Council Roundup for January 22, 2019

The Newberg City Council met on January 22nd, 2019.

The Council took the following actions:

● Approved Ordinances 2019-2842 & 2019-2843 for a Comprehensive Plan zoning change and Annexation for 1303 S. River Street.

● Approved Resolution 2019-3257, agreement with AT&T for FirstNet Mobile Plan.

● Approved Resolution 2019-3526, waiving building and Engineering fees for a hobby shop at 915 S. Chehalem Street.

● Tabled Resolution 2018-3519 to May 20, 2019 Council meeting.

● Approved Council Minutes for Dec. 3 & 17, 2018.

In other business,

Had a get to know you workshop with staff & Council.

Heard annual SEI reminder for Oregon Government Ethics Commission from City Recorder.

Heard activity report from City Manager.

City Council Work Session
January 22, 2019 - 6:00 PM
Public safety building 401 east third street

I. CALL MEETING TO ORDER

II. ROLL CALL

III. REVIEW OF THE COUNCIL AGENDA AND MEETING

IV. COUNCIL BUSINESS ITEMS

IV.A November 2018 Fund Financial Statements
RCA Information Financial Reports - 2018-11 Nov.pdf

V. GET TO KNOW YOU SESSION WITH COUNCIL & STAFF

VI. ADJOURNMENT

City Council Business Session
January 22, 2019 - 7:00 PM
Public safety building 401 east third street

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CITY MANAGER'S REPORT

V. PUBLIC COMMENTS

VI. CONSENT CALENDAR

VI.a Resolution 2019-3527, A Resolution approving the City Manager to sign agreement with AT&T for FirstNet Mobile Plan for the City of Newberg.
RCA Res 3527 FirstNet_Revised by Sue.doc
Res3527 Exhibit A.pdf

VI.b RCA Council December 2018 Minutes
RCA Council December 2018 Minutes.pdf

VII. PUBLIC HEARINGS

VII.a Ordinance 2019-2842, An Ordinance amending the Comprehensive Plan Map designation from Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD) for a property located at 1303 S River Street, Yamhill County Tax Lot 3229-02500.
RCA ORD 2842 w Attachments.pdf
CC Presentation CPMA18-0006.pptx

VII.b Ordinance 2019-2843, An Ordinance annexing 1.56 acres of property located at 1303 S River Street, Yamhill County Tax Lot 3229-02500, plus the area of the adjacent right-of-way, into the Newberg city limits, and changing the zoning from Yamhill County AF-10 to Newberg R-2/RD (Riverfront District overlay).
RCA Ordinance 2843 ANX18-0001 w Att.pdf
CC Presentation ANX18-0001.pptx

VIII. CONTINUED BUSINESS

VIII.a Resolution 2018-3519, A Resolution entering into an agreement with Visit Newberg for tourism marketing and promotion activities as approved by the City Council acting as the City of Newberg Contract Review Board
RCA Reso 3519 1-22-19.doc
Attachment 1 - Coucilor Johnson TLT Committee Members.pdf
Attachment 2 - Email Councilor Johnson and City Staff.pdf

IX. NEW BUSINESS

IX.a Resolution 2019-3526, A Resolution waiving, denying or partially waiving building permit fees and Engineering Sidewalk/Driveway Approach permit fees for a hobby shop at 915 S Chehalem Street
RCA Fee Waiver 915 S Chehalem Street 1-22-19.doc
Attachment 1 - Waiver Request Letter 12-26-18.pdf
Attachment 2 - Res3500.pdf

X. COUNCIL BUSINESS

X.a City Recorder Reminder on annual SEI filing
OGEC letter to Council 2019-0108 SEI first reminder

XI. ADJOURNMENT

ADA STATEMENT

Contact the City Recorder's Office for physical or language accommodations at least 2 business days before the meeting. Call (503) 537-1283 or email cityrecorder@newbergoregon.gov. For TTY services please dial 711.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 22nd, 2019				
Order No. __	**Ordinance No. __**	**Resolution No. _X_ No. 2019-3527**	**Motion __**	**Information ___**
SUBJECT: A Resolution authorizing the City Manager to enter into a professional services agreement (PSA) with AT&T for FirstNet Mobile Plan for City Staff.		**Contact Person (Preparer) for this Motion: Dave Brooks, IT Director Dept.: Information Technology File No.:**		

RECOMMENDATION:

Adopt Resolution No. 2019-3527 authorizing the City Manager to enter into a professional services agreement (PSA) with AT&T for FirstNet Mobile Plan for City Staff.

EXECUTIVE SUMMARY:

This Resolution authorizes the City to change wireless providers from Verizon to AT&T FirstNet.

The City currently uses several wireless provider for their staff and first responders wireless communication and equipment services but would like to transition to AT&T to take advantage of the FirstNet product offerings. FirstNet provides discounted rates for data and equipment while also providing a highly secure, non-commercial network dedicated to public safety, public works and all other first responders. AT&T FirstNet services are available through a cooperative purchasing agreement with National Purchasing Partners (NPP).

In the aftermath of the 9/11 attack, a federal commission was appointed to examine the communication failures and challenges that were experienced by those first responders. During the 9/11 attack First responders suffered a complete communications failure due to overloaded cellular and radio networks. The commission recommended development of a separate dedicated communication system that would serve as an alternative to the existing commercial networks. In response, Congress authorized and funded the FirstNet Authority, under the umbrella of the Federal Communications Commission (FCC). In March 2017, AT&T was awarded a 25-year contract to build and maintain the FirstNet system. Although states were authorized to select alternate vendors or build their own systems "in-house," all states and territories have now opted to connect to the AT&T network.

Paul Braunstein, an AT&T employee assigned to FirstNet, explained that AT&T started by using their existing AT&T platform and assigning first responders higher priority than commercial users during high traffic periods. The network has now been up and running since September 2017 with approximately, 170,000 agencies connected in 50 states plus territories. They are also working to achieve a goal of 90% coverage in rural and tribal areas of the country. Mr. Braunstein also mentioned to city staff that AT&T is adding a "Band 14" dedicated solely to the public safety and first responder spectrum. All phone/tablet manufacturers will include Band 14 access on their new 2019 devices.

The City currently has 72 phones issued to employees. All of these phones are voice only. With the adoption of FirstNet, the City will be upgrading these phones to smartphones, and adding an additional 27 phones bringing the total to 99. With these smartphones, the City will be able to comply with security rules as well

as work effectively in the field using mobile applications designed for Police and Public Works.

FISCAL IMPACT:

The Number of phones issued to employees is increasing from 72 to 99 and all phones are being upgraded to smart phones.

The approximate annual value of this contract based on the proposed number of phones is approximately $55,000 for phone service. The cost of the phones and additional hardware to be purchased through the FirstNet contract is approximately $15,000. However, the City will receive activation and first-month bill credits of nearly $20,000, bringing the first-year costs to approximately $50,000. There will be an additional purchase of $10,000 from a different vendor (not part of the FirstNet contract).

However, over $54,000 annual savings will be recognized through the elimination of existing cell phone lines plus monthly employee phone stipends and annual employee phone allowances, which employees have received to offset the use of personal phones for City business. Thus, over the first year of the contract, the net cost to the City is approximately $14,000. In subsequent years, the City will recognize virtually no increase in cost.

The numbers above look at the annual view of *the contract*. The impact on the remaining 2018-19 fiscal year budget will generate a budget increase in Fund 31, where phone costs are centrally charged, and there will likely be a supplemental budget request toward the end of the fiscal year. The cost savings will be spread among the various funds where payroll is charged, and this will not generate any budget action.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

FirstNet allows the City to become compliant with the City's CJIS Audit and follow the directive of Council Goals:

- Goal 5: Utilize technology to improve and economize City services and within 3 years obtain functional software/hardware that reduces redundancies and duplication through the integration of departmental systems.
- Goal 10: Implement Emergency Preparedness and Response Program.

Encl:
Exhibit A – First Net Contract

RESOLUTION NO. 2019-3527

A RESOLUTION APPROVING THE CITY MANAGER TO SIGN AGREEMENT WITH AT&T FOR FIRSTNET MOBILE PLAN FOR THE CITY OF NEWBERG

RECITALS:

1. FirstNet will provide highly reliable network coverage. There is no Data Capping and NO Data Throttling to make sure your data works when you need it most.
2. FirstNet Priority – When disaster strikes and networks can be congested, the City of Newberg using FirstNet remain first in line, with priority and preemption across the network at no additional charge. Newberg receives the access they need to keep the lines of communication open. During a disaster, the City will have access to a satellite connected mobile cell tower to provide emergency communications when needed.
3. Allow employees to access applications in the field increasing productivity.
4. CJIS security compliance by providing city own mobile devices to first responders.
5. Following the directive of City Council goals five and ten:
    - Goal 5: Utilize technology to improve and economize City services and within 3 years obtain functional software/hardware that reduces redundancies and duplication through the integration of departmental systems.
    - Goal 10: Implement Emergency Preparedness and Response Program.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council, acting as the Contract Review Board for the City, does hereby authorize the City Manager to enter into the agreement with AT&T for FirstNet Mobile Plan, attached hereto and marked as Exhibit A, and to execute any necessary documents to accomplish this.
2. The City Attorney will modify and approve all contracts and agreements as to form and content.
3. The City Manager is further authorized to make minor amendments to this contract, in furtherance of the above purpose.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: January 23rd, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of January, 2019.

_____
Sue Ryan, City Recorder

ATTEST by the Mayor this 24th day of January, 2019.

_____
Rick Rogers, Mayor

MASTER PRICE AGREEMENT

AT&T MA Reference No.

at&t

MASTER PRICE AGREEMENT

Customer	AT&T
PUBLIC PROCUREMENT AUTHORITY Street Address: 25030 SW Parkway Ave. Suite 330 City: Wilsonville State/Province: OR Zip Code: 97070 Country: USA	AT&T Corp.
Customer Contact (for notices)	**AT&T Contact (for notices)**
Name: Heidi Arnold Title: Contract Manager Street Address: 25030 SW Parkway Ave. Suite 330 City: Wilsonville State/Province: OR Zip Code: 97070 Country: USA Telephone: 855-524-4572 Email: questions@procurementauthority.org	Street Address: 311 S. Akard St. City: Dallas State/Province: Texas Zip Code: 75202 Country: USA With a copy to: AT&T Corp. One AT&T Way Bedminster, NJ 07921-0752 ATTN: Master Agreement Support Team Email: mast@att.com

This MASTER PRICE AGREEMENT ("Agreement"), is made and entered into effective 11/18, 2015 (the "Effective Date"), by and between PUBLIC PROCUREMENT AUTHORITY, a public entity in the State of Oregon formed by an Intergovernmental Agreement pursuant to Oregon Revised Statutes Chapter 190 (Intergovernmental Cooperation) ("Authority" or "Customer") and AT&T Corp, a New York Corporation on behalf of its service providing affiliates ("AT&T" or "Vendor"). Authority and AT&T are sometimes referred to herein individually as a "Party" and collectively as the "Parties".

Recitals:

This Agreement is made and entered into as of the Effective Date (as defined by the date of the final signature on the signature page hereto) by and between Authority and AT&T;

Authority, in association with National Purchasing Partners, LLC dba NPPGov on behalf of NPPGov's members across the nation, including members of FireRescue GPO and Law Enforcement GPO, Idaho and Oregon local government units (identified in Attachment H to RFP #1520), Washington Institutions of Public Higher Education ("WIPHE") members (identified in Attachment G to RFP #1520), government units in all other states, as authorized under the terms of the Intergovernmental Cooperative Purchasing Agreement executed by PPA, comprise a cooperative procurement group which administers contracts for products and services offered to participating entities located throughout North America;

Authority provides a broad portfolio of agreements capable of serving all types of organizations; and

AT&T desires to provide products and services to PPA and agreed upon participating entities (defined below as "Participating Agencies") pursuant to the terms of this Agreement and the documents referenced and incorporated herein ("Products and Services").

Public Procurement Authority (by its authorized representative)	AT&T Corp. (by its authorized representative)
By: Heidi Arnold	By:
Name: Heidi Arnold	Name: John D. Erwin
Title: Contract Manager	Title: Sr. Vice President
Date: 11/18/2015	Date: 11/12/2015

For and in consideration of the mutual covenants and conditions contained herein, Authority and AT&T agree as follows:

1. Scope

1.1 Relationship of the Parties. As the contracting agent for the Participating Agencies, Authority enters into this Agreement for the benefit of the Participating Agencies. The Participating Agencies may elect to contract with AT&T for the Services on a voluntary basis.

1.2 Term of the Agreement. This Agreement shall have an initial term of three (3) years beginning on the Effective Date (the "Initial Term"). Three (3) additional one-year terms (each, a "Renewal Term") will automatically go into effect following the Initial Term unless a party provides sixty (60) days written notice to the other party of an intention to terminate the Agreement at the conclusion of the Initial Term of any of the Renewal Terms. The Initial Term and any Renewal Terms are referred to collectively herein as the "Term."

1.3 Participating Agencies. As used in this Agreement, and all documents referenced/incorporated herein, the term "Participating Agency" and collectively "Participating Agencies" shall mean governmental entities that are members of NPPGov (across the United States) including members of FireRescue GPO and Law Enforcement GPO, Idaho and Oregon local government units (identified in Attachment H to RFP #1520), Washington Institutions of Public Higher Education ("WIPHE") members (identified in Attachment G to RFP #1520), and government units in all other states (as authorized under the terms of the Intergovernmental Cooperative Purchasing Agreement executed by PPA and Participating Entities). The provisioning of Products and Services under this Agreement shall also be available to governmental entities that are not members of NPPGov and shall be treated as Participating Agencies for all purposes herein. The provisioning of Products and Services under this Agreement shall be not be available to non-profit entities; provided, however, Volunteer Fire Departments that are members of NPPGov and organized and established pursuant to all applicable state and local laws and regulations and with all applicable orders issued by courts or other governmental bodies of competent jurisdiction are eligible to receive Products and Services under this Agreement and shall be treated as Participating Agencies for all purposes herein.

1.4 Purpose of this Agreement. The Parties acknowledge and agree that the purpose of this Agreement is to establish a cooperative purchasing agreement between Authority and AT&T. The parties further acknowledge and agree that consistent with RFP #1520 and AT&T's Response to RFP #1520, the parties intend to modify this Agreement, including the Attachments, over the defined term to ensure that the Agreement remains competitive and relevant to Participating Agencies by the addition, updating, replacement and/or removal of all reasonably in-scope services, equipment, products and solutions.

1.5 Pricing Schedules. The pricing (including discounts and commitments, if applicable) and Pricing Schedule Term for each Service are set forth in a Pricing Schedule, the forms of which are attached as a sub-Exhibit of Exhibit A hereto (each, a "Pricing Schedule" and collectively, the "Pricing Schedules"). Each Pricing Schedule shall also include the terms and conditions of the obligation of AT&T to report Net Sales and pay Administrative Fees (as defined in the Pricing Schedule) as well as any relevant volume commitment or Minimum Annual Revenue Commitment (MARC) by Authority. Authority hereby approves the form of Pricing Schedule(s) attached as sub-Exhibit(s) of Exhibit A hereto, which form may not be revised without an amendment. A form of Participation Agreement (as defined below) will be executed by each Participating Agency and will incorporate the specific Pricing Schedule(s) selected by the Participating Agency.

1.6 Amendment of the Pricing Schedules. The terms and conditions of the Pricing Schedule(s) may only be amended by agreement between Authority and AT&T. Pricing Schedules may not be altered in any way by the Participating Agencies. However, a Pricing Schedule and Participation Agreement (as defined below) may be negotiated by such Participating Agency and AT&T.

1.7 Accessibility of Master Price Agreement. Authority shall ensure that this Master Price Agreement and all attachments are available at all times on the NPPGov public website located at www.nppgov.com or such other public website identified by NPPGov.

2. Participating Agency Access to Services

2.1 Participation Agreement and AT&T Master Terms. Participating Agencies who wish to purchase Services under this Agreement as set forth in the applicable Pricing Schedule shall be required to execute a Participating Agreement in the form of which is attached hereto as Exhibit B ("Participation Agreement") which shall include the Participation Agreement Cover Page and the Participation Agreement Standard Terms which shall incorporate (i) the specific Pricing Schedules(s) attached hereto as sub-Exhibits to Exhibit A that are selected by the Participating Agency, and (ii) the AT&T/Participating Agency Product and Service Agreement Terms in the form of which is attached hereto as Exhibit C. Authority hereby approves the form of Participation Agreement attached hereto as Exhibit B and the form of AT&T/Participating Agency Product and Service Agreement attached hereto as Exhibit C, which forms may not be revised without amendment; provided, however, that AT&T and Participating Agency may in their sole discretion agree to revise the Participation Agreement as concerns the provision of Products and Services exclusively between AT&T and that Participating Agency. In the event this Agreement is terminated prior to the end of the Initial term, the Participation Agreements shall remain in place between AT&T and the Participating Agencies for the full term defined in each Participation Agreement.

3. Maintenance of Records.

3.1 Subject to AT&T's reasonable security requirements and not more than once every twelve (12) months, Participating Agencies may, at their own expense, review AT&T's relevant billing records for a period not to exceed the preceding 12 months, for the purpose of assessing the accuracy of AT&T's invoices to each Participating Agency. Each Participating Agency may employ such assistance, as it deems desirable to conduct such reviews but may not employ the assistance of any entity that derives a substantial portion of its revenues from the provision of services that are substantially similar to the Services provided hereunder or any person who has previously made prohibited use of AT&T's Confidential Information. Each Participating Agency shall cause any person retained for this purpose to execute a non-disclosure agreement imposing substantially the same obligations of confidentiality as are set forth in Section 5. Such reviews shall take place at a time and place agreed upon by AT&T and such Participating Agency. Participating Agency's normal internal invoice reconciliation procedures shall not be considered a review of AT&T's relevant billing records for purposes of this Section.

3.2 AT&T shall promptly correct any billing error that is revealed in a billing review, including refunding any overpayment by Participating Agency in the form of a credit as soon as reasonably practicable under the circumstances.

4. Compliance with Law and Government Program Participation

4.1 Compliance with Law. Each Party represents that to the best of its knowledge, after due inquiry, it is, and for the Term shall be, in compliance with all applicable federal and state laws, ordinances and regulations that are material to the operation of its business and the performance of its obligations under this Agreement ("Legal Requirements").

4.2 Notification of Claims. During the Term, each Party shall immediately notify the other Party of any lawsuits, claims, administrative actions or other proceedings asserted or commenced against it that are material to the notifying Party's responsibilities under this Agreement.

5. CONFIDENTIAL INFORMATION

5.1 Confidential Information. "Confidential Information" means: (a) information the Parties or their Affiliate (as defined in the applicable Pricing Schedule) share with each other in connection with this Agreement or in anticipation of providing Services under this Agreement (including pricing or other proposals), but only to the extent identified as Confidential Information in writing and (b) except as may be required by applicable law or regulation, the terms of this Agreement.

5.2 Obligations. A disclosing Party's Confidential Information will, for a period of three years following the disclosure to the other Party (except in the case of software, for which the period is indefinite): (a) not be disclosed, except to the receiving Party's employees, agents and contractors having a need-to-know (but only if such agents and contractors are not direct competitors of the other Party and agree in writing to use and disclosure restrictions as this Section 5) or to the extent authorized to be revealed by law, governmental authority or legal process (but only if such disclosure is limited to that which is so authorized and prompt notice is provided to the disclosing Party to the extent practicable and not prohibited by law, governmental authority or legal process); (b) be held in confidence; and (c) be used only for purposes of using the Services, evaluating proposals for new services or performing this Agreement (including in the case of AT&T to detect fraud, to check quality and to operate, maintain and enhance the network and Services). Notwithstanding the foregoing, Authority may disclose the Confidential Information to the Participating Agencies. Each Party shall mark as "Confidential – Not for Disclosure outside [the name of the other Party]" any information that it does not wish to share outside of the direct receiving Party.

5.3 Exceptions. The restrictions in this Section 5 will not apply to any information that: (a) is independently developed by the receiving Party without use of the disclosing Party's Confidential Information; (b) is lawfully received by the receiving Party free of any obligation to keep it confidential; or (c) becomes generally available to the public other than by breach of this Agreement.

5.4 Privacy. Each Party is responsible for complying with the privacy laws applicable to its business. AT&T shall require its personnel, agents and contractors around the world who process Customer Personal Data to protect Customer Personal Data in accordance with the data protection laws and regulations applicable to AT&T business.

6. LIMITATIONS OF LIABILITY AND DISCLAIMERS

6.1 **Limitation of Liability.**

(a) EITHER PARTY'S ENTIRE LIABILITY AND THE OTHER PARTY'S EXCLUSIVE REMEDY FOR DAMAGES ON ACCOUNT OF ANY CLAIM ARISING OUT OF AND NOT DISCLAIMED UNDER THIS AGREEMENT SHALL BE:

(i) FOR BODILY INJURY, DEATH OR DAMAGE TO REAL PROPERTY OR TO TANGIBLE PERSONAL PROPERTY PROXIMATELY CAUSED BY A PARTY'S NEGLIGENCE, PROVEN DIRECT DAMAGES;

(ii) FOR BREACH OF SECTION 5 (Confidential Information), SECTION 9.1 (Publicity) OR SECTION 9.2 (Trademarks), PROVEN DIRECT DAMAGES;

(iii) FOR ANY THIRD-PARTY CLAIMS, THE REMEDIES AVAILABLE UNDER SECTION 7 (Third Party Claims);

(iv) FOR CLAIMS ARISING FROM THE OTHER PARTY'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, PROVEN DAMAGES; OR

(v) FOR CLAIMS OTHER THAN THOSE SET FORTH IN SECTION 6.1(a)(i)-(iv), PROVEN DIRECT DAMAGES NOT TO EXCEED, ON A PER CLAIM OR AGGREGATE BASIS DURING ANY TWELVE (12) MONTH PERIOD, AN AMOUNT EQUAL TO THE TOTAL NET CHARGES INCURRED BY CUSTOMER FOR THE AFFECTED SERVICE IN THE RELEVANT COUNTRY DURING THE THREE (3) MONTHS PRECEDING THE MONTH IN WHICH THE CLAIM AROSE.

(b) EXCEPT AS SET FORTH IN SECTION 7 (Third Party Claims) OR IN THE CASE OF A PARTY'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT, NEITHER PARTY WILL BE LIABLE TO THE OTHER PARTY FOR ANY INDIRECT, INCIDENTAL, CONSEQUENTIAL, PUNITIVE, RELIANCE OR SPECIAL DAMAGES, INCLUDING WITHOUT LIMITATION DAMAGES FOR LOST PROFITS, ADVANTAGE, SAVINGS OR REVENUES OR FOR INCREASED COST OF OPERATIONS.

(c) THE LIMITATIONS IN THIS SECTION 6 SHALL NOT LIMIT CUSTOMER'S RESPONSIBILITY FOR THE PAYMENT OF ALL PROPERLY DUE CHARGES UNDER THIS AGREEMENT.

6.2 **Disclaimer of Liability**. AT&T WILL NOT BE LIABLE FOR ANY DAMAGES ARISING OUT OF OR RELATING TO: INTEROPERABILITY, ACCESS OR INTERCONNECTION OF THE SERVICES WITH APPLICATIONS, DATA, EQUIPMENT, SERVICES, CONTENT OR NETWORKS PROVIDED BY CUSTOMER OR THIRD PARTIES; SERVICE DEFECTS, SERVICE LEVELS, DELAYS OR ANY SERVICE ERROR OR INTERRUPTION, INCLUDING INTERRUPTIONS OR ERRORS IN ROUTING OR COMPLETING ANY 911 OR OTHER EMERGENCY RESPONSE CALLS OR ANY OTHER CALLS OR TRANSMISSIONS (EXCEPT FOR CREDITS EXPLICITLY SET FORTH IN THIS AGREEMENT); LOST OR ALTERED MESSAGES OR TRANSMISSIONS; OR UNAUTHORIZED ACCESS TO OR THEFT, ALTERATION, LOSS OR DESTRUCTION OF CUSTOMER'S (OR ITS AFFILIATES', USERS' OR THIRD PARTIES') APPLICATIONS, CONTENT, DATA, PROGRAMS, INFORMATION, NETWORKS OR SYSTEMS.

6.3 **Purchased Equipment and Vendor Software Warranty**. AT&T shall pass through to Customer any warranties for Purchased Equipment and Vendor Software available from the manufacturer or licensor. The manufacturer or licensor, and not AT&T, is responsible for any such warranty terms and commitments. ALL SOFTWARE AND PURCHASED EQUIPMENT IS OTHERWISE PROVIDED TO CUSTOMER ON AN "AS IS" BASIS.

6.4 **Disclaimer of Warranties**. AT&T MAKES NO REPRESENTATIONS OR WARRANTIES, EXPRESS OR IMPLIED, SPECIFICALLY DISCLAIMS ANY REPRESENTATION OR WARRANTY OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE OR NON-INFRINGEMENT AND SPECIFICALLY DISCLAIMS ANY WARRANTY ARISING BY USAGE OF TRADE OR BY COURSE OF DEALING. FURTHER, AT&T MAKES NO REPRESENTATION OR WARRANTY THAT TELEPHONE CALLS OR OTHER TRANSMISSIONS WILL BE ROUTED OR COMPLETED WITHOUT ERROR OR INTERRUPTION (INCLUDING CALLS TO 911 OR ANY SIMILAR EMERGENCY RESPONSE NUMBER) AND MAKES NO GUARANTEE REGARDING NETWORK SECURITY, THE ENCRYPTION EMPLOYED BY ANY SERVICE, THE INTEGRITY OF ANY DATA THAT IS SENT, BACKED UP, STORED OR SUBJECT TO LOAD BALANCING OR THAT AT&T'S SECURITY PROCEDURES WILL PREVENT THE LOSS OR ALTERATION OF OR IMPROPER ACCESS TO CUSTOMER'S DATA AND INFORMATION.

6.5 **Application and Survival**. The disclaimer of warranties and limitations of liability set forth in this Agreement will apply regardless of the form of action, whether in contract, equity, tort, strict liability or otherwise, of whether damages were foreseeable and of whether a party was advised of the possibility of such damages and will apply so as to limit the liability of each party and its Affiliates and their respective employees, directors, subcontractors and suppliers. The limitations

of liability and disclaimers set out in this Section 6 will survive failure of any exclusive remedies provided in this Agreement.

7. THIRD PARTY CLAIMS

7.1 **AT&T's Obligations.** AT&T agrees at its expense to defend and either to settle any third-party claim against Customer, its Affiliates and its and their respective employees and directors or to pay all damages that a court finally awards against such parties for a claim alleging that a Service provided to Customer under this Agreement infringes any patent, trademark, copyright or trade secret, but not where the claimed infringement arises out of or results from: (a) Customer's, its Affiliate's or a User's content; (b) modifications to the Service by Customer, its Affiliate or a third party, or combinations of the Service with any non-AT&T services or products by Customer or others; (c) AT&T's adherence to Customer's or its Affiliate's written requirements; or (d) use of a Service in violation of this Agreement.

7.2 **Customer's Obligations.** Customer agrees at its expense to defend and either to settle any third-party claim against AT&T, its Affiliates and its and their respective employees, directors, subcontractors and suppliers or to pay all damages that a court finally awards against such parties for a claim that: (a) arises out of Customer's, its Affiliate's or a User's access to or use of the Services and the claim is not the responsibility of AT&T under Section 7.1; (b) alleges that a Service infringes any patent, trademark, copyright or trade secret and falls within the exceptions in Section 7.1; or (c) alleges a breach by Customer, its Affiliate or a User of a Software license agreement.

7.3 **Infringing Services.** Whenever AT&T is liable under Section 7.1, AT&T may at its option either procure the right for Customer to continue using, or may replace or modify, the Service so that it is non-infringing.

7.4 **Notice and Cooperation.** The party seeking defense or settlement of a third-party claim under this Section 7 will provide notice to the other party promptly upon learning of any claim for which defense or settlement may be sought, but failure to do so will have no effect except to the extent the other party is prejudiced by the delay. The party seeking defense or settlement will allow the other party to control the defense and settlement of the claim and will reasonably cooperate with the defense. The defending party will use counsel reasonably experienced in the subject matter at issue and will not settle a claim without the written consent of the party being defended, which consent will not be unreasonably withheld or delayed, except that no consent will be required to settle a claim where relief against the party being defended is limited to monetary damages that are paid by the defending party under this Section 7.

7.5 AT&T's obligations under Section 7.1 shall not extend to actual or alleged infringement or misappropriation of intellectual property based on Purchased Equipment, Software, or Third-Party Services.

8. SUSPENSION AND TERMINATION

8.1 **Termination of Agreement.** This Agreement may be terminated immediately upon notice by either party if the other party becomes insolvent, ceases operations, is the subject of a bankruptcy petition, enters receivership or any state insolvency proceeding or makes an assignment for the benefit of its creditors.

8.2 **Termination or Suspension.** The following additional termination provisions apply:

(a) **Material Breach.** If either party fails to perform or observe any material warranty, representation, term or condition of this Agreement, including non-payment of charges, and such failure continues unremedied for 30 days after receipt of notice, the aggrieved party may terminate (and AT&T may suspend and later terminate) the affected Service Components and, if the breach materially and adversely affects the entire Agreement, terminate (and AT&T may suspend and later terminate) the entire Agreement.

(b) **Materially Adverse Impact.** If AT&T revises a Service Publication, the revision has a materially adverse impact on Customer and AT&T does not effect revisions that remedy such materially adverse impact within 30 days after receipt of notice from Customer, then Customer may, as Customer's sole remedy, elect to terminate the affected Service

Components on 30 days' notice to AT&T, given not later than 90 days after Customer first learns of the revision to the Service Publication. "Materially adverse impacts" do not include changes to non-stabilized pricing, changes required by governmental authority, or assessment of or changes to additional charges such as surcharges or taxes.

(c) **Internet Services**. If Customer fails to rectify a violation of the AUP within 5 days after receiving notice from AT&T, AT&T may suspend the affected Service Components. AT&T reserves the right, however, to suspend or terminate immediately when: (i) AT&T's suspension or termination is in response to multiple or repeated AUP violations or complaints; (ii) AT&T is acting in response to a court order or governmental notice that certain conduct must be stopped; or (iii) AT&T reasonably determines that (a) it may be exposed to sanctions, liability, prosecution or other adverse consequences under applicable law if AT&T were to allow the violation to continue; (b) such violation may harm or interfere with the integrity, normal operations or security of AT&T's network or networks with which AT&T is interconnected or may interfere with another customer's use of AT&T services or the Internet; or (c) such violation otherwise presents an imminent risk of harm to AT&T, AT&T's customers or its or their respective employees.

(d) **Fraud or Abuse**. AT&T may terminate or suspend an affected Service or Service Component and, if the activity materially and adversely affects the entire Agreement, terminate or suspend the entire Agreement, immediately by providing Customer with as much advance notice as is reasonably practicable under the circumstances if Customer, in the course of breaching the Agreement: (i) commits a fraud upon AT&T; (ii) uses the Service to commit a fraud upon another party; (iii) unlawfully uses the Service; (iv) abuses or misuses AT&T's network or Service; or (v) interferes with another customer's use of AT&T's network or services.

(e) **Infringing Services**. If the options described in Section 7.3 (Infringing Services) are not reasonably available, AT&T may at its option terminate the affected Services or Service Components without liability other than as stated in Section 7.1 (AT&T's Obligations).

(f) **Hazardous Materials**. If AT&T encounters any Hazardous Materials at the Site, AT&T may terminate the affected Services or Service Components or may suspend performance until Customer removes and remediates the Hazardous Materials at Customer's expense in accordance with applicable law.

8.3 **Effect of Termination**.

(a) Termination or suspension by either party of a Service or Service Component does not waive any other rights or remedies a party may have under this Agreement and will not affect the rights and obligations of the parties regarding any other Service or Service Component.

(b) If a Service or Service Component is terminated, Customer will pay all amounts incurred prior to the effective date of termination.

(c) In the event this Agreement is terminated prior to the end of the Initial term, the Participation Agreements shall remain in place between AT&T and the Participating Agencies for the full term defined in each Participation Agreement.

9. MISCELLANEOUS PROVISIONS

9.1 Publicity. Neither Party may issue any public statements or announcements relating to the terms of this Agreement or to the provisions of Services without the prior written consent of the other Party; provided, however, that Authority may disclose such information to the Participating Agencies.

9.2 Trademarks. Each Party agrees not to display or use, in advertising or otherwise, any of the other Party's trade names, logos, trademarks, service marks or other indicia of origin without the other Party's prior written consent, which consent may be revoked at any time by notice; provided, however, that Authority may display or use such information with respect to the Participating Agencies.

9.3 Independent Contractor. Each Party is an independent contractor. Neither Party controls the other and neither Party nor its Affiliates, employees, agents or contractors are Affiliates, employees, agents or contractors of the other Party. As used in this Agreement, "Affiliate" (a) when referring to an affiliate of AT&T, means and includes legal entities controlling or controlled by or under common control with AT&T; and (b) when referring to an affiliate of Authority, means and includes an entity controlling or controlled by or under common control with Authority, where control is defined as (i) the ownership of at least thirty five percent (35%) of the equity or beneficial interest of such entity; or (ii) the right to vote for or appoint a majority of the board of directors or other governing body of such entity.

9.4 Force Majeure. Except for payment of amounts due hereunder (including Administrative Fees), neither Party will be liable for any delay, failure in performance, loss or damage due to fire, explosion, cable cuts, power blackout, earthquake, flood, strike, embargo, labor disputes, acts of civil or military authority, war, terrorism, acts of God, acts of a public enemy, acts or omissions of carriers and suppliers, acts of regulatory or governmental agencies or other causes beyond such Party's reasonable control.

9.5 Assignment and Subcontracting

(a) Customer may, without AT&T's consent but upon notice of AT&T, assign in whole or in relevant part its rights and obligations under this Agreement to a Customer Affiliate. AT&T may, without Customer's consent, but upon notice to Customer, assign in whole or relevant part its rights and obligations under this Agreement to an AT&T Affiliate. In no other case may this Agreement be assigned by either Party without the prior written consent of the other Party (which consent will not be unreasonably withheld or delayed.) In the case of any assignment, the assigning Party shall remain financially responsible for the performance of the assigned obligations.
(b) AT&T may subcontract to an Affiliate or a third party work to be performed under this Agreement but will remain financially responsible for the performance of such obligations.

9.6 Severability. If any portion of this Agreement is found to be invalid or unenforceable or if, notwithstanding Section 9.10 (Governing Law), applicable law mandates a different interpretation or result, the remaining provisions will remain in effect and the Parties will negotiate in good faith to substitute for such invalid, illegal or unenforceable provision a mutually acceptable provision consistent with the original intention of the Parties.

9.7 Injunctive Relief. Nothing in this Agreement is intended to or should be construed to prohibit a Party from seeking preliminary or permanent injunctive relief in appropriate circumstances from a court of competent jurisdiction.

9.8 Legal Action. The Parties agree that applicable statute of limitations will apply to any actions arising in connection with this Agreement.

9.9 Survival. The respective obligations of the Customer and AT&T that by their nature would continue beyond the termination or expiration of this Agreement including the obligations set forth in Section 5 (Confidential Information), will survive such termination or expiration.

9.10 Governing Law. This Agreement will be governed by the law of the State of Oregon, without regard to its conflict of law principles, unless a regulatory agency with jurisdiction over the applicable Service applies a different law. The United Nations Convention on Contracts for International Sale of Goods will not apply.

10. MISCELLANEOUS

10.1Notices. Except as otherwise expressly provided herein, all notices or other communications required or permitted under this Agreement shall be in writing and shall be deemed sufficient when mailed by United States mail, delivered by Federal Express or similar overnight delivery service, or delivered in person to the Party to which it is to be given, at the address of such Party set forth below, or to such other address as the Party shall have furnished in writing in accordance with this Section:

If to AT&T:
Ross Deuel
Street Address: 311 S AKARD ST
City: Dallas State/Province: Texas
Zip Code: 75202 Country: USA
Telephone: 972-977-0248
Email: ross.deuel@att.com

If to Authority:
Name: Heidi Arnold
Title: Contract Manager
Public Procurement Authority
Street Address: 25030 SW Parkway Avenue, Suite 330
City: Wilsonville State/Province: OR
Zip Code: 97070 Country: USA
Telephone: 885-524-4572
Email: questions@procurementauthority.org

10.2 Third Party Beneficiaries. All Participating Agencies, as applicable, are intended third party beneficiaries to this Agreement.

10.3 Purchasing Commitments. Authority's award of this Agreement to AT&T shall not constitute a commitment by any Participating Agency (or other person) to purchase any of the Services from or through AT&T. AT&T shall not require any Participating Agency to purchase any specific quantity or combination of Services, or impose any other purchasing commitment on a Participating Agency as a condition to the Participating Agency's purchase of any Services pursuant to this Agreement.

10.4 Entire Agreement; Amendments. This Agreement, Authority's Data and Communications Solutions, Related Equipment, and Accessories RFP published on January 14, 2015 RFP #1520 (the "RFP"), and AT&T's Response to the RFP shall constitute the entire agreement between Authority and AT&T. In the event of any inconsistency between this Agreement and the Exhibits, the terms of this Agreement shall control the relationship between AT&T and Authority. In the event of a conflict or inconsistency between the Agreement, the RFP and AT&T's Response to the RFP, the Agreement followed by AT&T's Response to the RFP followed by the RFP shall control the relationship between AT&T and Authority. No other terms and conditions in any document, acceptance, or acknowledgement shall be effective or binding unless expressly agreed in a signed writing. All modifications to this Agreement shall require an amendment, and no amendment to this Agreement shall be effective unless it is in writing and executed by both Authority and AT&T. Authority and AT&T hereby agree that email communications will not constitute a "writing" for the purposes of any amendment or other modifications of this Agreement.

11. DEFINITIONS

"**Affiliate**" of a party means any entity that controls, is controlled by or is under common control with such party.

"**Customer Personal Data**" means information that identifies an individual, that Customer directly or indirectly makes accessible to AT&T and that AT&T collects, holds or uses in the course of providing the Services.

AMENDMENT NO. 2
TO
MASTER PRICE AGREEMENT

This Amendment No. 2 ("Amendment 2") is entered into as of June 26, 2017 (the Effective Date") by and between AT&T Corp. ("AT&T") and Public Procurement Authority ("Authority" or "Customer") (AT&T and Customer are, at times, referred to individually as a "Party" and together as the "Parties").

1. Recitals.

1.1 AT&T and Customer entered into that certain Master Price Agreement on November 18, 2015, as amended by Amendment No. 1 dated November 7, 2016

1.2 AT&T and Customer desire to amend and make certain changes to the Master Price Agreement as described in this Amendment 2.

2. Agreement. In consideration of the recitals set forth in §1 above, which are hereby re-stated and agreed to by the Parties, and for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, AT&T and Customer hereby agree to amend the Master Price Agreement pursuant to the terms and conditions of this Amendment 2. Unless otherwise defined, capitalized terms in this Amendment 2 will have the meanings ascribed to them in the Master Price Agreement.

3. Specific Changes to the Master Price Agreement.

3.1 Subsections 1.5 "Pricing Schedules", 1.6 "Amendment of the Pricing Schedules and 1.7 Amendment of the Pricing Schedules are replaced in their entirety with the following:

> 1.5 Services. Consistent with Section 2 "Participation Agency Access to Services" below, Participating Agencies may purchase Services identified in (i) the Pricing Schedules as defined in Section 1.6 "Pricing Schedules" below, and/or (ii) the AT&T NPPGov Program Website as defined in Section 1.8 "Program Website".
>
> 1.6 Pricing Schedules. The Pricing Schedules shall contain the pricing (including discounts and commitments, if applicable) and Pricing Schedule Term for each Service, the forms of which are attached as a sub-Exhibit of Exhibit A hereto (each, a "Pricing Schedule" and collectively, the "Pricing Schedules"). Each Pricing Schedule shall also include the terms and conditions of the obligation of AT&T to report Net Sales and pay Administrative Fees (as defined in the Pricing Schedule) as well as any relevant volume commitment or Minimum Annual Revenue Commitment (MARC) by Authority. Authority hereby approves the form of Pricing Schedule(s) attached as sub-Exhibit(s) of Exhibit A hereto, which form may not be revised without an amendment. A form of Participation Agreement (as defined below) will be executed by each Participating Agency and will incorporate the specific Pricing Schedule(s) selected by the Participating Agency.
>
> 1.7 Amendment of the Pricing Schedules. The terms and conditions of the Pricing Schedule(s) may only be amended by agreement between Authority and AT&T. Pricing Schedules may not be altered in any way by the Participating Agencies. However, a Pricing Schedule and Participation Agreement (as defined below) may be negotiated by such Participating Agency and AT&T.
>
> 1.8. AT&T NPPGov Program Website Services. The Services identified on the Program Website shall be made available to Participating Agencies subject as applicable to the terms and conditions posted or incorporated by reference on the AT&T NPPGov Program Website and the relevant Sales Information both of which may be modified by AT&T from time to time; provided, however, that all such Service shall also remain subject to the terms and conditions of the Agreement, including all Attachments and documents incorporated therein by reference. Services that fit within the scope of

the RFP and resulting Master Price Agreement shall be added to the AT&T NPPGov Program Website upon the mutual agreement of the Parties and following written confirmation of such agreement. The written confirmation process shall be agreed upon by the Parties. The pricing for such Services shall be the generally available rates set forth on the AT&T NPPGov Program Website or the generally available rates set forth in AT&T's Sales Information.

1.9 Accessibility of Master Price Agreement. Authority shall ensure that this Master Price Agreement and all attachments are available at all times on the NPPGov public website located at www.nppgov.com or such other public website identified by NPPGov.

3.2 Subsection 2.1 "Participation Agreement and AT&T Master Terms" is modified by adding "and/or identified on the AT&T NPPGov Program Website" in the second sentence after "applicable Pricing Schedule" and "shall be required".

3.3 Section 11 "Definitions" is modified by adding the following definitions for "AT&T NPPGov Program Website" and "Sales Information":

"AT&T NPPGov Program Website" means that certain website found at https://www.wireless.att.com/businesscenter/legal-contracts/att-nppgov-program.jsp, together with all applicable content found thereon, all of which are incorporated into this Agreement by this reference.

"Sales Information" means AT&T's printed and/or on-line marketing-related materials applicable to Services provided under the Agreement, including Product Briefs, as such materials may be modified by AT&T from time to time, all of which are incorporated herein by this reference.

3.4 Sub-Exhibit A-1: AT&T Mobility Services Pricing Schedule shall be revised to change the header starting at page 2 through the end of the Sub-Exhibit from "AT&T Corporate Digital Advantage Pricing Schedule" to "AT&T Mobility Services Pricing Schedule".

3.5 Sub-Exhibit A-1: AT&T Mobility Services Pricing Schedule, Section 4.1 titled "Service Discounts". is hereby revised by deleting the Service Discounts Table in its entirety and replacing it with the following Table:

4.1 Service Discounts Table

Service Discount for CRUs*	Service Discount for IRUs*
25%	17%

*It may take several billing cycles for the Service Discount to be applied.

3.6 Sub-Exhibit A-1: AT&T Mobility Services Pricing Schedule, Section 9.1 titled "Government Bundles (Voice/Data/Text)" is hereby revised by deleting the Government Bundles (Voice/Data/Text Table in its entirety and replacing it with the following Table:

9.1 Government Bundles (Voice/Data/Text)

Government Bundles (Voice/Data/Text)					
	Bundled GOV Pooled Nation AAL Plan	Bundled GOV Pooled Nation 300 Plan	Bundled GOV Pooled Nation 400 Plan	Bundled GOV Pooled 600 Plan	Bundled GOV Pooled 1000 Plan
Monthly Service Charge	$35.99	$48.75	$49.61	$61.43	$73.13
Anytime Minutes	0	300	400	600	1000
Included Nights & Weekend Minutes	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Included Mobile to Mobile Minutes	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
Domestic Long Distance	Included	Included	Included	Included	Included
Domestic Roaming	Included	Included	Included	Included	Included
Monthly Service Charge Discount	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Rollover Minutes	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Domestic Data Access	Included	Included	Included	Included	Included
Additional Domestic Data Usage	Not Applicable	Not Applicable	Not Applicable	Not Applicable	Not Applicable
Unlimited Text	Yes	Yes	Yes	Yes	Yes
Tethering*	$10.00	$10.00	$10.00	$10.00	$10.00

* Tethering feature is capped at 10GB per CRU line.

3.7 Sub-Exhibit A-1: AT&T Mobility Services Pricing Schedule, Section 9.2 titled “GOV Pooled Nation Plans” is hereby revised by adding the following Government Pooled Nation Plan Add-a-Line Table:

9.2 GOV Pooled Nation Plans

Government Pooled Nation Plan Add-a-Line Table	
Monthly Service Charge	$15.99
Anytime Minutes	0
Included Nights & Weekend Minutes	Unlimited
Included Mobile to Mobile Minutes	Unlimited
Domestic Long Distance	Included
Domestic Roaming	Included
Monthly Service Charge Discount	Not Applicable
Rollover Minutes	Not Applicable
Domestic Data Access	Included
Additional Domestic Data Usage	Not Applicable
Unlimited Text	Yes
Tethering	$10.00

3.8 Attachment B Participation Agreement Cover Page and Participation Agreement Standard Terms is hereby revised by deleting the Participation Agreement Cover Page and Participation Agreement Standard Terms in their entirety and replacing the Attachment with the following revised and reissued Exhibit B Participation Agreement Cover Agreement and Participation Agreement Standard Terms attached hereto:

4. Restatement of Agreement. The terms and conditions of the Master Price Agreement, as modified by this Amendment 2, are hereby restated and ratified by AT&T and Customer. All such other terms and conditions of the Master Price Agreement, as amended, are and shall continue to remain in full force and effect.

IN WITNESS WHEREOF, the Parties have duly executed this Amendment 2 as of the Amendment 2 Effective Date.

AT&T Corp.	**Public Procurement Authority**
By: _____	By: Heidi Arnold
Name: Jack Wildermuth	Name: Heidi Arnold
Title: Senior Contract Manager	Title: Contract Manager
Date: June 26, 2017	Date: June 26, 2017

AMENDMENT NO. 3
TO
MASTER PRICE AGREEMENT

This Amendment No. 3 ("Amendment 3") is entered into as of April 13th, 2018 (the Effective Date") by and between AT&T Corp. ("AT&T") and Public Procurement Authority ("Authority" or "Customer") (AT&T and Customer are, at times, referred to individually as a "Party" and together as the "Parties").

1. Recitals.

1.1 AT&T and Customer entered into that certain Master Price Agreement on November 18, 2015, as amended.

1.2 AT&T and Customer desire to amend and make certain changes to the Master Price Agreement as described in this Amendment 3.

2. Agreement. In consideration of the recitals set forth in §1 above, which are hereby re-stated and agreed to by the Parties, and for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, AT&T and Customer hereby agree to amend the Master Price Agreement pursuant to the terms and conditions of this Amendment 3. Unless otherwise defined, capitalized terms in this Amendment 3 will have the meanings ascribed to them in the Master Price Agreement.

3. Specific Changes to the Master Price Agreement.

3.1 Subsections 1.3 "Participating Agencies", is replaced in its entirety with the following:

1.3 Participating Agencies. As used in this Agreement, and all documents referenced/incorporated herein, the term "Participating Agency" and collectively "Participating Agencies" shall mean governmental entities that are members of NPPGov (across the United States) including members of FireRescue GPO and Law Enforcement GPO, Idaho and Oregon local government units (identified in Attachment H to RFP #1520), Washington Institutions of Public Higher Education ("WIPHE") members (identified in Attachment G to RFP #1520), and government units in all other states (as authorized under the terms of the Intergovernmental Cooperative Purchasing Agreement executed by PPA and Participating Entities).

(a) The provisioning of Products and Services under this Agreement shall not be available to non-profit entities; provided, however, (i) Volunteer Fire Departments that are members of NPPGov and organized and established pursuant to all applicable state and local laws and regulations and with all applicable orders issued by courts or other governmental bodies of competent jurisdiction are eligible to receive Products and Services under this Agreement and shall be treated as Participating Agencies for all purposes herein, and (ii) non-profit entities that are members of NPPGov are eligible to purchase FirstNet Products and Services under this Agreement to the extent that the non-profit entity qualifies for the FirstNet program as determined in the sole discretion of AT&T and shall be treated as Participating Agencies for the limited purpose of purchasing FirstNet Products and Services (no other Products and Services may be purchased under this Agreement).

(b) Non-governmental entities that are members of NPPGov are eligible to purchase FirstNet Products and Services under this Agreement to the extent that the non-governmental entity qualifies for the FirstNet program as determined in the sole discretion of AT&T and shall be treated as Participating Agencies for the limited purpose of purchasing FirstNet Products and Services (no other Products and Services may be purchased under this Agreement).

4. Restatement of Agreement. The terms and conditions of the Master Price Agreement, as modified by this Amendment 3, are hereby restated and ratified by AT&T and Customer. All such other terms and conditions of the Master Price Agreement, as amended, are and shall continue to remain in full force and effect.

IN WITNESS WHEREOF, the Parties have duly executed this Amendment 3 as of the Amendment 3 Effective Date.

AT&T Corp.

By: Jack Wildermuth

Name: Jack Wildermuth

Title: Senior Contract Manager

Date: 4/13/18

Public Procurement Authority

By: Teila Leighton

Name: Teila Leighton

Title: Contract Manager

Date: 4/13/18

AMENDMENT NO. 1
TO
AT&T MOBILITY SERVICES PRICING SCHEDULE

This Amendment No. 1 (the "Amendment 1") is entered into as of November 7, 2016 (the "Amendment 1 Effective Date") by and between AT&T Mobility National Accounts LLC ("AT&T") and Public Procurement Authority ("Customer") (AT&T and Public Procurement Authority are, at times, referred to individually as a "Party" and together as the "Parties").

1. **Recitals.**

1.1 AT&T Corp. and Public Procurement Authority, a public entity in the State of Oregon formed by an Intergovernmental Agreement pursuant to Oregon Revised Statutes Chapter 190 (Intergovernmental Cooperation) entered into that certain AT&T Master Price Agreement dated November 18, 2015, as amended (the "Master Price Agreement").

1.2 In connection with the Agreement, AT&T and Customer entered into that certain AT&T Mobility Services Pricing Schedule dated November 18, 2015 (the "Mobility Services Pricing Schedule").

1.3 AT&T and Customer desire to amend and make certain changes to the Mobility Services Pricing Schedule as described in this Amendment 1.

2. **Agreement.** In consideration of the recitals set forth in 1 above, which are hereby re-stated and agreed to by the Parties, and for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the Parties, AT&T and Customer hereby agree to amend the Mobility Services Pricing Schedule pursuant to the terms and conditions of this Amendment 1. At times, the Master Price Agreement, the Mobility Services Pricing Schedule and this Amendment 1 are referred to collectively as the "Agreement." Unless otherwise defined, capitalized terms in this Amendment 1 have the meanings ascribed to them in the Master Agreement and/or the Mobility Services Pricing Schedule.

3. **Termination for Convenience.** Notwithstanding anything to the contrary in Exhibit C,, AT&T/Participating Agency Product and Service Agreement Terms, of the Master Price Agreement, a Participating Agency may terminate its Mobility Services Pricing Schedule for convenience upon thirty (30) days' written notice to AT&T and termination charges will not apply. Any termination under this provision (a) may be in whole or in part; and (b) shall not effect the rights and obligations attending orders outstanding at the time of termination, including any right of Participating Agency to indemnification by AT&T, rights of payment for goods/services delivered and accepted, and rights attending any warranty or default in performance in association with any order.

4. **Restatement of Agreement.** The terms and conditions of the Agreement, as modified by this Amendment 1, are hereby restated and ratified by AT&T and Customer. All such other terms and conditions of the Participation Addendum are and will continue to remain in full force and effect.

IN WITNESS WHEREOF, the Parties have duly executed this Amendment 1 as of the Amendment 1 Effective Date.

AT&T Corp.

By: Kymberly M. Wright

Name: Kymberly M. Wright

Title: Sr. Contract Manager

Date: November 7, 2016

Public Procurement Authority

By: Heidi Arnold

Name: Heidi Arnold

Title: Contract Manager

Date: Nov 1, 2016

EXHIBIT B-1
STATE SPECIFIC PARTICIPATION AGREEMENT COVER PAGE

SELLER:	AT&T Corp.
CONTRACT NUMBER:	AS10296
PURCHASER:	Public Procurement Authority
APPLICABLE STATE:	Oregon_(the "State")

Public Procurement Authority			855-524-4572
Customer Legal Name "PPA")		D/B/A	Main Telephone Number
25030 SW Parkway Ave., Suite 330	Wilsonville	Oregon	97070
Street Address	City	State	ZIP Code
Teila Leighton, Contract Manager		855-524-4572	
Primary Contact Name and Email Address		Primary Contact Telephone Number	

Agreement: This State Specific Participation Agreement between PPA, on behalf of itself, and AT&T Corp ("AT&T" or "Seller"), on behalf of itself, consists of (a) this State Specific Participation Agreement Cover Page, (b) the attached State Specific Participation Agreement Standard Terms, including the FirstNet Services and Equipment set forth in Section 5 ("FirstNet Services and Equipment") of the Standard Terms, (c) applicable Pricing Schedule(s) attached as sub-Exhibits to Exhibit A to the Master Price Agreement, (d) applicable terms and conditions posted or incorporated by reference on the AT&T NPPGov Program Website and the relevant Sales Information, and (e) all AT&T materials incorporated by reference in the foregoing, including applicable Attachments found at the Service Publication identified in the selected Pricing Schedules and the Sales Information including, without limitation those documents referenced in §§3(ii) and (iii) (collectively, the "State Specific Participation Agreement").

In the event of a conflict or inconsistency between the terms of the State Specific Participation Agreement and the terms contained in the Pricing Schedule, the terms of the Pricing Schedule shall prevail.

By signing below, the parties agree to be bound by the terms and conditions of the Participation Agreement, effective as of the last date written below (the "State Specific Participation Agreement Effective Date.

Public Procurement Authority
By (Authorized Signature): _____

Print Name and Title of Person Signing: Teila Leighton, Contract Manager

Date: 5/17/2018

AT&T Corp, on behalf of itself and its service providing Affiliates:
By (Authorized Signature): _____

Print Name and Title of Person Signing: _____

Date: _____

EXHIBIT B-1
STATE SPECIFIC PARTICIPATION AGREEMENT STANDARD TERMS

SELLER:	AT&T Corp.
CONTRACT NUMBER:	AS10296
:	Public Procurement Authority
APPLICABLE STATE:	Oregon (the "State")

1. Address for Notices. All notices, requests, demands and other communications to Public Procurement Authority ("PPA") required or permitted under this Participation Agreement shall be provided to the address set forth below:

Name: Public Procurement Authority
Address: 25030 SW Parkway Ave.
Suite 330
Wilsonville, OR 97070
Phone: 855-524-4572
Attention: Teila Leighton, Contract Manager

2. Recitals.

2.1 AT&T and PPA entered into that certain Master Price Agreement dated November 18, 2015, as amended (the "Master Price Agreement") (at times, the Master Price Agreement and the State Specific Participation Agreement are referred to collectively as the "Agreement").

2.2 In addition to the Services and prices set forth in (i) the applicable Pricing Schedule(s) attached as sub-Exhibits to Exhibit A to the Master Price Agreement and (ii) the applicable terms and conditions posted or incorporated by reference on the AT&T NPPGov Program Website and the relevant Sales Information, AT&T and PPA desire to make available to PPA and Participating Agencies ("Participating Agency" as defined under the Agreement that wants to obtain Service from AT&T in connection with the Master Price Agreement).

3. Agreement. In consideration of the recitals set forth in §2 above, which are hereby re-stated and agreed to by the parties, and for valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, AT&T and PPA hereby agree to the terms and conditions of (i) the Master Price Agreement, including the FirstNet Services and Equipment set forth in Section 5 ("FirstNet Services and Equipment") below, (ii) the Pricing Schedule(s) attached as sub-Exhibits to Exhibit A to the Master Price Agreement which such Pricing Schedules are incorporated herein by this reference, (iii) applicable terms and conditions posted or incorporated by reference on the AT&T NPPGov Program Website and the relevant Sales Information for such selected Services, which such terms and conditions are incorporated herein by this reference and (iv) the AT&T/Participating Agency Product and Service Agreement Terms attached as Exhibit C to the Master Price Agreement and incorporated herein by this reference (Exhibit C, at times, referred to herein as the "Product and Service Agreement Terms"). Access to the Master Price Agreement including Exhibit A and Exhibit C is available at www.NPPGOV.com. Unless otherwise defined, capitalized terms in this Participation Agreement have the meanings ascribed to them in the Agreement or an attachment thereto, as applicable.

4. Pricing Schedules.

TABLE 4
PRICING SCHEDULES

Please Check Selected Pricing Schedule	Pricing Schedule	Customer Initials
X	Sub-Exhibit A-1: Mobility Services	

5. FirstNet Services and Products.

5.1 Custom FirstNet Mobile Plans. Provided the Customer remains in full compliance with the terms and conditions of the Agreement, and subject to all corresponding conditions set forth in this §5(including all sub-sections and Tables), AT&T will provide the Customer and its eligible CRUs the custom FirstNet Mobile Plans described in §5.1 (the "Custom FirstNet Mobile Plans"). The Custom FirstNet Mobile Plans are available for the term of the Agreement. For all Custom FirstNet Mobile Plans, the corresponding CRU must be eligible to activate Service on the underlying, non-customized version of the Plan or offer. The Custom FirstNet Mobile Plans are not available to IRUs. In accordance with the Agreement, the Custom FirstNet Mobile Plans ae subject to its underlying offer's corresponding Sales Information, which is incorporated herein. To the extent of any material conflict between the terms and conditions of this §9 and the applicable Sales Information, this §5 will control. Notwithstanding the foregoing, the Custom FirstNet Mobile Plans only will be provided if the Customer's account is active and in good standing with respect to the applicable CRU. The Custom FirstNet Mobile Plans are NOT eligible for the Service Discount, any other discount provided under the Agreement, nor any other discounts or promotions otherwise available to the Customer. For all Custom FirstNet Mobile Plans, the corresponding Plan's Monthly Service Charge will appear on the invoice at the standard price set forth in the Sales Information, but the customized net monthly price set forth in the corresponding table will be achieved via application of a modifier also reflected on the invoice.

TABLE 5.1.1
CUSTOM FIRSTNET MOBILE-POOLED PLANS FOR FEATURE PHONES

Add-a-Line for use with an unsubsidized device	$12.99 Monthly Service Charge
Add-a-Line for use with a subsidized device	$24.99 Monthly Service Charge

TABLE 5.1.2
CUSTOM FIRSTNET MOBILE PLANS-UNLIMITED

	Unlimited Enhanced for Smartphones	**Unlimited Standard for Smartphones**	**Unlimited for Data-Only Devices**
Monthly Service Charge	$51.99 per month per device	$41.99 per month per device	$36.80 per month per device

TABLE 5.1.3
CUSTOM FIRSTNET ENHANCED PTT ONLY PLANS

Enhanced Push to Talk	**Approved Pricing**
Unlimited FirstNet Enhanced PTT Only Plan for use with an unsubsidized, compatible Feature Phone	$10.00 Monthly Service Charge per device
Unlimited FirstNet Enhanced PTT Only Plan for use with a subsidized, compatible Feature Phone	$18.00 Monthly Service Charge per device

TABLE 5.1.4
CUSTOM FIRSTNET ENHANCED PTT BOLT-ON PLAN

Unlimited FirstNet Enhanced PTT Bolt-On Plan for use with eligible, compatible Smartphones, Feature Phones and Tablets	$2.00 Monthly Service Charge per device

TABLE 5.1.5
CUSTOM AT&T DYNAMIC TRAFFIC SAFETY MANAGEMENT – PUBLIC SAFETY FOR EXTENDED PRIMARY USERS

AT&T Dynamic Traffic Management – Public Safety, per Agency Paid User, per Month	$7.50 (after $7.50 credit)

Section 5.1.1 Activation Credit. AT&T will provide Participant a one-time $100 activation credit for any new CRU activation that activates Service on any 2- year CRU Service Commitment Term with a corresponding FirstNet Smartphone Plan with a monthly reoccurring charge of $39.00 per month or greater. This offer will be available for one hundred and eighty (180) days following the Effective Date of this State Specific Participation Agreement. Credits will be applied within two (2) billing cycles following the issuance of the credit and the CRU must be active and on service to receive the credit.

Section 5.2 Custom FirstNet Mobile Plans – Subscriber Paid. In addition to FirstNet Mobile Plans available to Participant and its CRUs, AT&T offers a subscriber paid version of such plans to eligible individuals associated with a Primary User Public Safety Entity. Participant hereby authorizes AT&T to provide such individuals with the discounts set forth in §5.2 (the "Custom FirstNet Mobile Subscriber Paid Plans"). Participant must remain eligible for the Custom FirstNet Offer described in §5.1 for the Custom FirstNet Mobile Subscriber Paid Plans to apply. The corresponding subscriber must be eligible to activate Service on the underlying, non-customized version of the corresponding FirstNet Mobile Subscriber Paid Plan. The Custom FirstNet Mobile Subscriber Paid Plans are not available to Participant, its CRUs, or its IRUs. For all Custom FirstNet Mobile Subscriber Paid Plans, the corresponding Plan's Monthly Service Charge will appear on the invoice at the standard price set forth in the Sales Information, but the customized net monthly price set forth in the corresponding table will be achieved via application of a modifier also reflected on the invoice.

