Hurl Bros LLC	720 NW Michelbook Ct McMinnville	Newberg	OR	97128
R3219BD00400	Jason & Emanuela M Jason & Emanuela	Martin	111 S Harrison St	Newberg	OR	97132
R3219BD00500	Gary Peters Gary	Peters	201 S Harrison St	Newberg	OR	97132
R3219BD00600	Joyce C For & Trust Tl Joyce C For & Trust T Colling	Colling	959 SW 7th St	Dundee	OR	97115
R3219BD00700	Hurl Bros LLC	Hurl Bros LLC	720 NW Michelbook Ct McMinnville	Newberg	OR	97128
R3219BD002900	Newberg Marine Center LLC	Newberg Marine Cet 12128 NE Honey Ln		Newberg	OR	97132



DRAWINGS FOR: CONDITIONAL USE PERMIT APPLICATION 301 W First Street, Newberg OR 97132

ABBREVIATIONS

∅	AND	GA	GAGE, GAUGE	R	RISER
L	ANGLE	GLV	GALVANIZED	RAD	RADIUS
@	AT	GLU LAM	GLUE LAMINATED	RB	RUBBER BASE
#	NUMBER	GYP BD or GWB	GYPSUM BOARD	RD	ROOF DRAIN
AB	ANCHOR BOLT	HB	HOSE BIBB	REFR	REFRIGERATOR
AC	AIR CONDITIONING	HC	HANDICAPPED	REINF	REINFORCE(D)(ING)
ACOUS	ACOUSTICAL	HORZ	HORIZONTAL	REV	REVISION(S) or REVISED
AD	AREA DRAIN	HPL	HIGH PRESSURE LAMINATE	RM	ROOM
ADA	AMERICANS w/ DISABILITIES ACT	HVAC	HEATING, VENTILATING & AIR CONDITIONING	RO	ROUGH OPENING
ADJ	ADJUSTABLE	ID	INSIDE DIAMETER	S	SOUTH
AL	ALUMINUM	IN	INCH(ES)	SC	SOLID CORE
ANOD	ANODIZE	INSUL	INSULATION	SECT	SECTION
APPROX	APPROXIMATE	INTR	INTERIOR	SHR	SHOWER
ARCH	ARCHITECTURAL	JAN	JANITOR	SHT	SHEET
BD	BOARD	JT	JOINT	SD	SOAP DISPENSER
BLDG	BUILDING	LAM	LAMINATE(D)	SPECS	SPECIFICATIONS
BLKG	BLOCKING	LAW	LAWRY	SST	STAINLESS STEEL
BOT	BOTTOM	LPL	LOW PRESSURE LAMINATE	STD	STANDARD
CB	CATCH BASIN	LT	LIGHT	STL	STEEL
CI	CAST IRON	MACH	MACHINE	STOR	STORAGE
CLG	CEILING	MAX	MAXIMUM	STRUCT	STRUCTURAL
CLR	CLEAR	MECH	MECHANIC(AL)	SQ	SQUARE
CMU	CONCRETE MASONRY UNIT	MFG	MANUFACTURER	SUSP CLG	SUSPENDED CEILING
COL	COLUMN	MIN	MINIMUM	SYMM	SYMMETRICAL
CONC	CONCRETE	MISC	MISCELLANEOUS	T	TREAD
CONN	CONNECTION	MIS	MISCELLANEOUS	TC	TOP OF CURB / CONCRETE
CONSTR	CONSTRUCTION	MACH	MACHINE	TEL	TELEPHONE
CONT	CONTINUOUS OR CONTINUE	MAX	MAXIMUM	T&G	TONGUE AND GROOVE
CPT	CARPET	MECH	MECHANIC(AL)	TOA	TOP OF ASPHALT
CT	CERAMIC TILE	MFG	MANUFACTURER	TOR	TOP OF PLATE
CJ	CONSTRUCTION JOINT	MIN	MINIMUM	TV	TELEVISION
DEMO	DEMOLITION	MISC	MISCELLANEOUS	TYP	TYPICAL
DEPT	DEPARTMENT	NO	NUMBER	UNO	UNLESS NOTED OTHERWISE
DF	DRINKING FOUNTAIN	NTS	NOT TO SCALE	VCT	VINYL COMPOSITION TILE
DIA	DIAMETER	N	NORTH	VERT	VERTICAL
DN	DOWN	(N)	NEW	VEST	VESTIBULE
DR	DOOR	NC	NOT IN CONTRACT	VT	VINTL TILE
DS	DOWNSPOUT	NO	NUMBER	W	WEST
DWG	DRAWING	NTS	NOT TO SCALE	WC	WATERCLOSET
E	EAST	OC	ON CENTER	WD	WOOD
EL	ELEVATION	OD	OUTSIDE DIAMETER	WHTR	WATER HEATER
EXP JT	EXPANSION JOINT	OFCI	OWNER FURNISHED-CONTRACTOR INSTALLED	W/O	WITHOUT
ELEC	ELECTRICAL	ORD	OVERFLOW ROOF DRAIN	WP	WATERPROOF
EP	ELECTRICAL PANEL	PLATE	PRE-ENGINEERED METAL BUILDING	WAINSCOT	WAINSCOT
EQ	EQUAL	P.E.M.B.	PLYWOOD		
EQUIP	EQUIPMENT	PLYWD	PLYWOOD		
EXIST or (E)	EXISTING	PNL	PANEL		
EXT	EXTERIOR	PR	PAIR		
FA	FIRE ALARM	PSI	POUNDS PER SQUARE INCH		
FD	FLOOR DRAIN	PSF	POUNDS PER SQUARE FOOT		
FEC	FIRE EXTINGUISHER CABINET	PT	PRESSURE TREATED		
FN FLR	FINISHED FLOOR	PVC	POLYVINYL CHLORIDE		
FH	FIRE HYDRANT	QT	QUARRY TILE		
FN	FINISH				
FLR	FLOOR				
FDN	FOUNDATION				
FOC	FACE OF CONCRETE				
FOF	FACE OF FINISH				
FOM	FACE OF MASONRY				
FOS	FACE OF STUD				
FT	FOOT(FEET)				
FTG	FOOTING				
FURR	FURRED(ING)				



