



PLANNING COMMISSION AGENDA
January 14, 2016 7:00 PM
NEWBERG PUBLIC SAFETY BUILDING
401 EAST THIRD STREET

I. CALL MEETING TO ORDER

II. ROLL CALL

III. ELECTION OF CHAIR AND VICE CHAIR If the Planning Commission elects to follow their usual rotation based on seniority then Allyn Edwards is in line for Chair. The Vice Chair position will need to be discussed.

III. PUBLIC COMMENTS (5-minute maximum per person – for items not on the agenda)

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

1. Approval of December 10, 2015 Planning Commission Meeting Minutes

VI. LEGISLATIVE PUBLIC HEARING (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)

1. TSP Amendments related to the Phase 1 Bypass – This hearing is continued from the December 10, 2015 Planning Commission hearing at the point of deliberation.

- a. Changes to the road and lane configuration of southbound Oregon 219 from north of the Springbrook Road/Industrial Parkway intersection through the Phase 1 Bypass/Wilsonville Road intersection. RESOLUTION NO. 2015-310

- b. Changing the adopted Oregon 219/Phase 1 Bypass/Wilsonville Road intersection to a “No Thru Traffic” design. RESOLUTION NO. 2015-311

FILE NO.: CPTA-15-002

2. Development Code Amendment Medical Marijuana Grow Sites, Processors and Dispensaries.

The proposal:

- Allows medical marijuana grow sites in residential zones (R-1, R-2, R-3) as permitted uses and as conditional uses in all other zones.
- Adds definitions for medical marijuana grow sites, medical marijuana processors and modifies a footnote description for medical marijuana dispensaries.
- Allows medical marijuana processors as a permitted use in all industrial zones (M-1, M-2, M-3, M-4, AI, SD/E).

FILE NO: DCA-15-002

VII. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters or correspondence
3. Next Planning Commission meeting: February 11, 2016 7:00 PM

VIII. ITEMS FROM COMMISSIONERS

IX. ADJOURNMENT

FOR QUESTIONS, PLEASE STOP BY CITY HALL OR CALL 503-537-1240, COMMUNITY DEVELOPMENT DEPT. – P.O. BOX 970 – 414 E. FIRST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: *In order to accommodate persons with physical impairments, please notify the Community Development Department of any special physical or language accommodations you may need as far in advance of the meeting as possible as and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Planning Secretary at (503) 554-7788. For TTY services please dial 711.*

NEWBERG PLANNING COMMISSION MINUTES
December 10, 2015, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

Chair Gary Bliss called the meeting to order at 7: 00 p.m.

ROLL CALL

Members Present:	Gary Bliss, Chair	Jason Dale
	Philip Smith	Matthew Fortner
	Cathy Stuhr	Luis Saavedra/student
	Allyn Edwards	Patrick Johnson

Staff Present: Steve Olson, Associate Planner
Doug Rux, Community Development Director
Bobbie Morgan, Planning Secretary
Kaaren Hofmann, City Engineer

PUBLIC COMMENTS: None

CONSENT CALENDAR:

1. Approval of November 12, 2015 Planning Commission Meeting Minutes

Chair Gary Bliss said in the minutes the vote was written as 3-0, but it should be 4-0.

MOTION: Commissioner Cathy Stuhr moved to approve November 12, 2015 minutes as amended.
Seconded by Commissioner Jason Dale and passed 7-0.

LEGISLATIVE PUBLIC HEARING: Chair Gary Bliss opened the public hearing at 7:02 pm.

TSP Amendments related to the Phase 1 Bypass

FILE NO.: CPTA-15-002

- RESOLUTION NO: 2015-310: Changes to the road and lane configuration of southbound Oregon 219 from north of the Springbrook Road/Industrial Parkway intersection through the Phase 1 Bypass/Wilsonville Road intersection.
- RESOLUTION NO: 2015-311: Changing the adopted Oregon 219/Phase 1 Bypass/Wilsonville Road intersection to a "No Thru Traffic" design.

Chair Gary Bliss explained the hearing procedures.

Call for Abstentions and Objections to Jurisdiction: None.

Chair Gary Bliss declared that he had a Bachelor of Science degree in Civil Engineering and was licensed in three states, Oregon, California, and Washington. All of these licenses had been retired. He was very familiar with the subject road system and had traveled Wilsonville Road many times over the last ten years. He had recently driven Wilsonville Road and looked at the possible impacts to Fernwood, Corral Creek, and Renne Roads. He also met with someone who lived in the south west corner of Corral Creek and Fernwood, PC Cathy Stuhr, who helped him measure the lane width of Fernwood. His findings were

the following: the distance between Highway 219 and Renne and Wilsonville Roads was 1.7 miles and the distance taking the Bypass route was 2.9 miles or 71% longer. Wilsonville Road had widths of 9.5 feet average and 0 to 3 feet of shoulder. Fernwood also had 9.5 foot widths average with no shoulders between the golf course and Corral Creek Road. Corral Creek Road was 9 feet wide with minimal to no shoulders. Renne Road had 8.5 foot wide widths and no shoulders. Both Wilsonville and Renne Roads had 90 degree S curves where Wilsonville Road's curves were lightly less severe and were wider. There was a large tree at the intersection of Wilsonville and Renne that was 24 inch diameter and was adjacent to the edge of the pavement. Opposite the tree was a ditch with the bank adjacent to the edge of pavement. The intersection of Renne and Wilsonville Roads had no radiuses and was narrow with a ditch at the edge. The intersection of Renne and Corral Creek Road was not at a right angle, but was more of a 135 degree. The traffic approaching southeast Corral Creek Road had minimal sight distance for drivers. The landing on Renne Road at Corral Creek was on a steep incline. He traveled the three routes from 219/Wilsonville intersection to I-5 via McKay Road, via Wilsonville Road, and via Tualatin-Sherwood/99W/Springbrook Road. He believed he could listen to all testimony given, had read all the facts in the packet, and could make an unbiased decision on this matter.

PC Cathy Stuhr disclosed that the Planning Commission in Newberg allowed one member to live outside of the City within a mile of the City limits or Urban Growth Boundary. That person was currently her and she represented the rural areas. She lived on the corner of Fernwood and Corral Creek Road. She drove these roads often and was familiar with the conditions Chair Bliss was describing. She spent a lot of time reviewing the information and shared a lot of concerns about the situation. She thought she could look at this issue fairly and make a good decision.

Staff Report: The staff presentation was given by CDD Doug Rux. The case before the Commission was an application from the Oregon Department of Transportation for an amendment to the City's Transportation System Plan. The first component was changing the lane configuration on Highway 219 going southbound between Springbrook Road and the Bypass. The second component was the Highway 219/Wilsonville Road Bypass intersection itself. There were two resolutions dealing with each component, but were being done under one hearing. Regarding the first component, a safety issue was identified due to the double left hand turns coming off of Springbrook onto Highway 219 and the lane weave to get to the right lane and people could get trapped as the length was not long enough to allow people time to get over. The proposal was to drop one of the two southbound lanes and reduce some of the right-of-way width. Regarding the second component, ODOT requested modifying the intersection design of the Bypass, Highway 219, and Wilsonville Road. A modification was approved in 2013, but the Ladd Hill Neighborhood Association had concerns about the through movement from Wilsonville Road to the Bypass. ODOT received direction from their top management that they needed to stay on time and budget for the project and to stay within the existing right-of-way that was already laid out because it could increase costs for land acquisition or utility relocation. Staff had discussed eight different alternatives with ODOT and he described each one. For the first option all through movements would be allowed in the TSP and could be built in the original right-of-way that was already there and had no construction delays or utility relocations. Option 8 was what ODOT was requesting which would restrict the east/west movement across Highway 219 and could result in increases to construction schedule and timing, but had no construction delays or utility relocations. There were 50 cars in the pm peak hour going east/west which could average 500 trips per day. Restricting the east/west movement could lead to people making U-turns and using neighborhood streets to turn around. The function of the intersections was also reviewed for what was significant in the number of trips. He discussed lane configurations on 219 and Wilsonville Road. There was concern about the potential safety and livability issues with the mobile home park to the east of the existing Wilsonville Road alignment as there was already cut through traffic. Staff also looked at Yamhill County's Transportation System Plan which identified the average daily trips on Wilsonville Road was in a range of 3,000 to 6,000. The peak hour

volumes would be 100 to 200 trips. The analysis also showed good corridor health. Staff recommended approval of the resolutions. The first resolution would reduce the lanes to one on Highway 219 and addressed a safety concern and the second was for the Wilsonville Road/Highway 219 to go with a no through design.

PC Philip Smith clarified there were 3,500 daily trips on Wilsonville Road. How many additional trips would there be for Option 1?

CDD Doug Rux answered another 500 daily trips, which increased the number to 4,000.

PC Philip Smith asked how many additional trips would there be for Option 8.

CE Kaaren Hofmann answered the assumption was the same, 500 daily trips would be added. PC Philip Smith clarified getting rid of through traffic would not discourage traffic to go on Wilsonville Road.

Chair Gary Bliss asked about information on current peak hour traffic and future estimates for the following segments of roads from 2011 to 2015 and 2016 to 2035. The segments were: Fernwood Road from Springbrook to Brutscher, Fernwood Road from Brutscher to Corral Creek, Brutscher Road from Fernwood Road to Hayes, and Corral Creek Road from Fernwood to Renne.

CE Hofmann said the numbers they had were for Brutscher Road from Fernwood to Hayes from 2016 to 2035 under a no build scenario and the difference in the numbers was a 39% increase in traffic. The numbers in the traffic studies provided showed how the traffic would move from Springbrook to Brutscher or Providence Drive and how the trips shifted over to coming from that direction. The numbers for Corral Creek Road from Fernwood to Renne were in the Yamhill County TSP as well as Renne Road to Corral Creek. The current numbers showed daily trips on Renne Road and Corral Creek were less than 1,000 and the future numbers were also less than 1,000. For peak hours it was less than 100 in 2016. She did not have any traffic accident reports for these roads. The road extensions for Corral Creek, Renne, and Fernwood from the golf course to Corral Creek were not in the Yamhill County TSP and would not be constructed in the next 20 years.

PC Allyn Edwards asked if there was information on why there was logging on Wilsonville Road.

CDD Doug Rux answered he did not know why that was occurring.

PC Jason Dale thought a winery would be going in that location.

Public Testimony:

A. Applicant:

Tim Potter of ODOT said Phase 1 was determined by the legislature in 2009 and the legislature provided \$192 million dollars to build the first phase of the Bypass.

William Ciz, ODOT Consultant, gave a PowerPoint presentation regarding the two requests, the southbound lane configuration on Highway 219 and the Wilsonville Road intersection. Some additional information was submitted that updated the traffic analysis in the application. The intersections were evaluated based on the opening year of the Bypass and was consistent with the work done on the EIS process. The intersections on 219 and 99W did not meet the plan performance standards in 2035 and would be addressed through the TSP process by creating alternate mobility standards for those intersections for the Transportation Commission to approve. The first request was for changing the lane configuration for Highway 219. They had

proposed two south bound through lanes on 219 and between Springbrook and the Bypass intersection there would be two right turn lanes. During the final design process, a safety concern arose and ODOT developed an alternative with a single through lane and dedicated right turn lane onto the Bypass. The final design alternative did not meet ODOT's standard for new intersections, however in this case the safety and operational benefits outweighed the standard. It also cut down on right-of-way impacts to properties in the industrial park and reduced costs.

Mr. Potter explained the right-of-way constraints on both sides of 219.

PC Philip Smith thought if the second proposal was approved it would improve the volume to capacity ratio on the preferred alternative here.

Mr. Ciz continued his presentation on the proposal for the Highway 219/Phase 1 Bypass/Wilsonville Road intersection. Since the last TSP amendment in 2013, there were concerns about the design of Wilsonville Road. ODOT looked at eight options to address the concerns. The improvements on Highway 219/99W and Springbrook Road had to be in place before the rest of the Bypass could be opened. Any changes to the intersection design had to minimize right-of-way purchases and utility relocations. Option 1 was currently in the construction plans for the project. All of the intersections except 219 and Wynooski met either City or ODOT standards. He explained Option 2, installing a signal at the current intersection of Wilsonville and Springbrook, which would not work because of the queuing issue and it would not allow for future growth. Option 3, turning the existing intersection of Springbrook and Wilsonville into right in, right out, would not work due to the additional traffic it would place on these roads. Option 4, taking Wilsonville Road to a signalized intersection south of Wynooski Road, would not work because it would include new right-of-way, utility impacts, and impacts to the schedule. Option 5, using existing Adolf Road and connecting it with Wynooski at a signalized intersection, would operate similar to Option 1. Option 6, a roundabout, did not meet the concerns of the Ladd Hill group, Clackamas County, or City of Wilsonville. Option 7 was removing the eastbound through movement onto Wilsonville Road from the Bypass which would add traffic and alternate routes in the neighborhood would be used. Option 8 was what ODOT was requesting. It was a no through option for Wilsonville Road. It not only cut off access from the eastbound Bypass onto Wilsonville Road but also access from Wilsonville Road onto the Bypass westbound. He explained the alternate routes people would most likely use to go the direction they wanted and how it would add 50 trips in the peak hour, 25 going in each direction.

PC Philip Smith asked about the numbers from staff. Currently there were 3,500 trips on Wilsonville Road per day and with Option 1 it would increase to 4,000 trips per day and Option 8 it would also go up to 4,000 trips per day.

Mr. Potter challenged the 3,500 cars per day and thought that number included the 50 that wanted to go in either direction. It was people who had a destination beyond Newberg or Dundee that the modeling indicated. The 3,500 would not increase, it was there already.

PC Cathy Stuhr asked if they went with Option 8, how many fewer cars were going to go down Wilsonville Road than in Option 1. PC Philip Smith said many people wanted to adopt Option 8 because they thought it would reduce the number of cars on Wilsonville Road and he wanted to know how much of a reduction was estimated.

Mr. Ciz answered the modeling showed the traffic on Wilsonville Road would be the same under either of these options. Wilsonville Road was not an attractive route to I-5.

PC Philip Smith clarified that between Option 1 and Option 8 the number of cars on Wilsonville Road did not change. If so, why propose something that would hurt neighborhoods in Newberg?

Mr. Potter said from ODOT's standpoint it was an issue of taking the concerns of the Ladd Hill Neighborhood Association into account and making sure their issues were addressed as they would for any neighborhood association.

PC Matt Fortner thought Option 8 would make people go on neighborhood streets to get onto Wilsonville Road and that was a safety concern. People would be doing U-turns where they were not supposed to, cutting through private properties, etc. He did not think the option sounded viable as a realistic plan.

PC Philip Smith asked what the thinking was behind Option 8. Mr. Potter replied there were many people that did not believe the traffic engineer's numbers and they were in a position where they were arguing perceptions. This was a compromise that allowed ODOT to stay within schedule, scope, and budget. There was not a significant difference between the two.