TABLE 5.2.1
CUSTOM FIRSTNET MOBILE SUBSCRIBER PAID PLANS – RESPONDER PLANS

	For use with Feature Phone 100MB
Monthly Service Charge	$12.99

TABLE 5.2.2
CUSTOM FIRSTNET MOBILE SUBSCRIBER PAID – RESPONDER UNLIMITED PLANS

	Unlimited Smartphone Plan (without tethering)	**Unlimited with Tethering Smartphone Plan**	**Unlimited with Tethering Tablet Plan**
Monthly Service Charge	$41.99	$51.99	$36.80

6. Participating Agencies. Participating Agencies may purchase Services and Equipment under this State Specific Participation Agreement pursuant to the terms of the Agreement, including the following requirements:

(a) Services under this State Specific Participation Agreement will only be available to Participating Agencies physically located in the State. For eligible non-governmental entities described in Section 1.3(b) of the Master Price Agreement that are seeking FirstNet Services described in Section 5 ("FirstNet Services and Products") immediately above, the non-governmental entity's headquarters must be physically located in the State.

(b) This State Specific Participation Agreement shall be assigned an AT&T Contract Number.

(c) Participating Agencies within that State may thereafter contact AT&T to request Services pursuant to the terms of the State Specific Participation Agreement. The Participating Agency will be required (i) to provide the AT&T Contract Number for the State Specific Participation Agreement and (ii) be fully vetted consistent

with AT&T's established process for the requested Services including confirmation that the Participating Agency is a member in good standing of the Authority and passes all relevant credit checks and payment history reviews.

(d) By requesting Service under this State Specific Participation Agreement, the Participating Agency is agreeing to be bound by the terms and conditions of this Agreement (including all Attachments and incorporated documents), including the obligation to pay AT&T for all Services, Equipment, and related products consistent with Articles 3 and 4 of the Intergovernmental Cooperative Purchasing Agreement between PPA and each Participating Agency which states in pertinent part: Article 3.a – "A procuring party is defined as … any Participating Agency that desires to purchase from the Master Price Agreements" and Article 4 – "The procuring party will make timely payments to Vendors for goods and services received in accordance with the terms and conditions of the procurement".

(e) PPA represents and warrants that the language contained in Articles 3 and 4 of the Intergovernmental Cooperative Purchasing Agreement between Authority and all Participating Agencies will remain substantively unchanged during the term of this Agreement.

(f) The Participating Agency must order Service through (i) the AT&T Premier website utilizing approved customer log-in credentials, or (ii) by submitting an email or fax to AT&T with the correct authenticating information (accepted at AT&T's sole discretion). All such authenticated and approved purchase orders will result in AT&T placing the requested orders via the AT&T Phoenix ordering platform.

(g) By requesting Service under this State Specific Participation Agreement, the Participating Agency's fully vetted employees and volunteers may purchase Services consistent with AT&T's established process for the requested Services. Approval of any such Service requests are at AT&T's sole discretion.

(h) In the event the Master Price Agreement is terminated prior to the end of the Initial term, this State Specific Participation Agreement shall remain in place between AT&T and PPA to the extent necessary to allow all Participating Agencies receiving Services under this State Specific Participation Agreement to continue receiving Services for the full original term of the Master Price Agreement.

7. Adoption of State Specific Participation Agreement. PPA and AT&T may modify the State Specific Participation Agreement at any time.

8. Service. AT&T agrees to provide Service to Participating Agencies pursuant to the terms and conditions of the Agreement. By requesting service under this State Specific Participation Agreement, Participating Agency shall be liable for all charges incurred hereunder by Participating Agency.

9. Term. The term of this State Specific Participation Agreement will run concurrently with the term of the Pricing Schedule(s) identified in Section 4 above. Any Services identified on the AT&T NPPGov Program Website which, by their terms, are to exist for a specified period of time, will survive any termination or expiration of this Participation Agreement.

10. Default and Termination of State Specific Participation Agreement.

10.1 Participating Agency Default; Termination by AT&T. An event of default will occur hereunder if: a Participating Agency is no longer a Participating Agency under the Agreement or otherwise fails to perform or comply with any term or condition of the Agreement.

11. Liability. See Product and Service Agreement Terms.

12. Infringement. See Product and Service Agreement Terms.

13. Financial Responsibility. Participating Agency must pay for all charges incurred under the State Specific Participation Agreement.

14. Invoicing Options. See the Pricing Schedule and the Product and Service Agreement Terms.

15. Termination/Cancellation Fee. See the Pricing Schedule and the Product and Service Agreement Terms.

16. Resale and Other Prohibited Uses. Participating Agency receiving Service under this State Specific Participation Agreement is not permitted to resell, reproduce, retransmit, or disseminate Service or any other program components to third parties whether directly or indirectly including, without limitation, through machine to machine transmissions.

17. Consent to Disclosure. By requesting Service under this State Specific Participation Agreement, Participating Agency consents to the disclosure by AT&T to PPA of information regarding Participating Agency's involvement and Services under this Participation Agreement, the amount of revenue received by AT&T as a result of Participating Agency's participation under the Agreement, and such similar information arising in connection with the Agreement.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 22nd, 2019				
Order ___ No.	**Ordinance ___ No.**	**Resolution ___ No.**	**Motion** XX	**Information ___**
SUBJECT: Council Minutes			**Contact Person (Preparer) for this Motion: Sue Ryan Dept.: City Recorder**	

RECOMMENDATION: Approve Council Minutes for December 3rd and 17th, 2019.

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
December 3rd, 2018, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Andrews, Councilors Mike Corey, Elise Yarnell Hollamon, Denise Bacon, Stephen McKinney, and Scott Essin. Councilor Johnson was absent. Staff present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Library Director Leah Griffith, Finance Director Matt Zook, Human Resources Director Anna Lee, Community Development Director Doug Rux, and Public Works Director Jay Harris

Mayor's Cabinet Committee Reports:
Kerrie Allen, Library Board Chair, gave a story about a library patron who used the computers at the library to find help for her financial circumstances. She reported on the Tree Lighting event, Cozy Winter Reading Program, Library Director recruitment, Library Board Retreat, and review of library policies.

Phil Smith, Planning Commission Chair, gave examples of the applications the Planning Commission had reviewed, and recommendations to City Council. He highlighted the decisions on affordable housing in the annexation process, multiple party agreement for the Crestview Crossing application, and issues surrounding the Newberg Dundee Bypass and Ladd Hill neighborhood. These examples showed the need to delay decisions so parties could work out their differences. There were discussions on the process for expanding the Urban Growth Boundary.

Beth Koschmann, Budget Committee Chair, said they met three times between April to May 2018 and approved the budget in the amount of $93 million. This year most of the Committee would be new. They meet again in April.

E.C. Bell, Affordable Housing Commission Chair, said the Community Development Block Grant had been used to maintain manufactured homes mostly in Newberg. The work would be completed in April. It was a successful program. In conjunction with Habitat for Humanity, some smaller projects were done in manufactured home parks as well. In 2019 they would work on recommendations to safeguard existing manufactured home parks as they were a base of affordable housing in the City. Other 2019 priorities were surveying community engagement reporting, recommendations on duplexes and triplexes in R-1 zones, and the Construction Excise Tax. There was discussion on respite housing on church properties.

Karl Birky, Traffic Safety Commission Chair, said the Commission listened to the public on their concerns and ran interference for the Council. They also educated themselves about the traffic needs in the City. This year they reviewed traffic safety policies, worked with George Fox University on parking, and worked with the School District on drop-off areas. He thought they needed to work toward not allowing parking on Villa Road.

Rick Rogers, Citizens Rate Review Committee Chair, said they met in July to approve the allocation of utility assistance funds. The Committee approved a 4% increase in rates for water, 3.5% increase for wastewater, and 9% for stormwater. Altogether it was a $5.14 increase per month in 2019, and $5.46 increase per month in 2020.

Dennis Lewis, Transient Lodging Tax Committee, stated the Committee was wrapping up their first 2 years. The next phase was to transition funds from a grant program to a marketing organization called Visit Newberg. The new organization would include a paid director led by a community board to promote tourism in our region, and to connect community organizations with grants. The TLT Committee had awarded more than $330,000 for community improvements and events.
The Work Session was adjourned at 6:45 p.m.

CALL MEETING TO ORDER
Mayor Andrews called the business session to order at 7:00 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Mike Corey
	Patrick Johnson	Denise Bacon
	Elise Yarnell Hollamon	Scott Essin
	Stephen McKinney	
Staff Present:	Joe Hannan, City Manager	Truman Stone, City Attorney
	Sue Ryan, City Recorder	Jay Harris, Public Works Director
	Doug Rux, Community Development Director	
	Anna Lee, Human Resources Director	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PROCLAMATION: Mayor Andrews presented the Boys' Water Polo Team with a proclamation honoring their state championship. There was a moment of silence in honor of the passing of President George HW Bush.

PRESENTATIONS: Assistant Chief Deric Weiss and Public Affairs Officer Stefan Myers, presented the Tualatin Valley Fire & Rescue District annual report. Chief Weiss discussed annexation of Newberg into the District. He shared incident counts for the stations in Newberg this year, explained how they handled false alarms, needed equipment replacement, and shared how lives were saved through the training and tools of the firefighters. They went through a new insurance rating to include Newberg, and received a re-rating of Class 2 in all areas within 5 miles of the City. Officer Myers promoted the Toy & Joy program in Newberg-Dundee. He thanked all those who had volunteered to help. Chief Weiss said voters would decide on renewing the 45 cents per 1,000 local option levy in May. The funds were used for staffing and personnel. He announced Chief Sherrard had retired and taken a job in California.

There was discussion on deployment to fires in other states, and reimbursement. Chief Weiss explained the funding for these deployments and how they varied between states. There was further discussion on the levy amount and how it would not be increased from the current amount.

CITY MANAGER'S REPORT: City Manager Hannan reported on his activities including attending the Oregon Police Officers Association Annual Recognition Dinner and awards received by Newberg officers, Public Works renovation of the City's entrance signs, meeting with potential developers for a new hotel, a feasibility study for converting the water line bridge to a pedestrian bridge, finalizing Historical Society agreement on historical markers, working with the Department Directors on a FirstNet emergency response system, working with the faith-based community to form emergency response partnerships, partnerships for the VA clinic, and working with Yamhill County to implement new transit routes through the entire City.

COUNCIL APPOINTMENTS:
Committee Re-appointments:

MOTION: Andrews/Bacon moved to approve the Mayor's re-appointment for three year terms of January 1, 2019 to December 21, 2021 of members E.C. Bell and Larry Hampton to the Affordable Housing Commission; Beth Koschmann to the Budget Committee; Ryan Howard and Geary Linhart to the Historic Preservation Commission; Jason Dale to the Planning Commission, Sarah Sand and Chris Kelley to the Traffic Safety Commission. Motion carried (7 Yes/0 No).

Committee Appointments:

MOTION: Andrews/Bacon moved to approve the Mayor's appointment of Carol Sherwood to the Affordable Housing Commission for a term from January 1, 2019 to December 31, 2021; Timothy Carpenter to the Budget Committee for a term effective immediately to December 31, 2019, Molly Olson and Solomon Allen to the Budget Committee for a three year term from January 1, 2019 to December 31, 2021; Ron Sinicki to the Citizens Rate Review Committee for a term effective immediately to June 30, 2021; Jeffrey Musall to the Planning Commission for a term from January 1, 2019 to December 31, 2021; Sharon Capri to the Planning Commission for a term from January 1, 2019 to December 31, 2020; and Gregory Tomkins to the Traffic Safety Commission for a term of January 1, 2019 to December 31, 2021. Motion carried (7 Yes/0 No).

CONSENT CALENDAR:

MOTION: Corey/Bacon moved to approve the Consent Calendar: Resolution 2018-3510, A Resolution approving the 2019 and 2020 cost of living adjustment (COLA) of 2.5% for the Collective Bargaining Agreement between the City and AFSCME Local 1569, effective January 1, 2019 and January 1, 2020. Authorizing the City Manager to Execute the 2019 and 2020 Cost of Living Adjustment (COLA) of 2.5%. Additionally, a one-time salary adjustment of 0.5% to be paid out on the January 2019 and January 2020 paycheck; Resolution 2018-3513, A Resolution ratifying a contract with Microwave Networks, Inc. for work undertaken on the emergency communications system upgrade project in conjunction with Washington County Consolidated Communications Agency (WCCCA) on behalf of the City of Newberg and authorizing payment ; Council Minutes for November 5, 2018; and Resolution 2018-3509, A Resolution accepting the canvass of votes for the November 6, 2018 General Election, as provided by the Yamhill County Clerk Brian Van Bergen for three City Councilor positions and one Mayor position. Motion carried (7 Yes/0 No).

NEW BUSINESS: Resolution 2018-3514 – Small Cell Sites: Community Development Director Rux said FCC had new rules on small cell sites. Currently the City did not have design regulations or a permitting process for these facilities. Staff was asking Council to initiate the process to amend the Development Code for small cell sites. Councilor Johnson asked what had initiated this. CDD Rux said the technology was coming with FCC approving the new rules. He explained the issue with putting these facilities on power poles and how without design standards to screen and shield them, they could be obtrusive and tacky.

MOTION: Corey/Bacon moved to approve Resolution 2018-3514, A Resolution initiating an amendment to the Newberg Municipal Code, Title 15 Development Code for design standards for small cell wireless facilities. Motion carried (7 Yes/0 No).

City Hall Fee Refund:

Finance Director Zook said in 1999 City Hall was remodeled and a fee tied to Community Development permits was established to retire the remodel debt. In addition to that fee there was a PGE privilege tax for 5 years. The fee should have terminated in 2014 but due to staff transition it was not. The fee had accumulated up to $615,000. It was terminated in May 2018. Staff had been gathering the data for a refund. The debt would retire in 2019, and there were enough funds to pay it off. The Community Development Department had changed software a couple of times, and one of the difficulties was collecting information from databases the City no longer had. Staff had been working to find out who made the payments, and who needed to be refunded.

Mayor Andrews asked how much staff time this would take, and how many refunds. FD Zook thought it would be 200-300 checks. It had taken 50-60 hours, and there might be 20-30 more hours needed. He explained that after much research, there was no way the City could keep the money or re-appropriate it. They had to move forward with a refund. He explained the delay in not stopping the collection of the fee when it was first found, mainly due to the need for researching all of the documents and to see if the fee could be used for another purpose. Councilor Johnson asked about having a policy so this did not happen again. FD Zook said they had

implemented a master fee schedule to track the City's fees and the fees were in dedicated funds. Some of this was legacy work that was taking time to get to. Mayor Andrews asked if the fund could be used to pay for the administrative overhead. FD Zook said there was nowhere in the language that allowed it to be used for administration.

Councilor Johnson thought the suggested motion was too broad. He would like to understand why they could not recoup some of the costs for administering the fee. City Attorney Stone clarified that usually with a special revenue fund there would be a resolution that set out the collection of the fee, and use of the fund. Through their research staff found nothing like that. These types of funds were very limited as to how they could be used. Staff could see in the budget documents how the fund was set up and that was the best information they could find. The fund was done during a time when City Hall had burned, and it was an uncertain time.

MOTION: Bacon/Corey moved to ratify the refund of $446,000 of City Hall fees collected in excess of the amount needed to satisfy the debt service payments for which it was originally intended and authorize the City Manager to take the steps necessary to accomplish this.

Discussion:
Councilor Corey said these were dedicated funds and if they didn't approve a motion such as this, what else could be done. FD Zook replied they could not do anything else with the funds. CA Stone said they could not spend those funds. It was the right thing to do to refund the money. Someone could also come and demand a refund and the City would have to respond to that.

Councilor Bacon asked what if they could not find all of the people that were to be refunded. FD Zook explained they had enough information to get the money to the right people. CA Stone said if there was a dispute or the potential that the refund could go to more than one party, the plan was to contact all parties and ask for instructions. If they were still at a loss as to who the money was entitled to, then there was a legal proceeding to deposit it with the court and the parties could go to court and the court could decide. If they could not locate a party, the money would go to the Department of State Lands.

Councilor Johnson said he could not find this fund in the budget document. He asked that staff flag these types of revolving fees so they could be tracked better. He also thought there needed to be more time with the budget document at the Budget Committee level. He thought staff had done great work to find solutions to this situation, but he wanted to make sure they followed best practices.

Mayor Andrews said one of the things that had already been implemented was a Master Fee Schedule. It was a start in the right direction. Councilor Yarnell Hollamon suggested getting information about the Master Fee schedule and revenue collection out to the public.
Motion carried (7 Yes/0 No).

COUNCIL BUSINESS: Councilor Essin discussed the request from CPRD to reduce their water reuse fee. He suggested the City look into allowing the Parks District to buy the reuse system. Mayor Andrews reminded Council about the emergency planning update meeting on Thursday morning for breakfast with the faith based communities.
ADJOURNMENT: The meeting was adjourned at 8:25 p.m.
ADOPTED by the Newberg City Council this day of January 22nd, 2019.

_____
Sue Ryan, City Recorder

Attest: _____
Rick Rogers, Mayor

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
December 17th, 2018, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Andrews, Councilors Mike Corey, Elise Yarnell Hollamon, Denise Bacon, Stephen McKinney, and Scott Essin. Councilor Johnson was absent. Staff present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Finance Director Matt Zook.

Financial Statements: Councilor Corey asked about Transient Lodging Tax - how much is obligated to the General Fund ? FD Zook said city receives 65% of TLT. In this report that equals $715,000.

Executive Session on pending litigation
Start: 6:05 p.m.
Stop: 6:30 p.m.
Staff: CM Hannan & CA Stone, Attorney Ron Guerra of Innova Legal Advisors
Topic: Update on Metro West lawsuit

CALL MEETING TO ORDER
Mayor Andrews called the business session to order at 7:00 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Mike Corey
	Patrick Johnson	Denise Bacon
	Elise Yarnell Hollamon	Scott Essin
	Stephen McKinney	
Staff Present:	Joe Hannan, City Manager	Truman Stone, City Attorney
	Sue Ryan, City Recorder	Doug Rux, Community Development Director
	Matt Zook, Finance Director	Jay Harris, Public Works Director

CITY MANAGER'S REPORT: City Manager Hannan reported on city activities including the emergency preparedness breakfast for the faith based community, the final paperwork for the transfer of the Animal Shelter to the Friends group, meeting with George Fox regarding emergency preparedness, re-advertising the sale of the Butler property, being part of a conversation about homeless teens, and meeting with groups who wanted to do affordable housing projects. Councilor Essin said there were no churches near the Greens Subdivision to help in case of an emergency, and there had been conversation with the Chehalem Parks and Recreation District to take a water unit and with George Fox to provide housing.

COUNCIL APPOINTMENTS:

MOTION: Andrews/Bacon moved to approve the Mayor's appointment to the Housing Needs Assessment Project Advisory Committee of Sam Espindola from December 2018 to June 2019. Motion carried (7 Yes/0 No).

MOTION: Andrews/McKinney moved to approve the Mayor's appointment to the Community Visioning Advisory Committee of Denise Bacon (Council Liaison), Tiona Cage, Lacey Carroll, Sarah Hadley, Miriam Hall, Cyrus Ireland, Patrick Johnson (Council Liaison), Kate Jennings-Gregory, Julie Marshall, Julia Martinez-Pancarte, Suzanne Meenahan, Joe Morelock, and Brandon Porter from December 2018 to June 2019. Motion carried (7 Yes/0 No).

PUBLIC COMMENTS: Robert Soppe, Newberg resident, said he had many conversations with citizens about the Council when they had complaints. To those people he pointed out the Council was working toward what they believed was the good of the community and they spent a great deal of time toward bettering Newberg. To Councilors Essin and McKinney he thanked them for their time and effort. Even though he had different points of view, he never questioned their dedication or intentions. To Mayor Andrews, he thanked him for his time, effort, and dedication to the City. He had set a difficult standard for the new mayor.

Buddy Cook, Newberg resident, said he had been told by City Code Enforcement that occupancy in an RV on private property was not allowed in the City. He wanted to request an exception to that rule, and was told there was no process for exceptions. The person who lived in the RV was his brother-in-law and he lived there 4 days per week for his job and then went home for the weekend. Many times it was less than 4 days and not every week. He questioned whether he was in violation of the ordinance or not because the ordinance said it shall not exceed 14 days. The RV had been there for 5 years and had sewer, power, and wifi. His brother-in-law had told him that if it was a violation he would evacuate the premises. He requested a determination as to whether or not he was in violation, and if he was in violation if he could get an exception for three years. His brother-in-law was going to retire in 2-3 years. Mayor Andrews directed him to speak with the City Attorney about this issue.

Daniel Brown, Newberg resident, spoke about a nearby property that he perceived to be an intolerable nuisance. He requested the City create a nuisance code for high density neighborhoods. The property owner had ongoing body shop and mechanic work going on in his driveway, over the sidewalk, and in the street. There was frequent spray painting of vehicles, air hosing, and paint sanding debris into the street, and the storm drain that went into the creek behind the homes. This work was being done from 6 a.m. to 10 p.m. It often involved a compressor and pounding and grinding noise. Auto parts were stored on the front lawn and the sidewalk was impassible. This was impacting the resale value of close proximity homes. He filed a complaint with the City, and Code Enforcement could find no technical code violations. The property owner was highly oppositional and was well known to the police. This was a once quiet neighborhood and the code needed to be amended to protect high density neighborhoods.

Todd Enzoar, Newberg resident, affirmed what Mr. Brown had said about the public nuisance. He also lived in this neighborhood and the noise was constant from early morning to late at night. They had not approached the neighbor due to his reputation for violent interactions. The property was an eyesore and the spray painting had affected the sidewalks and City streets. He had made calls to Code Enforcement, but nothing was being resolved. If code changes could be made it would be helpful.

City Attorney Stone would discuss this issue with Code Enforcement and would follow up with the neighbors. Police Chief Casey had not been aware of this situation. They were willing to work with the neighbors to mitigate the issues.

Councilor McKinney asked if this business had a business license and was operating in the guidelines of the license. He was also concerned about children breathing the fumes from the paint. CA Stone would look into it and forward the information to Council. Mr. Brown said this was a hobby, not a business. However there was continual work on his cars. It was a townhome duplex where this was occurring. Councilor Bacon thought this hobby would still have to follow environmental standards.

David Wall, Newberg resident, announced Finance Director Zook received an award for the latest Comprehensive Annual Financial Report. He quoted from a law suit regarding the McClure's property and how they had a development agreement with the City to extend water services to the property and the McClure's agreed to develop the property with roads, water lines, and sewer facilities and annex the property. He asked for an accounting of the amount of money the City spent on this agreement since the annexation never took place.

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CONSENT CALENDAR:

MOTION: Corey/Bacon moved to approve the Consent Calendar: Resolution 2018-3516, A Resolution authorizing the City Recorder to execute a 10 foot wide easement to Lucas and Michelle Buyas; Resolution 2018-3504, A Resolution to authorize the City Manager to enter into a professional services agreement with WRK Engineers to design the city's Public Safety Building Seismic Retrofit Project; Resolution 2018-3515, A Resolution to authorize the City Manager to enter into a professional services agreement with HBH Consulting Engineers, Inc. to design the City's George Fox University Fire Flow Waterline Improvement Project; Resolution 2018-3517, A Resolution to authorize the City Manager to enter into a professional services agreement with HBH Consulting Engineers, Inc. to design the City's Wastewater Line and Manhole Replacement Inflow and Infiltration (I &I) Project; Resolution 2018-3519, A Resolution authorizing the City Recorder to Execute a quitclaim deed in favor of the State of Oregon, Department of Transportation, held by the City, located with the Newberg-Dundee Bypass Corridor, and Council Minutes for November 19th, 2018. Motion carried (7 Yes/0 No).

PUBLIC HEARINGS:

Ordinance 2018-2841: Legal Description:

Mayor Andrews opened the public hearing. He asked for any conflicts of interest, abstentions, or objections to jurisdiction. There was none.

Community Development Director Rux gave the staff report. The City Charter required the City to keep an up-to-date legal description of the corporate limits of the City. A consultant had been hired to update the legal description and it was before Council to approve. This would be an annual process.

Proponents: None; Opponents: None; Mayor Andrews closed the public hearing.

MOTION: Bacon/McKinney moved to waive the second reading of Ordinance 2018-2841. Motion carried (7 Yes/0 No).

MOTION: Bacon/Johnson moved to approve Ordinance 2018-2841, An Ordinance adopting a new legal description of the Newberg City limits to be read by title only. Motion carried (7 Yes/0 No).

Resolution 2018-3519 Visit Newberg:

Mayor Andrews opened the public hearing. He asked for any conflicts of interest, abstentions, or objections to jurisdiction. There was none.

CDD Rux gave the staff report. He gave a background on the formation of the Transient Lodging Tax Committee in 2016. The Committee had worked for two years on what a permanent organizational structure to promote tourism in Newberg would look like. That organization was called Visit Newberg and was modeled after the McMinnville program. There were findings in the staff report that responded to the criteria for this organization. Visit Newberg would be a separate organization from the City. The agreement was for 3 years and established a process for forming Visit Newberg. In the first 6 months there would be Board elections, bylaws, and recruitment for an Executive Director. They would receive $323,000 to be paid quarterly. There was also $499,000 left in TLT funds not spent on marketing from 2017-2018. The City would give $150,000 to $200,000 Visit Newberg for startup costs. They would also need to develop a budget for fiscal year 2019-2020 and a business plan. The agreement had 3 one-year renewals with provisions for termination. There would be a separate agreement with Visit Newberg, and the Chamber for the Chamber to contract out administrative services. This would modify the current agreement between the City and Chamber for running the Visitors Center.

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Councilor Johnson had issues with the organization not yet being in existence, and the Council passing a resolution. CA Stone explained the City had engaged outside legal counsel who met with the incorporators whom were responsible to file the paperwork to become an organization. Once papers were filed, they would call an organizational meeting to elect a Board of Directors. The Board would then ratify the acts of the incorporators. The resolution authorized a future agreement with an entity that did not yet exist. It was anticipated that the contract would be further refined in the future. CDD Rux clarified if there were substantial changes to the contract, the agreement would come back to the Council. There was discussion on how the structure would work, and how the contract could be terminated.

Councilor Johnson had a concern that Visit Newberg would not be required to follow public records and meetings law since their major funding would be public dollars. CDD Rux said they had to follow the regulations for 501(c) (6) organizations. Councilor McKinney asked what those regulations were in relationship to public meetings law. CDD Rux did not know. Councilor McKinney said in terms of the public involvement, how many opportunities were there for discussions to go sideways. CDD Rux said if Visit Newberg proposed substantial changes then the agreement would be brought back to Council. Councilor Johnson asked who was doing what part of the work. CDD Rux said Visit Newberg would be doing the majority of the work and City staff would be on the outside. There would be City staff coordinating between Visit Newberg and the City regarding the budget.

Councilor Johnson asked if they should set up a one-time grant from the City to start up the 501(c) (6) and create a contractual agreement with Visit Newberg. CDD Rux said that would be a different agreement than the one before Council tonight. The current contract gave assurances that there would be funds to do the necessary activities, not only covering the startup costs. There was discussion on the current agreement, funding that Visit Newberg would receive, and how the contract between the Chamber and Visit Newberg would have to be worked out between those two entities.

Mayor Andrews said on Page 3 of the findings for the estimated contract award, the findings said the contract price was $353,000 and that there would be a one-time lump sum of unexpended funds of $499,663. If they approved the contract, they would also adopt the findings. CDD Rux said staff could go back to modify findings to reflect what was in the agreement. Councilor McKinney clarified for new Councilors coming on to the Council that they would be reading for the findings on many of the issues that would come before them. He thought the agreement was too nebulous and was not in favor of it. Councilor Johnson suggested tabling the resolution.

Proponents: Dennis Lewis, Shannon Buckmaster, and Rob Felton, TLT Committee members, favored the resolution. They were there as resources to help clarify the agreement. Mr. Lewis thought this agreement was an opportunity for the community to become a part of the larger world of marketing. They had worked on this for 2 years. Those people recommended for the Board had a lot of marketing and tourism experience.

Mr. Felton said in regard to the public meetings law, this organization would be similar to how the Chamber operated. The City had a contract with the Chamber. Every year the Chamber reported to the Council at a public meeting where there was public discussion. Anyone could attend the Board meetings, but the meetings would not be noticed or recorded. Ms. Buckmaster said this was a starting point and they had included several opportunities for amending the agreement. If they did not start somewhere, it simply would not start and they would be in the same place one year from now.

Councilor Johnson said the difference between the Chamber and this organization was the sole revenue would be coming from public dollars. He asked if they knew what the rules for a 501(c)(6) would be ? Ms. Buckmaster said the Chamber operated as a 501(c) (6) organization, and there would be ex-officio City officials serving on the Board. They would have minutes, and could enter into executive sessions.

Councilor Johnson would like to see those rules if they were going to table this item tonight. He asked why they did not go with this as a grant first to get the 501(c)(6) set up with a Board, then come to the City with an agreement, and then recruit for an Executive Director. He asked if they could walk through why they went with this model. Mr. Lewis said they had to have Council approval for the plan to move forward. They were being responsible with the TLT funds, and had taken advice from other communities that had gone through this process. There were other funds the new organization could go after and the Executive Director would be working toward that end.

Ms. Buckmaster asked CA Stone to give clarity about a 501(c) (6), and the timing for appointing a Board of Directors. CA Stone explained for any corporation the first order of business was to elect a board because without a board there was no one to act on the behalf of the corporation. Ms. Buckmaster clarified they had to approve the business plan before approving the 501(c) (6) organization that would provide the structure for moving forward. CA Stone agreed it was common to have some uncertainty when forming organizations and once the corporation was established, the Board of Directors looked at what was done on behalf of the corporation by people who were representing an entity yet to be formed and ratify those actions retroactively.

Mr. Felton said they would be asking people to apply to be the Executive Director and if all they had was a temporary grant to start up, but there were no assurances that it would go forward, that might hinder recruitment. Councilor Johnson asked what would happen if the decision was delayed until the new year. Ms. Buckmaster said any delay would not be serving the community well as they would be missing opportunities and partners. Councilor McKinney said the City was very good at building partnerships. He liked the concept of building additional partnerships, and augmenting the funds beyond the tax. Citizens held the Council responsible for what happened with public money, and these were large sums.

Councilor Johnson asked about the economic development program and the work that would be done before an Executive Director was hired. Mr. Lewis said they wanted to hire the Executive Director as soon as possible. They did not want to make decisions on how to spend the resources as a committee, but wanted someone to lead the charge with them. Councilor Yarnell Hollamon said the other part of the business plan was to elect the Board of Directors. Did they support the 9 individuals for appointment? Mayor Andrews said they were not at the point to be discussing the Board yet.

Opponents: None. Mayor Andrews closed the public hearing. CDD Rux recommended adoption of the resolution.

CA Stone said this item was a public hearing because the proposed contract was being exempted from standard purchasing rules. The findings were required to exempt the contract. Mayor Andrews asked if staff had amended the language of the findings.

CDD Rux said on Page 3 of the RCA under B2, the estimated contract price would be $323,751. In the initial Fiscal Year 2019-2020 there would be a distribution of unexpended funds estimated at $499,663 to be negotiated with the contractor. CDD Rux said the amount in Fiscal Year 2021-2022 would be changed to $348,121.

MOTION: Johnson/McKinney moved to table Resolution 2018-3519 until the second meeting in January. Motion passed (4 Yes [Bacon, Corey, McKinney, Johnson]/3 No [Andrews, Essin, Yarnell Hollamon]).

Resolution 2018-3512 Supplemental Budget:
Mayor Andrews opened the public hearing. He asked for any conflicts of interest, abstentions, or objections to jurisdiction. There was none.

///

Finance Director Zook said explained what was included in the supplemental budget. This included: Replacement of a police dog through a generous donation, Planning Department grants, seismic retrofit grant for the Public Safety Building, management training expenditure, software costs related to the TVF&R transfer, part-time internships to help with projects, an additional server to help increase network capacity and provide redundancies, and carry over funds for 6 capital projects. This would be an additional $3 million of appropriations, most of which was off-set by revenue. Councilor Johnson asked about the modifications to the pavement project. Public Works Director Harris would send the Council an email outlining those modifications.

Proponents: None; Opponents: None. Mayor Andrews closed the public hearing. FD Zook recommended adoption of the resolution.

MOTION: Corey/Bacon moved to approve Resolution 2018-3512, Adopting Supplemental Budget #1 for Fiscal Year 2018-19. Motion carried (7 Yes/0 No).

NEW BUSINESS: Resolution 2018-3520 Visit Newberg appointments:
CDD Rux said this was a companion piece to the earlier Visit Newberg item under the public hearing. On Page 3 of the Council's RCA was a list of nine individuals and three alternates who were recommended for the Board of Directors. The City Council could not appoint the Board, but could recommend individuals for it. There was also a recommendation for ex officio members to the Board including Councilor Yarnell Hollamon to represent the City Council.

CM Hannan requested adding the City Manager as an ex officio member as well. Councilor Yarnell Hollamon recommended moving Christian DeBenedetti to the top list because of his experience in marketing on a national scale, and move Robert Griffin to the alternate list due to his multiple absences on the TLT Committee.

Councilor McKinney wanted to hear from the TLT Committee about that recommendation due to the situation of a difficult personality. Ms. Buckmaster agreed Councilor Yarnell Hollamon. She said at times a difficult personality could bring lively conversation, and a more thorough evaluation of due process. The candidates were vetted by industry and professionalism. More than half were existing TLT Committee members, which brought consistency and succession planning between the TLT Committee and the newly formed organization.

Mr. Felton said Councilor Yarnell Hollamon's recommendation reflected what the Committee felt. He was in support. Mr. Lewis concurred with the recommendation as well. Councilor McKinney asked if Mr. DeBenedetti had made threats about lawsuits. Mr. Lewis said not to his recollection. Mr. Felton said they did not have a combative relationship with Mr. DeBenedetti in their roles on the Committee.

Councilor Johnson asked why the Council member wasn't given a vote on the new Board but was an ex-officio member. Mr. Felton said they were trying to limit the membership to 9, and to get as many industry professionals as possible.

Ms. Buckmaster had offered to be an ex-officio member representing the Chamber to allow for greater industry representation. Her experience would still be considered for all decisions, but it invited more voices to the table. Councilor McKinney asked if the Board members were residents of Newberg. Mr. Felton replied no, the bylaws stated they did not have to be.

Mayor Andrews clarified the resolution would be amended to recommend Christian DeBenedetti as one of the nine Board members, to move Robert Griffin to an alternate, and to add the City Manager as an ex officio member.

MOTION: Bacon/Corey moved to approve Resolution 2018-3520 as amended, A Resolution recommending members to the initial Board of Directors of Visit Newberg and appointing a City Council non-voting Board member. Motion carried (6 Yes/1 No [McKinney]).

Draft Business Plan Visit Newberg

CDD Rux said with the tabling of the earlier resolution, this item would be tabled as well. Mayor Andrews said before they tabled it, there was one person who signed up to speak. Ms. Buckmaster thought they had put together a competitive and appealing package for recruiting an Executive Director. She offered a supplemental industry and local cultural training and a personal commitment to support the success of this position.

Camellia Funding request of $14,000:

CM Hannan said this was a request for marketing funds for the Camellia Festival. The City was currently in transition with Transient Lodging Tax funds. The Camellia Festival needed to market their event, and that matched with the mission of the TLT fund. Newberg was the Camellia City and the advertising would bring people to the City. Two TLT grants had been returned to the City for projects that had not happened, and he recommended using those funds for the request. He clarified this would only be granted this one time and that the festival would look to Visit Newberg for advertising for next year.

There was discussion on why this organization should receive funding, advertising Newberg for events, the Camellia being representative of the City, and the timeline for the Festival's needs.

Carissa Burkett, Co-Chair of the Camellia Festival, said they received $8,000 last year from the TLT funds for marketing and were able to increase attendance by 1,000 people and increased the percentage of people coming outside of Newberg. The $14,000 would help the festival continue to grow. Brian Stewart, Co-Chair of the Camellia Festival, said Newberg was the Camellia City per State legislature and had its own camellia. It was a wonderful tool to bring people to the City.

Councilors Bacon and Essin were in favor of funding the request.

Shannon Buckmaster, Chehalem Valley Chamber of Commerce, stated the Chamber had contributed to the festival for the past two years as well. She thought the request for $14,000 was appropriate. However, she cautioned against reliance on a significant source of funding without a back-up plan. She said what they would do for one organization they should do for all. It would open up questions by other events who would also like funding. She supported the Camellia Festival. She asked if there was a different budget category than TLT funding that could be used so there would be no conflict or perceived bias to fund this request.

Councilor McKinney asked if the Chamber was supporting the festival financially this year. Ms. Buckmaster said they were helping in volunteer marketing and recruitment, but not financially due to tabling their TLT funds in preparation for the new Visit Newberg organization.

MOTION: Bacon/McKinney moved to approve the Camellia funding request of $14,000.

Deliberations: Councilor Johnson was concerned about the unintended consequences and the message it would send, especially if another community organization requested funds. Councilor Yarnell Hollamon also was concerned about the perception, especially when the Chamber was tabling their funds.

Councilor Bacon explained because of the transition, the Chamber's TLT funds were frozen. If they were continuing on the way they had in the past, the Chamber had supported the festival financially. Councilor McKinney said there was a difference between the Chamber's and the City's TLT monies. The Camellia Festival predated any TLT grants. If any festival deserved the funding to continue growing, it was the Camellia Festival as it represented the City and brought in many visitors.

Councilor Yarnell Hollamon thought it opened up a policy question for other organizations that also represented Newberg. Councilor Bacon said this was a good investment as it was a successful local festival that brought tourists to Newberg. Motion carried (7 Yes/0 No).

COUNCIL BUSINESS:
Mayor Andrews reminded the Council about City Day at the Capitol on January 24. CA Stone reported on the sale of the Animal Shelter which was almost complete.

Councilor Essin spoke about the leadership of Mayor Andrews and how he had improved the City during his time as Mayor. He also thanked staff for their work. He discussed the water reuse system and how the City was responsible to pay for it. He supported the request to reduce the fee of the one water reuse user. The most important thing he learned on Council was the need to listen. A lot of big decisions were coming up, and he encouraged the Council to listen to staff and the community. PWS Director Harris announced a Christmas potluck on Wednesday.

ADJOURNMENT: The meeting was adjourned at 10:32 p.m.

ADOPTED by the Newberg City Council this day of January 22, 2019.

_____
Sue Ryan, City Recorder

ATTEST:

_____
Rick Rogers, Mayor

DRAFT

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 22, 2019				
Order No. __	**Ordinance No.** XX	**Resolution No.** __	**Motion** __	**Information** __
SUBJECT: An Ordinance amending the Comprehensive Plan Map designation from Commercial/Riverfront District (COM/RD) to Medium Density Residential (MDR/RD) for a property located at 1303 S River Street, Yamhill County Tax Lot 3229-02500.			**Contact Person (Preparer) for this Motion: Cheryl Caines, Senior Planner Dept.: Community Development File No.: CPMA18-0006**	

HEARING TYPE: ☐ **LEGISLATIVE** ☒ **QUASI-JUDICIAL** ☐ **NOT APPLICABLE**

RECOMMENDATION:

Adopt Ordinance No. 2019-2842 as recommended by Planning Commission Resolution 2018-346.

EXECUTIVE SUMMARY:

A. BACKGROUND: On September 25, 2018, Del Boca Vista, LLC submitted a request to amend the Comprehensive Plan map designation from Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD) for a property located at 1303 S River Street, Yamhill County tax lot 3229-02500.

The applicant has concurrently requested to annex the property into Newberg under a separate application (ANX18-0001). It is important to note that the applicant's concept plan is not being approved at this time, and the applicant is not bound by the concept plan in this application. If this Comprehensive Plan map amendment application is approved then the applicant will apply for subdivision or planned development approval. The future application would include more detailed information about the development layout, types of residences proposed, and street frontage improvements. A subdivision application is a Type II process with public notice for a two-week public comment period. The Community Development Director then makes a decision on the application. A planned development application is a Type III process, and the Planning Commission makes a decision through a public hearing.

The site is approximately 1.56 acres and is located on the western side of S River Street south of the Newberg-Dundee Bypass and the Newberg city limit boundary. The site is developed with a house and outbuildings. There are no natural features on the site, which has a 1% slope to the west. The property lies within the Riverfront District and is subject to the design standards within the Riverfront overlay. No changes are proposed to the overlay. Surrounding uses and zoning include:

- North – single family residential (Medium Density Residential)
- West: - Newberg-Dundee Bypass (Commercial/Riverfront District and Medium Density Residential)
- East across S River Street: industrial (Industrial/Riverfront District and Industrial)
- South: vacant (Commercial/Riverfront District).

S River Street is classified as a major collector street in the Newberg Transportation System Plan. There is an 8-inch public wastewater line, 6-inch public water line, and 15-inch public storm line in S River Street. The public wastewater line ends approximately 130 feet to the north and would need to be extended to serve the site. If right-of-way dedication or facility improvements are required, this will be with future development and not as part of the proposed Comprehensive Plan Map Amendment.

B. PROCESS: This is a Type III application for a Comprehensive Plan map. A Type III application of this nature goes first to the Planning Commission for a recommendation to the Newberg City Council. Following the Planning Commission's recommendation, the Newberg City Council will hold a quasi-judicial hearing to consider the matter. Important dates related to this application are as follows:

a. 10/29/18: The Community Development Director deemed the application complete.
b. 12/13/18: After proper notice, the Planning Commission held a quasi-judicial hearing to consider the application, took public comment, and approved Resolution No. 2018-346 (Attachment 1).
c. 1/22/19: After proper notice, the City Council held a quasi-judicial hearing to consider the application.

C. PUBLIC COMMENTS (summarized): The Planning Commission received oral testimony from the applicant at the December 13, 2018. The applicant generally concurred with the staff report. No other oral or written testimony was received. If the city receives written comments by the comment deadline, Planning staff will forward them to the City Council.

D. STAFF & AGENCY COMMENTS (shown in full):

- *City of Newberg, Public Works, Engineering Services Division: Reviewed, no conflict. City of Newberg,*
- *City of Newberg, Public Works, Maintenance: Reviewed, no conflict.*
- *City of Newberg Police: Reviewed, no conflict. Comments on increased servicing with existing levels of staffing. Full comments are in Attachment 4.*
- Frontier: Reviewed, no conflict.

E. DISCUSSION:

The following is a summary of the findings found in Exhibit "A".

Need for and Site Suitability for Medium Density Residential Land

In 2005, the City Council adopted amendments to the Comprehensive Plan, including updated residential land need and supply numbers for LDR (Low Density Residential), MDR (Medium Density Residential) and HDR (High Density Residential) land designations. That data shows that the City had a demonstrated need for MDR (Medium Density Residential). The goal of the city's comprehensive plan policies is to ensure that there is adequate housing of all density types and for every income level. The proposed amendments would help the City remedy its deficit of available land for a variety of housing types.

The site is suitable for the MDR designation because it is adjacent to S River Street, which is classified as a major collector in the Newberg Transportation System Plan. River Street also connects to other collector and arterial streets in the area. The site is also within ½ to 1 mile of parks, an elementary school, commercial businesses and transit in Downtown Newberg, and George Fox University.

Supply & Need for Commercial Land

In 2005, the City Council adopted amendments to the Comprehensive Plan updating need and supply numbers for employment (commercial and industrial) lands. Findings for the adoption of the Springbrook Master Plan in 2007 included a Buildable Lands Analysis. The applicant uses this as the basis for determining the current supply of commercial land. The analysis shows the supply is sufficient to meet the needs based on the needs shown in the 2004 Comprehensive Plan; however, no updated need analysis is provided. The city is currently studying land needs and supply through Newberg 2030 Urban Growth Boundary project; therefore, the City will have more up to date numbers for in mid-2019. This study will also determine land best suited to meet the city's future residential, commercial, and industrial needs.

Adequate Infrastructure to Serve the Site

There are water, stormwater, and wastewater facilities available in S River Street to serve the site. There is an existing 6-inch public water line and 15-inch public storm line adjacent to the site in S River Street. An 8-inch public wastewater line lies approximately 300 feet to the north in S River Street and would have to be extended to serve the site. A change in designation from commercial to medium density residential would not significantly increase the demand on the utility systems. Capacity of services and necessary improvements will be addressed in more detail as part of any future development permits.

The proposed development site is located adjacent to S River Street, which is a major collector. Existing improvements do not meet the standard for a major collector and will be required with development.

Transportation Planning Rule

The Newberg Municipal Code requires that any map amendment that significantly affects transportation facilities show compliance with the State Transportation Planning Rule (OAR 660-012-0060). The applicant submitted a Transportation Planning Rule (TPR) analysis prepared by a licensed traffic engineer. According to the analysis, the proposed zone change will not significantly impact the transportation system. A full traffic study was not required as the proposed change will not increase trip generation in excess of 40 trips per p.m. peak hour and the site is not adjacent to an intersection that is functioning at a poor level of service.

Currently S River Street is not on the list of city projects for widening or repaving in the near future. However, S River Street is within and connected to the Riverfront Master Plan area. This means that as the master plan is developed, it is likely that new projects and infrastructure improvements will be identified and priorities may change. Any new development along S River Street will need to include right-of-way dedication and improvements to a major collector standard.

F. PLANNING COMMISSION RECOMMENDATION:

The Newberg Planning Commission held a public hearing on December 13, 2018, heard public testimony, and approved Resolution No.2018-346 recommending the City Council amend the Comprehensive Plan map designation from Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD) for the property located at 1303 S River Street, Yamhill County tax lot 3229-02500. (Attachment 1).

FISCAL IMPACT:

No direct fiscal impact. The applicant must pay for any costs associated with future development, such as street and utility improvements.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

Not applicable to this proposal.

City Council Ordinance No. 2019-2842 with:

Exhibit "A": Findings
Exhibit "B": Site Boundary Map and Legal Description
Exhibit "C": Comprehensive Plan Map

Attachments:

1. Resolution 2018-346 Planning Commission Recommendation (with Exhibits "A", "B", and "C" by reference only and attached to Ordinance No. 2019-2842)
2. Aerial Map
3. Concept Development Plan
4. Agency Comments
5. Application Materials

ORDINANCE NO. 2019-2842

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM COMMERCIAL/RIVERFRONT DISTRICT (COM/RD) TO MEDIUM DENSITY RESIDENTIAL/RIVERFRONT DISTRICT (MDR/RD) FOR A PROPERTY LOCATED AT 1303 S RIVER STREET, YAMHILL COUNTY TAX LOT 3229-02500.

RECITALS:

1. Del Boca Vista, LLC submitted an application requesting a Comprehensive Plan map amendment from Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD) for property located at 1303 S River Street, Yamhill County tax lot 3229-02500.

2. The Planning Commission held a public hearing to consider the proposal on December 13, 2018. The Commission took public testimony, deliberated, and found that the application met the applicable criteria in the Newberg Development Code, the goals and policies of the Newberg Comprehensive Plan, and Oregon Statewide Planning Goals as shown in the findings in Exhibit A.

3. At their December 13, 2018 meeting the Planning Commission adopted Resolution 2018-346, recommending that the City Council approve the requested Comprehensive Plan map amendment.

4. The City Council held a public hearing on January 22, 2019 to consider the proposal. After reviewing the evidence and hearing public testimony, the City Council finds that the application meets the applicable Newberg Development Code criteria, Newberg Comprehensive Plan goals and policies, and Oregon Statewide Planning Goals for approval.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The Comprehensive Plan designation is changed from Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD) for the property located at 1303 S River Street, Tax Lot 3229-02500, as shown and described in Exhibit "B". Exhibit "B" is hereby adopted and by this reference incorporated.

2. The findings shown in Exhibit "A" are hereby adopted and by this reference incorporated.

3. The Newberg Comprehensive Plan map shall be amended to reflect Exhibit "C".

- **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: February 21, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of January, 2019, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

_____
Sue Ryan, City Recorder

ATTEST by the Mayor this 24th day of January, 2019.

_____
Rick Rogers, Mayor

ATTACHED:
Exhibit "A": Findings
Exhibit "B": Site Boundary Map & Legal Description
Exhibit "C": Comprehensive Plan map

Exhibit "A" to Ordinance 2019-2842
Findings – File CPMA18-0006
1303 S River Street Comprehensive Plan Map Amendment

Section I. Newberg Development Code § 15.302.030: Procedures for Comprehensive Plan Map Amendments.

(A) Type III Plan and zoning map amendments – one parcel or small group of parcels.

(3) Amendment Criteria. The owner must demonstrate compliance with the following criteria:

(a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;

Finding: Section II of these findings addresses the Comprehensive Plan goals and policies. It can be found that this proposal is consistent with and promotes numerous applicable goals and policies, as summarized below.

Density:

The site contains 1.56 acres, or approximately 67,950 square feet. Assuming no additional right-of-way dedications on S River Street, but approximately 15% of the site is used for a future street to access the site, there would be an approximate net site area of 57,750 square feet. Under the current designation the site would be zoned for commercial service and retail development (C-4 Riverfront Commercial District) upon annexation into the City of Newberg due to the COM/RD designation.

If developed under the proposed MDR/RD and R-2/RD designations, the site would allow an approximate maximum net density of 19 dwelling units and a minimum of 11 dwelling units. The R-2/RD zone allows a mix of housing types including detached and attached single-family, duplexes, and multi-family. The actual density will depend on the final site design.

Land Needs and Buildable Land Supply Analysis

History:

Newberg's Comprehensive Plan shows a need for additional MDR (Medium Density Residential) and COM (Commercial) land.

2005 Comprehensive Plan Land Need and Supply Amendments

In 2005, the City Council adopted amendments to the Comprehensive Plan, including updated land need and supply numbers for LDR (Low Density Residential), MDR (Medium Density Residential), HDR (High Density Residential), and COM (Commercial – Office/Retail) land designations. The updates were based on data from the Land Needs Report compiled by Johnson-Gardner in 2004. The amendments were adopted and acknowledged through the post-acknowledgment plan amendment process in 2005. The 2005 Comprehensive Plan has residential and commercial land data for the 20-year period from 2005-2025, and the future planning period out to 2040. That data shows that the City had a demonstrated need for 173 buildable acres of MDR (Medium Density Residential) through 2025, and an additional 191 acres of MDR land through 2040 (see table below). For

Commercial land there is a need of 111 acres through 2025 and 109 acres through 2040. Buildable land includes vacant and redevelopable land in the existing Urban Growth Boundary (UGB).

Newberg Comprehensive Plan, Table V-7 Buildable Residential Land Needs vs. Supply				
Plan Designation	**Buildable Acres Needed 2005-2025**	**Buildable Acres in UGB (2004)**	**Surplus (Deficit) for 2005-2025**	**Buildable Acres Needed 2026-2040**
LDR	612	359	(253)	735
MDR	173	142	(31)	191
HDR	89	13	(76)	83
Total	**874**	**514**	**(380)**	**1009**

Newberg Comprehensive Plan, Table V-9 Commercial Land Need and Supply			
Commercial Land Need 2005 – 2025 (acres)	**Commercial Land in UGB (2004) N**	**2025 Surplus (Deficit) (acres)**	**Commercial Land Need 2026-2040 (acres)**
111	105	(6)	109

In 2009 the City proposed an update to the Housing Element of the Comprehensive Plan. This item was appealed to LUBA and remanded; it has not yet been revised and readopted, so the 2005 amendments are the latest acknowledged estimates. A preliminary buildable lands inventory (BLI) was completed for the City in 2016 utilizing the Simplified Method for Urban Growth Boundary (UGB) expansion; however, the BLI has not been finalized because several issues with the methodology were identified by the consultant. The City will finalize this BLI once technical fixes are adopted by the Oregon Land Conservation and Development Commission in Winter 2019. In addition to a BLI, the project will also calculate both residential and employment future land needs. The City is additionally doing a BLI as part of its Housing Needs Assessment work program. This BLI will be completed in Summer 2019.

This application:

The applicant provided an analysis of both residential and commercial land needs for Newberg. The analysis shows an overall surplus of land designated COM (commercial) and a deficit of land designated MDR (medium density residential). If the zone change were approved, the City would still have an overall deficit of 45.8 acres of MDR land and would have a small surplus of COM land equating to 1.95 acres.

Residential Analysis

The applicant provided a Housing Needs Analysis (application Exhibit G) showing the need and supply of residential land in the City of Newberg. This analysis updates a Housing Needs Analysis and data provided by PNW Economics for a Comprehensive Plan and Zoning Map Amendment (CPMA18-0005/ZMA18-0002) approved in September 2018. The PNW Economics analysis is an update of information provided for the Martell Commons Comprehensive Plan/Zone Change application (CPA 15-001/ZMA3 15-001) approved in 2015. The Martell Commons application included a full housing needs analysis and buildable lands inventory prepared by Cogan

Owens Greene. The methodology used in the Cogen Owens Greene analysis provides the basis for the PNW Economics analysis, the applicant's analysis, and the applicant's findings.

Excerpted from the application – Population Forecast:

Table 1 shows a 2035 population of 34,021 for the City of Newberg according to the 2017 population forecast. This represents a reduction in growth from the 2012 forecast of over 4,000 new residents (12% reduction).

Table 1 – Newberg UGB Population Forecasts (2009 HNA and 2012 & 2017 PSUPRC)

	Newberg HNA	Yamhill County Projections PSU Population Research Center		Difference 2009 HNA & PSU PRC	
	(2009)	(2012)	(2017)	(2012)	(2017)
2015	28,559	24,663	**23,234** *	(3,896)	(5,325)
2017	30,609	26,098 *	**24,296**	(4,511)	(6,312)
2020	33,683	28,250	**25,889**	(5,433)	(7,794)
2025	38,352	32,213	**28,602**	(6,139)	(9,750)
2030	42,870	35,408	**31,336**	(7,462)	(11,534)
2032	n/a	36,641 *	**32,410** *	n/a	n/a
2035	n/a	38,490	**34,021**	n/a	n/a

*Denotes estimates by PNW Economics for years between official, five-year increment forecasts utilizing average, annual population growth for the relevant five-year period.

Excerpted from the application – Housing Needs Analysis (Buildable Residential Land vs. Supply after Proposed Zone Change and Commercial Land Supply Findings:

Table 9 – Buildable Residential Needs vs. Supply After Proposed Zone Change, 2017-2032

Plan Designation	Buildable Acres Needed	Buildable Acres Before CPA	Buildable Acres After CPA	Surplus/(Deficit) Before CPA	Surplus/(Deficit) After CPA
LDR	292	318.76	318.76	26.7	26.7
MDR	129	81.61	83.17	(47.4)	(45.8)
HDR	45	1.83	1.83	(43.2)	(43.2)
Total	466	402.2	403.76	(63.8)	(62.3)

Table 9 displays the projected balance of residential land need and supply that would result from re-designating the 1.56 acres at 1303 S River Street from COM/RD to MDR/RD. The applicant's analysis shows a deficit of 45.8 acres of MDR land following the proposed change. It should be noted that when updating the residential land, the applicant subtracted acreage that had been approved for development through the land use process but building permits have not yet been issued. These developments include Dutchman Ridge (13.3 LDR acres) and King's Landing (11.37 LDR acres). These would still be considered within the land supply for a Buildable Lands Inventory. However, because this acreage is designated LDR, it does not impact the MDR totals.

Commercial Analysis

Since the 2004 Comprehensive Plan, the City of Newberg adopted the Springbrook Master Plan. Findings for the adoption of this plan included how the implementing zoning would impact the supply of buildable land. The applicant used the Springbrook BLI as the basis for determining the current supply of commercial land and

subtracted commercial acreage developed since 2007 based on Newberg GIS data. The Springbrook BLI shows 93 commercial acres in 2007. Following the Springbrook plan adoption, there was a surplus of 9 acres of commercial land available to satisfy the acres needed for 2007-2027. Since 2007, a total of 5.49 commercial acres have been developed. Based on the applicant's analysis there would still be a surplus of 3.51 acres for the 2007 – 2027 planning period. With the proposed removal of 1.56 acres, the surplus is decreased to 1.95 acres.

The 2015 BLI prepared for UGB purposes, but not adopted, shows the buildable commercial land in the UGB as 126 acres. This is more than the 93 acres shown in the Springbrook BLI. This higher number would indicate a higher surplus of commercial land.

Adequate Infrastructure to Serve the Site

The applicant noted that there are water and wastewater facilities available in S River Street to serve the site. There is an existing 6-inch water line, 8-inch wastewater line, and 15-inch storm line in S River. GIS data indicates storm and water are available in the adjacent right-of-way, but wastewater would need to be extended from the north to serve the site. Capacity of services was not addressed by the applicant beyond stating that adequacy of the lines will be verified as part of any future development permits. The specifics of pipe upsizing and other utility improvements would be determined during development application review.

The proposed development site is located adjacent to S River Street, which is a major collector. Existing improvements do not meet the standard for a major collector. The applicant will be required construct a 1/2 street improvement on the west side of S River Street to major collector standards when development is proposed. According to the applicant's Transportation Planning Rule (TPR) analysis, the proposed zone change will not significantly impact the transportation system.

Availability of Public Services

The site is within walking distance of many services: Within 1/3 mile of Scott Levitt Park; within 3/4 mile of Edwards Elementary school; and approximately within 1 mile of downtown Newberg and George Fox University. This means that residents of the proposed housing may walk or bike to commercial areas, jobs, parks, and schools. Public transit is available on E First Street.

Site is Suitable for MDR Development

The proposed site is suitable for MDR development because it meets the Comprehensive Plan policies of medium density housing location, design of medium density housing, compatibility with surrounding development, and the Riverfront District. The proposed site is adjacent to a major collector road which will provide adequate access for medium density housing.

A railroad spur lies south of the site on the adjacent parcel. The spur serves the WestRock mill site to the east. Use of the spur has stopped since the mill closure, but could be used again for a future industrial use. In addition, there has been interest in using the tracks for a trolley to connect the Riverfront District and Downtown Newberg. The applicant states that the railroad isolates the property from the rest of the commercial designated land in the Riverfront District and the small size makes it better suited for a MDR designation like the adjacent property to the north.

The area has a mix of uses including single and multi-family housing and industrial development. Vacant sites to the south and west are designated commercial; therefore, future development within the Riverfront District will be conveniently located to residents. Shopping and employment opportunities are also available in Downtown Newberg which is about a mile to the north. Parks and schools are within ¾ of a mile.

The applicant's development concept shows small detached single-family dwellings. This type of development will be compatible with the surrounding area due to the mix of uses (existing and allowed). In addition, the future residences must satisfy the design review criteria for housing in the Riverfront District.

The application meets this criterion because the proposed change from COM/RD to MDR/RD is consistent with many goals and policies in the Comprehensive Plan, and the Development Code.

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

Finding: The applicant noted that there are water and wastewater facilities available in S River Street to serve the site. There is an existing 6-inch water line, 8-inch wastewater line, and 15-inch storm line in S River. GIS data shows existing public water and stormwater main lines in the adjacent S River Street right-of-way. The public wastewater line ends approximately 130 feet north of the site and would need to be extended in S River Street to serve the site.

Capacity of services was not addressed by the applicant beyond stating that adequacy of the lines will be verified as part of any future development permits. The City's water and wastewater systems can serve the additional units expected with the proposed change.

The site is accessed by S River Street, which is not a fully improved street. A major collector cross-section per the Transportation System Plan should accommodate the following: 5-foot sidewalk, 5.5-foot planter, 6-foot bike lane, 12-foot travel lane, 12-foot travel lane, 6-foot bike lane, 5.5-foot planter, 5-foot sidewalk. The required right-of-way for the described cross-section varies from 57 to 80-feet. The existing roadway right-of-way is approximately 60-feet wide, and the current pavement section is approximate 24-feet wide.

A Transportation Planning Rule (TPR) Analysis of the proposed Comprehensive Plan map amendment was completed by a professional traffic engineer, Karl Birky, PE PTOE. He compared the trips generated by a commercial development to trips generated by residential development for the subject property. He concludes that the projected trips from a residential development would be far less than a commercial development. Therefore, the proposed Comprehensive Plan map amendment from COM/RD to MDR/RD does not have a significant impact on the transportation system.

The application meets this criterion because public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change from COM/RD to MDR/RD.

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

Finding: The State Transportation Planning Rule is meant to determine whether proposals "significantly affect" existing or planned transportation facilities, and if they do affect them, to ensure that they are properly mitigated. The Rule says that:

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

The proposed plan amendment site is located adjacent to S River Street, which is classified as a Major Collector in the City's Transportation System Plan. The proposal would not: (a) change the functional classification of S River Street; or (b) change standards implementing a functional classification system.

The applicant provided a Transportation Planning Rule (TPR) analysis prepared by a Professional Traffic Operations Engineer (PTOE) for the proposed zone change. The TPR requires an estimate of the effects a land use action will have on the transportation system. The provided analysis outlines the estimated vehicle trips generated by a development under the equivalent COM/RD Comprehensive Plan designation (C-4 zoning) and the proposed MDR/RD designation (R-2/RD zoning). The assumed uses include intense commercial uses (fast food restaurant and convenience retail) and the estimated maximum residential density allowed (20 units). The analysis indicates that the proposed zone change could result in a very large decrease in average daily trips if developed as residential. It should be noted that the Riverfront commercial area is not along a major route of travel; therefore, it is unlikely that a fast food restaurant with drive through or a convenience store would be developed on this site. Commercial businesses in the Riverfront are more likely to be a restaurant with no drive through and destination retail. These commercial uses would still have a higher number of trips than the conceptual detached single family. According to the TPR analysis, the future trips generated from the proposed zone change will not "significantly affect" the transportation system.

