



**City Council Work Session
May 15, 2017 - 5:30 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 March 2017 Financial Statements
[RCA Information Financial Reports - 2017-03 Mar.pdf](#)
- V. PRESENTATIONS**
 - V.A Council Priorities
[Council Priorities.pdf](#)
- VI. ADJOURNMENT**

PUBLIC COMMENT

WORK SESSIONS ARE INTENDED FOR DISCUSSION. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS AND NO DECISIONS WILL BE MADE. NO ORAL OR WRITTEN TESTIMONY WILL BE HEARD OR RECEIVED FROM THE PUBLIC.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
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SUBJECT: Newberg Financial Report for March 2017

**Contact Person (Preparer) for this
Item: Matt Zook
Dept.: Finance**

EXECUTIVE SUMMARY:

Included with this report are the financial summary statements for March 2017. The financial statements represent the City's ongoing commitment at all levels of the organization to monitor financial status and make adjustments on a monthly basis. These are provided for your information and review, as well as an opportunity for you to ask questions and keep abreast of the financial health of the City. As you review these statements, please feel free to contact me directly in advance of the meeting with questions or comments. This will provide me with an opportunity to come to the Council Work Sessions with sufficient information to answer your questions. No formal action is required at the meeting.

NOTABLE COMMENTS AND CHANGES:

- General Fund Fire revenue – Shown as 30% received, but this is simply due to the timing of the receipts of tax revenue from the Newberg Rural Fire Protection District, which are on schedule.
- Street SDC Fund revenue – Shown as 33% received. The budget anticipates Gramor development, which has not occurred yet.
- Building Inspection Fund revenue – The revenue is higher than anticipated, in part due to the difficulty of projecting building activity, as well as actual favorable activity.
- 911 Emergency Fund revenue – There is a normal time lag between the close of a fiscal quarter at the state and actual receipt by the City. The revenue stream is on target even though the financial report reflects 55% revenue after 75% of the fiscal year has transpired.
- Economic Development Fund revenue – Shown as 11% received, but this is primarily due to a delay in the Community Development Block Grant funding for affordable housing.
- Transient Lodging Tax Fund revenue – Shown as 57% received, but this represents two quarters of tax revenue. The Jan-Mar quarter will recognize revenue in the April report.

SUMMARY REPORT

MAR 2017

SUMMARY REPORT			MAR 2017			Current YTD	
FUNDS	2016-17 BUDGET	MONTH OF MAR 2017	2016-17 YTD	Compare to Budget	2015-16 PRIOR YTD		
				75%			
City Budget Totals							
Total Beg Fund Balance	\$ 39,824,304	\$ 39,824,311	\$ 39,824,311	100%	25,876,261		
Total Revenues	49,623,445	4,587,961	36,900,837	74%	48,837,749		
Total Beg Fund Bal & Revenues	89,447,749	44,412,271	76,725,148		74,714,010		
Total Expenses	58,664,884	4,224,097	35,618,724	61%	33,279,938		
Total Contingencies / Reserves	30,782,865	-	-	0%	-		
Total Exp & Contingen / Reserves	89,447,749	4,224,097	35,618,724	40%	33,279,938		
Total Monthly Activity Net Gain / (Loss)						\$ 40,188,174	
Total Ending Fund Balance			\$ 41,106,424		41,434,072		
City Services							
General Fund (01)							
Beg Fund Balance	\$ 3,313,032	\$ 3,313,037	\$ 3,313,037	100%	2,797,675		
Revenues							
General Government	-	-	-	0%	-		
Municipal Court	16,500	1,104	9,040	55%	19,712		
Police	1,068,355	100,972	830,534	78%	808,581		
Fire	338,212	-	102,535	30%	395,393		
Communications	44,896	-	29,631	66%	44,681		
Library	132,888	3,591	72,061	54%	65,750		
Planning	623,000	110,037	656,737	105%	355,453		
Property Taxes	7,513,136	-	7,353,771	98%	6,929,897		
Other Taxes	41,400	17,418	83,271	201%	4,523		
Franchise Fees	1,513,662	1,044,452	1,291,336	85%	1,282,756		
Intergovernmental	1,323,991	83,700	981,760	74%	938,742		
Miscellaneous	4,700	127	8,955	191%	6,298		
Interest	10,000	3,130	16,827	168%	8,413		
Transfers	1,004,117	28,184	633,230	63%	354,681		
Revenue Total	13,634,857	1,392,714	12,069,688	89%	11,214,880		
Expenses							
General Government	208,748	10,309	168,334	81%	134,794		
Municipal Court	377,138	31,258	271,079	72%	265,020		
Police	6,389,677	510,882	4,576,892	72%	4,209,406		
Fire	3,829,075	237,782	2,788,935	73%	2,631,881		
Communications	1,146,827	104,029	797,116	70%	792,289		
Library	1,533,145	109,744	1,118,065	73%	971,813		
Planning	924,562	71,116	673,613	73%	448,964		
Transfers	194,813	34,978	155,697	80%	12,323		
Contingency	1,243,904	-	-	0%	-		
Unappropriated Ending Balance	1,100,000	-	-	0%	-		
Total Expenses	16,947,889	1,110,098	10,549,731	62%	9,466,489		
Monthly Activity Net Gain / (Loss)		\$ 3,595,652					
Ending Fund Balance			\$ 4,832,994	4,546,066			

SUMMARY REPORT

MAR 2017

SUMMARY REPORT			MAR 2017			Current YTD	2015-16 PRIOR YTD
FUNDS	2016-17 BUDGET	MONTH OF MAR 2017	2016-17 YTD	Compare to Budget			
				75%			
<u>Public Safety Fee (16)</u>							
Beg Fund Balance	\$ 163,549	\$ 163,546	\$ 163,546	100%	197,858		
Revenues	530,600	41,006	369,881	70%	364,882		
Expenses	597,936	23,120	397,378	66%	378,417		
Contingencies / Reserves	96,213	-	-	0%	-		
Monthly Activity Net Gain / (Loss)		\$ 181,433					
Ending Fund Balance			\$ 136,050		184,323		
<u>EMS (05)</u>							
Beg Fund Balance	\$ 1,245,744	\$ 1,245,742	\$ 1,245,742	100%	806,952		
Revenues	327,500	5,434	342,877	105%	1,727,070		
Expenses	1,511,695	103,012	1,218,389	81%	1,308,726		
Contingencies / Reserves	61,549	-	-	0%	-		
Monthly Activity Net Gain / (Loss)		\$ 1,148,163					
Ending Fund Balance			\$ 370,230		1,225,296		
<u>911 Emergency (13)</u>							
Beg Fund Balance	\$ 10,713	\$ 10,713	\$ 10,713	100%	20,940		
Revenues	196,100	-	108,743	55%	103,087		
Expenses	193,770	17,165	153,392	79%	160,134		
Contingencies / Reserves	13,043	-	-	0%	-		
Monthly Activity Net Gain / (Loss)		\$ (6,452)					
Ending Fund Balance			\$ (33,935)		(36,106)		
<u>Civil Forfeiture (03)</u>							
Beg Fund Balance	\$ 24,302	\$ 24,302	\$ 24,302	100%	20,146		
Revenues	100	25	889	889%	4,111		
Expenses	24,402	-	-	0%	-		
Contingencies / Reserves	-	-	-	0%	-		
Monthly Activity Net Gain / (Loss)		\$ 24,327					
Ending Fund Balance			\$ 25,191		24,256		
<u>Library Gift & Memorial (22)</u>							
Beg Fund Balance	\$ 92,551	\$ 92,550	\$ 92,550	100%	86,434		
Revenues	102,400	937	17,387	17%	37,030		
Expenses	142,000	8,418	36,945	26%	22,511		
Contingencies / Reserves	52,951	-	-	0%	-		
Monthly Activity Net Gain / (Loss)		\$ 85,069					
Ending Fund Balance			\$ 72,992		100,954		

SUMMARY REPORT

MAR 2017

SUMMARY REPORT			MAR 2017			Current YTD	2015-16 PRIOR YTD	
FUNDS	2016-17 BUDGET	MONTH OF MAR 2017	2016-17 YTD	Compare to Budget				
				75%				
<u>Building Inspection (08)</u>								
Beg Fund Balance	\$	746,431	\$	746,431	\$	746,431	100%	620,378
Revenues		492,110		178,234		717,191	146%	365,927
Expenses		600,636		46,106		404,971	67%	340,825
Contingencies / Reserves		637,905		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	878,559				
Ending Fund Balance					\$	1,058,651		645,480
<u>Streets (Operating) (02)</u>								
Beg Fund Balance	\$	816,245	\$	816,245	\$	816,245	100%	798,186
Revenues		2,208,138		792,711		1,692,927	77%	950,453
Expenses		2,594,228		147,100		1,741,419	67%	1,086,410
Contingencies / Reserves		430,155		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	1,461,856				
Ending Fund Balance					\$	767,754		662,229
<u>Water (Operating) (07)</u>								
Beg Fund Balance	\$	7,784,120	\$	7,784,122	\$	7,784,122	100%	3,773,455
Revenues		5,772,948		362,843		4,459,411	77%	9,586,150
Expenses		5,245,102		361,345		3,346,756	64%	4,684,057
Contingencies / Reserves		8,311,966		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	7,785,619				
Ending Fund Balance					\$	8,896,777		8,675,548
<u>Wastewater (Operating) (06)</u>								
Beg Fund Balance	\$	12,445,970	\$	12,445,970	\$	12,445,970	100%	4,944,662
Revenues		7,806,021		688,335		6,100,941	78%	11,921,876
Expenses		11,567,935		1,657,611		6,885,343	60%	4,351,413
Contingencies / Reserves		8,684,056		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	11,476,694				
Ending Fund Balance					\$	11,661,568		12,515,125
<u>Stormwater (Operating) (17)</u>								
Beg Fund Balance	\$	1,169,140	\$	1,169,140	\$	1,169,140	100%	731,487
Revenues		1,438,300		129,720		1,044,207	73%	1,633,668
Expenses		1,797,728		129,927		1,166,819	65%	1,081,721
Contingencies / Reserves		809,712		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	1,168,933				
Ending Fund Balance					\$	1,046,528		1,283,434

SUMMARY REPORT

MAR 2017

SUMMARY REPORT			MAR 2017			Current YTD	
FUNDS	2016-17	MONTH OF	2016-17	Compare to	2015-16		
	BUDGET	MAR 2017	YTD	Budget	PRIOR YTD		
				75%			
<u>Administrative Support (31)</u>							
Beg Fund Balance	\$ 474,294	\$ 474,296	\$ 474,296	100%	588,457		
Revenues	4,323,345	366,079	3,260,059	75%	2,749,207		
Expenses							
City Manager	556,462	43,905	365,685	66%	516,619		
Human Resources	214,877	19,363	135,306	63%	-		
City Recorder	-	-	-	0%	-		
Emergency Management	-	-	-	0%	-		
Finance	704,390	50,729	492,972	70%	462,308		
Gen Office(Postage/Phones)	149,000	12,650	105,233	71%	104,991		
Utility Billing	317,465	24,948	228,209	72%	208,681		
Information Technology	1,006,726	72,234	762,968	76%	522,004		
Legal	534,570	30,116	286,105	54%	317,596		
Fleet Maintenance	189,976	15,796	134,662	71%	130,307		
Facilities Repair/Replacement	519,876	43,728	298,759	57%	360,340		
Insurance	391,060	-	289,899	74%	352,711		
Transfers	27,536	2,295	20,652	75%	-		
Contingencies / Reserves	185,701	-	-	0%	-		
Total Expenses	4,797,639	315,764	3,120,450	65%	2,975,557		
Monthly Activity Net Gain / (Loss)		\$ 524,611					
Ending Fund Balance			\$ 613,905		362,107		
<u>Capital Improvement Projects</u>							
<u>Streets CIP's (18)</u>							
Beg Fund Balance	\$ 165,647	\$ 165,646	\$ 165,646	0%	164,209		
Revenues	1,625,783	14,235	1,045,676	64%	696,361		
Expenses	1,624,883	14,039	1,043,272	64%	695,382		
Contingencies / Reserves	166,547	-	-	0%	-		
Monthly Activity Net Gain / (Loss)		\$ 165,842					
Ending Fund Balance			\$ 168,050		165,188		
<u>Water / Wastewater / Stormwater CIP's (04)</u>							
Beg Fund Balance	\$ -	\$ -	\$ -	0%	(89,751)		
Revenues	6,049,649	168,581	1,870,944	31%	3,091,806		
Expenses	6,049,649	168,581	1,870,944	31%	3,002,055		
Contingencies / Reserves	-	-	-	0%	-		
Monthly Activity Net Gain / (Loss)		\$ -					
Ending Fund Balance			\$ (0)		-		
<u>Street SDC (42)</u>							
Beg Fund Balance	\$ 2,824,983	\$ 2,824,984	\$ 2,824,984	100%	2,574,473		
Revenues	907,435	54,057	303,914	33%	514,376		
Expenses	386,542	5,141	276,461	72%	218,923		
Contingencies / Reserves	3,345,876	-	-	0%	-		
Monthly Activity Net Gain / (Loss)		\$ 2,873,900					
Ending Fund Balance			\$ 2,852,437		2,869,926		

SUMMARY REPORT

MAR 2017

SUMMARY REPORT		MAR 2017				Current YTD	2015-16 PRIOR YTD	
FUNDS	2016-17 BUDGET	MONTH OF MAR 2017	2016-17 YTD	Compare to				
				Budget				
				75%				
<u>Water SDC (47)</u>								
Beg Fund Balance	\$	821,631	\$	821,631	\$	821,631	100%	1,239,405
Revenues		429,439		122,290		518,011	121%	282,369
Expenses		1,027,635		13,578		875,608	85%	758,322
Contingencies / Reserves		223,435		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	930,343				
Ending Fund Balance					\$	464,034		763,453
<u>Wastewater SDC (46)</u>								
Beg Fund Balance	\$	4,527,496	\$	4,527,496	\$	4,527,496	100%	4,175,483
Revenues		519,000		144,205		852,474	164%	443,644
Expenses		815,619		10,786		421,870	52%	286,861
Contingencies / Reserves		4,230,877		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	4,660,915				
Ending Fund Balance					\$	4,958,100		4,332,265
<u>Stormwater SDC (43)</u>								
Beg Fund Balance	\$	167,566	\$	167,567	\$	167,567	100%	131,416
Revenues		27,650		5,051		28,749	104%	30,811
Expenses		112,792		2,558		96,506	86%	1,713
Contingencies / Reserves		82,424		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	170,060				
Ending Fund Balance					\$	99,810		160,515
<u>Debt</u>								
<u>Debt Service (General Op) (09)</u>								
Beg Fund Balance	\$	216,729	\$	216,728	\$	216,728	100%	215,171
Revenues		650,293		19,191		571,692	88%	802,353
Expenses		829,996		-		654,998	79%	724,564
Contingencies / Reserves		37,026		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	235,919				
Ending Fund Balance					\$	133,422		292,960
<u>City Hall (10)</u>								
Beg Fund Balance	\$	509,076	\$	509,076	\$	509,076	100%	535,601
Revenues		87,300		10,726		118,222	135%	54,862
Expenses		106,718		-		98,718	93%	95,224
Contingencies / Reserves		-		-		-	0%	-
Unappropriated Ending Balance		489,658		-		-	0%	-
Monthly Activity Net Gain / (Loss)			\$	519,802				
Ending Fund Balance					\$	528,580		495,239

SUMMARY REPORT

MAR 2017

SUMMARY REPORT			MAR 2017			Current YTD Compare to Budget 75%	2015-16 PRIOR YTD
FUNDS	2016-17 BUDGET	MONTH OF MAR 2017	2016-17 YTD				
Reserves							
PERS Stabilization Reserve (25)							
Beg Fund Balance	\$ -	\$ -	\$ -	0%		-	
Revenues	179,255	15,032	134,644	75%		-	
Expenses	-	-	-	0%		-	
Contingencies / Reserves	179,255	-	-	0%		-	
Monthly Activity Net Gain / (Loss)		\$ 15,032					
Ending Fund Balance			\$ 134,644			-	
Vehicle / Equipment Replacement (32)							
Beg Fund Balance	\$ 1,176,383	\$ 1,176,384	\$ 1,176,384	100%		1,362,426	
Revenues	\$ 825,956	\$ 68,238	\$ 632,613	77%		631,736	
Expenses							
General Government	1,375	-	1,373	100%		-	
City Manager's Office	1,453	-	-	0%		140	
Human Resources	1,003	-	-	0%		-	
City Recorder/Clerk	-	-	-	0%		-	
Finance	17,328	-	-	0%		284	
Information Technology	141,797	24,421	133,652	94%		77,586	
Legal	419	-	-	0%		-	
Municipal Court	4,074	-	-	0%		560	
Police	404,946	-	131,581	32%		327,227	
Fire	141,869	16,286	107,619	76%		217,912	
Communications	133,122	-	-	0%		2,694	
Library	11,107	-	1,382	12%		2,863	
Planning	2,947	-	-	0%		-	
Building	23,774	-	-	0%		27,045	
PW Administration	948,486	4,833	46,769	5%		65,243	
Fleet Maintenance	9,682	39	350	4%		253	
Facilities Repair/Replacement	158,957	-	56,893	36%		97,958	
Contingencies / Reserves	-	-	-	0%		-	
Total Expenses	2,002,339	45,579	479,619	24%		819,764	
Monthly Activity Net Gain / (Loss)		\$ 1,199,043					
Ending Fund Balance			\$ 1,329,378			1,174,397	
Fire & EMS Equip Fee (33)							
Beg Fund Balance	\$ 371,152	\$ 371,152	\$ 371,152	100%		246,483	
Revenues	-	91	1,317	0%		110,485	
Expenses	371,152	31,378	282,400	76%		11,179	
Contingencies / Reserves	-	-	-	0%		-	
Monthly Activity Net Gain / (Loss)		\$ 339,866					
Ending Fund Balance			\$ 90,070			345,789	

SUMMARY REPORT

MAR 2017

SUMMARY REPORT		MAR 2017			Current YTD Compare to Budget 75%	2015-16 PRIOR YTD
FUNDS	2016-17 BUDGET	MONTH OF MAR 2017	2016-17 YTD			
Community Projects						
Cable TV Trust (23)						
Beg Fund Balance	\$ 37,504	\$ 37,504	\$ 37,504	100%	37,339	
Revenues	170	38	276	162%	146	
Expenses	37,674	-	-	0%	50	
Contingencies / Reserves	-	-	-	0%	-	
Monthly Activity Net Gain / (Loss)		\$ 37,543				
Ending Fund Balance			\$ 37,780		37,435	
Economic Development (14)						
Beg Fund Balance	\$ 570,189	\$ 570,191	\$ 570,191	100%	646,472	
Revenues	461,010	6,101	50,272	11%	47,267	
Expenses	630,587	1,328	13,735	2%	145,109	
Contingencies / Reserves	400,612	-	-	0%	-	
Monthly Activity Net Gain / (Loss)		\$ 574,964				
Ending Fund Balance			\$ 606,727		548,630	
Transient Lodging Tax (19)						
Beg Fund Balance	\$ 149,857	\$ 149,857	\$ 149,857	100%	-	
Revenues	1,028,086	2,085	587,833	57%	551,070	
Expenses	1,177,943	11,462	483,001	41%	457,962	
Contingencies / Reserves	-	-	-	0%	-	
Monthly Activity Net Gain / (Loss)		\$ 140,479				
Ending Fund Balance			\$ 254,688		93,108	

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017				
Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
SUBJECT: Council Priorities 2017-2018			Contact Person (Preparer) for this Item: Joe Hannan Dept.: City Manager	

EXECUTIVE SUMMARY:

In October 2015 the Council and Department Heads met in a Strategic Objectives Planning Session to develop mid-range strategic priorities for the City. In March, 2017, the Council received an update on priorities progress and discussed additional or revisions for 2017-2018. The Council requested additional information about priority ideas before finalizing priorities for 2017-2018.