PC Allyn Edwards asked how they measured the anticipated increase of flow of people on the Bypass. He thought because of the convenience of the Bypass that had never been there before more people would be using it. Mr. Potter said part of the reason for the Bypass was to relieve traffic on 99W. He discussed the assumptions in the modeling including travel patterns and times. The Bypass would relieve traffic on 99W, but would increase what happened on McKay Road through Marion County. There was some potential of increase on Wilsonville Road, but it would be based on people's destinations. If it took people longer to get to the Bypass, they would be much more likely to continue on Wilsonville Road to 99W and points west.

PC Cathy Stuhr said if the Commission approved Option 8, and all the traffic was put on Fernwood, Corral Creek, and Renne Roads, there was no plan in Yamhill County to improve those roads to handle the traffic.

Chair Gary Bliss asked if Fernwood, Corral Creek, and Renne Roads were in the area of influence and if so, why weren't they studied. These streets already had safety issues. Mr. Potter did not have an answer to that question.

PC Philip Smith asked what could be done for people who lived in the mobile home court to prevent through traffic and prevent U-turns on 219. Mr. Potter said ODOT was committed to working with the Traffic Safety Commission to come up with recommendations for the unintended consequences.

PC Patrick Johnson asked why ODOT spent the time to come up with a new alternative and the net gain was zero. He wondered why other jurisdictions were in favor of Option 8. Did potential litigation have an impact on this decision? Mr. Potter said it was negotiation with concerned neighbors that led to the design. It was not purely political, but was schedule related as well as answering the concerns by other jurisdictions. The other jurisdictions were aware of the traffic modeling and how ODOT came up with the option.

B. Proponents:

Brent Ahrend, Traffic Engineer with McKenzie Engineering, had been working with the Ladd Hill Neighborhood Association to help them understand this issue. Contrary to what was said by ODOT

and City staff, there was no transportation model that could predict the volume of traffic that would use Wilsonville Road with the proposed connection directly opposite the Phase 1 Bypass. A transportation model was prepared for the full Bypass project and assumed no change on the roads in and out of the Newberg/Dundee area. These were fixed numbers reflecting travel demand outside the model's sphere of influence. When funding was provided for Phase 1, ODOT reran that same model for the full Bypass with just the Phase 1 section of the Bypass. Because the volumes on Wilsonville Road outside the boundary of the existing model were fixed there was no way the volumes could change no matter how many times the numbers were run using various road configurations inside Newberg. The neighborhood learned of this in May of 2014. Even though the model was incapable of showing any impact on Wilsonville Road, ODOT and their consultants continued a misleading narrative of the model showing no impact on Wilsonville Road. ODOT, City staff, and consultants had confused the issue by talking about travel patterns and origin destinations for current Wilsonville Road users. This still did not address the concern that drivers on the Bypass would find Wilsonville Road a convenient route to and from Wilsonville, I-5, and points north and east. During negotiations with ODOT, City staff, and the Ladd Hill Neighborhood Association there was dispute over the potential traffic volume that would be added to Wilsonville Road with the Phase 1 alignment, but they worked together to find options that would likely reduce the number of trips. The outcome was a no-through option or Option 8. The analysis assumed 50 trips traveling on Wilsonville Road and the Bypass in the peak hour, 25 in each direction. He believed people would continue to use 99W through Newberg and Dundee as they currently did. The prediction was the Bypass would reduce 865 vehicles during the pm peak hour on Highway 99W and downtown Newberg. Adding those 50 trips back still resulted in a large reduction through downtown Newberg. The 50 trips represented 12% of those already on Wilsonville Road that were assumed to be traveling to and from locations beyond Dundee and would choose to use the Bypass under the Option 1 configuration. The model showed no change to the south on 219 towards McKay. The Bypass would not change the traffic volumes on Wilsonville Road. The Ladd Hill Neighborhood Association, ODOT, and the City did not know how many vehicles would be added to Wilsonville Road with the Phase 1 project with Option 1 as currently proposed. There was potential for an increase on Wilsonville Road when the connection was made. That was why ODOT and the neighborhood worked together to find a solution to discourage that through traffic. Given the small percentage of current Wilsonville Road travelers going beyond Dundee there would be a small impact on local streets as most would continue to use 219 and 99W. Safety concerns along Wilsonville Road would be addressed with the no-through configuration.

PC Philip Smith clarified there was no scientific prediction for how much traffic would change on Wilsonville Road. Mr. Ahrend thought the modeling was not done because of the large scope of such a study. PC Philip Smith said this request was asking the City to do something based on other people's fears.

PC Cathy Stuhr asked how the modeling was done. Mr. Ahrend said when the legislature gave ODOT the money to build Phase 1 of the Bypass, they should have known the model couldn't accurately predict the Phase 1 project. It did not include the smaller roads in this area and the model should be expanded to look at it.

PC Allyn Edwards asked about the advantages of Option 1 over Option 8. Mr. Ahrend said there were safety concerns and hazards with Option 1 such as sharp curves and narrow streets and truck traffic and cut through traffic.

PC Matt Fortner discussed the need for expanding the model to I-5 and if it was more than what should be expected of ODOT to do.

Chair Gary Bliss discussed the possible re-routes of traffic and how it did not make sense to add trips to streets such as Renne Road as it was a safety issue for the Newberg community. He did not see the same reasoning on Wilsonville Road. Mr. Ahrend stated not all 50 trips would choose Renne Road. The most likely scenario for someone traveling west of Dundee back to Wilsonville Road was to use 99W through town. If they got on the Bypass, they could come back on Springbrook. Even though a route might be quicker, he thought people would rather go the route where they were not impeded by traffic lights.

PC Matt Fortner thought Wilsonville Road had a perception too and not many would want to drive on it. Mr. Ahrend said McKay was quicker, but for people less familiar with the area Wilsonville Road would be an attractive option. PC Fortner said this was traffic that daily went in and out and people did not take Wilsonville Road unless they had to. Mr. Ahrend said most of the Wilsonville Road traffic stayed in the Newberg/Dundee area.

Mike Bezner, Assistant Director of Transportation for Clackamas County, agreed Wilsonville Road was not a good road and said that the County cared about safety everywhere. Clackamas County had a Transportation Safety Action Plan, which was the only county in Oregon that had one. They had a goal to reduce fatal and serious injury crashes by 50% between 2012 and 2022. Wilsonville Road in 2013 had reported 22 crashes. There were safety projects for the road, but only one was funded. He did not feel comfortable with adding trips to Wilsonville Road.

PC Matt Fortner said ODOT stated no extra traffic would be going on Wilsonville Road except what was already existing. What data was being used to show the trips would be increased? Mr. Bezner did not have the data, but believed it to be true.

Linda Edwards, resident on Wilsonville Road, opposed the traffic from the Bypass being directed to and from Wilsonville Road and supported the no-through traffic plan. There would be an increase in traffic as it would be the quickest route. Wilsonville Road was not designed or maintained to support through traffic as there were curves and hazards. It was a two lane country road that Clackamas County designated as part of their scenic road program. Farmers worked the land in this area as well as equestrian facilities that drove tractors, trailers, and equipment on the road. Many people speed on the road resulting in accidents. There were no turn lanes, signal lanes, lights, stop signs, or roundabouts and no shoulders only deep ditches, drop offs, trees, and fences on each side. The road was not engineered for large vehicles. There was no room to pass or back up or maneuver. Some schools were located on Wilsonville Road and the traffic that collected there at certain times of the day increased safety concerns. The surrounding neighbors around the schools could only be accessed by Wilsonville Road. Wilsonville Road could not handle additional traffic from a Bypass without causing major safety issues and delays. It needed to be obvious to drivers taking the Bypass that Wilsonville Road was not the direct access to I-5 and was not an extension of the Bypass. The most important issue was safety for the people in this community and she thought that would be done by the no-through choice for Wilsonville Road.

PC Cathy Stuhr said the same comments could be made for Fernwood, Corral Creek, and Renne Roads. They did not have the data to create the best flow of traffic and do the best thing.

PC Allyn Edwards asked if it was larger vehicles that were mostly creating the traffic safety issues. Ms. Edwards said larger vehicles were an issue when it came to tight corners. It was also the amount of traffic currently on Wilsonville Road which was getting worse. She did not think putting in a lot of stop signs would solve the problem.

PC Philip Smith said when the whole Bypass was completed, some traffic would be coming down Wilsonville Road. The Bypass might never be completed and it looked like those on Wilsonville Road got an ideal situation with Option 8.

John Freeman was a resident on Heater Road which was on the east shoulder of Parrot Mountain. While he did not live in the city limits of Newberg, he was a part of the Newberg community as he shopped in Newberg, dined in Newberg, his property taxes supported the School District, and he hired employees that were Newberg residents. He was an active member of the Yamhill County CERT. There were no traffic studies that would show how much traffic would increase on Wilsonville Road if Option 1 was put in. He thought the State was wrong in saying there would not be a change, but he did not know how much of a change it would be. Common sense told him it would be a significant increase if Option 1 was built. The reason Option 8 was attractive was because the additional traffic would not come down Wilsonville Road and the State would not have to do a study and the Bypass would be finished on time and on budget.

Chair Gary Bliss said if Option 8 was built it might diminish traffic in that area, but other neighborhoods would be impacted. He thought Option 1 could be built within the scheduled time. Mr. Freeman said about two thirds of Wilsonville Road in Yamhill County was marked in yellow indicating 100 to 200% more than the State average for accidents.

Chair Gary Bliss recessed the meeting for a five minute break and then reconvened the meeting.

Berniece Godfrehy, Yamhill County resident who lived on Wilsonville Road, said it came down to safety. She traveled the road every day and discussed accidents she had witnessed on Wilsonville Road. Given the speeding and passing even though there were double lines on the road, it was a safety issue and she was concerned about adding more traffic to the road. She hoped that the Commission would prioritize safety.

PC Allyn Edwards thought everyone was concerned about safety. Traffic would be increased on Wilsonville Road and he asked if she had suggestions to alleviate the issues. Ms. Godfrehy was in favor of Option 8 as it would give the City time to address the safety issues before the final construction of the Bypass was completed.

Nancy Kraushaar, CCD for the City of Wilsonville, was in attendance on behalf of Mayor Knapp and the Wilsonville City Council. Since June of 2013 the City of Wilsonville had been engaged in working with ODOT on a design for the 219/Wilsonville Road intersection associated with Phase 1 of the Bypass. The original traffic modeling for the complete Bypass did not assume it would terminate at Wilsonville Road and with this new connection they were gravely concerned about additional traffic on Wilsonville Road. This was a highly constrained rural road with tight curves, limited site distance, and existing safety issues. There were frequent crashes and problematic truck movements. They were concerned about safety impacts around the schools and adding new trips and congestion to Wilsonville Road. The City of Wilsonville was under the obligations of an adopted Interchange Access Management Plan with ODOT. The City of Wilsonville was in favor of Option 8, however they also understood that it was not a desirable modification for Newberg because of the impacts to local streets. It would be best to build the east end of the Bypass now to its ultimate configuration where Wilsonville Road was separated from the Bypass. This was Option 4. The City of Wilsonville would partner with Newberg to convince ODOT that it made the most sense to build this end of the project with the best engineering solution and not increase traffic on Wilsonville Road. In the meantime they requested approval of the no-through option.

PC Patrick Johnson asked if there was a possibility for an MOU between the two cities. Ms. Kraushaar would bring that message back to the Wilsonville Council.

PC Philip Smith said Option 4 did not stay within ODOT's budget and timeline. Ms. Kraushaar thought it was conceivable that the projects could be run concurrently by proceeding with the current bid documents and working on the funding, design, and right-of-way acquisition for Option 4.

PC Allyn Edwards asked about posting signs and other extreme measures to discourage through traffic for trucks and to discourage speeding. Ms. Kraushaar said the City's Police Department only had jurisdiction in the City limits and the County had jurisdiction of the rural roads. They were most concerned about the potential for increased traffic.

Stan Halle, Yamhill County resident who lived on Wilsonville Road, said he paid Newberg taxes and spent a great deal of time in Newberg. He did extensive volunteer work at the Chehalem Cultural Center and was a Yamhill County CERT member. He had 45 years of experience as public policy advisor, an engineer, and management consultant. He was a proponent of the resolutions. He was also the Chair of the Bypass Impact Committee. ODOT and the consultants continued to say there was no impact on Wilsonville Road and that had been debunked several times in writing by their own people. To keep saying there was no impact was misleading and unprofessional and created a false basis which the City staff used to conclude that the Planning Commission should recommend Option 1. On September 30, he met Paul Mather of ODOT who said ODOT never intended Wilsonville Road to become an outlet for the Bypass. Clackamas County Sheriff data showed speeds on Wilsonville Road in excess of 85 mph five days in a row. The School District stated the through-through intersection was in direct conflict with the Safe Routes to School program. The 99W/Springbrook intersection would fail once Phase 1 of the Bypass was constructed and there was no mitigation. Traffic and trucks had increased on Wilsonville Road. They wanted the Bypass to be completed as soon as possible and wanted to work with the City to help get it accomplished. The Bypass was a high priority project federally and if the Bypass was completed these issues on Wilsonville Road and other side streets would disappear. The bad news was if there was a dispute over the Phase 1 Bypass including appeals and possible litigation which could put federal funding for the Bypass at risk. It was his opinion that if the Commission denied Option 8, it put those funds at risk.

PC Philip Smith thought completion of the Bypass would still bring traffic to Wilsonville Road because an exit would be created on Wynooski to go onto Wilsonville Road and the freeway. Mr. Halle said it would not be commuter traffic.

Chair Gary Bliss said the traffic was not only local, but transient from Portland, Gresham, or the coast. Mr. Halle said when ODOT made the decision to limit the spheres of influence to the boundaries of the City of Newberg that was what led to dumping of traffic onto Springbrook and Wilsonville. He suggested an answer to the problem was a couplet design where Springbrook became two lanes going northbound only, and Elliot became two lanes going southbound only. That would ease the traffic on Springbrook and increase the capacity for the 99W and Springbrook intersection and with the no-through it would reduce the Wilsonville Road issues. ODOT said they would be looking at mitigation and any savings they had in the construction of Phase 1 would be applied to this idea and they were hoping that it would be done in the short term.

Debi Lowe was a Clackamas County resident living on Wilsonville Road. She was there on behalf of Representative John Davis who stated he was committed to funding and completing the Bypass in

a manner that helped rather than harmed mobility and traffic in Newberg and the surrounding region. Any increase in traffic on Wilsonville Road would have a negative impact on the health, safety, and welfare of thousands of Yamhill and Clackamas County residents who lived on or near the road. Such an increase was also in direct contrast to the legislative intent of passing the Jobs and Transportation Act of 2009 which funded the majority of the Bypass. He was committed to providing Newberg and the surrounding region with the resources from the State level to help. The Bypass needed to be fully completed in a way that improved rather than increased traffic mobility and mobility through Newberg. Ms. Lowe had lived on Wilsonville Road for 25 years and she echoed the safety issues and a solution would be changing the speed limit on Wilsonville Road to 35 mph.

David Leckey said Wilsonville Road was 13.5 miles long and 250 yards of it was in the City of Newberg. The other 99% was in other people's jurisdictions. Yet the Commission would be voting on something that the residents had no power to vote on. They would have to live with the Commission's decision and it affected a lot of people.