The proposal meets the State Transportation Planning Rule because it does not significantly affect transportation facilities: (A) It does not allow a level of development that would result in levels of travel inconsistent with the functional classification of the existing transportation facilities; (B) It does not reduce the performance of the existing transportation facilities below the minimum acceptable performance standards; and (C) It does not significantly worsen the performance of an existing transportation facility that is otherwise projected to perform below the minimum acceptable performance standard.

Section II. Applicable Statewide Planning Goals and Newberg Comprehensive Plan Goals & Policies

A. CITIZEN INVOLVEMENT GOAL (SPG/NCP)

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

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with this Goal. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

B. LAND USE PLANNING (SPG/NCP)

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: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base. The alternatives to approving the proposed Comprehensive Plan map amendment would be to: 1) deny the application and retain the current comprehensive plan designations (COM/RD). There is a clear deficit of residential land in the City of Newberg, and the small (1.56 acres) site could not support a substantial commercial development. The proposed Comprehensive Plan map amendments are consistent with and help to carry out comprehensive plan policies and designations as noted in these findings and comply with the goal.

C. AGRICULTURAL LANDS (SPG/NCP)

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: Not applicable because the proposal does not propose any changes to agricultural lands outside of the Newberg Urban Growth Boundary. The proposal is to change the Comprehensive Plan designation from COM/RD (Commercial/Riverfront District) to MDR/RD (Medium Density Residential/Riverfront District) within the Newberg Urban Growth Boundary.

D. WOODED AREAS (SPG/NCP)

GOAL: To retain and protect wooded areas.

Finding: The goal is not applicable because the proposal is to change the Comprehensive Plan designation. There are no drainageways or wooded areas on site. The property is already developed with a single-family residence and several outbuildings.

E. AIR, WATER, AND LAND RESOURCE QUALITY (SPG/NCP)

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICIES:

1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. Protections are already in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary and complies with Goal 6.

F. AREAS SUBJECT TO NATURAL HAZARDS (SPG/NCP)

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. This proposal does not impact the City's natural hazard areas such as flood plain because there are no such areas present on the site.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES (SPG/NCP)

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.

2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.

3. To protect, conserve, enhance and maintain the Willamette River Greenway.

14. Development in the Riverfront District will be encouraged to retain existing native vegetation that contributes to habitat functions and values.

Finding: The proposed amendments would not negatively impact inventoried Goal 5 resources. Protections already exist in the Newberg Municipal Code to protect these resources, areas, and open spaces. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources and identified open spaces in compliance with Goal 5. The site is located near the Willamette River and within the Riverfront District but there are no streams, native vegetation, or natural areas to protect or retain. There is an existing home and outbuildings that will be removed with future redevelopment.

H. THE ECONOMY (SPG/NCP)

GOAL: To develop a diverse and stable economic base.

POLICIES:

1. General Policies

a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs.

j. A mixed-use river-oriented commercial area should be encouraged to be developed near the Willamette River.

3. Commercial Areas Policies

b. Adequate neighborhood commercial areas will be provided to serve localized needs.

4. Riverfront District Policies

a. The City will enhance commercial diversity and activity in the Riverfront area by encouraging a business mix that provides goods and services to satisfy neighborhood and visitor needs and that also draws people from the greater region.

b. The City will encourage development of the Riverfront District as a distinct river oriented center that can help support a variety of local businesses.

c. The City will encourage the development of commercial and retail uses that have a strong reason for locating near the Riverfront and support the vision of the Riverfront District as a walkable and bikeable mixed-use area.

Finding: The Newberg Economic Development Strategy identifies housing as a need for the community. The proposal would provide for an additional opportunity to develop a variety of housing for the growing Newberg population base and growing economy at rental or for sale price points that are potentially in alignment with income levels.

The Riverfront District policies relate to a mixed use area that is walkable and bikeable, and the proposal supports these goals. A recent market analysis of the area was completed for the Riverfront Master Plan update project. Based on national trends, the commercial market is changing and future retail needs are more uncertain. The Riverfront is best suited for destination commercial development due to its location not being on a major traffic route and a small area from which to draw local customers. However, having nearby residential could help support commercial uses. The proposed change does result in a small loss of commercial land but the applicant's analysis still shows an adequate supply if the amendment is approved. The proposed change supports these goals.

I. SPG GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

NCP I. Housing Goals and Policies

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

2. Location Policies

a: Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

c. The City will encourage medium density housing in and adjacent to the commercial core of the Riverfront District and lower intensity residential uses in the western portions of the Riverfront District.

3. Mix Policies

b: Low and moderate income housing should not be concentrated within particular areas of the City.

j: The City shall encourage innovation in housing types and design as a means of offering a greater variety of housing and reducing housing costs.

Finding: The goal of the city's comprehensive plan policies is to ensure that there is adequate housing of all density types and for every income level. The proposed zone change would help the City remedy its deficit of available residential land supply. A recent market analysis of the area was completed for the Riverfront Master

Plan update project. Data in the report shows that future population growth in Newberg will mean a need for housing to continue for the next 10 years.

The proposed site is located adjacent to a major collector (S River Street), and traffic from the site is expected to use this street to access the site. S River Street provides access to Hwy 99W (a major arterial). Other minor collectors in the vicinity (E Eleventh Street and S Wynooski Street/Road) provide access to Hwy 219 (minor arterial). In addition, the site is within walking distance of many services: Within 1/3 mile of Scott Levitt Park; within 3/4 mile of Edwards Elementary school; within 1 mile of downtown Newberg and George Fox University. This meets the Comprehensive Plan policies of medium density housing being located near public services and public open spaces. It also means that residents of the proposed medium density housing may walk or bike to commercial areas, jobs, parks, and schools. Public transit is available on E First Street. In addition, the site is adjacent to the Riverfront commercial area and any future development of that area.

Any future development on the site under the proposed MDR/RD designation will require a land use review. The applicant plans to propose a development that will require a Planned Unit Development (PD) review, which requires a hearing with the Newberg Planning Commission. If a PD is required, the City would have future opportunities to influence the design of the development and encourage innovation of housing types and design. Even if the review is a traditional subdivision, the Riverfront District has residential design standards. The proposal is consistent with many of the housing policies in the Comprehensive Plan.

J. URBAN DESIGN GOALS AND POLICIES

Goal 1: To maintain and improve the natural beauty and visual character of the City.

1. General Policies.

k. The City should encourage the use of planned unit developments

n: The City shall encourage innovative design and ensure that developments consider site characteristics and the impact on surrounding areas.

r: Developments of medium or high density shall be of a quality and design which will effectively offset the greater density.

6. Riverfront District Policies

a. The City will encourage a mix of employment, housing, and retail uses serving the neighborhood and the surrounding community to enhance the Riverfront's identity as a vital and attractive City asset and to ensure an active, pedestrian friendly and thriving Riverfront area.

e.The City will permit land uses with design features along River Street Between 12th and 14th Streets that are compatible with or provide a buffer to SP Newsprint.

Finding: Any future development on the site under the proposed MDR/RD designation will require a land use review. The applicant will request a Planned Unit Development (PD) review to develop the site. This will allow an opportunity to influence the design of the development and encourage innovation of housing types and design. Even if the review is a traditional subdivision, the Riverfront District has residential design standards that include required design features and garage/entrance standards to promote a pedestrian scale. Surrounding Comprehensive Plan designations includes residential on the northern boundary and commercial on the southern boundary. Industrial is present across S River Street on the WestRock mill site (SP Newsprint). The proposed MDR designation is compatible with surrounding designations and provides a mix of uses within the Riverfront District. The proposal is consistent with many of the urban design policies in the Comprehensive Plan.

K. TRANSPORTATION GOALS AND POLICIES (SPG/NCP)

Goal 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile. Policy b.2: The City shall encourage higher density development in residential areas near transit corridors, commercial areas and employment centers, including the downtown.

Finding: The site is within walking distance of many services: Within 1/3 mile of Scott Levitt Park; within 3/4 mile of Edwards Elementary school; and within 1 mile of downtown Newberg and George Fox University. It is also adjacent to future commercial development in the Riverfront District. This meets the Comprehensive Plan policies of medium density housing being located near public services and public open spaces. It also means that residents of the future housing may walk or bike to commercial areas, jobs, parks, and schools. Public transit is available on E First Street. The proposal is consistent with transportation goals and policies in the Comprehensive Plan.

L. PUBLIC FACILITIES AND SERVICES GOALS AND POLICIES

Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

1. All Facilities & Services Policies. f: Maximum efficiency for existing urban facilities and services will be encouraged though infill of vacant City land.

2. Sewers and Water Policies. c: Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.

Finding: The site has existing sewer and water facilities available in S River Street. There is adequate capacity to serve the maximum density of the proposed Comprehensive Plan designation change. There is an existing 15-inch storm line and a 6-inch water line located in S River Street. There is an 8-inch wastewater line in S River Street approximately 130 feet north of the site. This will be extended to serve the site. Any needed improvements to the public lines will be identified and completed prior to development of the site. The proposal complies with the Public Facilities services goal and policies.

M. ENERGY (SPG/NCP)

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

Finding: The proposed Comprehensive Plan map amendment from COM/RD to MDR/RD will allow for more efficient use of the limited land available within the Urban Growth Boundary. The UGB provides for urban development within its confines and encourages efficient land use patterns.

N. URBANIZATION (SPG/NCP)

Goals:

1. To provide for the orderly and efficient transition from rural to urban land uses.

2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.

3. To create a quality living environment through a balanced growth of urban and cultural activities.

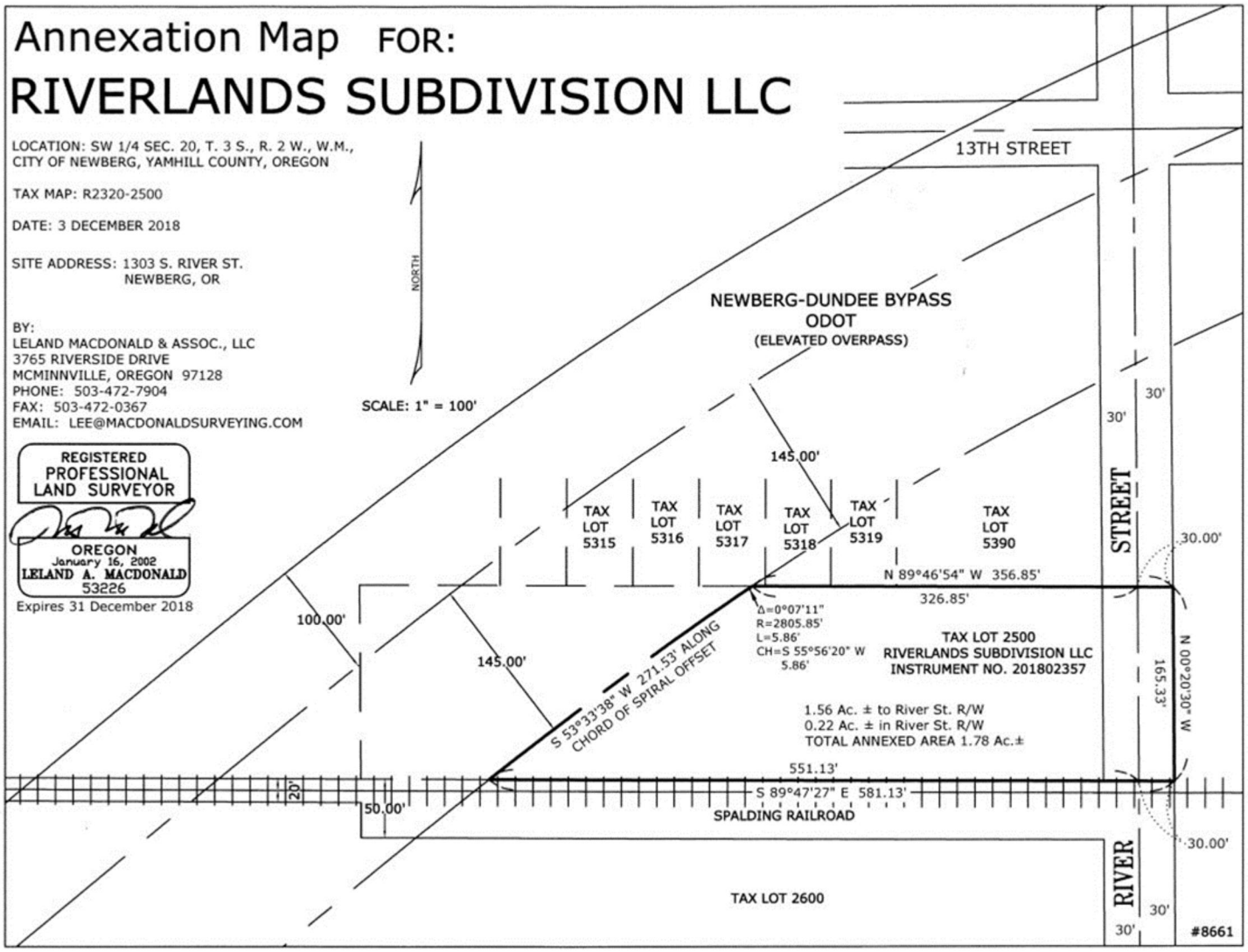
Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal.

SPG GOAL 15: WILLAMETTE RIVER GREENWAY
To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Existing regulations related to floodplain and stream corridor overlays within the Newberg Comprehensive Plan and Municipal Code protect the Willamette River Greenway within the City of Newberg. There are no floodplains or streams on the site. The proposed Comprehensive Plan map amendment does not impact the Willamette River Greenway.

Finding: Overall, the proposal is consistent with the goals and policies in the Comprehensive Plan regarding public participation, housing, urban design, transportation, and public facilities.

Exhibit "B" to Ordinance 2019-2842
Site Boundary Map and Legal Description



EXPIRES 31 DECEMBER 2018

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax : 472-0367

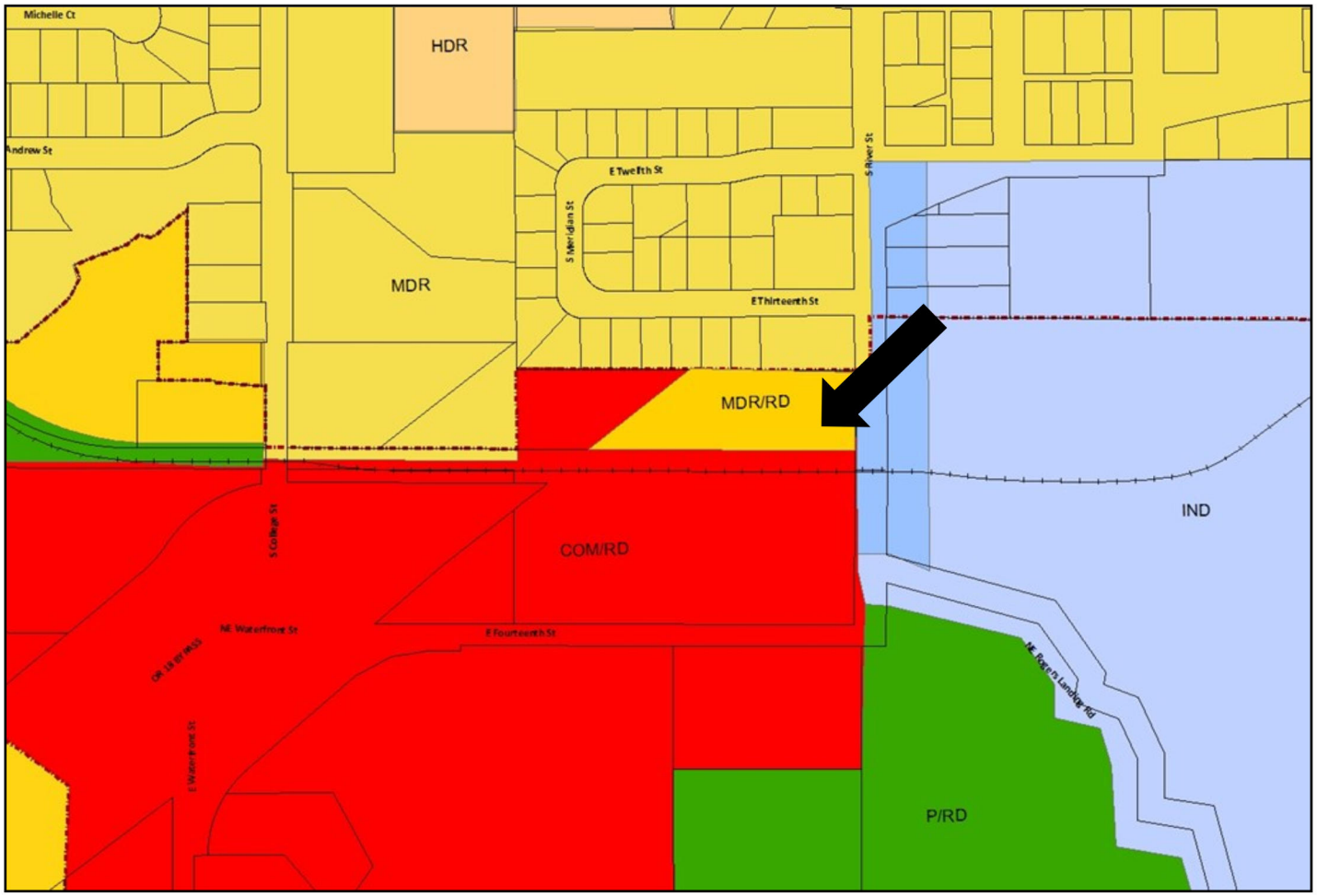
3 December 2018

Description of Real property for: RIVERLANDS SUBDIVISION LLC – Area to be annexed into the City of Newberg, Oregon.

A tract of land located in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said tract being more particularly described as follows:

Beginning at a point on the east margin of River Street in the City of Newberg, Oregon at the easterly extension of the south line of that tract of land described in deed from YVETTE SAARINEN to SIGMUND HOLDINGS LLC, recorded on November 22, 2017 in Instrument No. 201718769, Deed Records of Yamhill County, Oregon; thence North 00°20'30" West 165.33 feet, along said east margin to the easterly extension of the north line of said SIGMUND HOLDINGS LLC tract; thence North 89°46'54" West 30.00 feet the northeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence North 89°46'54" West 326.85 feet to a point on the southerly margin of the Newberg-Dundee Bypass at a point that is 145.00 feet distant from, when measured perpendicular to the "L" centerline thereof, said point being the northwest corner of said SIGMUND HOLDINGS, LLC tract and said point also being a point on a non-tangent curve concave to the southeast and having a radius of 2805.85 feet; thence 5.86 feet southwesterly along said margin and said curve, the chord of which bears South 55° 56'20" West 5.86 feet, to the beginning of a 145.00 offset to a 600 foot centerline spiral curve at Engineers Station "L" 516+56.09; thence southwesterly along said margin and said spiral offset, the chord of which bears South 53°33'38" West 271.53 feet, to the southwest corner of said SIGMUND HOLDINGS, LLC tract; thence South 89°47'27" East 551.13 feet to the southeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence South 89°47'27" East 30.00 feet on the easterly extension of the south line of said tract to the POINT OF BEGINNING.

Exhibit "C" to Ordinance 2019-2842
Comprehensive Plan Map



PLANNING COMMISSION RESOLUTION 2018-347

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF APPROXIMATELY 1.56 ACRES OF PROPERTY, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY AF-10 TO NEWBERG R-2/RD (RIVERFRONT DISTRICT) FOR ONE PROPERTY LOCATED AT 1303 S RIVER STREET, YAMHILL COUNTY TAX LOT 3229-02500.

RECITALS

1. Del Boca Vista LLC submitted an application to annex approximately 1.56 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County AF-10 to Newberg R-2/RD. The property is contiguous and located at 1303 S River Street, Yamhill County tax lot 3229-02500.

2. The property has a Comprehensive Plan designation of COM/RD (Commercial/Riverfront District). The applicant has concurrently requested a Comprehensive Plan Map Amendment to MDR/RD (Medium Density Residential/Riverfront District), which corresponds with the R-2/RD zone.

3. After proper notice, the Newberg Planning Commission held a hearing on December 13, 2018 to consider the application. The Commission considered testimony, and deliberated.

4. The Newberg Planning Commission finds that the application meets the applicable Newberg Development Code criteria as shown in the findings in Exhibit "C".

5. State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission recommends that the City Council annex the property shown in Exhibit "A" and described in Exhibit "B", along with a zone change to R -2 with Riverfront District overlay, and withdraw the property from the Newberg Rural Fire Protection District. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.

2. This recommendation is based on the findings shown in Exhibit "C" and the findings that the property meets ORS 222.111 criteria as set forth in Recital No. 5 above. Exhibit "C" is hereby adopted and by this reference incorporated.

Adopted by the Newberg Planning Commission this 13th day of December, 2018.

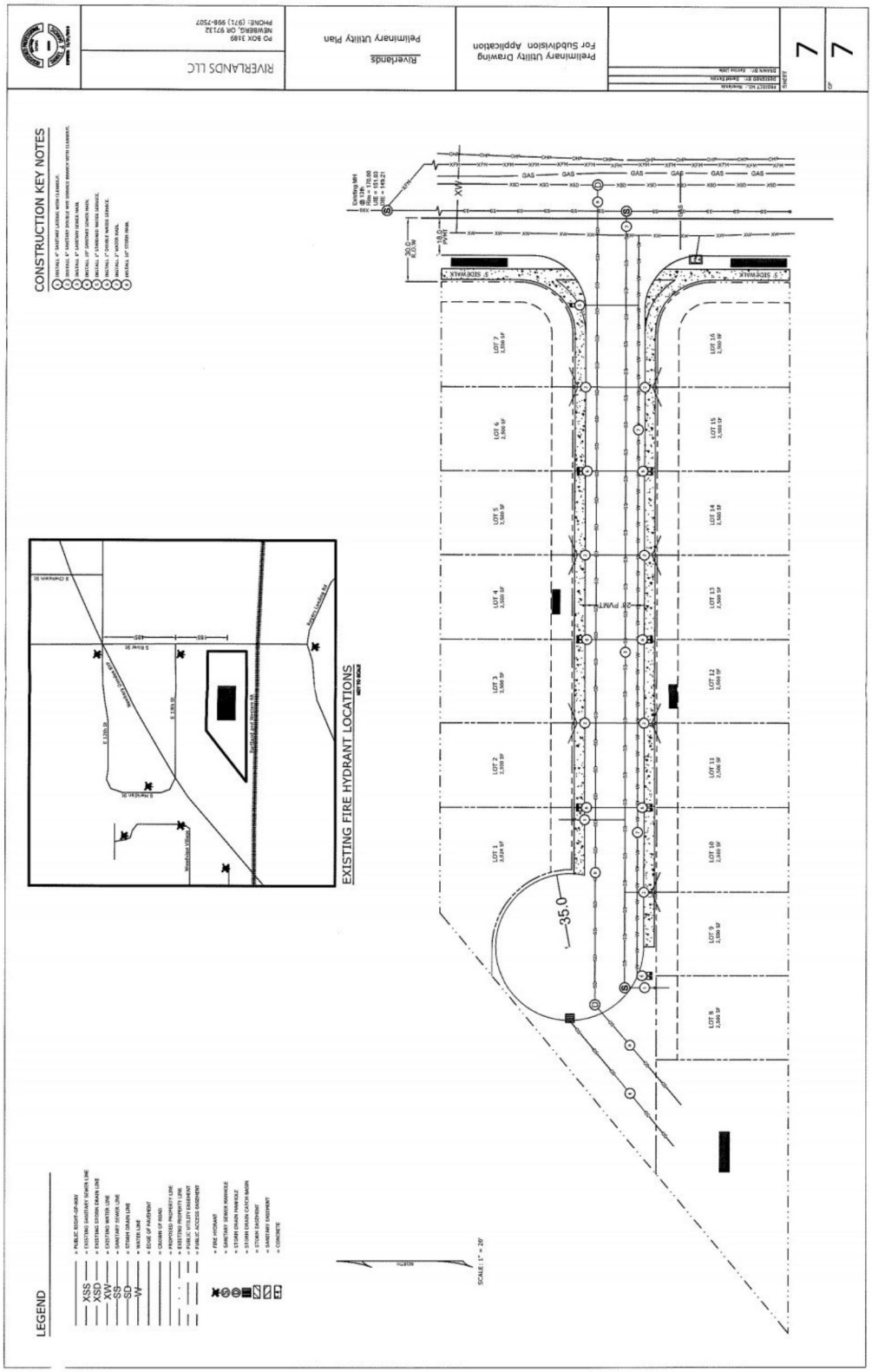
Planning Commission Chair

ATTEST:

Planning Commission Secretary

Attachment 2: Aerial Photo

Attachment 3: Concept Development Plan



Attachment 4: Agency Comments

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

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

Community Development Department - Planning Division

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

REFERRAL TO: Police Deparment, Brian Casey

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to November 13, 2018. Please refer questions and comments to Cheryl Caines.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Del Boca Vista LLC

REQUEST: Changing to MDR / RD

SITE ADDRESS: 1303 NE River St

LOCATION: Riverlands

TAX LOT: R3229 02500

FILE NO: CPMA18-0006

ZONE:

HEARING DATE: 12/13/2018

X Reviewed; no conflict.

____ Reviewed; recommend denial for the following reasons:

____ Require additional information to review. (Please list information required)

____ Meeting requested.

X Comments. (Attach additional pages as needed)

Reviewed By: _____ Date: 11-05-2018

City of Newberg-Dundee
Police Department
401 E. Third St.
Newberg, OR 97132
(503)538-8321
Brian Casey

Chief of Police

November 5, 2018

Newberg Planning & Building Department
414 E. First Street
Newberg, Oregon 97132

Re: Riverlands Subdivision

Doug Rux,

The Newberg-Dundee Police Department is increasingly concerned with the continued and projected growth in our community to include traffic, structures and population. Each of those three elements adds to our patrol, traffic enforcement and investigation responsibilities, however, we have not seen adequate growth within the police department to accommodate those increases.

The police department is not opposed to growth and community development as we understand it is vital to support the City infrastructure. However, I am concerned that the quality of our community and livability will begin to regress if the police department staffing does not increase to accommodate the pending growth.

Thank you,

Brian Casey, Chief of Police
Newberg-Dundee Police Department

Attachment 5: Application Materials

DEL BOCA VISTA
A LIMITED LIABILITY COMPANY

Riverlands

Comprehensive Plan Amendment

1303 NE River St. Newberg, OR 97132 (R3229/02500)

September 25, 2018
Revised October 26, 2018

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C	Proof of Ownership
D	Map and Legal Description
E	Future Development Concept Plan
F	Future Development Concept Statement
G	Housing Needs Analysis
H	Traffic Memo
I	Transportation Planning Rule Consistency
J	Draft Public Notice
K	Property Owner Information (500' Radius)

SUBJECT PROPERTY & PROJECT SUMMARY

Property Ownership	
Property Owner	Riverlands Subdivision LLC 500 E Hancock St. Newberg, OR 97132
Applicant	Del Boca Vista LLC 500 E Hancock St. Newberg, OR 97132
Tax Assessment Details	
Tax Map & Tax Lot	R3229/02500
Address	1303 NE River St. Newberg, OR 97132
Subject Property Size	1.56-ac
Political Boundaries	
City	Newberg (Note: Concurrent Anenxation Application)
County	Yamhill
Planning Designations (Existing)	
Zoning Designation (Yamhill)	AF-10 (Agricultural/Forestry Small Holding)
Comprehensive Plan Desination (Yamhill)	VLDR (Very Low Density Residential)
Comprehensive Plan Desination (Newberg)	COM/RD (Commercial/Riverfront District)
Planning Designations (Proposed)	
Zoning Designation	R-2 (Medium Density Residential) *Note: Concurrent Annexation Application*
Comprehensive Plan Desination	MDR/RD (Medium Density Residential/Riverfront District)
Environmental Findings	
Stream Corridor	No
Flood Plain (FEMA 100 yr.)	No
Service Providers	
Fire Protection	Tualatin Valley Fire & Rescue
School District	Newberg School District
Sewer	City of Newberg
Water	City of Newberg
Stormwater	City of Newberg
Sanitary Hauler	Waste Management
Park & Recreation District	Chehalem Park and Recreation District
Proposal	
Proposal	Comprehensive Plan Amendment to MDR/RD
Concurrent Proposal	Annexation, R-2 Zoning Designation
Future Development	Single-Family Detached Dwellings

PROJECT DESCRIPTION

INTRODUCTION

The owner of the subject property, Riverlands Subdivision, LLC., proposes a Comprehensive Plan Amendment of the 1.56-acre subject property. The subject property is located at 1303 NE River St. Newberg, OR 97132 (R3229/02500), to the south and east of the Newberg-Dundee Bypass, west of S. River St. and north of E. 14th St. It is of note that the Property Owner has concurrently requested the subject property be annexed into the City with an R-2 zoning designation.

This written narrative, together with concept development plans and other documentation included in the application materials, establishes that the application is in compliance with all applicable approval criteria. This documentation represents substantial evidence and provides the basis for the Planning Commission recommendation of approval and City Council approval the Application.

The proposed Comprehensive Plan Change and Zoning Amendment from COM/RD to MDR/RD will allow for more efficient use of the limited land available within the Urban Growth Boundary and will also provide more diverse housing opportunities particularly within the City's Riverfront District.

EXISTING CONDITIONS

The subject property slopes from east to west at less than 1%. There are no significant natural resources identified on the subject property. There is an existing single-family detached dwelling and associated structures on the subject property, which will be removed prior to future development. Existing vegetation on the subject property is a mixture of trees and groundcover associated with the existing single-family detached dwelling.

Figure 1: Subject Property Aerial

The subject property currently has a County zoning designation of AF-10 (Agricultural/Forestry Small Holding), and a County Comprehensive Plan Designation of VLDR (Very Low Density Residential). The City's Comprehensive Plan Map identifies the subject property as having a Comprehensive Plan designation of Commercial/Riverfront District (COM/RD).

As depicted by *Figure 1: Subject Property Aerial*, the Portland & Western Railroad is located directly to the south of the subject property. As the subject property is separated from the neighboring commercial designations by the railroad, the Property Owner is requesting a Comprehensive Plan Amendment to change the Commercial/Riverfront designation to Medium Density Residential/Riverfront, which is a more appropriate designation due to existing development patterns in the vicinity of the subject property. The Property Owner has requested a concurrent Annexation Application, and that R-2 zoning be applied to the subject property upon annexation.

The proposed zoning will allow the site to be developed with detached single-family homes in the future, consistent with adjacent zoning to the north of the subject property. Current regulations would allow the approximately 1.56-acre subject property to be developed at roughly 9 lots per acre, resulting in the potential to add approximately 14 homes to the subject property. As depicted by the Future Development Concept Plan provided as Exhibit E, future development of the subject property may also provide 16 dwelling units as permitted by the density flexibility awarded to Planned Unit Development by *Section 15.240.20.F.* of the City's *Community Development Code.*

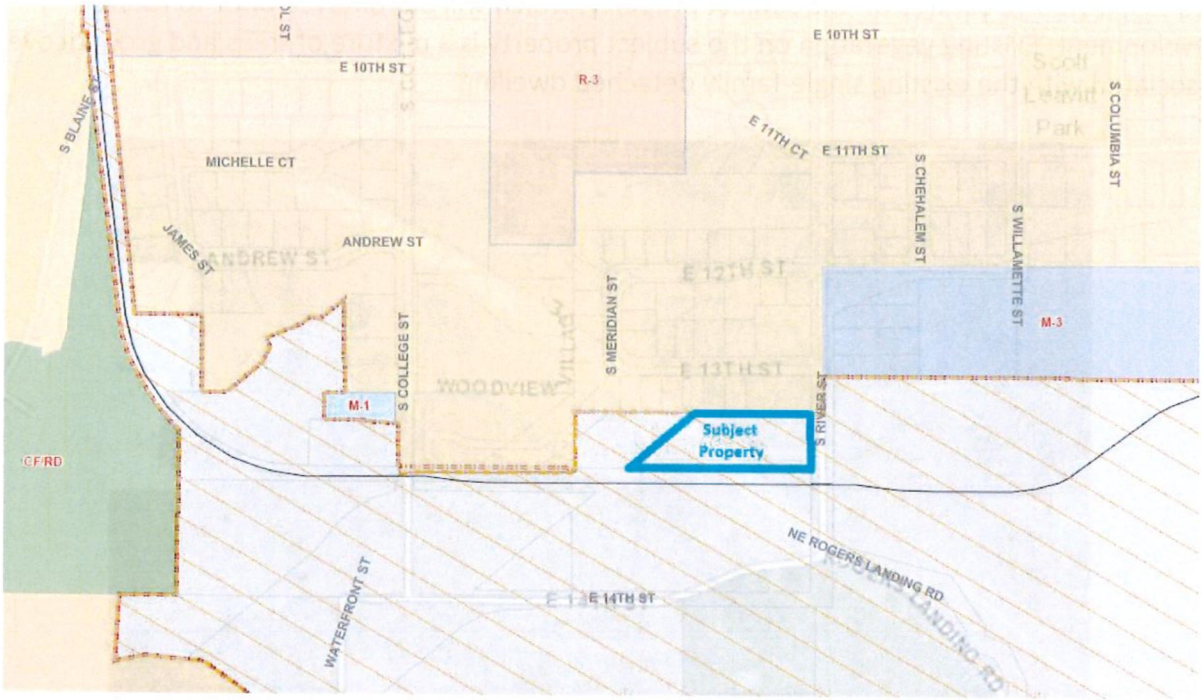


Figure 2: City of Newberg Zoning Map

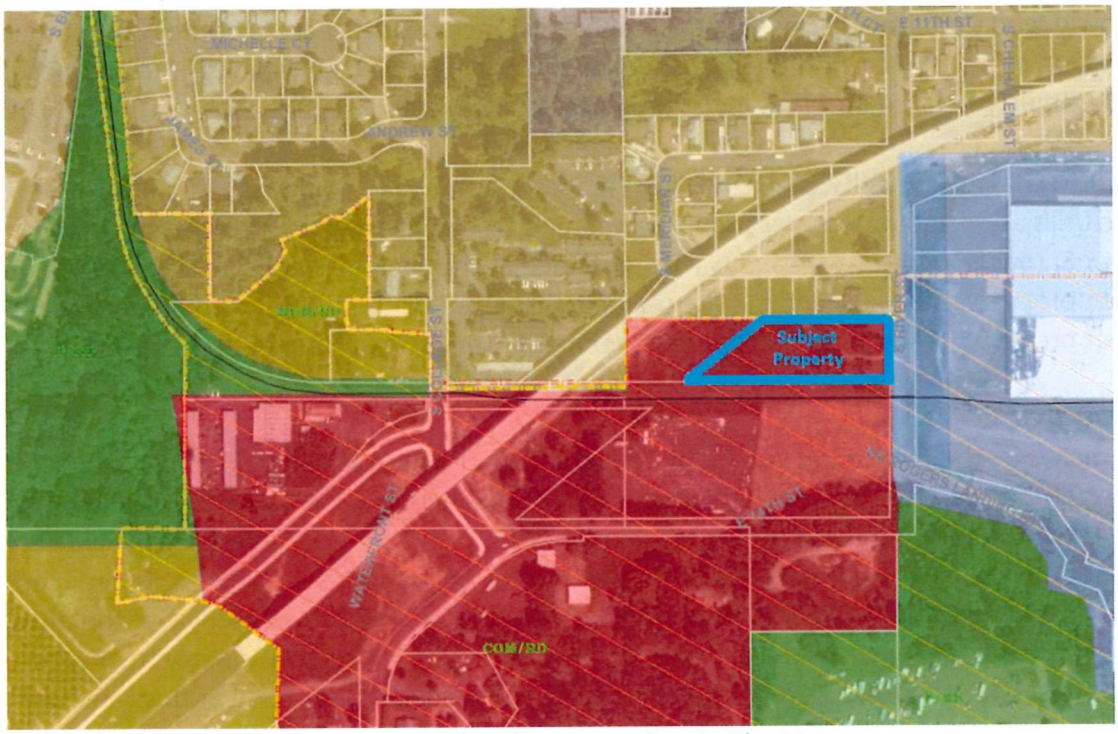


Figure 3: City of Newberg Comprehensive Plan Map

ADJACENT PARCELS

As depicted by *Figure 2: City of Newberg Zoning Map* and *Figure 3: City of Newberg Comprehensive Plan Map*, to the north of the subject property are Tax Lots 05318, 05319, and 05390 of Tax Map R3220CC, which are located within the City limits and are zoned R-2 and designed MDR. Tax Lot 05390 of Tax Map R3220CC sites an existing single-family detached dwelling. Tax Lots 05318 and 05319 of Tax Map R220CC are vacant. To the east of the subject property is the S. River St. public right-of-way. To the west of the subject property is a vacant parcel owned by ODOT, which is identified as Tax Map R3229/ROADS. To the south of the subject property is the Portland & Western Railroad on Tax Lot 02600 of Tax Map R3229, a vacant AF-10 zoned parcel under the jurisdiction of Yamhill County.

TRANSPORTATION AND ACCESS

The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. The City's *Transportation System Plan* includes aspirational plan No. S22 to reconstruct S. River St. between 1st St. and Rogers Landing Rd. to major collector street standards, including bicycle lanes and sidewalks on each side of S. River St.

Following approval of this proposed Comprehensive Plan Amendment, the future development of the subject property will warrant right-of-way dedication, and public improvements to the S. River St. public right-of-way.

The City's *Comprehensive Plan* identifies the subject property as having a Comprehensive Plan Designation of Commercial/Riverfront. This Application requests a Comprehensive Plan Amendment to change the subject property's Commercial/Riverfront designation to Medium Density Residential/Riverfront. As this Land Use Action constitutes an amendment to an

acknowledged Comprehensive Plan, this Application includes an analysis of the requested Land Use Action's consistency with the Transportation Planning Rule (see Exhibit I). Furthermore, a Traffic Memo prepared by ATEP, Inc. is provided as Exhibit H.

PUBLIC UTILITIES, SERVICES AND AMENITIES

Public utilities, including water, sanitary sewer, and stormwater water are available in the S. River St. public right-of-way and will be extended at the time of the future development of the subject property. All public and private utilities warranted by the future development of the subject property will be financed by the developer at the time of future development.

SANITARY

As depicted by the Future Development Concept Plan provided as Exhibit E, there is an existing 12-inch PVC force main located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. The City's *2018 Wastewater Master Plan* does not identify any improvements within the vicinity of the subject property. As depicted by the Future Development Concept Plan provided as Exhibit E, following approval of the proposed Annexation, sanitary lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, following approval of this Land Use Action, a future Planned Unit Development and Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

WATER

As depicted by the Future Development Concept Plan provided as Exhibit E, there is an existing 6-inch ductile iron water main located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. The City's *2017 Water System Master Plan* does not identify any improvements within the vicinity of the subject property.

As depicted by the Future Development Concept Plan provided as Exhibit E, following approval of the proposed Annexation, water lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, following approval of this Land Use Action, a future Planned Unit Development and Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

STORM

As depicted by the Future Development Concept Plan provided as Exhibit E, there is an existing 15-inch storm line located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. The City's *2015 Stormwater System Master Plan* does not identify any improvements within the vicinity of the subject property.

As depicted by the Future Development Concept Plan provided as Exhibit E, following approval of the proposed Annexation, stormwater lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, following approval of this Land Use Action, a future Planned Unit Development and Public Improvement Permit review

and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

FRANCHISE UTILITIES

Following approval of this Land Use Action, a future Planned Unit Development and Public Improvement Permit review and approval process will ensure adequate franchise utilities, including electricity, gas, and communication services, are provided to serve future development on the subject property.

FIRE

The subject property is served by Tualatin Valley Fire & Rescue. Tualatin Valley Fire Station No. 20 is located at 414 E. 2nd St. Newberg, OR 97132 approximately 1.1-miles from the subject property. During the review of this requested Land Use Action, the City will request comments from the Newberg Fire Department, prior to issuance of a Staff Report.

POLICE

The Newberg Police Department at 401 E. 3rd St, Newberg, OR 97132 is located approximately 1-mile from the subject property. During the review of this requested Land Use Action, the City will request comments from the Newberg Police Department, prior to issuance of a Staff Report.

SCHOOL

The subject property is currently located within the attendance boundaries of Edwards Elementary School, Mountainview Middle School, and the Newberg High School. Edwards Elementary School at 715 E. 8th St. Newberg, OR 97132 is located 0.4-miles from the subject property. Mountainview Middle School at 2015 N. Emery Dr. Newberg, OR 97132 is located 2.4-miles from the subject property. Newberg High School at 400 Douglas Ave. Newberg, OR 97132 is located 2.1-miles from the subject property.

TRANSIT

The Yamhill County Transit Area (YCTA) Newberg Route 5 has a stop at 1210 S. College St, Newberg, OR 97132 adjacent to the Woodview Apartments, approximately 0.5-miles walking distance to the northwest of the subject property.

PARKS

The Scott Leavitt Park at 1000 S. Columbia St. Newberg, OR 97132 is located 0.3-miles walking distance to the northeast of the subject property. The Scott Leavitt Park includes amenities such as a basketball court, playground, and picnic tables.

The Ewing Young Park at 1201 S Blaine St, Newberg, OR 97132 is located 0.8-miles walking distance to the northwest of the subject property. The Ewing Young Park includes amenities such as a skate park, BMX track, walking and jogging trails, covered shelters, restrooms, playground equipment, picnic tables, a disc golf course.

It should be noted that the City of Newberg does not conduct future planning for CPRD or the School District. However, the city coordinates with those agencies on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth

boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs

LAND USE APPLICATION REQUEST – COMPREHENSIVE PLAN AMENDMENT

This Application requests a Comprehensive Plan Amendment of the 1.56-acre subject property identified as Tax Lot 02500 of Tax Map R3229.

As per *Section 15.100.050.B.7.*, this Comprehensive Plan Amendment Application shall be processed through Type III review procedure.

Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice, Section 15.100.230 and Additional Notice Procedures for Type III Quasi-Judicial Hearing*. A draft public notice is provided as Exhibit J, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit K.

COMPLIANCE WITH THE CITY OF NEWBERG MUNICIPAL CODE

After reviewing the City of Newberg *Municipal Code* and *Comprehensive Plan,* this Application found provisions of the following Sections to be applicable to the proposed development.

CITY OF NEWBERG MUNICIPAL CODE
Title 15 Development Code
Chapter 15.100 Land Use Processes and Procedures
- *15.100.050 Type III procedure – Quasi-judicial hearing*
- *15.100.090 Development permit application.*
- *15.100.200 Compliance required.*
- *15.100.210 Mailed notice.*
- *15.100.230 Additional notice procedures for Type III quasi-judicial hearing.*
- *15.100.260 Procedure for posted notice for Type II and III procedures.*
- *15.100.270 Procedure for published notice on Type III and Type IV procedures.*

Chapter 15.302 Districts and Their Amendment
- *15.302.030 Procedures for comprehensive plan map and zoning map amendments.*
- *15.302.032 Purposes of each zoning district.*

Chapter 15.305 Zoning Use Table
- *15.305. 020 Zoning use table – Use districts.*

CITY OF NEWBERG MUNICIPAL CODE

Title 15 Development Code

Chapter 15.100 Land Use Processes and Procedures

15.100.050 Type III procedure – Quasi-judicial hearing

A. All Type III decisions shall be heard and decided by the planning commission. The planning commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.

B. Type III actions include, but are not limited to:

7. Comprehensive plan map amendments: This action is a recommendation to the city council.

8. Zoning map amendments and designation of subdistricts: This action is a recommendation to the city council.

9. Annexation: This action is a recommendation to the city council.

RESPONSE: As per *Section 15.100.050.B.7,* the proposed Comprehensive Plan Amendment shall be processed through Type III review procedure. This Application acknowledges the applicable provisions of *Section 15.100.050.C* through *Section 15.100.050.H* regarding Type III review procedure. This criterion is satisfied.

15.100.090 Development permit application.

Applications for development permits shall be submitted upon forms established by the director. An application shall consist of all materials required by this code, including the following information:

A. A completed development permit application form.

B. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all owners of the affected property.

C. Other information required by this code.

D. The applicable fees. [Ord. 2451, 12-2-96. Code 2001 § 151.040.]

RESPONSE: In satisfaction of *Section 15.100.090* a completed Land Use Application form is provided as Exhibit A, proof of ownership is provided as Exhibit C, and all other applicable information required by the City of Newberg *Municipal Code* and *Comprehensive Plan* is included with this Application. All applicable fees have been remitted with this Application. This criterion is satisfied.

15.100.200 Compliance required.

Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this article. [Ord. 2451, 12-2-96. Code 2001 § 151.070.]

RESPONSE: As per *Section 12.100.200,* the provisions of this Article are applicable to the proposed development.

15.100.210 Mailed notice.

Mailed notice shall be provided as follows:

B. Type II and Type III Actions. The applicant shall provide public notice to:

1. The owner of the site for which the application is made; and

2. Owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.

RESPONSE: Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice.* A draft public notice is provided as Exhibit J, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit K. This Application acknowledges the applicable provisions of *Section 15.100.210.C.* through *Section 15.100.210.J.* regarding noticing requirements. This criterion is satisfied.

15.100.230 Additional notice procedures for Type III quasi-judicial hearing.

In addition to the requirements of NMC 15.100.210, mailed notice for Type III development actions shall also contain the following:

A. State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final new hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue;

B. State the date, time and location of the hearing;

C. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;

D. State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;

E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. [Ord. 2451, 12-2-96. Code 2001 § 151.073.]

RESPONSE: Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.230 Additional Notice Procedures for Type III Quasi-Judicial Hearing.* A draft public notice is provided as Exhibit J, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit K. This criterion is satisfied.

15.100.260 Procedure for posted notice for Type II and III procedures.

[Detailed Provisions Omitted for Brevity]

RESPONSE: This Application acknowledges all applicable provisions of Section 15.100.260 Procedure for Posted Notice for Type II and III Procedures. All applicable provisions regarding public notice will be satisfied prior to approval of this Application.

15.100.270 Procedure for published notice on Type III and Type IV procedures.

[Detailed Provisions Omitted for Brevity]

RESPONSE: This Application acknowledges all applicable provisions of Section 15.100.270 *Procedure for Published Notice for Type III and IV Procedures.* All applicable provisions will be satisfied prior to approval of this Application.

Chapter 15.302 Districts and Their Amendment

15.302.030 Procedures for comprehensive plan map and zoning map amendments.

This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the comprehensive plan map, zoning map and land use regulations.

A. Type III Plan and Zoning Map Amendments – One Parcel or Small Group of Parcels.

1. Property owners or the city may initiate a map amendment for one parcel or a small group of parcels under the Type III procedure. May be initiated by a resolution of the planning commission or city council. Unlike other Type III procedures, the decision

of the planning commission on a Type III plan map amendment shall be in the form of a recommendation to the city council. The city council shall hold another new hearing and make a final decision.

RESPONSE: In satisfaction of *Section 15.203.030.A.1.*, the proposed Comprehensive Plan Map is initiated by the property owner, Riverlands Subdivision LLC. This Land Use Action requires the Planning Commission hold a public hearing and make a recommendation to City Council. The City Council will hold a second public hearing to make a final decision on the applicants' request. This criterion is satisfied.

2. Where an application has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the city council for good cause shall grant permission to do so.

RESPONSE: This Application acknowledges the provisions of *Section 15.203.030.A.2.*

3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:

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

RESPONSE: The Newberg Comprehensive Plan (NCP) has been drafted to meet the Statewide Planning Goals (SPG). As addressed by this narrative and supporting documentation the proposed Comprehensive Plan Amendment is consistent with the City's *Comprehensive Plan* and the *Statewide Planning Goals*. Overall, the proposed Comprehensive Plan Amendment promotes the efficient use of limited land within Newberg's Urban Growth Boundary, improves the housing diversity within the City's Riverfront District, and allows for future residential uses adjacent to a Major Collector. The proposed Comprehensive Plan Amendment is consistent with and advances the City's adopted goals and policies for housing and transportation. This criterion is satisfied.

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

RESPONSE: As addressed further beginning on Page 8 of this narrative, public facilities and services are available in the adjacent S. River St. public right-of-way to serve the future development of the subject property. Furthermore, following approval of the proposed Land Use Request, future development on the subject property will undergo a Planned Unit Development and Public Improvement Permit review and approval, so as to ensure public facilities are provided in compliance with all applicable City standards and regulations. This criterion is satisfied.

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

RESPONSE: As this Land Use Action constitutes an amendment to an acknowledged Comprehensive Plan, this Application includes an analysis of the requested Land Use Action's consistency with the Transportation Planning Rule (see Exhibit I). Furthermore, a Traffic Memo prepared by ATEP, Inc. is provided as Exhibit H.

4. The property owner who desired to have their property reclassified has the burden of establishing that the requested classification meets the requirements of this section. As

part of the application, the property owner requesting a change shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.

RESPONSE: This Application acknowledges the provisions of this Section. A Measure 49 Waiver is provided as Exhibit K.

5. A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed, which adequately mitigate any traffic impacts and/or the proposed use is not in a location, which is adjacent to an intersection, which is functioning at a poor level of service. A traffic study may be required by the director for changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards.

RESPONSE: This Application requests a Comprehensive Plan Amendment from COM/RD and MDR/RD. The Property Owner has concurrently requested the subject property be annexed into the City with an R-2 zoning designation. Approval of these Land Use Actions will permit the subject property to be developed with detached single-family dwellings in the future. A Traffic Memo prepared by ATEP, Inc. is provided as Exhibit H. Furthermore, documentation of Transportation Planning Rule Consistency is provided as Exhibit I.

The Future Development Concept Plan provided as Exhibit E, depicts a total of 16-Lots on the subject property. Based on the Institute of Transportation Engineers (ITE) *Trip Generation Manual, 8th Edition*, the proposed development will generate 16 new PM peak hour trips (16 lots generating 1 trip per unit during the PM peak hour). Thus, as per the standards noted by this Section, a Traffic Study is not applicable to the proposed development, as the future development of the subject property does not meet the threshold requirement of generating at least 40 new vehicular trips during the PM peak hour. Applicable provisions of this Section are satisfied.

15.302.032 Purposes of each zoning district.

B. R-2 Medium Density Residential District.

1. The purpose of this land use designation is to provide a wide range of dwelling types and styles at an average overall density of nine units per gross buildable acre in the district.

2. Typical housing types will include single-family dwellings on small lots, attached single-family, duplex or multifamily dwellings, and manufactured dwelling parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-2 district is intended to be consistent with the medium density residential (MDR) designation of the comprehensive plan.

RESPONSE: This Application requests a Comprehensive Plan Amendment from COM/RD to MDR/RD. The Property Owner has concurrently requested the subject property be annexed into the City with an R-2 zoning designation. Approval of these Land Use Actions will permit the subject property to be developed with detached single-family dwellings in the future.

Following approval of the proposed Comprehensive Plan Amendment, the property owner will submit for a Planned Unit Development review based on the Future Development Concept Plan provided as Exhibit E. The future land use review will consider parking, intensity, landscaping, buffering, and transportation impacts.

Chapter 15.305 Zoning Use Table

15.305. 020 Zoning use table – Use districts.

Newberg Development Code – Zoning Use Table

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
100	AGRICULTURAL USES																			
Def.	Horticulture	P	P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	
Def.	Livestock and poultry farming	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Def.	Home gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	Home livestock and poultry raising	S	S															S		NMC Title 6
200	RESIDENTIAL USES																			
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)		Subject to density limits of NMC 15.405.010(B)

RESPONSE: This Application requests a Comprehensive Plan Amendment from COM/RD and MDR/RD. The Property Owner has concurrently requested the subject property be annexed into the City with an R-2 zoning designation. Approval of these Land Use Actions will permit the subject property to be developed with detached single-family dwellings in the future. This use is permitted by the R-2 and MDR designations.

COMPLIANCE WITH THE CITY OF NEWBERG COMPREHENSIVE PLAN

After reviewing the City of Newberg *Comprehensive Plan,* this Application found policies of the following Sections to be applicable to the proposed Land Use Action.

II. GOALS AND POLICIES

- A. CITIZEN INVOLVEMENT (SG1/NCP)
- B. LAND USE PLANNING (SPG 2/NCP)
- E. AIR, WATER, AND LAND RESOURCE QUALITY (SPG 6/NCP)
- F. AREAS SUBJECT TO NATURAL HAZARDS (SPG Goal 7/NCP)
- G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES (SPG 8 and 9/NCP)
- H. THE ECONOMY (SPG 9/NCP)
- I. HOUSING (SPG 10/NCP)
- J. URBAN DESIGN (SPG 14/NCP)
- K. TRANSPORTATION (SPG 12/NCP)
- L. PUBLIC FACILITIES AND SERVICES
- M. ENERGY
- N. URBANIZATION

III. PLAN CLASSIFICATIONS

IV. POPULATION GROWTH

- A. HISTORIC POPULATION
- B. POPULATION PROJECTIONS

V. LAND NEED AND SUPPLY

- A. BUILDABLE LAND INVENTORY
- B. HOUSING AND RESIDENTIAL LAND NEEDS
- C. COMMERCIAL LAND NEED AND SUPPLY
- F. SUMMARY OF LAND NEEDS

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT (SG1/NCP)

> ***Goal 1:*** *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

RESPONSE: This Application is subject to the Type III quasi-judicial review process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with this Goal. Following City review of the proposed Land Use Action, the Applicant will mail notice of a public hearing to all property owners with 500-feet of the subject property, and post signs on the subject property to provide notice of this proposed Amendment.

At both the Planning Commission and City Council meetings the public will be provided the opportunity to provide public testimony on this proposed Amendment.
Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision.

In support of *Citizen Involvement Goal 1*, a public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

B. LAND USE PLANNING (SPG 2/NCP)

> ***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.*

RESPONSE: The City of Newberg Comprehensive Plan complies with *DLCD Statewide Planning Goals*. There are no natural or cultural resources identified on the subject property. The proposed Land Use Action does not conflict with the natural or cultural resources and needs of the City. This proposal is made under the goals, policies and procedures of the Newberg *Comprehensive Plan* and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, and the Comprehensive Plan Amendment criteria is part of this Application.

E. AIR, WATER, AND LAND RESOURCE QUALITY (SPG 6/NCP)

> ***Goal:*** *To maintain and, where feasible, enhance the air, water and land resource qualities within the community.*
>
> ***Policy 1:*** *Development shall not exceed the carrying capacity of the air, water or land resource base.*

RESPONSE: The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies, along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The future development of the subject property will be reviewed by the City and any applicable outside agencies for impacts on the environment, and compliance with applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements.

The City's *Comprehensive Plan* is acknowledged by the Oregon Department of Land Conservation and Development. The proposed Comprehensive Plan Amendment will permit the future development of residential dwellings on the subject property. As there is no development proposed on the subject property at this time, the impact to air, water and land resource quality cannot be assessed. This goal is not applicable to this Land Use Action.

Nevertheless, considering the location of the subject property within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, future development of the subject property is not anticipated to have significant impacts to the quality of the air, water or land.

> ***Policy 3:*** *As public sanitary sewer systems become available, all development shall connect to the public system. To encourage economic development, the City may permit subsurface sewerage disposal where the system meets State and County requirements and where unique circumstances exist.*

RESPONSE: The City's *2018 Wastewater Master Plan* does not identify any improvements within the vicinity of the subject property. As depicted by the Future Development Concept Plan provided as Exhibit E, there is an existing 12-inch PVC sanitary main located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. Following approval of the proposed Comprehensive Plan Amendment, sanitary lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, following approval of this Land Use Action, a future Planned Unit Development and Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

> ***Policy 8:*** *The City will continue to support soil conservation measures designed to prevent unnecessary losses through excavation, stripping, erosion, and sedimentation.*

RESPONSE: The proposed Comprehensive Plan Amendment will permit the future development of residential dwellings on the subject property. As there is no development proposed on the subject property at this time, measures to ensure soil conservation are not applicable to this Application.

Nevertheless, following approval of this Land Use Action, a future Public Improvement Permit review and approval process will ensure adequate erosion and sedimentation control in compliance with all applicable City standards and regulations is utilized during future development of the subject property

> ***Policy 13:*** *The City will discourage the development of uses that will generate or import quantities of hazardous substances into the Riverfront District. (Ordinance 2002-2564, April 15, 2002)*

RESPONSE: Approval of the proposed Comprehensive Plan Amendment will permit the future development of residential dwellings on the subject property. As such, approval of this Land Use Action discourages the development of uses that generate or import quantities of hazardous substances into the Riverfront District.

> ***Policy 14:*** *Development in the Riverfront District will be encouraged to retain existing native vegetation that contributes to habitat functions and values. (Ordinance 2002-2564, April 15, 2002)*

RESPONSE: As depicted by the subject property aerial provided on Page 5, there is limited existing vegetation on the subject property. Following approval of the proposed Comprehensive Plan Amendment, future development of the subject property will retain existing vegetation to the greatest extent practicable, without precluding the development potential of the subject property. Furthermore, future residential development on the subject property will be required to install landscaping in compliance with applicable City standards and regulations, thus increasing vegetation within the Riverfront District.

F. AREAS SUBJECT TO NATURAL HAZARDS (SPG Goal 7/NCP)

Goal: *To protect life and property from flooding and other natural hazards.*

RESPONSE: The Newberg *Development Code Section 15.343 Areas of Special Flood Hazard Overlay* is intended to protect areas that are prone to flooding. The City's GIS provides a layer that illustrates areas prone to flooding. The City's GIS does not identify the subject property as within the 100-year or 500-year flood zone. Additionally, as depicted by the below Flooding Frequency Map, the Natural Resources Conservation Service (NRCS) of the United States Department of Agricultural (USDA) identifies the subject property as having a flooding frequency rating of "none".

Tables — Flooding Frequency Class — Summary By Map Unit

Summary by Map Unit — Yamhill County, Oregon (OR071)

Summary by Map Unit — Yamhill County, Oregon (OR071)

Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
2300A	Aloha silt loam, 0 to 3 percent slopes	None	1.6	100.0%
Totals for Area of Interest			1.6	100.0%

Figure 4: NRCS Flooding Frequency Class

Furthermore, the subject property is not located on hazardous slopes, and there are no natural resources identified on the subject property. As the subject property is not within an area prone to flooding, and there are no other known natural hazards, this Goal does not apply to this Application.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES (SPG 8 and 9/NCP)

Goals:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.

2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.

3. To protect, conserve, enhance and maintain the Willamette River Greenway.

RESPONSE: The Newberg *Development Code* (NDC) provides protection for natural resources, scenic and historic areas and open spaces. The NDC provides for protection of stream corridors, historic landmarks (buildings and sites) and requires open space for many types of land development. The City utilizes a Stream Corridor overlay subdistrict, and Historic Landmarks subdistrict, and the NDC has requirements for developments to provide open space that can be utilized for both passive and active recreation.

This Application requests a Comprehensive Plan Amendment to allow residential use. There are no wetlands, stream corridors, or historic, cultural or scenic resources identified on the subject property. As there are no natural resources, scenic or historic areas within the confines of the subject property, this goal is not applicable to this Application. When a future development application is submitted, City staff will review the proposed development and determine the need for open space required by the Newberg *Development Code* and *Comprehensive Plan*, and Statewide Planning Goals 8 and 9.

H. THE ECONOMY (SPG 9/NCP)

Goal: *To develop a diverse and stable economic base.*

1. General Policies

a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance 2006-2634, January 3, 2006) b. The City shall encourage economic expansion consistent with local needs

RESPONSE: In order to encourage a diverse and stable economic base, the city relies upon sufficient housing for both consumers and workers. As discussed further via this narrative, the City's *Comprehensive Plan* identifies a shortage of housing types and availability, with a predominant deficiency in single-family detached dwellings. As detailed by the enclosed Housing Needs Analysis provided as Exhibit G, approval of the proposed Comprehensive Plan Amendment creates the opportunity for future single-family detached housing on the subject property, which will in turn fuel the economy by providing construction jobs and increasing housing availability.

3. Riverfront District Policies

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

RESPONSE: This Application requests a Comprehensive Plan Amendment to Medium Density Residential (MDR) to match the existing plan designations to the north of the subject property. The subject property is currently designed Commercial/Riverfront District (COM/RD). The subject property abuts Commercial/Riverfront District (COM/RD) to the west and south, and Industrial/ Riverfront District (IN/RD) to the east.

The subject property abuts right-of-way to the east and west. The Portland & Western Railroad on Tax Lot 02600 of Tax Map R3229, is located to the south of the subject property, and provides a natural separation of the subject property from the other Riverfront District Commercial zoned properties. As the subject property is separated from neighboring commercial designations within the Riverfront District, the proposed MDR plan designation is more appropriate due to existing development patterns in the vicinity of the subject property.

Furthermore, approval of the proposed Comprehensive Plan Amendment will permit the future construction of single-family detached dwellings, thereby supporting a variety of commercial developments within the Riverfront district, by increasing consumers within the area, and consequently increasing the need for neighborhood goods and services.

Additionally, following approval of the proposed Comprehensive Plan Amendment future development on the subject property will warrant improvements to the River St. public right-of-way, in turning promoting the continuation of the pedestrian and bicycle network within the Riverfront District.

I. HOUSING (SPG 10/NCP)

Goal: *To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels (Ordinance 2006-2634)*

1. Density Policies

a. Density rather than housing type shall be the most important development criteria and shall be used to classify different types of residential areas on the plan.