SITE DATA:
 SITE ZONING: C-3
 EXISTING SITE AREA: 28,795 S.F. (100%)
 BUILDING AREA: 5,600 S.F. (19.5%)
 PAVING AREA: 23,195 S.F. (80.5%)
 PARKING SPACES: 16 MARKED SPACES

BA
Brittelle
Architecture Inc.
 Longview, Washington
 Newberg, Oregon
 www.brittellarch.com

Proposed Tenant Improvements
 301 W First Street, Newberg, OR 97132

MARK	DATE	DESCRIPTION
A	12-2-13	PRELIMINARY DESIGN DRAWINGS
B	12-10-13	REVISED PRELIMINARY DESIGN DRAWINGS

JOB NUMBER:
1336

SHEET:
A1



**Brittall
Architecture Inc.**
Longview, Washington
Newberg, Oregon

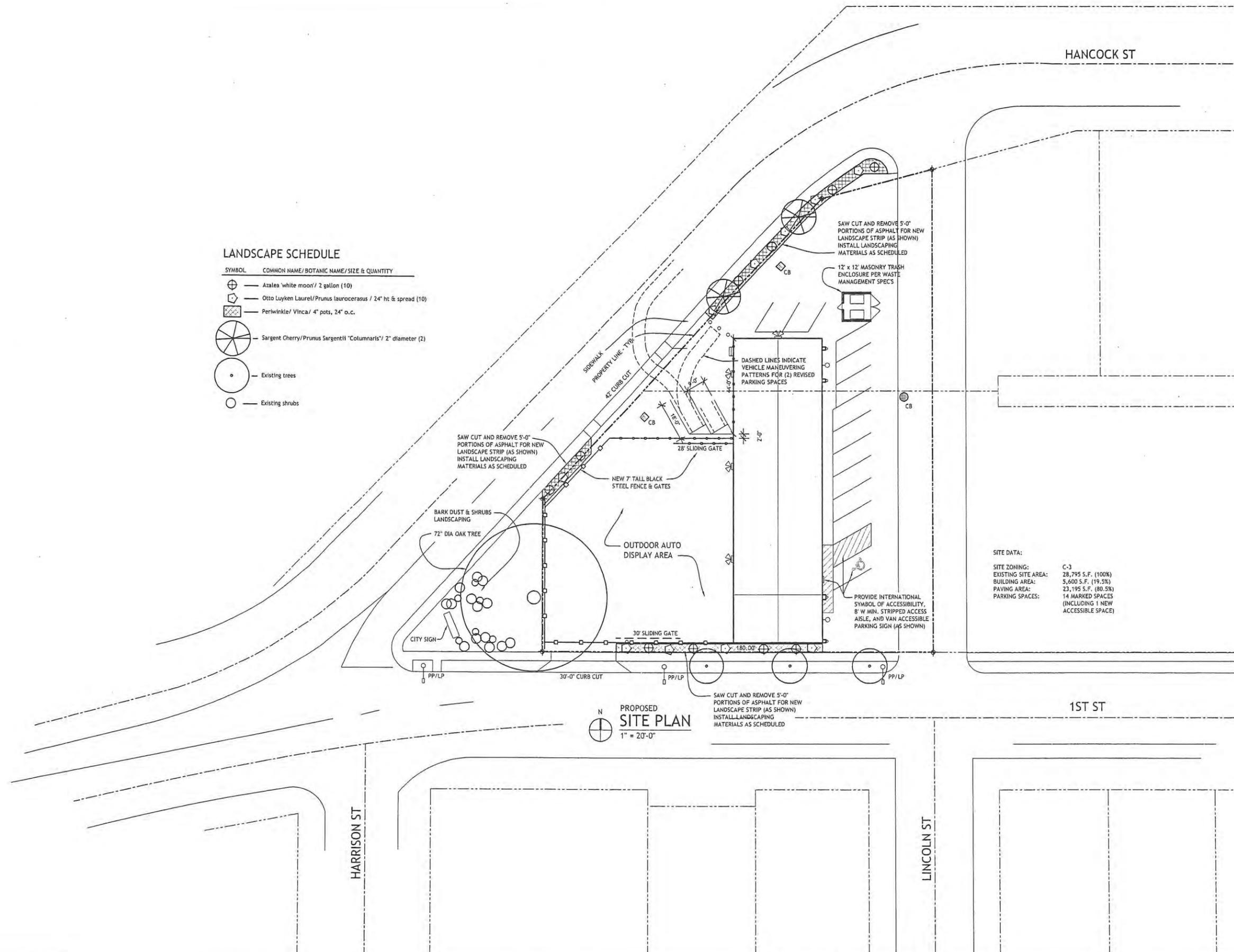
www.brittallarch.com

**Proposed Tenant Improvements
301 W First Street, Newberg, OR 97132**

SITE DATA:
SITE ZONING: C-3
EXISTING SITE AREA: 28,795 S.F. (100%)