Cheryl McCaffrey said in the interest of time, she had no comment.

John Phelan, Yamhill County Public Works Director, had been in his position for seven years and noticed the first year he was on the job that this design was flawed. He answered some previous Commission questions. The forested area that was being removed was going to be a vineyard. There was no long term plan for Wilsonville Road to accommodate increased traffic. Chair Bliss had been right on his measurements. The best long term solution was to put shoulder gravel on the road as there was no funding to straighten the curves. The County's figures showed there were 2,500 cars per day on Wilsonville Road and the County's TSP recognized 3,000 to 6,000 in the future which was in anticipation of the Bypass. At the very least traffic would be increased by 500 vehicles per day. The speed control was set by a State agency, not the County, and he thought it would be difficult to get the speed limit reduced. There was no long term plan for Renne Road, and at best it would be paved in the next three to five years. He thought Wilsonville Road was currently at capacity and disagreed with the modeling saying it would not be an attractive road as it was aesthetically pleasing and people driving from the coast and casino would elect to go down Wilsonville rather than 99W.

PC Cathy Stuhr thought it was likely people would also choose to use the side streets to turn around and get onto Wilsonville Road. Mr. Phelan agreed and thought the two options before the Commission left a lot to be desired.

Henry Richmond lived and operated a farm on Wilsonville Road. He said Clackamas County had reduced the speed to 45 mph and put up a sign and might put a stop light on Wilsonville Road. The City of Wilsonville had 25 mph near the school as well as flashing lights and people did slow down during school hours. The farm worked both sides of Wilsonville Road and they crossed the road every day several times. He was in favor of the no-through proposal. The peak hour traffic on Wilsonville Road according to ODOT was 170 vehicles and the traffic on 99W west of Dundee was 1,270 and the State anticipated 49% of that traffic would go on the Bypass. The modeling was not done for Wilsonville Road and they did not know how many of those cars would end up on McKay or Springbrook, but if a third or half of them went down Wilsonville Road, that was two to three times more than it was today. That was not acceptable and he was not happy with how ODOT had acted throughout this process. The people who lived on Wilsonville Road had a solid basis for concern. They did not see Wilsonville Road as an extension of the Bypass.

Merle Smith was a Clackamas County resident who lived on S Ranch Road. He got his mail from the Newberg post office and paid taxes to the Newberg school system. He went to Newberg frequently and it was his community. He wanted the Bypass and the better access it would bring. This was not a battle between neighborhoods. They wanted to solve a local problem, but it had a regional impact. They were the victims of under-funding and a partial solution. The congestion was not being relieved, but was being removed from 99W to surface streets that everyone used and was being done without sufficient study or notification to the people who would be impacted. The 99W traffic was never intended to go down Wilsonville Road. Option 1 would be an invitation for that to happen. Option 8 went back to what was intended for the partial completed Bypass, to encourage the traffic to go back up to 99W. He explained how the no-through option would work and that it would allow left and right hand turns, just not straight through traffic.

PC Allyn Edwards asked what would happen to the residents if Wilsonville Road was shut down. Mr. Smith thought it would create chaos and he discussed how other alternatives would be worse if Wilsonville Road was shut down.

Lindsey Berschauer lived on Wilsonville Road. She supported the no-through option. No project was too far along to pull it back and make it right. The kids living on Wilsonville Road attended Newberg schools and their parents were shopping and working in Newberg. She explained the traffic problems she had taking her son to school on Wilsonville Road and the gridlock she encountered. She thought the cities of Newberg and Wilsonville should collaborate to find a better solution. There was a lot of truck traffic in the neighborhoods and there were fatal flaws in most of the intersections on Wilsonville Road. On top of the speeding issues, people were passing around some of the turns where there was almost zero visibility. She wanted to make sure it was done right the first time.

Steven Schuback lived on Wilsonville Road. There was mutual interest in safety and solving the traffic problems. He thought Option 8 met the interests for the majority of the people in attendance. Option 1 did not solve the problems for those living on Wilsonville Road. Regardless of the options, the whole area between the Bypass, Fred Meyer, the hospital, and Renne Road would be saturated with traffic. Inside the City limits they could change speed limits and traffic patterns, but on Wilsonville Road they had no control over the street and did not have the tools or alternatives the City had. He strongly recommended going with Option 8.

C. Opponents and Undecided

Hillary Crew, Newberg resident, said her neighborhood bordered Springbrook and Brutscher. There were 288 homes in her neighborhood and most of them were homes with children. There were no crosswalks or lights, nothing in place that would protect the safety of the children and the ability to get in and out of the neighborhood. Anticipating 800 cars on Springbrook was a significant impact on the area.

Mike Hallock had no additional comments to make.

Terry Palmer, Newberg resident, lived near Fernwood. He thought cars would find a way around to Wilsonville Road, especially City of Wilsonville residents who were going home. The majority of traffic increase on Wilsonville Road would be Wilsonville residents, not people from out of town. Corral Creek and Renne were not designed for the increased traffic. Response time for emergency vehicles would be affected. Fernwood and Brutscher were homes to elderly residents who used mobility scooters to travel back and forth on the road. The roads were also zoned for golf carts.

There was no data to support the traffic flows. Everyone assumed it would be worse, but no one has the numbers. If Option 8 was passed, he would like to see no-through traffic allowed on Fernwood, Renne, and Corral Creek except for residents of those roads and that it would be enforced by the Police Department. He thought the primary responsibility was to Newberg residents and their safety.

Jack Reardon had no comments.

Sally Rice had left the meeting.

Bill Rourke, Newberg resident, did not think the east end of the Bypass would be done in the near future. Traffic would increase as a result of the Bypass and there were safety concerns. The safety concerns people had about Wilsonville Road were the same for the Newberg neighborhoods if the traffic was re-routed. The choice was where the safety issue needed to be addressed most. He suggested three options for people to take in order to more evenly distribute the traffic and using signage to direct the traffic better. The threat of a lawsuit should not be the deciding factor.

Gerald Towers lived on Wilsonville Road. He asked how many lanes would be on the Bypass. Chair Gary Bliss answered two, one lane going each way. Mr. Towers thought there should be two lanes going each way. Chair Gary Bliss said eventually there would be two lanes, but he did not think it would happen in his lifetime

Jack Reardon, Newberg resident, spoke in favor of Options 2, 4, and 5, particularly Option 5. He heard nothing from ODOT explaining how it made sense to connect Wilsonville Road to a Bypass facility when there were no plans to improve the rural road.

D. Written Correspondence

CDD Doug Rux handed out additional correspondence that came in, an email from Representative Davis and material received from ODOT. The Planning Commission took five minutes to read the information.

E. Applicant rebuttal

Mr. Potter answered questions that had been directed at ODOT. There were no schedule or cost impacts by going with Option 8. He discussed the other two traffic models that could be used, the Metro model and statewide model. The Metro model treated 99W as an external station. The cost of Option 4 would be seven million dollars and would take three years to acquire right-of-way, design and construct. ODOT was willing to help mitigate any marginal impacts that the no-through design would have on the Newberg community. These impacts would be identified after construction because they did not know what those impacts would be yet.

PC Philip Smith thought they were already anticipating where those impacts would occur. The judgments needed to be made together with the County, ODOT, and the City of Newberg. He wanted the assurance that ODOT would help with planning and mitigation for Newberg streets. Included on the list was dealing with cut through traffic in the mobile home park, the problem of County roads that could not take more traffic, specifically Fernwood, Renne, Corral Creek, and Wilsonville Road, lights and crosswalks in the Brutscher/Springbrook area, and signage to Mckay. Chair Gary Bliss asked if there was money for the mitigation issues. Mr. Potter said ODOT would find the money to meet the commitment.

Chair Gary Bliss asked about the travel times at the Springbrook and Fernwood and 99W intersection during peak times.

Wade Scarbrough, Kittelson and Associates, said Kittelson did the traffic analysis for the modeling. The Springbrook and Fernwood intersections with the Phase 1 of the Bypass was projected to be at 81% capacity. People should be able to get through at the first cycle.

Final Comments from staff and recommendation:

PC Johnson asked what it would mean to the timeline of the Bypass if the hearing was continued.

CDD Doug Rux said ODOT had been made aware that the hearing might be continued until January.

MOTION: Commissioner Philip Smith moved to close the public testimony portion of the hearing and continue Commission deliberations at the next meeting on January 14, 2016. Seconded by Commissioner Cathy Stuhr and passed 7-0.

Close of Public Testimony: Chair Gary Bliss closed the public testimony portion of the hearing at 11:23 pm.

ITEMS FROM STAFF:

CDD Doug Rux reported on recent City Council actions and upcoming items that would be brought to the Planning Commission in January and February. The Planning Commission would be getting City email addresses to be used for City communications and he explained how to set them up. He gave an update on the Urban Growth Boundary process.

ITEMS FROM COMMISSIONERS:

PC Allyn Edwards thought there should be discussion regarding extending Gary Bliss as Chair in January as they were in the middle of some issues. Chair Gary Bliss said the Chair typically changed after the January meeting.

CDD Doug Rux said election of the Chair and Vice Chair would be on the January meeting agenda. The new Chair could pass the gavel back to Mr. Bliss to complete the hearing in January and when the hearing was done the new Chair could take over.

PC Cathy Stuhr commented about the seniority based process the Commission used for electing Chair and Vice Chair and changing it to make sure if one was a newer member that the other was an older member who had more experience.

PC Patrick Johnson said the reason he left the Budget Committee was because they wanted to make him Chair. He had no interest in a leadership position until he understood the processes better.

Chair Gary Bliss adjourned the meeting at 11:35 p.m.

Approved by the Newberg Planning Commission this 14 day of January, 2016.

Bobbie Morgan, Planning Secretary

Gary Bliss, Planning Commission Chair

Exhibit “1”
To Planning Commission Rules

OUTLINE FOR LEGISLATIVE PUBLIC HEARING
Newberg Planning Commission

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



Community Development Department
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MEMORANDUM

TO: Newberg Planning Commission
FROM: Jessica Pelz, Associate Planner
SUBJECT: Continued hearing from the December 10, 2015 meeting – File No. CPTA-15-002
DATE: January 14, 2016

At the December 10, 2015 Planning Commission hearing, the Planning Commission voted to continue the hearing on Resolution No. 2015-310 and Resolution No. 2015-311 until the January 14, 2016 meeting. The Planning Commission closed public testimony on these items; therefore, no new public testimony (either orally or in writing) will be accepted on the item at the January 14, 2016 meeting, unless the Planning Commission votes to reopen testimony.

Note: If Planning Commission votes to reopen the public testimony to receive new items, they will not be able to begin deliberation on this item. The written record must remain open for an additional seven days to allow anyone the opportunity to respond to the new information. The applicant would then either request an additional seven days for themselves to respond, or they may waive this right. Deliberation on this item would then be continued to either a special meeting in January (potentially January 28) or to the next regular Planning Commission hearing date on February 11, 2016. If Planning Commission chooses to not vote to reopen public testimony, the hearing on this item will begin at the point of Planning Commission deliberation on January 14, 2016.

Below is a brief summary of the proposals. **Please refer to your December 10, 2015 meeting packet for the full staff report for these items, and please remember to bring the complete packet to the January 14, 2016 meeting.**

Summary of Proposals:

The Oregon Department of Transportation (ODOT) submitted an application to the City of Newberg for two proposed Transportation System Plan (TSP) amendments:

1. Changes to the road and lane configuration of southbound Oregon 219 from north of the Springbrook Road/Industrial Parkway intersection through the Phase 1 Bypass/Wilsonville Road intersection. This change is necessary due to further refinement of the construction plans for the Phase 1 Bypass and to address traffic safety concerns. The changes include removing one of the proposed southbound through lanes on Oregon 219 and one of the proposed southbound right turn lanes onto the Phase 1 Bypass. (Resolution No. 2015-310)
2. Changing the Oregon 219/Phase 1 Bypass/Wilsonville Road intersection to a “No Thru Traffic” design. This change is proposed to address traffic safety concerns expressed by the Ladd Hill Neighborhood Association and their coalition. The “No Thru Traffic” design would remove traffic movements from Wilsonville Road onto the Phase 1 Bypass and from the Phase 1 Bypass onto Wilsonville Road. Westbound traffic on Wilsonville Road could only turn right or left onto Oregon 219, and eastbound traffic on the Phase 1 Bypass could only turn right or left onto Oregon 219. (Resolution No. 2015-311)

Staff Recommendation (from the 12/10/15 staff report):

Staff recommends that Planning Commission does the following:

1. Consider the staff report, public testimony, and the findings.
2. Deliberate.
3. Make a motion to adopt Resolution No. 2015-310, which recommends that City Council adopt proposed Amendment 1 to make changes to the road and lane configuration of southbound Oregon 219 from north of the Springbrook Road/Industrial Parkway intersection through the Phase 1 Bypass/Wilsonville Road intersection.
4. Make a motion to adopt Resolution No. 2015-311, which recommends that City Council deny proposed Amendment 2 to change the Oregon 219/Phase 1 Bypass/Wilsonville Road intersection to a “No Thru Traffic” design.

Attachments:

1. Written testimony submitted at the 12/10/15 Planning Commission hearing



December 10, 2015

Members of the Planning Commission:

Since June 2013, the City of Wilsonville has been engaged and working with ODOT on the design details of the proposed OR219/Wilsonville Road intersection that is associated with Phase 1 of the Newberg-Dundee Bypass.

We were not involved before then – this is when we learned that the phasing of the bypass resulted in Wilsonville Road being rerouted to intersect OR219 immediately across from the bypass. This connection to Wilsonville Road immediately caused us to be very concerned.

I understand that the original traffic modeling for the complete bypass did not assume that it would terminate directly across from Wilsonville Road. With this connection, we are gravely concerned about additional traffic on Wilsonville Road that will use this route to get to I-5.

As you know, Wilsonville Road east of Newberg is a highly constrained rural road with tight curves, limited site distance, and existing safety issues. This very narrow and winding road sees frequent crashes and problematic truck movements (even though through-trucks are prohibited). In Wilsonville, primary and middle school zones are located near where this rural road enters the west side of the city. We are concerned about safety impacts around the schools.

In addition, we are carefully managing operations and capacity of the entire Wilsonville Road corridor within the city to mitigate congestion, particularly around the I-5 interchange. We have worked diligently with ODOT (and shared the costs – a \$12 million investment for Wilsonville alone) to improve the interchange and do everything possible to preserve capacity on I-5 and at the interchange. We are under the obligations of an adopted Interchange Access Management Plan with ODOT.

As I have stated, the City of Wilsonville is greatly concerned about increased traffic on Wilsonville Road resulting from relocating it to intersect with OR Hwy 219 in Newberg directly across from the bypass.

We were pleased to know that ODOT had developed a "No Through" intersection alternative using channelization and islands that would not allow a direct crossing between the bypass and Wilsonville Road. We felt confident that this design would greatly reduce the potential for increased traffic on Wilsonville Road coming to and from the bypass.

We also understand that this is not a desirable modification for your City because of modeled impacts to your local streets.