Classification	Units Per Gross Acre*
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

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

2. Location Policies

a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

RESPONSE: The subject property is ideally situated for the designation of Medium Density Residential, as it is located adjacent to S. River St., which has a functional classification of Major Collector. Locating higher density residential development in areas such as the subject property helps alleviate impacts to lower density neighborhoods and local streets, in turn preserving the safety and performance of the City's transportation system. As such, due to the subject property's locational characteristics, developing a future residential use on the subject property will help reduce pressure on area roadways, in turn improving the long-term performance of the City's transportation plan.

b. The City will encourage medium density housing in and adjacent to the commercial core of the Riverfront District and lower intensity residential uses in the western portions of the Riverfront District. (Ordinance 2002-2564, April 15, 2002)

RESPONSE: The subject property has an existing Comprehensive Plan designation of Commercial/Riverfront. This Application requests the subject property be designation Medium Density Residential/Riverfront. To the north of the subject property are parcels designated Medium Density Residential. To the south of the subject property are parcels designated Commercial/Riverfront.

As depicted by the aerial photo provided on Page 5 of this narrative, the Newberg Dundee Bypass is located to the north and west of the subject property, and the Portland & Western Railroad on Tax Lot 02600 of Tax Map R3229, is located to the south of the subject property. Accordingly, due to the presence of the existing railroad line, the proposed MDR plan designation is more appropriate due to existing development patterns in the vicinity of the subject property.

In satisfaction *Location Policy 2.b.*, the designation of the subject property as Medium Density Residential will provide medium density housing adjacent to the commercial core of the Riverfront District.

3. Mix Policies AFFORDABLE HOUSING means a dwelling unit that provides housing for a family or individual(s) with a household income less than the median household income for the Newberg area, such that a household pays no more than 30 percent of its annual income on housing (rent/mortgage, utilities,

property taxes). Affordable housing may include a care home for low-income individuals. Affordability can be assured through deed-restriction or other recorded documents that specify qualifying income of buyers or renters, and limiting sales price, rent levels and appreciation. Affordable housing may also include small, market-rate dwelling units (e.g., studios, apartments and accessory dwelling units).

RESPONSE: This Application requests a Comprehensive Plan Amendment to Medium Density Residential (MDR). While this Application does not propose development on the subject property at this time, approval of the proposed Comprehensive Plan Amendment will increase the allowable residential density on the subject property. Based on this factor alone, this proposal advances the City's objectives for affordable housing, as the housing supply is a key determinant in the cost of housing, an increase in the City's supply of housing is expected to have a net positive impact to the overall affordability of housing.

J. URBAN DESIGN (SPG 14/NCP)

Goal 1: *To maintain and improve the natural beauty and visual character of the City.*

1. General Policies

h. Curbs, gutters, and sidewalks should to be required in all new developments. (Ordinance 2016-2810, December 19, 2016)

RESPONSE: In satisfaction of *General Policy h,* following approval of the proposed Comprehensive Plan Amendment future development on the subject property will warrant improvements to the River St. public right-of-way, including curbs, gutters and sidewalks.

k. The City should encourage the use of planned unit developments. (Ordinance 2016-2810, December 19, 2016)

RESPONSE: In satisfaction of *General Policy k,* following approval of the proposed Comprehensive Plan Amendment future development on the subject property will undergo Planned Unit Development review.

4. Residential Areas Policies

b. The City will evaluate and encourage various innovative and alternative approaches to zoning, including but not limited to the following: zero lot lines, cluster and density zoning, planned unit developments, performance standards and condominiums

RESPONSE: Following approval of the proposed Comprehensive Plan Amendment future development on the subject property will undergo Planned Unit Development review.

6. Riverfront District Policies

a. The City will encourage a mix of employment, housing, and retail uses serving the neighborhood and the surrounding community to enhance the Riverfront's identity as a vital and attractive City asset and to ensure an active, pedestrian friendly and thriving Riverfront area.

b. Development and land uses will be encouraged that promote the Riverfront area as a convenient and attractive environment for residents of Newberg as well as for visitors from other cities and the region as a whole.

RESPONSE: The subject property is adjacent to parcels designated Commercial/Riverfront District (COM/RD) to the west and south, and parcels designated Industrial/Riverfront District (IN/RD) to the east. Approval of the proposed Comprehensive Plan Amendment will permit the future

construction of single-family detached dwellings, thereby encouraging a mix of employment, housing and retail uses serving the Riverfront District.

Furthermore, future residential development on the subject property will support a variety of commercial developments within the Riverfront district, by increasing consumers, as well as the workforce within the area, and consequently increasing the need for neighborhood goods and services.

Accordingly, the future development of the subject property under the proposed MDR designation will allow future residential development on the subject property, thereby encouraging the development of the Riverfront District as a convenient and attractive place to live, work, shop and play. *Riverfront District Policy a* and *Policy b* are satisfied.

> *d. The City will encourage the use of a common language of design elements for new and/or improved development in the Riverfront District in order to create a sense of identity that is unique to this area of Newberg.*

RESPONSE: Following approval of the proposed Comprehensive Plan Amendment future development on the subject property will undergo Planned Unit Development review to ensure future development on the subject property is analogous to that of the design elements of the Riverfront District. *Riverfront District Policy d* is satisfied.

> *e. The City will permit land uses with design features along River Street Between 12th and 14th Streets that are compatible with or provide a buffer to SP Newsprint.*

RESPONSE: The subject property has frontage on the S. River St. public right-of-way. Following approval of the proposed Comprehensive Plan Amendment future development will undergo Planned Unit Development review to ensure future development on the subject property is compatible with surrounding development and provides a buffer to the existing SP Newsprint development to the east. While compliance with buffering standards will be addressed during a future Planned Unit Development review process, possible buffering design features may include hedges planted along the eastern property line of the subject property. *Riverfront District Policy e* is satisfied.

> *f. The City will encourage new commercial and mixed use development in the Riverfront District to step down in scale in the western and northern portions of the planning area in order to relate to the scale and character of the adjacent established neighborhoods.*

RESPONSE: The subject property has an existing Comprehensive Plan designation of Commercial/Riverfront. This Application requests the subject property be designated Medium Density Residential/Riverfront. To the north of the subject property are parcels designated Medium Density Residential. To the south and west of the subject property are parcels designated Commercial/Riverfront.

As depicted by the aerial photo provided on Page 5 of this narrative, the Newberg Dundee Bypass is located to the north and west of the subject property, and the Portland & Western Railroad on Tax Lot 02600 of Tax Map R3229, is located to the south of the subject property.

As such, the development of the subject property with future single-family detached dwellings will allow the subject property to serve as a buffer between existing residential development to the north of the subject property, and commercial zoning within the Riverfront District to the south of the subject property. Accordingly, in support of *Riverfront District Policy f,* the proposed Comprehensive Plan Amendment encourages zoning and development within the District which relates to the scale and character of adjacent established neighborhoods.

> ***Goal 2**: To develop and maintain the physical context needed to support the livability and unique character of Newberg.*
>
> ***Policy e:** Measures should be taken to prevent having areas east and southeast of the proposed bypass isolated from the rest of the City. Substantial development of complete neighborhoods should occur on both sides of the proposed bypass. (Ordinance 2006-2634, January 3, 2006)*

RESPONSE: As depicted by the aerial photo provided on Page 5 of this narrative, the Newberg Dundee Bypass is located to the north and west of the subject property, and the Portland & Western Railroad on Tax Lot 02600 of Tax Map R3229, is located to the south of the subject property.

As such, approval of the proposed Comprehensive Plan Amendment will permit the subject property, a parcel to the southeast of the Newberg-Dundee Bypass, to be less isolated from the rest of the City by promoting a Comprehensive Plan designation which corresponds to that of existing residential development adjacent to the north of the subject property. Furthermore, the future development of single-family detached dwellings on the subject property, coupled with commercial designations to the south of the subject property, will encourage the development of complete neighborhoods to the southeast of the Newberg-Dundee Bypass.

K. TRANSPORTATION (SPG 12/NCP)

> ***Goal 2:** Establish consistent policies which require concurrent consideration of transportation/land use system impacts.*
>
> ***Policy a:** Transportation improvements should be used to guide urban development and should be designed to serve anticipated future needs. (Ordinance 2016-2810, December 19, 2016)*

RESPONSE: The City's *Transportation System Plan* includes aspirational plan No. S22 to reconstruct S. River St. between 1st St. and Rogers Landing Rd. to Major Collector street standards, including bicycle lanes and sidewalks on each side of S. River St.

Following approval of this proposed Comprehensive Plan Amendment, the future development of the subject property will warrant right-of-way dedication, and public improvements to the S. River St. public right-of-way.

Accordingly, approval of this proposed Comprehensive Plan Amendment supports the City's *Transportation System Plan,* while providing future transportation system improvements designed to serve future development of the subject property, as well as the City's anticipated future needs.

> ***Goal 3:** Promote reliance on multiple modes of transportation and reduce reliance on the automobile.*

> ***Policy b:*** *Modifications should be made to the City's land use plan and development ordinances that will decrease trip length and encourage non-auto oriented development.*
> *2) The City should encourage higher density development in residential areas near transit corridors, commercial areas and employment centers, including the downtown. (Ordinance 2016-2810, December 19, 2016)*

RESPONSE: The subject property has an existing Comprehensive Plan designation of Commercial/Riverfront. This Application requests the subject property be designation Medium Density Residential/Riverfront. To the south of the subject property are parcels designated Commercial/Riverfront. In satisfaction *Location Policy b.2.*, the designation of the subject property as Medium Density Residential will provide higher density dwellings adjacent to commercial areas.

> ***Policy p:*** *Special planning and efforts should be made to retain and create livable and desirable neighborhoods near the bypass. This should include retaining or creating street connections, pedestrian paths, recreational areas, landscaping, noise attenuation, physical barriers to the bypass, and other community features. (Ordinance 2016-2810, December 19, 2016)*

RESPONSE: The City's adopted Comprehensive Plan Transportation Goal and Policies implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector.

An analysis of the requested Land Use Action's consistency with the Transportation Planning Rule is provided as Exhibit I. Furthermore, a Traffic Memo prepared by ATEP, Inc. is provided as Exhibit H. A traffic study has not been submitted as the trip generation for the proposed Comprehensive Plan Amendment does not change the forecasted use to trigger a traffic impact study.

Maintaining livability of the neighborhood is a priority of the proposed Land Use Action. Following approval of the proposed Comprehensive Plan Amendment, a future Planned Unit Development review process will be conducted for any future residential development on the subject property. Through the development application review process a review of the development's connectivity, landscaping, noise attenuation, screening and other aspects of land development will be assessed and mitigated for as warranted.

> ***Goal 3:*** *Promote reliance on multiple modes of transportation and reduce reliance on the automobile.*
>
> ***Policy a:*** *Design the transportation system and related facilities to accommodate multiple modes of transportation where appropriate and encourage their integrated use; (Ordinance 2005- 2619, May 16, 2005)*
>
> *1. The City should plan for a network of transportation facilities and services including but not limited to air, water, rail, auto, pedestrian, bicycle and public transit. (Ordinance 2016-2810, December 19, 2016)*

RESPONSE: The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. Following approval of the proposed Comprehensive Plan Amendment, at the time of future development of the subject property, adequate right-of-way dedication and frontage improvements will be provided as warranted. Thus, supporting the

Transportation System Plan's intent to reconstruct S. River St. (between 1st St. and Rogers Landing Rd.) to Major Collector street standards, including bicycle lanes and sidewalks built to City standards. Accordingly, approval of the proposed Comprehensive Plan Amendment and the subsequent future development of the subject property promotes the extension of the existing vehicular, pedestrian, and bicycle networks in the vicinity of the subject property.

> ***Policy b:*** *Modifications should be made to the City's land use plan and development ordinances that will decrease trip length and encourage non-auto oriented development.*

RESPONSE: Approval of the proposed Comprehensive Plan Amendment will allow the future development of single-family detached dwellings adjacent to existing commercial designations within the Riverfront District. As such, the proposed plan designation encourages residential development adjacent to commercial development, thus promoting residential uses in close proximity to locations to work, shop and play, and thereby reducing trip lengths of future residents. Furthermore, following approval of the proposed development, the future development of the subject property will warrant the extension of the existing pedestrian and bicycle network in the vicinity of the subject property.

> ***Goal 4:*** *Minimize the impact of regional traffic on the local transportation system.*
>
> ***Policy p:*** *Special planning and efforts should be made to retain and create livable and desirable neighborhoods near the bypass. This should include retaining or creating street connections, pedestrian paths, recreational areas, landscaping, noise attenuation, physical barriers to the bypass, and other community features. (Ordinance 2016-2810, December 19, 2016)*

RESPONSE: The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. Following approval of the proposed Comprehensive Plan Amendment, at the time of future development of the subject property, adequate right-of-way dedication and frontage improvements will be provided as warranted. Thus, supporting the *Transportation System Plan's* intent to reconstruct S. River St. (between 1st St. and Rogers Landing Rd.) to major collector street standards, including bicycle lanes and sidewalks built to City standards. Accordingly, approval of the proposed Comprehensive Plan Amendment and the subsequent future development promotes the extension of the existing vehicular, pedestrian, and bicycle networks in the vicinity of the subject property.

> ***Goal 5:*** *Maximize pedestrian, bicycle and other non-motorized travel throughout the City.*
>
> ***Policy a:*** *The City should provide safe, convenient and well-maintained bicycle and pedestrian transportation systems that connect neighborhoods with identified community destinations, such as schools, parks, neighborhood commercial centers, and employment centers. (Ordinance 2005-2619, May 16, 2005; Ordinance 2016-2810, December 19, 2016)*
>
> ***Policy d:*** *Public sidewalks should be provided along all public street frontages. Pedestrian traffic should be separated from automobile traffic whenever possible. (Ordinance 2016-2810, December 19, 2016)*
>
> 1. *Sidewalks should be provided whenever there is development of abutting properties.*
> 2. *Sidewalks should be constructed when any new road is constructed*
> 3. *When existing roads are widened or improved, sidewalks should be provided.*

Policy f: *All sidewalks, corner ramps, and other transportation improvements shall meet the standards of the Americans with Disabilities Act. (Ordinance 2005-2619, May 16, 2005; Ordinance 2016-2810, December 19, 2016*

Policy h: *On-street bike lanes or parallel bikeways will be provided on all designated major collector and arterial roadways, and on certain minor collectors if warranted from a bicycle system connectivity standpoint. (Ordinance 2016-2810, December 19, 2016)*

Policy i: *A bicycle path should be provided along or near the bypass. (Ordinance 2016-2810, December 19, 2016)*

Goal 6: *Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).*

Policy a: *The City should develop land use, density, and design standards to encourage development patterns that accommodate pedestrian, bicycle and transit uses. (Ordinance 2016-2810, December 19, 2016)*

Policy b: *New development should be designed to accommodate integrated multiple modes of transportation. (Ordinance 2005-2619, May 16, 2005; Ordinance 2016-2810, December 19, 2016)*

RESPONSE: The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. Following approval of the proposed Comprehensive Plan Amendment, at the time of future development of the subject property, adequate right-of-way dedication and frontage improvements will be provided as warranted. Thus, supporting the *Transportation System Plan's* intent to reconstruct S. River St. (between 1st St. and Rogers Landing Rd.) to major collector street standards, including bicycle lanes and sidewalks built to City standards. Accordingly, approval of the proposed Comprehensive Plan Amendment and the subsequent future development of the subject property promotes the extension of the existing vehicular, pedestrian, and bicycle networks. Thus, the future development of the subject property promotes multimodal transportation on a Major Collector near the Newberg-Dundee Bypass.

Goal 7: *Minimize the capital improvement and community costs to implement the transportation plan.*

RESPONSE: The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. Following approval of the proposed Comprehensive Plan Amendment, at the time of future development of the subject property, adequate right-of-way dedication and frontage improvements will be provided as warranted. Thus, supporting the *Transportation System Plan's* intent to reconstruct S. River St. (between 1st St. and Rogers Landing Rd.) to major collector street standards, including bicycle lanes and sidewalks built to City standards. Accordingly, approval of the proposed Comprehensive Plan Amendment and the subsequent future development of the subject property promotes the extension of the existing vehicular, pedestrian, and bicycle networks in the vicinity of the subject property.

Furthermore, prior to the future development on the subject property, a Planned Unit Development application will be required to analyze impacts to the surrounding transportation system. The City will condition the approval of this future development on the installation of any mitigation necessary to ensure the transportation system performs at acceptable levels.

Goal 8: *Maintain and enhance the City's image, character and quality of life.*

Policy d: *The City will encourage development that protects the integrity of existing neighborhoods, commercial, and industrial areas using the following design techniques.*

1. New development and new transportation facilities shall be designed to meet the street classification, design, and access standards identified in the Transportation System Plan.

RESPONSE: The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. The City's *Transportation System Plan* identifies a plan to reconstruct S. River St. (between 1st St. and Rogers Landing Rd.) to major collector street standards, including bicycle lanes and sidewalks built to City standards.

Following approval of the proposed Comprehensive Plan Amendment, at the time of future development of the subject property, adequate right-of-way dedication and frontage improvements will be provided as identified by the City's *Transportation System Plan.*

Accordingly, approval of the proposed Comprehensive Plan Amendment and the subsequent future development of the subject property promotes development which protects the integrity of existing neighborhoods, and commercial, and industrial areas by ensuring future design satisfies the street classification, design and access standards identified by the City's *Transportation System Plan.*

Goal 9: *Create effective circulation and access for the local transportation system.*

Policy a: *Enhance existing routes and add alternative routes for local travel.*

3) The City should coordinate the development of an integrated bike and pedestrian system that provides for connections between and through adjacent development and that provides convenient links to community destinations. (Ordinance 2016- 2810, December 19, 2016)

RESPONSE: The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. The City's *Transportation System Plan* identifies a plan to reconstruct S. River St. (between 1st St. and Rogers Landing Rd.) to major collector street standards, including bicycle lanes and sidewalks built to City standards.

Following approval of the proposed Comprehensive Plan Amendment, at the time of future development of the subject property, adequate right-of-way dedication and frontage improvements, including the extension of the pedestrian and bicycle network will be warranted.

As such, the future development of the subject property will allow for the enhancement of existing routes, while promoting multimodal transportation.

Goal 12: *Minimize the negative impact of a Highway 99 bypass on the Newberg community.*

Policy g: *Safe pedestrian and bicycle connections should be maintained between the riverfront area and downtown. (Ordinance 2016-2810, December 19, 2016)*

RESPONSE: The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. The City's *Transportation System Plan* identifies a

plan to reconstruct S. River St. (between 1st St. and Rogers Landing Rd.) to major collector street standards, including bicycle lanes and sidewalks built to City standards.

Following approval of the proposed Comprehensive Plan Amendment, at the time of future development of the subject property, adequate right-of-way dedication and frontage improvements, including the extension of the pedestrian and bicycle network will be warranted.

As such, the future development of the subject property will support safe pedestrian and bicycle connections being maintained between the riverfront area and downtown Newberg.

L. PUBLIC FACILITIES AND SERVICES

> ***Goal:*** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.*

RESPONSE: The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Polices and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services.

The subject property is an area where future extensions of public services can be provided in a feasible, efficient and economical manner. Following approval of the proposed Comprehensive Plan Amendment, all necessary and appropriate public services and facilities essential for development will be provided at levels adequate to serve future single-family detached dwellings.

At the time of future development of the subject property, adequate right-of-way dedication and frontage improvements, including the extension of the pedestrian and bicycle network in the vicinity of the subject property will be provided. As such, the future development of the subject property will provide multimodal access to local neighborhood residential, shopping, schools, and other activity centers.

Following approval of the proposed Comprehensive Plan Amendment, future development on the subject property will undergo Planned Unit Development review to ensure design and landscaping elements are analogous to that of the surrounding neighborhood, and the Riverfront District.

Other private service providers, including garbage, telephone, television, postal and internet services will be provided as warranted by future development.

Furthermore, the future development of the subject property will require the payment of System Development Charges (SDC's), which will contribute to services such as parks and school facilities. Furthermore, taxes that come from the development will help provide funding for Police, Fire and other required services.

> ***Policy 1:*** *All Facilities & Services Policies*

a. The provision of public facilities and services shall be used as tools to implement the land use plan and encourage an orderly and efficient development pattern.

c. New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.

d. Services shall be planned to meet anticipated community needs.

h. New residential areas shall have: paved streets, curbs, pedestrian ways, water, sewer, storm drainage, street lights and underground utilities.

RESPONSE: There are existing stormwater, wastewater and potable water services available within the adjacent River St. public right-of-way which are adequate to serve the future development of the subject property. The future development of the subject property will be provided paved streets, curbs, pedestrian ways, water, sewer, storm drainage, street lights and underground utilities.

The City of Newberg has adopted Wasterwater, Stormwater and Water Master Plans to address the needs of the community and future development. These plans incorporate all properties within the City into their analysis and provide direction for these services. The City's *2018 Wastewater Master Plan, 2017 Water System Master Plan,* and *2015 Stormwater System Master Plan* do not identify any improvements within the vicinity of the subject property.

As the subject property is located within the UGB and public facilities and services are available to serve the future development of the subject property *Policy 1* is satisfied.

Policy 2: *Sewers and Water Policies*

a. All existing development within the City limits shall connect to public sewer, stormwater and water systems as soon as they become available. (Ordinance 2017-2816, June 5, 2017; Ordinance 2017-2819, August 24, 2017)

b. Water systems within the planning area will be designed to provide an adequate peak flow for fire protection.

c. Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.

g. Stormwater systems should be designed to convey stormwater based on impervious area within the Urban Growth Boundary to protect, maintain, and enhance the public health, safety, and general welfare. (Ordinance 2017-2819, August 24, 2017)

h. The design of the stormwater system should provide for the drainage of surface water from development, minimize erosion, and reduce degradation of water quality due to sediments and pollutants in stormwater runoff. (Ordinance 2017- 2819, August 24, 2017)

RESPONSE: Following approval of the proposed Comprehensive Plan Amendment, the future development of the subject property will connect to the public sewer, stormwater and water systems. Future development will be provided water which is adequate to provide peak flow for fire protection. Future development will be provided stormwater management services which will provide drainage of surface water from future development, minimize erosion, and reduce degradation of water quality, while protecting, maintaining and enhancing the public health, safety, and general welfare.

Policy 3: *Street Lighting Policies*

a. Adequate street lighting shall be provided with priority given to arterial and collector streets, intersections, pedestrian paths, and bikeways.

b. New street lights shall use high pressure sodium or other energy efficient lamps.

RESPONSE: Following approval of the proposed Comprehensive Plan Amendment, the future development of the subject property will warrant the construction of adequate street lighting, in the form of high pressure sodium street lights, or other energy efficient lamps.

M. ENERGY

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

RESPONSE: The subject property is located within the Urban Growth Boundary (UGB). The UGB provides for urban development within its confines and encourages efficient land use patterns. While this Application is not for the development of the subject property, because the subject property is located within the UGB, energy will be conserved through the efficient use of land and services at the time of the future development of the subject property.

N. URBANIZATION

Goals:
1. To provide for the orderly and efficient transition from rural to urban land uses.
2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
3. To create a quality living environment through a balanced growth of urban and cultural activities.

RESPONSE: The City of Newberg has an Urban Growth Boundary (UGB) where urban density development is permitted. The subject property is located within the UGB. As such, urban development and urban densities are permitted.

Policy 3: *General Policies*
a. In new development areas all utility lines shall be placed underground. In existing areas an effort will be made to locate power, telephone, cable television and other utility cables underground over a period of time.

RESPONSE: Following approval of the proposed Comprehensive Plan Amendment, the future development of the subject property will warrant the undergrounding of utilities.

III. PLAN CLASSIFICATIONS

For the purpose of evaluating and eventually implementing the proposed Comprehensive Plan, descriptions of land use classifications are essential. Explanations of the map designations are as follows:

2. Residential Land Use Residential land is divided into three categories. Density rather than housing type is generally the most important development criteria used to classify residential areas. Manufactured dwelling parks, mobile home parks and manufactured home subdivisions are permitted outright in the medium density residential zone. Manufactured homes on individual single family lots are permitted.

The following is a summary of the three residential land use categories:

b. Medium Density Residential (MDR) The objective of this designation is to provide a wide range of housing types and styles while maintaining an overall density of up to 8.8 units per acre. Typical housing types include single-family housing on small lots, attached or detached singlefamily or duplex units or tri- or four-plexes where adequate open areas exist and where the overall density is within the limits of this classification. Services shall include improved streets, underground utilities (except electrical transmission lines), street lighting, sidewalks and, in some cases, bikeways.

RESPONSE: This Application requests a Comprehensive Plan Amendment to Medium Density Residential (MDR). As depicted by the Future Development Concept Plan provided as Exhibit E, approval of the proposed Comprehensive Plan Amendment, will permit the future construction of single-family detached dwellings on the subject property, in compliance with the objective of the Medium Density Residential plan designation. Following approval of this Application, future development of the subject property will undergo Planned Unit Development review to ensure adequate right-of-way dedication and public facilities and services are provided to serve future development.

IV. POPULATION GROWTH

A. HISTORIC POPULATION

Newberg grew over 500 percent from 1960 to 2010. This population growth was due to a variety of factors: regional population growth, expansion of industry and business in the area, proximity to other employment centers, and the high quality of life in the area.

Table IV- 1. Newberg City Population – 1960-2010

Year	Population
1960	4,204
1970	6,507
1980	10,394
1990	13,086
2000	18,064
2010	22,068

Sources: U.S. Census, Population Research Center, Portland, State University

(Ordinance 2018-2824, February 5, 2018)

B. POPULATION PROJECTIONS

Population projections are the basis of comprehensive land use planning. To maintain a high quality of living, the community must plan for its future population. Population growth will require sufficient land and services.

Oregon Revised Statutes (ORS) 195.033 requires that Portland State University Population Research Center issue a population forecast for each county and urban growth boundary outside the Metro region not less than once every four years. Previously each county was required to establish and maintain forecasts with local governments. The population forecast was completed in 2017 for Yamhill County and its cities. Population projections from the report Coordinated Population Forecast for Yamhill County, its Urban Growth Boundaries (UGB), and Area Outside UGBs 2017-2067, are found in Table IV-2.

Many of the same factors that have contributed to Newberg's historic population growth will contribute to its future growth: employment opportunities both in Newberg and nearby, housing opportunities, high quality of life, and regional population growth. Newberg continues to experience a great amount of population growth due to the increased in-migration. Population in Newberg is expected to increase at a fast rate in the first half of the forecast period (through 2035) and then more slowly in the second half.

RESPONSE: Population projections are the basis of comprehensive land use planning. To maintain a high quality of living, the community must plan for its future population. Population growth will require sufficient land and services. Many of the same factors that have contributed to Newberg's historic population growth will contribute to its future growth, including: employment opportunities both in Newberg and neighboring areas; high quality of life; and regional population growth. Newberg is already experiencing a great amount of population growth due to the lack of buildable land within the Portland area. Portland State University's Population Research Center developed a future population forecast for the Newberg Urban Area. This forecast was adopted by Yamhill County as the coordinated population forecast required by state law. This forecast is shown in Table III-2. The projections taken from the US Census at the Portland State University Population Research Center estimated Newberg's population were updated by the Center in June 2017. The updated figures are shown in **bold**. The population forecast was used to determine future land needs within the Newberg urban area.

Table III-2. Future Population Forecast – Newberg Urban Area

Year Population Forecast			
(2010)		(2015)	CHANGE IN FORCAST AS %
2015	24,663	**24,296** [2017]	
2020	25,250	**25,889**	2%
2025	32,213	**26,602**	-11%
2030	35,408	**31,336**	-12%
2035	38,490	**34,021**	-12%

Source: Population Research Center, Portland State University, Population Forecasts for Yamhill County, its Cities and Unincorporated Area, 2011-2035, 2012, June 30 - 2017

V. LAND NEED AND SUPPLY

A. BUILDABLE LAND INVENTORY

The Newberg Planning Division prepared an inventory of buildable land in the Newberg UGB in 2004. The buildable land inventory includes vacant and redevelopable land in the existing (2004) UGB. This land base is the starting point for determining how much future growth can be accommodated inside the existing UGB and the size of the unmet land need that must be accommodated through zone changes or UGB expansion. Physical constraints such as steep slopes (greater than 25%) and stream setbacks have been deducted from the parcel size, so the buildable land inventory is based on buildable acres, not total acres. In addition, lands that are under development are not considered buildable. This inventory also does not include land located within the future right-of-way of the proposed Newberg-Dundee Bypass. In 2004, the Newberg UGB had approximately 778 acres of buildable land inside the UGB (Table V-1).

Table V- 1. Newberg UGB Buildable Land Inventory (2004)

Plan Designation	Buildable Land
Low Density Residential	359 ac
Medium Density Residential	142 ac
High Density Residential	13 ac
Commercial	105 ac
Industrial	159 ac
TOTAL	**778 ac**

Source: Ad Hoc Committee on Newberg's Future (2005), Report to Newberg City Council

In addition, there is approximately 467 acres of buildable land within the Newberg Urban Reserve Area. This area does not have any comprehensive plan district designations assigned.

B. HOUSING AND RESIDENTIAL LAND NEEDS

1. Housing Needs.

In order to determine the amount of residential land needed, Newberg used Johnson Gardner to create a Housing Needs Analysis. That analysis examined the demographic, housing cost, and household income data for the City of Newberg to determine the need for specific housing types: single-family, multi-family, and manufactured homes. Two adjustments were made to the Johnson Gardner residential land need analysis:

- *Development projects that were in the land use approval process during the preparation of the needs analysis were subtracted from the overall 2005-2025 need.*
- *49 dwelling units displaced by the proposed Newberg-Dundee Bypass were added to the housing need.*

The result is the future housing needs projections shown in Table V-2.

Table V- 2. Future Housing Need by Housing Type (number of dwelling units)

	Single Family		Multi-Family		Manufactured		
	Detached	Attached	Medium Density	High Density	Parks	Subdivision	Total
	50%	7%	15%	23%	2%	2%	100%
2005 to 2025	3,377	492	1,022	1,533	140	140	6,704
2026 to 2040	3,234	471	978	1,467	135	135	6,420
Total	6,611	963	2,000	3,000	275	275	13,124

Source: Johnson Gardner

The residential land need is determined by assigning each housing type to a comprehensive plan designation – low density residential (LDR), medium density residential (MDR), and high density residential (HDR) (Table V-3).

Table V- 3. Housing Types by Plan and Zone Category

Single Family		Multi-Family		Manufactured	
Detached	**Attached**	**Medium Density**	**High Density**	**Park**	**Subdivision**
LDR	MDR	MDR	HDR	MDR	LDR
R-1	R-2	R-2	R-3	R-2	R-1

Source: Johnson Gardner

Table V-4 presents the 2025 and 2040 housing unit need by comprehensive plan designation.

Table V- 4. Adjusted Housing Unit Need

Plan Designation	Units Needed 2005-2025	Units Needed 2026-2040
LDR	2,691	3,234
MDR	1,556	1,719
HDR	1,473	1,467
TOTAL	**5,720**	**6,420**

2. Planned Residential Densities

Table V-5 below shows the recent trends for residential density, as reported by the Ad Hoc Committee on Newberg's Future (2005). The Table shows the planned residential densities per the Newberg Comprehensive Plan housing element. The plan is for a 25% increase in residential densities from recent trends.

Table V- 5. Planned Residential Densities

		Recent Trends	Planned Density
Single Family	Units/Acre	3.6	4.4
	Average Lot Size	9,800 sf	8,000 sf
Med Density Multi-Family	Units/Acre	5.8	9
	Type	Single Family	Townhouses and Duplexes
High Density Multi-Family	Units/Gross Acre	15.4	16.5
	Type	2 story apts with surface parking	2-3 story apts with surface parking
Average	Units/Net Acre	6.8	8.3

3. Residential Land Need

The total amount of residential land needed for housing was calculated by dividing the dwelling units needed by the planned residential densities. The total buildable residential land needs through 2025 and 2040 are shown in Table V-6

Table V- 6. Buildable Residential Land Need

Plan Designation	Density (du/ac.)	Dwelling Units Needed (2005-2025)	Buildable Acres Needed (2005-2025)	Dwelling Units Needed (2026-2040)	Buildable Acres Needed (2026-2040)
LDR	4.4	2,691	612	3,234	735
MDR	9	1,556	173	1,719	191
HDR	16.5	1,473	89	1,367	83
Total		**5,720**	**874**	**6,320**	**1,009**

4. Residential Land Need and Supply

Comparing the residential land need the current supply, the City has a deficit of residential land to meet needs through 2025 in all residential categories. It also has a deficit of land within the URA to meet the needs from 2026-2040. Table V-7 compares the amount of residential land with the available supply.

Table V- 7. Buildable Residential Land Needs vs. Supply

Plan Designation	Buildable Acres Needed 2005-2025	Buildable Acres in UGB (2004)	Surplus (Deficit) for 2005-2025	Buildable Acres Needed 2026-2040
LDR	612	359	(253)	735
MDR	173	142	(31)	191
HDR	89	13	(76)	83
Total	**874**	**514**	**(380)**	**1009**

RESPONSE: The Housing Needs Analysis provided as Exhibit G of this Application, builds upon the data provided by the PNW Economics analysis of Case File CPMA18-0005/ZMA18-0002. The Housing Needs Analysis reveals that there is insufficient land capacity to meet the need for Medium Density Residential Demand through 2032. By 2032 the City will need an additional

3,211 housing units to serve the City's growing population. This includes a need for 129 buildable acres of land zoned MDR, and a total of 1,157 medium density residential units. A rezone of the 1.56 acre subject property would help to alleviate the estimated deficit of MDR land and potential units within the Newberg UGB.

C. COMMERCIAL LAND NEED AND SUPPLY

1. Commercial Land Need

As Newberg grows, so will its needs for commercial land. Additional population will bring additional retail, office, and other commercial opportunities. Johnson-Gardner prepared a forecasts the need for office and retail commercial land (Table V-8).c The office land need is a function of employment growth based on long-range forecasts by the Oregon Employment Department. The retail land need is a function of household growth and typical household spending patterns.

Table V- 8. Commercial Land Need

Type	2005-2025	2026-2040
Office	15 ac	27 ac
Retail	96 ac	82 ac
Total	**111 ac**	**109 ac**

Source: Johnson Gardner

In addition, Newberg will need to ensure that large parcels are available for shopping centers. The Urban Land Institute has identified three types of shopping centers that potentially could be developed in communities such as Newberg: neighborhood centers, community centers and regional centers. A large regional shopping center is not consistent with Newberg's desire to maintain a small town feeling and have a complete community rather than a bedroom suburb, smaller neighborhood and community shopping centers are preferred. Therefore, in addition to the overall demand for commercial land based on population and employment growth, Newberg needs to ensure that there is an adequate supply of sites with appropriate characteristics for this type of commercial development in terms of size, access, and location. Under this approach, future land needs will include needs for 2-3 community centers (10- 15 acres each) and 2-3 smaller neighborhood centers (3-5 acres) for 2025 and 2040. The smaller neighborhood commercial centers should be scattered throughout the community to provide goods and services near where people live and reduce the need to drive into the central area for basic needs.

2. Commercial Land Supply

The commercial buildable land inventory inside the current Newberg UGB has approximately 105 acres, but consists mostly of small, scattered sites, with only 3 parcels larger than 5 acres. Overall, Newberg has a deficit of commercial land through 2025. Appropriate land will need to be designated commercial to meet future needs, through some combination of changing the plan designation of lands within the UGB and/or adding additional land to the UGB. To meet the commercial land needs through 2040, additional land will need to be designated commercial.

Table V- 9. Commercial Land Need and Supply

Commercial Land Need 2005-2025 (acres)	Commercial Land in UGB (2004)	2025 Surplus (Deficit) (acres)	Commercial Land Need 2026-2040 (acres)
111	105	(6)	109

RESPONSE: *Table V-8* and *Table V-9* of the City's Comprehensive Plan detailing the City's commercial land need and supply were prepared in 2004. Since that time, in 2007, the Springbrook Master Plan detailed the land use action's impact on the buildable land supply

within the Newberg UGB. The Table titled, Effect of the Springbrook Mater Plan on Buildable Land Supply in the Newberg UGB, is provided below.

Effect of Springbrook Master Plan on Buildable Land Supply in the Newberg UGB

	Buildable Acres in UGB (May 2007)	Buildable Acres Needed 2007-2027	Surplus (Deficit) for 2007-2027	Buildable Acres in Springbrook Area	Buildable Acres as Proposed*	Change in Buildable Acres	Resulting Surplus (Deficit) for 2007-2027
LDR	557	623	(66)	264	267	3	(63)
MDR	258	156	102	78	25	(53)	49
HDR	34	100	(66)	2	12	10	(56)
COM	93	116	(23)	17	49	32	9
IND	62	39	23	42	28	(14)	9
IND (Large)	40	116	(76)	20	0	(20)	(96)
P	41	97	(56)	0	42	42	(14)
I,PQ,Other	95	190	(95)	0	0	0	(95)
Total	1181	1438	(257)	423	423	0	(257)

*The proposed district classifications in the Springbrook Plan do not correspond with the current plan designations in the Newberg Comprehensive Plan. For sake of analysis, this plan assumed the following designations:

Neighborhood Commercial ->COM
Mid-Rise Residential -> HDR
Low Density Residential -> LDR
Hospitality -> COM
Parks -> P
Employment -> IND
Village (commercial and civic) -> COM
Village (residential) -> MDR
Village (mixed-use) -> MDR

COM	40.787
IND	27.655
LDR	307.158
MDR	21.917
VIL	25.733
	423.25

COM	17
HDR	2
IND	62
LDR	264
MDR	78
PQ	0
P	
	423

LDR	272
VILL (RES)/MI	26
MID-RISE	11.7
HOSP/NC/VIL	49.5
EMPLOYMEN	28
PARKS	63
	450

As per the Springbrook Analysis, as of 2007 there were 93 buildable acres designated commercial within the City's UGB. Approval of the Springbrook Master Plan resulted in a surplus of 9.0 buildable acres designated commercial within the City's UGB for the 2007 to 2027 planning period.

Development of Commercial Land within the City's UGB since 2007 is detailed by the following table.

Development of Commercial Land since 2007 *

Location		Size (acres)
Hancock Commercial		1.49
Hancock Mini Storage		2.87
99W/Elliott		1.13
	TOTAL:	5.49

*Based on comparing GIS aerials from 2007 and 2016 and Design Review files post 2016

As depicted by the above Table titled, Development of Commercial Land since 2007, a total of 5.49-acres of land designated commercial has been developed since 2007. As such, based upon the 2007 Springbrook analysis of there being a surplus of 9.0 buildable acres designated commercial within the City's UGB for the 2007 to 2027 planning period, and 5.49-acres of land designated commercial being developed since 2007, there is a surplus of 3.51-acres of commercial land within the City's UGB for the 2007 to 2027 planning period.

As the subject property is 1.56-acres in size, approval of the proposed Comprehensive Plan Amendment will result in the City maintaining a 1.95-acre surplus of commercial land within the City's UGB for the 2007 to 2027 planning period.

Furthermore, as detailed in *Section V.C.1. Commercial Land Need* of the City's *Comprehensive Plan,* the City's future commercial land needs include the need for 2 to 3 community centers, 10-15-acres in size, and 2 to 3 smaller neighborhood centers, 3 to 5-acres in size for 2025 and 2040. As the subject property is 1.56-acres in size, and as previously discussed, the subject property is isolated due to the Portland & Western railroad along its southern border, and the construction of the Newberg-Dundee Bypass to the north and west, the subject property is not of the appropriate size, or in an ideal location to fulfill the City's need for community centers or smaller neighborhood centers.

In summation, due to the subject property's size and locational characteristics, as well as the City continuing to maintain a surplus of commercial land for the 2007 to 2027 planning period, the removal of the subject property from the City's commercial buildable land inventory is far outweighed by the proposed decrease in the deficit of Medium Density Residential land of 47.4-acres to 45.8-acres in 2025. The impact of the proposed Comprehensive Plan Amendment to MDR/RD on the City's housing needs is further addressed via this Application. A Housing Needs Analysis is provided as Exhibit G.

F. SUMMARY OF LAND NEEDS

Table V-14 summarizes the future land needs for the Newberg urban area.

Table V- 14. Future Land Needs and Supply, Newberg Urban Area

Plan Designation	Buildable Acres Needed 2005-2025	Buildable Acres in UGB (2004)	Surplus (Deficit) for 2005-2025	Buildable Acres Needed 2026-2040	Buildable Acres In URA[f] (2004)	Surplus (Deficit) 2026-2040
LDR	612	359	(253)	735		
MDR	173	142	(31)	191		
HDR	89	13	(76)	83		
COM	111	105	(6)	109		
IND	50	99	49	37		
IND (Large Site)	100	60	(40)	120		
P	85	0	(85)	115		
I, PQ, or other Inst.	164	0	(164)	233		
Total	**1,384**	**778**	**(606)**	**1,623**	**467**	**(1,156)**

RESPONSE: Case File CPMA18-0005/ZMA18-0002 includes an analysis prepared by PNW Economics which details the housing needs of the City of Newberg for the 15- year period beginning in 2017 and extending through 2032. The Housing Needs Analysis provided as Exhibit G of this Application, builds upon the data provided by the PNW Economics analysis of Case File CPMA18-0005/ZMA18-0002. As detailed in Exhibit G, the Housing Needs Analysis reveals that during this time period, the City will need an additional 3,211 housing units to serve the City's growing population, and the need for housing across various housing types is greatest for single-family detached dwellings.

CONCLUSION

This narrative and supporting documentation demonstrate compliance with all applicable provisions of the *City of Newberg Community Development Code* and *Comprehensive Plan*. The Applicant thereby respectfully requests approval of this Comprehensive Plan Amendment request.

Exhibit A

Land Use Application

TYPE III APPLICATION - 2018
(QUASI-JUDICIAL REVIEW)

File #: _____

TYPES – PLEASE CHECK ONE:

___ **Annexation**
X **Comprehensive Plan Amendment (site specific)**
___ **Zoning Amendment (site specific)**
___ **Historic Landmark Modification/alteration**
___ **Conditional Use Permit**
___ **Type III Major Modification**
___ **Planned Unit Development**
___ **Other: (Explain)** _____

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista, LLC.
ADDRESS: 500 E. Hancock St. Newberg, OR 97132
EMAIL ADDRESS: jessica@dbvcorp.com
PHONE: 971-281-8071 MOBILE: 971-998-7507 FAX: _____
OWNER (if different from above): Riverland Subdivision LLC PHONE: 971-998-7507
ADDRESS: 500 E Hancock Street, Newberg OR 97132
ENGINEER/SURVEYOR: Leland MacDonald & Associates, LLC PHONE: 503-472-7904
ADDRESS: 3765 NE Riverside Drive, McMinnville, OR 97128

GENERAL INFORMATION:

PROJECT NAME: Riverlands PROJECT LOCATION: 1303 NE River St. Newberg, OR 97132
PROJECT DESCRIPTION/USE: Comprehensive Plan Amendment to MDR/RD (Note: concurrent annexation request)
MAP/TAX LOT NO. (i.e.3200AB-400): R3229/02500 ZONE: _____ SITE SIZE: 1.56 SQ. FT. ☐ ACRE ☐■
COMP PLAN DESIGNATION: COM/RD TOPOGRAPHY: less than 1% from east to west
CURRENT USE: single-family detached dwelling
SURROUNDING USES:
NORTH: single-family detached dwelling, R-2 zoning SOUTH: Portland & Western Railroad on R3229/02600 (vacant, AF-10, Yamhill County)
EAST: SP Newsprint (across S. River St. ROW) WEST: ODOT owned vacant right-of-way (Yamhill County)

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

Annexation ..... **p. 15**
Comprehensive Plan / Zoning Map Amendment (site specific) ..... **p. 19**
Conditional Use Permit ..... **p. 21**
Historic Landmark Modification/Alteration ..... **p. 23**
Planned Unit Development **p.26**

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

Applicant Signature 9/11/18 Date

Owner Signature 9/11/18 Date

Marc Willcuts, Member
Print Name

Marc Willcuts, Member
Print Name

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

COMPREHENSIVE PLAN MAP/ZONING MAP AMENDMENT CHECKLIST

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

☑ **FEES**

☑ **PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list to all properties within 500'.

Submit one original 8-1/2" x 11" or 11" x 17" reproducible document together with 17 copies of the following information.

☑ **WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 19. The written response should detail how the proposed comprehensive plan map/zoning map amendment meets the goals and policies of the Newberg Comprehensive Plan. The written response should also address the location and size of existing public utilities to serve the site, or if none are currently available, detail how public utilities will be extended to serve the site.

☑ **CURRENT TITLE REPORT**

☑ **MEASURE 49 WAIVER**

☑ **MAP AND LEGAL DESCRIPTION OF THE PROPERTY** – Provide a map and a corresponding written legal description of the area to be changed. The map and legal description must be capable of closure and be certified by a registered engineer or surveyor. If not certified, the map and description must be approved by the Department of Revenue per ORS 308.225.

☑ **GENERAL LAND USE PLAN** – Indicate types and intensities of proposed development, transportation routes (for pedestrians and vehicles), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and any development on adjacent properties.

☐ **TRAFFIC STUDY** – A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation in excess of 40 trips per p.m. peak hour. This requirement may be waived by the Director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed, which adequately mitigate any traffic impacts and/or the proposed use is not in a location, which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the Director for changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. If required, the traffic study shall be conducted according to the City of Newberg design standards.

§ 15.302.030 - TYPE III COMPREHENSIVE PLAN/ZONING MAP AMENDMENT CRITERIA

Property owners or the city may initiate a map amendment for one parcel or a small group of parcels under the Type III procedure. It may be initiated by a resolution of the Planning Commission or City Council. Unlike other Type III procedures, the decision of the Planning Commission on a Type III plan map amendment shall be in the form of a recommendation to the City Council. The City Council shall hold another new hearing and make a final decision. Where an application has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the City Council for good cause shall grant permission to do so.

Comprehensive Plan Designation	Corresponding Zoning Classification
OS	Any zoning classification
LDR	R-1
MDR	R-2
HDR	R-3
COM	C-1, C-2, or C-3 as determined by the Director
MIX	C-2, M-1, or M-2 as determined by the Director
IND	M-1, M-2, or M-3
PQ	Any zoning classification
P/PP	Any zoning classification

An application for a zoning map amendment is required to be submitted concurrently with an annexation application. In the event that the annexation request is denied, the zone change request shall also be denied.

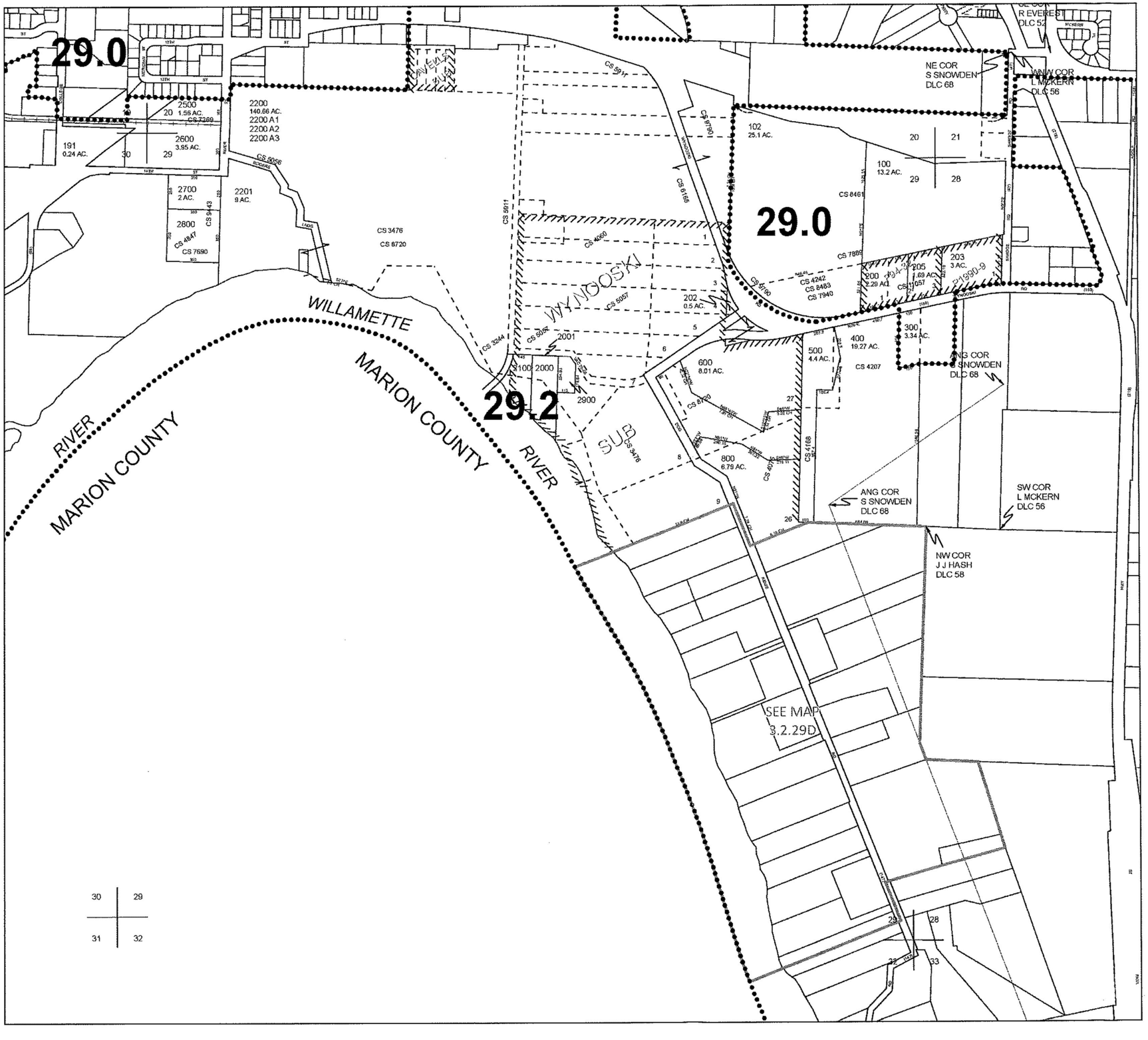
Provide a written response that specifies how your project meets the following criteria:

The applicant must demonstrate compliance with the following criteria:

a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;
b) Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.
c) Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

Exhibit B

Tax Map



1843
YAMHILL COUNTY

ASSESSMENT & TAX
CARTOGRAPHY

SECTION 29 T.3S. R.2W. W.M.
YAMHILL COUNTY OREGON
1" = 400'

CANCELLED TAXLOTS:
2200U2
2200U1
2400
2300
1905
1904
1903
1902
1901
1900
1802
1801
1800
1701
1700
1600
1500
1403
1402
1401
1400
1300
1201
1200
1101
1100
1002
1001
1000
901
900
700
204
201
101
103
2501

DATE PRINTED: 6/15/2015

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

Exhibit C

Proof of Ownership

FIRST AMERICAN ...ILE 2018-058 Acc

After recording return to:
Riverlands Subdivision LLC
500 E. Hancock St
Newberg, OR 97132

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

File No.: 1039-2979316 (LB)
Date: January 05, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records **201802357**
DMR-DDMR
Stn=3 SUTTONS **02/16/2018 11:31:00 AM**
3Pgs $15.00 $11.00 $5.00 $20.00 **$51.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Brian Van Bergen - County Clerk

STATUTORY BARGAIN AND SALE DEED

Sigmund Holdings LLC, an Oregon limited liability company, Grantor, conveys to **Riverlands Subdivision LLC, an Oregon Limited Liablity Company**, Grantee, the following described real property:

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

See Exhibit "A"

The true consideration for this conveyance is **$305,000.00.** (Here comply with requirements of ORS 93.030)

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

Dated this 15 day of February, 20 18.

Sigmund Holdings LLC, an Oregon limited liability company

By: _____
Name: Marc Willcuts
Title: Member

STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 15 day of February, 20 18 by Marc Willcuts as Member of Sigmund Holdings LLC, on behalf of the limited liability company.

OFFICIAL STAMP
TERESA GILMORE
NOTARY PUBLIC-OREGON
COMMISSION NO. 969681
MY COMMISSION EXPIRES DECEMBER 17, 2021

Notary Public for Oregon
My commission expires: 12/21/21

EXHIBIT A

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

Commencing at a point 20 rods North of the Southeast corner of a piece of land deeded by Edwin Poppleton and wife to Jesse Edwards and wife by deed recorded April 9, 1890 in Book "Y", Page 92, Deed Records, said land being a part of the Donation Land Claim of Joseph B. Rogers and wife, Notification No. 1473, Claim No. 55 in Township 3 South, Range 2 west of the Willamette Meridian in Yamhill County, Oregon; thence running North 10 rods along what is known as River Street; thence running West 40 rods; thence running South 10 rods; and thence running East 40 rods to the place of beginning.

EXCEPTING THEREFROM the following parcel of land lying in the Joseph B. Rodgers D.L.C No. 55, Township 3 South, Range 2 West, W.M., Yamhill County, Oregon and being a portion of that property described in that Statutory Warranty Deed to John F. Hochtritt & Yvette Saarinen, recorded September 14, 1989 in Film Volume 236, Page 326 Records of Yamhill County; the said parcel being that portion of said property included in a strip of land 145.00 feet in width, lying on the Southeasterly side of the 'L' center line, which center line is described as follows:

Beginning at Engineer's center line Station 'L' 470+64.06, said station being 240.06 feet South and 1,143.31 feet West of the Southeast corner of the David Ramsey D.L.C. No. 40, Township 3 South, Range 2 West, W.M.; thence North 76° 05' 16" East 536.04 feet; thence on a spiral curve left (the long chord of which bears North 74° 38' 47" East 599.85 feet) 600.00 feet; thence on a 3,974.27 foot radius curve left (the long chord of which bears North 63° 56' 48" East 1,080.96 feet) 1,084.32 feet; thence on a spiral curve left (the long chord of which bears North 53° 14' 50" East 599.85 feet) 600.00 feet; thence North 51° 48' 20" East 1,171.67 feet; thence on a spiral curve right (the long chord of which bears North 53° 44' 50" East 599.72 feet) 600.00 feet; thence on a 2,950.86 foot radius curve right (the long chord of which bears North 73° 25' 10" East 1,605.82 feet) 1,626.33 feet; thence on a spiral curve right (the long chord of which bears South 88° 11' 29" East 324.91 feet) 325.00 feet; thence on a 6,250.45 foot radius curve right (the long chord of which bears South 80° 11' 02" East 1,298.62 feet) 1,300.96 feet; thence on a spiral curve right (the long chord of which bears South 72° 23' 16" East 599.86 feet) 600.00 feet; thence South 71° 28' 16" East 369.00 feet to Engineer's center line Station 'L' 558+77.38 Back equals 'L' 559+00.00 Ahead.

ALSO that portion of said property lying on the Northwesterly side of the 'L' center line.

Bearings are based on County Survey No. 12330, filed October 1, 2007, Yamhill County, Oregon.

Exhibit D

Map & Legal Description

Annexation Map FOR:

RIVERLANDS SUBDIVISION LLC

LOCATION: SW 1/4 SEC. 20, T. 3 S., R. 2 W., W.M.,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON

TAX MAP: R2320-2500

DATE: 3 DECEMBER 2018

SITE ADDRESS: 1303 S. RIVER ST.
NEWBERG, OR

BY:
LELAND MACDONALD & ASSOC., LLC
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Expires 31 December 2018

NORTH

SCALE: 1" = 100'

123

13TH STREET

NEWBERG-DUNDEE BYPASS
ODOT
(ELEVATED OVERPASS)

30'

30'

145.00'

TAX LOT 5315

TAX LOT 5316

TAX LOT 5317

TAX LOT 5318

TAX LOT 5319

TAX LOT 5390

STREET

30.00'

N 89°46'54" W 356.85'

326.85'

100.00'

145.00'

Δ=0°07'11"
R=2805.85'
L=5.86'
CH=S 55°56'20" W
5.86'

S 53°33'38" W 271.53' ALONG
CHORD OF SPIRAL OFFSET

TAX LOT 2500
RIVERLANDS SUBDIVISION LLC
INSTRUMENT NO. 201802357

1.56 Ac. ± to River St. R/W
0.22 Ac. ± in River St. R/W
TOTAL ANNEXED AREA 1.78 Ac.±

165.33'

N 00°20'30" W

551.13'

20'

50.00'

S 89°47'27" E 581.13'

SPALDING RAILROAD

30.00'

TAX LOT 2600

RIVER

30'

30'

#8661

EXPIRES 31 DECEMBER 2018

124

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 16, 2002
Leland A. MacDonald
53226

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax : 472-0367

3 December 2018

Description of Real property for: RIVERLANDS SUBDIVISION LLC – Area to be annexed into the City of Newberg, Oregon.

A tract of land located in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said tract being more particularly described as follows:

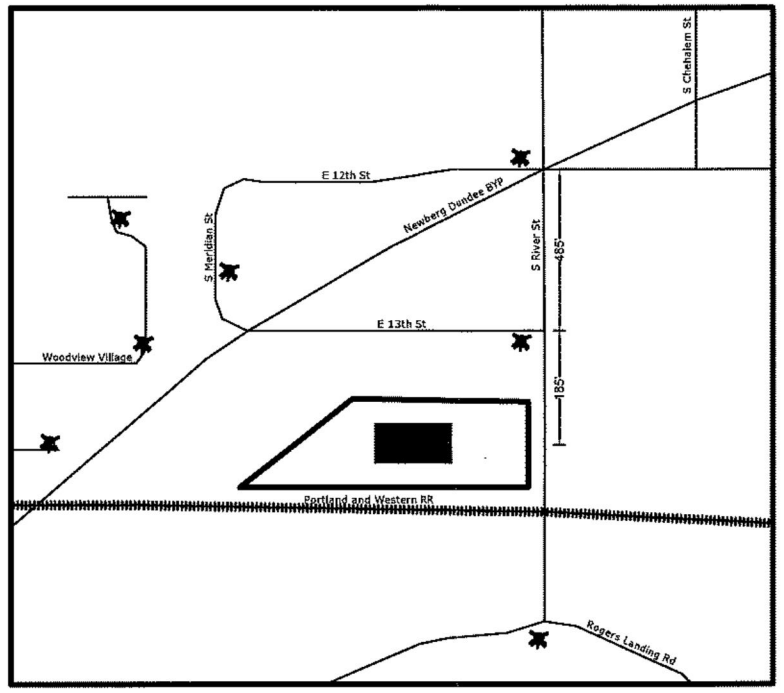
Beginning at a point on the east margin of River Street in the City of Newberg, Oregon at the easterly extension of the south line of that tract of land described in deed from YVETTE SAARINEN to SIGMUND HOLDINGS LLC, recorded on November 22, 2017 in Instrument No. 201718769, Deed Records of Yamhill County, Oregon; thence North 00°20'30" West 165.33 feet, along said east margin to the easterly extension of the north line of said SIGMUND HOLDINGS LLC tract; thence North 89°46'54" West 30.00 feet the northeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence North 89°46'54" West 326.85 feet to a point on the southerly margin of the Newberg-Dundee Bypass at a point that is 145.00 feet distant from, when measured perpendicular to the "L" centerline thereof, said point being the northwest corner of said SIGMUND HOLDINGS, LLC tract and said point also being a point on a non-tangent curve concave to the southeast and having a radius of 2805.85 feet; thence 5.86 feet southwesterly along said margin and said curve, the chord of which bears South 55° 56'20" West 5.86 feet, to the beginning of a 145.00 offset to a 600 foot centerline spiral curve at Engineers Station "L" 516+56.09; thence southwesterly along said margin and said spiral offset, the chord of which bears South 53°33'38" West 271.53 feet, to the southwest corner of said SIGMUND HOLDINGS, LLC tract; thence South 89°47'27" East 551.13 feet to the southeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence South 89°47'27" East 30.00 feet on the easterly extension of the south line of said tract to the POINT OF BEGINNING.