BUILDING AREA: 5,600 S.F. (19.5%)
PAVING AREA: 23,195 S.F. (80.5%)
PARKING SPACES: 14 MARKED SPACES
(INCLUDING 1 NEW ACCESSIBLE SPACE)

LANDSCAPE SCHEDULE

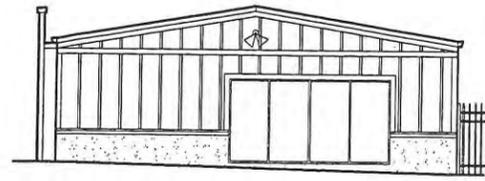
SYMBOL	COMMON NAME/BOTANIC NAME/SIZE & QUANTITY
	Azalea 'white moon' / 2 gallon (10)
	Otto Luyken Laurel / Prunus laurocerasus / 24" ht & spread (10)
	Periwinkle / Vinca / 4" pots, 24" o.c.
	Sargent Cherry / Prunus Sargentii 'Columnaris' / 2" diameter (2)
	Existing trees
	Existing shrubs



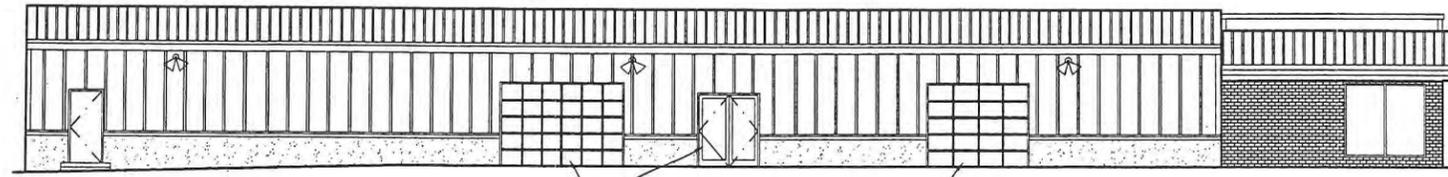
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JOB NUMBER:
1336

SHEET:
A2



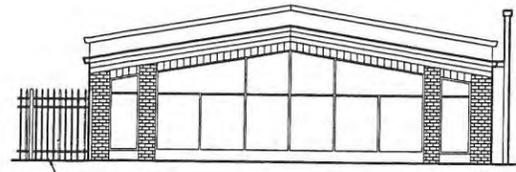
NORTH ELEVATION
1/8" = 1'-0"



WEST ELEVATION
1/8" = 1'-0"