Since March, a budget has been proposed for 2017-18 as well as several significant Council actions. Following is a list of proposed priorities and separate attachment describes other Council actions related to proposed priorities and the proposed 2017-18 budget.

BACKGROUND

Attached is a summary from the March 2017 priorities setting session as well as an update on Council actions related to priorities.

RECOMMENDED PRIORITIES

1. Maintain a state of the art police communications system.
2. Implement Plans for Road Repair and Maintenance, replace and repair sidewalks and secure additional funding
3. Complete a community visioning process within 3 years.
4. Utilize technology to improve and economize city services.
5. Complete a 5-year financial plan and fiscal policies consistent with preferred service levels.
6. Improve Communication with the Public
7. Expand the Urban Growth Boundary
8. Encourage affordable housing
9. Develop a Riverfront Plan
10. Implement Emergency Preparedness Program
11. Implement Downtown Improvement Plan

12. Improve Newberg Employee Retirement System

13. Decide on TVF&R Annexation

14. Improve the Transit System:

- A few previously discussed priorities (described in attached memorandums are recommended to be included in the above priorities or acknowledged as important but not work or budget priorities
- Specific actions suggested to accomplish the priorities are included in attached narrative

Recent Council actions and 2017-18 budget proposals related to potential budget Priorities.

1. Maintain a state of the art police communications system.
 - Council confirmed desire to retain dispatch center in favor of contracting out.
 - The proposed 2017-18 budget includes financing up to \$3.5 million to upgrade the Police communications system as part of the Washington County Consolidated Communication Agency. (No firm decisions have been made on ultimate financing of the upgrade.
 - The proposed 2017-18 budget also includes \$186,000 for police radio and Computer Aided Dispatch upgrades
2. Implement Plans for Road Repair and Maintenance, replace and repair sidewalks and secure additional funding
 - In April, 2017, the Council authorized a Transportation Utility Fee for road repair and maintenance which is projected to raise \$1.1 Million for street repair and maintenance. The next steps include presentation of a work plan for use of the \$1.1 million (July, 2017) and consideration of an additional revenue source for the \$1.4 million needed to fund all street repair and maintenance.
3. Complete a community visioning process within 3 years.
4. Utilize technology to improve and economize city services.
 - The 2017-18 budget includes \$24,000 for an additional server (to accommodate user growth) and \$26,000 for a Netscaler that allows for access to any device or computer on the City's system. The budget does not include additional funding for Sharepoint (discussed at goal setting session).
5. Complete a 5-year financial plan and fiscal policies consistent with preferred service levels.
6. Improve Communication with the Public
7. Expand the Urban Growth Boundary
8. Encourage affordable housing

Housing Newberg –Nearly 10 months ago a group of residents, non-profit representatives and builders organized into an Ad Hoc community committee on housing to explore several different areas to help provide affordable housing in Newberg. Following are several of the areas/proposals (from April, 2017) that have come out of the group. The proposals could become the skeleton for a city/committee work plan on affordable housing.

- a. Annexations – in 2009, the City Council approved a change to the *Comprehensive Plan Section I. Housing 3. Mix Policies* that stated “Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.”

The first test of this policy occurred on March 9, 2017 and April 13, 2017 with an application to annex 25.66 acres off North Valley Road. At the time, it became clear that the broad language of the Comprehensive Plan had not been specified or included in the Development Code. The Planning Commission voted to allow the annexation without the high-density requirement. City staff has been directed by the Planning Commission to improve the language in the Comprehensive Plan and to add language to the Development Code (Chapter 15.250).

Action: City staff should prioritize this action. To quantify, any parcel of 20 acres or larger shall be required to include at least 10% R-3 land.

- b. Auxiliary Dwelling Units (ADUs) - are allowed in medium density residential zones (R-2) as a permitted use and in low density residential (R-1) as a conditional use. The development of this type of housing has been slow to materialize since the regulations were relaxed in 2009.

Action: to help stimulate the development of this type of housing, the City should 1) allow ADUs as a permitted use in R-1 zones and, 2) waive fees for ADUs for a pre-determined period of time or until a determined number of units (100?) have been permitted.

- c. Construction Excise Tax – The 2016 Legislature passed senate bill 1533B authorizing cities and counties to pass a construction tax as a means provide funding for affordable housing either through direct expenditure or through incentives.

Action: a 1% of permit valuation construction excise tax should be assessed on new residential, commercial and industrial construction. The proceeds of the levy should be directed to the existing Affordable Housing Trust Fund for such things as developer incentives, land acquisition, consultant fees, to replenish waived SDC fees and/or to finance a City-wide bond campaign.

- d. Artist Work and Living Spaces – Artspace Consulting, a Minneapolis based real estate developer for the arts, will assess the City’s appropriateness for the creation of artist work and living spaces. If approved, the consultancy will develop a work/housing project.

Action: The Community Development section of the City should contract with Artspace Consulting to assess the City’s appropriateness for artist work and living space and hopefully for development. Housing Trust Fund resources should be used for the purpose.

- e. Education/Community Awareness – information on the need for affordable housing and the programs available through the City do not appear to be well understood by the public.

Action: City staff should publicize the programs available including but not limited to 1) SDC fee financing 2) use of the economic development fund 3) manufactured housing repair 4) ADU regulations and fee grace period, 5) annexation opportunities and 6) the Housing Trust Fund small grant program.

9. Develop a Riverfront Plan

- Riverfront Master Plan Committee appointments are scheduled for Council action on June 19, 2017

10. Implement Emergency Preparedness Program

- A 9 week Community Emergency Response Team training class (with approximately 20 community volunteers) is in process in Newberg. A request to Yamhill County Sheriff/CERT should be made to hold twice a year classes in Newberg.
- Seismic evaluation of all city facilities should be funded and completed as soon as possible.
- Emergency Management Council (consisting of Sheriff's Department/Emergency Management, Cities of McMinnville, Newberg and others (to be identified) is in the organizational stage.
- Follow-up meetings need to be continued with Newberg area churches to work on collective and individual emergency response plans to include placement of city owned water purification units in churches by the end of December, 2017.
- Rep. Post will be asked to sponsor legislation to authorize State tax credits for the purchase of specific emergency response kits (proposal in drafty from City of Newberg Public Works staff)
- City employees should be required and assisted in the preparation of a family response plan for disaster by the end 2017.
- Monthly meetings of key city staff will begin meeting in June, 2017 to improve city emergency response.

11. Implement Downtown Improvement Plan

- West End Mill District comprehensive plan and zone change - \$60,000 included in the proposed 2017-18 budget.
- Urban Renewal Feasibility Study (which could be potential source of downtown improvement funding) is included in proposed 2017-18 budget.

12. Improve Newberg Employee Retirement System

13. Decide on TVF&R Annexation

- City Council is scheduled for June 14, 2017 to decide whether the City proceeds with annexation.
- Two focus groups have been held to gauge public opinion and knowledge of the Tualatin Valley Fire and Rescue contract with the City.
- A 200 person survey of Newberg voters is anticipated in May, 2017 with a report back to the City Council by June 19, 2017

Improve the Transit System:

- Councilmember Essin has been appointed and active on Yamhill County transit work group.
- City has committed planner to serve as staff liaison to Yamhill County transit work group.
- Yamhill County Transit has undertaken a county wide ridership study that will provide information about Newberg transit needs.
- Public Works staff continues to work with Yamhill County Transit to locate and install two new bus shelters I Newberg.
- \$18,000 has been included in the proposed 2017-18 budget to support Yamhill County Transit.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 3, 2017

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
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SUBJECT: Council Priorities 2017-2018

Contact Person (Preparer) for this
Item: Joe Hannan
Dept.: City Manager

EXECUTIVE SUMMARY:

On October 3, 2015 the Council and Department Heads met in a Strategic Objectives Planning Session to develop mid-range strategic priorities for the City. The time frame for the priorities is considered to be 1-3 years. In March, 2017, the Council received an update on priorities progress and discussed additional or revisions for 2017-2018. The Council requested additional information about priority ideas before finalizing priorities for 2017-2018

BACKGROUND

Staff requests and recommends work to continue on existing priorities in addition to considering new priorities. Based on Council discussion and direction staff will return with a final list for approval and will use Council direction in preparing the 2017-18 Budget.

Additional Council Priorities March, 2017

1. Implement Plans for Road Repair and Maintenance

- a. **Priority Statement:** To secure an adequate funding source to maintain or improve the pavement condition index for the next 10 years.
- b. **Background** (define the problem):
The city maintains 65.5 miles of paved streets and 4.0 miles of gravel roadways. The city-wide pavement condition index was 73 of 100 in 2014, with a backlog of \$14.3 million in projects. The pavement condition index scale runs from zero for a gravel road, to 100 for a new pavement surface.

Without additional funding towards pavement maintenance, by 2022 there will be a \$21 million dollar backlog and the city-wide pavement condition index will decrease to 62 of 100.

- c. **Actionable Steps:**

Kittelson and Associates was contracted in the spring of 2016 to develop a pavement management implementation plan. The pavement condition model was updated and it was determined that \$2.5 million per year is needed to maintain the pavement condition index

city-wide. Council determined that several funding mechanisms would be needed implemented to fully fund the pavement maintenance program.

An Ad-Hoc committee was formed to discuss the first phase of funding to be considered, a transportation utility fee. The Ad-Hoc committee represented a large cross-section of the community consisting of residents, business owners, churches, public schools, and the park district. The committee met 6 times and gave recommendations for Council on items such as the total revenue to be collected by the fee, the proportion of the fee between the residential and non-residential users, fee hardship waivers, and potential maximum fee caps.

The proposed transportation utility fee ordinance was presented to Council on December 5, 2016, and January 3, 2017. Questions were raised by Council at both hearings, and were sent back to the Ad-Hoc committee for refinement. The Ad-Hoc committee met twice in the last month and have provided their recommendations to Council for consideration at the April 17 Council business meeting.

d. Fiscal impacts/alternative to complete goal:

Need \$2.5 million/year, \$600,000 available, \$1.9 million funding gap per year, multiple funding sources are needed to close the funding gap.

- Funding Source #1, Transportation Utility Fee: Council to consider adoption of ordinance at the April 17 business meeting, revenue generated, approximately \$1.2 million per year.
- Funding Source #2, TBD: Local gas tax, bond measure, local option levy, etc., need approximately \$700,000 per year.

e. Timeline:

- City Council to consider the third reading of the transportation utility fee ordinance on April 17, 2017.
- Phase 2 funding discussions will begin in the summer 2017.

f. Other considerations:

The implementation of the transportation utility fee by the finance department is expected to begin this summer. It will take approximately a full year to collect \$1.2 million of additional revenue. Staff is researching the feasibility of borrowing against 5 years of future revenues to finance a major street project in 2018. Major street preservation projects will begin in the spring and summer of 2018.

2. Repair and replace sidewalks:

- a. Priority Statement:** To improve and maintain the quality and safety of all sidewalks for all our citizens.

The Transportation System Plan addresses existing deficiencies, needs and capital projects for sidewalks. This plan was updated and adopted by the City Council in December 2016.

The ADA/Pedestrian/Bike Route Improvement Plan was adopted by the City Council in June 2007. The ADA/Pedestrian/Bike Route Improvement Plan (referred to as “the Plan”) identifies the primary critical routes between residential, commercial, and industrial areas that have service gaps and deficiencies for ADA accessibility, sidewalks, and bicycling infrastructure.

b. Background:

In 2013, the total length of missing sidewalks on collector and arterial roadways in the City was approximately 104,000 lineal feet. A significant percentage of the missing sidewalks will be constructed as properties develop and complete half street roadway improvements in the future. Additional right of way may be needed in order to complete some of the needed sidewalk improvements.

In 2017-18-19 it is anticipated that over 4.5 miles of new sidewalks will be constructed through public and private projects;

Crestview Drive in 2018, Villa Road – George Fox and settlement of condemnation - 486', 50', 5th street - 2000', College - 4500', Fifth Street, City maintenance facility 2017 and 2018 - 460', Apartment complex on 2nd across from Circle k Other private development anticipated in 2017 or 2018

The Municipal Code states:

12.05.040 Construction and maintenance of sidewalks.

It shall be the duty of the owners of land adjoining any street or highway within the city to construct a Portland cement sidewalk when directed by the city engineer. It shall be the duty of the city engineer to serve written notice to the property owner in accordance with NMC 12.05.050. It shall be the duty of the owners of land adjoining any sidewalk or curb, if the two are integral, to maintain both the sidewalk or curb in good repair to provide safe public access. [Ord. 2089, 7-7-82; Ord. 929, 7-2-40. Code 2001 § 96.04.]. Currently Code Enforcement requires sidewalks on existing developed properties to be repaired or installed on a complaint driven basis.

c. Actionable Steps and timeline (low, medium, high):

The critical pedestrian routes were noted in the 2007 ADA/Pedestrian/Bike Plan. Some of the projects from the 2007 Plan are underway or are in the project planning phase. The 2007 Project list is:

<u>Project Name</u>	<u>2007 Estimated Cost:</u>
9th Street (Blaine St to River St)	\$242,000
Blaine St (Sherman to Skate Park)	\$351,000
College St (Foothills Dr. to 6th St)	\$9.3 million (Next phase Aldercrest – Foothills)
Dayton Avenue (5th St to UGB)	\$304,000 (w/o bridge work)
Elliott Road (Newberg High to 99W)	\$1.1 million (full widening)
Illinois St/College St/Vermillion St/Meridian St/ Fulton St/Villa Rd and Haworth Ave (Main to Springbrook)	\$1.7 million
Main St (Mountainview to 5th St)	\$2.3 million
Meridian St/Crestview Dr and Center St (Mountainview to 1st St)	\$335,000

Mountainview (Chehalem to Aspen)	\$2.5 million
River St (Sheridan St to 14th St)	\$2.7 million
Springbrook Rd (Wilsonville Rd to Crestview)	\$4 million
(Bypass will complete 12' path on Springbrook from 219 to 99W)	
Villa Rd (1st St to Mountainview)	\$5.1 million (working on piece to Park)
4th Street & Wynooski St (College St to 219)	\$310,000 (short-term work) and \$3.1 million

Table III-5. Medium Term Projects

Project (Street/Trail)	Planning-Level Cost Estimate for Full Route Improvements	Planning-Level Cost Estimate for Single-side Improvements (route side)
2 nd Street	\$25,000	\$9,900 (north)
6 th Street	\$28,000	\$9,900 (north)
11 th Street	\$240,000	\$78,000 (north)
Chehalem Dr	\$2,000,000	\$650,000 (east)
Columbia Dr / Crestview Dr	\$2,100,000	\$322,000 (north side of route crossing to south side at Hoskins)
Crater Ln / Lynn Dr	\$310,000	\$99,000 (west side between Foothills and Mountainview, cross to east side)
Foothills Dr	\$20,000	\$0 (south side is accessible)
Highway 219	\$25,000	\$25,000 (bicycle route signage)
Howard Street	\$70,000	\$40,000 (west side of route)

d. Fiscal impact/cost estimate to complete goal (describe what we have budgeted, how we plan and next steps):

Today, the City budgets approximately \$35,000 per year for pedestrian and bike lane projects. Generally most of this money is spent on sidewalk and curb ramp projects adjacent to City properties. This is the Option 1 that was noted in the Plan. Additional improvements would occur as a normal course of development and as a part of larger capital projects.