Exhibit E

Future Development Concept Plan

LEGEND

- = PUBLIC RIGHT-OF-WAY
- XSS = EXISTING SANITARY SEWER LINE
- XSD = EXISTING STORM DRAIN LINE
- XW = EXISTING WATER LINE
- SS = SANITARY SEWER LINE
- SD = STORM DRAIN LINE
- W = WATER LINE
- = EDGE OF PAVEMENT
- = CROWN OF ROAD
- = PROPOSED PROPERTY LINE
- = EXISTING PROPERTY LINE
- = PUBLIC UTILITY EASEMENT
- = PUBLIC ACCESS EASEMENT
- = FIRE HYDRANT
- = SANITARY SEWER MANHOLE
- = STORM DRAIN MANHOLE
- = STORM DRAIN CATCH BASIN
- = STORM EASEMENT
- = SANITARY EASEMENT
- = CONCRETE

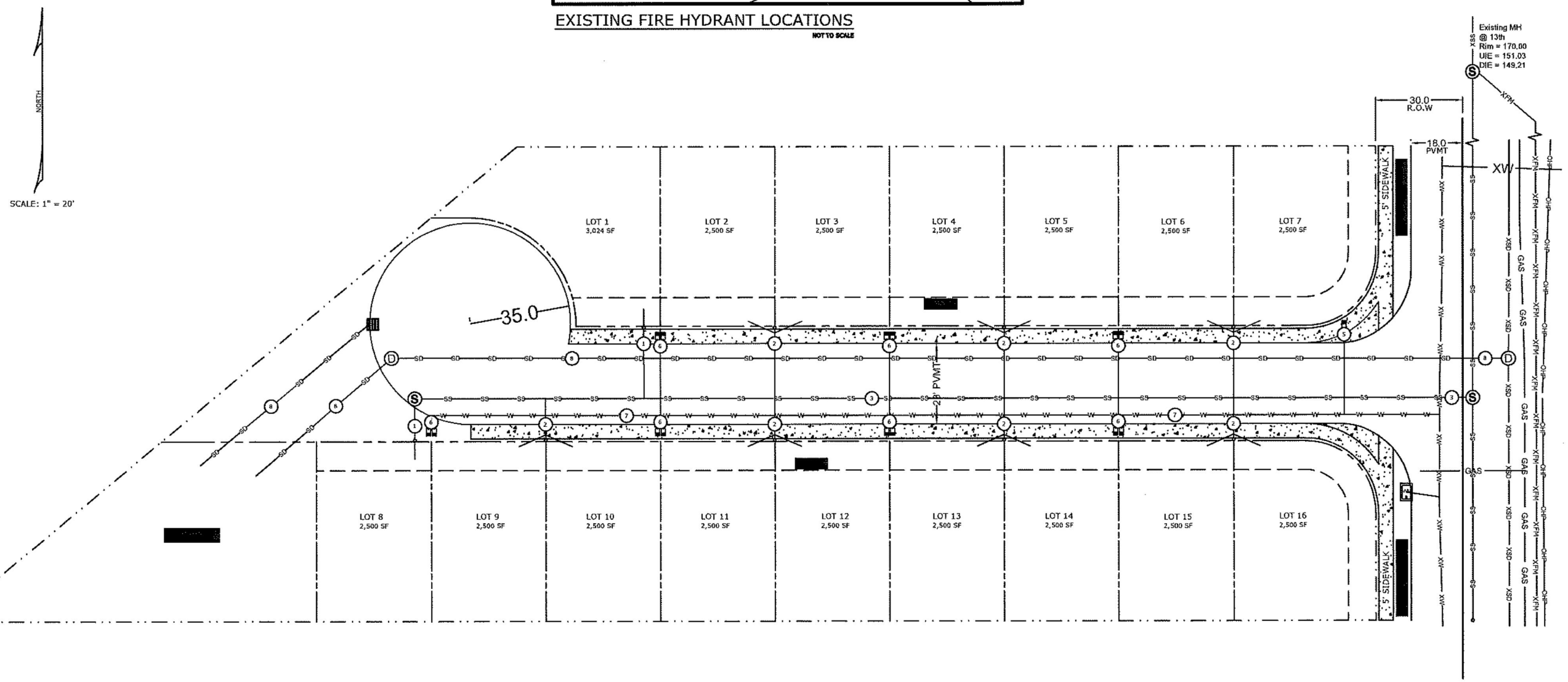


EXISTING FIRE HYDRANT LOCATIONS

NOT TO SCALE

CONSTRUCTION KEY NOTES

1. INSTALL 4" SANITARY LATERAL WITH CLEANOUT.
2. INSTALL 6" SANITARY DOUBLE WYE SERVICE BRANCH WITH CLEANOUT.
3. INSTALL 8" SANITARY SEWER MAIN.
4. INSTALL 10" SANITARY SEWER MAIN.
5. INSTALL 1" STANDARD WATER SERVICE.
6. INSTALL 1" DOUBLE WATER SERVICE.
7. INSTALL 2" WATER MAIN.
8. INSTALL 10" STORM MAIN.



REGISTERED PROFESSIONAL ENGINEER
OREGON
DANIEL J. DANICIC
EXPIRES: 12/31/2018

RIVERLANDS LLC
PO BOX 3189
NEWBERG, OR 97132
PHONE: (971) 998-7507

Riverlands

Preliminary Utility Plan

Preliminary Utility Drawing
For Subdivision Application

PROJECT NO.: Riverlands
DESIGNED BY: Daniel Danicic
DRAWN BY: Katrina Little

SHEET 7

OF 7

Exhibit F

Future Development Concept Plan Statement

Development Concept Statement

The subject property currently has a County zoning designation of AF-10 (Agricultural/Forestry Small Holding), and a County Comprehensive Plan Designation of VLDR (Very Low Density Residential). The City's Comprehensive Plan Map identifies the subject property as having a Comprehensive Plan designation of Commercial/Riverfront District (COM/RD).

The Portland & Western Railroad is located directly to the south of the subject property. As such, the completion of the Newberg-Dundee Bypass to the north of the subject property has caused the subject property to be isolated from other commercial properties within the Riverfront District. As the subject property is separated from neighboring commercial designations, the Property Owner is requesting a Comprehensive Plan Amendment concurrent to this proposed Annexation Application, to change the Commercial/Riverfront designation to Medium Density Residential/Riverfront, which is a more appropriate designation due to existing development patterns to the vicinity of the subject property. This Application requests that R-2 zoning be applied to the property upon annexation.

This zoning will allow the site to be developed with detached single-family homes consistent with adjacent zoning to the north of the subject property. Current regulations would allow the approximately 1.56-acre subject property to be developed at roughly 9 lots per acre, resulting in the potential to add approximately 14 homes to the subject property.
Future development of the site for single family residential would follow the City of Newberg's Type III Planned Unit Development and Subdivision application process. All necessary requirements and improvements to serve the future development of the subject property will be made prior to Final Plat Approval. Typical improvements will include a new street and sidewalks, extension of public utilities, and landscaping.

As previously mentioned, the subject property is adjacent to the Portland & Western Railroad to the south, and public right-of-way to the east and west. To the north of the subject property is an existing single-family detached dwelling in the R-2 zoning district, which has frontage on S. River St. Furthermore, the subject property is adjacent to the north to two R-2 zoned parcels approximately 0.12-acres in size, which are owned by ODOT. Accordingly, due to the subject property's proximity to right-of-way, and existing development, future development on the subject property will be served by a dead-end road connecting to S. River St. to the east, and dead-ending on the approximate western boundary of the subject property. As such, a future connectivity plan is not warranted by, and is not included with this Application.

The inclusion of the site into the City of Newberg as residential will allow for development which is appropriate given the subject property's proximity to open space and access to the Willamette River awarded by Rogers Landing Park. Furthermore, future development of the subject property will require the continuation of the sidewalk and bicycle network in the vicinity of the subject property, thus promoting multimodal connectivity, and supporting the policies of the City's *Comprehensive Plan*. Expected street improvements to the subject property's frontage on S. River St. would bring this public right-of-way to City standards, with the likely addition of bike lanes, sidewalks, and planting strips.

Exhibit G

Housing Needs Analysis

no commercial

Exhibit G, Housing Needs Analysis

Introduction

This Housing Needs Analysis analyzes the effect of the proposed Comprehensive Plan Amendment of Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD) of the 1.56-acre subject property in Newberg, Oregon.

Utilizing data prepared by PNW Economics for the Zone Change and Comprehensive Plan Amendment of 501 & 607 E. Illinois St. (Case File CPMA18-0005/ZMA18-0002), this Application includes the below updated buildable lands inventory (BLI) and housing needs analysis (HNA) to assess the subsequent need for residential land in the City of Newberg should the proposed Comprehensive Plan Amendment be approved.

Analysis

The BLI and the HNA prepared by PNW Economics for Case File CPMA18-0005/ZMA18-0002is methodologically an update of the 2015 City of Newberg BLI and HNA conducted by Cogan Owens Green in support of the successful 2015 Martell Commons, LLC. Zoning Map Amendment application ("COG Report"). That report details a methodology for updating the City residential BLI in the wake of the LUBA decision to remand Newberg's 2009 HNA.

Because the COG Report was methodologically accepted by the City of Newberg as part of that successful Martell Commons application, and due to the fact that a 2016 City of Newberg residential BLI is considered by the City to have issues still in need of methodological clarification, the PNW Economics for Case File CPMA18-0005/ZMA18-0002 reconciled the 2015 COG BLI and HNA findings with detailed updates of population forecasting for the Newberg UGB by the Portland State Center for Population Research, as well as residential development permitting activity within Newberg to achieve a current, 2017 BLI and HNA.

Housing & Land Needs (Demand)

In June of 2017, the Portland State University Population Research Center ("PSUPRC") published and presented a new 2017-2067 coordinated population forecast for Yamhill County[1], including the City of Newberg UGB.

Table 1 shows a 2035 population of 34,021 for the City of Newberg according to the new 2017 population forecast. This represents a reduction in growth from the 2012 forecast of over 4,000 new residents (12% reduction).

Table 1 - Newberg UGB Population Forecasts (2009 HNA and 2012 & 2017 PSUPRC)

	Newberg HNA (2009)	Yamhill County Projections PSU Population Research Center (2012)	(2017)	Difference 2009 HNA & PSU PRC (2012)	(2017)
2015	28,559	24,663	**23,234** *	(3,896)	(5,325)
2017	30,609	26,098 *	**24,296**	(4,511)	(6,312)
2020	33,683	28,250	**25,889**	(5,433)	(7,794)
2025	38,352	32,213	**28,602**	(6,139)	(9,750)
2030	42,870	35,408	**31,336**	(7,462)	(11,534)
2032	n/a	36,641 *	**32,410** *	n/a	n/a
2035	n/a	38,490	**34,021**	n/a	n/a

*Denotes estimates by PNW Economics for years between official, five-year increment forecasts utilizing average, annual population growth for the relevant five-year period.

[1] https://www.pdx.edu/prc/sites/www.pdx.edu.prc/files/Yamhill_Report_2017_Final.pdf

Consistent with the 2015 COG BLI and HNA, PNW Economics used the following data to determine the projected number of new housing units needed from 2017-2032:

1. Current estimate of housing units
2. Average Household Size
3. Vacancy Rate

PNW Economics then updated these variables to reflect 2015 COG Report findings, as well as data from 2010 Census and estimates from Newberg. Data and sources are summarized in Table 2.

Table 2 – Comparison of Variables Utilized for Housing Unit Need Calculation (2015 COG Report & 2017)

	Variable		Source
2015	Current Household Units	8,590	COG utilizing PSU Population Research Center, City data
Updated	Household Size	2.66	2010 Census
HNA (COG)	Vacancy Rate	6.4%	2010 Census
2017	Current Household Units	8,789 1/	2015 Updated HNA, HUD Building Permit Database
Updated	Household Size	2.77	2011-2015 US Census American Community Survey
HNA	Vacancy Rate	6.8%	2011-2015 US Census American Community Survey

1/ As of October 2017. The current household unit estimate is calculated by adding the estimated Current Household Units (November 2014) in the 2015 Updated HNA and the total number of building permits issued by the City of Newberg from November 2014 to October 2017 (State of the Cities, US Department of HUD Building Permit Database).

Like the 2015 COG Report, PNW Economics has calculated the projected number of households by dividing the projected population for each year by household size. Similarly, the total number of residential units needed by 2032 is then calculated by subtracting the projected number of households from an updated 2017 estimate of household units.

The Census vacancy rate for Newberg is then applied to this projected number of new housing units. As with the 2015 COG Report, 49 housing units displaced by the Newberg-Dundee Bypass are added to the projected number of housing units, after the vacancy rate is applied. Table 3 displays the resulting estimate of 3,211 of additional housing units needed through 2032 within the Newberg UGB. This marks a 1,257-unit reduction in total need from the 2015 COG report based on the 2012 Yamhill County coordinated forecast.

Table 3 – Projection of Estimated Housing Units, 2017-2032

Year	Projected Number of Households (2.77 persons per unit)	Additional Gross Number of Housing Units 2/ (8,789 current units)	Vacancy Rate (6.8%)	Additional Net Number of Housing Units Needed (8,789 current units)
2017	8,783	393	(27)	366
2020	9,359	982	(67)	915
2025	10,340	1,985	(135)	1,850
2030	11,329	2,995	(204)	2,792
2032	11,717	3,392	(231)	3,162
2032 (accounting for units lost due to Newberg-Dundee Bypass)			+ 49 units	3,211

2/ Assumes starting year housing units (8,789 as of October 2017) remain a constant, starting baseline through the forecast period and are not diminished due to unexpected circumstances.

Drawing upon the Newberg Comprehensive Plan Housing Element, Table 4 summarizes estimated housing units need from 2017 to 2035 by residential unit type and comprehensive plan designation.

Table 4 – Future City of Newberg Housing Needs by Housing Type, 2017-2032

Comp Plan Designation	Single Family		Multi-Family		Manufactured		Mixed Use	Total
	LDR	MDR		HDR	MDR		COM	
Housing Type	Detached	Attached	Med Density	High Density	Parks	Subdivision		
Proportion	50% (40% LDR) (10% MDR)	7%	15%	23%	2%	2%	1%	100%
Units - Updated HNA (2017)	1,605 (1,284 LDR) (322 MDR)	225	482	738	64	64	32	3,211

Table 5 provides a resulting summary of Table 4 purely by Comprehensive Plan Designation for housing need through 2032. Need is proportionately greatest for Low Density residential units (1,284 through 2032), followed closely by Medium Density residential units (1,157 through 2032). High Density residential unit need is estimated at 738 total through 2032, or 23% of total need.

Table 5 – Total Housing Units Needed by Comprehensive Plan Designation, 2017-2032

Plan Designation	Proportion (%)	Units Needed
LDR	40%	1,284
MDR	36%	1,157
HDR	23%	738
(COM)	1%	32
Total	100%	3,211

To determine the total amount of residential land needed for housing, PNW Economics similarly divided the housing unit need for each category by planned residential densities outlined in Newberg's Comprehensive Plan and City revisions since.

- For single-family Low Density residential, LDR, the target residential density is an assumed 4.4 units per gross acre.
- For Medium Density Residential, MDR, the target is an assumed 9 units per gross acre; and
- For High Density Residential, HDR, the target is an assumed 16.5 units per gross acre.

Table 6 summarizes resulting total buildable residential land needs for the City of Newberg utilizing these density assumptions. It is estimated that through 2032, the City of Newberg will require a total of 465 acres of buildable residential land to accommodate projected household growth. Need will be led by LDR land, at 292 acres through 2032. Need for MDR land through 2032 is estimated at 129 total buildable acres.

Table 6 – Buildable Residential Land Needs, 2017-2032

Plan Designation	Target Density (du/gross acre)	Housing Units Needed	Buildable Acres Needed
LDR	4.4	1,284	292
MDR	9.0	1,157	129
HDR	16.5	738	45
Total		3,179	466

Buildable Land Inventory & Capacity (Supply)

Table 7 provides a summary of estimated buildable residential land capacity for the City of Newberg as of November 2017.

Table 7 – Gross Residential Land Supply by Zone, 2015 Updated to 2018

Plan Designation	Buildable Acres (2015)	(Less)	Permitted Construction Acres (See Methodology No. 2)	(Less)	Permitted Construction Acres (See Methodology No. 3)	=	Buildable Acres (2018)
LDR	368.7	-	17.2	-	32.74	=	318.76
MDR	91.7	-	9.9	-	0.19	=	81.61
HDR	7.0	-	0	-	5.17	=	1.83
Total	467.4	-	27.1	-	38.10	=	402.2

Methodology was conducted as follows:

1. Baseline 2015 estimated BLI: Buildable acres by comp plan designation within the Newberg UGB as estimated by the 2015 COG Report.
2. Less: Permitted Residential Construction in the City of Newberg – PNW Economics conducted an exhaustive review of all unique residential construction permits issued by the City of Newberg between 2015 and November of 2017.[2] Data for each unit permitted was traced to a city parcel with lot size, zoning, and comprehensive plan designation confirmed. Residential lots permitted for construction were cumulatively summed for total residential land permitted and/or developed by comprehensive plan designation.
3. Less: Permitted Residential Construction in the City of Newberg – This Application also accounts for the following permitted development within the City:

- N. Valley Rd. Annexation (Gracie's Landing), ANX-16-001/ SUB2-16-001, addition of 10.37 LDR acres
- Columbia Estates, ANX-16-003/SUB16-002 MDR, addition of 3.06 MDR acres
- Dutchman Ridge, ANX-17-001/SUB3-17-0002/VAR-18-0001, addition of 13.3 LDR acres
- King's Landing, ANX-17-001/SUB317-0003/VAR18-0003, addition of 11.37 LDR acres
- 1109 S. River St., CPA18-0002/ZMA18-0001, loss of 2.3 LDR acres; addition of 2.3 HDR acres

- 501 & 507 E Illinois Street, CPA18-0005/ZMA18-0002, loss of 2.87 MDR acres; addition of 2.87 HDR acres

4. Equals: 2018 Buildable Residential Land (Acres) by Comprehensive Plan Designation

In Table 7, we estimate a total residential BLI in Newberg as of August 2018 totaling 402.2 acres. This represents the 467.4 acres estimated in the 2015 COG Report, as discussed in the above Methodology No. 2, a total of 27.1 acres of residential land taken from the available inventory due to permitted construction (most from the LDR designation at 17.2 acres developed), and as discussed in the above Methodology No. 3, a total of 38.1 acres of residential land taken from the available inventory due to permitted construction (most from the LDR designation at 32.74 acres developed).

Table 8 provides a summary of 2017 BLI in Newberg compared to estimated residential land need by comprehensive plan designation from Table 6. Overall, the City of Newberg is estimated to have a roughly 64-acre deficit of residential land. Both land designated Medium Density Residential and High Density Residential are estimated to experience a deficit of 47 acres and 43 acres, respectively.

Table 8 – Buildable Residential Needs vs. Supply, 2017-2032

Plan Designation	Buildable Acres Needed	Buildable Acres in UGB	Surplus (Deficit)
LDR	292	318.76	26.7
MDR	129	81.61	(47.4)
HDR	45	1.83	(43.2)
Total	466	402.2	(63.9)

Similar to the methodology utilized in the 2015 COG Report, Table 9 displays the projected balance of land need and supply that would result from rezoning the 1.56-acres at 1303 NE River St. Newberg, OR 97132 from COM/RD to MDR/RD. If the proposed Comprehensive Plan Amendment were approved, the City would still have an overall deficit of 45.8 acres of MDR land.

Table 9 – Buildable Residential Needs vs. Supply After Proposed Zone Change, 2017-2032

Plan Designation	Buildable Acres Needed	Buildable Acres Before CPA	Buildable Acres After CPA	Surplus/(Deficit) Before CPA	Surplus/(Deficit) After CPA
LDR	292	318.76	318.76	26.7	26.7
MDR	129	81.61	83.17	(47.4)	(45.8)
HDR	45	1.83	1.83	(43.2)	(43.2)
Total	466	402.2	403.76	(63.8)	(62.3)

Conclusion

Updated BLI and HNA analysis for the City of Newberg's residential land supply indicates there is insufficient land capacity to meet the need for Medium Density Residential Demand through 2032. A rezone of the 1.56 acres of the Subject Property would help to alleviate the estimated deficit of MDR land within the Newberg UGB.

Exhibit H

Traffic Memo

Date: August 24, 2018
To: Dan Danicic, Del Boca Vista
From: Karl Birky, PE, PTOE
Re: TPR Analysis Riverlands Subdivision, Newberg, OR

ASSOCIATED TRANSPORTATION ENGINEERING & PLANNING INC.
A.T.E.P., Inc.
1155 13th St. S.E.
Salem, OR. 97302
Tel.: 503-364-5066
FAX: 503-364-1260
e-mail: kbirky@atepinc.com

Mr. Danicic:

This letter addresses Transportation Planning Rule aspects of your request to the City of Newberg to change the Comprehensive Plan map designation and the zoning for Tax Lot 2500 of Tax Map 3S2W29. The parcel is designated COM/RD (Commercial Riverfront) on the Comprehensive Plan Map. Your request to the City of Newberg is to change the designation from COM/RD to MDR/RD. The site is on the west of River St and north of the railroad track in south Newberg.

The Oregon Transportation Planning Rule (TPR) requires an estimate of the effects a land use action will have on the transportation system in certain instances. This zone change request is one of those instances. The TPR prevents persons or cities from allowing construction of a fast food outlet with its high traffic being built in a residential neighborhood if the zoning does not allow the fast food outlet. The change can be allowed if there is no "significant" effect on the transportation system.

The parcel is 1.56 acres in size or 68 ksf. Changing the designation and zoning from COM/RD to MDR/RD will allow homes to be built on the parcel. The City of Newberg Comprehensive Plan states:

> *b. The City will encourage medium density housing in and adjacent to the commercial core of the Riverfront District and lower intensity residential uses in the western portions of the Riverfront District.*

It also states:

> *Medium and high-density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low-density areas.*

This parcel takes its access to the City's transportation system from River St, a major collector in the TSP and is just south of 11th St which is a minor collector.

Engineers assume that 30% of a site can be developed with commercial uses. The remaining 70% of the land is parking and landscaping. This study will assume that 20.4 ksf could be developed as commercial or office use in the existing zoning to estimate the trip generation potential of the site with the existing COM/RD comp plan designation. The study will compare the possible trip generating of C-2 uses and MDR/RD uses. Trip Generation estimates are from the ITE Trip Generation Manual 10th Edition.

Zone	Use	Units	ADT Rate / Unit	ADT
C-2	Fast Food - ITE 934	3 ksf	470.95	1413
	Medical Office - ITE 720	17 ksf	34.80	592
Total C-2 Trips				**2005**
MDR/RD	Homes (ITE 210)	20	9.44	**189**

Fast Food restaurants and medical offices are two allowed uses in the existing zoning. If an average fast food restaurant and a medical office building were built on the site, the trip generating potential would be 2005 trips per day. If the requested comp plan designation is approved and 20 single-family homes were built on the site, the trip generating potential would be 189 trips per day. I understand the developer plans to build 16 homes not the 20 theoretically possible homes on the site. It is my opinion that the requested comprehensive plan map and zoning changes can be approved from a traffic engineering perspective without "significantly affecting" (2005 trips vs. 189 trips per day) the transportation system. If there is any additional information you or the City would like or find helpful, please do not hesitate to request it. I can be reached at 503-364-5066.

Regards,

Karl Birky, PE, PTOE
Associated Transportation Engineering & Planning, Inc.

12/31/2019

Exhibit I

Transportation Planning Rule Consistency

Transportation Planning Rule Consistency

In determination of the effect of the proposed Comprehensive Plan Amendment from Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD) of the 1.56-acre subject property on the City's Transportation System, an analysis of the *Transportation Planning Rule* must be completed.

Division 12 of the *Statewide Planning Goals* implements planning regulations. Specifically, *Oregon Administrative Rules ("OAR") Section 660-012-0060* stipulates requirements for plan and land use regulation amendments which include annexations.

After review of *OAR 660-012-0060*, the following subsection is found applicable to the annexation request for the subject property.

OAR 660-012-0060(1)

> ***(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:***

RESPONSE: As directed by *OAR 660-012-060(1)* the proposed Comprehensive Plan Amendment would not significantly affect an existing or planned transportation facility for the following reasons:

> ***(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);***
> ***(b) Change standards implementing a functional classification system; or***

RESPONSE: The subject property has frontage on S. River St. As per the City's *Transportation System Plan,* S. River St. has a functional classification of Major Collector. Approval of the proposed Comprehensive Plan Amendment will permit the future construction of single-family detached dwellings. As per the City's *Comprehensive Plan,* Major Collectors serve multi-neighborhood areas, and are intended to channel traffic from local streets and/or minor collectors to the arterial street system. As such, a parcel with direct access to a Major Collector is an ideal location to site a residential development.

Accordingly, in regard to *OAR 660-012-0060(1)(a)* and *OAR 660-012-0060(1)(b),* the proposed Comprehensive Plan Amendment does not propose to change the functional classification of an existing or planned transportation facility, nor does it propose to change the standards implementing a functional classification system.

> ***(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the***

amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

RESPONSE: In regard to *OAR 660-012-0060(1)(c),* the proposed Comprehensive Plan Amendment would not result in any of the effects listed in *OAR 660-012-0060(1)(c)(A)* through *OAR 660-012-0060(1)(c)(C)* for the following reasons.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

RESPONSE: As previously addressed, the subject property has frontage on S. River St. As per the City's *Transportation System Plan,* S. River St. has a functional classification of Major Collector. Approval of the proposed Comprehensive Plan Amendment will permit the future construction of single-family detached dwellings. As per the City's *Comprehensive Plan,* Major Collectors serve multi-neighborhood areas, and are intended to channel traffic from local streets and/or minor collectors to the arterial street system. As such, a parcel with direct access to a Major Collector is an ideal location to site a residential development. Accordingly, in satisfaction of *OAR 660-012-0060(1)(c)(A),* the types or levels or travel and access permitted by the proposed Comprehensive Plan Amendment to MDR/RD are consistent with the functional classification of the existing transportation facility in the vicinity of the subject property.

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

RESPONSE: The City's *Transportation System Plan* does not identify any existing or planned transportation facilities in the vicinity of the subject property which currently do not or are projected to not meet the performance standards of the City's *Transportation System Plan* or *Comprehensive Plan.*

Additionally, the City's *Transportation System Plan* includes aspirational plan No. S22 to reconstruct S. River St. between 1st St. and Rogers Landing Rd. to major collector street standards, including bicycle lanes and sidewalks on each side of S. River St. Thus, approval of the proposed Comprehensive Plan Amendment, and the future development of the subject property will warrant improvements to S. River St. along the frontage of the subject property, which will in turn improve the existing transportation facility in the vicinity of the subject property.

Furthermore, the City's adopted *Comprehensive Plan Map* identifies the subject property as COM/RD. The City's adopted *Transportation System Plan* incorporates the City's *Comprehensive Plan*

within the its methodology. Thereby the City's *Transportation System Plan* accounts for the existing Comprehensive Plan designation of the subject property, Commercial/Riverfront District (COM/RD).

As addressed by the Traffic Memo prepared by Associated Transportation Engineering & Planning, Inc. provided as Exhibit H, if the subject property is developed under the existing Comprehensive Plan designation of Commercial/Riverfront District (COM/RD), a reasonable "worst-case development scenario" may include a fast food restaurant (3 ksf), and a medical office (17 ksf), generating 2,005 ADT.

If the proposed Comprehensive Plan Amendment is approved, and the subject property is developed under the Medium Density Residential/Riverfront District (MDR/RD) designation, a reasonable "worst-case development scenario" would include 20 residential units, generating 189 ADT.

As such, based on possible future "worst-case" development scenarios under the existing and proposed Comprehensive Plan designations, approval of the proposed Comprehensive Plan Amendment to MDR/RD represents a reduction in 1,816 ADT. Thus, approval of the proposed Comprehensive Plan Amendment, and the future development of the subject property will result in a reduction in the planned impact to the adjacent transportation system network.

Conclusion:
In summary, the approval of the proposed Comprehensive Plan Amendment will not change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification system, or degrade an existing or planned transportation system in the vicinity of the subject property. Thereby, the proposed Comprehensive Plan Amendment does not significantly affect transportation facilities, and applicable provisions of *OAR 660-012-060* are satisfied.

Exhibit J

Draft Public Notice

City of Newberg

3229 Community Development Department

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

NOTICE OF PLANNING COMMISSION HEARING ON AN COMPREHENSIVE PLAN AMENDMENT

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

The application would change the Comprehensive Plan designation of one 1.56-acres Tax Lot from Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD).

APPLICANT/PROPERTY OWNER:	***Riverlands Subdivisión LLC***
TELEPHONE:	***971-706-2058***
LOCATION:	***1303 S River Street, Newberg***
TAX LOT NUBER:	***Tax Map R3229/02500***

Working Together For A Better Community-Serious About Service"

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

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

Written Comments: File xxx
City of Newberg Community Development Department
PO Box 970 Newberg, OR 97132

All written comments must be received by noon on **XXX**. Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

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

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for an annexation are found in Newberg Development Code Section 15.250.030

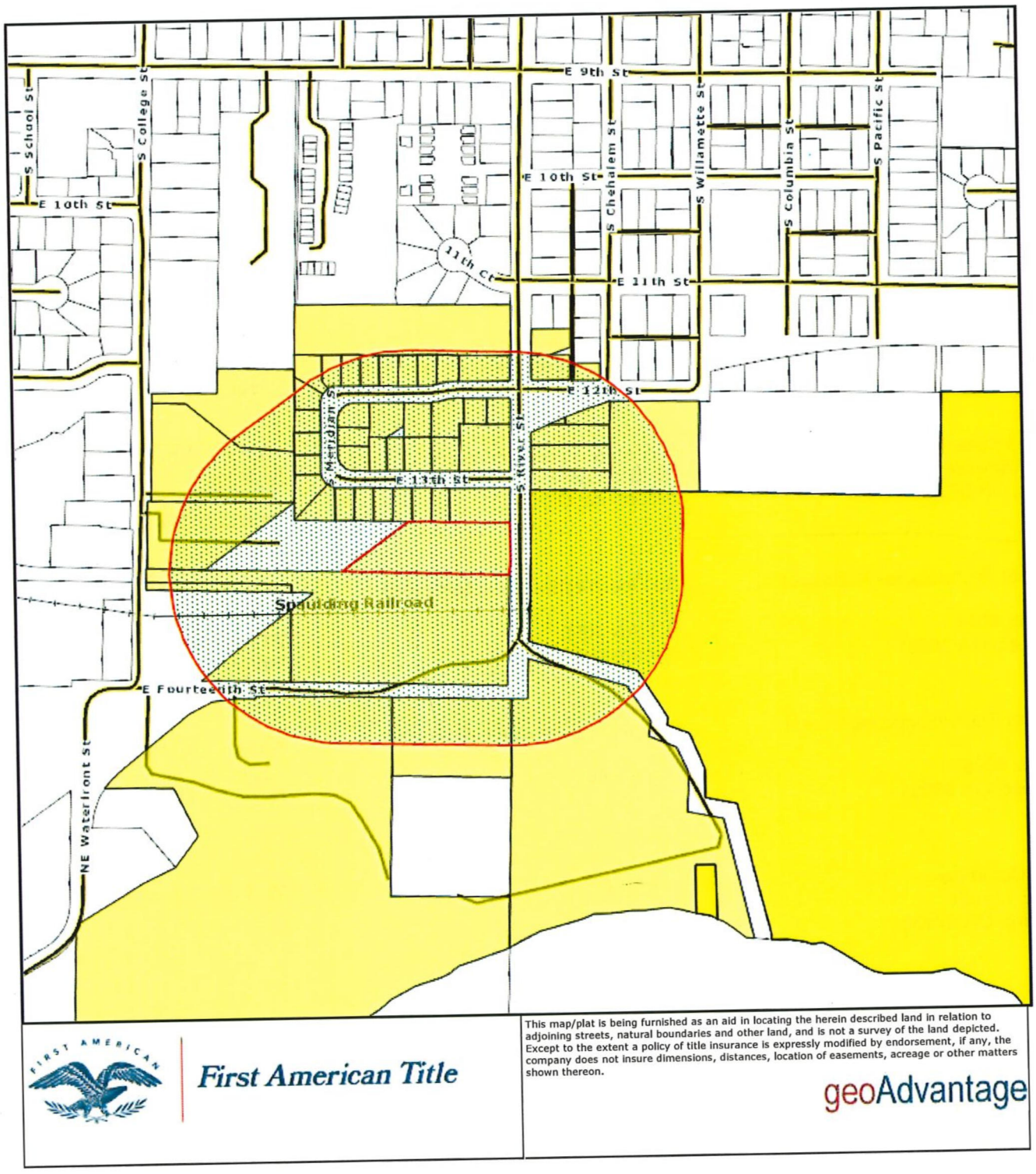
Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter,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

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

Date Mailed: **XXX**

Exhibit K

Property Owner Information (500’ Radius)


E 9th St
S School St
S College St
E 10th St
E 10th St
S Chehalem St
S Willamette St
S Columbia St
S Pacific St
11th Ct
E 11th St
E 12th St
Meridian St
E 13th St
S River St
Spaulding Railroad
E Fourteenth St
NE Waterfront St
First American Title
This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.
geoAdvantage

Publishers Paper Co
PO Box 4098
Norcross, GA 30091

Publishers Paper Co
PO Box 4098
Norcross, GA 30091

Publishers Paper Co
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Woodview Village Apartments Company
3811 SW Barbur Blvd
Portland, OR 97239

Woodview Village Apartments Company
3811 SW Barbur Blvd
Portland, OR 97239

Woodview Village Aptartments Company
3811 SW Barbur Blvd
Portland, OR 97239

Oregon State Of Dept Of Transportation
Right Of Way Section 4040 Fairview Indus
Salem, OR 97302

Oregon State Of
4040 Fairview Industrial Dr SE Ms 2
Salem, OR 97302

William & Derolyn Johnston
1255 Independence Ave
Woodburn, OR 97071

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
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Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

R Craig & R Joan Dalton
3801 Coffey Ln
Newberg, OR 97132

Derek Cummins
1005 E 12th St
Newberg, OR 97132

Lisa Surratt
1001 E 12th St
Newberg, OR 97132

Mark & Tamara Taylor
913 E 12th St
Newberg, OR 97132

Jesus Quezada
909 E 12th St
Newberg, OR 97132

John & Sharron Caputo
905 E 12th St
Newberg, OR 97132

Donald Gay Jr
PO Box 783
McMinnville, OR 97128

Kenneth & Doris Wilson
1201 S Meridian St
Newberg, OR 97132

Martin & Eloisa Espindola
1203 S Meridian St
Newberg, OR 97132

Stacie Pfohl
1207 S Meridian St
Newberg, OR 97132

Rick & Lynne Turpen
3405 Raybell Rd NE
St Paul, OR 97137

Oregon State Of Dept Of Transportation
Right Of Way Section 4040 Fairview Indus
Salem, OR 97302

Oregon State Of Dept Of Transportation
4040 Fairview Industrial Dr SE Ms#2
Salem, OR 97302

Oregon State Of Dept Of Transportation
355 Capitol St NE Rm 420
Salem, OR 97301

Oregon State Of
355 Capitol St NE Rm 420
Salem, OR 97301

Oregon State Of
4040 Fairview Industrial Dr SE Ms#2
Salem, OR 97302

Oregon State Of Dept Of Transportation
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4040 Fairview Industrial Dr SE Ms2
Salem, OR 97302

Oregon State Of Dept Of Transportation
Right Of Way Section 4040 Fairview Indus
Salem, OR 97302

Oregon State Of
4040 Fairview Industrial Dr SE Ms 2
Salem, OR 97302

Donald Stymiest
1208 S Meridian St
Newberg, OR 97132

Larry & Kathleen Iler
906 E 12th St
Newberg, OR 97132

Jose Roberto Juarez
1010 S Columbia St
Newberg, OR 97132

Oregon State Of
4040 Fairview Industrial Dr SE Ms 2
Salem, OR 97302

Oregon State Of
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Salem, OR 97302

Oregon State Of
4040 Fairview Industrial Dr SE Ms 2
Salem, OR 97302

Oregon State Of Dept Of Transportation
Right Of Way Section 4040 Fairview Indus
Salem, OR 97302

Theresa Green
1301 S River St
Newberg, OR 97132

Charles & Carol Boyes
2709 Holiday Ln
Newberg, OR 97132

Oregon State Of
Right Of Way Section 4040 Fairview Indus
Salem, OR 97302

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
1301 NE Wynooski Rd
Newberg, OR 97132

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Newberg City Of
535 NE 5th St
McMinnville, OR 97128

Hardrock Enterprises LLC
21880 SW Farmington Rd
Beaverton, OR 97007

AFTER RECORDING RETURN TO:
City of Newberg
Community Development Department
PO Box 970 – (414 E. First Street)
Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

1) The undersigned, Riverlands Subdivision LLC and _____ (hereinafter referred to as "Owner" or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to Comprehensive Plan, _____ for the real property described in **Exhibit A** which is attached hereto and incorporated herein.

2) Pursuant to the enactment of **Ballot Measure 49** (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.

3) There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.

4) City does not wish to approve the Owner's/Owners' requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner's/Owners' successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City's land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.

5) Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Comprehensive Plan, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owner(s), on behalf of Owner(s), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be estopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2) This waiver and release shall bind the undersigned's heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

3) If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.

4) This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

_____

OWNER

_____

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me on this 24 day of October, 2018, by Marc Willcuts and _____.

_____
Notary Public for Oregon
My Commission expires: 12-17-2021

OFFICIAL STAMP
TERESA GILMORE
NOTARY PUBLIC-OREGON
COMMISSION NO. 969681
MY COMMISSION EXPIRES DECEMBER 17, 2021

CITY OF NEWBERG

_____
Sue Ryan, City Recorder

Dated: _____

APPROVED AS TO FORM:

_____
Truman A. Stone, City Attorney

Dated: _____

Annexation Map FOR:

RIVERLANDS SUBDIVISION LLC

LOCATION: SW 1/4 SEC. 20, T. 3 S., R. 2 W., W.M.,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON

TAX MAP: R2320-2500

DATE: 3 DECEMBER 2018

SITE ADDRESS: 1303 S. RIVER ST.
NEWBERG, OR

BY:
LELAND MACDONALD & ASSOC., LLC
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Expires 31 December 2018

NORTH

SCALE: 1" = 100'

151

13TH STREET

NEWBERG-DUNDEE BYPASS
ODOT
(ELEVATED OVERPASS)

30'

30'

145.00'

TAX LOT 5315

TAX LOT 5316

TAX LOT 5317

TAX LOT 5318

TAX LOT 5319

TAX LOT 5390

STREET

30.00'

N 89°46'54" W 356.85'

326.85'

100.00'

145.00'

Δ=0°07'11"
R=2805.85'
L=5.86'
CH=S 55°56'20" W
5.86'

S 53°33'38" W 271.53' ALONG
CHORD OF SPIRAL OFFSET

TAX LOT 2500
RIVERLANDS SUBDIVISION LLC
INSTRUMENT NO. 201802357

1.56 Ac. ± to River St. R/W
0.22 Ac. ± in River St. R/W
TOTAL ANNEXED AREA 1.78 Ac.±

165.33'

N 00°20'30" W

551.13'

20'

50.00'

S 89°47'27" E 581.13'

SPALDING RAILROAD

30.00'

TAX LOT 2600

RIVER

30'

30'

#8661

EXPIRES 31 DECEMBER 2018

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax : 472-0367

3 December 2018

Description of Real property for: RIVERLANDS SUBDIVISION LLC – Area to be annexed into the City of Newberg, Oregon.

A tract of land located in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said tract being more particularly described as follows:

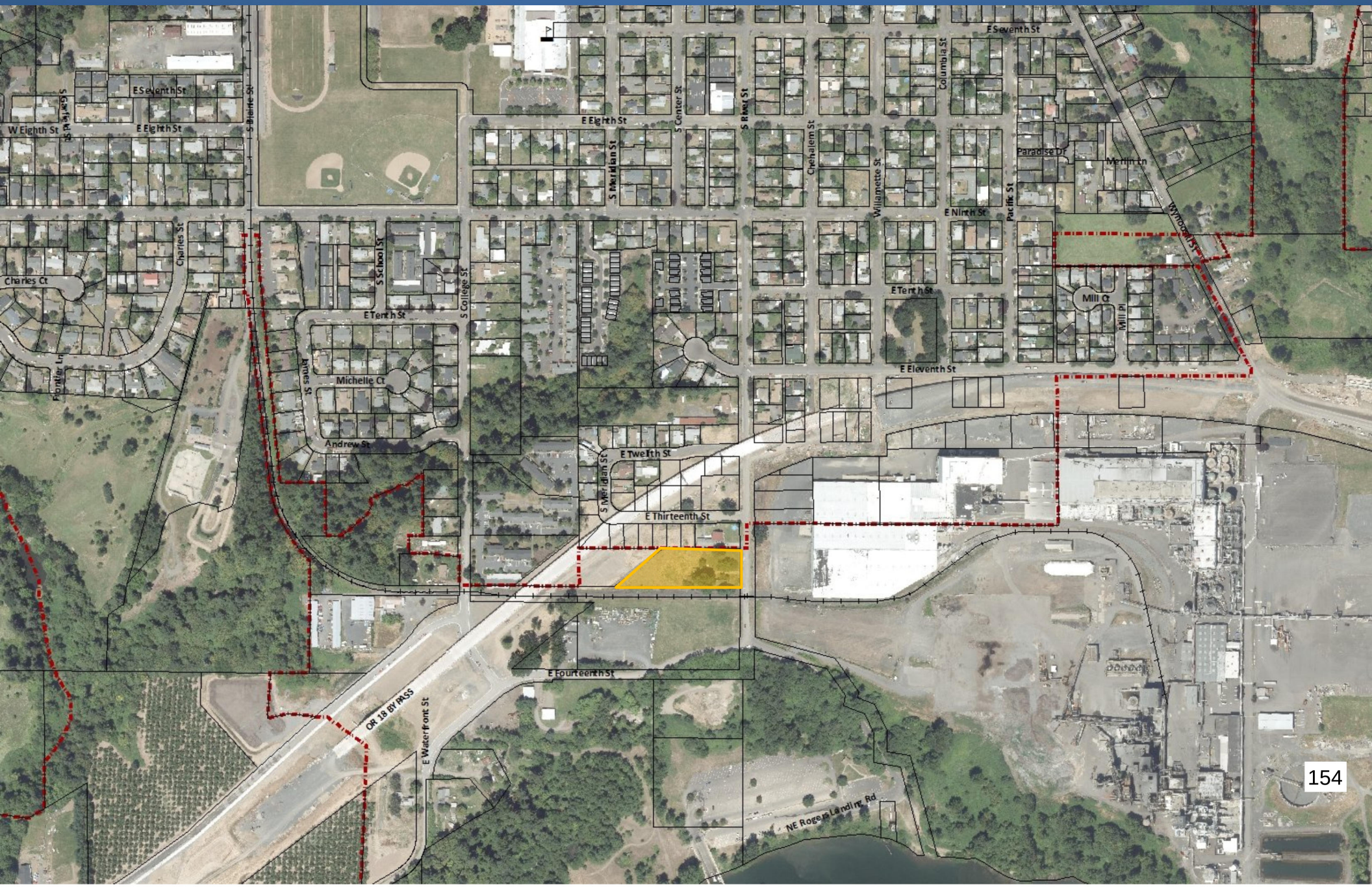
Beginning at a point on the east margin of River Street in the City of Newberg, Oregon at the easterly extension of the south line of that tract of land described in deed from YVETTE SAARINEN to SIGMUND HOLDINGS LLC, recorded on November 22, 2017 in Instrument No. 201718769, Deed Records of Yamhill County, Oregon; thence North 00°20'30" West 165.33 feet, along said east margin to the easterly extension of the north line of said SIGMUND HOLDINGS LLC tract; thence North 89°46'54" West 30.00 feet the northeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence North 89°46'54" West 326.85 feet to a point on the southerly margin of the Newberg-Dundee Bypass at a point that is 145.00 feet distant from, when measured perpendicular to the "L" centerline thereof, said point being the northwest corner of said SIGMUND HOLDINGS, LLC tract and said point also being a point on a non-tangent curve concave to the southeast and having a radius of 2805.85 feet; thence 5.86 feet southwesterly along said margin and said curve, the chord of which bears South 55° 56'20" West 5.86 feet, to the beginning of a 145.00 offset to a 600 foot centerline spiral curve at Engineers Station "L" 516+56.09; thence southwesterly along said margin and said spiral offset, the chord of which bears South 53°33'38" West 271.53 feet, to the southwest corner of said SIGMUND HOLDINGS, LLC tract; thence South 89°47'27" East 551.13 feet to the southeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence South 89°47'27" East 30.00 feet on the easterly extension of the south line of said tract to the POINT OF BEGINNING.

Riverlands Comprehensive Plan Map Amendment

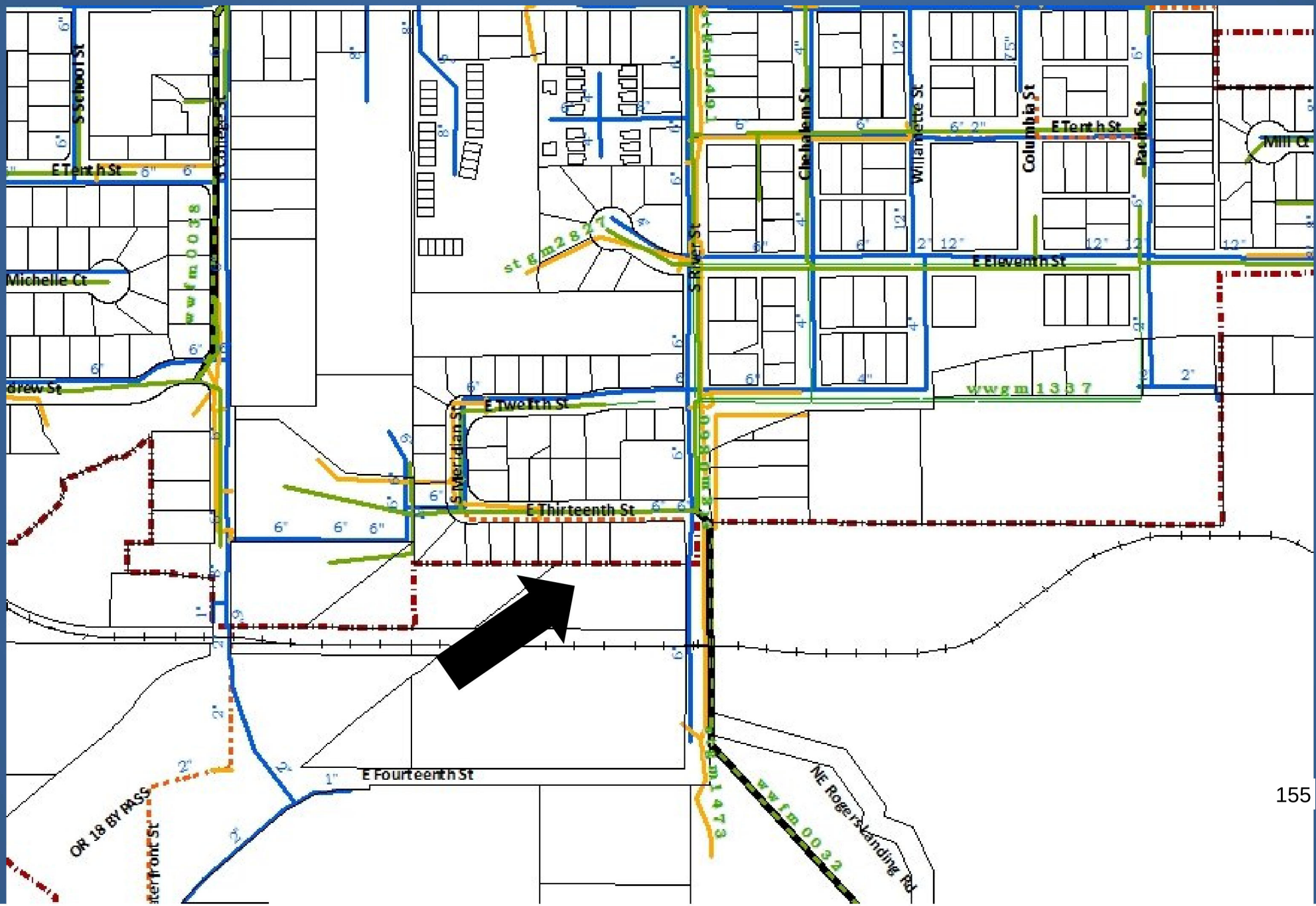
City Council Hearing

January 22, 2019

Location


E Seventh St
W Eighth St
E Eighth St
S Blaine St
S Center St
S River St
Columbia St
Chehalem St
Willamette St
Paradise Dr
Merlin Ln
Pacific St
E Ninth St
Wynooski St
Charles St
Charles Ct
S School St
S College St
E Tenth St
Mill Ct
Mill Pl
E Eleventh St
Frontier Ln
James St
Michelle Ct
Andrew St
S Meridian St
E Twelfth St
E Thirteenth St
E Fourteenth St
OR 18 BY PASS
E Waterfront St
NE Rogers Landing Rd

Utilities


S School St
E Tenth St
Michelle Ct
drew St
S College St
wwfm0038
stgm2827
S River St
Chehalem St
Willamette St
Columbia St
Pacific St
E Tenth St
Mill Ct
E Eleventh St
wwgm1337
E Twelfth St
S Meridian St
E Thirteenth St
E Fourteenth St
OR 18 BY PASS
NE Rogers Landing Rd
wwfm0032

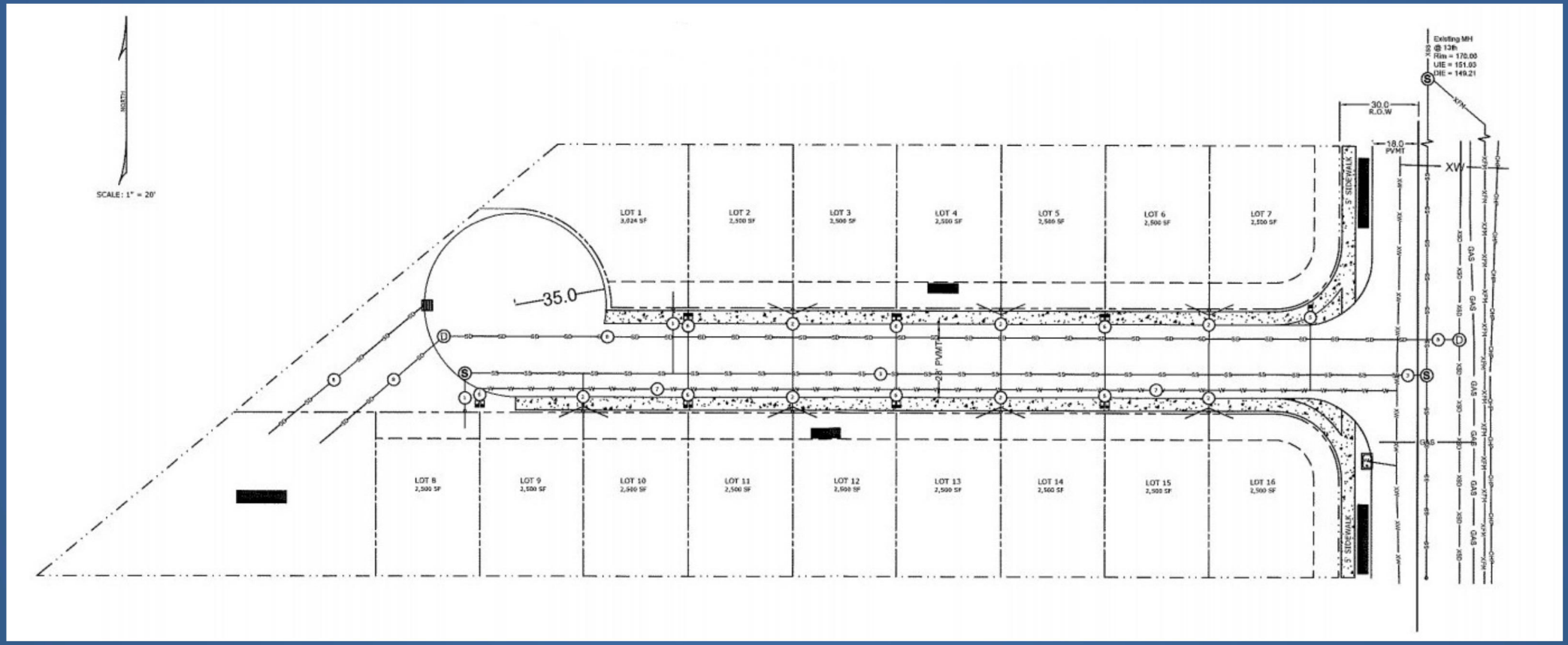
Application Summary

- Request: Amend the Comprehensive Plan Map designation of the property located at 1303 S River Street from Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD).
- Location: 1303 S River Street
- Tax Lot: 3229-02500
- Applicable Criteria: 15.302.030(A)(3)

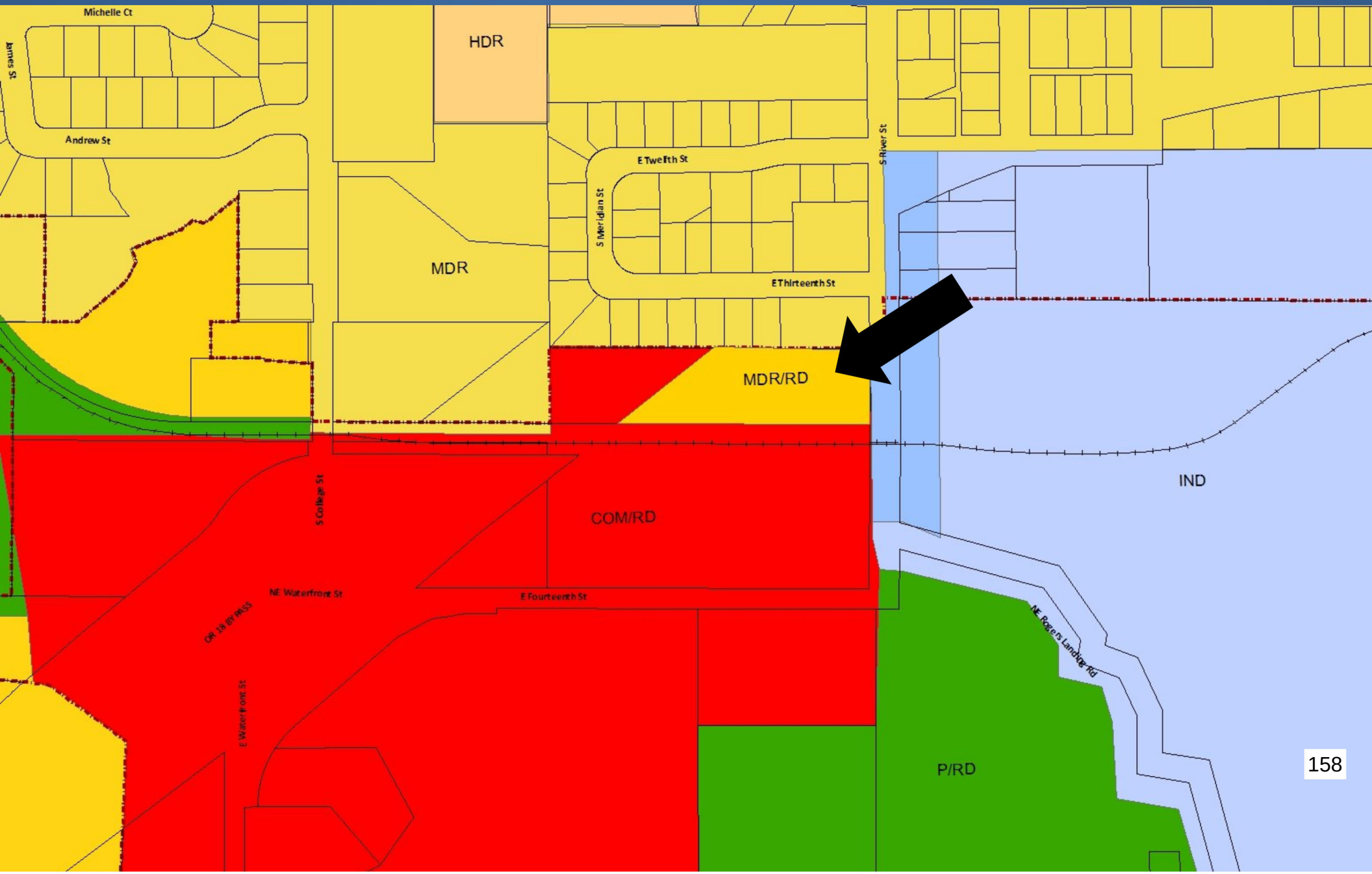
- Concurrent annexation (ANX18-0001), separate review

- No development proposed at this time – further land use required

Conceptual Site Plan



Comprehensive Plan Map



Criteria – NMC 15.302.030(A)(3)

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

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

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

Applicable Comprehensive Plan Goals & Policies

The Economy Policies (summarized)

- Encourage economic expansion consistent with local needs.
- A mixed-use river-oriented commercial area should be encouraged to be developed near the Willamette River.
- Enhance commercial diversity and activity in the Riverfront area by encouraging a business mix that provides goods and services to satisfy neighborhood and visitor needs and draws people from the region.
- Encourage development of the Riverfront as a riveroriented center that supports a variety of local businesses.
- Encourage the development of commercial and retail uses that have a strong reason for locating near the Riverfront and support the vision of a walkable and bikeable mixed-use area.

Finding: Adequate Supply Commercial Land

- Comprehensive Plan (2004) shows small deficit

Newberg Comprehensive Plan, Table V-9 Commercial Land Need and Supply			
Commercial Land Need 2005-2025 (acres)	Commercial Land in UGB (2004)	2025 Surplus (Deficit) (acres)	Commercial Land Need 2026 – 2040 (acres)
111	105	(6)	109

- Applicant analysis shows 1.95 acre surplus
- Based on supply/need from Springbrook (2007)

Applicable Comprehensive Plan Goals & Policies

Housing Policies (summarized)

- To provide for a diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.
- Locate Medium and High Density residential uses with immediate access to collector and minor arterial streets.
- Locate near commercial services and public open spaces
- The City will encourage medium density housing in and adjacent to the commercial core of the Riverfront District and lower intensity residential uses in the western portions of the Riverfront District.

Finding: Need for High Density Residential Land

Comprehensive Plan shows deficit of MDR for 2005-2025

Newberg Comprehensive Plan, Table V-7 Buildable Residential Land Needs vs. Supply				
Plan Designation	Buildable Acres Needed 2005-2025	Buildable Acres in UGB (2004)	Surplus (Deficit) for 2005-2025	Buildable Acres Needed 2026-2040
LDR	612	359	(253)	735
MDR	173	142	(31)	191
HDR	89	13	(76)	83
Total	874	514	(380)	1009

Finding: Need for High Density Residential Land

- Supply and need analysis based on methodology from recent map amendments
- Reflects annexations and building permits issued; 2017 population projections
- Newberg has shortage of MDR land

Plan Designation	Buildable Acres Needed	Buildable Acres Before CPMA	Surplus/Deficit Before CPMA	Surplus/Deficit After CPMA
LDR	292	318.76	26.7	26.7
MDR	129	81.61	(47.4)	(45.8)
HDR	45	1.83	(43.2)	(43.2)
Total	466	402.2	(63.8)	(62.3)

Applicable Comprehensive Plan Goals & Policies

Transportation Policies (summarized)

- Promote multiple modes of transportation
- Encourage neighborhood medium density and mixed use commercial development nodes.

Finding: Adequate Public Facilities

Water, Wastewater, and Storm

- Existing lines in S River Street
- System capacity is available to serve residential units
- Applicant will upgrade if necessary with development

Finding: Adequate Public Facilities

Streets

- S River Street – major collector
- Existing improvements do not meet standard
- Require improvements with development
- Connected to collectors in the neighborhood and Hwy 99W

Finding: Transportation Planning Rule (TPR)

Proposal complies with TPR

- No change functional classification or standards implementing functional classification
- Fewer trips for residential than commercial uses
- Consistent with TSP – major collector
- Does not degrade performance

Findings Summary

- Proposal meets the need for MDR land and is suitable for MDR
- Commercial land not as deficient as MDR
- Proposal complies with Newberg Comprehensive Plan Goals & Policies and Statewide Planning Goals
- Public infrastructure available or can reasonably be made available
- Complies with Oregon Transportation Planning Rule

Recommendation

Adopt Ordinance No. 2019-2842, approving the requested Comprehensive Plan map change from Commercial/Riverfront District (COM/RD) to Medium Density Residential/Riverfront District (MDR/RD).

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 22, 2019

Order No.	Ordinance No. XX 2019-2843	Resolution No.	Motion	Information
___	___	___	___	___

SUBJECT: An Ordinance annexing 1.56 acres of property located at 1303 S River Street, Yamhill County Tax Lot 3229-02500, plus the area of the adjacent right-of-way, into the Newberg city limits, and changing the zoning from Yamhill County AF-10 to Newberg R-2/RD (Riverfront District overlay).	**Contact Person (Preparer) for this Motion: Cheryl Caines, Senior Planner** **Dept.: Community Development** **File No.: ANX18-0001**

HEARING TYPE: ☐ **LEGISLATIVE** ☒ **QUASI-JUDICIAL** ☐ **NOT APPLICABLE**

RECOMMENDATION: Adopt Ordinance No. 2019-2843, annexing 1.56 acres of property located at 1303 S River Street, Yamhill County Tax Lots 3229-2500, plus the area of the adjacent right-of-way, into the City of Newberg, and changing the zoning from Yamhill County AF-10 to Newberg R-2/RD (Riverfront District overlay) as recommended by Planning Commission Resolution No. 2018-347.

EXECUTIVE SUMMARY:

The proposed annexation is one parcel totaling approximately 1.56 acres of property plus the area of the adjacent right-of-way, located at 1303 S River Street. The property is located within the Newberg urban growth boundary. The applicant has concurrently proposed to amend the Newberg Comprehensive Plan designation from COM/RD (Commercial/Riverfront District) to MDR/RD (Medium Density Residential/Riverfront District). The annexation would change the zoning of the property from Yamhill County AF-10 to Newberg R-2/RD (Medium Density Residential) with a Riverfront District overlay. The R-2 zone has a minimum lot size of 3,000 square feet for future residential development. The applicant's concept development plan shows a subdivision for single-family homes. The average lot size is less than the 3,000 square feet, and the applicant states they will seek a planned unit development approval to develop at the conceptual density. The concept development plan is not binding on the applicant, and the annexation does not approve a subdivision or planned unit development for the property; the concept plan only shows how the site could potentially be developed.

Utilities: There are existing public water, storm, and wastewater lines in S River Street. Water and storm are available adjacent to the site. A public wastewater line lies 300 feet north in S River Street and can be extended to serve the proposed annexation site. The site is small (approximately 1.56 acres), and there are no known system capacity issues. Adequate services are or can be made available to serve the site.