It is clear to me that it would be best to build the east end of the bypass now to its ultimate configuration where Wilsonville Road is separated from the bypass. I propose that we partner with the City of Newberg to convince ODOT that it makes the most sense to build this end of the project with the best engineering solution. *FEIS*

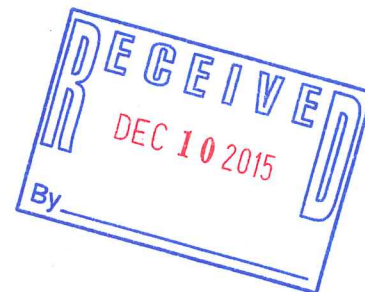
That being said, in the meantime, we ask that the Newberg Planning Commission to approve the Transportation System Plan amendment that includes the "No-Through" alternative for the intersection of the new bypass, OR219, and Wilsonville Road.

Very truly yours,



Mayor Tim Knapp
City of Wilsonville

**Linda S. Edwards
16920 SW Wilsonville Rd
Wilsonville, OR 97070**



December 10, 2015

City of Newberg
Planning Commission

Dear Commission Members,

I am Linda Edwards, a resident for 17 years on Wilsonville Road; I live close to the Yamhill – Clackamas Country line and support Newberg School District through my property taxes. I am part of the Coalition for Wilsonville Road Safety and in favor of the Newberg-Dundee Bypass project. What I oppose is traffic from the bypass being directed to/from Wilsonville Rd. I am supporting the “No Thru Traffic” plan.

Wilsonville Rd is not designed or maintained to support the through traffic from the Newberg-Dundee Bypass. Those of us that live on Wilsonville Road know its' curves and hazards which create a challenge to drive, even on a good day. It is a windy 2-lane country road which Clackamas County has designated as part of their “Scenic Road” program. It is our road to our home.

We have farmers who work their fields, orchards and vineyards as well as equestrian facilities that drive tractors and equipment as part of their daily chores on Wilsonville Rd. Average speed at times may come down to 15 miles an hour. We have double yellow lanes that are often abused by speeders who pass cars going way too fast, resulting in accidents and worse. We have no turn lanes, no signal lights, no stop signs and no roundabouts until you approach city limits. There are no shoulders but only deep ditches and drop offs or trees and fences on each side. Corners are not engineered for large vehicles. A few curves are so tight that if a truck is coming into the turn they will cross over into the oncoming traffic lane pushing vehicles towards that ditch. I've even watched a truck and a motor home trying to pass requiring a line of cars to back up to allow the other through as they both could not make the curve at the same time.

There are a lot of tall fir trees that line Wilsonville Rd and wind storms happen often cluttering the road with debris and occasionally entire trees fall creating a shut down of the road until it is removed.

Fire, police and ambulance have a very difficult time when their services are needed on Wilsonville Rd or on one of the many roads and streets that feed into it. There is no room to pass, no room to back into, no room to maneuver; there is no place to go.

In Wilsonville, Boones Ferry Elementary and Wood Middle Schools are on Wilsonville Rd and the traffic that collects there at certain times of the day increases our safety concerns. The surrounding neighborhoods of the schools such as Riverview, Morey's Landing and Hazelwood only can be accessed via Wilsonville Road. There is no other way in or out of their neighborhood. It is becoming increasingly difficult today for those families to merge onto Wilsonville Rd due to high traffic volume. Can you imagine if traffic from the bypass came down this same route?

Just last night my husband and I were traveling to dinner leaving our home at 5pm, heading eastbound on Wilsonville Rd. At Riverview Lane, the traffic had stopped and it took us one hour to get approx 1 ½ miles to Brown Road, our first option to be able to go a back way to get to our destination. Normally our entire commute from home to Wilsonville is 12 minutes. There were no accidents or stalled cars; it was purely a traffic back up at rush hour as vehicles headed to I-5.

It is obvious that Wilsonville Road cannot handle additional traffic from a Bypass without causing major safety issue and delays. And, it needs to be obvious to drivers taking the bypass that Wilsonville Road is not the direct access to/from I-5 and it is not an extension of the Bypass.

I would like to ask each member of the Newberg Planning Commission to put all your personal reasons and agendas aside and ask a questions when you make your vote. Will your decision create the best flow of traffic for the safety to all citizens and is it the best choice to reduce congestion, accidents and ultimately save lives. Many of these reasons were for developing the bypass in the first place. Let's apply them to this.

At the end of the day, to see what is most important when you are building roads and designing plans for the community, you must look at the big picture. It is not just Yamhill or Clackamas Country, it's not just the city of Newberg or Wilsonville; at the end of the day it is road safety for the people in our community that live, that work, that farm and for the children that attend our schools on Wilsonville Rd. This needs to be the number one important goal of this decision. Put aside everything else and let's built this correctly the first time. Let's save lives and frustration that the increase in traffic would cause on our country road. Please put the safety of our citizens first and expedite this project by proceeding with design plans that have been engineered to accomplish the "No Thru" choice.

Sincere Regards,



Linda Edwards

Newberg City Planning Commission
Public Hearing Testimony 10 Dec 2015: Resolution 2015-311
ODOT's Proposed TSP Amendment



My name is Stan Halle. I live in Yamhill County on Wilsonville Rd. I've paid Newberg School taxes for over 14 years. My wife & I spend a great deal of time in Newberg – shopping, eating, and doing extensive volunteer work at the Chehalem Cultural Center. We & many others in our community have been active in the Yamhill County Community Emergency Response Team (CERT) for years. We care a great deal about this City. I also have over 45 years experience as a public policy advisor, engineer, and management consultant.

I am here as a proponent of Resolution 2015-311. I am a past Co-President of the Ladd Hill Neighborhood Association and am currently Chair of the Bypass Impact Committee. We have submitted over 230 pages of information (data, analysis, letters, eMail, maps, and photographs) into the Record.

I want to focus on some key points regarding ODOT's proposed TSP Amendment. Please consider each of the following points carefully BEFORE voting:

1. None of us would be here tonight, if ODOT hadn't provided too much detail in the prior TSP Amendment that the Newberg City Council passed 2 Dec 2013. This has given Newberg unprecedented veto power over a State Agency's intersection design.
2. In a 1 Dec 2015 letter from ODOT to the City of Wilsonville, Director Garret said that *"the current design of the Newberg-Dundee Bypass will have no impact on Wilsonville Rd. or on I-5 at the Wilsonville Rd. interchange."* [Exit 283].
 - a. These statements have been debunked several times, and will again be debunked this evening by independent traffic & transportation engineering experts. Neither ODOT nor its consultants ran a model or analyzed the impact with Wilsonville Rd. directly across from the Bypass. Their own staff said it was outside the model boundaries and couldn't be properly modeled. Modeling stopped at the City limits. To keep stating there is 'no impact', is both misleading and unprofessional. It is this false basis that Newberg City Staff used to conclude that the City Planning Commission should recommend that the City Council should defeat ODOT's 'no-through design'.
 - b. On 30 Sept 2015, Paul Mather, ODOT's Highway Division Administrator said to House Transportation & Economic Development (HTED) Committee Chair, Rep. Caddy McKeown & Vice-Chair, Rep. John Davis, myself and other LHNA reps: *"ODOT never intended Wilsonville Rd. to become an outlet for the Bypass"*.
3. In yesterday's Newberg Graphic Newberg Staff was quoted saying that:
 - a. *"the no-through design may also cause an increase in travel time, energy use and potential driver frustration, which can lead to unsafe driving conditions such as speeding through neighborhoods to make up time."* I ask you to compare that conjecture to Clackamas County Sheriff actual data along Wilsonville Rd. showing speeds in excess of 60mph & as high as 85mph, five days in a row.
 - b. Staff also made reference to: *"...the overall good health of the Wilsonville Road corridor ..."*. Does a major accident almost every week constitute 'good health'? Does having 1,450 students at a Primary and Middle School directly on Wilsonville Rd. with 100's more vehicles, constitute 'good health'? In fact, the

'thru-thru' intersection design is in direct conflict with the School Districts' *Safe Routes to School Program* based on State-mandated standards.

4. We are not the enemy here – it is a poor Phase 1 design that channels 99W traffic onto Springbrook Rd. ODOT readily admitted in their Final EIS (signed by FHWA June 2012) that *“the 99w/Springbrook intersection will fail on Day ONE when the Bypass opens in 2017”*. Until the Bypass is completed, SE Newberg will bear the brunt of the traffic.
 - a. Extensive analysis has been submitted to City Staff and ODOT showing that, in fact, the 'no-thru' design has minimal impact on local streets (less than 2-4% increase over the projected Bypass traffic, which translates to one vehicle every two minutes at peak hour).
 - b. Conversely, the current 'thru-thru' option has the potential to flood Wilsonville Rd., the City of Wilsonville and the I-5 Exit 283 interchange with significant increases in traffic from commuters and those going between I-5, I-205 and McMinnville or points beyond.
 - c. And why did ODOT recently put up signs at Exit 283 in both directions pointing traffic down Wilsonville Rd. to Newberg? And without informing the City!
5. Finally, we all want the Bypass to be completed – from Dayton to Rex Hill:
 - a. Good News – the FAST Act, signed by the President 4 Dec, could provide Oregon with \$100's of millions over the next five years. Pg 292 specifically lists the Bypass as a high priority project. If the Bypass is completed, the issues surrounding SE Newberg and Wilsonville Rd. corridor would all but disappear.
 - b. Bad News –An ongoing dispute over the Phase 1 Bypass including appeals & possible litigation, would put at Oregon funding at great risk. The real struggle to make sure these funds get to Oregon has only just begun.

Bottom Line – It is essential that the controversy over the Bypass/Hwy219/Wilsonville Road be put to bed as soon as possible avoiding appeals or litigation at all costs. That would be a funding killer. The Bypass is ODOT's flagship project. The **risk to Newberg and the whole region** is that you take action today that allows the funding to complete the Bypass to slip through your fingers.

PLEASE vote to recommend that City Council pass both parts of ODOT proposed TSP Amendment.

MACKENZIE.

DESIGN DRIVEN | CLIENT FOCUSED



December 10, 2015

City of Newberg Planning Commission
Attention: Chair Bliss and Commissioners
PO Box 970
414 E First Street
Newberg, OR 97132

Re: **Transportation System Plan Amendment (CPTA-15-002)**
Summary of Testimony
Project Number 2130551.03

Dear Chair Bliss and Commissioners:

This letter has been prepared to summarize my planned testimony in support of the Transportation System Plan Amendment requested by the Oregon Department of Transportation (ODOT) at the hearing on December 10, 2015.

Contrary to what ODOT, their transportation consultant Kittelson, and City staff have stated, to-date there is no transportation model that could predict the volume of traffic that would use Wilsonville Road with the proposed connection directly opposite the Phase 1 bypass. This statement of fact was confirmed to us several times by both ODOT's modeling staff and Kittleson.

A transportation model was prepared for the full bypass project. It assumed no change in volumes on roads in and out of the Newberg/Dundee area, which was fine for the full bypass because of the convenient connections for traffic traveling through the area. These are called "external stations." In layman's terms, these are fixed numbers, reflecting travel demand outside the model's "sphere of influence."

When funding was provided for phase 1, ODOT reran the model with just the phase 1 section of the bypass, although not with the alignment of Wilsonville Road opposite the Bypass. Volumes for the current configuration were adjusted manually. Because the volumes on Wilsonville Road outside the boundary of the existing model are fixed, there is no way for the volumes to change regardless of how many times it is run using various road configurations inside Newberg. For example, the model cannot reroute a trip currently traveling eastbound on Highway 99W to Wilsonville Road instead - the only outcome is for the model to reroute that trip on the bypass, then up Springbrook and back to Highway 99W.

We learned of this on May 1, 2014, when attempting to have a proper model analysis prepared by ODOT's TPAU unit to reflect the phase 1 alignment of Wilsonville Road opposite the bypass.

Even though we pointed out the fact that the model is incapable of showing any impact on Wilsonville Road, ODOT and their consultants have continued a misleading narrative of "the model shows no impact on Wilsonville Road." The letter from Director Garrett dated December 1, 2015, is another example of this.

In addition, ODOT, City staff, and their consultant have confused the issues by talking about travel patterns and origin-destination studies for current Wilsonville Road users. This still does not address the concerns that drivers traveling on the bypass will find Wilsonville Road a convenient route to and from Wilsonville, I-5, and points north and east.

During the last year of negotiations with ODOT staff and the coalition led by LHNA, there has been disagreement on the potential traffic volume that would be added to Wilsonville Road with the phase 1 alignment. However, ODOT and the



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City of Newberg Planning Commission
Transportation System Plan Amendment (CPTA-15-002)
Project Number 2130551.03
December 10, 2015
Page 2

coalition agreed to pursue options for reducing the likelihood of added trips. The outcome of these discussions was the no-through option – initially suggested by ODOT staff, refined by Mackenzie, and vetted by ODOT engineers for alignment and operation.

Analyses of the options available, including the recommended no-through alignment, were prepared by Mackenzie (May 22, 2015) and ODOT's consultant Kittelson (November 24, 2015). Results of both analyses were consistent. Both analyses assumed the existing 50 trips traveling between Wilsonville Road and the bypass (25 each direction) would choose other routes. We believe most of these trips would continue using Highway 99W through Newberg/Dundee as they currently do, but they also have the option to use the various other routes identified in the analyses.

We would note the 2016 Analysis in the FEIS predicts the Phase 1 bypass will result in a reduction of 865 vehicles in the PM peak hour on Highway 99W through downtown Newberg (410 WB/455 EB). Adding the 50 trips from Wilsonville Road back onto Highway 99W still provides a significant reduction of 815 trips.

The staff report makes reference to 50 trips added on Wilsonville Road with the Phase 1 bypass. This is not correct. Again, we find ourselves reiterating the fact that the modeling cannot predict an increase on Wilsonville Road. The 50 trips represent 12% of those already on Wilsonville Road that are assumed to be traveling to and from locations beyond Dundee, and use the bypass.

ODOT responses to Mike Bezner (Clackamas County Transportation Engineering) include a September 5 email in which Julia Khun from Kittelson (ODOT's consultant) states "If we only use the model for the Newberg-Dundee area, we may not be able to ascertain whether traffic volumes on the Bypass may or may not change the traffic volumes on Hwy 99W, Wilsonville Road, or other roadways entering/exiting the Newberg Dundee area." She then states a 2035 Statewide Transportation model run was used, and it found "the Bypass would not measurably change the traffic volumes... on Wilsonville Road." Based on this, she makes a statement that the traffic volumes on Wilsonville Road will not change. It is worth noting the statewide model is not of sufficient detail to provide dependable information for such a localized change as the alignment of Wilsonville Road opposite the bypass (compared to a connection at Springbrook for example).

The bottom line is neither the LHNA, ODOT, nor the City know how many vehicles will be added to Wilsonville Road with the phase 1 bypass project. We all believe there is potential, which is the reason ODOT and LHNA worked together to find a solution to further discourage this through traffic. Given the small percentage of current Wilsonville Road traffic traveling beyond Dundee (50 trips), the small impact on local streets in Newberg (we expect most of the 50 trips to continue using Highway 219 and Highway 99W through town), and safety concerns along Wilsonville Road, it makes sense to allow ODOT to construct the no-through intersection configuration.