Option 2: Medium funding scenario

In a medium funding scenario, it is assumed that along with the current funding sources, the City receives a small amount additional revenue from a new funding source, such as a tax or a fee. If Newberg created a \$1/month sidewalk fee, this would raise approximately \$100,000/year that could be dedicated towards ADA and sidewalk improvements, in addition to the existing \$35,000/year. In addition, the City could do a direct assessment of properties along critical routes and charge the property owner the cost of installing the necessary improvements, although this may not be politically feasible.

Option 3: High Funding scenario of approximately \$1 million per year:

In a high funding scenario, it is assumed that along with the current funding sources, the City receives a moderate amount of grant funding as well as additional revenue from a new funding source, such as a tax or a fee. A \$10/month street maintenance fee would raise approximately \$1 million/year annually. In addition, the City could do a direct assessment of properties along critical routes and charge the property owner the cost of installing the necessary improvements.

3. UGB Expansion

Background/ Define the problem

The City of Newberg attempted an Urban Growth Boundary (UGB) expansion in the past and was not successful in that endeavor due to a variety of appeals to LUBA and remands by the Land Conservation and Development Commission (LCDC). The State Legislature directed LCDC and the Department of Land Conservation and Development (DLCD) to develop a new streamlined method for UGB expansion. A new Administrative Rule was adopted in 2015 called Division 38. The City applied to DLCD and was awarded a Technical Assistance Grant in the amount of \$30,000 to conduct preliminary UGB analysis work under the new Division 38 Administrative Rule. The local program is called Newberg 2030. The Newberg 2030 program has been underway since June of 2016 to evaluate the need to expand Newberg's Urban Growth Boundary (UGB) for residential and employment land.

Actionable Steps

July 2017 determine if the City proceeds with the Streamlined Division 38 method or the Traditional Division 24 method.

If the choice is to continue with the Division 38 method then prepare a Request for Proposal and distribute for consultant services.

Division 38 will require a variety of policy choices by the City Council based on mathematical ranges contained within the rule as the analysis is developed.

If the choice is to go with the Tradition Division 24 method then prepare a request for Proposal for consultant services to prepare a Housing Needs Assessment and Economic Opportunities Analysis.

Fiscal impact/alternatives

\$150,000 for consultant services to proceed with the Streamlined Division 38 process.

May need additional consultant funds for infrastructure serviceability analysis as part of Division 38.

City will attempt to obtain a DLCD Technical Assistance Grant of \$50,000 to reduce the \$150,000 consultant services expense.

If the choice is for the Tradition Division 24 method then \$100,000 to prepare a Housing Needs Assessment and an Economic Opportunities Analysis.

Timeline

The first phase of the UGB evaluation will be completed by the end of May 2017 and include possible comprehensive plan policy changes, a Buildable Lands Inventory, establish a study area boundary, and an action plan and implementation strategy.

In June 2017 Portland State University will provide a new 50 year population projection.

July 2017 the City Council will then have to make some policy choices on whether to continue with the streamlined process or revert back to the Traditional UGB expansion process.

Other considerations

The Newberg 2030 program is critical to the livability and economic success of the community for the next 14-20 years. The timeline to go through a UGB expansion will several years and City financial resources to conduct evaluations and assessments.

4. Create affordable housing while not diluting industrial and commercial development

Background/ Define the problem

Housing affordability is becoming more problematic in Newberg as well as the State of Oregon as housing prices and rental rates are exceeding family income capabilities. The City of Newberg prepared an Affordable Housing Action Plan in 2009 which lead to modifications to the Newberg Comprehensive Plan and Development Code. More recently a citizen's affordable housing task force called Housing Newberg has been meeting to discuss the housing affordability issue and is developing possible policy considerations that can be brought forward for the City Council.

Actionable Steps

The Housing Newberg Citizens Affordable Housing Task Force brings forward policy considerations for City Council Review.

Fiscal impact/alternatives

The fiscal impact is not known at this time.

Timeline

The timeline will be developed as information is prepared.

Other considerations

Items that may be considered include workforce housing, minimum/maximum housing densities, accessory dwelling unit regulations, implementation of a construction excise tax, building community awareness, inclusionary zoning, design standards, vacation rental regulations, incentives, employer and employee surveys, art spaces.

5. Develop a Riverfront Plan

Background/ Define the problem

The Willamette River provides a unique amenity to the community and in 2002 the City Council adopted the initial Riverfront Master Plan. This was prior to the final alignment of the Newberg-Dundee Bypass. Subsequently the Newberg-Dundee Bypass alignment was finalized, funding obtained for Phase 1 and construction of Phase 1 is to be completed in December 2017. Through a grant from the Transportation Growth Management program a new master plan will be developed that encompasses approximately 450 acres and will include the closed WestRock Mill site along the riverfront.

Actionable Steps

Enter into an Intergovernmental Agreement with the Transportation Growth Management Program.

Hire a consultant to assist with preparation of the master plan.

Appoint a Citizens Advisory Committee to provide guidance and input to the consultant.

Task 1 – Initiate Project

Task 2 – Establish Vision for Newberg Riverfront

Task 3 – Public Event #1

Task 4 – Plan Development

Task 5 – Public Event #2

Task 6 – Plan Implementation

Task 7 – Public Event #3

Task 8 – Plan Adoption

Fiscal impact/alternatives

Funding for the Riverfront Master Plan Update is from the Transportation Growth Management program in the amount of approximately \$200,000.

Timeline

The study is anticipated to start in June 2017 and run for 1 – 1/12 years and is likely to lead to modifications to the Comprehensive Plan, Development Code, Transportation System Plan, Water Master Plan and Wastewater Master Plan.

Other considerations

The study will look at opportunities for parks, greenway trails, mixed use development, industrial development, linkages to the downtown area, multi-modal transportation, sewer, water, storm and private utility infrastructure.

6. Implement Emergency Preparedness Program:

- a. **Priority Statement:** To ensure the city as a whole (facilities, personnel, equipment), as well as our citizens, are adequately informed and prepared in the event of an major city-wide emergency.
- b. **Background:**
 - Goal 1: To lead and facilitate the community response to survive and recover from a major disaster such as the Cascadia Subduction Zone Earthquake.
 - Goal 2: To prepare community for response to lesser but extended, manmade or natural disaster, such as a major ice storm, flooding, or hazardous material spill.
 - Goal 3: To prepare staff (and their families) for major disaster response and recovery.
- c. **Actionable Steps:**
 - Update the emergency operations plan and conduct full scale exercises of plan elements.
 - Continue and enhance National Incident Management System (NIMS) for staff.
 - Complete FEMA training for management staff.
 - Continue to coordination with Yamhill County, State, Federal government.
 - Coordinate with non-profit entities and the faith based community to help prepare their congregation for response and recovery.
 - Organize and sponsor Community Emergency Response Training,
 - Contract or hire Part-time Emergency Manager
 - Preposition food, water, clothing, and shelter.
 - Conduct City Council Emergency Operations training.
 - Purchase: Water filtration systems; Meals Ready to Eat (MREs); Fuel storage and generators; tents; cots; sanitation; Communication improvements; and Employee grab and go kits
 - Complete City Facilities Seismic Analysis:
(Study is underway with WRE Engineers. Completion date in May, 2017.)
 - Budget for identified structural improvements, especially for the immediately occupiable facilities: Public safety building; Water treatment plant; Maintenance yard administration and fleet buildings.
 - Prioritize and budget long term upgrades to City secondary non-critical facilities: Library; City Hall; Wastewater Treatment

- Complete a seismic resiliency study of the potable water system.

d. Fiscal impact (estimates only):

- City facility structural Study \$ 35,000.
- City facility upgrades \$ TBD
- City staff and community response equipment and supplies \$ 262,000.
Tents; HVAC; generators, cots, sleeping bags and bedding; extra pop-up tents; porta-potty and accessories, portable shower and personal hygiene accessories; temporary community kitchen and supplies (cooking, refrigerating, cleaning, serving, assorted storage containers, eating) and paper products (towels, cups, plates, utensils); disinfectant/cleaning supplies; cell phones, satellite phones, walkie talkies and batteries for all; personal emergency response kits; MRE's; Hurricane water systems/filters/containers; First Aid kits; misc items: electrical lines, power cords, water lines, flashlights, batteries, zip ties, fasteners; propane; Diesel fuel tanks; unleaded fuel tanks; transport fuel bladders; generators for wells, booster pump stations, PW maintenance yard (and other facilities as they are deemed safe); shipping container with hookups for storage of above.
- Outside agency contract or Part-time Emergency Manager \$ 20,000.
- Part-time Emergency Manager budget (materials/supplies) \$ 10,000.

e. Timeline

Once approved, purchases will be made over multiple budget years. \$20,000 has tentatively been included in the proposed 2017-18 budget.

f. Other considerations

- Training of additional resources
- Cert Team
 - Faith Based Community Training
 - Hold regular/planned community exercises

7. Implement Downtown Improvement Plan

- Background/ Define the problem

The Newberg Downtown Improvement Plan (NDIP) was adopted by the City Council on December 5, 2016 by Resolution No. 2016-3345. This plan is the guide for revitalization of the downtown area with the pending opening of the Newberg-Dundee Bypass in December 2017 and advances the Newberg Economic Development Strategy. The NDIP established 10 Big Ideas within its framework which include Gateways, First Street Improvements, Hancock Street Improvements, East End Gateway District, West End Mill District, Second Street Mixed Use District, Civic/Cultural Corridor, Core Catalyst Development, North/South Connections and Celebrate Art.

- Actionable Steps

The NDIP is set up as an actionable plan with activities to occur each year. Over the next two years key actions include working with property owners in the West End Mill District to establish a new zoning designation, developing a streetscape/wayfinding/gateway plan, developing a road diet design agreement with ODOT for First Street and Hancock Street and pursue Oregon Transportation Commission approval, preparing a development opportunity study for the East End Gateway District, establishing an infill housing demonstration project in the Second Street Mixed Use District, establishing a Civic/Cultural Corridor Task Force, developing a program for the Butler property and recruit a hotel developer under the Core Catalyst Development category, preparing a trolley feasibility study under the North/South Connections category, establishing a public art program, preparing an urban renewal feasibility study/plan/report, evaluating the feasibility of a vertical housing program, and implementing a parking management program.

- Fiscal impact/alternatives

West End Mill District comprehensive plan and zone change - \$60,000
 Streetscape, Wayfinding and Gateway Plan - \$100,000 - \$120,000
 East Gateway Development Opportunity Study - \$60,000
 Trolley Feasibility Study - \$60,000 - \$75,000
 Urban Renewal feasibility, plan and report - \$100,000

Other activities over the next two years are staff time. Overall implementation of the Newberg Downtown Improvement Plan is estimated at \$25M.

* Timeline

The timeline is based on initiating activities in July 2017.

Year 1 - West End Mill District comprehensive plan and zone change - \$60,000
 Year 1 - Urban Renewal feasibility, plan and report - \$100,000
 Year 2 - Streetscape, Wayfinding and Gateway Plan - \$100,000 - \$120,000
 Year 2 - East Gateway Development Opportunity Study - \$60,000
 Year 2 - Trolley Feasibility Study - \$60,000 - \$75,000

- Other considerations

8. Downtown 99 Issues

- Background/ Define the problem

As part of the development of the Newberg Downtown Improvement Plan one of the big ideas that was developed was modification to the number of travel lanes for First Street and Hancock Street. The concept is to reduce the current three travel lanes in each direction down to two travel lanes in each direction. Turn lanes will still be provided at intersections where the traffic volumes warrant. On First Street the intent is to widen the sidewalks and on Hancock street to provide additional on-street parking on the north side of the roadway. The challenge with this modification is that First Street and Hancock Street are under control of the Oregon Department of Transportation (ODOT) which as a variety of designations for freight movement over the roadway. To achieve the City's vision it will require significant dialogue with ODOT, various ODOT committees and will need approval from the Oregon Transportation Commission.

- Actionable Steps

Resolve policy and analysis issues with ODOT including alternative mobility standards for application of a Special Transportation Area designation for downtown Newberg.

Enter into a road diet/design agreement with ODOT.

Pursue Oregon Freight Advisory Committee and Oregon Transportation Commission approvals.

Design and Programing through coordination of other big ideas from the Newberg. Downtown Improvement Plan.

Determine project limits and phasing including temporary improvements and permanent improvements.

Final design.

- Fiscal impact/alternatives

The cost of removing a travel lane the entire length of First Street on a permanent basis is estimated at \$9.3M. Cost for a temporary lane removal is estimated at \$2.1M. Values are based on 2016 dollars.

The cost of removing a travel lane the entire length of Hancock Street on a permanent basis is estimated at \$2.7M. Cost for a temporary lane removal is estimated at \$1M. Values are based on 2016 dollars.

Funding for the improvements will be a critical component. The Newberg Downtown Improvement Plan identifies an urban renewal program as a possible funding source. Other funding sources could include ODOT funding programs

- Timeline

The timeline is based on initiating activities in July 2017.

Year 1 - Resolve policy and analysis issues with ODOT including alternative mobility standards for application of a Special Transportation Area designation for downtown Newberg.

Year 1 - Enter into a road diet/design agreement with ODOT.

Year 2 - Pursue Oregon Freight Advisory Committee and Oregon Transportation Commission approvals.

Year 3 - Design and Programing through coordination of other big ideas from the Newberg. Downtown Improvement Plan.

Years 4-6 - Determine project limits and phasing including temporary improvements and permanent improvements.

Years 7+ - Final design.

- Other considerations

The temporary lane removal concept for First Street includes a possible pilot project using portable planters to test the receptiveness of reducing the street from three lanes to two lanes. The location of a possible pilot project is between Howard Street and College Street. Another option is that ODOT may have to do some street overlay work on First Street that may provide the opportunity to implement some of the permanent improvements envisioned by the Newberg Downtown Improvement Plan.

9. Implement SharePoint

SharePoint is a software/hardware solution that provides a centralized communication portal including:

- Records Management
- Eliminates duplicate and inefficient workflows
- Enables collaboration between teams and departments
- File management
- Custom applications
- Custom workflows
- Information delivered at the team, department, and citywide levels.
- Reduce or eliminate paper based workflows.
- Content management

10. Implement a City-wide Trails Systems:

In 2007, the City adopted the Newberg ADA/Pedestrian/Bike Route Improvement Plan to guide future city investments in its alternative transportation infrastructure.

The purpose of the plan was to provide a guide to the City to create an improved alternative transportation infrastructure that will provide for more direct, convenient, and safe bicycle, wheelchair, and pedestrian travel between key community destinations.

The plan provides:

- * An evaluation of current planning documents pertaining to pedestrian/bike/ ADA accessible routes within the city.
- * An overview of federal, state and local standards and regulations applicable to subject facilities.
- * Identification of critical pedestrian/bike/ADA accessible routes throughout the city, including a prioritization of primary critical routes.
 - A field inventory of critical route conditions and improvement needs
 - A planning-level cost estimates for route improvements.
 - Identification and matching of specific funding sources for primary critical route improvements, both existing internal city resources and outside funding sources.
 - Development of ADA spot improvement program.
 - Description of design guidelines for route facility improvements.

Fiscal Impact: (2017 planning estimate):

Project (Street / Trail) Planning-Level Cost Estimate for Full Route Improvements
 Planning-Level Cost Estimate for Single-Side Improvements (route side)

2nd Street	\$25,000
	\$9,900 (north)
6th Street	\$28,000
	\$9,900 (north)
11th Street	\$240,000
\$78,000 (north)	
Chehalem Drive	\$2,000,000
	\$650,000 (east)
Columbia Drive	
/ Crestview Drive	\$2,100,000
	\$322,000 (north side of route, crossing to south side at Hoskins)
Crater Lane	
/ Lynn Drive	\$310,000
	\$99,000 (west side between Foothills and Mountainview, cross to east side)
Foothills Drive	\$20,000
	\$0 (south side is accessible)

Highway 219	\$25,000
	\$25,000 (bicycle route signage)
Howard Street	\$70,000
	\$40,000 (west side of route)

Long-Term Projects

Project (Street / Trail) Planning-Level Cost Estimate for Full Route Improvements
 Planning-Level Cost Estimate for Single-Side Improvements (route side)

14th Street /	
Waterfront Street	\$500,000
	\$215,000 (south)
Aspen Way	\$2,100,000
	\$1,005,000 (east)
Brutscher Street	\$90,000 \$0 (west side is accessible)
Crestview Drive	\$850,000
	\$277,000 (south)
Fernwood Road	\$700,000
	\$315,000 (north)
Emery Drive /	
Douglas Avenue /	
Vittoria Way	\$35,000
	\$15,000 (west/south)
Hayes Street /	
Providence Drive	\$105,000
	\$45,000 (north/west)
Hoskins Street	\$115,000
	\$23,000 (east)
Rogers Landing Road	\$850,000
	\$600,000 (east)
Sitka Avenue	
/ Hancock Street	\$160,000 \$62,000 (north)
Morton Street	\$325,000
	\$122,000 (east)
Zimri Drive	\$630,000 \$322,000 (east)
Hess Creek Trail	
(off-street)	\$375,000 N/A
Chehalem Creek Trail	
(off-street)	\$2,100,000 N/A

11. Improve the Transit System:

The Yamhill County Transit Area District (YCTA) is responsible for coordinating public transportation services in Yamhill County. YCTA contracts with First Transit who provides the service.

In Newberg First Transit provides fixed route and demand/response ("dial-a-ride") services. The service has sixteen stops with "flag stops" allowed in other locations along the route. First Transit also operates a commuter orientated fixed route service that operates between McMinnville and Tigard with stops in Lafayette, Dundee, Dayton, and Newberg.