Access and Transportation: The site is located along S River Street, which is designated a minor collector in the City of Newberg Transportation System Plan (TSP) Functional Classification Map. S River Street connects to other minor collectors and arterials in the area to carry traffic to and from the site. Street improvements to city standards will be required at the time of development.

The Planning Commission's resolution was sent to Yamhill County to provide an opportunity to comment. No comments have been received from Yamhill County.

State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 preempting Newberg's (and other cities) requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria as outlined in the findings in Exhibit "C" and will not be sent to a public vote. The City Council will make the final local decision on this application for annexation.

FISCAL IMPACT:

No direct fiscal impact to the city, other than the annexation will add 1.56 acres to the city property tax base.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM MARCH 2016):

Not applicable.

ATTACHMENTS:

1. Planning Commission Resolution 2018-347 (with Exhibits "A", "B", and "C" by reference only and attached to Ordinance No. 2019-2843)
2. Aerial Photo
3. Concept Development Plan
4. Comprehensive Plan Map (if CPMA 18-0006 is approved)
5. Agency Comments
6. Application Materials

Ordinance No. 2019-2843 with:

Exhibit "A": Property Map
Exhibit "B": Legal Description
Exhibit "C": Findings

ORDINANCE NO. 2019-2843

AN ORDINANCE ANNEXING 1.56 ACRES OF PROPERTY LOCATED AT 1303 S RIVER STREET, YAMHILL COUNTY TAX LOTS 3229-02500, PLUS THE AREA OF THE ADJACENT RIGHT-OF-WAY, INTO THE NEWBERG CITY LIMITS, AND CHANGING THE ZONING FROM YAMHILL COUNTY AF-10 TO NEWBERG R-2/RD (RIVERFRONT DISTRICT OVERLAY)

RECITALS:

1. Del Boca Vista LLC submitted an application to annex approximately 1.56 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County AF-10 to Newberg R-2/RD. The property is contiguous and located at 1303 S River Street, Yamhill County tax lot 3229-02500.

2. The property has a Comprehensive Plan designation of COM/RD (Commercial/Riverfront District). The applicant has concurrently requested a Comprehensive Plan Map Amendment to MDR/RD (Medium Density Residential/Riverfront District), which corresponds with the R-2/RD zone.

3. The property is located within the Newberg urban growth boundary and is adjacent to the Newberg city limits. Adequate public services and utilities are or can be made available to serve the property within three years.

4. The Newberg Planning Commission held a hearing on December 13, 2018 to consider the application. The Commission considered testimony, closed public testimony, and deliberated. The Planning Commission voted to approve Resolution 2017-347 recommending that the City Council approve the annexation request and concurrent zone change.

5. State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.

6. After proper notice, including posting in the *Newberg Graphic* on January 2, 2019 and January 9, 2019, the Newberg City Council held a hearing on January 22, 2019 to consider the proposed annexation and concurrent zone change. After the staff report and public testimony the City Council finds the proposal has met the required criteria for annexation.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The property shown in Exhibit "A" and described in Exhibit "B" is hereby annexed into the Newberg

city limits, and the zoning of the property is changed from Yamhill County AF-10 to Newberg R-2/RD (Riverside District overlay). Exhibits "A" and "B" are hereby adopted and by this reference incorporated.

2. This decision is based on the findings shown in Exhibit "C" and the findings that the property meets ORS 222.111 criteria as set forth in Recital #5 above. Exhibit "C" is hereby adopted and by this reference incorporated.

- **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: February 21, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of January, 2019, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

_____
Sue Ryan, City Recorder

ATTEST by the Mayor this 24th day of January, 2019.

_____
Rick Rogers, Mayor

Exhibit "A" to Ordinance No. 2019-2843
Property Map – Riverlands Annexation

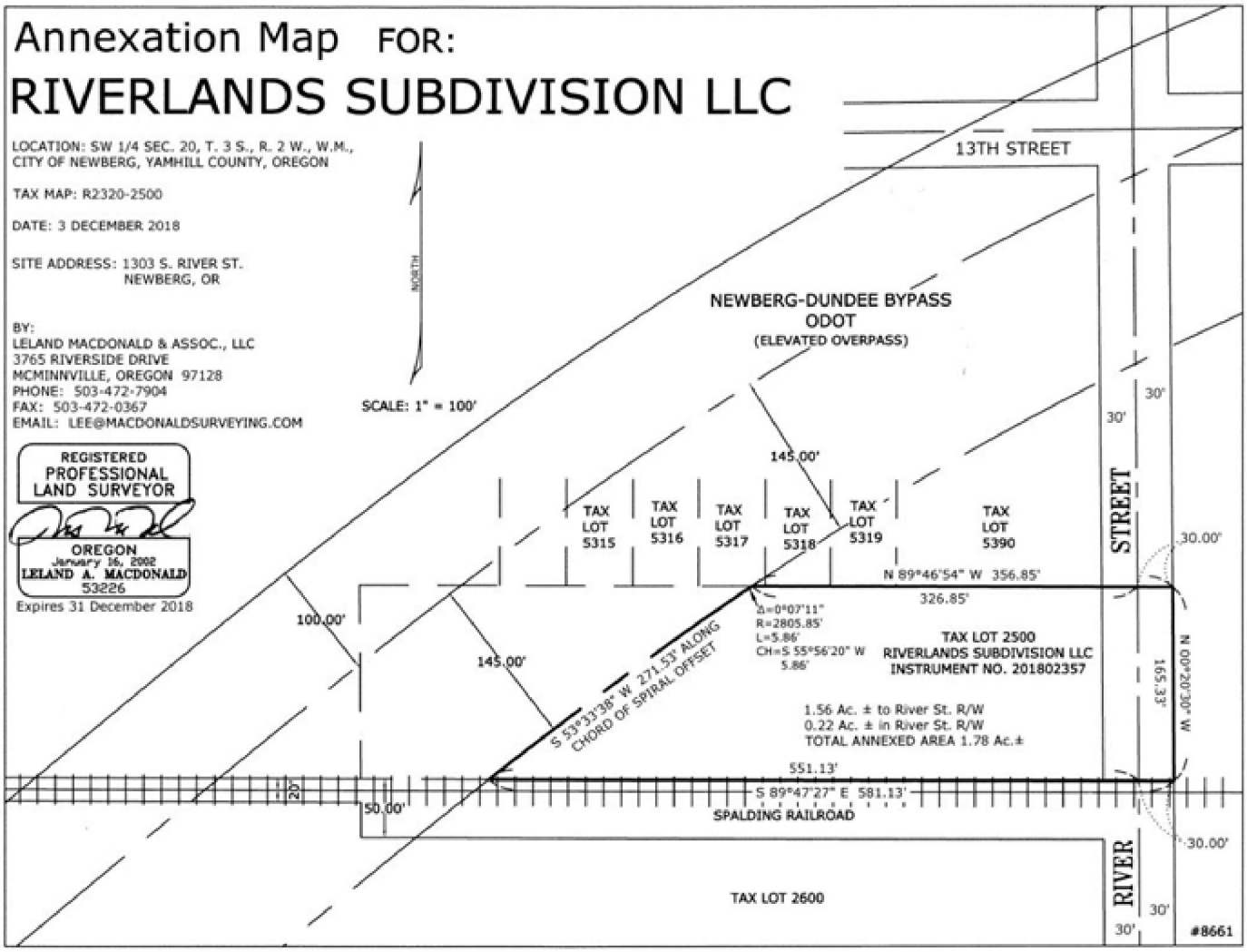


Exhibit "B" to Ordinance No. 2019-2843
Legal Description – Riverlands Annexation

EXPIRES 31 DECEMBER 2018

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax : 472-0367

3 December 2018

Description of Real property for: RIVERLANDS SUBDIVISION LLC – Area to be annexed into the City of Newberg, Oregon.

A tract of land located in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said tract being more particularly described as follows:

Beginning at a point on the east margin of River Street in the City of Newberg, Oregon at the easterly extension of the south line of that tract of land described in deed from YVETTE SAARINEN to SIGMUND HOLDINGS LLC, recorded on November 22, 2017 in Instrument No. 201718769, Deed Records of Yamhill County, Oregon; thence North 00°20'30" West 165.33 feet, along said east margin to the easterly extension of the north line of said SIGMUND HOLDINGS LLC tract; thence North 89°46'54" West 30.00 feet the northeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence North 89°46'54" West 326.85 feet to a point on the southerly margin of the Newberg-Dundee Bypass at a point that is 145.00 feet distant from, when measured perpendicular to the "L" centerline thereof, said point being the northwest corner of said SIGMUND HOLDINGS, LLC tract and said point also being a point on a non-tangent curve concave to the southeast and having a radius of 2805.85 feet; thence 5.86 feet southwesterly along said margin and said curve, the chord of which bears South 55° 56'20" West 5.86 feet, to the beginning of a 145.00 offset to a 600 foot centerline spiral curve at Engineers Station "L" 516+56.09; thence southwesterly along said margin and said spiral offset, the chord of which bears South 53°33'38" West 271.53 feet, to the southwest corner of said SIGMUND HOLDINGS, LLC tract; thence South 89°47'27" East 551.13 feet to the southeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence South 89°47'27" East 30.00 feet on the easterly extension of the south line of said tract to the POINT OF BEGINNING.

Page 1 of 1

Exhibit "C" to City Council Ordinance No. 2019-2843
Findings –File ANX18-001 – Riverlands

A. 15.250.020 Conditions for annexation.

The following conditions must be met prior to or concurrent with city processing of any annexation request:

A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.

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

Finding: The property, located at 1303 S River Street, is located within the Newberg urban growth boundary and is contiguous to the Newberg city limits along the northern border. The legal description of the area to be annexed includes the adjacent S River Street right-of-way, which provides for future continuity of the city limits. This criterion is met.

15.250.030 Quasi-judicial annexation criteria.

The following criteria shall apply to all annexation requests:

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

Finding: The property has a comprehensive plan map designation of COM/RD (Commercial/Riverfront District). Section **15.250.080** of the Newberg Development Code (pasted in below) says that the comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed annexation request complies with the Newberg comprehensive plan. It also states that a re-designation may be requested concurrent with annexation. The applicant has concurrently requested a Comprehensive Plan Map Amendment to MDR/RD (Medium Density Residential/Riverfront District). The applicant has requested R-2/RD zoning for the property upon annexation, and intends to develop it with single family homes at R-2 densities. The annexation request complies with the requested MDR/RD (Medium Density Residential/Riverfront District) comprehensive plan map designation for the property and therefore complies with the comprehensive plan.

15.250.080 Comprehensive plan and zoning designations.

A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.

B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of NMC 15.302.030 shall not be required.

Comprehensive Plan Classification	*Appropriate Zoning Classification*
OS	*Any zoning classification*
LDR	*R-1*
MDR	*R-2, R-4*
HDR	*R-3, R-4*
COM	*C-1, C-2, or C-3 as determined by the director*
MIX	*C-2, M-1, or M-2 as determined by the director*
IND	*M-1, M-2, M-3, M-4, or AI*
PQ	*Any zoning classification*
P	*CF*

Finding: The proposed use for the site is residential development in the R-2/RD zone. The R-2/RD zone is the zoning classification that implements the MDR/RD comprehensive plan classification. The proposed use for the site therefore complies with the Newberg comprehensive plan and the designation on the comprehensive plan map. Criterion A is therefore met.

> ***1. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multifamily housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.***
>
> ***For the purposes of this policy, "large" is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. "Some" is defined as 10 percent of the net size of the application***

Finding: The property to be annexed is 1.56 acres, which is not considered a large parcel (15 acres). Therefore, this criterion does not apply.

> ***B. An adequate level of urban services must be available, or made available, within three years' time of annexation, except as noted in subsection (E) of this section. An adequate level of urban services shall be defined as:***
>
> ***1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.***

Finding: As shown in the applicant's Exhibit E, there is an existing 12-inch wastewater line and 6-inch water line in S River Street adjacent to the property. The applicant will need to extend the public storm line to serve the site. All lines (existing and proposed) are adequate to serve future development of the

site. Following annexation the applicant will request approval and show that all utility requirements are satisfied prior to development of the site within the three year time period.

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

Finding: S River Street is a classified as a Major Collector street in the Newberg Transportation System Plan. This classification of street is designed to carry heavier volumes of traffic. As shown in the applicant's Exhibit E (Future Development Concept Plan), right-of-way dedication and street improvements will be completed with future development of the site consistent with Major Collector standards. The applicant provided a development concept statement that identifies the future use as detached single-family dwellings. Design capacity of S River Street is adequate for the proposed residential use.

Criterion B is therefore met because an adequate level of urban services will be made available within three years of annexation.

Transportation Planning Rule: Annexation of the property complies with the State Transportation Planning Rule (TPR) (OAR 660-012-0060) because it meets the requirements for an amendment to a zoning map that does not significantly affect an existing or planned transportation facility as permitted by Subsection (9) of the TPR. Residential uses typically found in R-2/RD zoning generate less trips than typical commercial uses in C-4/RD zoning. The proposed zoning of R- 2/RD will be consistent with the proposed comprehensive plan map designation of MDR/RD, if approved. The City of Newberg has an acknowledged TSP which included this site as planned future urbanizable land within the urban growth boundary.

OAR 660-012-0060(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.

(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;

(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

[Subsection (1) of OAR 660-012-0060]

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

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

Finding: The city sends the application information out to the Police Department, TVF&R, Chehalem Parks and Recreation District (CPRD), and the Newberg School District, among other agencies, for comments prior to the staff report. The School District did not provide comment. The Police Dept. commented "Reviewed, no conflict" but did express concerns about increased population and existing staffing levels. TVF&R submitted comments related to the design of the future subdivision, but did not indicate any concerns about their capacity to serve the annexation area.

There are no comments to suggest that city services could not support the addition of the 1.56 acres of property to the city limits, and the site is within Newberg's urban growth boundary. Future development of the site helps fund city services because System Development Charges or permit fees fund services such as the School District and CPRD. It should be noted that the City of Newberg does not do future planning for the Parks District or the School District; however, the city coordinates with those agencies on a regular basis in regards to future planning efforts. This type of coordination is typically done at the time of annexation and urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

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

Finding: The applicant submitted adequate information to allow the city to make findings to the applicable criteria.

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

Finding: This criterion is not applicable because adequate urban services are found to be available within the three year time frame.

B. **Conclusion:** Based on the above-mentioned findings, the application meets the criteria of the Newberg Development Code.

PLANNING COMMISSION RESOLUTION 2018-347

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF APPROXIMATELY 1.56 ACRES OF PROPERTY, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE CITY OF NEWBERG AND CHANGE THE ZONING FROM YAMHILL COUNTY AF-10 TO NEWBERG R-2/RD (RIVERFRONT DISTRICT) FOR ONE PROPERTY LOCATED AT 1303 S RIVER STREET, YAMHILL COUNTY TAX LOT 3229-02500.

RECITALS

1. Del Boca Vista LLC submitted an application to annex approximately 1.56 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County AF-10 to Newberg R-2/RD. The property is contiguous and located at 1303 S River Street, Yamhill County tax lot 3229-02500.

2. The property has a Comprehensive Plan designation of COM/RD (Commercial/Riverfront District). The applicant has concurrently requested a Comprehensive Plan Map Amendment to MDR/RD (Medium Density Residential/Riverfront District), which corresponds with the R-2/RD zone.

3. After proper notice, the Newberg Planning Commission held a hearing on December 13, 2018 to consider the application. The Commission considered testimony, and deliberated.

4. The Newberg Planning Commission finds that the application meets the applicable Newberg Development Code criteria as shown in the findings in Exhibit "C".

5. State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to ORS 222.111 that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. This property meets those criteria.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission recommends that the City Council annex the property shown in Exhibit "A" and described in Exhibit "B", along with a zone change to R -2 with Riverfront District overlay, and withdraw the property from the Newberg Rural Fire Protection District. Exhibits "A" and "B" are hereby adopted and by this reference incorporated.

2. This recommendation is based on the findings shown in Exhibit "C" and the findings that the property meets ORS 222.111 criteria as set forth in Recital No. 5 above. Exhibit "C" is hereby adopted and by this reference incorporated.

Adopted by the Newberg Planning Commission this 13th day of December, 2018.

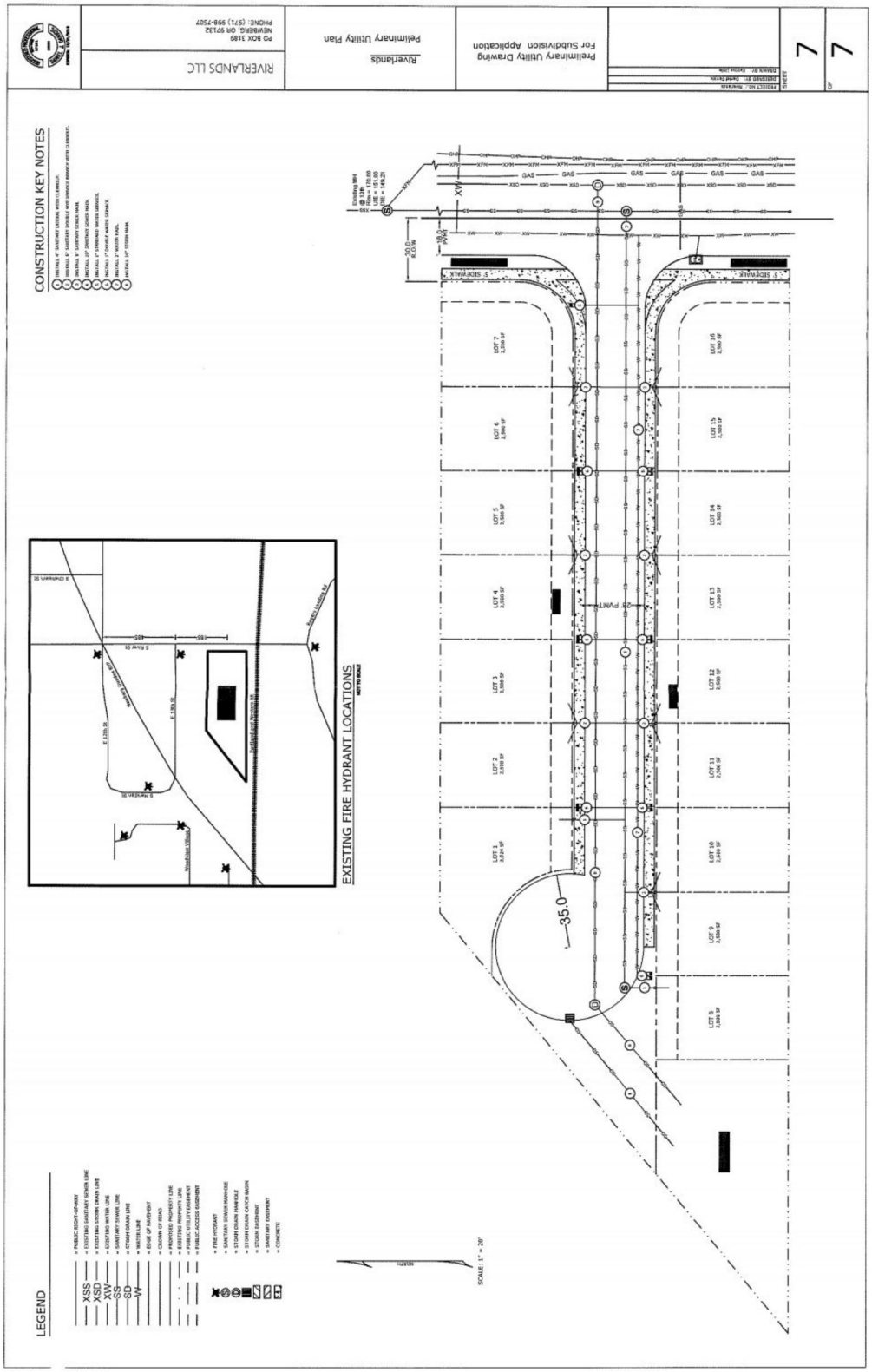
Planning Commission Chair

ATTEST:

Planning Commission Secretary

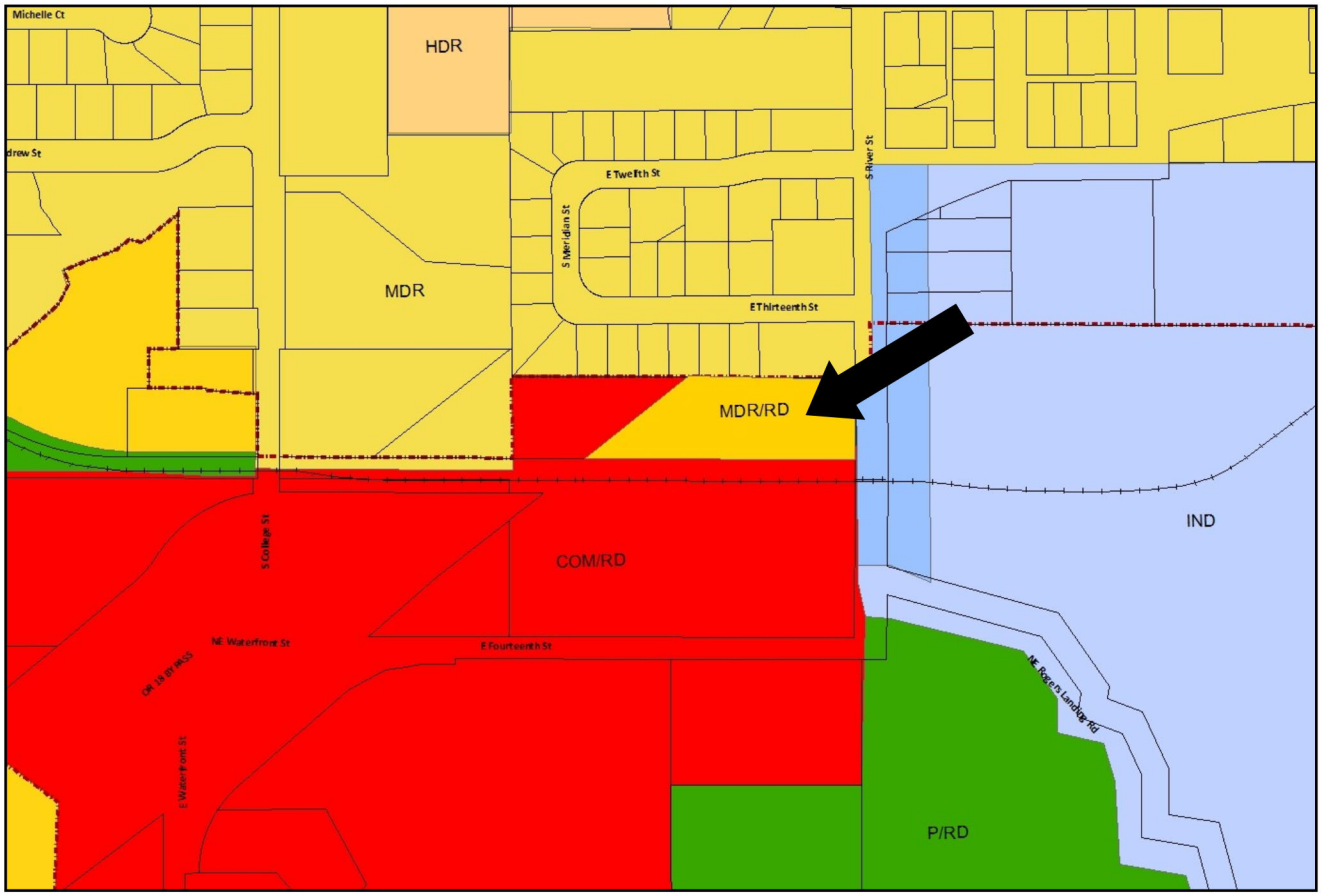
Attachment 2: Aerial Photo

Attachment 3: Concept Development Plan



Attachment 4: Comprehensive Plan Map

(If CPMA18-0006 is approved)



Attachment 5: Agency Comments

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

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

Community Development Department - Planning Division

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

REFERRAL TO: Police Deparment, Brian Casey

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to November 13, 2018. Please refer questions and comments to Cheryl Caines.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Del Boca Vista LLC

REQUEST: Riverlands Subdivision LLC, proposes an Annexation of the 1.56 acre property

SITE ADDRESS: 1303 NE River St

LOCATION: Riverlands

TAX LOT: R3229 02500

FILE NO: ANX18-0001

ZONE:

HEARING DATE: 12/13/2018

X Reviewed; no conflict.
____ Reviewed; recommend denial for the following reasons:
____ Require additional information to review. (Please list information required)
____ Meeting requested.
X Comments. (Attach additional pages as needed)

Reviewed By: 11-05-2018 Date:

City of Newberg-Dundee
Police Department
401 E. Third St.
Newberg, OR 97132
(503)538-8321
Brian Casey

Chief of Police

November 5, 2018

Newberg Planning & Building Department
414 E. First Street
Newberg, Oregon 97132

Re: Riverlands Subdivision

Doug Rux,

The Newberg-Dundee Police Department is increasingly concerned with the continued and projected growth in our community to include traffic, structures and population. Each of those three elements adds to our patrol, traffic enforcement and investigation responsibilities, however, we have not seen adequate growth within the police department to accommodate those increases.

The police department is not opposed to growth and community development as we understand it is vital to support the City infrastructure. However, I am concerned that the quality of our community and livability will begin to regress if the police department staffing does not increase to accommodate the pending growth.

Thank you,

Brian Casey, Chief of Police
Newberg-Dundee Police Department

Cheryl Caines

From: MARTIN Carrie A <Carrie.A.MARTIN@odot.state.or.us>
Sent: Thursday, November 15, 2018 6:49 AM
To: Cheryl Caines
Cc: 'bert.collins@westrock.com'; 'Jon Rolufs'
Subject: ANX18-0001 Riverlands Subdivision 1301 NE River St - Newberg
Attachments: 201811150612.pdf

Hello Cheryl,
I just got back from vacation and saw this development review packet sitting on my desk. After our discussion a few weeks ago about the development a block or two from this I would hope the City had already thought of the same kind of scenario as the Riverrun development. Our comments are going to be the same for this development.

Adding an additional 16 houses to this area will increase the AADT adding to the overall threshold we spoke about last month. We should talk further because after a fair number of houses is built increasing the AADT, a passive crossing (stop or yield crossing) is normally altered/upgraded to a signalized crossing. There are only 2 ways out of this area and both go to rail crossings. Unless the railroad and SP are officially abandoning the rail line thru official abandonment process with the rail crossing being removed thru a rail order, all rail crossings need to be treated as active crossings. I have spoken to a representative from the railroad and they said "We do not intend to abandon the rail road tracks, nor remove the tracks." Let's have a discussion about the rail crossings near the mill at River Rd and College St. If the parties (railroad and City/County) would like to hold a diagnostic meeting for both crossings I think that would be a good idea. This way everyone might have a better idea what may or may not be needed for any future improvements of both rail crossings. Someone from Yamhill County who has signature authority for rail orders needs to be present if we have a diagnostic meeting for River Rd since the rail order says the County is the road authority.

As for ADT thresholds, I know that 450 houses definitely hit the threshold for upgrading the crossings to lights and gates in a recent development we worked on. But the link https://safety.fhwa.dot.gov/hsip/xings/ should give the City/developer a better idea for thresholds. See the Railroad-Highway Grade Crossing Handbook pdf half way down the page. I was looking in the Railroad-Highway Grade Crossing Handbook for the threshold levels and I believe page 148 and 149 should be reviewed, and also specifically page 149 section 4.b.iv regarding AADT. "Annual average daily traffic (AADT) exceeds 2,000 in urban areas or 500 in rural areas."
Without holding a diagnostic meeting this is the best information I can give at this time.

As for the utilities a permit will be needed from the railroad to do this work. I'm cc'ing our previous utility liaison who has moved onto a new position. We currently have a vacant state rail liaison vacancy.

Thank you,

Carrie Martin
ODOT Rail and Public Transit Division
Crossing Compliance Specialist
503-986-6801

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

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

Community Development Department - Planning Division

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

REFERRAL TO: TVFR , Deputy Fire Marshall, ty Darby

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to ~~November 13, 2018.~~ Please refer questions and comments to Cheryl Caines.

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Del Boca Vista LLC

REQUEST: Riverlands Subdivision LLC, proposes an Annexation of the 1.56 acre property

SITE ADDRESS: 1303 NE River St

LOCATION: Riverlands

TAX LOT: R3229 02500

FILE NO: ANX18-0001

ZONE:

RECEIVED
NOV 20 2018
Initial:

HEARING DATE: 12/13/2018

_____ Reviewed; no conflict.

_____ Reviewed; recommend denial for the following reasons:

_____ Require additional information to review. (Please list information required)

_____ Meeting requested.

__X__ Comments. (Attach additional pages as needed)

OSCS

Reviewed By:

11/16/18

Date:

Tualatin Valley Fire & Rescue

www.tvfr.com

November 16, 2018

RECEIVED
NOV 20 2018
Initial:

City of Newberg
Cheryl Caines
414 E. First St.
Newberg, OR 97132

Re: ANX18-0001, 1303 NE River St., Newberg, OR 97132
Tax Lot I.D: R3229 02500

Dear Cheryl,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. There may be more or less requirements needed based upon the final project design, however, Tualatin Valley Fire & Rescue will endorse this proposal predicated on the following criteria and conditions of approval.

FIRE APPARATUS ACCESS:

1. **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDINGS AND FACILITIES:** Access roads shall be within 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building or facility. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (OFC 503.1.1)

2. **DEAD END ROADS AND TURNAROUNDS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams can be found in the corresponding guide. http://www.tvfr.com/DocumentCenter/View/1438 (OFC 503.2.5 & D103.1)

3. **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed driving surface width of not less than 20 feet (26 feet adjacent to fire hydrants (OFC D103.1)) and an unobstructed vertical clearance of not less than 13 feet 6 inches. (OFC 503.2.1)

4. **NO PARKING SIGNS:** Where fire apparatus roadways are not of sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "No Parking" signs shall be installed on one or both sides of the roadway and in turnarounds as needed. Signs shall read "NO PARKING - FIRE LANE" and shall be installed with a clear space above grade level of 7 feet. Signs shall be 12 inches wide by 18 inches high and shall have red letters on a white reflective background. (OFC D103.6)

5. **NO PARKING:** Parking on emergency access roads shall be as follows (OFC D103.6.1-2):
   1. 20-26 feet road width – no parking on either side of roadway
   2. 26-32 feet road width – parking is allowed on one side
   3. Greater than 32 feet road width – parking is not restricted

6. **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted red (or as approved) and marked "NO PARKING FIRE LANE" at 25 foot intervals. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red background (or as approved). (OFC 503.3)

7. **FIRE APPARATUS ACCESS ROADS WITH FIRE HYDRANTS:** Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet and shall extend 20 feet before and after the point of the hydrant. (OFC D103.1)

8. **TURNING RADIUS:** The inside turning radius and outside turning radius shall not be less than 28 feet and 48 feet respectively, measured from the same center point. (OFC 503.2.4 & D103.3)

9. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%.

10. **ANGLE OF APPROACH/GRADE FOR TURNAROUNDS:** Turnarounds shall be as flat as possible and have a maximum of 5% grade with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)

11. **ANGLE OF APPROACH/GRADE FOR INTERSECTIONS:** Intersections shall be level (maximum 5%) with the exception of crowning for water run-off. (OFC 503.2.7 & D103.2)

12. **ACCESS DURING CONSTRUCTION:** Approved fire apparatus access roadways shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. Temporary address signage shall also be provided during construction. (OFC 3309 and 3310.1)

13. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1). Traffic calming measures linked here: http://www.tvfr.com/DocumentCenter/View/1578

FIREFIGHTING WATER SUPPLIES:

14. **FIREFIGHTING WATER SUPPLY FOR INDIVIDUAL ONE- AND TWO-FAMILY DWELLINGS:** The minimum available fire flow for one and two-family dwellings served by a municipal water supply shall be 1,000 gallons per minute. If the structure(s) is (are) 3,600 square feet or larger, the required fire flow shall be determined according to OFC Appendix B. (OFC B105.2)

15. **FIRE FLOW WATER AVAILABILITY:** Applicants shall provide documentation of a fire hydrant flow test or flow test modeling of water availability from the local water purveyor if the project includes a new structure or increase in the floor area of an existing structure. Tests shall be conducted from a fire hydrant within 400 feet for commercial projects, or 600 feet for residential development. Flow tests will be accepted if they were performed within 5 years as long as no adverse modifications have been made to the supply system. Water availability information may not be required to be submitted for every project. (OFC Appendix B)

16. **WATER SUPPLY DURING CONSTRUCTION IN MUNICIPAL AREAS:** In areas with fixed and reliable water supply, approved firefighting water supplies shall be installed and operational prior to any combustible construction or storage of combustible materials on the site. (OFC 3312.1)

FIRE HYDRANTS:

17. **FIRE HYDRANTS – ONE- AND TWO-FAMILY DWELLINGS & ACCESSORY STRUCTURES:** Where the most remote portion of a structure is more than 600 feet from a hydrant on a fire apparatus access road, as measured in an approved route around the exterior of the structure(s), on-site fire hydrants and mains shall be provided. (OFC 507.5.1)

18. **FIRE HYDRANT NUMBER AND DISTRIBUTION:** The minimum number and distribution of fire hydrants available to a building shall not be less than that listed in Table C 105.1. (OFC Appendix C)

19. **FIRE HYDRANT(S) PLACEMENT:** (OFC C104)
    - Existing hydrants in the area may be used to meet the required number of hydrants as approved. Hydrants that are up to 600 feet away from the nearest point of a subject building that is protected with fire sprinklers may contribute to the required number of hydrants. (OFC 507.5.1)
    - Hydrants that are separated from the subject building by railroad tracks shall not contribute to the required number of hydrants unless approved by the Fire Marshal.
    - Hydrants that are separated from the subject building by divided highways or freeways shall not contribute to the required number of hydrants. Heavily traveled collector streets may be considered when approved by the Fire Marshal.
    - Hydrants that are accessible only by a bridge shall be acceptable to contribute to the required number of hydrants only if approved by the Fire Marshal.

20. **FIRE HYDRANT DISTANCE FROM AN ACCESS ROAD:** Fire hydrants shall be located not more than 15 feet from an approved fire apparatus access roadway unless approved by the Fire Marshal. (OFC C102.1)

21. **REFLECTIVE HYDRANT MARKERS:** Fire hydrant locations shall be identified by the installation of blue reflective markers. They shall be located adjacent and to the side of the center line of the access roadway that the fire hydrant is located on. In the case that there is no center line, then assume a center line and place the reflectors accordingly. (OFC 507)

22. **PHYSICAL PROTECTION:** Where fire hydrants are subject to impact by a motor vehicle, guard posts, bollards or other approved means of protection shall be provided. (OFC 507.5.6 & OFC 312)

23. **CLEAR SPACE AROUND FIRE HYDRANTS:** A 3-foot clear space shall be provided around the circumference of fire hydrants. (OFC 507.5.5)

BUILDING ACCESS AND FIRE SERVICE FEATURES

24. **PREMISES IDENTIFICATION:** New and existing buildings shall have approved address numbers; building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property, including monument signs. These numbers shall contrast with their background. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 1/2 inch. (OFC 505.1)
    Provide a physical address on the new home, as well as, near the intersection of the private drive and public road visible from both approaches of [enter road intersections here]

If you have questions or would like to discuss any alternate methods and/or materials, please feel free to contact me at **(503)849-7516.**

Sincerely,

Ty Darby

Ty Darby
Deputy Fire Marshal II

Email

Cc: file

Attachment 6: Application Materials

DEL BOCA VISTA
A LIMITED LIABILITY COMPANY

Riverlands

Annexation

1303 NE River St. Newberg, OR 97132 (R3229/02500)

September 25, 2018

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EXHIBITS

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C	Proof of Ownership
D	Map and Legal Description
E	Future Development Concept Plan
F	Future Development Concept Statement
G	Postive and Negative Effects Statement
H	Public Facilities Financing Statement
I	Annexation Consent Forms
J	Measure 49 Waiver
K	Draft Public Notice
L	Property Owner Information (500' Radius)

SUBJECT PROPERTY & PROJECT SUMMARY

Property Ownership	
Property Owner/Applicant	Riverlands Subdivision LLC 500 E Hancock St. Newberg, OR 97132
Applicant	Del Boca Vista LLC 500 E Hancock St. Newberg, OR 97132
Tax Assessment Details	
Tax Map & Tax Lot	R3229/02500
Address	1303 NE River St. Newberg, OR 97132
Subject Property Size	1.56-ac
Political Boundaries	
County	Yamhill
Urban Growth Boundary (Newberg)	Inside
City Limits (Newberg)	Adjacent (to the north)
Planning Designations (Existing)	
Zoning Designation (Yamhill)	AF-10 (Agricultural/Forestry Small Holding)
Comprehensive Plan Desination (Yamhill)	VLDR (Very Low Density Residential)
Comprehensive Plan Desination (Newberg)	COM/RD (Commercial/Riverfront District)
Planning Designations (Proposed)	
Zoning Designation	R-2 (Medium Density Residential)
Comprehensive Plan Desination	MDR/RD (Medium Density Residential/Riverfront District) *Note: Concurrent Comprehensive Plan Amendment Application*
Environmental Findings	
Stream Corridor	No
Flood Plain (FEMA 100 yr.)	No
Service Providers	
Fire Protection	Tualatin Valley Fire & Rescue
School District	Newberg School District
Sewer	City of Newberg
Water	City of Newberg
Stormwater	City of Newberg
Sanitary Hauler	Waste Management
Park & Recreation District	Chehalem Park and Recreation District
Proposal	
Proposal	Annexation, R-2 Zoning Designation
Concurrent Proposal	Comprehensive Plan Amendment to MDR/RD
Future Development	Single-Family Detached Dwellings

PROJECT DESCRIPTION

INTRODUCTION

The owner of the subject property, Riverlands Subdivision LLC, proposes an Annexation of the 1.56-acre subject property. The subject property is located at 1303 NE River St. Newberg, OR 97132 (R3229/02500), to the south and east of the Newberg-Dundee Bypass, west of S. River St. and north of E. 14th St. in Yamhill County. The subject property is located inside the City of Newberg Urban Growth Boundary. The existing City of Newberg city limits are adjacent to the subject property to the north.

The property has an existing Comprehensive Plan designation of Commercial/Riverfront District (COM/RD). Concurrent to this Application, the owner of the subject property is requesting a Comprehensive Plan Amendment to change the subject property's Comprehensive Plan designation to Medium Density Residential/Riverfront District (MDR/RD).

This Application requests the subject property be zoned R-2 upon annexation. As per *Section 15.250.080.B.* of the Newberg *Community Development Code*, the proposed R-2 zoning designation matches the concurrently requested MDR/RD Comprehensive Plan designation.

According to the most recent analysis completed as part of the "Martell Commons" Comprehensive Plan Map and Zone Map Amendment (Case File No. CPA-15-001/ZMA3-15-001), and as updated by the 501 & 507 E. Illinois Street Comprehensive Plan Map and Zone Map Amendment (Case File No. CPMA18-0005/ZMA18-0002), the city has a deficit of 47.4-acres of MDR land to meet 2032 housing needs. Annexation of the subject property will provide additional residential development opportunities to meet future housing demands.

State law changed with the passage and adoption of Oregon Senate Bill 1573, which added language to *ORS 222.111* preempting Newberg's (and other cities) requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. The proposed Annexation's compliance with these standards is further addressed via this narrative and supporting documentation.

EXISTING CONDITIONS

The subject property slopes from east to west at less than 1%. There are no significant natural resources identified on the subject property. There is an existing single-family detached dwelling and associated structures on the subject property, which will be removed prior to future development. Existing vegetation on the subject property is a mixture of trees and groundcover associated with the existing single-family detached dwelling.

Figure 1: Subject Property Aerial

The subject property currently has a County zoning designation of AF-10 (Agricultural/Forestry Small Holding), and a County Comprehensive Plan Designation of VLDR (Very Low Density Residential). The City's Comprehensive Plan Map identifies the subject property as having a Comprehensive Plan designation of Commercial/Riverfront District (COM/RD).

As depicted by *Figure 1: Subject Property Aerial*, the Portland & Western Railroad is located directly to the south of the subject property, thus creating a natural transition point for the residential to commercial/mixed use areas of the Riverfront District directly to the South. The Property Owner is requesting a Comprehensive Plan Amendment concurrent to this proposed Annexation Application, to change the Commercial/Riverfront designation to Medium Density Residential/Riverfront, which is a more appropriate designation due to existing development patterns in the vicinity of the subject property. This Application requests that R-2 zoning be applied to the property upon annexation.

The proposed zoning will allow the site to be developed with attached or detached single-family homes in the future, consistent with adjacent zoning to the north of the subject property. Current regulations would allow the approximately 1.56-acre subject property to be developed at roughly 9 lots per acre, resulting in a potential target density of 14 dwellings on the subject property. As depicted by the Future Development Concept Plan provided as Exhibit E, future development of the subject property may provide 16 dwelling units as permitted by the density flexibility awarded to Planned Unit Development by *Section 15.240.20.F.* of the City's *Community Development Code.*

Figure 2: City of Newberg Zoning Map

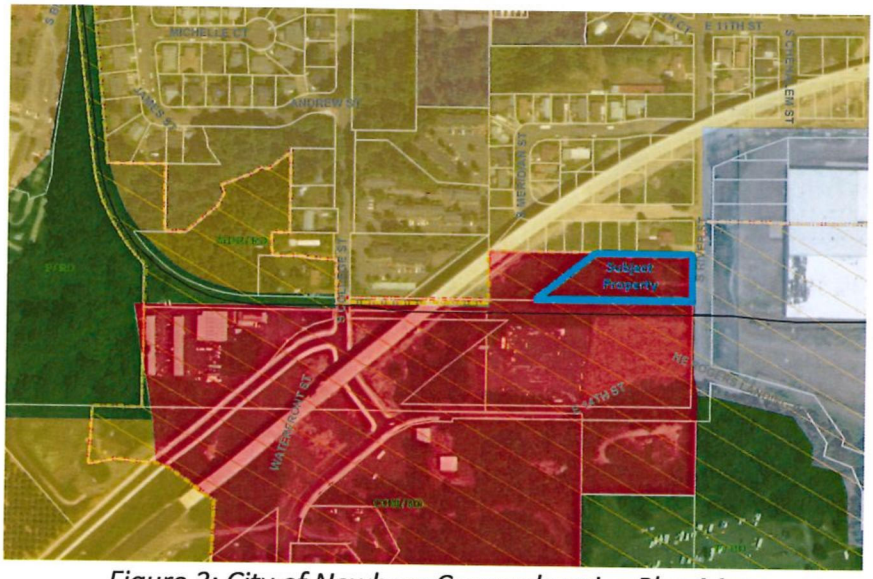


Figure 3: City of Newberg Comprehensive Plan Map

ADJACENT PARCELS

As depicted by *Figure 2: City of Newberg Zoning Map* and *Figure 3: City of Newberg Comprehensive Plan Map*, to the north of the subject property are Tax Lots 05318, 05319, and 05390 of Tax Map R3220CC, which are located within the City limits and are zoned R-2 and designed MDR. Tax Lot 05390 of Tax Map R3220CC sites an existing single-family detached dwelling. Tax Lots 05318 and 05319 of Tax Map R220CC are vacant.

To the east of the subject property is the S. River St. public right-of-way. To the west of the subject property is a vacant parcel owned by ODOT, which is identified as Tax Map R3229/ROADS. To the south of the subject property is the Portland & Western Railroad on Tax Lot 02600 of Tax Map R3229, a vacant AF-10 zoned parcel under the jurisdiction of Yamhill County.

TRANSPORTATION AND ACCESS

The subject property has frontage on the S. River St. public right-of-way which has a functional classification of Major Collector. The City's *Transportation System Plan* includes aspirational plan No. S22 to reconstruct S. River St. between 1st St. and Rogers Landing Rd. to major collector street standards, including bicycle lanes and sidewalks on each side of S. River St.

Annexation of the subject property will result in the City regulating future development, including future improvements to the S. River St. public right-of-way. The future development of the subject property will warrant right-of-way dedication, and public improvements to the S. River St. public right-of-way, thus supporting the City's *Transportation System Plan's* intent to reconstruct S. River St. to Major Collector street standards, including bicycle lanes and sidewalks (between 1st St. and Rogers Landing Rd.).

PUBLIC UTILITIES, SERVICES AND AMENITIES

Public utilities, including water, sanitary sewer, and stormwater water are available in the S. River St. public right-of-way, and will be extended at the time of the future development of the subject property. All public and private utilities warranted by the future development of the subject property will be financed by the developer at the time of future development. A Public Facilities Financing Statement is provided as Exhibit H.

SANITARY

As depicted by the Future Development Concept Plan provided as Exhibit E, there is an existing 12-inch PVC sanitary main located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. The City's *2018 Wastewater Master Plan* does not identify any improvements within the vicinity of the subject property. As depicted by the Future Development Concept Plan provided as Exhibit E, following approval of the proposed Annexation, sanitary lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, following approval of this Annexation Application, a future Planned Unit Development and Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

WATER

As depicted by the Future Development Concept Plan provided as Exhibit E, there is an existing 6-inch ductile iron water main located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. The City's *2017* The City's *2017 Water System Master Plan* does not identify any improvements within the vicinity of the subject property. Furthermore, following approval of the proposed Annexation, water lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, following approval of this Annexation Application, a future Planned Unit Development and Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

STORM

As depicted by the Future Development Concept Plan provided as Exhibit E, there is an existing 15-inch storm line located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. The City's *2015 Stormwater System Master Plan* does not identify any improvements within the vicinity of the subject property. Furthermore, following approval of the proposed Annexation, stormwater lines will be extended to and through the subject property to provide adequate service to future development. Furthermore, following approval of this Annexation Application, a future Planned Unit Development and Public Improvement Permit review and approval process will ensure adequate services are available to serve future development on the subject property in compliance with all applicable City standards and regulations.

FRANCHISE UTILITIES

Following approval of the proposed Annexation, a future Planned Unit Development and Public Improvement Permit review and approval process will ensure adequate franchise utilities, including electricity, gas, and communication services, are provided to serve future development on the subject property.

FIRE

The subject property is served by Tualatin Valley Fire & Rescue. Tualatin Valley Fire Station No. 20 is located at 414 E. 2nd St. Newberg, OR 97132 approximately 1.1-miles from the subject property. During the review of this requested Annexation Application, the City will request comments from the Newberg Fire Department, prior to issuance of a Staff Report, to ensure adequate services are available to serve the future development of the subject property.

POLICE

The Newberg Police Department at 401 E. 3rd St, Newberg, OR 97132 is located approximately 1-mile from the subject property. During the review of this requested Annexation Application, the City will request comments from the Newberg Police Department, prior to issuance of a Staff Report, to ensure adequate services are available to serve the future development of the subject property.

SCHOOL

The subject property is currently located within the attendance boundaries of Edwards Elementary School, Mountainview Middle School, and the Newberg High School. Edwards Elementary School at 715 E. 8th St. Newberg, OR 97132 is located 0.4-miles from the subject property. Mountainview Middle School at 2015 N. Emery Dr. Newberg, OR 97132 is located 2.4-miles from the subject property. Newberg High School at 400 Douglas Ave. Newberg, OR 97132 is located 2.1-miles from the subject property.

TRANSIT

The Yamhill County Transit Area (YCTA) Newberg Route 5 has a stop at 1210 S. College St, Newberg, OR 97132 adjacent to the Woodview Apartments, approximately 0.5-miles walking distance to the northwest of the subject property.

PARKS

The Scott Leavitt Park at 1000 S. Columbia St. Newberg, OR 97132 is located 0.3-miles walking distance to the northeast of the subject property. The Scott Leavitt Park includes amenities such as a basketball court, playground, and picnic tables.

The Ewing Young Park at 1201 S Blaine St, Newberg, OR 97132 is located 0.8-miles walking distance to the northwest of the subject property. The Ewing Young Park includes amenities such as a skate park, BMX track, walking and jogging trails, covered shelters, restrooms, playground equipment, picnic tables, a frisbee golf course.

It should be noted that the City of Newberg does not conduct future planning for CPRD or the School District. However, the city coordinates with those agencies on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs

LAND USE APPLICATION REQUEST – ANNEXATION

This Application requests the Annexation of the 1.56-acre subject property identified as Tax Lot 02500 of Tax Map R3229. As per *Section 15.100.050.B.9.,* this Annexation Application shall be processed through Type III review procedure.

Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice, Section 15.100.230 Additional Notice Procedures for Type III Quasi-Judicial Hearing,* and *Section 15.100.240 Additional Notice for Type III Quasi-Judicial Hearing for Annexations*. A draft public notice is provided as Exhibit M, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit N.

COMPLIANCE WITH THE CITY OF NEWBERG MUNICIPAL CODE

After reviewing the City of Newberg *Municipal Code,* this Application found provisions of the following Sections to be applicable to the proposed Land Use Action.

Title 15 Development Code

Chapter 15.100 Land Use Processes and Procedures

- *15.100.050 Type III procedure – Quasi-judicial hearing*
- *15.100.090 Development permit application.*
- *15.100.200 Compliance required.*
- *15.100.210 Mailed notice.*
- *15.100.230 Additional notice procedures for Type III quasi-judicial hearing.*
- *15.100.240 Additional notice for Type III quasi-judicial hearing for annexations.*
- *15.100.260 Procedure for posted notice for Type II and III procedures.*
- *15.100.270 Procedure for published notice on Type III and Type IV procedures.*

Chapter 15.250 Annexations

- *15.250.020 Conditions for annexation*
- *15.250.030 Quasi-judicial criteria*
- *15.250.040 Quasi-judicial procedures*
- *15.250.050 Application requirements for quasi-judicial annexations*
- *15.250.080 Comprehensive plan and zoning designations.*
- *15.250.090 Coordination*

CITY OF NEWBERG MUNICIPAL CODE

Title 15 Development Code

Chapter 15.100 Land Use Processes and Procedures

15.100.050 Type III procedure – Quasi-judicial hearing

A. All Type III decisions shall be heard and decided by the planning commission. The planning commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.

B. Type III actions include, but are not limited to:

7. Comprehensive plan map amendments: This action is a recommendation to the city council.

8. Zoning map amendments and designation of subdistricts: This action is a recommendation to the city council.

9. Annexation: This action is a recommendation to the city council.

RESPONSE: As per *Section 15.100.050.B.9* the proposed Annexation shall be processed through Type III review procedure. This Application acknowledges the applicable provisions of *Section 15.100.050.C* through *Section 15.100.050.H* regarding Type III review procedure. This criterion is satisfied.

15.100.090 Development permit application.

Applications for development permits shall be submitted upon forms established by the director. An application shall consist of all materials required by this code, including the following information:

A. A completed development permit application form.

B. Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all owners of the affected property.

C. Other information required by this code.

D. The applicable fees. [Ord. 2451, 12-2-96. Code 2001 § 151.040.]

RESPONSE: In satisfaction of *Section 15.100.090,* a completed Land Use Application form is provided as Exhibit A, proof of ownership is provided as Exhibit B, and all other applicable information required by the City of Newberg *Municipal Code* and *Comprehensive Plan* is included with this Application. All applicable fees have been remitted with this Application. This criterion is satisfied.

15.100.200 Compliance required.

Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this article. [Ord. 2451, 12-2-96. Code 2001 § 151.070.]

RESPONSE: As per *Section 12.100.200,* the provisions of this Article are applicable to the proposed development.

15.100.210 Mailed notice.

Mailed notice shall be provided as follows:

B. Type II and Type III Actions. The applicant shall provide public notice to:

1. The owner of the site for which the application is made; and

2. Owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.

RESPONSE: Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.210 Mailed Notice.* A draft public notice is provided as Exhibit M, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit N. This Application acknowledges the applicable provisions of *Section 15.100.210.C.* through *Section 15.100.210.J.* regarding noticing requirements. This criterion is satisfied.

15.100.230 Additional notice procedures for Type III quasi-judicial hearing.

In addition to the requirements of NMC 15.100.210, mailed notice for Type III development actions shall also contain the following:

A. State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final new hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue;

B. State the date, time and location of the hearing;

C. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;

D. State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;

E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. [Ord. 2451, 12-2-96. Code 2001 § 151.073.]

RESPONSE: Prior to approval of this Application, the Applicant will give notice to all applicable parties pursuant to all applicable provisions of *Section 15.100.230 Additional Notice Procedures for Type III Quasi-Judicial Hearing.* A draft public notice is provided as Exhibit M, and neighboring property owners' contact information (within 500-feet of subject property) is provided as Exhibit N. This criterion is satisfied.

15.100.240 Additional notice for Type III quasi-judicial hearing for annexations.

In addition to notice requirements in NMC 15.100.210 and 15.100.230, annexations are required to be published each week for two consecutive weeks prior to the day of the first new hearing before the city council, in a newspaper of general circulation in the city, and shall also be noticed by posting notice of the hearing in four public places in the city for a like period. [Ord. 2451, 12-2-96. Code 2001 § 151.074.]

RESPONSE: This Application acknowledges the applicable provisions of *Section 15.100.240 Additional Notice for Type III Quasi-Judicial Hearing for Annexations.* All applicable provisions regarding public notice will be satisfied prior to approval of this Application.

15.100.260 Procedure for posted notice for Type II and III procedures.

[Detailed Provisions Omitted for Brevity]

RESPONSE: This Application acknowledges all applicable provisions of *Section 15.100.260 Procedure for Posted Notice for Type II and III Procedures.* All applicable provisions regarding public notice will be satisfied prior to approval of this Application.

15.100.270 Procedure for published notice on Type III and Type IV procedures.

[Detailed Provisions Omitted for Brevity]

RESPONSE: This Application acknowledges all applicable provisions of Section 15.100.270 *Procedure for Published Notice for Type III and IV Procedures*. All applicable provisions will be satisfied prior to approval of this Application.

Chapter 15.250 Annexations

15.250.020 Conditions for annexation.

The following conditions must be met prior to or concurrent with city processing of any annexation request:

A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.

RESPONSE: In satisfaction of *Section 15.250.020.A.* the subject property is located within the City of Newberg Urban Growth Boundary. This criterion is satisfied.

B. The subject site must be contiguous to the existing city limits. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.261.]

RESPONSE: In satisfaction of *Section 15.250.020.B.* the northern boundary of the subject property is contiguous to the existing City limits. This criterion is satisfied.

15.250.030 Quasi-judicial annexation criteria

Quasi-judicial annexation applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:

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

RESPONSE: The subject property currently has a County zoning designation of AF-10 (Agricultural/Forestry Small Holding), and a County Comprehensive Plan Designation of VLDR (Very Low Density Residential). The City's Comprehensive Plan Map identifies the subject property as having a Comprehensive Plan Designation of Commercial/Riverfront.

The Portland & Western Railroad is located directly to the south of the subject property. The Property Owner is requesting a Comprehensive Plan Amendment concurrent to this proposed Annexation Application, to change the Commercial/Riverfront designation to Medium Density Residential/Riverfront, which is a more appropriate designation due to existing development patterns to the vicinity of the subject property. This Application requests that R-2 zoning be applied to the property upon annexation.

The proposed zoning will allow the site to be developed with detached single-family homes consistent with adjacent zoning to the north of the subject property. Current regulations would allow the approximately 1.56-acre subject property to be developed at roughly 9 lots per acre, resulting in a potential target density of 14 dwellings on the subject property. As depicted by the Future Development Concept Plan provided as Exhibit E, future development of the subject property may provide 16 dwelling units as permitted by the density flexibility awarded to Planned Unit Development by *Section 15.240.20.F.* of the City's *Community Development Code.*

As per the City's *Comprehensive Plan,* the objective of Medium Density Residential designation is to provide a wide range of housing types and styles while maintaining an overall density of up to 8.8 units per acre. Typical housing types include single-family detached housing on small lots. Typical services include improved streets, underground utilities, street lighting, sidewalks and, in some cases, bikeways.

As per the City's *Comprehensive Plan* appropriate zoning districts within the Riverfront District include Medium Density Residential (R-2). Furthermore, in satisfaction of the *Comprehensive Plan's* vision of the Riverfront District, the future development of the subject property will allow for the availability of services, will not adversely impact existing or potential development of adjacent lands, and will increase transportation links between the Riverfront District, and the local community.

As such, following approval of the proposed Annexation and concurrent Comprehensive Plan Amendment, the future development of the subject property will comply with the City's *Comprhensive Plan.* This criterion is satisfied.

> *1. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multifamily housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.*
> *For the purposes of this policy, "large" is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. "Some" is defined as 10 percent of the net size of the application.*

RESPONSE: The subject property is 1.56-acres. As such, the subject property is not defined as a *"large"* parcel, and the provisions of *Section 15.250.030.A.1* are not applicable to the proposed development.

> *B. An adequate level of urban services must be available, or made available, within three years' time of annexation, except as noted in subsection (E) of this section. An "adequate level of urban services" shall be defined as:*
> *1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.*

RESPONSE: As depicted by the Future Development Concept Plan provided as Exhibit E, there is an existing 12-inch sanitary line, and an existing 6-inch water line within the S. River St. public right-of-way which are adequate to serve the future development of the subject property. Following approval of the proposed Land Use Request, future development on the subject property will undergo a Planned Unit Development and Public Improvement Permit review and approval, so as to ensure public facilities are provided in compliance with all applicable City standards and regulations. This criterion is satisfied.

> *2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of*

remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

RESPONSE: As depicted by the Future Development Concept Plan provided as Exhibit E, the subject property has existing frontage on the S. River St. public right-of-way. This Application acknowledges that adequate right-of-way dedication and roadway frontage improvements will be necessary at the time of future development. Consistent with the applicable provisions of this Section, the Future Development Concept Statement provided as Exhibit F demonstrates the type of future development that is proposed for the subject property. There are no conditions present on the property preventing compliance with a waiver of remonstrance for road improvements, nor participation along with the City in traffic improvement costs associated with the future development of the property. Compliance can be assured via implementation of Conditions of Approval.

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

RESPONSE: The availability of police, fire, parks and school facilities are addressed beginning on Page 8 of this narrative. During the review of this requested Annexation Application, the City will request comments from department, such as the Newberg Police and Fire Departments, among other agencies, prior to issuance of a Staff Report.

Other private service providers, including garbage, telephone, television, and postal and internet services and facilities required to serve the future development of the subject property will be determined by the City at the time of development permit review and approval.

There is no information to suggest that city services could not support the addition of the 1.56 acres of property, plus the area of the adjacent S. River St. public right-of-way, to the city limits. In fact, future development of the subject property helps fund these city services and other System Development Charge or permit fee funded services, such as the School District and the Chehalem Park & Recreation District (CPRD).

It should be noted that the City of Newberg does not conduct future planning for CPRD or the School District. However, the city coordinates with those agencies on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

This criterion is satisfied.

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

RESPONSE: This Application acknowledges applicable criterion of this Section.

E. The city council may annex properties where urban services are not and cannot practically be made available within the three-year time frame noted in subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the city council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available. [Ord. 2826 § 1 (Exh. A), 5-7-18; Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2640, 2-21-06; Ord. 2451, 12-2-96. Code 2001 § 151.262.]

RESPONSE: As addressed further via this narrative, and supporting documentation, existing public facilities are available to support the future development of the subject property. As such, the criterion of *Section 15.250.030.E* is not applicable to this Application.

15.250.040 Quasi-judicial annexation procedures.

All quasi-judicial annexation requests approved by the city council shall be referred to the voters in accordance with the requirements of this code and ORS Chapter 222.

A. Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even-numbered years. Applications for annexation shall be filed with the planning division before 5:00 p.m. on October 1st for a primary ballot election in May and before 5:00 p.m. on April 1st for a general ballot election in November. An applicant may request that the city council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This subsection does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.

B. The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the director receives a completed application for annexation, the director shall schedule a recommendation hearing before the planning commission. The planning commission shall make a recommendation to the city council as to whether or not the application meets the criteria contained in NMC 15.250.030. This decision shall be a quasi-judicial determination and not a legislative determination. The planning commission may also recommend denial of an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

C. Following the planning commission hearing, the director shall schedule a city council hearing to consider the request. The city council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in NMC 15.250.030. The hearing at the city council shall be considered a new hearing. If additional testimony is submitted, the city council may, at its own discretion, return the application to the planning commission for further review and recommendation. The city council may also deny an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

D. If the city council approves the annexation request, the proposal may, at the city council's sole discretion, be placed before the voters of the city as follows:

1. The biennial primary or general elections which are held in May and November of even-numbered years; or

2. An available special election.

E. If the city schedules the annexation election for an election other than the biennial primary or general election, the agreement of the applicant or

owner of the property must be obtained. All costs associated with placing the matter on the ballot shall be paid for by the applicant or owner of the property being annexed.

F. The city shall place a notice of the annexation election in a newspaper of general circulation in the city not more than 30 days nor less than 20 days prior to the date of the election. Such notice shall take the form of a minimum one-quarter-page layout, which includes a map of the property to be annexed and unbiased information regarding the annexation.

G. The city shall cause the property under consideration for annexation to be posted with a minimum of one sign not less than 16 square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation. The sign shall be removed by the applicant within 10 days following the election day.

H. In addition to the regular annexation fee, the applicant shall pay for all of the costs associated with the election, the ad in the newspaper, and posting of the notice. The city shall inform the applicant of the costs necessary for the newspaper ad and property posting and of the deadline for payment of these costs.