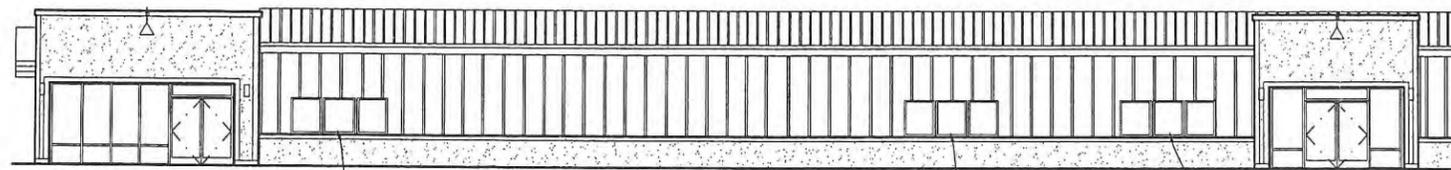
NOTE:
ALL CONSTRUCTION IS EXISTING OTHER THAN NOTED ITEMS

NEW DBL 3'-0" FULL LITE SWINGING DOORS IN EXISTING OPENING
NEW 12'-0" x 10'-0" x 8'-0" H - GLASS OVERHEAD DOORS IN EXISTING OPENING



SOUTH ELEVATION
1/8" = 1'-0"

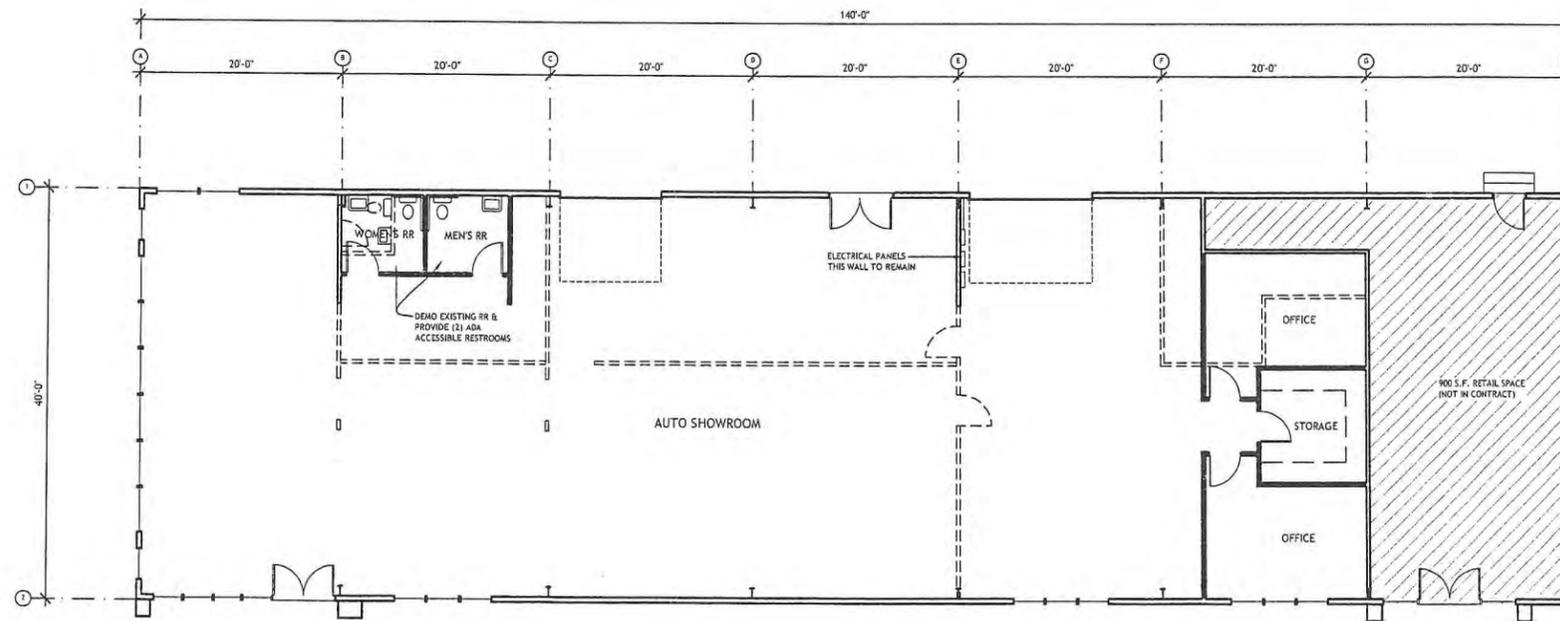
NEW 7' TALL BLACK STEEL FENCE



EAST ELEVATION
1/8" = 1'-0"

NEW (3) 3'-0" x 3'-6" FIXED WINDOWS IN EXISTING OPENING

NEW (3) 3'-0" x 3'-6" FIXED WINDOWS IN EXISTING OPENING



WALL LEGEND:
 ——— NEW WALL
 - - - - - EXISTING WALL TO BE REMOVED
 = = = = = EXISTING WALL TO REMAIN



FLOOR PLAN
1/8" = 1'-0"



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