I'm happy to answer any questions the Planning Commission may have, or to provide additional background into our analysis and the history of the negotiations with ODOT on the no through design.

Sincerely,



Brent Ahrend, PE
Senior Associate | Traffic Engineer

c: Stan Halle – Ladd Hill Neighborhood Association

M.



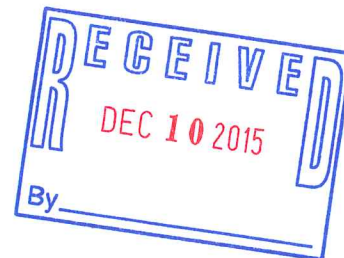
Oregon

Kate Brown, Governor

Department of Transportation

Office of the Director
355 Capitol St NE
Salem, OR 97301

December 1, 2015



Nancy Kraushaar, PE
Community Development Director
City of Wilsonville
29799 SW Town Center Loop E
Wilsonville, OR 97070

Dear Ms. Kraushaar;

I am responding to your e-mail of November 7, 2015. In that e-mail you stated that the City of Wilsonville "... is interested in requesting a 'compatibility determination' (OAR 660-03-0070)." It appears that the City's request arises out of the City's belief that the current design option for the Phase 1 of the Newberg – Dundee bypass could attract more vehicles onto Wilsonville Road and eventually to the I-5 @ Wilsonville Road interchange. In response to your e-mail, I consulted with my staff and legal counsel (1) to confirm ODOT's prior conclusion that the current design option for the Phase 1 of the Newberg – Dundee bypass will not attract more vehicles onto Wilsonville Road and to the I-5 @ Wilsonville Road interchange, and (2) to determine whether, under these circumstances, ODOT must undertake a compatibility determination that the current design is compatible with the City's acknowledged comprehensive plan and land use regulations. For the reasons set forth below, we have determined that ODOT need not conduct the requested compatibility determination and that the current design of the Newberg – Dundee bypass will have no impact on Wilsonville Road or on the I-5 @ Wilsonville Road interchange.

ODOT adopted a State Agency Coordination Program in 1990 that was certified by the Land Conservation and Development Commission. Contemporaneously, ODOT adopted rules to implement the State Agency Coordination Program and the requirements of Goal 2, ORS 197.180(1)(b), and OAR 660-030-0070. These rules, found at OAR 731-015-0005 through OAR 731-015-0135, specify how ODOT ensures that its plans and actions are compatible with acknowledged comprehensive plans and land use regulations. For projects like the Newberg – Dundee bypass, OAR 731-015-0075 requires ODOT to make a determination that its actions are compatible with acknowledged comprehensive plans and land use regulations of "affected cities and counties." OAR 731-015-0015(2) defines an "Affected City or County" as "a city or county that has comprehensive planning authority over a site or area which is directly impacted by a proposed Commission or Department action." As noted above and

December 1, 2015
Page 2

discussed in more detail below, the current design option for the Phase 1 of the Newberg – Dundee bypass will have no impact on any “site or area” over which the City has comprehensive planning authority. As a result, ODOT is not required to conduct a compatibility determination for the current design option for Phase 1 as to the City of Wilsonville. I have also been informed that in the ten-plus

year process in which ODOT studied the Bypass project, and in particular the Phase 1 design, the City of Wilsonville never asserted any impact, much less a direct impact, of the Bypass on a site or area over which the City had comprehensive planning authority. . Given this rigor, I believe ODOT has engaged in all the land use coordination that was required by law at the time and no additional coordination is required at this point in the implementation of the project.

As we talked about last month, I do understand that the City of Wilsonville still has concerns about potential traffic changes to Wilsonville Road. While I am confident that the processes and procedures utilized by ODOT and the consultant traffic analysts who completed the transportation modeling and analysis for the bypass project are appropriate and scientifically sound and reasonable, I have asked my staff to check into those assumptions to ensure nothing was missed by accident. The following are the key points from ODOT staff assessment of the traffic modeling and assumptions:

- “It has been asserted that we did not “model” Wilsonville Road as part of the analysis process for the Bypass. This assertion is not accurate as our Transportation Planning Analysis Unit (TPAU) and consultant traffic team developed a full function transportation model in order to support the Bypass project. Because Wilsonville Road is at the edge of the area modeled, the forecasted use beyond the modeled area is addressed through the use of what is termed an “external station.” External stations are essentially points at the edge of a model study area on statewide or regional roadways that extend beyond the model study area which describe the amount of travel that is expected to enter or exit the study area at that point. Assumptions about the travel characteristics at an external station are based on many factors including:
 - Existing traffic volumes
 - Mix of travel modes
 - Background traffic growth rates
 - Land use and growth expectations inside the study area
 - Land use and growth expectations outside of the study area
 - The characteristics (attractiveness) of the roadway underlying the external stations based on:
 - Functional classification of the facility
 - Numbers of lanes

December 1, 2015
Page 3

- Speed limits
 - Roadway physical characteristics (shoulders, lane widths, visibility, etc.)
 - Congestion
- In order to avoid underestimating travel demand on Wilsonville Road, the future traffic growth rates used are more aggressive than the historic rates within the study area (this is consistent with the Wilsonville TSP and IAMP where a 5% rate of growth was used along Wilsonville Road – the historic rate for Yamhill County is approximately 2-3%). This means that the likely assumed level of travel on Wilsonville Road at the edge of the study area is greater than what we would traditionally expect from normal general traffic increases associated with increases in population, employment, and economic development within the broader region.
- To understand travel patterns in the area, ODOT staff used data from the Oregon Household Activity Survey to determine the average daily travel patterns on Wilsonville Road between Yamhill County and the Metro Area. That data indicated that only a small portion of those in Yamhill County were accessing areas east of Newberg via Wilsonville Road and vice-versa.
This essentially means that based upon travelers existing patterns, only travelers destined to or from Wilsonville would likely use Wilsonville Road to travel to/from the Newberg area or other points west. Very few travelers currently use Wilsonville Road to access areas north, south, or east of the City of Wilsonville.
- Travel time also plays a key role in peoples route choices. ODOT used Google maps to evaluate various routing choices from the Newberg/Oregon 219/Phase 1 Bypass intersection to various locations. Travel time to the Wilsonville Road interchange with I-5 via Wilsonville Road is only about four minutes less than time for a trip via Oregon 99W to that same point – however, the same resource also shows that a trip between the same location in Newberg and I-205 at the south end of the metro area is several minutes faster via Oregon 99W compared to Wilsonville Road. This essentially demonstrates that the quickest travel time for travelers from OR 219 intersection with Wilsonville Road to points north or east of the City of Wilsonville, throughout the vast majority of the Metro area, is to use OR 99W.
- Because of its terminus on Oregon 219, most of the trips destined for I-5 southbound will use McKay Road, just as they do today or as they would if the Bypass was not constructed, because it is the quickest and safest route available.

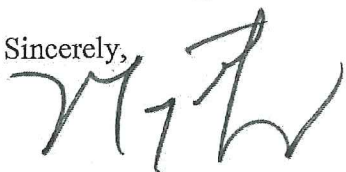
December 1, 2015
Page 4

Additionally, the McKay Road routing allows travelers destined for I-5 Southbound to avoid the significant congestion on I-5 at the Boone Bridge.”

As these points demonstrate, there was much thought and consideration about the assumptions for travel demand on Wilsonville Road during the Newberg – Dundee Bypass project planning and design. The assumptions above are reasonable and have been supported by the consultant traffic team experts, and have been the basis for every key project approval decision including the Location Environmental Impact Statement (EIS), ODOT OR99W Facility Plan, Final Design EIS (which included the Phase 1 Bypass), and numerous local land use actions.

Should you have any further questions or concerns related to this request, please feel free to engage Tim Potter, the ODOT Area 3 Manager at 503-986-2764 or James.T.Potter@odot.state.or.us.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Garrett', with a stylized flourish at the end.

Matthew L. Garrett
Director ODOT

Cc: Karmen Fore
Paul Mather
Sonny Chickering
Tim Potter
Jerri Bohard
Erik Havig
Bonnie Heitsch
Mark Schumock

From: James Lincoln lincolnjames@mac.com
Subject: Rev. James Lincoln: In support of the "No Thru Traffic" design
Date: December 10, 2015 at 5:25 PM
To: Cheryl McCaffrey cherylmccaffrey1@gmail.com
Cc: James Lincoln lincolnjames@mac.com



Dear Cheryl,

Due to a family health crisis, I will be unable to attend tonight's Newberg City Planning Commission Public Hearing. Would you be able to submit and read this on my behalf?

Rev. James Lincoln
Hope Fellowship Church ~ Ladd Hill Rd.

Re: In support of the "No Thru Traffic" design

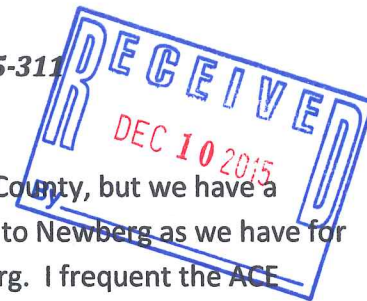
Dear Newberg City Planning Commission:

I have been a minister at Hope Fellowship Church on Ladd Hill Rd. for over 15 years. Several of our members courageously brave the trip up and back on Wilsonville Rd. each Sunday to worship with us. I have witnessed several near misses at the corner of Wilsonville Rd. and Ladd Hill Rd. as drivers coming off Ladd Hill Rd. have attempted to enter onto Wilsonville Rd. Both to the east and west the driver's visibility is impaired to oncoming traffic. Narrow shoulders, a hilly winding road and speeding traffic can make entering onto Wilsonville Rd. a harrowing experience for the most alert and skilled driver. Directing *even more* traffic onto Wilsonville Rd. by making it a *de facto* extension of the Bypass will only increase risk and danger on a road already vulnerable to both. Because of this serious public safety threat, I would urge the Planning Commission to approve the "No Thru Traffic" design resolution 2015-311.

Anxious,

Rev. James Lincoln
Hope Fellowship Church ~Ladd Hill Rd.

Newberg City Planning Commission
Public Hearing Testimony 10 Dec 2015: Resolution 2015-311
ODOT's Proposed TSP Amendment



I'm Merle Smith. I live on South Ranch Rd just off Kramien. This is in Clackamas County, but we have a Newberg address, and our mail is delivered from Newberg. We pay school taxes to Newberg as we have for 37 years. Every week, we buy gas and groceries in Newberg. We bank in Newberg. I frequent the ACE hardware store in preference to Home Depot when possible. We buy tires batteries, and shocks from Les Schwab in Newberg, The NAPA store supplies my parts. I do most of my own service on the cars; the Newberg dealership does the hard stuff. This is my community.

I want this bypass...to reduce daily congestion in Newberg, for easier access to the coast, to Dundee and McMinnville, and to points south in the valley. After decades of talk about the traffic, relief is within our grasp.

This is not a battle between opposing neighborhoods. This is an effort to solve a local congestion problem that affects a region. The bypass was always intended relieve traffic with a point to point path around the bottleneck on 99W and be fully contained inside Yamhill County. Analysis was thus limited to Yamhill County, leaving out Wilsonville and Clackamas County.

Together, we are the victims of underfunding, and a partial solution. As a result, the congestion is not being relieved. It is just being moved from 99W to the surface streets of the neighborhoods, and without sufficient notification or study of the impacts outside of the original path or east of the Newberg City Limits.

This is my community. I do not want harm to come to anyone or any neighborhood. 99W traffic was never intended to travel down Wilsonville Rd, even after the decision to only partially finish the bypass. Resolution 2015-311 simply encourages traffic to follow the original bypass intent, by returning 99W bypass traffic back to 99W. ODOT has recommended this as the best solution, given their constraints.

We want the bypass, but we believe if there had been adequate study after the change to partial completion, there would be no thought of allowing Wilsonville Rd. to relieve congestion. It is wrong and the road is totally inadequate for the task.

Given the hundreds of millions of State & Federal funds involved (i.e., our collective tax dollars), Newberg Planning Commission and Newberg City council need to consider their whole community, not just those inside a boundary line on a map. You can make a judgement for the whole community, and end the strife and delays. I urge you to do the right thing and approve Resolution 2015-311.

December 10, 2015

Newberg Planning Commission
City of Newberg Oregon
414 East 1st. Street
Newberg, OR 97132



Re: Wilsonville Road/Bypass no through design

Commissioners,

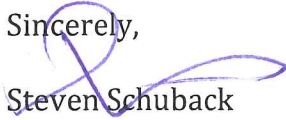
Please acknowledge that Wilsonville Road was never intended to be a byway and traffic shortcut between I-5 and Newberg. Highway 99 is the appropriate route for major traffic to follow and is designed as a highway. Allowing the "through" design of a major highway and bypass that aims substantial commuting traffic and commercial trucks onto Wilsonville road is not safe nor respectful of the road design or residents of the area.

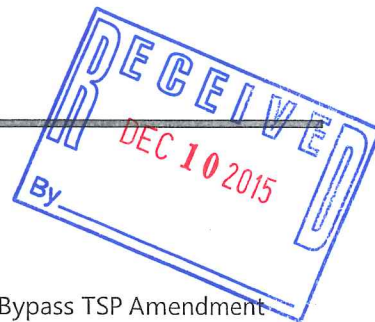
Commuters are savvy and will use smart phone technology at a moment's notice to find shortcuts in traffic. A commuter using the bypass will make every attempt to avoid a congested highway 99 between Newberg and Sherwood. In finding alternative routes to Highway 99, the use of 219 and McKay road is better suited to heavy traffic. Creating easy access to Wilsonville road defeats that purpose and will only increase its overuse.

I have lived on Wilsonville road for over 12 years. We do not use a mailbox in part because it is too dangerous to cross the street. Serious traffic accidents are common and witnessed by me at least twice a month. There was one just two days ago with a vehicle in a ditch at 6:30 in the morning blocking the Westbound lane. Meanwhile, a full size semi-truck who was obviously shortcutting from I-5 was in the oncoming Eastbound lane driving to get past the accident. This is a narrow dangerous road. Recently, I've come across 3 roll over accidents on the road. I purposely carry extra road flares in my car to deal with accidents on Wilsonville road, many of which go unreported. These accidents are generally caused by drivers who are unfamiliar with the tight curves and features of the road. Oftentimes semi-trucks will unlawfully use opposing lanes to navigate the same curves. Traffic comes to a halt. Adding Highway 99 traffic onto Wilsonville road is unreasonable.

I support the City of Newberg. My children attend Newberg public schools and my spouse works in Newberg. We are customers and patrons of many local businesses, and we feel as part of the community. Please respect our needs as residents of the area and providing a safe road as our only access to Newberg. In your commendable efforts to resolve traffic concerns, please do not create new ones onto smaller communities.