In Sherwood and Tigard it connects with Tri-Met. Hours of Service - The City Rts 5 and 7 operates on one-hour seven minute headway Monday through Friday starting at 7:20 am with the last ride terminating at 6:30 pm. 99W Corridor service is provided Monday through Friday with nine round trips. The earliest trip leaves Newberg for McMinnville at 6:45 am and ending at Nap's at 8:14. A Saturday service is also available starting at 8:32 a.m. at Newberg Nap's for Tigard making three (3) complete trips ending at Newberg Nap's at 6:55 pm.

Demand/Response Service - YCTA provides dial-a-ride service primarily for seniors and disabled within Dundee, Newberg and in other area of Yamhill County. Trips can be for any purpose such as medical, shopping or social. Particular emphasis is given to service to the Newberg senior meal site.

Councilmember Essin is the City's representative to the Transit Authority.

The City has been asked to become more engaged in planning enhanced transit services throughout the County.

Current budget appropriation for transit: \$18,000

12. Options for tackling NERPS

- a. Priority Statement – Develop a strategic plan for reducing the unfunded liability of the Newberg Employee Retirement Plan
- b. Background (the problem) – The City's retirement plan, like many defined-benefit governmental plans, has a greater liability for benefits than assets, creating an unfunded liability. As of the July 1, 2016 actuarial valuation report, the City's plan is 61% funded with an unfunded liability of \$11.7 million. There are multiple factors in the equation that make this a complex problem to solve. Variables in the equation include investment earnings on plan assets, the benefit structure of the plan for future participants, and other various assumptions.
- c. Actionable steps and timeline
 - i. Education – Provide a basic understanding in common language as to the plan and the financial status. Target audience is City Council, Budget Committee, and the general public. 2017.
 - ii. Investment Management – Establish a routine (twice a year) review of investment performance and make strategic changes to maximize return. The City Council will receive a report and opportunity to make investment changes within the next month. In process and ongoing.
 - iii. Plan Structure Changes – Continue to make changes to the plan benefits where possible to reduce the liability. One step taken in the last 9 months was the

agreement with Oregon PERS to accept new hires after August 1, 2016 into the PERS plan rather than NERPS. There is one remaining employee group (Public Works Union) where new employees would continue to join the NERPS plan. This will be an action items for 2017.

- d. Fiscal impact/cost estimate to complete goal – The current unfunded liability is \$11.7 million. This number is measured every year and will need to remain a top priority in the competition for limited resources.
- e. Other consideration – The City will design the strategy and plan with its retirement consulting firm, Impact Benefits, as well as the actuaries from the Principal Financial Group (who manages the plan administration, investments, and benefit payments).

13. Proceed with TVF&R Annexation

The City and Tualatin Valley Fire & Rescue have entered into a two-year agreement starting July 1, 2016 and terminating on June 30, 2018.

The parties shall decide on or before 5 June 30, 2017 whether it is in the interest of the parties respectively to pursue annexation 6 of the territory within the City to the District for purposes of fire and emergency services.

In the event the parties determine that annexation is in their best interests, they shall work together in the second year to effect such result. In the event, however, that either party determines it is not in their best interest, the parties shall work together to effectively disassemble the contractual relationship and restore the fire and emergency services under the auspices of the City. If termination is the result, such termination will occur upon expiration of this Agreement.

14. Improve Communication with the Public

In 3 years the City will have a consistent feedback mechanism to ensure that City communications are meeting community and staff needs. Within 12 months develop a communications plan, including staffing and training that establishes an outreach process to the community and a method to obtain feedback.

- A Community Engagement position was created in the 2016-17 budget and Rosa Olivares assumed full time duties of the position in December, 2016.
- Rosa has interviewed Council members and department Directors as part of her research to complete a communications plan by June, 2017.

EXISTING PRIORITIES (2016-2017)

I. VISIONING

In 3 years, complete a community visioning process.

- Defining the Council's ideas of a community visioning process will occur at a Council meeting or workshop in the 1st quarter of 2017.
- In related visioning activities Community Development has undertaken a Newberg 2030 program with a web survey to address topics related to growth, housing, and jobs as we look to the future.
- The Newberg 2030 project looked at future growth, how the community can best accommodate a growing population while also maintaining a certain quality of life, and while also balancing the competing demands of growth and density. The project explored questions of balance – land & density, parking & infill – as well as discussed, flexibility in housing types, Newberg “look and feel”, areas for more dense residential neighborhoods.
- A poster and Facebook ten week survey was organized and conducted by Jessica Pelz, AICP, associate planner collected information about community values. Posters were displayed at Social Goods Market, Friendsview, Library, Chehalem Cultural Center, and City Hall. A Facebook page survey reached 3,920 people.
- A Focus 2030 committee of (Chehalem Park and Recreation District, City, Newberg School and Portland Community College, Newberg Center are also working on a Community survey of values that is designed to contribute to a revised vision for the community.
- The City of Newberg is preparing to address its long-range land needs by doing preliminary Newberg 2030 program for the new streamlined urban growth boundary (UGB) amendment method. The analysis is using existing city documents and a collaborative public process to help establish a vision for the community related to future growth in both the residential and employment sectors. The City received a Technical Assistance Grant from the Department of Land Conservation and Development in the amount of \$30,000.00 to work on this project.

Work on this project is expected to go through May 2017.

II. TECHNOLOGY

Within 3 years obtain functional software/hardware that reduces redundancies and duplications through the integration of departmental systems. Within one year the City will develop a technology plan that addresses the long-term equipment and software needs of all departments. The plan focus should be on the judicious use of funds to meet long-term needs rather than applying short-term “Band-Aid” fixes.

Attached is the strategic plan. On the last page it gives an explanation of how the sum of these projects accomplish the council goal.

SharePoint being one of the biggest pieces of it (The new building permit software is another big piece). SharePoint is a software/hardware solution that provides a centralized communication portal including:

- Records Management
- Eliminates duplicate and inefficient workflows
- Enables collaboration between teams and departments
- File management
- Custom applications
- Custom workflows
- Information delivered at the team, department, and citywide levels.
- Reduce or eliminate paper based workflows.
- Content management

Research for long-term equipment and software needs is in process with projected draft plan due by April, 2017.

III. FUNDING/FISCAL

Within 18-24 months develop a 5-year financial plan to guide long term fiscal health for the City. Within one year create a fiscal policy that addresses use of debt, preservation of contingencies and reserves and insures that fee structures are consistent with service levels. These policies will be used to help develop the financial plan.

- A Long Range Financial Committee of private and public financial experts, residents and staff was commissioned by the City has met 4 times, with 3 of the meetings spent on reviewing financial policies, and the 4th meeting spent looking at other cities' long range financial planning documents.
- A template for the Five Year Newberg plan document (without real numbers) for the Committee to provide input has been developed. Plan includes financial policies (debt, reserves, preservation of contingencies, facility and equipment replacement). Excel models for payroll and the City-wide budget have been prepared.
- A Master fee schedule has been completed in 2016 and will be revised, based on service level requirements, and presented for Council discussion and approval in February, 2017. Plan is to return to Council on the Jan 3 work session.

IV. PROJECT PLANNING

In 3 years the council will have a schedule for reviewing of existing Master and Long Range plans. These will include acknowledgement of inter-departmental dependencies and demonstrate a mitigation of redundancy. The intent of this is to have a strategic approach for the Council to review existing plans in a scheduled manner to ensure that the original intentions and targets are being achieved. It is not intended that the council reviews the details of all the documents.

- Thirty-four master plans initiated or approved by the City have been catalogued and categorized (list attached).
- Throughout 2016, staff have been reviewing approved and proposed plans to resolve any conflicting goals or actions. A draft copy of the current statuses of the master plans is attached.

V. COMMUNICATIONS

In 3 years the City will have a consistent feedback mechanism to ensure that City communications are meeting community and staff needs. Within 12 months develop a communications plan, including staffing and training that establishes an outreach process to the community and a method to obtain feedback.

- A Community Engagement position was created in the 2016-17 budget and Rosa Olivares assumed full time duties of the position in December, 2016.
- Rosa has interviewed Council members and department Directors as part of her research to complete a communications plan by June, 2017.

VI STAFFING

In 18 months, we will create a fully functional and operational HR function to meet citywide staffing goals as defined in a staffing plan.

- Anna Lee, Human resources professional with over 15 years of public (City of Sherwood) and private experience started work on June 28, 2016.

Since her hire, Anna has organized the department and moved to create a fully functional department. A temporary Human Resources Assistant was hired to update employee job descriptions and an employee manual update. Recruitment for a permanent hire is in process.

- There have been 16 total new hires since 7-6-16
- Updating all job descriptions is scheduled for completion by July, 2017
- Supervisor / Employee Training has been initiated including

2. All staff meetings and seminars have been held or scheduled through the end of the calendar year and first quarter of 2017 including: Resilience in the Workplace Sept 15th ; - 75 employee attendees; December 15, 2016 – Communication – How to say it at work, December 15; Preventing Harassment in the workplace training – 12-13-16 Public Works; Supervisor Training – work plans and evaluations 12-2016 Creating Supervisor Training - will coordinate with CIS to present – target date of 2017 to coordinate with Employee Manual update.
- Employee/Association Meetings have been organized and convened.

COST ESTIMATE SUMMARY

	Priority	Component	Cost Range	Note
1	Road Repair and Maintenance		\$2.5 million	Transportation Utility fee; gas tax, bond, property tax
2	Repair and replace sidewalks	9 th St	242,000	Consideration of sidewalk fee; street maintenance fee
		Blaine St	351,000	
		College	9,300,000	
		Dayton	304,000	
		Elliot	1,100,000	
		Illinois/College/Vermillion, Fulton, Villa, Haworth	1,700,000	
		Main St	2,300,000	
		Meridian, Crestview	335,000	
		Mountainview	2,500,000	
		River	2,700,000	
		Springbrook Rd	4,000,000	
		Villa	5,100,000	
		4 th St	310,000	
			3,100,000	
3	UGB Expansion	Division 38 consultant	150,000	Possible State LCDC grant \$50,000
		Infrastructure consultant	TBD	
		Traditional Division24 process	100,000	Housing Need and Economic Opportunities Analysis
4	Affordable Housing	To be determined		
5	Riverfront Plan	Master Plan Study	200,000	State Grant
6	Emergency Preparedness	Emergency Prep Contract	20,000	
		Materials and Supplies	10,000	
		City facility structural study	35,000	
		City facility upgrades	TBD	
		City equipment and employee supplies	262,000	
7	Downtown Plan	West End Comp Plan change	60,000	
		Streetscape, wayfinding plan	100-200,000	
		East Gateway Development Study	60,000	

		Trolley Line Implementation	5-50,000	
		Urban Renewal Feasibility Study	100,000	
8	Downtown 99	Remove travel lane - First	9,300,000	
		Remove travel lane- Hancock	2,700,000	
9	SharePoint		49,000	
10	City Wide Trails			
11	Improve Transit		12,000 – 50,000	
12	Newberg Retirement System	To be determined		
13	TVFR Annexation	To be determined		
14	Improve Communications with Public	To be determined		



**City Council Business Session
May 15, 2017 - 7:00 PM
Public Safety Building 401 East Third Street**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PROCLAMATIONS

IV.a Proclamation for Newberg High School Cheerleaders
[RCA Newberg Cheerleaders proclamation](#)

IV.b 2017 Public Works Week Proclamation
[PROCLAMATION PWS week](#)

V. PRESENTATIONS

V.a Recognition of outgoing student commissioner Norma Yazmin Uribe Zapien.
[RCA Recognition of student commissioner Norma Yazmin Uribe Zapien](#)

V.b 2017 If I Were Mayor Contest Winners
[RCA Information - May 15, 2017.pdf](#)

V.c AARP Network of Age-Friendly Communities and the World Health Organization
Global Network of Age-Friendly Cities and Communities Certificate Presentation
[RCA Information.doc](#)

V.d Chehalem Valley Chamber of Commerce quarterly report
[Chamber quarterly report](#)

VI. CITY MANAGER'S REPORT

VII. PUBLIC COMMENTS

(30 minutes maximum which may be extended at the mayor's discretion; an opportunity to speak for not more than five (5) minutes per speaker allowed)

VIII. CONSENT CALENDAR

- VIII.a A Resolution expressing continued support for the City for All Ages Taskforce and AARP's Network of Age-Friendly Communities and the World Health Organizations Global Network of Age-Friendly Cities and Communities Programs
[RCA 2017-3374 City for All Ages.doc](#)
- VIII.b A resolution to authorize the City Manager to enter into a construction contract with M.L. Houck Construction Company for the Blaine Street Stormwater Improvements – Phase 1 project in the amount of \$810,975.00
[Res 2017-3363 BlaineStStmPrj Bid Award \(amended\).pdf](#)
- VIII.c A resolution to authorize the City Manager to terminate drainage and/or access easements for the Blaine Street Stormwater Improvements – Phase 1 Project
[Res 2017-3369 BlaineStStmPrj Terminate Easements \(amended\).pdf](#)
- VIII.d Council Minutes for April 17, 2017
[RCA Mins April 17](#)

IX. PUBLIC HEARINGS

- IX.a RCA Ordinance 2017-2815 Dutchman Ridge annexation
[RCA Ordinance 2815 ANX - Dutchman Ridge.pdf](#)

X. NEW BUSINESS

- X.a Resolution 2017-3380, A Resolution acknowledging the acceptance of the resignation of Councilor Hayley Delle, expressing the City's appreciation for her service, declaring a vacancy, and announcing the advertisement for qualified persons for appointment to fill the vacancy (District No. 1 with a term ending December 31, 2020)
[RCA for Resolution 2017-3380.pdf](#)
- X.b Waste Management Inc. annual presentation
[RCA Waste Management presentation](#)

XI. COUNCIL BUSINESS

XII. EXECUTIVE SESSION PURSUANT TO ORS 192.660 (2) | PERFORMANCE EVALUATIONS OF PUBLIC OFFICERS AND EMPLOYEES

Executive Sessions are closed to the public.

XIII. ADJOURNMENT

COMMENTS

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. Speakers who wish the Council to consider written material are encouraged to submit written information in writing by 12:00 p.m. (noon) the day of the meeting.

ADA STATEMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than two business days prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.

ORDER

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ Ordinance ____ Resolution ____ Motion X Information ____
No. No. No.

SUBJECT: Approve a proclamation declaring May 15, 2017 as Newberg High School Varsity Cheerleading Day

Contact Person (Preparer) for this
Item: Sue Ryan
Dept.: City Manager

RECOMMENDATION:

Approve a proclamation declaring May 15, 2017 as Newberg High School Varsity Cheerleading Day.

EXECUTIVE SUMMARY:

After much hard work, dedication, and persistence the Newberg High School (NHS) varsity cheerleading team finished their 2016-17 school year. They were the champions in the Oregon School Activities Association Small Coed competition. They won the Large Varsity Show Cheer non-tumbling category at the United Spirit Association National Championship competition in Anaheim, California.

FISCAL IMPACT: None.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM MARCH 2016): N/A



PROCLAMATION

A PROCLAMATION RECOGNIZING THE NEWBERG HIGH SCHOOL VARSITY CHEERLEADING TEAM AND DECLARING MAY 15, 2017 AS A DAY IN THEIR HONOR

WHEREAS, this year's Newberg High School's Varsity Cheerleading team, coached by Lisa Berg, received state and national recognition for Newberg High School and the City of Newberg; and

WHEREAS, the team won the Oregon School Activities Association Small Coed Cheerleading Championship; and

WHEREAS, the team won the USA Spirit National Large Varsity Show Cheer Non-Tumbling competition; and

WHEREAS, this team exhibited a lot of pride representing Newberg High School and the City of Newberg, dedicating hundreds of hours in practice to promote excellence at school events, and they certainly symbolize the spirit of our City of Newberg and Newberg High School with championship caliber; and

WHEREAS, this Council wishes to congratulate the team members along with their coach for their outstanding appearances and performances at both the state and national level.

NOW, THEREFORE, IT IS PROCLAIMED, by the Mayor and City Council, and on behalf of the citizens of the City of Newberg, Oregon, that **we proclaim May 15, 2017 as a day to honor the Newberg High School cheerleaders.**

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this May 15th day of May, 2017.

Space below is for city seal

Bob Andrews, Mayor



PROCLAMATION

A PROCLAMATION ON THE 2017 NATIONAL PUBLIC WORKS WEEK: “PUBLIC WORKS CONNECTS US”

WHEREAS, National Public Works Week celebrates the vital role public works plays in connecting us all together; and

WHEREAS, being a cornerstone of civilization, public works provides, maintains and improves the structures and services that assure a higher quality of life for our communities; and

WHEREAS, streets, roads, bridges and public transportation keep us linked together from coast to coast and community to community; and

WHEREAS, clean water and sanitation services keep us and the environment healthy; and

WHEREAS, well planned, designed, maintained and operated infrastructure allow our communities to grow and prosper; and

WHEREAS, National Public Works Week is a way to proudly salute and thank the public works professionals who work tirelessly for our community every day to strengthen the bond that keeps us all connected; and

WHEREAS, the year 2017 marks the 57th annual National Public Works Week sponsored by the American Public Works Association, and

WHEREAS, it should be recognized “Public Works Connects Us”.

NOW, THEREFORE, LET IT BE PROCLAIMED by the mayor and City Council of the City of Newberg, that May 21- 27, 2017, is hereby designated

PUBLIC WORKS WEEK IN THE CITY OF NEWBERG

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 15th day of May, 2017.