I. Should this annexation request be approved by a majority vote of the electorate of the city at the election date as identified by resolution of the city council, the property shall be annexed and the following events shall occur:

1. The property shall be ordered and declared annexed and withdrawn from the Newberg rural fire protection district.

2. The territory will be changed from a county zone to a city zoning designation as indicated in NMC 15.250.080. The Newberg, Oregon, zoning map shall be amended to indicate this change.

3. The recorder of the city is directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County elections officer, and the assessor of Yamhill County a certified copy of the following documents:

a. A copy of the approved ordinance.

b. A map identifying the location of said territory.

J. If the city council refers an annexation to the voters at a particular election, and the annexation fails to pass at that election, the applicant may petition the city council to refer the annexation to the voters at a subsequent election, subject to the following:

1. The petition shall include a fee in an amount determined by resolution of the city council. In addition, should the petition be granted, the applicant shall be responsible for all election costs, including the cost of preparing the new annexation measure.

2. The applicant may only petition the city council once for resubmittal to place the annexation on the ballot in any 12-month period.

3. The city council shall hold a hearing to consider the petition. The hearing is a legislative hearing. Notice of the hearing shall be published in accordance with NMC 15.100.270.

4. After hearing the petition, the city council may decide any of the following:

a. The city council may approve the petition and schedule the annexation for a subsequent election. The annexation may only be placed before the voters once in any 12-month period. The annexation shall be processed according to the procedures in subsections (D) through (I) of this section.

b. The city council may deny the petition.

c. If conditions affecting the original criteria for the approval of the annexation by the city council have changed significantly, the city council may require the applicant to resubmit the annexation application for consideration by the city council and to pay a new annexation application fee. The city council also may direct that the resubmitted application be referred to the planning commission for recommendation. If there is a period of more than five years between the city council's original quasi-judicial determination that the annexation meets applicable criteria and the annexation election date, then a new application shall be required.

5. The city council shall have total discretion in determining the timing of placing an annexation measure before the voters, in requiring the submittal of a new or modified annexation application, or in denying a petition for new election.

6. Where an annexation has been initiated by the city council, the city council may refer the annexation to a subsequent election upon its own motion. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2683 § 1, 11-5-2007; Ord. 2501, 12-7-98; Ord. 2451, 12-2-96. Code 2001 § 151.263.]

RESPONSE: The passage and adoption of *Oregon Senate Bill 1573* added language to *ORS 222.111* that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. The proposed annexation satisfies these criteria.

15.250.050 Application requirements for quasi-judicial annexations.

Applications for quasi-judicial annexations shall be made on forms provided by the planning division and include the following material:

A. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both to conduct an election within the area to be annexed, as provided by state law. The consent shall include a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.

RESPONSE: A Land Use Application form signed by the owner of the subject property is provided as Exhibit A. Annexation Consent Forms are provided as Exhibit I. A Measure 49 Waiver is provided as Exhibit J. This criterion is satisfied.

The passage and adoption of *Oregon Senate Bill 1573* added language to *ORS 222.111* that preempts Newberg's requirement that annexations go to a public vote, and instead directs the legislative body of a city to annex property without a public vote when the property meets certain requirements, including: being within the urban growth boundary; subject to the Comprehensive Plan of the city; contiguous to city limits; and meeting the city's adopted Development Code criteria for annexation. The proposed annexation satisfies these criteria.

B. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.

RESPONSE: A legal description and boundary survey certified by a registered land surveyor of the property to be annexed is provided as Exhibit D. The legal description of the area to be annexed includes the adjacent S. River St. public right-of-way, which provides for future continuity of the city limits. This criterion is satisfied.

C. Vicinity map and map of the area to be annexed including adjacent city territory.

RESPONSE: An aerial of the subject property and surrounding properties is provided on Page 6 of this narrative. A Map and Legal Description of the property to be annexed is provided as Exhibit D. The area to be annexed includes the adjacent S. River St. public right-of-way, which provides for future continuity of the city limits. This criterion is satisfied.

D. General land use plan indicating types and intensities of proposed development, transportation corridors (including pedestrian and vehicular corridors), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and adjoining development.

RESPONSE: A Future Development Concept Plan is provided as Exhibit E. This criterion is satisfied.

E. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced.

RESPONSE: A Future Development Concept Statement is provided as Exhibit F. This criterion is satisfied.

F. Annexation fees, as set by city council resolution.

RESPONSE: All applicable fees are remitted with this Application. This criterion is satisfied.

G. Statement outlining method and source of financing to provide additional public facilities.

RESPONSE: A Public Facilities Financing Statement is provided as Exhibit H. This criterion is satisfied.

H. Comprehensive narrative of potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller subcommunity or neighborhood of which it will become a part and proposed actions to mitigate such effects.

RESPONSE: A Positive and Negative Effects Statement associated with the future development of the subject property is provided as Exhibit G. This criterion is satisfied.

I. Concurrent with application for annexation, the property may be assigned one of the following methods for development plan review:

1. A planned unit development approved through a Type III procedure.
2. A development agreement approved by the city council.
3. A contract annexation as provided for in the state statutes. Development plans must be approved and an annexation contract must be signed by the city council in order to use the contract annexation process. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2693 § 1 (Exh. A(4)), 3-3-08; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.264.]

RESPONSE: This Application requests the Annexation of the subject property. The subject property owner has requested a concurrent Comprehensive Plan Amendment to designate the subject property MDR/RD. Following approval of the proposed Annexation and Comprehensive Plan Amendment, future development on the subject property will undergo Planned Unit Development review. This criterion is satisfied.

15.250.080 Comprehensive plan and zoning designations.

A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.
B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of NMC 15.302.030 shall not be required.

Comprehensive Plan Classification	Appropriate Zoning Classification
OS	Any zoning classification
LDR	R-1
MDR	R-2, R-4
HDR	R-3, R-4
COM	C-1, C-2, or C-3 as determined by the director
MIX	C-2, M-1, or M-2 as determined by the director
IND	M-1, M-2, M-3, M-4, or AI
PQ	Any zoning classification
P	CF

C. If a zoning classification is requested by the applicant for other than that described in subsection (B) of this section, the criteria of NMC 15.302.030 shall apply. This application shall be submitted concurrently with the annexation application.
D. In the event that the annexation request is denied, the zone change request shall also be denied. [Ord. 2747 § 1 (Exh. A § 6), 9-6-11; Ord. 2720 § 1(9), 11-2-09; Ord. 2451, 12-2-96. Code 2001 § 151.267.]

RESPONSE: As previously addressed, the subject property owner has requested a concurrent Comprehensive Plan Amendment to designate the subject property MDR/RD. As per *Section 15.250.080.B.,* following approval of the proposed Annexation and concurrent Comprehensive Plan Amendment to MDR/RD, the subject property shall be automatically zoned to the corresponding land use zoning classification. This Application requests the subject property be annexed into the City under the R-2 zoning, which is an appropriate zoning classification for the MDR Comprehensive Plan classification. This criterion is satisfied.

15.250.090 Coordination

Annexation requests shall be coordinated with affected public and private agencies, including, but not limited to, Yamhill County, Chehalem Park and Recreation District, Newberg School District, Northwest Natural Gas, Portland General Electric, and, where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action to allow for reviews and recommendations to be incorporated into the city records. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2451, 12-2-96. Code 2001 § 151.268.]

RESPONSE: This Application acknowledges the provisions of this Section.

CONCLUSION

This narrative and supporting documentation demonstrate compliance with all applicable provisions of the *City of Newberg Community Development Code* and *Comprehensive Plan.* The Applicant thereby respectfully requests approval of this Annexation request.

Exhibit A

Land Use Application

TYPE III APPLICATION - 2018
(QUASI-JUDICIAL REVIEW)

File #: _____

TYPES – PLEASE CHECK ONE:

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

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista LLC
ADDRESS: 500 E. Hancock St. Newberg, OR 97132
EMAIL ADDRESS: jessica@dbvcorp.com
PHONE: ; 971-281-8071 MOBILE: 971-998-7507 FAX: _____
OWNER (if different from above): Riverlands Subdivision LLC PHONE: 971-706-2058
ADDRESS: 500 E Hancock Street, Newberg, OR 97132
ENGINEER/SURVEYOR: Leland MacDonald & Associates, LLC PHONE: 503-472-7904
ADDRESS: 3765 NE Riverside Drive, McMinnville, OR 97128

GENERAL INFORMATION:

PROJECT NAME: Riverlands PROJECT LOCATION: 1303 NE River St. Newberg, OR 97132
PROJECT DESCRIPTION/USE: Annexation (Note: concurrent CPA request for MDR)
MAP/TAX LOT NO. (i.e.3200AB-400): R3229/02500 ZONE: _____ SITE SIZE: 1.56 SQ. FT. ☐ ACRE ☐■
COMP PLAN DESIGNATION: COM/RD TOPOGRAPHY: less than 1% from east to west
CURRENT USE: single-family detached dwelling
SURROUNDING USES:
NORTH: single-family detached dwelling, R-2 zoning SOUTH: Portland & Western Railroad on R3229/02600 (vacant, AF-10, Yamhill County)
EAST: SP Newsprint (across S. River St. ROW) WEST: ODOT owned vacant right-of-way (Yamhill County)

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

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

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

Annexation ..... **p. 15**
Comprehensive Plan / Zoning Map Amendment (site specific) ..... **p. 19**
Conditional Use Permit ..... **p. 21**
Historic Landmark Modification/Alteration ..... **p. 23**
Planned Unit Development **p.26**

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

Applicant Signature Date

Owner Signature Date

Marc Willcuts, Member
Print Name

Marc Willcuts, Member
Print Name

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

ANNEXATION CHECKLIST

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

☐ **FEES**

☐ **PUBLIC NOTICE INFORMATION** – Draft of mailer notice and sign; mailing list to all properties within 500'.

Submit one original 8-1/2" x 11" or 11" x 17" reproducible document together with 20 copies of the following information.

☐ **WRITTEN CRITERIA RESPONSE** – Address the criteria listed on page 15.

☐ **CURRENT TITLE REPORT**

☐ **MEASURE 49 WAIVER**

☐ **ANNEXATION CONSENT FORMS**

☐ **MAP AND LEGAL DESCRIPTION OF THE PROPERTY** – Provide a map and a corresponding written legal description of the area to be annexed. The map and legal description must be capable of closure and be certified by a registered engineer or surveyor. If not certified, the map and description must be approved by the Department of Revenue per ORS 308.225.

☐ **GENERAL LAND USE PLAN** – Indicate types and intensities of proposed development, transportation routes (for pedestrians and vehicles), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and any development on adjacent properties.

☐ **DEVELOPMENT CONCEPT STATEMENT** – Provide a written statement about the overall development concept that addresses methods by which the physical and social environment of the site, surrounding area, and community will be enhanced by this project.

☐ **PUBLIC FACILITIES FINANCING STATEMENT** – Provide a written statement outlining the method and source of financing that will be used to provide public utilities to the site.

☐ **POSITIVE AND NEGATIVE EFFECTS STATEMENT** – Provide a written statement regarding the potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller sub-community or neighborhood of which it will become a part, along with proposed actions to mitigate the negative effects.

§ 15.250.030 - TYPE III ANNEXATION CRITERIA

Annexation is the first step to converting future urbanizable lands to urbanizable land within the Newberg Urban Growth Boundary. It is an important part of the process of providing timely and orderly urban development. Development of lands at an urban density must include the provision of an adequate level of required urban services such as sewer, water, and roads. The City Charter requires that, unless otherwise mandated by state law, annexation may only be approved by a majority of those voting.

The following conditions must be met prior to or concurrent with city processing of any annexation request:

- The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.
- The subject site must be contiguous to the existing city limits

Provide a written response that specifies how your project meets the following criteria:

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

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

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

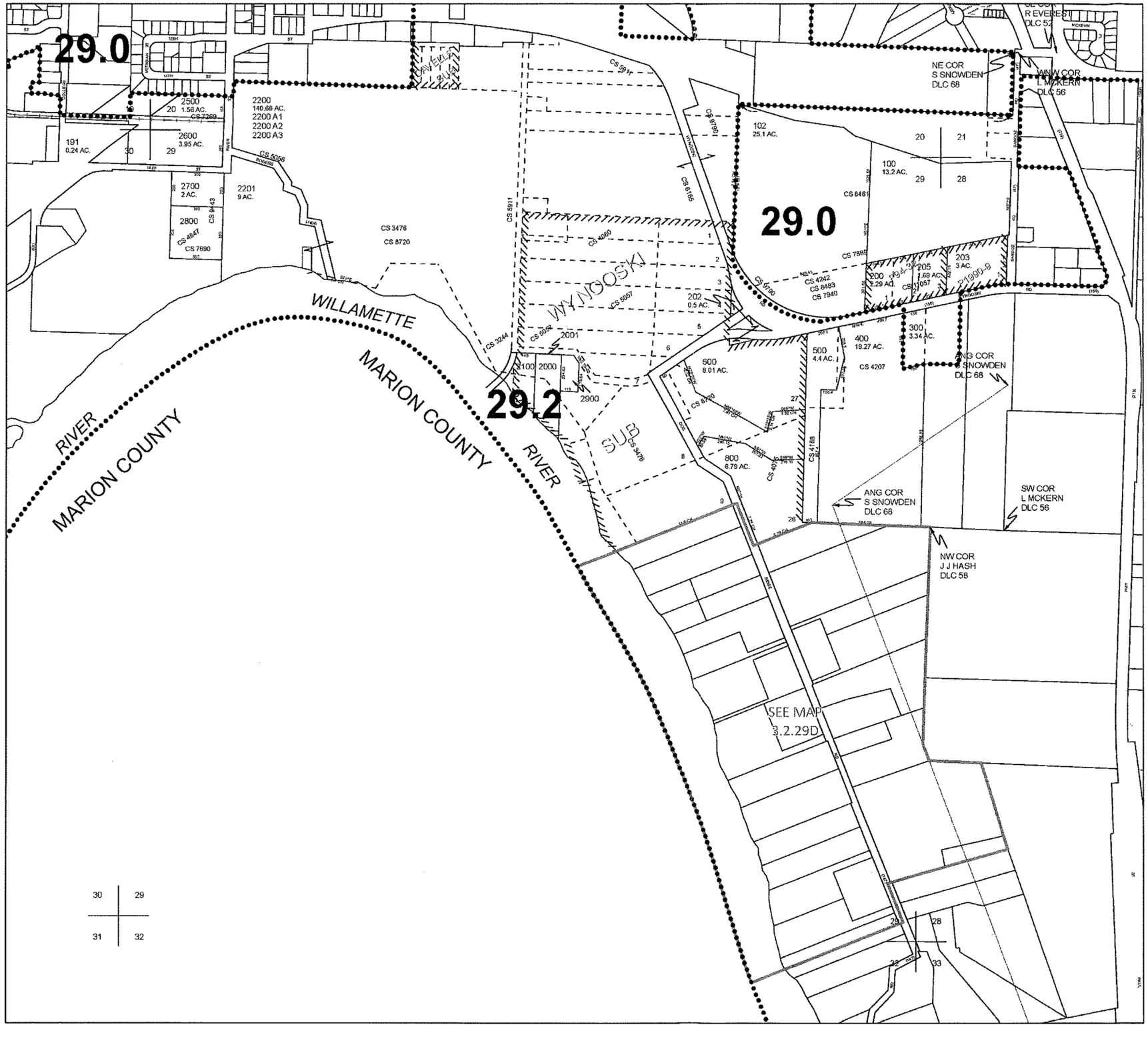
(2) Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road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

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

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

Exhibit B

Tax Map



CANCELLED TAXLOTS:
2200U2
2200U1
2400
2300
1905
1904
1903
1902
1901
1900
1802
1801
1800
1701
1700
1600
1500
1403
1402
1401
1400
1300
1201
1200
1101
1100
1002
1001
1000
901
900
700
204
201
101
103
2501

1843 YAMHILL COUNTY

ASSESSMENT & TAX CARTOGRAPHY

SECTION 29 T.3S. R.2W. W.M.
YAMHILL COUNTY OREGON
1" = 400'

DATE PRINTED: 6/15/2015

This product is for Assessment and Taxation (A&T) purposes only and has not been prepared or is suitable for legal, engineering, surveying or any purposes other than assessment and taxation.

Exhibit C

Proof of Ownership

FIRST AMERICAN TITLE 2018-058Aco

After recording return to:
Riverlands Subdivision LLC
500 E. Hancock St
Newberg, OR 97132

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

File No.: 1039-2979316 (LB)
Date: January 05, 2018

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records **201802357**
DMR-DDMR
Stn=3 SUTTONS **02/16/2018 11:31:00 AM**
3Pgs $15.00 $11.00 $5.00 $20.00 **$51.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Brian Van Bergen - County Clerk

STATUTORY BARGAIN AND SALE DEED

Sigmund Holdings LLC, an Oregon limited liability company, Grantor, conveys to **Riverlands Subdivision LLC, an Oregon Limited Liablity Company**, Grantee, the following described real property:

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

See Exhibit "A"

The true consideration for this conveyance is **$305,000.00.** (Here comply with requirements of ORS 93.030)

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

APN: **67331** Bargain and Sale Deed - continued File No.: **1039-2979316 (LB)** Date: **01/05/2018**

Dated this 15 day of February, 20 18.

Sigmund Holdings LLC, an Oregon limited liability company

By: _____
Name: Marc Willcuts
Title: Member

STATE OF Oregon)
)ss.
County of Yamhill)

This instrument was acknowledged before me on this 15 day of February, 20 18 by Marc Willcuts as Member of Sigmund Holdings LLC, on behalf of the limited liability company.

OFFICIAL STAMP
TERESA GILMORE
NOTARY PUBLIC-OREGON
COMMISSION NO. 969681
MY COMMISSION EXPIRES DECEMBER 17, 2021

Notary Public for Oregon
My commission expires: 12/21/21

EXHIBIT A

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

Commencing at a point 20 rods North of the Southeast corner of a piece of land deeded by Edwin Poppleton and wife to Jesse Edwards and wife by deed recorded April 9, 1890 in Book "Y", Page 92, Deed Records, said land being a part of the Donation Land Claim of Joseph B. Rogers and wife, Notification No. 1473, Claim No. 55 in Township 3 South, Range 2 west of the Willamette Meridian in Yamhill County, Oregon; thence running North 10 rods along what is known as River Street; thence running West 40 rods; thence running South 10 rods; and thence running East 40 rods to the place of beginning.

EXCEPTING THEREFROM the following parcel of land lying in the Joseph B. Rodgers D.L.C No. 55, Township 3 South, Range 2 West, W.M., Yamhill County, Oregon and being a portion of that property described in that Statutory Warranty Deed to John F. Hochtritt & Yvette Saarinen, recorded September 14, 1989 in Film Volume 236, Page 326 Records of Yamhill County; the said parcel being that portion of said property included in a strip of land 145.00 feet in width, lying on the Southeasterly side of the 'L' center line, which center line is described as follows:

Beginning at Engineer's center line Station 'L' 470+64.06, said station being 240.06 feet South and 1,143.31 feet West of the Southeast corner of the David Ramsey D.L.C. No. 40, Township 3 South, Range 2 West, W.M.; thence North 76° 05' 16" East 536.04 feet; thence on a spiral curve left (the long chord of which bears North 74° 38' 47" East 599.85 feet) 600.00 feet; thence on a 3,974.27 foot radius curve left (the long chord of which bears North 63° 56' 48" East 1,080.96 feet) 1,084.32 feet; thence on a spiral curve left (the long chord of which bears North 53° 14' 50" East 599.85 feet) 600.00 feet; thence North 51° 48' 20" East 1,171.67 feet; thence on a spiral curve right (the long chord of which bears North 53° 44' 50" East 599.72 feet) 600.00 feet; thence on a 2,950.86 foot radius curve right (the long chord of which bears North 73° 25' 10" East 1,605.82 feet) 1,626.33 feet; thence on a spiral curve right (the long chord of which bears South 88° 11' 29" East 324.91 feet) 325.00 feet; thence on a 6,250.45 foot radius curve right (the long chord of which bears South 80° 11' 02" East 1,298.62 feet) 1,300.96 feet; thence on a spiral curve right (the long chord of which bears South 72° 23' 16" East 599.86 feet) 600.00 feet; thence South 71° 28' 16" East 369.00 feet to Engineer's center line Station 'L' 558+77.38 Back equals 'L' 559+00.00 Ahead.

ALSO that portion of said property lying on the Northwesterly side of the 'L' center line.

Bearings are based on County Survey No. 12330, filed October 1, 2007, Yamhill County, Oregon.

Exhibit D

Map & Legal Description

Annexation Map FOR:

RIVERLANDS SUBDIVISION LLC

LOCATION: SW 1/4 SEC. 20, T. 3 S., R. 2 W., W.M.,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON

TAX MAP: R2320-2500

DATE: 3 DECEMBER 2018

SITE ADDRESS: 1303 S. RIVER ST.
NEWBERG, OR

BY:
LELAND MACDONALD & ASSOC., LLC
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Expires 31 December 2018

NORTH

SCALE: 1" = 100'

226

13TH STREET

NEWBERG-DUNDEE BYPASS
ODOT
(ELEVATED OVERPASS)

30'

30'

145.00'

TAX LOT 5315

TAX LOT 5316

TAX LOT 5317

TAX LOT 5318

TAX LOT 5319

TAX LOT 5390

STREET

30.00'

N 89°46'54" W 356.85'

326.85'

100.00'

145.00'

Δ=0°07'11"
R=2805.85'
L=5.86'
CH=S 55°56'20" W
5.86'

S 53°33'38" W 271.53' ALONG
CHORD OF SPIRAL OFFSET

TAX LOT 2500
RIVERLANDS SUBDIVISION LLC
INSTRUMENT NO. 201802357

1.56 Ac. ± to River St. R/W
0.22 Ac. ± in River St. R/W
TOTAL ANNEXED AREA 1.78 Ac.±

165.33'

N 00°20'30" W

551.13'

S 89°47'27" E 581.13'

20'

50.00'

SPALDING RAILROAD

30.00'

TAX LOT 2600

RIVER

30'

30'

#8661

EXPIRES 31 DECEMBER 2018

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 16, 2002
Leland A. MacDonald
53226

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax : 472-0367

3 December 2018

Description of Real property for: RIVERLANDS SUBDIVISION LLC – Area to be annexed into the City of Newberg, Oregon.

A tract of land located in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said tract being more particularly described as follows:

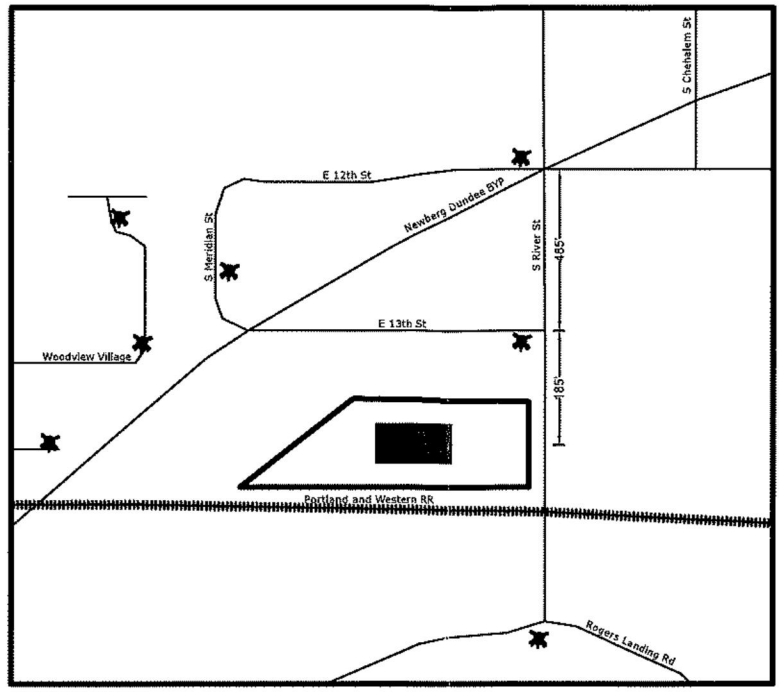
Beginning at a point on the east margin of River Street in the City of Newberg, Oregon at the easterly extension of the south line of that tract of land described in deed from YVETTE SAARINEN to SIGMUND HOLDINGS LLC, recorded on November 22, 2017 in Instrument No. 201718769, Deed Records of Yamhill County, Oregon; thence North 00°20'30" West 165.33 feet, along said east margin to the easterly extension of the north line of said SIGMUND HOLDINGS LLC tract; thence North 89°46'54" West 30.00 feet the northeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence North 89°46'54" West 326.85 feet to a point on the southerly margin of the Newberg-Dundee Bypass at a point that is 145.00 feet distant from, when measured perpendicular to the "L" centerline thereof, said point being the northwest corner of said SIGMUND HOLDINGS, LLC tract and said point also being a point on a non-tangent curve concave to the southeast and having a radius of 2805.85 feet; thence 5.86 feet southwesterly along said margin and said curve, the chord of which bears South 55° 56'20" West 5.86 feet, to the beginning of a 145.00 offset to a 600 foot centerline spiral curve at Engineers Station "L" 516+56.09; thence southwesterly along said margin and said spiral offset, the chord of which bears South 53°33'38" West 271.53 feet, to the southwest corner of said SIGMUND HOLDINGS, LLC tract; thence South 89°47'27" East 551.13 feet to the southeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence South 89°47'27" East 30.00 feet on the easterly extension of the south line of said tract to the POINT OF BEGINNING.

Exhibit E

Future Development Concept Plan

LEGEND

- = PUBLIC RIGHT-OF-WAY
- XSS = EXISTING SANITARY SEWER LINE
- XSD = EXISTING STORM DRAIN LINE
- XW = EXISTING WATER LINE
- SS = SANITARY SEWER LINE
- SD = STORM DRAIN LINE
- W = WATER LINE
- = EDGE OF PAVEMENT
- = CROWN OF ROAD
- = PROPOSED PROPERTY LINE
- = EXISTING PROPERTY LINE
- = PUBLIC UTILITY EASEMENT
- = PUBLIC ACCESS EASEMENT
- = FIRE HYDRANT
- = SANITARY SEWER MANHOLE
- = STORM DRAIN MANHOLE
- = STORM DRAIN CATCH BASIN
- = STORM EASEMENT
- = SANITARY EASEMENT
- = CONCRETE

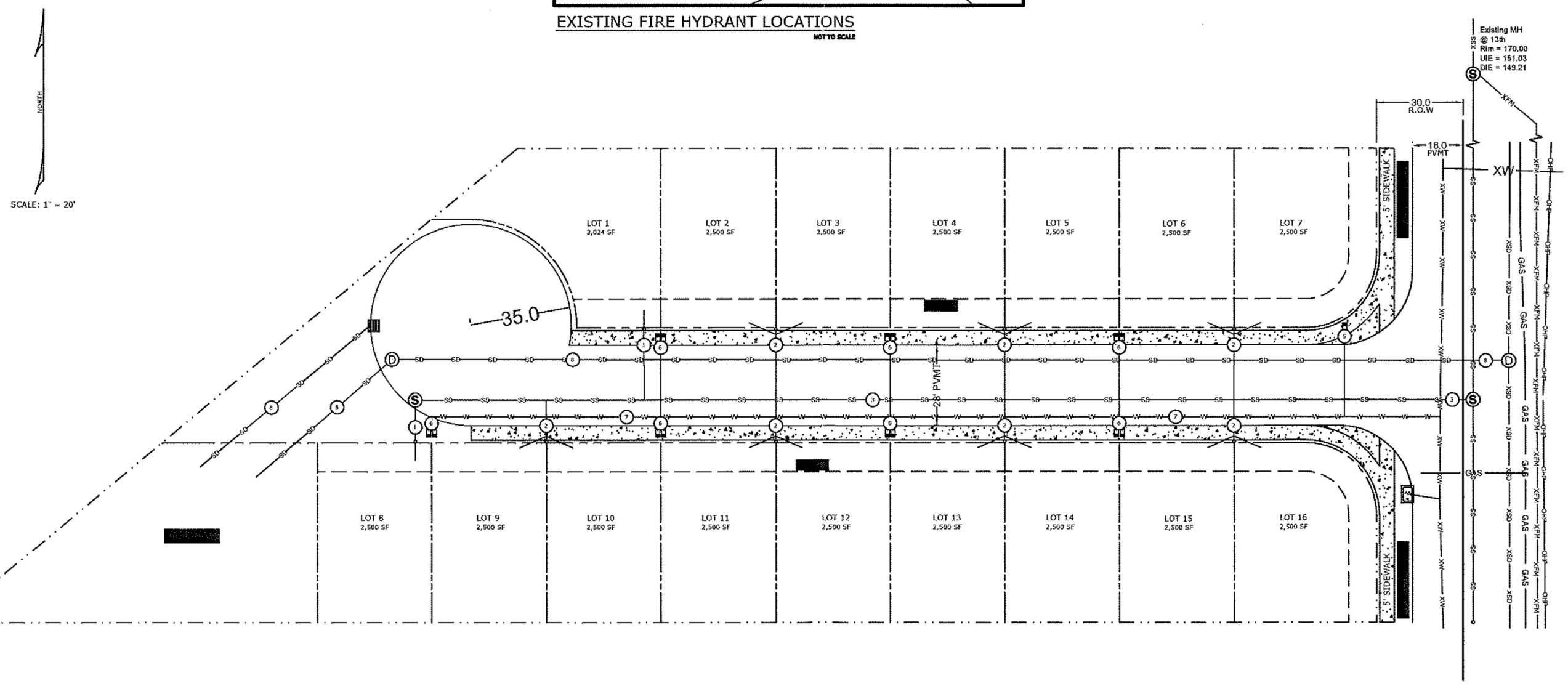


EXISTING FIRE HYDRANT LOCATIONS

NOT TO SCALE

CONSTRUCTION KEY NOTES

1. INSTALL 4" SANITARY LATERAL WITH CLEANOUT.
2. INSTALL 6" SANITARY DOUBLE WYE SERVICE BRANCH WITH CLEANOUT.
3. INSTALL 8" SANITARY SEWER MAIN.
4. INSTALL 10" SANITARY SEWER MAIN.
5. INSTALL 1" STANDARD WATER SERVICE.
6. INSTALL 1" DOUBLE WATER SERVICE.
7. INSTALL 2" WATER MAIN.
8. INSTALL 10" STORM MAIN.



REGISTERED PROFESSIONAL ENGINEER
OREGON
DANIEL J. DARROW
EXPIRES: 12/31/2018

RIVERLANDS LLC
PO BOX 3189
NEWBERG, OR 97132
PHONE: (971) 998-7507

Riverlands
Peliminary Utility Plan

Preliminary Utility Drawing
For Subdivision Application

PROJECT NO.: Riverlands
DESIGNED BY: Daniel Darrow
DRAWN BY: Karina Little

SHEET 7
OF 7

Exhibit F

Future Development Concept Plan Statement

Development Concept Statement

The subject property currently has a County zoning designation of AF-10 (Agricultural/Forestry Small Holding), and a County Comprehensive Plan Designation of VLDR (Very Low Density Residential). The City's Comprehensive Plan Map identifies the subject property as having a Comprehensive Plan designation of Commercial/Riverfront District (COM/RD).

The Portland & Western Railroad is located directly to the south of the subject property. As such, the completion of the Newberg-Dundee Bypass to the north of the subject property has caused the subject property to be isolated from other commercial properties within the Riverfront District. As the subject property is separated from neighboring commercial designations, the Property Owner is requesting a Comprehensive Plan Amendment concurrent to this proposed Annexation Application, to change the Commercial/Riverfront designation to Medium Density Residential/Riverfront, which is a more appropriate designation due to existing development patterns to the vicinity of the subject property. This Application requests that R-2 zoning be applied to the property upon annexation.

This zoning will allow the site to be developed with detached single-family homes consistent with adjacent zoning to the north of the subject property. Current regulations would allow the approximately 1.56-acre subject property to be developed at roughly 9 lots per acre, resulting in the potential to add approximately 14 homes to the subject property.
Future development of the site for single family residential would follow the City of Newberg's Type III Planned Unit Development and Subdivision application process. All necessary requirements and improvements to serve the future development of the subject property will be made prior to Final Plat Approval. Typical improvements will include a new street and sidewalks, extension of public utilities, and landscaping.

As previously mentioned, the subject property is adjacent to the Portland & Western Railroad to the south, and public right-of-way to the east and west. To the north of the subject property is an existing single-family detached dwelling in the R-2 zoning district, which has frontage on S. River St. Furthermore, the subject property is adjacent to the north to two R-2 zoned parcels approximately 0.12-acres in size, which are owned by ODOT. Accordingly, due to the subject property's proximity to right-of-way, and existing development, future development on the subject property will be served by a dead-end road connecting to S. River St. to the east, and dead-ending on the approximate western boundary of the subject property. As such, a future connectivity plan is not warranted by, and is not included with this Application.

The inclusion of the site into the City of Newberg as residential will allow for development which is appropriate given the subject property's proximity to open space and access to the Willamette River awarded by Rogers Landing Park. Furthermore, future development of the subject property will require the continuation of the sidewalk and bicycle network in the vicinity of the subject property, thus promoting multimodal connectivity, and supporting the policies of the City's *Comprehensive Plan*. Expected street improvements to the subject property's frontage on S. River St. would bring this public right-of-way to City standards, with the likely addition of bike lanes, sidewalks, and planting strips.

Exhibit G

Positive & Negative Effects Statement

Positive and Negative Effects Statement

The property has an existing Comprehensive Plan designation of Commercial/Riverfront District (COM/RD). Concurrent to this Annexation Application, the owner of the subject property is requesting a Comprehensive Plan Amendment to change the subject property's Comprehensive Plan designation to Medium Density Residential/Riverfront District (MDR/RD). This Application requests that R-2 zoning be applied to the subject property upon annexation.

This zoning will allow the site to be developed with future detached single-family homes consistent with adjacent zoning to the north of the subject property. Current regulations would allow the approximately 1.56-acre subject property to be developed at roughly 9 lots per acre, resulting in the potential to add approximately 14 homes to the subject property.

Positive Effects

At a macro level, the annexation of the subject property into the City of Newberg will add new land for medium density residential development, upholding the policies of the City Comprehensive Plan, which highlights a need for increased residential zoning within the City to meet the projected population growth.

The annexation and development of the subject property will also increase the City's jurisdiction for tax purposes and development review. Future development of the property will be required to be reviewed and approved through the City's Development process ensuring it meets applicable site development and zoning requirements.

At a micro level, the annexation and development of the subject property with future detached single-family homes will be consistent with the current development pattern to the north of the subject property. Furthermore, a residential development will be harmonious and beneficial to the City's future plan for a pedestrian and bicycle-friendly, mixed use environment within the Riverfront District.

Annexation of the subject property will result in the City regulating future development, including future improvements to the S. River St. public right-of-way. The future development of the subject property will warrant right-of-way dedication, and public improvements to the S. River St. public right-of-way, thus supporting the City's *Transportation System Plan's* plan to reconstruct S. River St. to Major Collector street standards, including bicycle lanes and sidewalks (between 1st St. and Rogers Landing Rd.).

Furthermore, the future development of the subject property will help fund city services and other System Development Charge or permit fee funded services, such as the Newberg School District and the Chehalem Park & Recreation District (CPRD).

Negative Effects

An increase in population in the area with a new residential development will put an increased demand on infrastructure and city services. Traffic in the immediate vicinity will increase and new residents will add to the school population. Additionally, the development will require water and sewerage service to the subject property, and the existing open space of the subject property will become housing.

Mitigation

In order to mitigate the effects of annexation of the property, applicable City code and development standards will condition needed infrastructure improvements. Any required future infrastructure

improvements for the subject property will be reviewed and determined through the future subdivision process. Anticipated improvements will include the extension of water and sewage facilities to the subject property, street improvements and stormwater management.

Sewer

There is an existing 12-inch PVC sanitary main located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. Following approval of the proposed Annexation, sanitary lines will be extended to and through the subject property to provide adequate service to future development.

Water

There is an existing 6-inch ductile iron water main located within the S. River St. public right-of-way which is adequate to serve the future development of the subject property. Following approval of the proposed Annexation, water lines will be extended to and through the subject property to provide adequate service to future development.

Streets and Pedestrian Connections

Following approval of the proposed Annexation, the future development of the subject property will warrant roadway frontage improvements, including the dedication of any additional right-of-way along the subject property's frontage on S. River St. Construction of half-street improvements to the subject property's frontage on S. River St. would be to City standards.

Schools

The subject property is currently located within the attendance boundaries of Edwards Elementary School, Mountainview Middle School, and the Newberg High School. It should be noted that the City of Newberg does not conduct future planning for the School District. However, the city coordinates with the School District on a regular basis in regard to future planning efforts. This type of coordination is typically done at the time of urban growth boundary expansion, when properties are added to serve as the future 20-year urbanizable area, or areas where the city limits is expected to expand to meet growth needs.

Conclusion

The annexation of the subject property will provide the City of Newberg the ability to regulate the type of development that occurs on the subject property. It will increase the amount of residential acreage within the City; meeting goals of the Comprehensive Plan. The positive benefits of this annexation clearly outweigh the negative effects. Furthermore, any negative effects of the development to the community will be mitigated for as warranted.

Exhibit H

Public Facilities Financing Statement

Public Facilities Financing Statement

The extension of public infrastructure and street improvements necessary to serve the future development of the subject property will be financed through a combination of System Development Charges determined at the time of building permit applications, and on-site improvements constructed by the developer and conditioned via the land division approval process. The developer will bear the cost of any on-site improvements necessary for the development of the property.

Exhibit I

Annexation Consent Waivers

ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Riverlands Subdivision, LLC.

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) 1303 NE River St. Newberg, OR 97132 and (tax lot) R3229/02500, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 11th day of September, 2018.

Member

STATE OF Oregon, County of Yamhill ss 09/11/18
Month / day / year

Personally appeared the above named Marc Willgerts who Stated he is a member of Riverlands Subdivision LLC and who further Stated he is Authorizing this said document with authority of the members.

and acknowledged the foregoing instrument to be his voluntary act and deed.

OFFICIAL STAMP
TERESA GILMORE
NOTARY PUBLIC-OREGON
COMMISSION NO. 969681
MY COMMISSION EXPIRES DECEMBER 17, 2021

Before me: Teresa Gilmore
Notary Public for Oregon
My commission expires 12/17/21

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned
Riverlands Subdivision, LLC.

as

owner(s) of certain property have signed a consent to annex that property to the City of Newberg, Oregon, which consent is attached; and

WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector and the city."; and

WHEREAS: The owner(s) desire that this consent to annex be valid until the property is annexed.

NOW, THEREFORE:

The undersigned do hereby request that the attached consent to annex be valid until the property is annexed to the City of Newberg, Oregon.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this 11th day of September, 2018.

Member

STATE OF Oregon, County of Yamhill ss 09/11/18
month/day/year

Personally appeared the above named Marc Willents who stated he is a Member of Riverland Subdivision LLC and who further stated he is authorizing this said document with the authority of the members and acknowledged the foregoing instrument to be his voluntary act and deed.

OFFICIAL STAMP
TERESA GILMORE
NOTARY PUBLIC-OREGON
COMMISSION NO. 969681
MY COMMISSION EXPIRES DECEMBER 17, 2021

Before me: Teresa Gilmore

Notary Public for: Oregon

My commission expires: 12/17/21

Exhibit J

Measure 49 Waiver

AFTER RECORDING RETURN TO:
City of Newberg
Planning and Building Department
PO Box 970 - 414 E. First Street
Newberg, OR 97132

COVENANT OF WAIVER OF RIGHTS AND REMEDIES

Recitals

1. The undersigned, Riverlands Subdivision, LLC. and _____ (hereinafter referred to as AOwner@ or AOwners@) has/have petitioned the City of Newberg (hereinafter referred to as ACity@) to commence certain proceedings, relating to Annexation, for the real property described in Exhibit A which is attached hereto and incorporated herein.

2. Pursuant to the enactment of Ballot Measure 49 (adopted November 6, 2007), if a public entity enacts one or more land use regulations that restrict the residential use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in Measure 49.

3. There is the potential that the Oregon electors or the Oregon Legislature may, in the future, enact further statutory or constitutional amendments relating to compensation for the impact of local regulations upon real property, under certain circumstances.

4. City does not wish to approve the Owner=s/Owners= requested proceedings if the result would or could arguably give rise to a later claim by the Owner or Owners, or the Owner=s/Owners= successors or assigns for compensation for the land use regulations in effect upon the effective date of the proceedings, or would or could arguably require the City to waive the City=s land use regulations in effect upon the effective date of the proceedings, which are being newly imposed upon the property by reason and result of the proceedings.

5. Owner(s) seek(s) to induce the City to proceed with the proceedings and therefore Owner(s) agree(s) to eliminate the potential of claim for compensation or the right to seek waiver from the City=s land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned Owner(s) warrant(s) that the Owner(s) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenant(s) as follows:

1. As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: Annexation, which may include designation of the property as subject to additional applicable overlay zones and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as Aproceedings@), the undersigned Owner(s), on behalf of Owner(s), Owner=s/Owners= heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenant(s) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owner(s) shall be stopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 49 (2007) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by the approval of the proceeding, are then applicable to the property.

2. This waiver and release shall bind the undersigned=s heirs, devisees, executors and administrators, successors in interests, and assigns. This covenant, waiver, release and discharge shall run with the land, and this instrument, or a memorandum hereof, may be recorded in the official records of the County in which the subject real property is located. This instrument may be terminated upon the filing of a Notice of Termination of Covenant filed by the City of Newberg.

3. If this instrument is given contemporaneous with a consent to future proceedings to be initiated by the City, Owner(s) acknowledge(s) that the proceedings may be initiated by the City of Newberg at any time in the discretion of the City of Newberg, and that this waiver and release is applicable to any ordinances adopted prior to the effective date of the proceeding.

4. This document is executed of my/our own free will and without duress. I, or if more than one, each of us respectively acknowledge that I/we have been advised to obtain legal advice prior to the execution of this document, and that either I, or each of us respectively, have either obtained legal advice or have independently elected not to seek legal advice prior to the execution of this document, recognizing that this document may affect my/our legal rights and remedies.

OWNER

OWNER

STATE OF OREGON)
) ss.
County of Yamhill)

This instrument was acknowledged before me on this 14th day of September, 2018, by Marc Wilkins and —.

Notary Public for Oregon
My Commission expires: 12/17/21

OFFICIAL STAMP
TERESA GILMORE
NOTARY PUBLIC-OREGON
COMMISSION NO. 969681
MY COMMISSION EXPIRES DECEMBER 17, 2021

CITY OF NEWBERG

Sue Ryan, City Recorder

Dated:

APPROVED AS TO FORM:

Truman A Stone, City Attorney

Dated:

Annexation Map FOR:

RIVERLANDS SUBDIVISION LLC

LOCATION: SW 1/4 SEC. 20, T. 3 S., R. 2 W., W.M.,
CITY OF NEWBERG, YAMHILL COUNTY, OREGON

TAX MAP: R2320-2500

DATE: 3 DECEMBER 2018

SITE ADDRESS: 1303 S. RIVER ST.
NEWBERG, OR

BY:
LELAND MACDONALD & ASSOC., LLC
3765 RIVERSIDE DRIVE
MCMINNVILLE, OREGON 97128
PHONE: 503-472-7904
FAX: 503-472-0367
EMAIL: LEE@MACDONALDSURVEYING.COM

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
January 16, 2002
LELAND A. MACDONALD
53226

Expires 31 December 2018

NORTH

SCALE: 1" = 100'

243

13TH STREET

NEWBERG-DUNDEE BYPASS
ODOT
(ELEVATED OVERPASS)

30'

30'

145.00'

STREET

TAX LOT 5315

TAX LOT 5316

TAX LOT 5317

TAX LOT 5318

TAX LOT 5319

TAX LOT 5390

30.00'

N 89°46'54" W 356.85'

326.85'

100.00'

145.00'

Δ=0°07'11"
R=2805.85'
L=5.86'
CH=S 55°56'20" W
5.86'

S 53°33'38" W 271.53' ALONG
CHORD OF SPIRAL OFFSET

TAX LOT 2500
RIVERLANDS SUBDIVISION LLC
INSTRUMENT NO. 201802357

1.56 Ac. ± to River St. R/W
0.22 Ac. ± in River St. R/W
TOTAL ANNEXED AREA 1.78 Ac.±

165.33'

N 00°20'30" W

551.13'

S 89°47'27" E 581.13'

20'

50.00'

SPALDING RAILROAD

30.00'

TAX LOT 2600

RIVER

30'

30'

#8661

EXPIRES 31 DECEMBER 2018

244

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 16, 2002
Leland A. MacDonald
53226

Leland MacDonald & Assoc., LLC
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 472-7904
Fax : 472-0367

3 December 2018

Description of Real property for: RIVERLANDS SUBDIVISION LLC – Area to be annexed into the City of Newberg, Oregon.

A tract of land located in Section 29, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said tract being more particularly described as follows:

Beginning at a point on the east margin of River Street in the City of Newberg, Oregon at the easterly extension of the south line of that tract of land described in deed from YVETTE SAARINEN to SIGMUND HOLDINGS LLC, recorded on November 22, 2017 in Instrument No. 201718769, Deed Records of Yamhill County, Oregon; thence North 00°20'30" West 165.33 feet, along said east margin to the easterly extension of the north line of said SIGMUND HOLDINGS LLC tract; thence North 89°46'54" West 30.00 feet the northeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence North 89°46'54" West 326.85 feet to a point on the southerly margin of the Newberg-Dundee Bypass at a point that is 145.00 feet distant from, when measured perpendicular to the "L" centerline thereof, said point being the northwest corner of said SIGMUND HOLDINGS, LLC tract and said point also being a point on a non-tangent curve concave to the southeast and having a radius of 2805.85 feet; thence 5.86 feet southwesterly along said margin and said curve, the chord of which bears South 55° 56'20" West 5.86 feet, to the beginning of a 145.00 offset to a 600 foot centerline spiral curve at Engineers Station "L" 516+56.09; thence southwesterly along said margin and said spiral offset, the chord of which bears South 53°33'38" West 271.53 feet, to the southwest corner of said SIGMUND HOLDINGS, LLC tract; thence South 89°47'27" East 551.13 feet to the southeast corner of said SIGMUND HOLDINGS LLC tract, being a point on the centerline of said River Street; thence South 89°47'27" East 30.00 feet on the easterly extension of the south line of said tract to the POINT OF BEGINNING.

Exhibit K

Draft Public Notice

City of Newberg
3229 Community Development Department
P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

NOTICE OF PLANNING COMMISSION HEARING ON AN ANNEXATION

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

The application would annex one 1.56-acre Tax Lot into the City, and apply a City zoning designation of R-2.

APPLICANT/PROPERTY OWNER:	***Riverlands Subdivisión LLC***
TELEPHONE:	***971-706-2058***
LOCATION:	***1303 S River Street, Newberg***
TAX LOT NUBER:	***Tax Map R3229/02500***

Working Together For A Better Community-Serious About Service"

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

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

Written Comments: File xxx
City of Newberg Community Development Department
PO Box 970 Newberg, OR 97132

All written comments must be received by noon on XXX. Written information received after this time will be read out loud at the hearing subject to time limits for speakers, and will be included in the record if there are further proceedings.

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

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for an annexation are found in Newberg Development Code Section 15.250.030

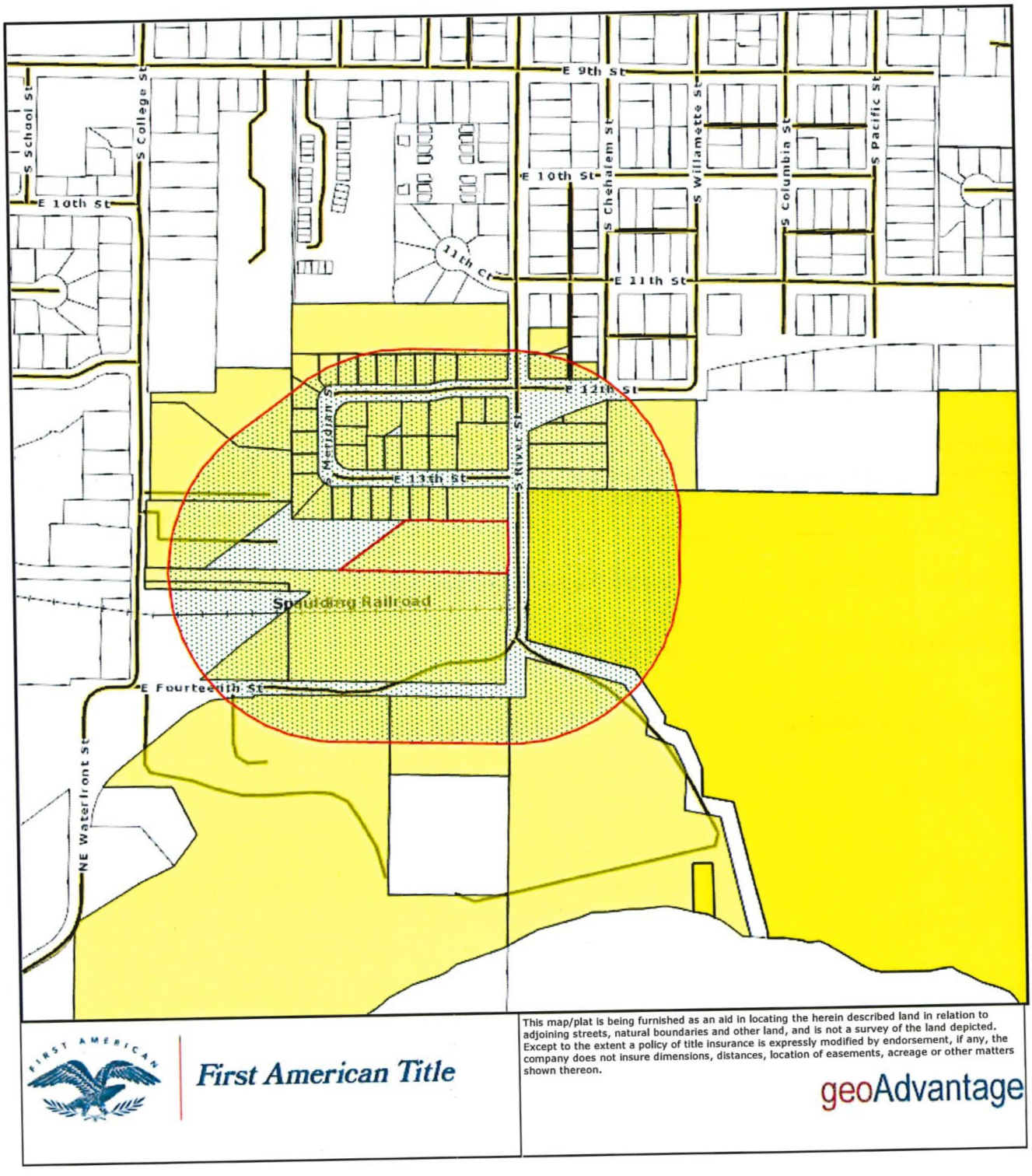
Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application through a continuance or extension of the record. Failure of an issue to be raised in the hearing, in person or by letter,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

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

Date Mailed: XXX

Exhibit L

Property Owner Information (500' Radius)


E 9th St
S School St
S College St
E 10th St
E 10th St
S Chehalem St
S Willamette St
S Columbia St
S Pacific St
11th Ct
E 11th St
E 12th St
Meridian St
S River St
E 13th St
Spuuding Railroad
E Fourteenth St
NE Waterfront St
FIRST AMERICAN
First American Title
This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.
geoAdvantage

Publishers Paper Co
PO Box 4098
Norcross, GA 30091

Publishers Paper Co
PO Box 4098
Norcross, GA 30091

Publishers Paper Co
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Woodview Village Apartments Company
3811 SW Barbur Blvd
Portland, OR 97239

Woodview Village Apartments Company
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Portland, OR 97239

Woodview Village Aptartments Company
3811 SW Barbur Blvd
Portland, OR 97239

Oregon State Of Dept Of Transportation
Right Of Way Section 4040 Fairview Indus
Salem, OR 97302

Oregon State Of
4040 Fairview Industrial Dr SE Ms 2
Salem, OR 97302

William & Derolyn Johnston
1255 Independence Ave
Woodburn, OR 97071

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest LLC
PO Box 4098
Norcross, GA 30091

R Craig & R Joan Dalton
3801 Coffey Ln
Newberg, OR 97132

Derek Cummins
1005 E 12th St
Newberg, OR 97132

Lisa Surratt
1001 E 12th St
Newberg, OR 97132

Mark & Tamara Taylor
913 E 12th St
Newberg, OR 97132

Jesus Quezada
909 E 12th St
Newberg, OR 97132

John & Sharron Caputo
905 E 12th St
Newberg, OR 97132

Donald Gay Jr
PO Box 783
McMinnville, OR 97128

Kenneth & Doris Wilson
1201 S Meridian St
Newberg, OR 97132

Martin & Eloisa Espindola
1203 S Meridian St
Newberg, OR 97132

Stacie Pfohl
1207 S Meridian St
Newberg, OR 97132

Rick & Lynne Turpen
3405 Raybell Rd NE
St Paul, OR 97137

Oregon State Of Dept Of Transportation
Right Of Way Section 4040 Fairview Indus
Salem, OR 97302

Oregon State Of Dept Of Transportation
4040 Fairview Industrial Dr SE Ms#2
Salem, OR 97302

Oregon State Of Dept Of
Transportation
355 Capitol St NE Rm 420
Salem, OR 97301

Oregon State Of
355 Capitol St NE Rm 420
Salem, OR 97301

Oregon State Of
4040 Fairview Industrial Dr SE Ms#2
Salem, OR 97302

Oregon State Of Dept Of
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Salem, OR 97302

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Transportation
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Salem, OR 97302

Oregon State Of Dept Of
Transportation
Right Of Way Section 4040 Fairview
Indus
Salem, OR 97302

Oregon State Of
4040 Fairview Industrial Dr SE Ms 2
Salem, OR 97302

Donald Stymiest
1208 S Meridian St
Newberg, OR 97132

Larry & Kathleen Iler
906 E 12th St
Newberg, OR 97132

Jose Roberto Juarez
1010 S Columbia St
Newberg, OR 97132

Oregon State Of
4040 Fairview Industrial Dr SE Ms 2
Salem, OR 97302

Oregon State Of
4040 Fairview Industrial Dr SE Ms 2
Salem, OR 97302

Oregon State Of
4040 Fairview Industrial Dr SE Ms 2
Salem, OR 97302

Oregon State Of Dept Of
Transportation
Right Of Way Section 4040 Fairview
Indus
Salem, OR 97302

Theresa Green
1301 S River St
Newberg, OR 97132

Charles & Carol Boyes
2709 Holiday Ln
Newberg, OR 97132

Oregon State Of
Right Of Way Section 4040 Fairview
Indus
Salem, OR 97302

Sp Fiber Technologies Northwest
LLC
PO Box 4098
Norcross, GA 30091

Sp Fiber Technologies Northwest
LLC
1301 NE Wynooski Rd
Newberg, OR 97132

Sp Fiber Technologies Northwest
LLC
PO Box 4098
Norcross, GA 30091

Newberg City Of
535 NE 5th St
McMinnville, OR 97128

lardrock Enterprises LLC
21880 SW Farmington Rd
Beaverton, OR 97007

Riverlands Annexation
1303 S River Street

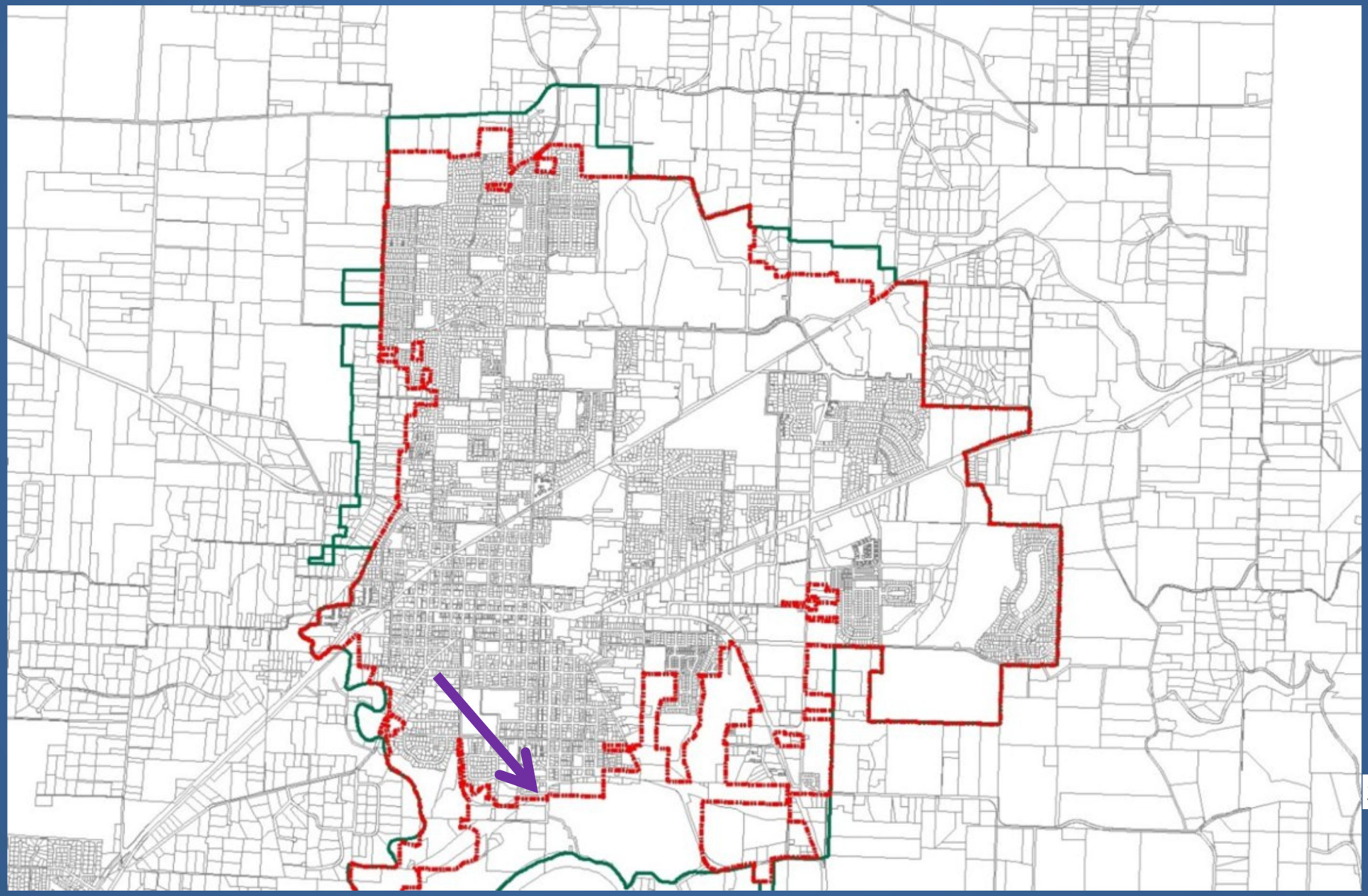
City Council Hearing

January 22, 2019

Application Summary

- Request: Annex 1.56 acres into Newberg; change zoning to city R-2/RD
- Comprehensive Plan Designation: MDR/RD (Medium Density Residential/Riverfront District) concurrent CPMA request
- Location: 1303 S River Street
- Tax Lot: 3229-02500
- Applicable Criteria: 15.250.020, 15.250.030

Location (far view)

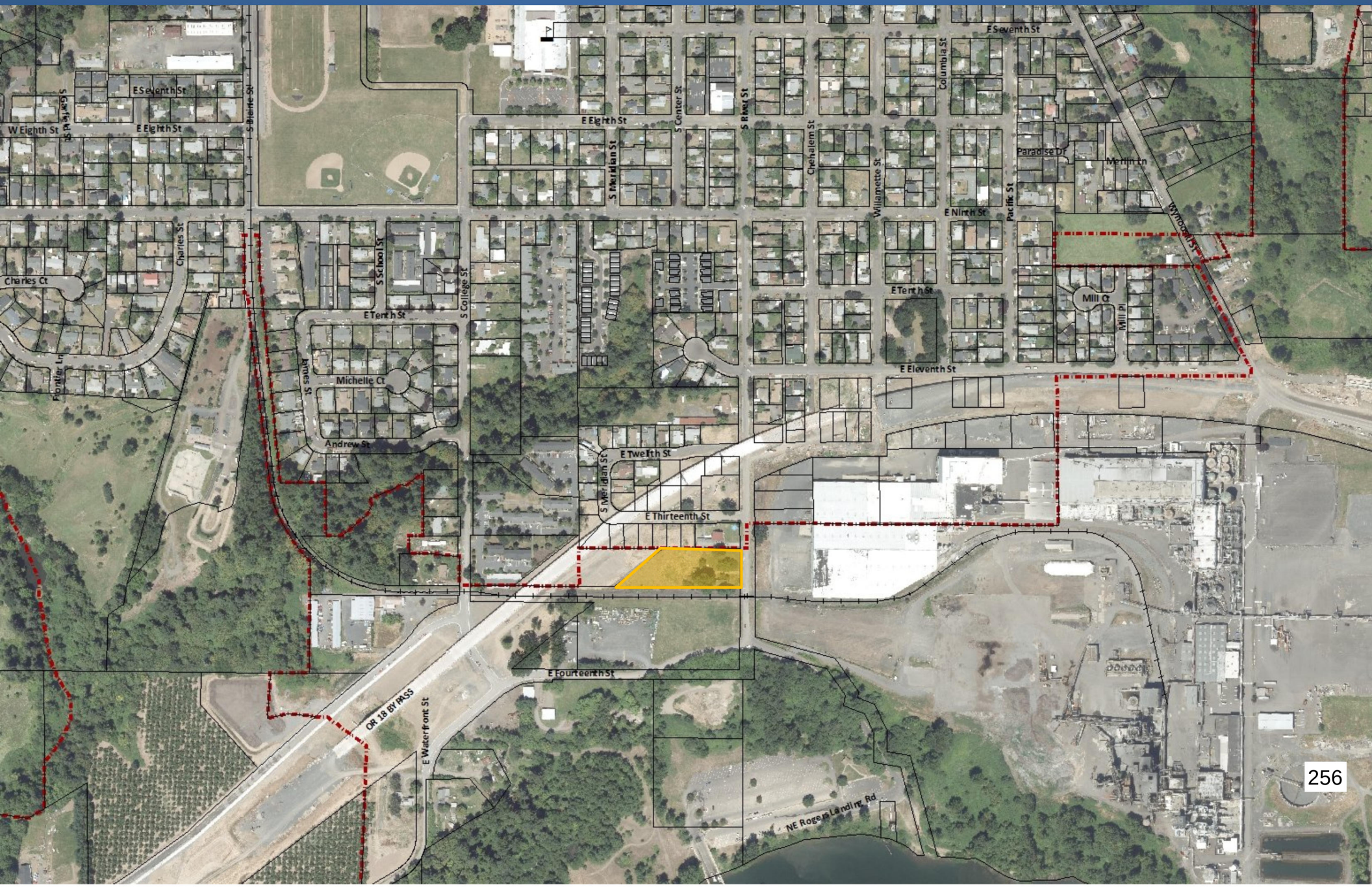


Criteria – 15.250.020 Conditions for Annexation

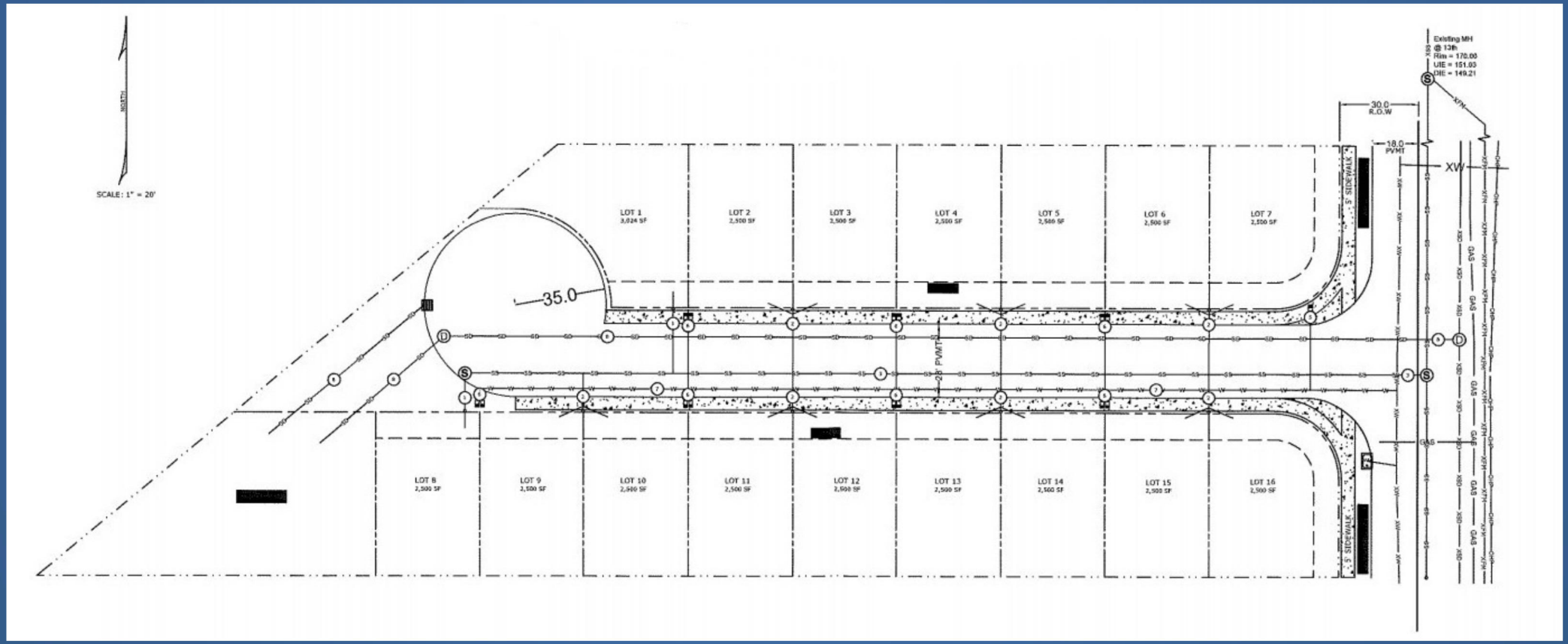
➢ *Site must be within the UGB or URA, and contiguous to the existing city limits.*

- The property is located within the urban growth boundary and is contiguous to the Newberg city limits along its northern boundary.
- The legal description of the area to be annexed includes the adjacent right-of-way, which provides for future continuity of the city limits.