Sincerely,


Steven Schuback
Wilsonville Road
Yamhill County



Jessica Nunley Pelz

From: Rep Davis <rep.johndavis@state.or.us>
Sent: Monday, December 07, 2015 10:45 PM
To: Jessica Nunley Pelz
Cc: PLANNING
Subject: Public Comment Submission Regarding: Newberg-Dundee Bypass TSP Amendment

TO: 'jessica.pelz@newbergoregon.gov'

Cc: 'planning@newbergoregon.gov'

To: Newberg Planning Commission

Regarding: Newberg-Dundee Bypass TSP Amendment

Dear Commission Members:

Thank you for your consideration of the proposed TSP Amendment. As a former resident of Newberg, alumni of George Fox University, and member of a family of long-time former Newberg residents, I am personally committed to making sure the Bypass is funded and completed in a manner that helps, rather than harms, mobility and traffic in Newberg and the surrounding region.

As you consider the proposed TSP Amendment with respect to the Wilsonville Road Interchange design of the Newberg-Dundee Bypass, please consider both the local and regional impacts of what many of us believe to be a flawed current design. Any increase in traffic along Wilsonville Road from the Bypass will have a direct negative impact on the health, safety, and welfare of thousands of Yamhill and Clackamas County residents who live on or near Wilsonville Road. Such an increase, which would result from the current design, is also in direct contravention to the Legislative intent of passing the Jobs and Transportation Act of 2009, which funded the vast majority of the Bypass. The Act's provisions related to the Bypass were intended to strengthen the local Newberg community by, in part, funding the beginning Phases of the Bypass to increase mobility and access to the state highway system. They were not intended to directly or indirectly add traffic to an already dangerous stretch of road, nor to add traffic to your local roads. I am committed to making sure that doesn't happen, and to providing Newberg and the surrounding region the resources from the state level to help.

I am confident that the Oregon Department of Transportation and your Legislature will make good on our commitment to remedy any marginal impact that an alternative "No-Thru" design might have on the Newberg Community. Indeed, the significant legislative, administrative, and local focus on this issue recently has served to strengthen our resolve that the Bypass be fully completed in a way that improves, rather than increases, traffic and mobility throughout Newberg.

Thank you for your consideration, and I offer my wholehearted support of the TSP Amendment you are currently considering.

Regards,

State Representative John Davis
House District 26

(Wilsonville, Sherwood, King City, Hillsboro,
Beaverton, Aloha, Tigard & Bull Mountain)
Office: 503-986-1426
Email: rep.johndavis@state.or.us
Web: <https://www.oregonlegislature.gov/davis>



Community Development 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 - DEVELOPMENT CODE AMENDMENT

HEARING DATE: January 14, 2016

FILE NO: DCA-15-002

APPLICANT: Initiated by Newberg City Council on December 7, 2015

REQUEST: Amend the Newberg Development Code for medical marijuana grow sites in residential zones (R-1, R-2, R-3) as permitted uses and as conditional uses in all other zones; add definitions for medical marijuana grow sites, medical marijuana processors and modify a footnote description for medical marijuana dispensaries; allow medical marijuana processors as a permitted use in all industrial zones (M-1, M-2, M-3, M-4, AI, SD/E).

ATTACHMENTS:

Resolution 2016-312 with
Exhibit "A": Proposed Development Code Text Amendment
Exhibit "B": Findings
1. City Council Resolution 2015-3244

A. **SUMMARY:** The proposed Development Code amendments do the following:

- Add Medical Marijuana Grow Sites allowing up to twelve mature plants or two patients as a permitted use in the R-1, R-2 and R-3 zones as indoor operations. Medical Marijuana Grow Sites would be allowed as a conditional use in all other zones.
- Add Medical Marijuana Processors as an industrial use in all industrial zones (M-1, M-2, M-3, M-4, AI, SD/E).
- Medical Marijuana Processors would not be allowed in residential or commercial zones.
- Modifies a footnote for Medical Marijuana Dispensaries deleting the reference to "Career School" and modifying reference to public or private primary, elementary, secondary schools to align with definitions in HB 3400.

B. **BACKGROUND:**

On March 19, 2014, Senate Bill (SB) 1531 was signed into law. SB 1531 gives local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries, including the ability to impose a moratorium for a period of time up until May 1, 2015. The city adopted a moratorium on April 7, 2014 by passage of Ordinance No. 2014-2772.

On February 2, 2015, the Newberg City Council initiated a potential amendment to Newberg's Development Code regarding medical marijuana dispensaries.

The Oregon Legislature enacted four bills during the 2015 legislative session related to the Oregon Medical Marijuana Act and Measure 91. House Bill (HB) 3400 was the omnibus bill covering recreational marijuana and modifications to the medical marijuana program. HB 2014 was enacted addressing taxes on the sale of recreational marijuana, SB 460 related to limited retail sales of marijuana from medical marijuana dispensaries and SB 844 enacted a task force on researching the medical and public health properties of cannabis. In addition to the enacting of the four bills the Oregon Liquor Control Commission adopted temporary Oregon Administrative Rules (OAR's) on October 22, 2015 that were subsequently modified on November 20, 2015 for recreational marijuana under Chapter 845, Division 25 and the Oregon Health Authority adopted temporary OAR's on September 22, 2015 for revisions to the medical marijuana program under Chapter 333, Division 8.

On April 6, 2015 the Newberg City Council passed Ordinance No. 2015-2780 regulating the time, place and manner for medical marijuana dispensaries within the city.

On September 8, 2015 the Newberg City Council was provided background information on medical and recreational marijuana at its Work Session. At the City Council Business Session on September 8th they established the Marijuana Subcommittee (Subcommittee) comprised of Councilors Rourke, Bacon and McKinney along with non-voting member Mayor Andrews. The City Council also directed staff to bring back an ordinance with a ban of the sale of recreational marijuana from Medical Marijuana Dispensaries.

On September 21, 2015 the Newberg City Council passed ordinance 2015-2787 declaring a ban on the early sale of recreational marijuana by marijuana dispensaries and declaring an emergency.

The Subcommittee met on November 19, 2015 to review the similarities and differences between the medical marijuana and recreational marijuana programs. The Subcommittee was briefed that the operational date for the medical marijuana modifications in HB 3400 was March 1, 2016. The Subcommittee was also provided a timeline of dates and activities that would need to occur to prepare place, time and manner land use regulations for medical marijuana grow sites and processors. The Subcommittee subsequently passed a motion 3-0 directing staff to create a Request for Council Action (RCA) to initiate the Development Code Amendment for medical marijuana grow site and processor regulations to bring forward for Council consideration on December 7.

The City Council adopted Resolution No. 2015-3244 on December 7, 2015 initiating the Development Code amendment process (Attachment 1).

The Subcommittee met again on December 9, 2015 and developed recommendations on Medical Marijuana Grow Sites, Processors and modifications to text in footnote (35) related to Medical Marijuana Dispensaries in the Zoning Use Table.

C. PROCESS: A development code amendment is a Type IV application and follows the

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

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procedures in Newberg Development Code 15.100.060. The Planning Commission will hold a legislative hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission's recommendation, the Newberg City Council will hold a legislative hearing to consider the matter. Important dates related to this application are as follows:

1. 12/7/15: The Newberg City Council initiated the Development Code amendment.
2. 12/30/15: Planning staff placed notice on Newberg's website, and posted notice in four public buildings. *The Newberg Graphic* published notice of the Planning Commission hearing.
3. 1/14/16: The Planning Commission will hold a legislative hearing to consider the application.

D. PUBLIC COMMENTS: As of the writing of this report, the city has received no comments on the application. If the city receives additional written comments by the comment deadline, Planning staff will forward them to the Commissioners.

E. ANALYSIS:

Place, Time and Manner: Medical Marijuana Grow Sites and Processors have certain limitations per ORS 475.300 – 342, OAR 333-008 and HB 3400. HB 3400 states (bracketed and italicized text is deleted and bold text is new).

SECTION 89. Section 2, chapter 79, Oregon Laws 2014, is amended to read:

Sec. 2. *[Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of medical marijuana facilities registered, or applying for registration, under ORS 475.314 that are located in the area subject to the jurisdiction of the city or county. For purposes of this section, "reasonable regulations" includes reasonable limitations on the hours during which a medical marijuana facility may be operated, reasonable limitations on where a medical marijuana facility may be located within a zone described in ORS 475.314 (3)(a) and reasonable conditions on the manner in which a medical marijuana facility may dispense medical marijuana.]*

(1) For purposes of this section, "reasonable regulations" includes:

- (a) Reasonable limitations on the hours during which the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary may operate;**
- (b) Reasonable conditions on the manner in which a marijuana processing site or medical marijuana dispensary may transfer usable marijuana, medical cannabinoid products, cannabinoid concentrates, cannabinoid extracts, immature marijuana plants and seeds;**
- (c) Reasonable requirements related to the public's access to the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary;**

(d) Reasonable limitations on where the marijuana grow site of a person designated to produce marijuana by a registry identification cardholder, a marijuana processing site or a medical marijuana dispensary may be located.

(2) Notwithstanding ORS 633.738, the governing body of a city or county may adopt ordinances that impose reasonable regulations on the operation of marijuana grow sites of persons designated to produce marijuana by registry identification cardholders, marijuana processing sites and medical marijuana dispensaries that are located in the area subject to the jurisdiction of the city or county.

PLACE

HB 3400 establishes limits on the number of mature plants that may be grown. The law reads as follows (bracketed and italicized text is deleted and bold text is new).

(Grow Site Possession Limits)

SECTION 82. ORS 475.320 is amended to read:

475.320. *[(1)(a) A registry identification cardholder or the designated primary caregiver of the cardholder may possess up to six mature marijuana plants and 24 ounces of usable marijuana.]*

[(b) Notwithstanding paragraph (a) of this subsection, if a registry identification cardholder has been convicted of a Class A or Class B felony under ORS 475.752 to 475.920 for the manufacture or delivery of a controlled substance in Schedule I or Schedule II, the registry identification cardholder or the designated primary caregiver of the cardholder may possess one ounce of usable marijuana at any given time for a period of five years from the date of the conviction.]

[(2) A person authorized under ORS 475.304 to produce marijuana at a marijuana grow site:]

[(a) May produce marijuana for and provide marijuana:]

[(A) To a registry identification cardholder or a cardholder's designated primary caregiver as authorized under this section; or]

[(B) If the marijuana is usable marijuana or an immature marijuana plant and the registry identification cardholder authorizes the person responsible for the marijuana grow site to transfer the usable marijuana or immature marijuana plant to a medical marijuana facility registered under ORS 475.314, to the medical marijuana facility.]

[(b) May possess up to six mature plants and up to 24 ounces of usable marijuana for each cardholder or caregiver for whom marijuana is being produced.]

[(c) May produce marijuana for no more than four registry identification cardholders or designated primary caregivers concurrently.]

[(d) Must obtain and display a marijuana grow site registration card issued under ORS 475.304 for each registry identification cardholder or designated primary caregiver for whom marijuana is being produced.]

[(e) Must provide all marijuana produced for a registry identification cardholder or designated primary caregiver to the cardholder or caregiver at the time the person responsible for a marijuana grow site ceases producing marijuana for the cardholder or caregiver.]

[(f) Must return the marijuana grow site registration card to the registry identification cardholder to whom the card was issued when requested to do so by the cardholder or when the person responsible for a marijuana grow site ceases producing marijuana for the cardholder or caregiver.]

[(3) Except as provided in subsections (1) and (2) of this section, a registry identification cardholder, the designated primary caregiver of the cardholder and the person responsible for a marijuana grow site producing marijuana for the registry identification cardholder may possess a combined total of up to six mature plants and 24 ounces of usable marijuana for that registry identification cardholder.]

[(4)(a) A registry identification cardholder and the designated primary caregiver of the cardholder may possess a combined total of up to 18 marijuana seedlings or starts as defined by rule of the Oregon Health Authority.]

[(b) A person responsible for a marijuana grow site may possess up to 18 marijuana seedlings or starts as defined by rule of the authority for each registry identification cardholder for whom the person responsible for the marijuana grow site is producing marijuana.]

(1) Subject to subsection (2) of this section, a registry identification cardholder and the designated primary caregiver of the registry identification cardholder may jointly possess six or fewer mature marijuana plants.

(2)(a) A person may be designated to produce marijuana under ORS 475.304 by no more than four registry identification cardholders.

(b) A person who is designated to produce marijuana by a registry identification cardholder may produce no more than six mature marijuana plants per registry identification cardholder.

(3) If the address of a person responsible for a marijuana grow site under ORS 475.304 is located within city limits in an area zoned for residential use:

(a) Except as provided in paragraph (b) of this subsection, no more than 12 mature marijuana plants may be produced at the address; or

(b) Subject to subsection (5) of this section, if each person responsible for a marijuana grow site located at the address first registered with the Oregon Health Authority under ORS 475.304 before January 1, 2015, no more than the amount of mature marijuana plants located at that address on December 31, 2014, in excess of 12 mature marijuana plants, not to exceed 24 mature marijuana plants, may be produced at the address.

(4) If the address of a person responsible for a marijuana grow site under ORS 475.304 is located in an area other than an area described in subsection (3) of this section:

(a) Except as provided in paragraph (b) of this subsection, no more than 48 mature marijuana plants may be produced at the address; or

(b) Subject to subsections (5) and (6) of this section, if each person responsible for a marijuana grow site located at the address first registered with the authority under ORS 475.304 before January 1, 2015, no more than the amount of mature marijuana plants located at that address on December 31, 2014, in excess of 48 mature marijuana plants, not to exceed 96 mature marijuana plants, may be produced at the address.

(5) If the authority suspends or revokes the registration of a person responsible for a marijuana grow site that is located at an address described in subsection (3)(b) or (4)(b) of this section:

(a) No more than 12 mature marijuana plants may be subsequently produced at any address described in subsection (3) of this section at which the person responsible for that marijuana grow site produces marijuana.

(b) No more than 48 mature marijuana plants may be subsequently produced at any address described in subsection (4) of this section at which the person responsible for that marijuana grow site produces marijuana.

(6) If a registry identification cardholder who designated a person to produce marijuana for the registry identification cardholder pursuant to ORS 475.304 terminates the designation, the person responsible for the marijuana grow site whose designation has

been terminated may not be designated to produce marijuana by another registry identification cardholder, except that the person may be designated by another registry identification cardholder if no more than 48 mature marijuana plants are produced at the address for the marijuana grow site at which the person produces marijuana.

(7) If a law enforcement officer determines that a registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site under ORS 475.304 who grows marijuana for a registry identification cardholder, possesses a number of mature marijuana plants in excess of the quantities specified in this section, the law enforcement officer may confiscate only the excess number of mature marijuana plants.

SECTION 82a. (1) Except as provided in subsection (2) of this section, a registry identification cardholder and the designated primary caregiver of the registry identification cardholder may jointly possess no more than 24 ounces of usable marijuana.

(2) Subject to subsection (3) of this section, a person designated to produce marijuana by a registry identification cardholder may possess the amount of usable marijuana that the person harvests from the person's mature marijuana plants, provided that the person may not possess usable marijuana in excess of the amount of usable marijuana in the person's possession as reported to the Oregon Health Authority under section 81a of this 2015 Act.