Space below is for city seal

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
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SUBJECT: Recognition of outgoing senior Norma Yazmin Uribe Zapien for her service on Traffic Safety Commission

Contact Person (Preparer) for this
Item: Sue Ryan
Dept.: City Manager

Norma Yazmin Uribe Zapien has served as the student commissioner for Traffic Safety Commission from January to May 2017. As an outgoing high school senior, she is no longer eligible to serve on the commission. The City would like to thank Norma for her service to the City.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
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SUBJECT: Announcement of the 2017 If I Were Mayor Contest Winners

Contact Person (Preparer) for this
Item: DawnKaren Bevill
Dept.: City Manager's Office
File No.:

EXECUTIVE SUMMARY:

The City of Newberg had a wonderful turnout for their 2017 "If I Were Mayor Contest", which encourages students to engage in a civic leadership exercise.

After weeks of work answering the question of what they would do as the elected leader for Newberg, thirty-six students participated from Mabel Rush Elementary & Mountain View Middle School. Their works were judged by Bob Andrews, Mayor; Denise Bacon, City Councilor & The Ford Family Foundation Field Coordinator; Claudia Stewart, Newberg School District Communications Coordinator; Fred Gregory, George Fox University Office of the President; Lynn Weygandt, owner of Windrose Conference and Meeting Center; and DawnKaren Bevill, City of Newberg Administrative Assistant.

The winners will be announced at the Newberg City Council Meeting on May 15, 2017.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
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**SUBJECT: AARP Network of Age-Friendly
Communities and the World Health Organization
Global Network of Age-Friendly Cities and
Communities Certificate Presentation**

**Contact Person (Preparer) for this
Item: Doug Rux, Director
Dept.: Community Development
File No.: G-16-013**

AARP will be presenting a certificate for Newberg's acceptance into the AARP Network of Age-Friendly Communities and the World Health Organization Global Network of Age-Friendly Cities and Communities.

THE CHEHALEM VALLEY VISITOR CENTER

2016-17 Third Quarter Report

2016-17 THIRD QUARTER STATS

Web Visits: 5,090

Visitor Center Traffic: 1,750

Truffle Festival Recap—January 2017

Culinary Tourism: Approximately 2,300 Visit the Area

The Truffle Festival held in Newberg to McMinnville and Eugene brought approximately 2,300 visitors to the area. Over half of the attendees were between 45-64 years old. Visitors to the area stayed an average of 2-3 nights and 75% of visitors spent between \$500-\$2,000 during their stay (including lodging). The majority of people identified with culinary travel and many choose to stay in Oregon beyond the festival. In addition to the culinary events, we also hosted a Truffle Marketplace event, held at the Chehalem Cultural Center with local food purveyors selling gourmet products to the truffle enthusiasts. We solicited many new food vendors this year which resulted in a fun, fresh event. Judging by the feedback from the guests, and the full shopping bags, we believe it was a success.



Camellia Festival—April 2017

CVCC a Presenting Sponsor

The Chehalem Valley Chamber of Commerce was one of the presenting sponsors of the Camellia Festival. This year's festivities welcomed over 3,500 attendees including 100 members of the American Camellia Society. The Chehalem Valley Chamber started working with members of the Oregon Camellia Society and American Camellia society in 2015 to submit a successful bid for the annual conference in 2017. The Best Western Newberg served as the host hotel for most of the out-of-state attendees.

THE CHEHALEM VALLEY VISITOR CENTER

2016-17 Third Quarter Report

UPCOMING TOURISM OPPORTUNITIES

Travel & Words Travel Writers Conference in Salem

April 24-25, 2017

The Chehalem Valley Chamber of Commerce was invited to participate as a vendor at the conference which features over 100 Travel Writers from the Western United States. The focus of our participation will be to “pitch” attendees on writing stories on the Newberg area. We will be inviting select writers to come to Newberg for customized familiarization tours. In addition Sheryl Kelsh will be facilitating a presentation among other Destination Marketing Organizations (DMO) on “best practices” for writers when working with DMOs.



Website Banner



The new “Live life to the brim in Newberg, Oregon” campaign made its debut at the Travel & Words Travel Writers Conference in Salem. Edger Design & Communication of Newberg conceptualized and designed the “Live life to the brim in Newberg, Oregon” trademarked campaign. The series of print and digital ads depicts ways tourists can “live life to the brim” while visiting the area and the series postcards suggest “must-do” items to cross off their list while visiting. The campaign encourages social media engagement by asking users to share how they #LiveLifetotheBrim in #Newberg.

Share how you #LiveLifeToTheBrim in #Newberg



Print Ads and Postcards

THE CHEHALEM VALLEY VISITOR CENTER

2016-17 Third Quarter Report

UPCOMING TOURISM OPPORTUNITIES, CONTINUED



Chehalem Valley Chamber Assumes Management of Taste Dundee

May 6, 2017

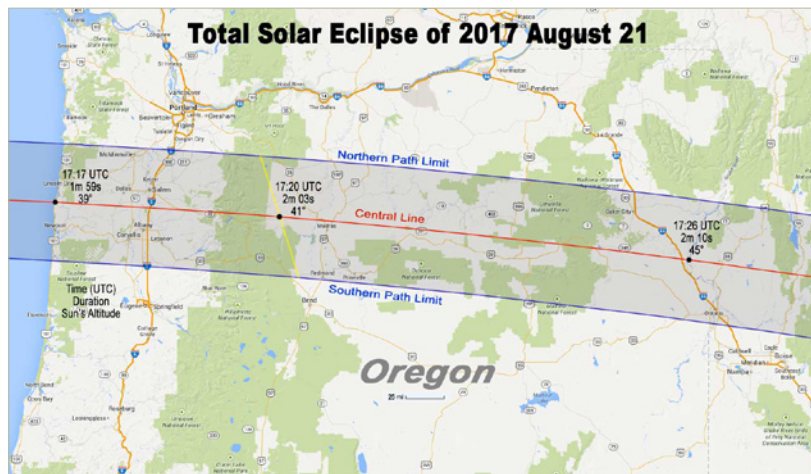
The Chehalem Valley Chamber has assumed the management of Taste Dundee from the wineries that organized the two previous events. Taste Dundee is held at the beginning of Oregon Wine Month and was created to showcase Dundee area wine and food. The event attracted 500 people last year to Dundee. We are hoping to entice 750 visitors to the area through our public relations, marketing, social media, and advertising efforts. 25 local area wineries are participating, pouring two wines each and offering wine for purchase. There will be local Dundee area restaurants serving small bites, with cheese and bread available, and food trucks offering heartier fare for purchase.

This year's event will be held in Billick Park at the tennis court under a tent. Food trucks will be located adjacent to the tented area. New this year we will be offering a VIP & Media Reception limited to 100 people. They will have access to winemakers and a special food selection for an hour prior to the event opening to the general public and receive swag bags. Our goal is to sell out the event. We have invited media guests to the event and enlisting their help with pre-event publicity. Also new this year is a website with information and links for ticket sales, as well as a social media presence on Facebook, Twitter, and Instagram. We are enlisting the wineries help in sharing the event with their wine club members and on social media. Dundee Hills Winery association is planning activities before and after Taste Dundee to encourage attendees to spend the night. The event benefits Newberg by bringing more overnight and day tourist to the region.

THE CHEHALEM VALLEY VISITOR CENTER

2016-17 Third Quarter Report

UPCOMING TOURISM OPPORTUNITIES, CONTINUED



Getting Ready for the Eclipse August 21, 2017

With Oregon being a premier place to view the solar Eclipse in August, the state is expecting thousands of visitors to the region. Hotels have been booked up for a year in Salem, the Coast and in our area. Salem is supposed to be one of the best locations to view the Eclipse since it will experience “totality” or the full eclipse. Newberg is located a bit outside the totality zone but will experience 80-90%. We will provide information for visitors on our website where they can view the

eclipse in our area. We have had several members offer to host camping and/or viewing parties in the area. Anyone wishing to host visitors will need to plan in advance to acquire porta-potties since most of the stock is already rented in the state of Oregon. We will be ordering Eclipse glasses which allow people to safely view the Eclipse. Travel Oregon will be distributing a limited number of Eclipse glasses to Visitor Centers throughout the state.

Media & FAM Activities

- January 3** **FAM TOUR SUPPORT** Coordinate dinner and winetasting for NW Bloggers group on January 27, 2017
 - January 4** **FAM TOUR SUPPORT** Coordinate lunch and tour for American Mycological Tour group on January 26, 2017
 - January 17** **PRESS** Submit community profile with photos of Newberg to Sheldon Traver at the Statesman Journal in Salem
 - January 20** **PRESS RESEARCH ASSISTANCE** Statesman Journal request for community information and photos for upcoming community feature on Newberg
 - January 20-22** **EVENT SUPPORT** Oregon Truffle Festival in Yamhill County
FAM TOUR SUPPORT International Press tour with *Travel Oregon* at *The Oregon Truffle Festival*
-
- February 25** **FAM TOUR & SUPPORT** for Veg News Magazine (arrange winery visits, hotel stay with media rate at *Inn at Red Hills*, dining at *Dundee Bistro*)

Media Mentions

January
BLOG, EVERYDAY RUNAWAY—TAKING THE ROAD LESS TRAVELED IN OREGON WINE COUNTRY
Brienne Limani
View Article • Featuring J Wigley Winery, Bells Up, Purple Cow and Patricia Green Cellars

February
SMART MEETINGS — THE OREGON MEETING TRAIL
Holly Woodlard
View Article • Mentions Ponzi & the Allison Inn & Spa
TRI-CITY HERALD (KITSAP DAILY NEWS) — RIESLING REMAINS AN OVERLOOKED GEM IN OREGON
Andy Perdue and Eric Degerman
View Article • Featuring wines from Chehalem, Brooks, Yamhill Valley Vineyard, Argyle, Seven of Hearts and Anam Cara

March
TRAVEL & LEISURE — ROAD TRIPPING THROUGH THE NEW OREGON
Marissa Meltzer
View Article • Highlighting Wolves & People, Anne Amie Vineyards
BLOG — ANDRE WINE REVIEW
Andre Prioux
View Article • Highlighting ROCO Winery

TAHOE WEEKLY — WILLAMETTE VALLEY IS THE NEW BURGUNDY
Lou Phillips
View Article • Mentioning affordable wine from Eytie Vineyards, Argyle Winery, Cristom Vineyards, Ponzi Vineyards and Ken Wright Cellars
USA TODAY NEWS PRESS — GINA DRINKS: OREGON, BEYOND PINOT NOIR
Gina Birch
View Article • Featuring Lange, WillaKenzie & Chehalem
BLOG WINEDERLUST — TOURING OREGON'S WILLAMETTE VALLEY BY HELICOPTER
Greig
View Article • Featuring Precision Helicopter Tours

THE CHEHALEM VALLEY VISITOR CENTER

2016-17 Third Quarter Report

Budget: Q3 January – March, 2017

	Q3	YTD 2016-17	BUDGET
REVENUE:			
City of Newberg	\$34,386.99	\$103,160.97	\$137,548.00
City of Dundee	\$0	\$0	\$2,500.00
TOTAL REVENUES:	\$34,386.99	\$103,160.97	\$140,048.00
EXPENSE:			
Personnel	\$16,424.90	\$40,966.90	\$62,000.00
Marketing	\$9,893.62	\$22,257.62	\$40,000.00
Overhead/Utilities, etc.	\$6,320.31	\$44,401.31	\$47,979.00
TOTAL EXPENSES:	\$32,638.83	\$107,625.83	\$149,979.00
NET INCOME:	-\$4,464.86		

Note: Chehalem Valley Chamber is responsible for tourism expenses beyond the scope of budgeted revenues.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2017-3374	Motion ____	Information ____
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SUBJECT: A Resolution expressing continued support for the City for All Ages Taskforce and AARP's Network of Age-Friendly Communities and the World Health Organizations Global Network of Age-Friendly Cities and Communities Programs

Contact Person (Preparer) for this
Motion: Doug Rux, Director
Dept.: Community Development
File No.: G-16-013

RECOMMENDATION:

Adopt Resolution No. 2017-3374.

EXECUTIVE SUMMARY:

On November 21, 2016 the City Council adopted Resolution No. 2016-3341 resolving that the City of Newberg supports the World Health Organization's Global Network of Age-Friendly Cities and Communities, the AARP Network of Age-Friendly Communities program, and the Newberg City for All Ages Taskforce in submitting an application for membership to the AARP Network of Age-Friendly Communities and the World Health Organization Global Network of Age-Friendly Cities and Communities. The Resolution also authorized the Mayor to provide a letter indicating the City of Newberg's commitment and support for the submission of an application to the Global Network.

The City for All Ages Taskforce in coordination with city staff prepared the requisite application and letter from the Mayor which was submitted on January 11, 2017. The City for All Ages Taskforce and the City of Newberg were informed that the application request was approved on January 25, 2017. On May 15, 2017 the City of Newberg was presented a certificate and letter officially recognizing that the Newberg community was part of the AARP Network of Age-Friendly Communities program. The attached resolution expresses the City of Newberg's continued support for the City for All Ages Taskforce and AARP's Network of Age-Friendly Communities and the World Health Organizations Global Network of Age-Friendly Cities and Communities Programs as the Newberg outreach process is underway through community forums and on-line surveys.

FISCAL IMPACT:

The fiscal impact to the City of Newberg is minimal. There will be some staff time contribution over the initial five year period in providing data or participating in assessment and development of the action plan.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM MARCH 2016):

Not applicable.

**A RESOLUTION EXPRESSING CONTINUED SUPPORT FOR
THE CITY FOR ALL AGES TASKFORCE AND AARP'S
NETWORK OF AGE-FRIENDLY COMMUNITIES AND THE
WORLD HEALTH ORGANIZATIONS GLOBAL NETWORK OF
AGE-FRIENDLY CITIES AND COMMUNITIES PROGRAMS**

RECITALS:

1. The global population of people aged 60 and over is expected to grow from 600 million in 2000 to almost 2 billion by 2050.
2. In the United States, the population of people aged 65 and over is expected to grow from 35 million in 2000 to 88.5 million by 2050, taking the total share of the 65 and over population from 12 percent to 20 percent of the total population.
3. Research shows that older Americans overwhelmingly want to remain in their homes and communities as they age.
4. Access to quality health care and long-term services and supports is essential for individuals to live in their homes and communities.
5. Twenty-one percent of adults age 65 and older do not drive, and more than half of these non-drivers do not leave home on a given day, in part because they lack transportation options.
6. Reduced mobility for older non-drivers leads to 15 percent fewer trips to the doctor, 59 percent fewer shopping trips and visits to restaurants, and 65 percent fewer trips for social, family and religious activities.
7. The World Health Organization (WHO) has developed a Global Network of Age-Friendly Cities and Communities to encourage and promote public policies to increase the number of cities and communities that support healthy aging and thereby improve the health, well-being, satisfaction, and quality of life for older Americans.
8. Active aging is a life-long process, whereby an age-friendly community is not just “elder-friendly” but also intended to be friendly for all ages.
9. The WHO has noted that “making cities and communities age friendly is one of the most effective policy approaches for responding to demographic ageing.”
10. The WHO has developed eight domains of community life that influence the health and quality of life of older people.

11. The WHO recognizes that towns, cities and communities have different needs, resources, and varying capacities to engage their resources to take action to facilitate active aging.
12. The AARP Network of Age-Friendly Communities was launched in April 2012 and seventeen communities have enrolled.
13. Newberg was accepted into the Network of Age-Friendly Communities on January 25, 2017.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City of Newberg supports initiatives and opportunities to engage in the WHO and the AARP Age-Friendly Cities and Communities Network of municipalities encouraging and promoting public policies supporting healthy ageing and the Newberg City for All Ages program.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 16, 2017.

ADOPTED by the City Council of the City of Newberg, Oregon, this 15th day of May, 2017.

Sue Ryan, City Recorder

ATTEST by the Mayor this 18th day of May, 2017.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____	Ordinance ____	Resolution <u>XX</u>	Motion ____	Information ____
No.	No.	No. 2017-3363		

SUBJECT: A resolution to authorize the City Manager to enter into a construction contract with M.L. Houck Construction Company for the Blaine Street Stormwater Improvements – Phase 1 project in the amount of \$810,975.00

**Contact Person (Preparer) for this Motion: Paul Chiu, P.E., Senior Engineer
Dept.: Engineering Services Department
File No.:**

RECOMMENDATION:

Adopt Resolution No. 2017-3363 authorizing the City Manager to award the Blaine Street Stormwater Improvements – Phase 1 construction project to M.L. Houck Construction Co. in the amount of \$810,975.00.

EXECUTIVE SUMMARY:

The city's Blaine Street stormwater conveyance system has pipes that are under existing buildings, under capacity, and at the end of their design life.