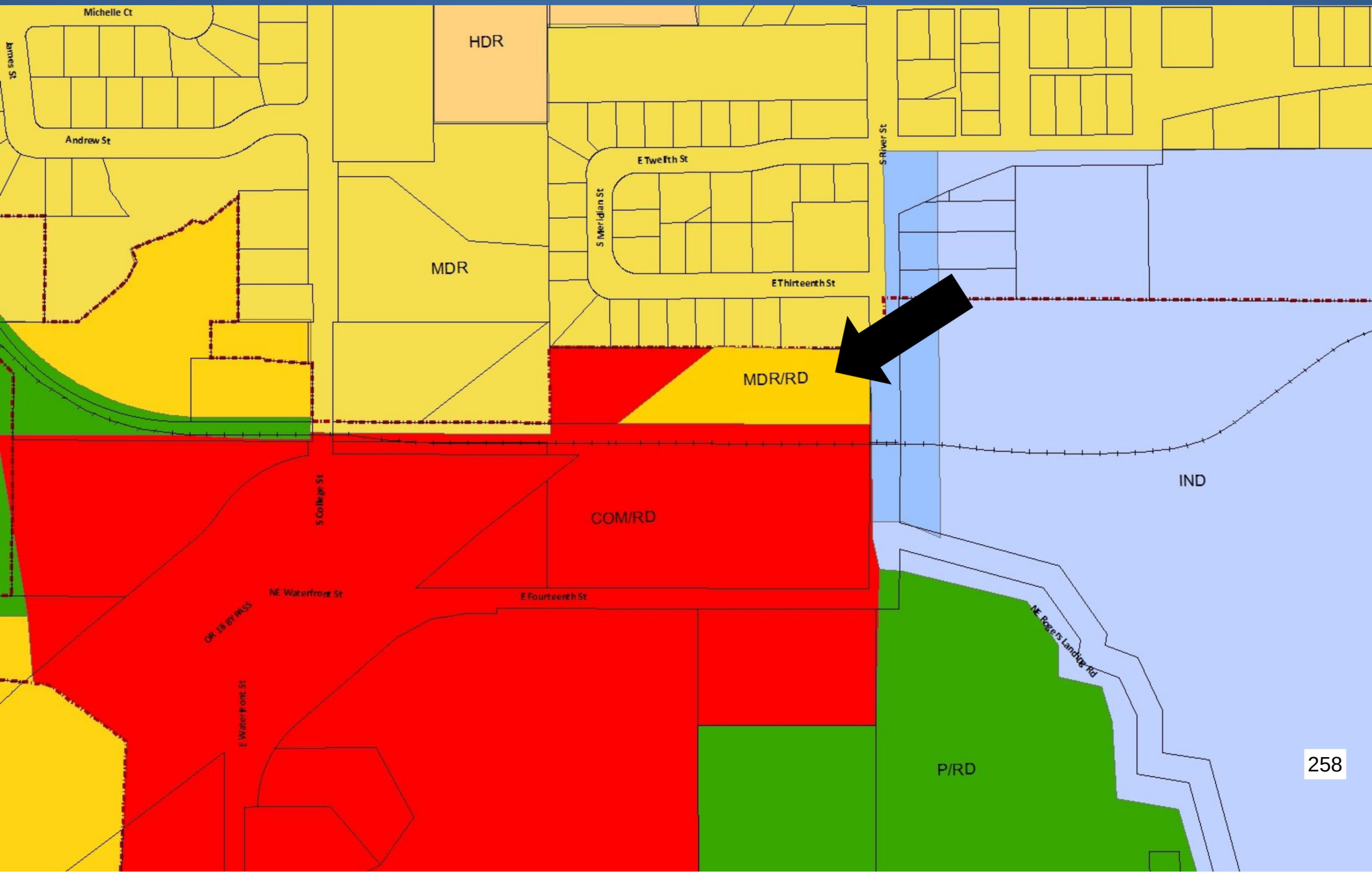
Location & Aerial



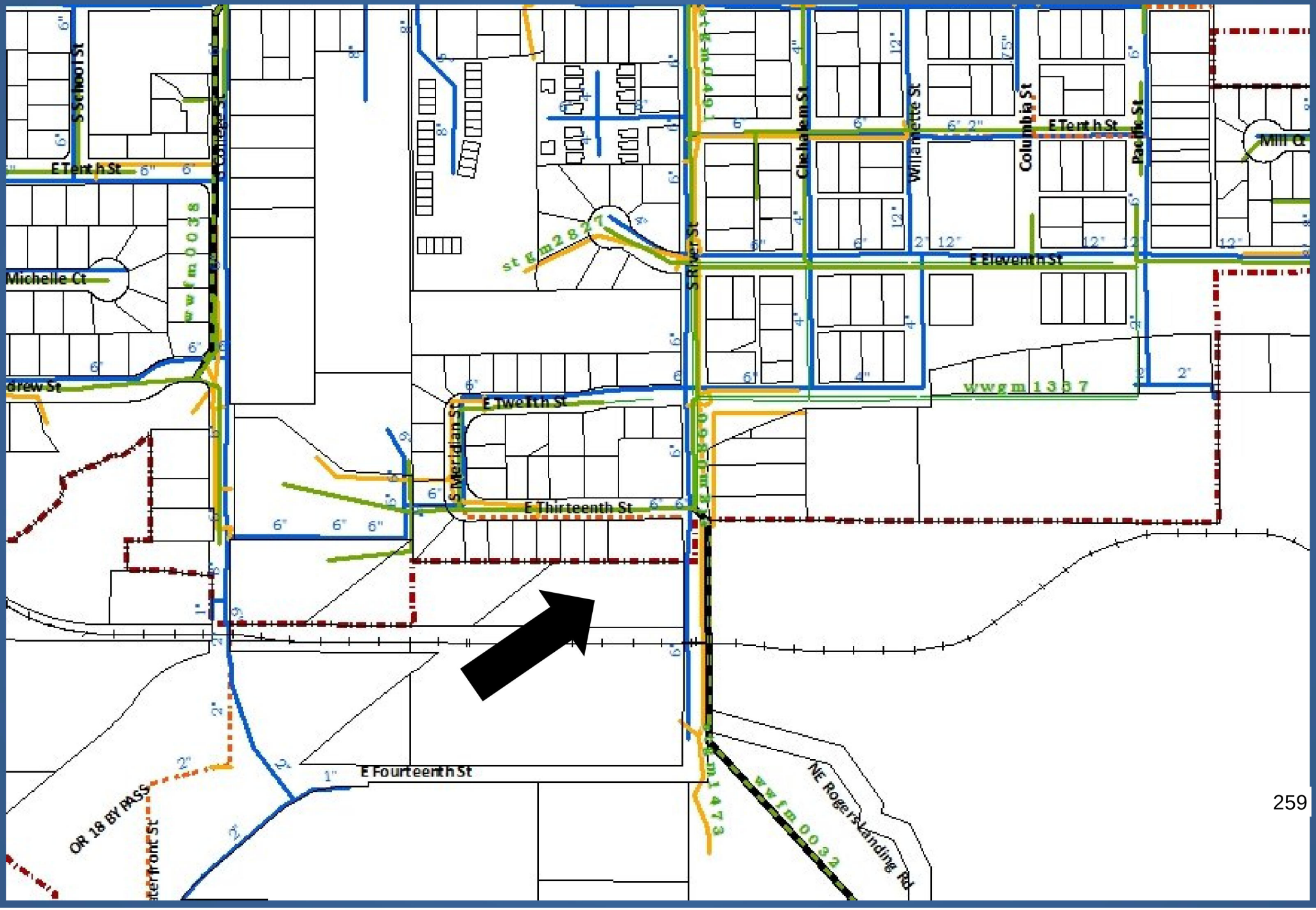
Conceptual Site Plan



Comprehensive Plan Map



Utilities


E Tenth St
S College St
Michelle Ct
E Twelfth St
S Meridian St
E Thirteenth St
E Fourteenth St
OR 18 BY PASS
S River St
Chehalem St
Willamette St
Columbia St
Pacific St
E Eleventh St
NE Rogers Landing Rd
wwgm1337
wwgm0032

Criteria – 15.250.030 Quasi-Judicial Annexation

➢ *The proposed use complies with the Comprehensive Plan and designation on Comprehensive Plan map*

- Comprehensive Plan map designation: Zoning of R-2/RD (medium density residential/Riverfront District) is consistent with the MDR/RD Comprehensive Plan designation, per NMC 15.250.080. Concurrent request to amend Comprehensive Plan designation.

Criteria – 15.250.030 Quasi-Judicial Annexation

➢ *Adequate level of urban services available within 3 years: sewer, water, roads; Availability of police, fire, parks, schools*

- Public utilities exist in S River Street.
- Public utilities will be extended to serve the site with future development.
- Street improvements with future development.
- Police, Fire, parks, and schools are available to serve the future development.

Recommendation

Adopt Ordinance No. 2019-2943 approving the requested annexation for the 1.56 acres of property located at 1303 S River Street.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 22, 2019				
Order No. __	**Ordinance No. __**	**Resolution No. XX 2018-3519**	**Motion __**	**Information ___**
SUBJECT: A Resolution entering into an agreement with Visit Newberg for tourism marketing and promotion activities as approved by the City Council acting as the City of Newberg Contract Review Board		**Contact Person (Preparer) for this Motion: Doug Rux, Director Dept.: Community Development File No.: G-16-008**		

HEARING TYPE: ADMINISTRATIVE

RECOMMENDATION:

Table the decision on Resolution No. 2018-3519 to May 20, 2019 and direct the TLT Ad Hoc Committee to return on February 19, 2019 with a proposal to provide a funding allocation for start-up costs for Visit Newberg.

EXECUTIVE SUMMARY:

On December 17, 2018 the City Council held an administrative public hearing as the Contract Review Board for an Agreement with Visit Newberg for tourism promotion activities. The City Council had a variety of questions related to the Agreement and tabled a decision on proposed Resolution No. 2018-3519 to January 22, 2019.

The TLT Ad Hoc Committee met on January 2, 2019 and discussed the questions raised at the December 17 City Council meeting in addition to a series of emails that contained additional questions from Councilor Johnson to the TLT Committee Chair, TLT Marketing Subcommittee Chair, Chehalem Valley Chamber of Commerce Executive Director, and legal counsel for Visit Newberg (Attachment 1). There was an additional email of questions from Councilor Johnson to City staff (Attachment 2).

The TLT Ad Hoc Committee discussed the series of question that had been raised and concluded to modify their original recommendation to the City Council to phase in implementation of the Visit Newberg proposal by allowing Visit Newberg to file its Articles of Incorporation with the State of Oregon (Articles have been filed), holding their organizational meeting, electing their Board of Directors, and filing for 501(c)(6) status with the Internal Revenue Service. The TLT Ad Hoc Committee additionally discussed recommending to the City Council start-up allocation funding so that Visit Newberg could hire an Executive Director and prepare a Business Plan and Budget to be brought back to the City Council along with the Agreement currently before the City Council.

Transient Lodging Tax (TLT) Ad Hoc Committee Recommendation

The TLT Ad Hoc Committee recommended by a 7-0 vote to return to the City Council on February 19, 2019 with a proposal for a start-up funding allocation for Visit Newberg to form the organization and to hire an Executive Director and to table the Agreement until an Executive Director is hired by Visit Newberg to prepare a Business Plan and Budget.

FISCAL IMPACT:

Fund 19 Transient Lodging Tax Fund is where revenue and expenses for a Tourism Marketing Organization would be received and expended. Beginning in FY 2019/2020 the amount is estimated at $323,751. By FY 2021/2022 the projections estimate approximately $348,121 would be available.

There is approximately $499,000 estimated in Fund 19 by the end for FY 2019/2020 that could be used, in an amount to be determined, for the start-up allocation for Visit Newberg.

Staff will bring back a separate RCA at a future date to amend the City/Chamber contract that will remove the marketing requirements and adjust the annual funding amount to operate the Visitor Center.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

Goal 11: Implement Newberg Economic Development Strategy. This discussion furthers the Tourism & Hospitality pillar and the goal to "Make Newberg/Chehalem Valley a regional, national & international tourist destination." The specific strategies are 4.1 Increase Tourist/Visitor Counts in Newberg and 4.3 Transient Lodging Tax Program.

Attachments: 1. Emails between City Council member Johnson and TLT Committee Members
2. Email between Councilor Johnson and City staff

Doug Rux

From: Patrick Johnson
Sent: Tuesday, January 01, 2019 6:01 PM
To: Rob Felton
Cc: Shannon Buckmaster; Doug Rux; Joe Hannan; Dennis Lewis; John Bridges
Subject: RE: Visit Newberg thoughts

Rob,

While I would love to attend the TLT meeting tomorrow, one of the reasons I asked to be taken off that committee assignment was that it conflicts with my work schedule. Tomorrow is one of the busiest days of the year for me at work, so I will be unable to attend.

I did have a couple of weeks off and offered to meet during my vacation. I understand that during the holidays is tricky schedule-wise. I really appreciate you taking the time to write back about my concerns. Starting Jan. 2 my schedule is going to be pretty full with city council and work obligations. If you still would like to sit down and meet, let me know but it will have to be after 5 p.m. on a night I don't have a city meeting.

When it comes to the timing, I am standing fast that I think you will be able to find a quality candidate – the council has already received an inquiry about the position which I will forward to you. I have concerns voting for a contract with an organization that isn't established and I don't know the bylaws, budget, etc. I would like to see that work completed, then approve a contract and get the exec on board. That is just my preference, with a new council, they may feel differently, but this is one aspect where my position is becoming more concrete. We already received an inquiry.

Regarding public records and meeting law, I appreciate the research you did, and after doing some research of my own regarding 501c6 organizations, I am still unsure about how comfortable I am with giving up the public records/meeting law request. I will continue to do research and let you know if I have a shift in my opinion. At this point you make a compelling point. Thank you.

I am fully aware this is not a city committee, but part of the 501c6 requirements state that there must be a shared business interest. I would think that the city would have a shared business interest, one by providing the funding for the organization, but also in providing the tool to collect that money. If Visit Newberg is successful, not only do our tourism industry partners make more money, but it also assists the city. I didn't read anything in your answers that changed my opinion that a council person should be a voting board member.

As I stated during the council meeting, I want a clear understanding of the exit ramps or safeguards that are in place regarding giving this much public money to a second party. If things go wrong, I want to make sure the council and city has the ability to protect the taxpayers – whether they live in Newberg or are just visiting and paying the tax. I still don't know if the council can stop the contract each year, or only after three years from the language.

If Visit Newberg does nothing but promote wine country, then what am I supposed to tell constituents who don't believe that that is the only thing to do in Newberg and that it shouldn't be promoted? What if the organization does something controversial? What are the systems in place to give the city some oversight of the organization. A voting member on the board would be one, but are their other tools we could look into to make sure that if something comes off the rails, the city could respond accordingly?

And to Dennis' question about tax dollars. When we take in tax dollars, I consider those public monies. No matter where they come from. We get gas tax revenue from the state and if you ask city staff, they will tell you that I am as interested in how we spend that money, as I am the general fund. It's all public money. Yes, people who don't live here are paying

it, but it's still part of the council's responsibility to watch and make sure it is spent with the public's best interest in mind.

So while gax tax goes to transportation and pedestrian projects, TLT, at least a part of it, goes to tourism. I understand that and want to be as careful as possible. I hope that clears up my feeling about all tax revenue.

I really appreciate the email and the invitation. I wish I could attend tomorrow, but work has got to be the priority.

Thank you for your time and patience.

Patrick Johnson
Newberg City Council, District 4
503-724-3525

Note: The contents of this email are considered public record and can be requested by the press and public.

From: Rob Felton <rfelton@georgefox.edu>
Sent: Tuesday, January 1, 2019 10:34 AM
To: Patrick Johnson <Patrick.Johnson@newbergoregon.gov>
Cc: Shannon Buckmaster <shannon@chehalemvalley.org>; Doug Rux <Doug.Rux@newbergoregon.gov>; Joe Hannan <Joe.Hannan@newbergoregon.gov>; Dennis Lewis <dennis@lewisav.com>; John Bridges <John@newberglaw.com>
Subject: Re: Visit Newberg thoughts

Hi Patrick,

Thanks for the e-mail. I appreciate that you have put time and thought into this. I believe we will discuss this tomorrow at our TLT meeting at 4 p.m. It would be great if you could join us.

Briefly, I'll try to address your concerns from my perspective, which may or may not represent the perspective of others on the committee.

1. The proposed process for creating this non-profit comes from a proven Visit McMinnville model with changes suggested by the city administrators and (I believe) John Bridges. The committee did change the contract to restrict the initial contribution of cash. I'm not sure if a start-up grant would be safer, but I do want to make sure we can attract a high-quality director who would be attracted to a non-profit with financial stability.

2. A strong motivation for creating this non-profit was to make the process of doing business more nimble and responsive. Making a contractor follow government meeting rules seems onerous and unnecessary since the organization will still be required to meet on a regular bases, keep minutes and make them available to the public. I would defer to an attorney for legal council, but I did find this relevant information on the Department of Justice's website:

State agencies periodically contract with privately established bodies, such as nonprofit corporations, to carry out public purposes. For example, the Mental Health Division and counties specifically are encouraged by statute to contract with private bodies to furnish community mental health services.[301] Typically, the private body's entire budget consists of public money. Other groups, such as the Oregon Parks Foundation, may have public officers on their boards, receive public funds and carry out public purposes to such an extent that their records are subject to state audit.[302] Such bodies are not subject to the Public Meetings Law.

3. I suppose the board membership is open for negotiation, but there was a strong desire to have nine industry representatives on the board and we already have more good candidates than positions. This is not a city committee. It

is a nonprofit serving as a contractor to the city. Like with the previous tourism contract with the Chamber, the council will have the ability to accept or alter the marketing plan each year.

4. I agree there must be safeguards against fraud or misuse of funds, but I would reiterate that it will be difficult to hire a high-quality director if the organization's future seems uncertain.

5. Again, like with the previous Chamber contract, the council would be able to approve the marketing plan in advance. If Visit Newberg altered the plan in a major way, it would risk losing the contract with the council.

Hope to see you tomorrow,

Rob

On Fri, Dec 21, 2018 at 4:45 PM Patrick Johnson <Patrick.Johnson@newbergoregon.gov> wrote:

Rob and Shannon,

I have continued to read the materials and think about the TLT and Visit Newberg issue. I wanted to send you an email and outline my position as of today. As always, I am open to listening and learning about this topic more, but with the information I have, this is what I would prefer:

1. Start with smaller grant that would get the Visit Newberg 501c6 established, the board in place, bylaws completed and a proposed budget to the city.

2. In the bylaws, since the organization is going to be nearly 100-percent funded by public money, follow Oregon Public Records and Meeting Law.

3. Since the city is providing the majority of the funding for the organization, I also have a strong belief that the council member on the board should have voting rights.

4. I would like to see the structure of the contract also change so there is some financial stability for the organization, but also the ability for the council to change directions if we find that Visit Newberg isn't the right model after the first 24 months. I also am still not clear on how the council would terminate the contract, would it be locked in for 3 years, or could we terminate after 1 year?

5. I also would like to have a clearer idea of the safeguards the city would have regarding the use of TLT dollars. My concern centers around the Visit Newberg organization doing or funding something controversial and the council not able to address the situation. In addition, giving more than $300,000 of public money to a group of individuals who are not elected, without council review on major expenditures does cause me some concern.

I wanted to clearly outline my positions as they sit today, as a starting place for discussions. I am completely open to listening to other points of view and coming to a different conclusion.

I am on vacation for the next week and a half, so after Christmas if either of you have availability, I would be open to meeting.

Have a wonderful holiday.

Patrick

Patrick Johnson
Newberg City Councilor
District 4
503-724-3525

Visit the city's website for information about upcoming meetings, master plans and the city budget at www.newbergoregon.gov.

--
Rob Felton
Director of Marketing Communications
Director of Public Information
George Fox University
rfelton@georgefox.edu
503-554-2129

Doug Rux

From: Doug Rux
Sent: Friday, December 14, 2018 2:54 PM
To: Patrick Johnson; Joe Hannan; Truman Stone
Cc: Elise Yarnell Hollamon
Subject: RE: Visit Newberg questions

Councilor Johnson,

Thanks for the questions. I will try to clarify the points raised. Responses are include below after each of the questions.

Hope this additional information helps.

Doug Rux, AICP
Community Development Director
City of Newberg
503.537.1212
Doug.Rux@newbergoregon.gov

From: Patrick Johnson
Sent: Thursday, December 13, 2018 11:50 PM
To: Joe Hannan <Joe.Hannan@newbergoregon.gov>; Doug Rux <Doug.Rux@newbergoregon.gov>; Truman Stone <Truman.Stone@newbergoregon.gov>
Cc: Elise Yarnell Hollamon <Elise.Yarnell@newbergoregon.gov>; Patrick Johnson <Patrick.Johnson@newbergoregon.gov>
Subject: Visit Newberg questions

Good evening.

Had a chance to read the packet this evening. I focused on the Visit Newberg items and have more questions than usual. I am very conflicted. While I want to get those huge load of work off of the Community Development Department's plate, at this point, I'm not comfortable enough with the information to make an informed decision.

Here are the questions.

1. In Resolution 2018-3519, page 3, #2 findings: There is a sentence about a one-time payment of $499,663 during the FY18-19 budget. Joe informed me this week that it will be throttled, but there is no language of that anywhere in this resolution or contract. I'm not comfortable with this provision without outlined benchmarks before we approve a document that promises those funds. Was there going to be an amendment with those benchmarks before the additional revenue was awarded?

> For the FY 19/20 budget we are projecting that there will be $499,663 of available funds as one time dollars for marketing/promotion. Since were are not quit half way through the budget year all of the projected funds have not been realized yet. The TLT Committee discussed this dollar amount at their last meeting and were as well expressing some concerns of moving all of the funds over to Visit Newberg at one time. The Agreement was changed under section 3.b. to read "Once the Agreement is fully executed and acceptable certificates of insurance have been provided to the City, the City will provide Visit Newberg with funding for startup costs in an

amount to be determined and negotiated by the City and Contractor of the Transient Lodging Taxes accrued and unexpended since the inception of the Transient Lodging Tax, minus the City's annual expenditures to the Chehalem Valley Chamber of Commerce for the Visitor Center contract, and funds committed from the Transient Lodging Tax Destination Development-Marketing Grant program grant awards." This means some portion of the available $499,663 in funds would be provided to Visit Newberg as start-up costs. That startup cost amount is to be negotiated.

2. Overall, while the grant programs, which we put a lot of work into, were mentioned, I am not entirely sure which organization is going to administer those. Or if we are continuing those. In Resolution 2018-3519 section 4, ii, it talks about economic development, is that the grant program? I also didn't see it in the budgets, so please let me know if this is continuing.

The City will not be conducting a tourism grant program. At the recommendation of the TLT Committee the grant program has been placed on hold that was shared with the City Council on August 20, 2018. Visit Newberg may have a grant program to promote tourism but that option will need to be discussed by the Visit Newberg Board of Directors and if they chose to have such a program it would be included in their business plan and budget which would come back to the City Council for review and approval. The ORS cited indicates that a non-profit entity that manages tourism-related economic development plans, programs and projects is eligible to use tourism tax dollars for those purposes.

3. From a political standpoint, it may be a hard sell to say we are giving a new non-profit this money, they are hiring a person, and that's why we aren't funding old fashion festival and other community events. I do think that there needs to be a communication plan, or crisis communication plan around budget time to address these non-profit and event concerns. I would hope that would be in place well before we start the next fiscal year budget, as those requests will come in again. Talking points for council would be greatly appreciated.

I will need to discuss the concerns you have raised about a communication plan and funding for events locally and those organizations approaching the City for funding with the City Manager. The TLT Committee has discussed that Visit Newberg could be the conduit to assist other organizations that are seeking funding for a tourism event through Travel Oregon, Willamette Valley Visitors Association, or other entities that provide grants.

4. That said, having the Camilla Festival come in right after this agreement is approved, is problematic to me when thinking about other community events that have reached out for grants in the past. Have we offered other grant recipients or events the same opportunity to apply before the grant program is shut down? I am worried about equity and fairness and the political perception. I feel staff is putting council in a difficult position to award a grant outside of a process that is already established.

The City Manager would be the best person to respond to your concerns on the Camellia Festival. I will ask him to provide that response.

5. So the timeline is the Visit Newberg group is going to take the budget, business plan, marketing plan, and fine tune those. Then create financial policies and procedures, referencing the rules put in place by the city agreement, in 19 days. This goes into effect Feb. 1, correct? Then at the same time they are going to hire an executive director of a new organization that will have potentially had no input on any of these documents, despite the fact of being skilled in marketing and promotion (judging from the job description**). I feel like those two things should be flipped and the timeline adjusted.** You have the rough documents to get started, unless there are requirements for the non-profit designation that I don't know about, it seems like having the full time exec director on board first would give more capacity and visioning opportunity for the person doing the actual work. Plus it wouldn't burn out a new board that has already done great work on this for the past 24 months. Please explain that timeline to me and the thought process that went into it.

This is the chicken or the egg question. The dates included in the Agreement should be considered a place holder and subject to change or modification. I was going to verbally note that in my presentation. The TLT Committee was made aware at their last meeting that the dates may change. The TLT Committee had also talked about the initial Board of Visit Newberg preparing the interim Business Plan and budget to cover the general time frame of January/February through June. It is anticipated that the initial Board would have their organization meeting in late January or early February based on conversations with the legal counsel preparing the required paperwork filing with the State and organizing the Visit Newberg organizational meeting. The proposed Resolution in the Resolves section indicates that the City Manager is authorized to sign the agreement in substantial conformance with Exhibit "A". This I believe provides the flexibility to adjust dates in the agreement. Beyond that when Visit Newberg hires their Executive Director and if they wish to make other modifications then the Agreement would have to come back before the City Council for consideration.

6. If the timing isn't flipped, once this agreement is in place, Community Development is still going to be doing the heavy lifting, or monitoring the volunteer work? Another reason why having the exec on board first makes more sense to me.

Once the Agreement is approved by the City Council the heavy lifting is by Visit Newberg. They need to get their Articles of Incorporation filed with the State, hold their Organization meeting, prepare the Jan/Feb – June Business Plan and Budget recruit for an Executive Director, and prepare their FY 19/20 Business Plan and Budget. The City staff time I envision is coordinating with Visit Newberg to get Business Plans and Budgets before the City Council. If their changes to the Agreement proposed by Visit Newberg staff would also be working on the modifications and getting that to City Council. I should also note that the TLT Committee appointments expire at the end of December. Committee members have agreed to stay on for 3 additional months until Visit Newberg is formed. Once Visit Newberg is formed the TLT Committee will get dissolved. There will be an RCA I will need to take to Council for that process as well.

7. I'm not comfortable with the city council approving a business plan before the person who is going to implement it has a chance to read it and learn about the area. I'm not sure strategically that is the best timing. Why was it outlined this way?

The Agreement was modeled after the City of McMinnville/Visit McMinnville documents and the steps they took. The 6 month Business Plan and budget based on TLT discussions was that the Board could do that task. For the FY 19/20 Business Plan and budget the intent was that the Executive Director would be on board to prepare those documents.

8. A June 1 progress report, will give the new executive director approximately 60 days on the job if they are hired on March 31. Is that enough of a window for the person to feel like they know what they are doing? If there is some backlash because of the grants, is there concern this might be setting up a new executive director to go into a public meeting and look like they haven't accomplished much in those 60 days on the job? Especially when establishing a new organization? The tasks might be buying computers and learning about local attractions and very little actual marketing — which could create negative public relations. Was that considered?

The Visit Newberg Board has more of a responsibility in the initial 6 months until an Executive Director is hired. I guess one option is that no Agreement is approved by the City Council and we wait until June of 2019 to do an Agreement. This would likely create problems though as Visit Newberg will need funds to start up the organization which include recruitment of an Executive Director. Without an Agreement in place I would not recommend that Visit Newberg be provided any funding from the City. On a side note the TLT Committee discussed and shared with City Council that Visit Newberg contract with the Chamber to provide office space and admin support.

9. In the agreement, Exhibit A, Number 4, subsection c at the top of Page 5, it says "In no case will expenditures exceed actual funds payable with this agreement." Then goes on to say that other funds don't count in the second sentence. Why not just say city funds can't be used for loans? Is that the intent of this section? What about purchasing tents, office equipment, car, those types of things, could borrowing for those items be barred from this section of the agreement. I am trying to think a little a head here and understand the language and intent of that section.

> This section is saying that the budget cannot exceed the funds that are available from the City. They could look at other outside funding sources for the organization but that would have to be delineated appropriately in their proposed budget. The intent is don't propose a $400,000 budget when TLT funds available are only $323,000. They would have to show the funding source for $77,000 difference.

10. In the agreement, Exhibit A, Number 12, so if we want to terminate the agreement, we notify, then do we wait three years or one year? I couldn't follow that. I would like that language more clear.

> I will let Truman respond to this item.

11. Number 16 in agreement (Exhibit A): Are we going to require them to purchase a business license?

> In my opinion yes a business license would be required.

12. Number 21 in agreement (Exhibit A): So if Visit Newberg hires a marketing firm, much like Travel Portland does, to do marketing, the city has to give written consent for that firm to work on behalf of Visit Newberg? What does that process look like? Is that a council action or staff action? Will that depend on dollar amount of the contract?

> I will let Truman respond to this question.

13. In Resolution 2018-3436 number 3 it says the chamber is doing "Destination Development" so are they doing the grants? What does that term mean if it's not the grants? If the chamber is awarding grants, then there are larger policy questions about public money being handed out by a third party non-profit. If we went over this in the past, please refresh my memory.

> The Chamber has provided funds to organizations for events or programs such as the Camellia Festival and Truffle Festival. If they actually called them grants or not I will have to check on that. The Chamber is not doing the grants in the context of the Small Grant and Destination Development-Marketing Grant program the City was administering in the past.

14. I saw nothing in any of the documentation about public records or public meetings law. I think it should be a policy that if an organization is going to take Newberg public money for the majority of their funding, they should be required to follow the same sunshine laws as the city.

> There was discussion by the TLT Committee on public meetings and public records law as part of the draft bylaws. That language was in an earlier draft of the bylaws. The TLT Committee discussed it and struck the original language for public meetings and public records and inserted the language that is in the information RCA in the draft Bylaws under Section 7.

15. If Visit Newberg is going to be housed in the chamber office, are we:

1. Changing the chamber contract to include that for $0?
2. Changing the contract to require notice if they move?
3. Have a contingency plan if the chamber moves to a smaller facility?

4. Have any other requirements to provide so many square feet for offices, parking, meeting space, internet and phone access?

In Resolution 3519, Attachment 1, Exhibit "A" indicates that the Executive Director be housed at the Chamber. The TLT Committee and Chamber have discussed this approach extensively. The Chamber and Visit Newberg would need to negotiate a contract. Yes there will be a modification to the City/Chamber contract as the Chamber will only be providing the Visitor Center service. The Chamber will no longer be conducting Tourism promotion/marketing. The Chamber has provided me with the cost of operating the Visitor Center. That revised contract would be brought to the City Council in late January or in February, depending on the action the City Council takes on the Visit Newberg Agreement. If Visit Newberg is delayed then the modification to the Chamber contract would be delayed. The subset items you have raised have not been discussed with the Chamber at this time.

That does it for now.

Thanks for your patience and I look forward to the answers.

Patrick

This email is a public record and can be requested by the general public and media.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 22, 2019				
Order No. __	**Ordinance No.** __	**Resolution No.** XX 2019-3526	**Motion** __	**Information** ___
SUBJECT: A Resolution waiving, denying or partially waiving building permit fees and Engineering Sidewalk/Driveway Approach permit fees for a hobby shop at 915 S Chehalem Street			**Contact Person (Preparer) for this Motion: Doug Rux, Director Dept.: Community Development File No.:**	

RECOMMENDATION:

City Council consider the Building Fees waiver and Engineering Fees waiver request and adopt a resolution either approving the waiver request, denying the waiver request, or partially waiving fees.

EXECUTIVE SUMMARY:

On December 26, 2018 Mr. Kent Roberts submitted to the Community Development Department, Building Division, a request to further waive fees for a proposed hobby shop to be constructed at 915 S Chehalem Street (Attachment 1). Community Development Director Doug Rux spoke with Mr. Roberts and informed him that the City Council passed Resolution No. 2018-3500 on October 1, 2018 (Attachment 2) that established the partial waiver of fees from his previous request and that staff did not have the authority to make adjustments to the amount approved by the City Council. The reason for the second request is that the fee amount was higher based on additional building square footage, a higher building valuation for the project based on discussions between Mr. Roberts and Building Division staff, and Engineering Services Department fees for a Sidewalk/Driveway approach permit and associated Technology Fee which were not known at the time of the initial request.

Background

On August 16, 2018 Mr. Kent Roberts submitted to the Community Development Department, Building Division, a request to waive fees for a proposed hobby shop to be constructed at 915 S Chehalem Street. Community Development Director Doug Rux spoke with Mr. Roberts and informed him that the Building Official and the Community Development Director did not have the authority to approve such a waiver and that a written request would need to be submitted and taken before the City Council for its consideration.

Newberg Municipal Code (NMC) outlines the process for a building fees waiver request. Specifically, Chapter 14.05 BUILDING CODE, Article V. Fees, 14.05.280 Fee refunds and waivers,
E. Requests for waiver of all other permit fees shall be forwarded to the city council.

Chapter 14.05 BUILDING CODE, Article V. Fees, 14.05.280 Fee refunds and waivers, has additional provisions on refunding fees.

B. The building official may authorize refunding of the permit fees paid as required by this code when no work has been begun under a permit issued in accordance with this code. Permit fee refunds shall not exceed the amount set forth by resolution of the city council.

C. The building official may authorize a refund of plan review fees paid as required under this code if an

application for a plan review permit is withdrawn or canceled before any plan review is conducted. Plan review fee refunds shall not exceed the amount set forth by resolution of the city council.

D. The building official shall not authorize refunding of any fee paid except on written application filed by the original permit holder not later than 180 days after date of fee payment.

F. A $20.00 processing fee shall be charged on all refunds authorized under this code.

There are no criteria in the Municipal Code for waiving Engineering Division fees for a Sidewalk/Driveway Approach Permit and associated Technology Fee.

Attachment 1 is Mr. Roberts's written request and justification for the additional fee waiver.

FISCAL IMPACT:

For Mr. Roberts original request the estimated impact on Fund 8 Building Fund was $318.34 for the plan review fee and $692.96 for the building fees (Community Development Fee - $299.71, Technology Fee - $18.73, and Structural Permit Fee - $374.52). The State Surcharge Fee of $44.94 cannot be waived or reduced. The adopted budgeted revenue for building permits for FY 2018-2019 is $465,822. Mr. Roberts's fee waiver request is .0015% of the budgeted revenue.

Mr. Roberts has paid the plan review fee of $318.34 consistent with Resolution 2018-3500.

For the new request the estimated impact on Fund 8 Building Fund is $727.15 for the building fees (Community Development Fee - $315.48, Technology Fee - $19.60, and Structural Permit Fee - $392.07). The State Surcharge Fee of $47.05 cannot be waived or reduced. The difference between the original request and the second request is $34.19. The adopted budgeted revenue for building permits for FY 2018-2019 is $465,822. Mr. Roberts fee waiver request is .0015% of the budgeted revenue.

There are Engineering Services Department fees of $142.94 for a Sidewalk/Driveway Approach Permit and a $7.15 Technology Fee.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

Not applicable.

Attachments: 1. Mr. Roberts 2nd Waiver Request
2. Resolution No. 2018-3500

RESOLUTION NO. 2019-3526

A RESOLUTION APPROVING A BUILDING FEES WAIVER AND ENGINEERING SERVICES DEPARTMENT SIDEWALK OR DRIVEWAY APPROACH PERMIT FEE WAIVER FOR A HOBBY SHOP AT 915 S CHEHALEM STREET

RECITALS:

1. Newberg Municipal Code (NMC) outlines the process for a building fees waiver request. Chapter 14.05 BUILDING CODE, Article V. Fees, 14.05.280 Fee refunds and waivers,
E. Requests for waiver of all other permit fees shall be forwarded to the city council.

2. On August 16, 2018 Mr. Kent Roberts submitted to the Community Development Department, Building Division, and a request to waiver fees for a proposed hobby shop to be constructed at 915 S Chehalem Street. The City Council approved a partial fee waiver that included $692.96 for building fees. The City Council approved payment of $318.34 for the Plan Review Fee and required that the estimated State Surcharge be paid.

3. On December 26, 2018 Mr. Roberts submitted a second request to further waive fees in the amount of $34.19 for building fees.

4. The City Council reviewed the request on January 22, 2019 on whether to waive, not waive or reduce the building fees.

5. On December 26, 2018 Mr. Roberts submitted a request to waive Engineering Services Department Fees totaling $150.09.

6. The City Council reviewed the request on January 22, 2019 on whether to waive, not waive or reduce the Engineering Services Department Fees.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The additional building fees above the $692.96 already approved for a hobby shop located at 915 S Chehalem Street are hereby waived in the estimated amount of $34.19, with the final amount to be determined at the time of building permit issuance.

2. The plan review fee of $318.34 already paid shall not be refunded.

3. The State Surcharge Fee estimated at $47.05 shall be paid.

4. The Engineering Services Department Sidewalk or Driveway Approach Permit Fee in the amount of $150.09 is waived.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: January 23, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of January, 2019.

_____
Sue Ryan, City Recorder

ATTEST by the Mayor this 24th day of January, 2019.

_____
Rick Rogers, Mayor

RESOLUTION NO. 2019-3526

A RESOLUTION DENYING A BUILDING FEES WAIVER AND ENGINEERING SERVICES DEPARTMENT SIDEWALK OR DRIVEWAY APPROACH PERMIT FEE FOR A HOBBY SHOP AT 915 S CHEHALEM STREET

RECITALS:

1. Newberg Municipal Code (NMC) outlines the process for a building fees waiver request. Chapter 14.05 BUILDING CODE, Article V. Fees, 14.05.280 Fee refunds and waivers,
E. Requests for waiver of all other permit fees shall be forwarded to the city council.

2. On August 16, 2018 Mr. Kent Roberts submitted to the Community Development Department, Building Division, and a request to waiver fees for a proposed hobby shop to be constructed at 915 S Chehalem Street. The City Council approved a partial fee waiver that included $692.96 for building fees. The City Council approved payment of $318.34 for the Plan Review Fee and required that the estimated State Surcharge be paid.

3. On December 26, 2018 Mr. Roberts submitted a second request to further waive fees in the amount of $34.19 for building fees.

4. The City Council reviewed the request on January 22, 2019 on whether to waive, not waive or reduce the building fees.

5. On December 26, 2018 Mr. Roberts submitted a request to waive Engineering Services Department Fees totaling $150.09.

6. The City Council reviewed the request on January 22, 2019 on whether to waive, not waive or reduce the Engineering Services Department Fees.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The additional building fees for a hobby shop located at 915 S Chehalem Street are hereby not waived in the estimated amount of $34.19.

2. The plan review fee of $318.34 already paid shall not be refunded.

3. The State Surcharge Fee estimated at $47.05 shall be paid.

4. The Engineering Services Department Sidewalk or Driveway Approach Permit Fee in the amount of $150.09 is hereby not waived.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: January 23, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of January, 2019.

_____
Sue Ryan, City Recorder

ATTEST by the Mayor this 24th day of January, 2019.

_____
Rick Rogers, Mayor

RESOLUTION NO. 2019-3526

A RESOLUTION PARTIALLY APPROVING A BUILDING FEES WAIVER AND AN ENGINEERING SERVICES DEPARTMENT SIDEWALK OR DRIVEWAY APPROACH PERMIT FEE FOR A HOBBY SHOP AT 915 S CHEHALEM STREET

RECITALS:

1. Newberg Municipal Code (NMC) outlines the process for a building fees waiver request. Chapter 14.05 BUILDING CODE, Article V. Fees, 14.05.280 Fee refunds and waivers, E. Requests for waiver of all other permit fees shall be forwarded to the city council.

2. On August 16, 2018 Mr. Kent Roberts submitted to the Community Development Department, Building Division, and a request to waiver fees for a proposed hobby shop to be constructed at 915 S Chehalem Street. The City Council approved a partial fee waiver that included $692.96 for building fees. The City Council approved payment of $318.34 for the Plan Review Fee and required that the estimated State Surcharge be paid.

3. On December 26, 2018 Mr. Roberts submitted a second request to further waive fees in the amount of $34.19 for building fees.

4. The City Council reviewed the request on January 22, 2019 on whether to waive, not waive or reduce the building fees.

5. On December 26, 2018 Mr. Roberts submitted a request to waive Engineering Services Department Fees totaling $150.09.

6. The City Council reviewed the request on January 22, 2019 on whether to waive, not waive or reduce the Engineering Services Department Fees.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The additional building fees for a hobby shop located at 915 S Chehalem Street are hereby partially waived in the amount of $_____.

2. The plan review fee of $318.34 already paid shall not be refunded.

3. The State Surcharge Fee estimated at $47.05 shall be paid.

4. The Engineering Services Department Sidewalk or Driveway Approach Permit Fee is partially waived in the amount of $_____.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: January 23, 2019.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of January, 2019.

_____
Sue Ryan, City Recorder

ATTEST by the Mayor this 24th day of January, 2019.

_____
Rick Rogers, Mayor

RECEIVED
DEC 26 2018
Initial:

To: City Council
c/o Mr Mayor

The city set Aside fees for my "Hobby Shop" AND Now "New" fees have sprung up.

The intent of council was to defray All but state fees (#43).

I Ask for A new defrayal of Additional fee's

Thank you

RESOLUTION NO. 2018-3500

A RESOLUTION PARTIALLY APPROVING A BUILDING FEES WAIVER FOR A HOBBY SHOP AT 915 S CHEHALEM STREET

RECITALS:

1. Newberg Municipal Code (NMC) outlines the process for a building fees waiver request. Chapter 14.05 BUILDING CODE, Article V. Fees, 14.05.280 Fee refunds and waivers, E. Requests for waiver of all other permit fees shall be forwarded to the city council.

2. On August 16, 2018 Mr. Kent Roberts submitted to the Community Development Department, Building Division, a request to waiver fees for a proposed hobby shop to be constructed at 915 S Chehalem Street.

3. The City Council reviewed the request on September 17, 2018 and October 1, 2018 on whether to waive, not waive or reduce the building fees.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The building fees for a hobby shop located at 915 S Chehalem Street are hereby partially waived in the amount of $692.96.

2. The State Surcharge Fee estimated at $44.94 shall be paid.

3. The Plan Review fee of $318.34 shall be paid.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: October 2, 2018.

ADOPTED by the City Council of the City of Newberg, Oregon, this 1st day of October, 2018.

Sue Ryan, City Recorder

ATTEST by the Mayor this 4th day of October, 2018.

Bob Andrews, Mayor

January 22, 2019

To: City Manager, City Council, Municipal Judge, Planning Commission and Historic Planning Commission

Re: ORS 244.050 and OAR 199-020-0005

Happy New Year

Here is a reminder to mark your calendars for your annual SEI filing later this year. This is for the annual Statement of Economic Interest filings through the Oregon Government Ethics Commission. As the jurisdictional contact for the SEI filings, it is my job to verify and provide contact information for all City of Newberg officials that are required to file the SEI. These include the City Manager, Mayor, City Council, Planning Commission, Historic Planning Commission and Municipal Judge whom are actively serving on April 15 of 2019.

OGEC went to an Electronic Filing System in 2016. If you need help logging in (your password and username), there are directions available on the commission's website. If you need access to a computer to manage your account or file your form the City can make one available for you. This will need to be done by appointment in the Councilor's cubicle on the 2nd floor of City Hall. Staff can assist you with technical questions and equipment but cannot fill out your forms for you. That is your responsibility as a public official.

In mid-March, OGEC will send you a notice that you can go in and file your SEI. You will have between March 15, 2019 and **the deadline of April 15, 2019** to file. You can only file during this one-month window. You cannot file your form early but you can log in to test your username or password ahead of time to make sure those work.

Again, if you have any questions you can contact me directly at sue.ryan@newbergoregon.gov or (503) 537-1283 or OGEC at (503) 378-5105, email at ogecmail@oregon.gov or check out their website at www.oregon.gov/OGEC.

The Commission also offers online tutorials through iLearn, the state's online delivery system for training. You do not have to be a state employee to register. They also offer live trainings through Adobe Connect where you can ask questions directly of a trainer. I've attached instructions on how to sign up for iLearn with this letter.

Sincerely,

Sue Ryan
Newberg City Recorder

C: DawnKaren Bevill
Encl: iLearn instructions

iLearn Oregon

Creating User Account – Not a state employee

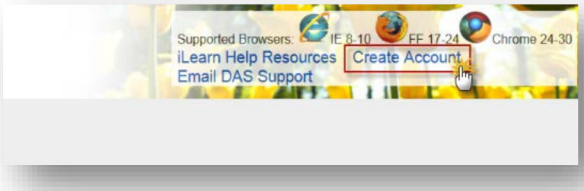
This job aid provides you with the steps to create a new user account.

If you are a state employee and are unable to login using your Employee ID# contact your agency iLearn administrator.

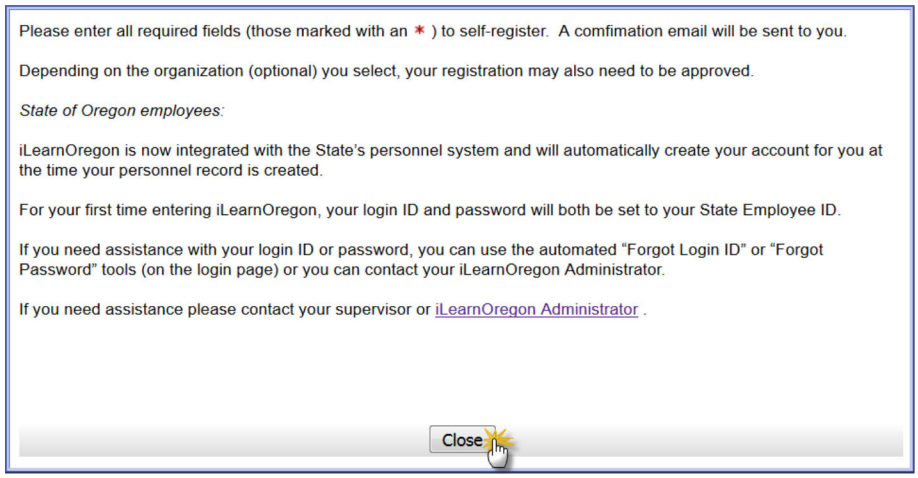
Go to - https:ilearn.oregon.gov

Please be sure you are using one of the supported web browsers:

1. *Click* **Create Account** in the upper right corner of the screen.

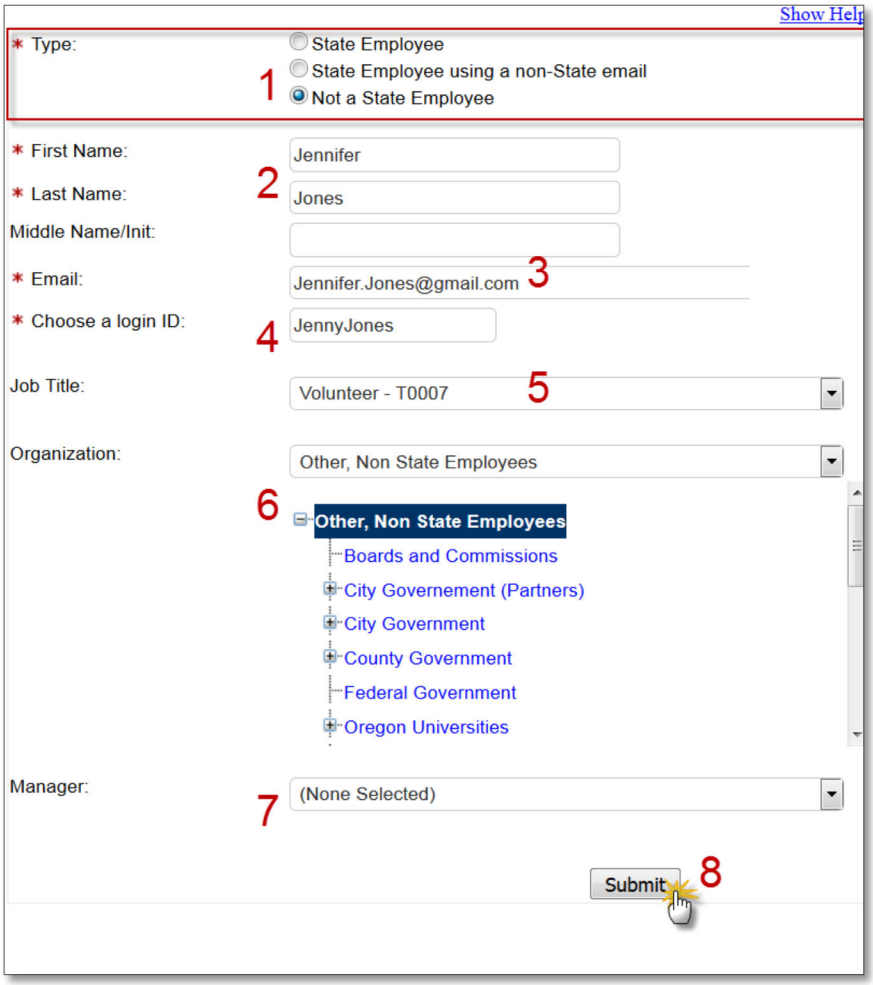


2. *Click* **Close** on this pop up window.

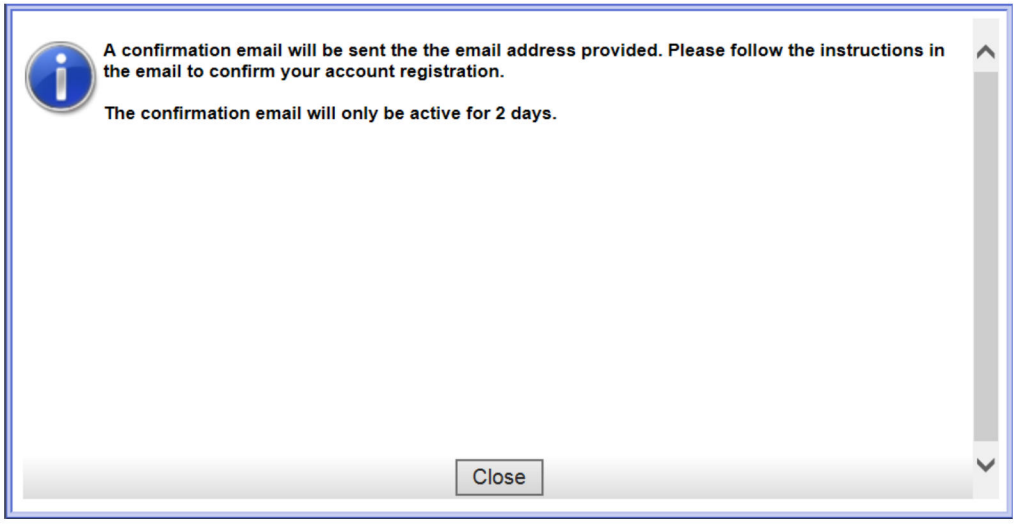


- If the window will not close try decreasing your display by using (**Ctrl** and **-**) or using your browser menu, if that doesn't work try completing your registration in a different browser.

1. *Select* Not a State Employee
2. *Enter* First and Last name
3. *Enter* valid email address
    a. An email address can only be used one time in iLearn
    b. You will have to access this email in order to confirm your account before the registration process will complete
4. *Enter* your Login ID (must be unique)
5. *Select* Job Title
    a. This is not mandatory, if you search and do not find an appropriate title just leave blank.
6. *Select* Organization
    a. If you are unsure of what Organization you should be selecting contact the person that directed you to create an account for assistance.
    b. Creating your account in the Other, Non State Employees domain may not give you access to the training you need.
7. Manager, leave this blank
8. *Select* the Submit button

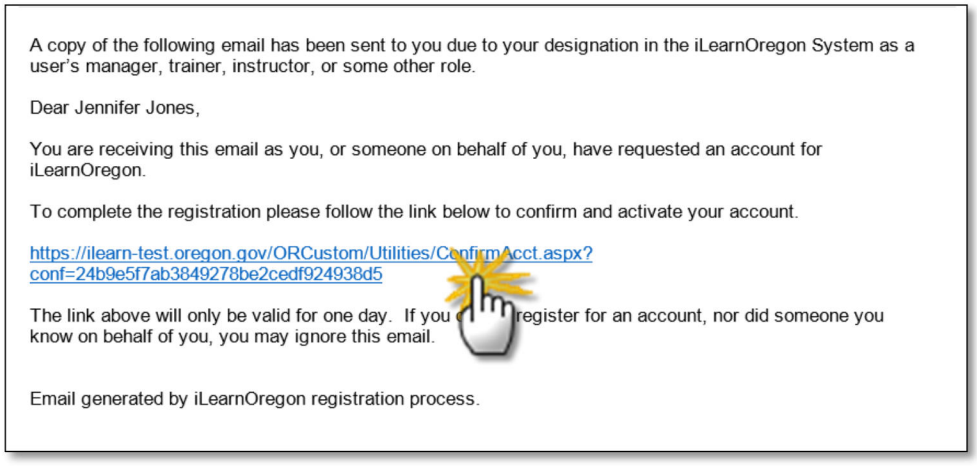


3. You now have **48 hours** (2days) to confirm your account before your registration expires and you have to start the process from the beginning.



4. As soon as you click the link you will receive and email with your Login ID and your temporary password.

You can now log into iLearnOregon.



City Council Work Session - Get to Know You
January 22, 2019

A. Tell us about:

1) Favorite animal
2) Where you grew up
3) Where you went to school
4) Professional career
5) Family
6) Hobbies or what you do when not working
7) Why you chose to work/volunteer for the City
8) Your aspirations in your position
9) Challenges
10) Biggest accomplishment
11) Favorite food

B. What words you would you like someone to use when describing Newberg's?

1) Community atmosphere
2) City services
3) City Staff
4) Elected officials
5) Business environment
6) Academic environment
7) Recreation opportunities
8) Faith community
9) Other

C. Individual Schedules:

D. Committee Assignments:

Council Meeting Roll Call & Voting Log

Meeting Date: 1/22/19 Start Time: 6:00 p.m. End Time: 8:35 p.m.

Roll Call

__✓_____Councilor Findley
___✓____Councilor Bacon
___✓____Mayor Rogers
___✓____Councilor Curtis Gemeroy
___✓__Councilor Corey
___✓__Councilor Yarnell Hollamon
____✓___Councilor Johnson

____✓___Joe Hannan, CM
____✓___Truman Stone, CA
____✓___ Sue Ryan, CR
____✓__ Doug Rux, CDD
____✓___ Brian Casey, PD
_____ Jay Harris, PWS
_____ Matt Zook, FD
_____✓__Dave Brooks, IT
____✓___Cheryl Caines, SP
_____

Voting – see additional pages as needed

	Consent: Res 3527 First Net AT&T contract, Dec. 2018 Minutes	Ord 2842 Comp Plan amendment	Ord 2843 Annexation
Findley	Yes	Yes	Yes
Bacon	Yes	Yes	Yes
Rogers	Yes	Yes	Yes
Curtis Gemeroy	Yes	Yes	Yes
Corey	Yes	Yes	Yes
Yarnell Hollamon	Yes	Yes	Yes
Johnson	Yes	Yes	Yes
	Bacon/Johnson	Corey/Johnson	Johnson/Curtis Gemeroy
	Yes - 7 No - 0	Yes - 7 No – 0	Yes - 7 No - 0

1/22/19 continued	Res 3519 Visit Newberg- table to May 20	Res 3526 Waive fees	Res 3526 Deny request	
Findley	Yes	No	Yes	
Bacon	Yes	Yes	No	
Rogers	Yes	No	Yes	
Curtis Gemeroy	Yes	No	Yes	
Corey	Yes	Yes	No	
Yarnell Hollamon	Yes	No	Yes	
Johnson	Yes	Yes	No	
	Corey/Johnson	Corey/Johnson	Curtis Gemeroy/Findley	
	Yes - 7 No - 0	Yes - 3 No - 4	Yes - 4 No - 3	