(3) A person designated to produce marijuana by a registry identification cardholder may not possess usable marijuana in excess of:

(a) For a marijuana grow site located outdoors, 12 pounds of usable marijuana per mature marijuana plant; or

(b) For a marijuana grow site located indoors, six pounds of usable marijuana per mature marijuana plant.

SECTION 82b. The amendments to ORS 475.320 by section 82 of this 2015 Act apply to persons who registered with the Oregon Health Authority under ORS 475.304 before, on or after the operative date specified in section 179 of this 2015 Act.

HB 3400 contains language on medical marijuana processing sites. At this time staff has not identified any OAR language regarding medical marijuana processing sites. The Planning Commission may want to include in their discussion the limitation on processing locations noted in HB 3400. Yellow highlighted text is applicable to processor locations.

(Medical Marijuana Processors)

SECTION 85. (1)(a) The Oregon Health Authority shall establish by rule a marijuana processing site registration system to track and regulate the processing of marijuana by a person responsible for a marijuana processing site.

(b) Except as provided in paragraph (c) of this subsection, a person may not process marijuana unless the person is registered under this section.

(c) Paragraph (b) of this subsection does not apply to the processing of marijuana as provided in sections 3 to 70, chapter 1, Oregon Laws 2015, or as otherwise provided for by the statutory laws of this state.

(2) The registration system established under subsection (1) of this section must require an applicant for a marijuana processing site to submit an application to the authority that includes:

- (a) The name of the individual who owns the marijuana processing site or, if a business entity owns the marijuana processing site, the name of each individual who has a financial interest in the marijuana processing site;
- (b) The name of the individual or individuals responsible for the marijuana processing site, if different from the name of the individual who owns the marijuana processing site;
- (c) The address of the marijuana processing site;
- (d) Proof, until January 1, 2020, that each individual responsible for the marijuana processing site has been a resident of this state for two or more years, and proof that each individual responsible for the marijuana processing site is 21 years of age or older;
- (e) Documentation, as required by the authority by rule, that demonstrates the marijuana processing site meets the requirements of subsection (3) of this section; and
- (f) Any other information that the authority considers necessary.

(3) To qualify for registration under this section, a marijuana processing site:

- (a) May not be located in an area that is zoned for residential use if the marijuana processing site processes cannabinoid extracts;
- (b) Must be registered as a business, or have filed an application to register as a business, with the office of the Secretary of State; and
- (c) Must meet the requirements of any rule adopted by the authority under subsection (10) of this section.

(4)(a) The authority shall conduct a criminal records check under ORS 181.534 for each individual named in an application under subsection (2) of this section.

(b) An individual convicted for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not own or be responsible for a marijuana processing site for two years from the date the individual is convicted.

(c) An individual convicted more than once for the manufacture or delivery of a controlled substance in Schedule I or Schedule II may not own or be responsible for a marijuana processing site.

(5) If a person submits the application required under subsection (2) of this section, if the marijuana processing site identified in the application meets the requirements of this section and any rules adopted under this section and if each individual named in the application passes the criminal records check required under subsection (4) of this section, the authority shall register the marijuana processing site and issue proof of registration. Proof of registration must be displayed on the premises of the marijuana processing site at all times.

(6) A marijuana processing site that is registered under this section is not required to register with the State Board of Pharmacy under ORS 475.125.

(7) The individual or individuals responsible for a marijuana processing site shall maintain documentation of each transfer of usable marijuana, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts.

(8) The authority may inspect:

(a) The premises of a proposed marijuana processing site or a registered marijuana processing site to ensure compliance with this section and sections 85a and 85b of this 2015 Act and any rules adopted under this section and sections 85a and 85b of this 2015 Act; and

(b) The records of a registered marijuana processing site to ensure compliance with subsection (7) of this section.

(9) Subject to the provisions of ORS chapter 183, the authority may refuse to register an applicant under this section or may suspend or revoke the registration of a marijuana processing site if the authority determines that the applicant, the owner of the marijuana processing site, a person responsible for the marijuana processing site, or an employee of the marijuana processing site, violated a provision of ORS 475.300 to 475.346, a rule adopted under ORS 475.300 to 475.346 or an ordinance adopted pursuant to section 2, chapter 79, Oregon Laws 2014.

(10) The authority shall adopt rules to implement this section, including rules that:

(a) Require a registered marijuana processing site to annually renew the registration for that site;

(b) Establish fees for registering, and renewing the registration of, a marijuana processing site;

(c) Require that medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts transferred by a marijuana processing site be tested to ensure the public health and safety; and

(d) Impose any other standard on the operation of a marijuana processing site to ensure the public health and safety.

SECTION 85a. (1) A marijuana processing site must meet any public health and safety standards established by the Oregon Health Authority by rule related to:

(a) Cannabinoid edibles, if the marijuana processing site processes marijuana into cannabinoid edibles;

(b) Cannabinoid concentrates, if the marijuana processing site processes marijuana into cannabinoid concentrates;

(c) Cannabinoid extracts, if the marijuana processing site processes marijuana into cannabinoid extracts; or

(d) Any other type of medical cannabinoid product identified by the authority by rule, if the marijuana processing site processes marijuana into that type of medical cannabinoid product.

(2) The authority shall adopt rules to implement this section.

SECTION 85b. (1) The Oregon Health Authority shall require by rule a marijuana processing site to submit to the authority for inclusion in the database developed and maintained pursuant to section 85e of this 2015 Act the following information:

(a) The amount of usable marijuana transferred to the marijuana processing site;

(b) The amount and type of medical cannabinoid products transferred by the marijuana processing site;

(c) The amount and type of cannabinoid concentrates transferred by the marijuana processing site; and

(d) The amount and type of cannabinoid extracts transferred by the marijuana processing site.

(2) The authority by rule may require a marijuana processing site to submit to the authority for inclusion in the database developed and maintained pursuant to section 85e of this 2015 Act information that is in addition to the information described in subsection (1) of this section as the authority considers necessary to fulfill the authority's duties under section 85 (1) of this 2015 Act. The authority may not employ any method other than that described in this section to obtain information from a marijuana processing site.

SECTION 85c. (1) A marijuana processing site may not transfer medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts to a person other than a registry identification cardholder, a designated primary caregiver or a medical marijuana dispensary.

(2) A person other than a marijuana processing site may not transfer medical cannabinoid products, cannabinoid concentrates or cannabinoid extracts to a medical marijuana dispensary.

SECTION 85d. Section 85 of this 2015 Act does not apply to a registry identification cardholder or a person who has been designated as a primary caregiver under ORS 475.312 who processes a medical cannabinoid product or a cannabinoid concentrate for a registry identification cardholder.

HB 3400, Section 34 identifies marijuana as a crop for purposes of farm use, farm, farming practice and as farm product as noted below.

SECTION 34. (1) Notwithstanding any other provision of law, marijuana is:

(a) A crop for the purposes of “farm use” as defined in ORS 215.203;

(b) A crop for purposes of a “farm” and “farming practice,” both as defined in ORS 30.930;

(c) A product of farm use as described in ORS 308A.062; and

(d) The product of an agricultural activity for purposes of ORS 568.909.

(2) Notwithstanding ORS chapters 195, 196, 197 and 215, the following are not permitted uses on land designated for exclusive farm use:

(a) A new dwelling used in conjunction with a marijuana crop;

(b) A farm stand, as described in ORS 215.213 (1)(r) or 215.283 (1)(o), used in conjunction

with a marijuana crop; and

(c) A commercial activity, as described in ORS 215.213 (2)(c) or 215.283 (2)(a), carried on in conjunction with a marijuana crop.

(3) A county may allow the production of marijuana as a farm use on land zoned for farm or forest use in the same manner as the production of marijuana is allowed in exclusive farm use zones under this section and ORS 215.213 and 215.283.

TIME

HB 3400, Section 89 allows local government to regulate the hours of marijuana grow sites and processing sites. There are no additional provisions in Oregon Revised Statutes (ORS) or OAR’s regarding hours of operation for grow sites or processors. The Planning Commission may want to consider the hours required for growing marijuana which is likely on a 24-hour bases. For processors, the operation could be considered similar to an industrial operation, the Development Code does not limit hours.

MANNER

HB 3400, Section 89 allows local government to regulate the manner and access hours of marijuana grow sites and processing sites. There are no additional provisions in ORS or OAR’s regarding manner of operation for grow sites or processors. The

Planning Commission may want to consider if a grow site can occur outdoors or indoors. If outdoors what type of visual screening or security requirements should be established? For processors should the operation be entirely indoors? There may be other manners of operation the Planning Commission identifies for discussion and consideration.

MEDICAL MARIJUANA DISPENSARIES

HB 3400 modified the definition for schools related to medical marijuana dispensaries. The Bill redefines public primary and secondary schools and provides a definition for private and parochial schools. The former Oregon Revised Statute (ORS) 457 also included a definition for Career School and was deleted by HB 3400. The Oregon Administrative Rule (OAR) Division 8 still has the definition for Career School (bracketed and italicized text is deleted and bold text is new).

(Medical Marijuana Dispensaries)

SECTION 86. ORS 475.314, as amended by section 5, chapter 79, Oregon Laws 2014, is amended
to read:

Enrolled House Bill 3400 (HB 3400-A) Page 45

475.314. *[(1) The Oregon Health Authority shall establish by rule a medical marijuana facility registration system to authorize the transfer of usable marijuana and immature marijuana plants from:]*

[(a) A registry identification cardholder, the designated primary caregiver of a registry identification cardholder, or a person responsible for a marijuana grow site to the medical marijuana facility;

or]

[(b) A medical marijuana facility to a registry identification cardholder or the designated primary caregiver of a registry identification cardholder.]

(1)(a) The Oregon Health Authority shall establish by rule a medical marijuana dispensary registration system for the purpose of tracking and regulating the transfer of:

(A) Usable marijuana, immature marijuana plants and seeds from registry identification cardholders, designated primary caregivers and persons responsible for marijuana grow sites

to medical marijuana dispensaries;

(B) Medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from persons responsible for marijuana processing sites to medical marijuana dispensaries;

and

(C) Usable marijuana, immature marijuana plants, seeds, medical cannabinoid products, cannabinoid concentrates and cannabinoid extracts from medical marijuana dispensaries to

registry identification cardholders and designated primary caregivers.

(b) A person may not operate an establishment for the purpose of providing the services described in paragraph (a) of this subsection unless the person is registered under this

section.

(2) The registration system established under subsection (1) of this section must require **an applicant for** a medical marijuana *[facility]* **dispensary** to submit an application to the authority that includes:

(a) The name of the individual who owns the medical marijuana dispensary or, if a business entity owns the medical marijuana dispensary, the name of each individual who has a financial interest in the medical marijuana dispensary;

[(a)] **(b) The name of the *[person]* individual or individuals responsible for the medical marijuana *[facility]* dispensary, if different from the name of the individual who owns the medical marijuana dispensary;**

[(b)] **(c) The address of the medical marijuana *[facility]* dispensary;**

[(c)] **(d) Proof, until January 1, 2020, that *[the person]* each individual responsible for the medical marijuana *[facility is a resident of Oregon]* dispensary has been a resident of this state for two or more years, and proof that each individual responsible for the medical marijuana dispensary is 21 years of age or older;**

[(d)] **(e) Documentation, as required by the authority by rule, that demonstrates the medical marijuana *[facility]* dispensary meets the *[qualifications for a medical marijuana facility as described***

***in]* requirements of subsection (3) of this section; and**

[(e)] **(f) Any other information that the authority considers necessary.**

(3) To qualify for registration under this section, a medical marijuana *[facility]* **dispensary:**

[(a) Must be located in an area that is zoned for commercial, industrial or mixed use or as agricultural land;]

(a) May not be located in an area that is zoned for residential use;

(b) May not be located at the same address as a marijuana grow site;

(c) Must be registered as a business, or have filed *[a pending]* an application to register as a business, with the office of the Secretary of State;

[(d) Must not be located within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors;]

(d) May not be located within 1,000 feet of:

(A) A public elementary or secondary school for which attendance is compulsory under ORS 339.020; or

(B) A private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a);

[(e) Must not be located within 1,000 feet of another medical marijuana *[facility]* dispensary;
and

[(f) Must comport with rules adopted by the authority related to:]

[(A) Installing a minimum security system, including a video surveillance system, alarm system and safe; and]

[(B) Testing for pesticides, mold and mildew and the processes by which usable marijuana and immature marijuana plants that test positive for pesticides, mold or mildew must be returned to the

registry identification cardholder, the cardholder's designated primary caregiver or the cardholder's registered grower.]

(f) Must meet the requirements of any rule adopted by the authority under subsection (10) of this section.

Staff therefore proposes the following code amendments for Medical Marijuana Grow Sites, Processors and a footnote modification for Dispensaries related to “Career Schools”:

- Add Medical Marijuana Grow Sites as a permitted use for up to twelve mature plants or two patients in R-1, R-2, R-3 zones as indoor operations.
- Add Medical Marijuana Grow Sites as a conditional use to all other zones.
- Add Medical Marijuana Processors as a permitted use in all industrial zones (M-1, M-2, M-3, M-4, AI and SD/E).
- Delete the definition of Career School.
- Modify the footnote for Medical Marijuana Dispensaries in the Zoning Use Table to delete “Career School” and modify the public or private primary, elementary, secondary school references to align with new definitions in HB 3400.

F. MEDICAL MARIJUANA SUBCOMMITTEE RECOMMENDATION: The Subcommittee developed the following recommendations.

Marijuana Grow Sites:

1. Allow up to twelve mature plants in residential R-1, R-2, R-3 or two patients as indoor operations. Above that the use would be a conditional use in all other zones.

Medical Marijuana Processors:

1. Processors be allowed in industrial zones and light manufacturing (M-1, M-2, M-3, AI, Springbrook District)

Medical Marijuana Dispensaries:

1. Remove Career Schools and change the definition to adopt the new definition of primary/secondary and private/parochial school.

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

Move to adopt Planning Commission Resolution 2016-312, which recommends that the City Council adopt the requested amendments.



PLANNING COMMISSION RESOLUTION 2016-312

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT CODE REGARDING MEDICAL MARIJUANA GROW SITES, PROCESSORS AND DISPENSARIES

RECITALS

1. On March 19, 2014, Senate Bill 1531 was signed into law. SB 1531 gives local governments the ability to impose certain regulations and restrictions on the operation of medical marijuana dispensaries.
2. House Bill (HB) 3400 was approved in the 2015 Oregon Legislative session related to recreational and medical marijuana. Some of the provision of HB 3400 modified the laws related to medical marijuana.
3. The Newberg City Council initiated a potential amendment to Newberg's Development Code regarding medical marijuana grow sites and processors on December 7, 2015.
4. After proper notice, the Newberg Planning Commission held a hearing on January 14, 2016 to consider the amendment. The Commission considered testimony and deliberated.