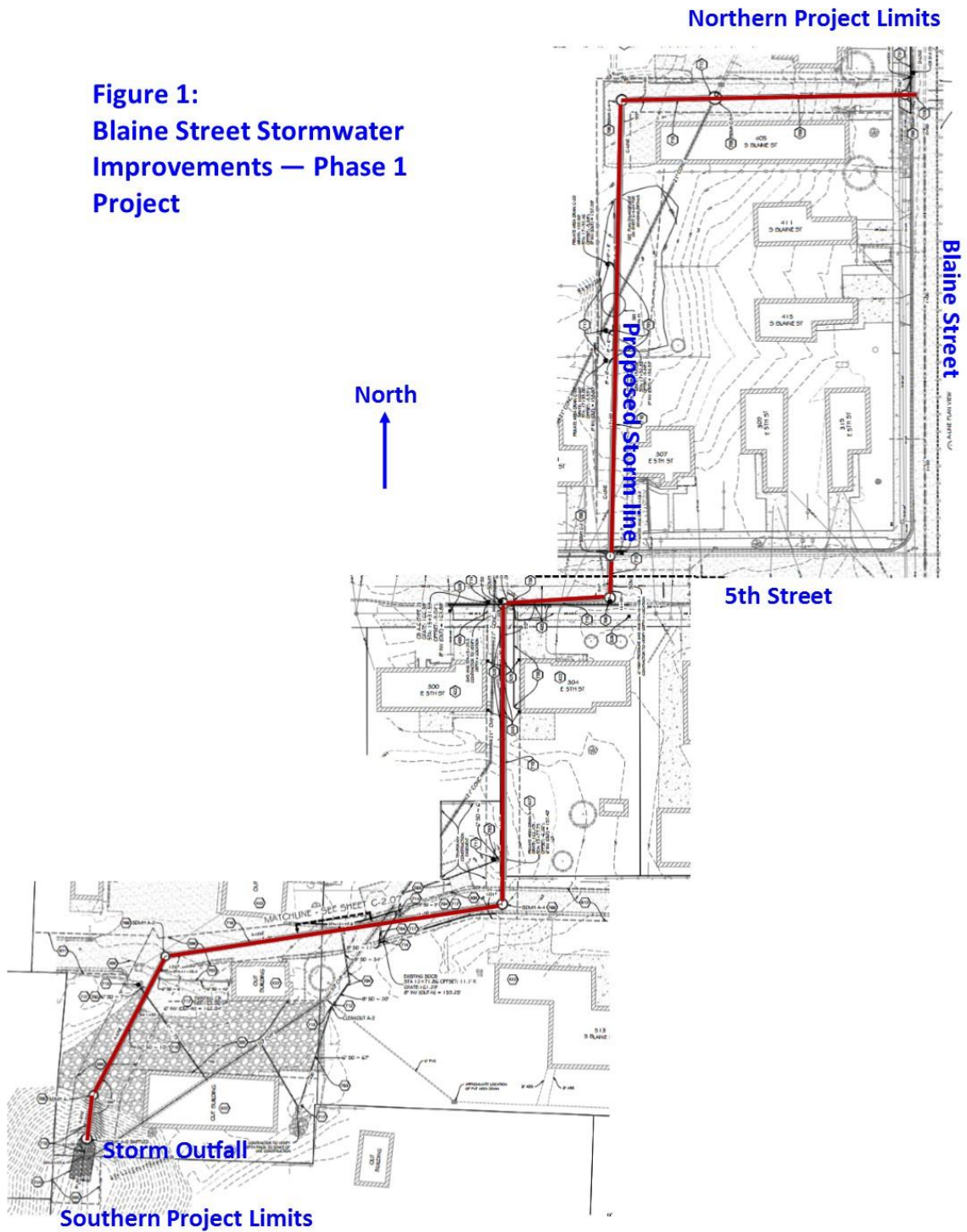
Phase 1 of the Blaine Street stormwater improvement project as depicted in Figure 1 on the following page was advertised for bid on March 20, 2017. The Engineer's estimate was in the range of \$600,000.00 to \$700,000.00. On April 25, 2017, the city received and opened three qualified bids from:

- (a) M.L. Houck Construction Company for \$810,975.00;
- (b) K&E Excavating, Inc. for \$869,527.00; and
- (c) Emery & Sons Construction, Inc. for \$1,239,654.00.

After careful review, staff determined that the construction cost is within reason given the following considerations that:

- (a) This project will install over 1,300 lineal feet of pipes ranging in sizes from 36 inches to 6 inches in diameter, mostly on private properties in public storm drainage easements;
- (b) There is a portion of the proposed 36 inch diameter pipe that needs to be installed with care between two existing homes that are 20 feet apart with special shoring; and
- (c) There is an urgency to abandon the existing pipes under several homes once the new storm conveyance pipelines are fully constructed in their new location.

**Figure 1:
Blaine Street Stormwater
Improvements — Phase 1
Project**



FISCAL IMPACT:

The bid award for \$810,975.00 is higher than the Engineer's estimate. However, it is still within the project budget. Funding for construction of the Blaine Street Stormwater Improvements – Phase 1 project has been appropriated in the current and the next fiscal year budgets totaled \$1,150,000.00, under account number 04-5150-717711.

Other phases of the project will be planned for future fiscal years.

STRATEGIC ASSESSMENT:

The Blaine Street Stormwater Improvement Project will mitigate systemic flooding after the upsizing, relocation and replacement of the deteriorated stormwater conveyance pipeline is fully complete with new and larger diameter pipes. Phase 1 of this project includes an improved storm outfall on the Schmidt's property at 513 S. Blaine Street and will remove the risk of pipe failure for pipes that are under existing homes once they are properly abandoned.



RESOLUTION No. 2017-3363

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH M.L. HOUCK CONSTRUCTION COMPANY FOR THE BLAINE STREET STORMWATER IMPROVEMENTS – PHASE 1 PROJECT IN THE AMOUNT OF \$810,975.00

RECITALS:

1. Project Delivery Group, LLC completed the phase 1 design of the Blaine Street stormwater improvement project that is needed to replace the aging, under capacity pipes to reduce the risk of blockages and sinkholes, and to begin the relocation of pipes away from existing buildings.
2. The Blaine Street Stormwater Improvements Phase 1 Project is an approved capital improvement project in the 2016-17 and proposed 2017-18 fiscal year budgets.
3. Phase 1 of Blaine Street stormwater improvement project includes, but not limited to, the installation of over 1,300 lineal feet of storm conveyance pipeline, filling existing storm lines with cellular concrete, and assorted pavement and site restoration work. The proposed work is from Blaine Street at 405 S. Blaine Street to the existing storm outfall at 513 S. Blaine Street.
4. The City of Newberg advertised the project on the city's website and in the Daily Journal of Commerce on March 20, 2017, soliciting bids in accordance with ORS Chapter 279C Public Contracting and Public Procurement requirements.
5. Three qualified bids were received on April 25, 2017. They were from: (a) M.L. Houck Construction Company for \$810,975.00; (b) K&E Excavating, Inc. for \$869,527.00; and (c) Emery & Sons Construction, Inc. for \$1,239,654.00

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council, acting as contract review board for the city, does hereby authorize the City Manager to enter into a contract with M.L. Houck Company to complete the Blaine Street Stormwater Improvements – Phase 1 project in the amount of \$810,975.00.
2. The City Manager, is authorized to negotiate and approve any needed construction change orders not to exceed 10 percent of the original contract amount.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 16, 2017.
ADOPTED by the City Council of the City of Newberg, Oregon, this 15th day of May, 2017.

Sue Ryan, City Recorder

ATTEST by the Mayor this 18th day of May, 2017.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2017-3369

SUBJECT: A resolution to authorize the City Manager to terminate drainage and/or access easements for the Blaine Street Stormwater Improvements – Phase 1 Project

**Contact Person (Preparer) for this Motion: Paul Chiu, PE, Project Manager
Dept.: Engineering Services Department
File No.:**

RECOMMENDATION:

Adopt Resolution No. 2017-3369, authorizing the City Manager to terminate drainage and/or access easements on several properties for the Blaine Street Stormwater Improvements – Phase 1 Project.

EXECUTIVE SUMMARY:

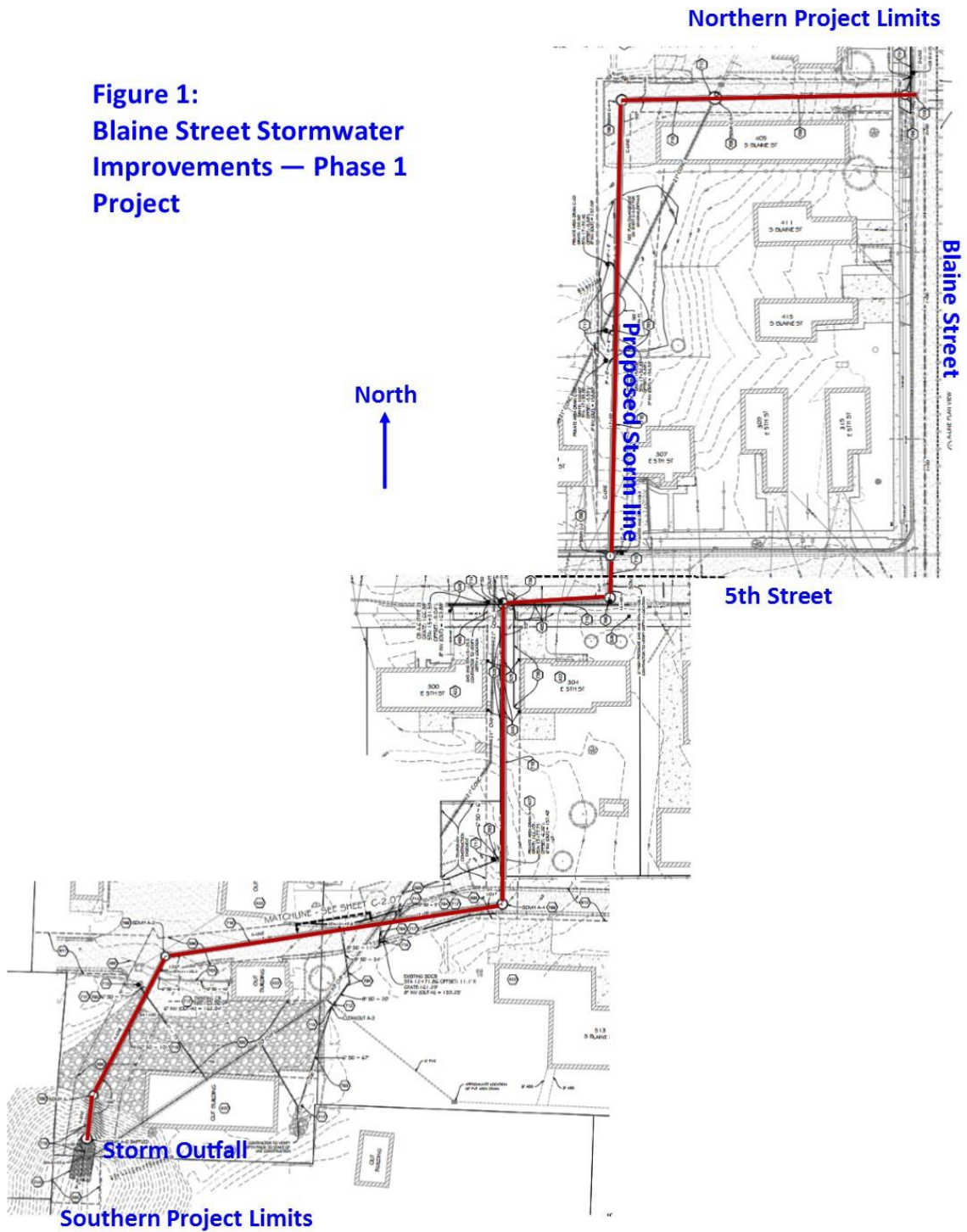
The current stormwater master plan identifies the Blaine Street Stormwater Improvements Project as a high priority project for the City of Newberg. The project requires upsizing, relocation and replacement of existing stormwater conveyance pipelines.

Phase 1 of this project, depicted in Figure 1 (on the following page), shows the new storm alignment starting at 405 S. Blaine Street, going through several adjacent properties, and eventually ending at the storm outfall on the Schmidt property at 513 S. Blaine Street.

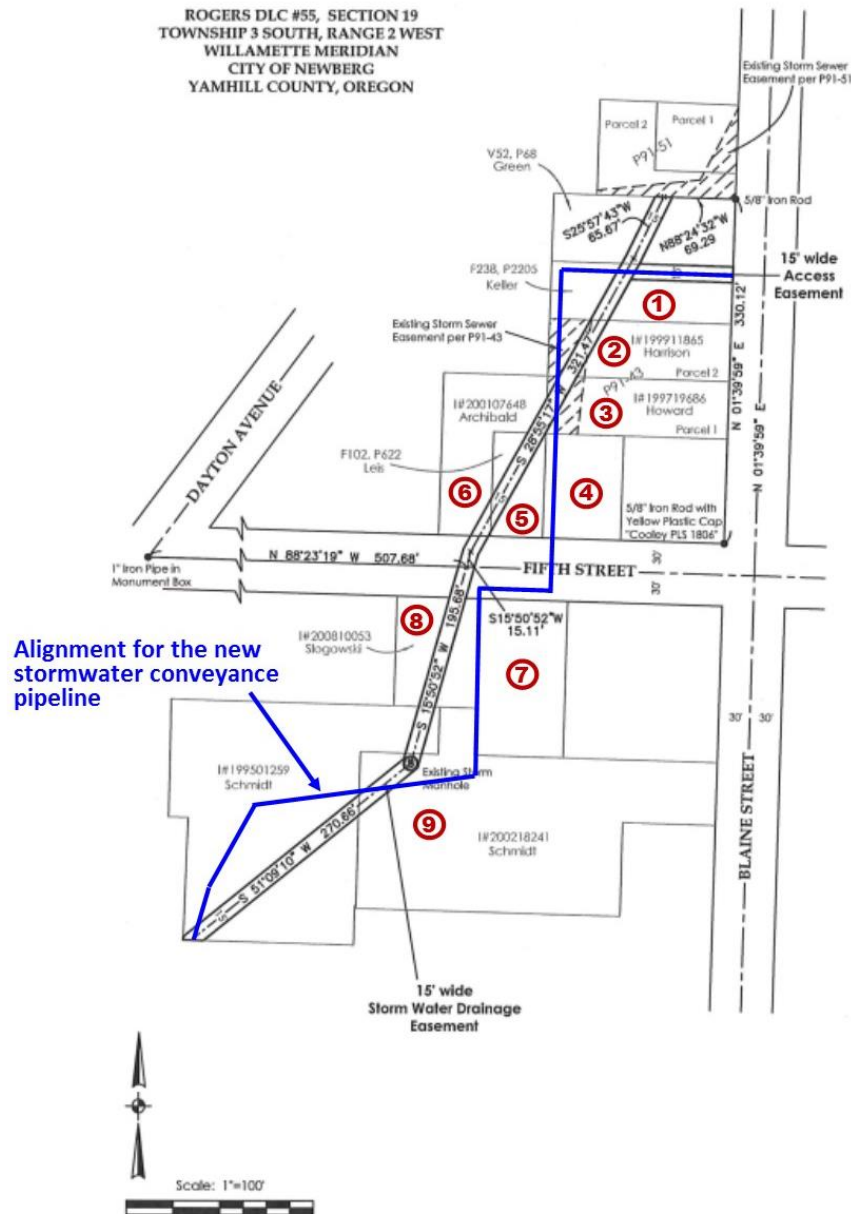
Figure 2 shows the storm drainage easements for the existing storm lines. The city has completed the negotiations with property owners to acquire the necessary drainage easements for the new storm alignment. Property notes #1 through #9 on Figure 2 explain the necessary actions needed on each property prior to the beginning of construction for the Blaine Street Stormwater Improvements – Phase 1 project. The existing drainage or access easements will no longer be needed because:

- (a) The existing storm line will be decommissioned; and/or
- (b) The new storm line falls on a new location; and
- (c) A new access easement to reach the stormwater pipeline and outfall is provided for the project.

**Figure 1:
Blaine Street Stormwater
Improvements — Phase 1
Project**



**Figure 2: Easements for the Blaine Street Stormwater Improvements —
(Phase 1) Project**



Property #1: Tax Lot No. R3219AC 00700 (site address: 405 S. Blaine Street)

The property owner has agreed to provide a new easement for the new storm line, provided that the city will quitclaim the old easement after the existing storm is decommissioned. The new easement will follow the new pipe alignment. No monetary compensation is proposed for the easement. However, the city will pay \$1,500.00 for the owner's legal service cost. Council action is needed for a quitclaim deed to terminate the public easement rights.

Property #2: Tax Lot No. R3219AC 02701 (site address: 411 S. Blaine Street)

There is no impact to the existing easement. No Council action is necessary.

Property #3: Tax Lot No. R3219AC 02700 (site address: 415 S. Blaine Street)

There is no impact to the existing easement. No Council action is necessary.

Property #4: Tax Lot No. R3219AC 02600 (site address: 307 E 5th Street)

The property owner has agreed to provide a new easement for the new storm line. The city will purchase the easement from the property owner for \$5,600.00. Council action is not needed.

Property #5: Tax Lot No. R3219AC 02500 (site address: 301 E. 5th Street)

The existing pipe will be decommissioned and the city will not have a need for the existing drainage easement. The city will quitclaim the old easement after the existing storm is decommissioned. Council action is needed for a quitclaim deed to terminate the public easement rights.

Property #6: Tax Lot No. R3219AC 02501 (site address: 215 E. 5th Street)

The existing pipe will be decommissioned and the city will not have a need for the existing drainage easement. The city will quitclaim the old easement after the existing storm is decommissioned. Council action is needed for a quitclaim deed to terminate the public easement rights.

Property #7: Tax Lot No. R3219AC 04700 (site address: 304 E 5th Street)

The property owner has agreed to provide a new easement for the new storm line. The city will purchase the easement from the property owner for \$4,000.00. Council action is not needed.

Property #8: Tax Lot No. R3219AC 04800 (site address: 300 E 5th Street)

The property owner has agreed to provide a new easement for the new storm line, provided that the city will quitclaim the old easement after the existing storm is decommissioned by using proper pipe abandonment procedures. The new easement will follow the new pipe alignment. The city will purchase the easement from the property owner for \$4,000.00. Council action is needed for a quitclaim deed to terminate the public easement rights.

Property #9: Tax Lot No. R3219AC 04301 (site address: 513 S. Blaine Street) and Tax Lot No. R3219AC 05201 (site address: 514 Dayton Avenue)

The property owner has agreed to provide an additional drainage easement for the new storm line, and a new access easement from Dayton Avenue, provided that the city will quitclaim the recently acquired access easement from Blaine Street. No monetary compensation is proposed. Council action is needed for a quitclaim deed to terminate the public access easement from Blaine Street. (Note: The city had compensated the owner for an easement purchase in 2016 for \$18,500.00 per Resolution No. 2016-3300. The city had also compensated the owner of the property to the south of the storm outfall, with a site address of 601 S. Blane Street, for an easement purchase in 2016 for \$500.00.)

FISCAL IMPACT:

Compensation for the storm drainage and access easements is funded through the approved budget for the Blaine Street Stormwater Improvements Project, under account number 04-5150-717711. Easement purchase was anticipated in the original budget.

STRATEGIC ASSESSMENT:

Acquisition of the storm drainage and access easements will allow for the immediate construction and maintenance of needed stormwater improvements for the Blaine Street Stormwater Improvements – Phase 1 Project. Terminating the existing easements as noted above does not impact the stormwater utility improvements.

RESOLUTION No. 2017-3369

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO
TERMINATE DRAINAGE AND/OR ACCESS EASEMENTS FOR THE
BLAINE STREET STORMWATER IMPROVEMENTS – PHASE 1
PROJECT**

RECITALS:

1. Under the laws of the State of Oregon, the City of Newberg is authorized and empowered to locate, acquire, access, install, construct, use, repair and maintain stormwater pipe conveyance systems with appurtenant structures across private property as are necessary and proper for the city in the judgment of the Council.
2. Under the laws of the State of Oregon, the City of Newberg may acquire by purchase, gift, or condemnation proceedings, storm drainage and access easements as necessary and/or proper to exercise its powers in the judgment of the Council. The City of Newberg may also terminate storm drainage and/or access easements that are no longer needed for the stormwater utility.
3. The stormwater pipe conveyance system for Phase 1 of the Blaine Street Stormwater Improvements Project is being planned and located in a manner that is most compatible with existing private improvements and provides for the greatest public good and the least private injury.
4. The city's consultant completed negotiations for the acquisition of the storm drainage and access easements and also the termination of easements that are no longer needed for the Blaine Street Stormwater Improvements Project, in particular the following properties:
 - (a) To terminate an existing drainage easement on Tax Lot No. R3219AC 00700 (site address: 405 S. Blaine Street) after the new storm pipeline is complete.
 - (b) To terminate an existing drainage easement on Tax Lot No. R3219AC 02500 (site address: 301 E. 5th Street) after the new storm pipeline is complete.
 - (c) To terminate an existing drainage easement on Tax Lot No. R3219AC 02501 (site address: 215 E. 5th Street) after the new storm pipeline is complete.
 - (d) To terminate an existing drainage easement on Tax Lot No. R3219AC 04800 (site address: 300 E 5th Street) after the new storm pipeline is complete.
 - (e) To terminate an existing access easement on Tax Lot No. R3219AC 04301 (site address: 513 S. Blaine Street) after the new storm pipeline is complete.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council does hereby authorize the City Recorder to sign a quitclaim deed to terminate public drainage easements for properties noted in paragraph 4 of the Recitals after the Blaine Street Stormwater Improvements – Phase 1 Project is complete.
2. The City Council does hereby authorize the City Recorder to sign a quitclaim deed to terminate the access easement from Blaine Street for Tax Lot No. R3219AC 04301.
3. The City Council does hereby authorize the City Manager, to have the quitclaim deeds recorded at Yamhill County accordingly. All documents shall be approved as to form and content by the City Attorney.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 16, 2017.

ADOPTED by the City Council of the City of Newberg, Oregon, this 15th day of May, 2017.

Sue Ryan, City Recorder

ATTEST by the Mayor this 18th day of May, 2017.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ Ordinance ____ Resolution ____ Motion XX Information ____
No. No. No.

SUBJECT: Minutes

Contact Person (Preparer) for this
Motion: Sue Ryan, City Recorder
Dept.: Administration

RECOMMENDATION:

Approve City Council minutes from April 17th, 2017.

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
April 17, 2017, 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 Bob Andrews, Councilors Mike Corey, Patrick Johnson, Denise Bacon, and Stephen McKinney. Councilor Scott Essin entered the meeting at 6:10 p.m. and Councilor Hayley Delle was absent. Also present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Code Compliance Officer Bryan Corn, Community Development Director Jay Harris and Finance Director Matt Zook.

Mayor Andrews called the meeting to order. He had two changes to the minutes. On page 3, there was a typo where the word “sad” should have been “said.” On page 4, it should say “Senate Concurrent Resolution #26.” There were no additional items for the agenda.

Committee Chairs delivered their reports.

Stuart Brown, Affordable Housing Committee Chair, said on February 23 they received \$400,000 from a CBDG grant for the manufactured home rehabilitation program. This program would support the single largest category of affordable housing in our community. There were 692 units of manufactured homes in parks and many others on their own lots. The contract would go to Business Oregon for approval. Once that was done, there would be sub-grant agreement with Yamhill County Housing Authority. The goal for the remainder of this fiscal year was to have \$10,000 available for the grants, and the balance would be utilized in the following fiscal year. They had received a collaborative application with Habitat for Humanity under their Brush with Kindness program. It was a gap measure to have a small amount of funds available for manufactured housing for urgent or immediate needs that fell out of the scope of other agencies. Habitat would put in one-third of the amount and Affordable Housing would put in two-thirds. It was a \$10,000 grant with an additional \$3,300 from Habitat. Their priority for the coming fiscal year was to focus on accessory dwelling units.

There was a discussion on the Code requirements for accessory dwelling units and on manufactured home parks and residents.

Kerrie Allen, Library Board Chair, said staff presented information on fundraising to the Library Foundation. There had been excellent turnout for the Library Board recruitment. There was increased membership on the Foundation Board which had been reinvigorated and they were meeting regularly now. The Library was fully staffed after hiring two new employees.

There was discussion on how the Library Board functioned and the difference between it and the Library Foundation.

Rick Rogers, Citizens Rate Review Committee Chair, said they had two members with terms that were expiring. Updates to the City’s Master Plans would be helpful for the Committee in the future as they set out the capital improvement projects that were funded through rates. The Long Range Financial Plan would also help the Committee with perspective on capital improvements. He announced the dedication for the new Habitat for Humanity Restore that would take place tomorrow afternoon.

Rick Fieldhouse, Historic Preservation Commission Chair, said they had worked on a historic building inventory in the downtown core with a website to allow people to do research. This work was done because they needed a baseline to begin with to direct their planning efforts for the future. The Cameo Theatre was working toward being placed on the National Register of Historic Places and a State Historic Preservation Office grant was being used for that process. He reported on some quasi-judicial hearings they held for

modifications to structures on the City's register of historic assets, the Recipe Restaurant and Chehalem Cultural Center patio.

There was discussion on the re-opening of the Recipe Restaurant at the end of the summer and making a walking tour map of the Camellias in the City.

Jason Dale, Planning Commission Chair, said they had been busy with the Dutchman's Ridge annexation application. There had been an issue with a Comprehensive Plan policy that said large annexations had to include some R-3 zoning. The application had been approved and would come to Council. The Commission had directed staff to begin a legislative process to make changes so that policy could be implemented. The Commission also gave approval for a telecommunications antenna to be installed on the Newberg Seventh Day Adventist Church. They would discuss the Water Master Plan at their next meeting.

Neal Klein, Traffic Safety Committee representative, said the Committee had changed from being underneath the Police Department to being under the Engineering Department. They were going through some Code revisions. He then gave a history of the Commission and improvements they had made in the City. They also had been working on the issues caused by old infrastructure, traffic calming, and traffic changes due to the Bypass. He looked forward to continuing to work with the Planning Commission and Council.

There was discussion on safety issues at the intersection of Highway 219 and Everest. Mr. Klein explained the City had no jurisdiction on that intersection because it was under the State's control. Community Development Director Doug Rux said when it warranted, ODOT would be constructing a traffic signal at that intersection.

Mayor Andrews reported on the Budget Committee meeting last Saturday. The next meeting would be held on April 25.

City Attorney Stone introduced the new Code Compliance Officer Bryan Corn. He introduced himself and gave his background.

Mayor Andrews adjourned the Work Session at 6:50 p.m.

CALL MEETING TO ORDER

The Mayor called the business session to order at 7:00 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Mike Corey	Patrick Johnson	Denise Bacon

Members Absent: Hayley Delle

Staff Present:	Joe Hannan, City Manager	Truman Stone, City Attorney
	Sue Ryan, City Recorder	Doug Rux, Community Development Director
	Jay Harris, Public Works Director	Matt Zook, Finance Director
	Sonja Johnson, Engineering Associate	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PRESENTATIONS:

Historic Preservation Week Proclamation: Mayor Andrews proclaimed May 2017 as National Historic Preservation Month in Newberg.

MOTION: Andrews/Bacon moved to adopt the proclamation. Motion carried (6 Yes/0 No/1 Absent [Delle]).

Mayor Andrews presented the proclamation to Historic Preservation Commission Chair Rick Fieldhouse.

The Design Stars from Mountain View Middle School gave their annual presentations. The goal of the project was for students to give a presentation about what should be developed at a downtown site near the post office or the Springbrook round-about site. Their ideas included: a donut shop, Chick a Dee nature walk and dog park, Strike-Out arcade and bowling alley, Water Watch theater, and Hilltop Hotel and Concert venue.

CITY MANAGER'S REPORT: City Manager Hannan reported on current activities across the City including: meeting with Dundee Fire and Chief Casey to discuss dispatch issues, budget work, roundtable discussion at George Fox University regarding their 5-year vision, meeting with Sportsman's Airpark about renewing their FAA grant proposal, meeting with new McMinnville City Manager Towery and talking about common interests, participating in the International Camellia Festival, meeting with Tualatin Valley Fire & Rescue about focus group questions, meeting on possible partnerships to construct a veterans service center, attending Newberg High School Seniors Tiger Project Night, training sessions for Community Emergency Response Teams (CERT), attending the Rotary Sponsored Peace Pole dedication, discussing options with PERS on retirement plans, attending multiple community group meetings, meeting with four departments to work on improving water meter billing and accounting, and meeting with the American Legion and Veterans of Foreign Wars about installing banners honoring veterans.

PUBLIC COMMENTS: Mayor Andrews acknowledged the Council had received comments from Robert Soppe on Resolution 2017-3367.

CONSENT CALENDAR:

MOTION: Corey/McKinney moved to approve the Consent Calendar including Resolution 2017-3367, A Resolution to authorize the City Manager to enter into a construction contract with Michels Pipe Services for the lining of 4,959 feet of Wastewater pipe and grouting of 92 lateral connections in the amount of \$245,322.00, and the Council Minutes for March 20, 2017 as amended. Motion carried (6 Yes/0 No/1 Absent [Delle]).

PUBLIC HEARING:

Resolution 2017-3357, Reconsideration of Veritas School Advanced Financing District for North College Street: Council President McKinney called to order the Public Hearing. He asked for declarations of conflicts of interest or abstentions. There were none. City Attorney Stone said at the last meeting, the public testimony portion of the hearing was closed. Since this was a reconsideration of the decision, he advised re-opening the hearing to take additional public comment.

MOTION: Andrews/Johnson moved to re-open the hearing. Motion carried (6 Yes/ 0 No/1 Absent [Delle]).

Engineering Associate Johnson delivered the staff report. Veritas School constructed a public water line and wastewater line in 2015, and were not able to apply for an Advanced Financing Agreement (AFA) until one of the properties that could benefit from the public improvement was annexed into the City. That happened in April 2016 and they submitted an application. The Engineering Department created an engineering report and sent it to all of the properties that could benefit from these lines. The Council denied the Agreement in February 2017. In March, the Council decided to reconsider the application. On March 24, the City received a letter from Veritas School exempting Bill Rourke's property from a future AFA which brought the potential reimbursement of \$51,500 to \$31,000. A revised engineering report was sent out to all the properties on March 31. The cost to the property owners would have simple interest applied, which was the prime interest rate on the day the agreement was executed. The cost would not be payable by the property owner unless they connected to the public lines within the agreement's duration. If the Council approved the AFA, a notice would be sent to all of

the property owners and the agreement would be sent to Veritas School to be executed. The AFA would be in effect until April 17, 2027, and at that time Veritas School would have the option to extend the agreement, but only for 20 years after the City accepted the improvements which would be June 11, 2035. Staff recommended approval of the resolution creating an AFA.

Proponents: Mark Hall, Veritas School Board of Directors Chair, said Veritas was working hard to move the school to the property on North Valley Road and to be a good neighbor. They were planning to put in ball fields that could be used by the community. They were surprised to hear about the letter from Bill Rourke saying they had not done very much work. He thought it was a matter of miscommunication and since then they had addressed all of Mr. Rourke's concerns and had exempted him from the AFA. He thought the AFA was a fair way to reimburse Veritas for a small percentage of the cost they had incurred and only by the properties who took advantage of the lines.

Opponents: Larry McWilliams, Yamhill County resident, said the only change that had been made in this application was exempting a property from the AFA. This was the same request the Council rejected in February. It would legally require five property owners in Yamhill County to pay a non-profit, private, religious entity a projected \$31,000. After the February 21 Council meeting, he received an invitation from Veritas to a coffee get together. However, it was mailed to the wrong address. Another property owner had received no contact from Veritas or the City. He thought every effort should have been made to make sure all property owners were notified. He read in the paper that no property owner attended the coffee get together with Veritas, and this might lead some to conclude that the AFA was not an issue to the property owners. He chose not to attend because the Council had already denied the application, he had no questions for Veritas, and anything said by Veritas should be on the record and not at a coffee get together. It was his understanding that if a property hooked up to the lines, they would have to pay the fee to Veritas. If they did not, a lien would be put on their property and interest would be accrued. He thought this conflicted with federal laws regarding separation of church and state and the freedom from being forced to pay a religious entity. This request raised many concerns.

Jerry Brown, Yamhill County resident, was opposed to this in February and he was still opposed. Nothing had been changed. He was also opposed to charging interest as the sum could grow substantially over the years.

Undecided: None.

Council President McKinney asked Engineering Associate Johnson to explain the issue of interest. Engineering Associate Johnson clarified the AFA allowed for a simple interest rate, which would be the prime interest rate that existed when the agreement was executed. The fees would be charged when the property owner connected to the water and/or wastewater lines. Mayor Andrews asked when the interest began to accrue. Engineering Associate Johnson said it began accruing the day the agreement was executed and would stop when they connected. The initial timeframe was 10 years. If at the end of that time, Veritas did not ask for an extension or the Council did not approve an extension, the interest and the fee would go away and the agreement would be void.

Councilor Essin said Veritas spent a lot of money putting the lines in, but they were asking that in the future if anyone connected to the lines, then they want to be partially reimbursed. If the properties never hooked up, they would never have to pay anything. Engineering Associate Johnson said that was correct. Councilor Johnson asked about other existing AFAs in the City. He thought this was one way to make sure new development supported expansion of the services they would require. Engineering Associate Johnson said there was the Greens AFA and the Providence AFA, which were both still in effect.

Public Works Director Harris said when infrastructure was put in, it was put in to Master Plan sizes to allow for future development. The first developer put in the infrastructure, and as more development occurred they paid back for infrastructure they would have been responsible to put in. Engineering Associate Johnson confirmed Veritas put in the required sizes that were in the Master Plans.

John Milroy, Yamhill County resident, had not been informed that this action was taking place until his neighbor told him. He had just spent \$25,000 on a new septic system and a water line from another street that he had to bring over. Adding more money to that was not in his best interest. He was opposed to the AFA. Mayor Andrews asked what system Mr. Milroy was hooking into? Mr. Milroy said it was Hiland Water District. He had not hooked up to any City services. Councilor Essin clarified if he never hooked up to the City's system, he would never have to pay for it. PWS Director Harris stated if he was not in the City limits, he was not required to hook up to City water. If he was in the City limits, he could not use a well or other water district. Property owners had to be in consent for property to be annexed into the City. CDD Rux explained the types of annexations. The City was not proactively going out to annex any property. Annexing would only happen if the property owner decided to go through the process. He confirmed notices were sent to all of the property owners by the City Engineering Department.

Council President McKinney asked for clarification on the interest issue. CA Stone read what the Code said about the interest. The simple interest would begin at the signing of the document and would continue to be added on an annual basis for the duration of the agreement.

Council President McKinney closed the public testimony portion of the hearing.

Engineering Associate Johnson recommended approval of the Resolution.

Council Deliberation:

Councilor Johnson was in support of the resolution because Veritas had made efforts to talk to the property owners, above what was required. The property owners would be charged by acreage and in some cases that reduced the amount of the fee by more than half. Councilor Corey was also in support. It did not matter if this was a profit or non-profit organization. If someone put in lines, the same agreement would be made. There would be no charge to the property owners unless they decided to develop in the future. If there was a hardship case, it could come to Council to see what could be done.

Mayor Andrews asked how this AFA related to water and wastewater SDCs. PWS Director Harris explained that SDCs were paid when building permits were issued. There was no SDC eligibility for these lines and future connections would not be eligible for SDC reimbursement. Councilor Essin said Veritas had been required to meet the waterline sizes and had to over-build. Since they built more than they needed at the City's request, they were able to be reimbursed. They would not recover all of the money they spent, but they would get some of it. Development in the future would not have to do the improvements, all they would have to do was hook up. Property owners would be able to decide whether or not to hook up, and if they did not, they would not have to pay.