The Newberg Planning Commission resolves as follows:

1. The Commission finds that adding regulations for medical marijuana grow sites, medical marijuana processors and modifications to a footnote for medical marijuana dispensaries regarding Career Schools and definition of public elementary or secondary school or private or parochial school to align with HB 3400 would be in the best interests of the city and recommends that the City Council adopt the amendments to the Newberg Development Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 14th day of January, 2016.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Development Code Text Amendments
- Exhibit "B": Findings

**Exhibit “A” to Planning Commission Resolution 2016-312
Development Code Amendments –File DCA-15-002
Medical Marijuana Grow Sites, Processors and Dispensaries**

Section 1. The Newberg Development Code 15.05.030 shall be amended as follows:

**Note: Existing text is shown in regular font.
Added text is shown in double-underline
Deleted text is shown in ~~strikethrough~~.**

15.05.030 Definitions

For the purpose of this title, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“Medical marijuana dispensary” means a medical marijuana facility registered by the Oregon Health Authority and in compliance with all other provisions of Oregon law.

“Medical Marijuana Grow Site” means a location registered under ORS 475.304 where marijuana is produced for use by a registry identification cardholder.

“Medical Marijuana Processor” means a medical marijuana processing facility registered by the Oregon Health Authority.

“School, primary or secondary category” means a category of uses under Chapter 15.303 NMC that includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education primarily to minors.

~~“School, career”, for the purposes of medical marijuana dispensaries, means any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training for the purpose or purported purpose of instructing, training or preparing persons for any profession at a physical location attended primarily by minors.~~

Section 2. Newberg Development Code Section 15.305.020 shall be amended as follows:

15.305.020 Zoning use table

See Exhibit A, Attachment 1

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

Z:\MISC\WP5FILES\FILES.DCA\2015\DCA-15-002 Medical Marijuana Growers and Processors\DCA-15-002 Medical Marijuana Grower-Processors Final PC staff report.docx.doc

Exhibit “B” to Planning Commission Resolution 2016-312

Findings –File DCA-15-002 Medical Marijuana Grow Sites, Processors and Dispensaries

I. Statewide Planning Goals - relevant goals

Goal 1, Citizen Involvement, requires the provision of opportunities for citizens to be involved in all phases of the planning process.

Finding: The City Council initiated the potential development code amendment at a public meeting on December 7, 2015. The Marijuana Subcommittee meet on December 9, 2015 at a public meeting to review potential place, time and manner regulations for Medical Marijuana Grow Sites, Processors and Dispensaries. The Planning Commission, after proper notice, held a public hearing on January 14, 2016. The City Council will consider the recommendation of the Planning Commission at a future public hearing date, and decide whether or not to adopt the development code amendment. The development code amendment process provides opportunity for public comments throughout the planning process.

Goal 2, Land Use Planning, requires the development of a process and policy framework that acts as a basis for all land use decisions.

Finding: The Medical Marijuana Grow Site, Processor and Dispensary proposal is supportive of this goal because it was developed following city procedures for legislative action.

II. Newberg Comprehensive Plan - relevant policies

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

Finding: The City Council initiated the potential development code amendment at a public meeting on December 7, 2015. The Marijuana Subcommittee meet on December 9, 2015 at a public meeting to review potential place, time and manner regulations for Medical Marijuana Grow Sites, Processors and Dispensaries. The Planning Commission, after proper notice, held a public hearing on January 14, 2016. The City Council will consider the recommendation of the Planning Commission at a future public hearing date, and decide whether or not to adopt the development code amendment. The development code amendment process provides opportunity for public comments throughout the planning process.

B. LAND USE PLANNING GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: The Medical Marijuana Grow Sites, Processors and Dispensaries proposal is supportive of this goal because it was developed following city procedures for legislative action.

H. THE ECONOMY GOAL: To develop a diverse and stable economic base.

1. General Policies

- c. The City will encourage the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.
- g. The City shall encourage business and industry to locate within the Newberg City limits.

Finding: The city encourages new businesses to develop within the city. A Medical Marijuana Grow Sites, Processor and Dispensary operation is a legal business under State law. Allowing Medical Marijuana Grow Sites in residential zones R-1, R-2 and R-3 as permitted uses with up to 12 mature plants or two patients as an indoor operation and as conditional in all other zones; allowing Medical Marijuana Processors as a permitted use in M-1, M-2, M-3, M-4, AI and SD/E; and adjusting the footnote language for Medical Marijuana Dispensaries to align with HB 3400 definitions for public, private or parochial schools, is consistent with this Comprehensive Plan goal.

III. Conclusion: The proposed development code amendments meet the applicable requirements of the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.

Exhibit A. Attachment 1

**Chapter 15.305
ZONING USE
TABLE**

Sections:

15.305.010	Classification of uses.
15.305.020	Zoning use table.

15.305.010 Classification of uses.

The zoning **use** table under NMC 15.305.020 identifies the land **uses** that are allowed in the various zoning districts. The specific land **use** categories are described in Chapter 15.303 NMC. The table identifies each **use** as one of the following:

Permitted Use. The **use** is a permitted **use** within the zone. Note that the **use** still may require design review, **building** permits, or other approval in order to operate.

C Conditional Use. A conditional use permit is required for the use. See Chapter 15.225NMC.

Special Use. The **use** is subject to specific standards as identified within this **code**. The applicable section is included in the last column of the table.

(#) A note indicates specific limits on the use. These notes are listed at the bottom of the table.

X Prohibited Use. The use is specifically prohibited.

If none of the **codes** above are indicated, then the **use** is not permitted within the zone. [Ord. **2763** § 1 (Exh. A § 6), 9-16-13.]

15.305.020 Zoning use table.

Newberg Development Code – Zoning Use Table

[illegible]

Def.	Family child care home	P	P	P(13)	P(13)				P	P(13)	P(13)	P(13)	P(13)										P	P(13)	Chapter 657AORS
312	Day care	P	P	P	C				P	P	P	P	P				C	C	C	C	P		P		P(14) Chapter 657AORS
Def.	Residential care home (5 or fewer people)	P	P	P(13)	P(13)				P	P(13)	P(13)	P(13)	P(13)										P	P(13)	ORS 197.665
Def.	Residential care facility (6 – 15 people)	C	P	P	C				P		C	C											P		ORS 197.665
315	Group care facility(16+ people)	C	C	C					C		C												P		
316	Hospital	C	C	C					C		P	P											P		
Def.	Prison																C	C	C	C					
320	ASSEMBLY																								
321	Religious institution, place of worship	P	P	P	P				P	P	P	P	P					P(29)					C	P	
322	Private club, lodge, meeting hall			C	C						P	P	C										P		
330	SCHOOLS																								
330	School, primary or secondary	P	P	P					P														C		
331	College	P	P	P					P	P	P	P(15)											C	P	
332	Commercial educational services	C	C	C					C	P	P	P											C		
340	PARKS AND OPEN SPACES																								
341	Open space	P	P	P	P				P	P	P	P	P				P	P	P	P	P		P	P	P
342	Park	P	P	P	P				P	P	P	P	P						P(16)				P(17)	P	
Def.	Golf course	P	P	P																			P(17)		
350	PUBLIC SERVICES																								
351	Community services	C	C	C	C				P		P	P	P										C	P	
352	Emergency services	P	P	P	P				P	P	P	P	P				P	P	P	P	P		P	P	P
Def.	Pound, dog or cat										C	C					C	P	P	C	C				
Def.	Cemetery	C	C	C	C				C	C	C	C	C				C	C	C	C	C		C	C	C
360	TRANSPORTATION																								
Def.	Transportation facilities and improvements	P	P	P	P				P	P	P	P	P				P	P	P	P	P		P	P	P
Def.	Transit center										P	P	P				P	P	P						
Def.	Parking facility			P					C	C	P	P(18)	C				P	P	P		P		P		
Def.	Airport, landing field																	C	C						P
Def.	Heliport, helipad	C	C	C	C				C	C	C	C	C				C	C	C	C	C		C	C	C
Def.	Marina										C						C	C	C	C	C				
	Pilings, piers, docks, and similar in-water structures											C													
370	UTILITIES																								
Def.	Basic utilities	P	P	P	P				P	P	P	P	P				P	P	P	P	P		P	P	P
Def.	Utility distribution plant or yard																	P	P	P					
Def.	Wastewater treatment plant																	C	P	C					
Def.	Telecommunication facility incorporated into existing structure/utility pole and no taller than 18 feet above existing structure/utility pole	C	C	C	C				C	S	S	S	S				S	S	S	S	S		S		Chapter 15.445 NMC, Article IV
Def.	Telecommunication facility, including radio towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing structure no taller than 18 feet above that structure.									C	C	C					C	S(19)	S(19)	P	C		C		Chapter 15.445 NMC, Article IV
Def.	Telecommunication facility, including radio towers and transmitters, which are over 100 feet									C	C	C					C	C	C	C	C		C		Chapter 15.445 NMC, Article IV
400	COMMERCIAL USES																								
410	COMMERCIAL OFFICES																								
411	Medical office			C					P	P(20)	P	P(21)											P		
412	Local business office								P(22)	P(20)	P	P(21)													
420	COMMERCIAL SALES AND RENTALS																								
421	Retail sales – General								P(20)	P	P	P(15)(21)	P					P(23)							
422	Retail sales – Bulk outdoor										P	C						P							
423	Retail sales – Convenience								P(20)	P	P	P(21)	P					P(24)			P(25)				
Def.	Temporary merchant									S		S(21)													NMCs 15.050 et seq.
	Medical marijuana dispensary									P(35)		P(35)													

[illegible]

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional **use** – Requires a **conditional use permit**

X: Prohibited use

(#): See notes for limitations

Notes.

- (1) Limited to sites with preexisting agricultural uses, including at time of annexation.
- (2) Limited to one per **lot** as a permitted **use**. More than one per **lot** allowed only through a **conditional use permit** or planned unit development, subject to density limits of NMC15.405.010(B).
- (3) Permitted on individual **lots** created prior to November 17, 1992. Homes on individual **lots** created on or after November 17, 1992, will only be permitted through the planned unit development process.
- (4) The permitted density shall be stated on the conditional use permit.
- (5) The **dwelling units** must front onto Hancock or Second **Street**. No more than 30 percent of a single **street** frontage of a **block** may be occupied by residential **uses**. Contiguous residential **street** frontage must be less than 60 lineal feet. Density and parking standards for allowable **dwelling units** must be met.
- (6) One residence per **lot** with the addition of a tie-down or **hangar** for an airplane. At a minimum, a paved tie-down or **hangar** shall be provided on the property, or the property shall include permanent rights to a private **hangar** within the **subdivision**. See Chapter 15.336 NMC.
- (7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.
- (8) The units must be located on the same **lots** as another **use** permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the **building** closest to the primary **street**). There shall be no density limitation. **Private parking areas** or garages are not required for **dwelling units** located within **buildings** in existence prior to and including June 30, 1999. Parking shall be provided for all new **dwelling units** within any **building** constructed after June 30, 1999, in **private parking areas** or garages on the basis of one **parking space** for each **dwelling unit**.
- (9) Permitted on the ground floor, one per **lot** in conjunction with any other **use** permitted or conditional **use** in the C-1 zone. On upper floors, **dwelling units** are unlimited and one **parking space** per **dwelling unit** is required.
- (10) Permitted above any permitted **use** in the C-2 zone. There shall be no density limitation. Parking shall be provided in **private parking areas** or garages on the basis of one **parking space** for each **dwelling unit**.
- (11) Must be located above ground floor commercial uses.
- (12) One residence of area not more than 40 percent of the area of the **hangar** floor, up to a maximum of 1,500 square feet, for an **airport** caretaker or security officer on each separate **parcel**.
- (13) Permitted in existing **dwelling units** only. New **dwelling units** may not be created for this **use** unless the **dwelling unit** would otherwise be allowed.

- (14) Allowed exclusively for employers or employees of businesses located within this district.
- (15) Facility over 40,000 square feet **gross floor area** requires a **conditional use permit**.
- (16) Allowed in areas designated in industrial area plans.
- (17) Limited to facilities owned or operated by a public agency.
- (18) Parking garages are a conditional **use**, and must have first floor **street** frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A **conditional use permit** is required if the facility is less than 2,000 feet from the nearest **telecommunication facility**.
- (20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a **conditional use permit**. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in **use** will not be allowed.
- (22) Retail sales of goods on site not allowed.
- (23) Limited to secondhand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) **Use** must demonstrate that it is compatible with **airport** operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.
- (29) Permitted provided the **structure** is designed for easy conversion to industrial **use**, including not having fixed seating.
- (30) Limited to 10,000 square feet maximum floor area.
- (31) Allowed indoors only.
- (32) Allowed indoors only. Outdoor **use** requires a **conditional use permit**.
- (33) Must be aviation-related. See Chapter 15.332 NMC.
- (34) Limited to expansion or change of existing heavy manufacturing uses.
- (35) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030 (1)(a) ~~public or private primary, elementary, secondary or career school~~. Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school ~~private elementary, secondary or career school~~ to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 8:00 p.m.

(36) Allows up to 12 mature plants or two patients; indoor operations.

1 Code reviser's note: Section 25 of Ordinance 2763 provides:

SECTION 25: Grace period for previously permitted or conditional uses. Where an **applicant** demonstrates that a particular **use** was a permitted or conditional **use** on a specific property immediately prior to adoption of this ordinance, but that the **use** is no longer either a permitted or conditional **use** on that property due to this ordinance, the **applicant** may establish the **use** as either a permitted or conditional **use**, as provided in the prior **code**, provided the **use** is legally commenced prior to January 1, 2018.



RESOLUTION No. 2015-3244

**A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG
MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE FOR TIME, PLACE
AND MANNER REGULATIONS FOR MEDICAL MARIJUANA GROWERS
AND PROCESSORS**

RECITALS:

1. The Oregon Legislature enacted four bills during the 2015 legislative session related to the Oregon Medical Marijuana Act and Measure 91. House Bill (HB) 3400 was the omnibus bill covering recreational marijuana and modifications to the medical marijuana program.
2. The Oregon Health Authority adopted temporary OAR's on September 22, 2015 for revisions to the medical marijuana program under Chapter 333, Division 8.
3. On September 8, 2015 the Newberg City Council was provided background information on medical and recreational marijuana at its Work Session. At its Business Session on September 8th the City Council established the Marijuana Subcommittee (Subcommittee) comprised of Councilors Rourke, Bacon and McKinney along with nonvoting member Mayor Andrews.
4. The Subcommittee met on November 19, 2015 to review the similarities and differences between the medical marijuana and recreational marijuana programs. The Subcommittee was briefed that the operational date for the medical marijuana modifications in HB 3400 is March 1, 2016. The Subcommittee was also provided a timeline of dates and activities that would need to occur to prepare time, place and manner land use regulations for medical marijuana growers and processors.
5. The Subcommittee passed a motion 3-0 directing staff to create an RCA to initiate the Development Code Amendment for medical marijuana grower and processor regulations to bring forward for Council consideration on December 7.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council initiates an amendment to the Newberg Municipal Code, Title 15 Development Code for Time, Place and Manner Regulations for Medical Marijuana Growers and Processors. This starts the public process to study the proposed amendments.
2. By initiating this amendment, the council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration in a public hearing.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 8, 2015

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of December, 2015.



Sue Ryan, City Recorder

ATTEST by the Mayor this 10th day of December, 2015.



Bob Andrews, Mayor