City Manager Hannan said the City was not losing any SDCs. It was separate from reimbursing for improvements through an AFA. City Attorney Stone said there was no payment if there was no annexation or no connection.

MOTION: Essin/Corey moved to approve Resolution 2017-3357, A Resolution authorizing an Advanced Financing Agreement between the City and Veritas School for the construction of a 10-inch public wastewater line and an 8-inch public wastewater line and an 8-inch public water line on North College Street. Motion carried (6 Yes/ 0 No/1 Absent [Delle]).

NEW BUSINESS:

Newberg Employees Retirement Plan Investment Allocation Ratio Change:

Finance Director Zook said this was a request to change the investment allocation ratio from 50/50 equity/fixed to 60/40 equity/fixed for the City's pension plan. This plan was different from PERS. The Council exercised fiduciary responsibility for the City's pension plan and recently staff had investment professionals look at the plan. The Pension Subcommittee met in February to receive an Investment Performance Report. The one year portfolio return was approximately 5.72%, which was below the weighted index of 6.2% return. This was based on the long term 50/50 split. How the investments performed influenced the assets the City had to pay benefits. If the investment income went down, the City had to pay a greater portion and that directly influenced the City's budget. Advisors recommended if the City maintained their investment ratio at 50/50 there would be a lower return on investment. If they went with a 60/40 split they would assume a little bit greater risk, but had a greater potential for return. The Subcommittee voted unanimously to support the 60/40 split.

There was discussion on changing the investment split, the number of current employees on the City's plan, and returning to the Council if they wanted to return to the 50/50 split. There was further discussion on who could go into PERS and who could not, why the City's plan was continuing to be offered, and looking at the long-term viability of the City's plan.

MOTION: Bacon/Johnson moved to have the Council authorize the investment allocation ratio to move from 50/50 equity/fixed to 60/40 equity/fixed. Motion carried (6 Yes/ 0 No/1 Absent [Delle]).

COUNCIL BUSINESS: None.

ADJOURNMENT: The meeting was adjourned at 8:57 p.m.

ADOPTED by the Newberg City Council this 15th day of May, 2017.

Sue Ryan, City Recorder

ATTESTED by the Mayor this ____ day of May, 2017.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ Ordinance XX Resolution ____ Motion ____ Information ____
No. No. 2017-2815 No.

SUBJECT: An Ordinance annexing 25.66 acres of property located at 25020, 25240 and 25300 NE North Valley Road, Yamhill County Tax Lots 3207-600, 700 and 800, plus the area of the adjacent rights-of-way, into the Newberg city limits, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County AF-10 to Newberg R-1 with Stream Corridor overlay

Contact Person (Preparer) for this
Motion: Steve Olson, Senior Planner
Dept.: Community Development
File No.: ANX-17-001

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

RECOMMENDATION: Adopt Ordinance No. 2017-2815, annexing 25.66 acres of property located at 25020, 25240 and 25300 NE North Valley Road, Yamhill County Tax Lots 3207-600, 700 and 800, plus the area of the adjacent rights-of-way, into the City of Newberg, withdrawing it from the Newberg Rural Fire Protection District, and changing the zoning from Yamhill County AF-10 to Newberg R-1 with Stream Corridor overlay.

EXECUTIVE SUMMARY: The proposed annexation is for three parcels totaling approximately 25.66 acres of property plus the area of the adjacent right-of-way, located at 25020, 25240 and 25300 NE North Valley Road. The property is located within the Newberg urban growth boundary and has a Newberg Comprehensive Plan designation of LDR (Low Density Residential) with a Stream Corridor overlay. The annexation would change the zoning of the property from Yamhill County AF-10 to Newberg R-1 (Low Density Residential) with a Stream Corridor overlay. The R-1 zone has a minimum lot size of 5,000 square feet for future residential development. The applicant's concept development plan shows a subdivision for single-family homes, with an average lot size of over 5,000 square feet. The concept development plan is not binding on the applicant, and the annexation does not approve a subdivision for the property, but the subdivision concept does show how the site could potentially be developed.

Utilities: There are existing public water and sanitary sewer lines in the existing residential subdivisions south and east of the site that can be extended to serve the eastern portion of the proposed annexation site. The lot west of the annexation site has received preliminary approval for a subdivision (called "Gracie's Landing"), and is in the process of applying for a public utilities permit to extend water and sewer lines within the lot, and dedicate public streets. The public water and sewer lines in Gracie's Landing will be able to serve the remainder of the proposed annexation site within three years.

Access and Transportation: The site is located along North Valley Road, which is designated a major collector in the Yamhill County TSP Functional Classification Map. Street improvements to city standards will be required at the time of development. In addition, future development will require a traffic study which may identify other necessary mitigation measures. Traffic safety issues will be addressed at the subdivision application phase, including sight distance along North Valley Road.

Housing affordability/need for apartments/comprehensive plan policy requiring inclusion of R-3 zoned land for large annexations: Several public comments stated that housing affordability is a pressing issue in Newberg and the county, and that there is a shortage of R-3 land for constructing new apartments. They noted that one comprehensive plan policy stated that the city shall zone some of the land in a large residential annexation for R-3, and that the language was mandatory. They requested that the application be denied, and the applicant return with a new application that included some R-3 zoned land. The cited comprehensive plan policy is:

I. HOUSING

POLICIES:

3. Mix Policies

x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

The Newberg city attorney supplied a memo (see Attachment 5) that addressed the question of whether some Newberg comprehensive plan policies should be considered applicable criteria for annexation proposals. The answer, based on LUBA decisions, is a qualified yes. The Newberg municipal code (which includes the development code) is intended to implement the Newberg comprehensive plan, but it does not foreclose the possibility that some comprehensive plan requirements may continue to apply directly to the annexation decision. In such a case, it is not enough for a commenter to identify “mandatory” language in a comprehensive plan policy, but the text and the context must be read with competing goals in the comprehensive plan and the language in the implementing regulations. The Planning Commission considered the relevant goals in the comprehensive plan and the language in the implementing regulations, found that some of them conflicted with each other, and determined that the annexation proposal to zone the entire property R-1 after annexation did, on balance, comply with the comprehensive plan and should be approved.

Planning Commission discussion regarding the definition of “large”: During their deliberations regarding revising the draft findings the Planning Commissioners discussed whether this 25.66 acre annexation should be considered “large”. The draft findings from staff found that annexations over 40 acres would be considered large, for the purpose of deciding whether or not the requirement to add R-3 land was applicable. During their general discussion about modifying the findings several Commissioners commented that they thought this 25.66 acre annexation should be considered large, and one suggested that annexations for more than 100 dwelling units could be considered large. The Planning Commissioners then moved on from their discussion to proposing a specific series of changes to the text of several of the findings. They specified which sentences to delete and which to modify. The Commissioners changed the findings for several issues (such as the location analysis), but did not make any specific changes to the finding that this annexation was considered large. Staff read the Planning Commission’s list of specific changes back to the Planning Commissioners, and the Chair asked if any Commissioners wanted to make additional changes. No additional changes were proposed, and the Planning Commissioners voted to approve the revised findings as shown in Resolution 2017-324. The Planning staff felt the need to point this out to the City Council because it sounded during the general discussion as if the Planning Commission was going to change the findings regarding whether this annexation was considered large, but ultimately they did not change this finding when they passed Resolution 2017-324. The City Council will need to consider this question themselves, and decide whether this should be considered a large annexation.

The Planning Commission's resolution was sent to Yamhill County to provide an opportunity to comment. No comments have been received from Yamhill County.

On a related note: At their next meeting the Planning Commission will consider initiating a comprehensive plan text amendment/development code amendment to make changes clarifying when the requirement for adding R-3-zoned land should apply, and how it should be implemented. Any potential changes would not affect this annexation, but could affect future annexations.

State law recently 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 addition of the 25.66 acres to the property tax base.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM MARCH 2016):
Not applicable.

ATTACHMENTS:

1. Planning Commission Resolution 2017-324 (with Exhibits "A", "B", and "C" by reference only and attached to Ordinance No. 2017-2815)
2. Aerial Photo
3. Concept Development Plan
4. Comprehensive Plan Map
5. Memo from City Attorney to Planning Commission
6. Public Comments received to date
7. Application

Ordinance No. 2017-2815 with:

- Exhibit "A": Property Map
- Exhibit "B": Legal Description
- Exhibit "C": Findings

AN ORDINANCE ANNEXING 25.66 ACRES OF PROPERTY LOCATED AT 25020, 25240 AND 25300 NE NORTH VALLEY ROAD, YAMHILL COUNTY TAX LOTS 3207-600, 700 AND 800, PLUS THE AREA OF THE ADJACENT RIGHTS-OF-WAY, INTO THE NEWBERG CITY LIMITS, WITHDRAWING IT FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT, AND CHANGING THE ZONING FROM YAMHILL COUNTY AF-10 TO NEWBERG R-1 WITH STREAM CORRIDOR OVERLAY

RECITALS:

1. Del Boca Vista LLC submitted an application to annex approximately 25.66 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-1. The three properties are contiguous and located at 25020, 25240 and 25300 NE North Valley Road, Yamhill County tax lots 3207-600, 700 and 800. The properties have Comprehensive Plan designations of LDR (Low Density Residential), which corresponds with the R-1 zone. There is also a Comprehensive Plan Stream Corridor overlay on part of the site, so the zoning will include a Stream Corridor overlay zone at the same location.
2. 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.
3. The Newberg Planning Commission held a hearing on March 9, 2017 to consider the application. The Commission considered testimony, closed public testimony, and continued the hearing to April 13, 2017. They continued the hearing on April 13, 2017, reopened public testimony, considered public testimony, and deliberated. The Planning Commission voted to approve Resolution 2017-324 recommending that the City Council approve the annexation request and concurrent zone change.
4. State law recently 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.
5. After proper notice, including posting in the *Newberg Graphic* on April 26, 2017 and May 3, 2017, the Newberg City Council held a hearing on May 15, 2017 to consider the proposed annexation and concurrent zone change. After the staff report and public testimony, the City Council finds the proposal complies with the Newberg Comprehensive Plan and meets the

required criteria.

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 withdrawn from the Newberg Rural Fire Protection District, and the zoning of the property is changed from Yamhill County AF-10 to Newberg R-1 with Stream Corridor 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 #4 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: June 14, 2017.

ADOPTED by the City Council of the City of Newberg, Oregon, this 15th day of May, 2017, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this 18th day of May, 2017.

Bob Andrews, Mayor

Exhibit "A" to Ordinance No. 2017-2815 **Property Map – Dutchman Ridge Annexation**

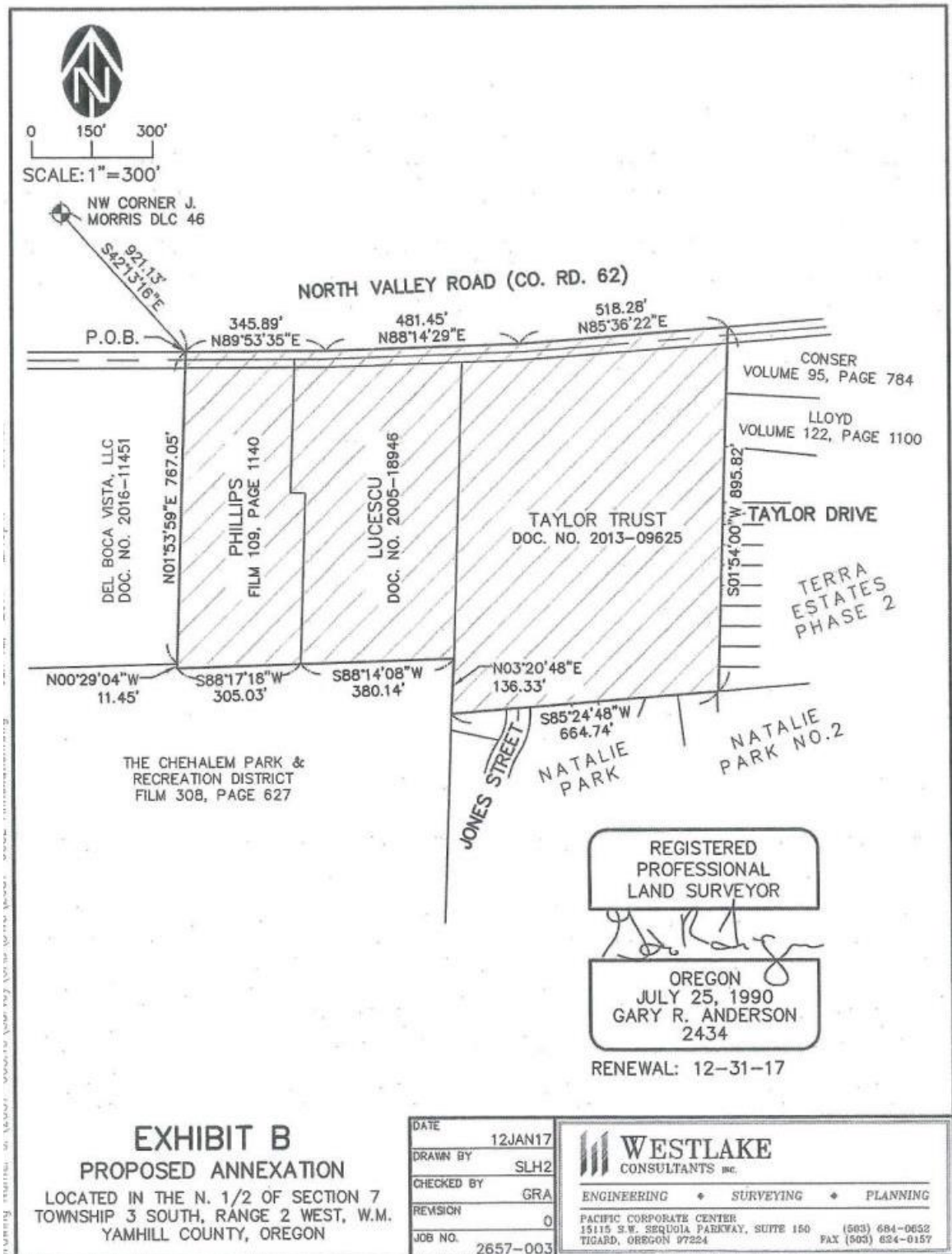


Exhibit "B" to Ordinance No. 2017-2815 Legal Description – Dutchman Ridge

Phillips/Lucescu/Taylor Trust
Proposed Annexation
January 12, 2017
Project 2657-003

PROPERTY DESCRIPTION

A tract of land situated in the North 1/2 of Section 7, T. 3 S., R. 2 W., W.M. Yamhill County, Oregon, being more particularly described as follows:

Beginning at the intersection of the north right of way line of North Valley Road (Co. Rd. 62) and the northerly extension of the east line of that property conveyed to Del Boca Vista, LLC, by Deed Document Number 2016-11451, Yamhill County Records, said point bears South 42°13'16" East, 921.13 feet from the Northwest Corner of the J. Morris Donation Land Claim No. 46;

thence, along said north right of way line the following three courses, North 89°53'35" East, 345.89 feet;

thence, North 88°14'29" East, 481.45 feet;

thence, North 85°36'22" East, 518.28 feet to the northerly extension of the west line of the plat of TERRACE ESTATES PHASE 2, Yamhill County Plat Records;

thence, along said northerly extension and the west line thereof, South 01°54'00" West, 895.82 feet to the north line of NATALIE PARK NO. 2 and the easterly extension of the north line of NATALIE PARK;

thence, along the north line of NATALIE PARK NO. 2 and the north line of NATALIE PARK, South 85°24'48" West, 664.74 feet to the east line of that property conveyed to "The Chehalem Park & Recreation District" by Film 308, Page 627, Yamhill County Deed Records;

thence, along last said east line, North 03°20'48" East, 136.33 feet to the north line thereof;

thence, along last said north line, South 88°14'08" West, 380.14 feet to an angle point therein;

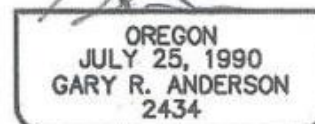
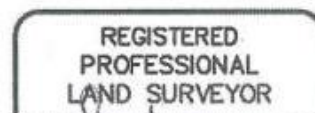
thence, continuing along last said north line, South 88°17'18" West, 305.03 feet to an angle point therein;

thence, North 00°29'04" West, 11.45 feet to the southeast corner of said Del Boca Vista Property;

thence, along the east line, North 01°53'59" East, 767.05 feet to the Point of Beginning.

Containing 25.66 acres more or less.

Bearings are based upon Yamhill County Survey #8020.



RENEWS: 12/31/17

..E:\2657-003.16\Survey\CAD\WORK\FD_ANNEXATION.dwg

**Exhibit “C” to Ordinance No. 2017-2815
Findings –File ANX-17-001 – Dutchman Ridge**

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 three properties, located at 25020, 25240 and 25300 NE North Valley Road, are located within the Newberg urban growth boundary and are contiguous to the Newberg city limits along their southern borders and western border of Tax Lot 800. The legal description of the area to be annexed includes the adjacent North Valley Road right-of-way, which provides for future continuity of the city limits. This criterion is met.

B. 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 properties have a comprehensive plan map designation of LDR (Low Density Residential). The applicant has requested R-1 zoning (Low Density Residential) for the properties upon annexation into the city, and has not requested a redesignation of the comprehensive plan map.

These findings will examine whether the proposed use for the site complies with both the Newberg comprehensive plan text and with the designation on the comprehensive plan map. The map designation will be addressed first.

Newberg comprehensive plan map designation of LDR: Section 15.250.080 of the Newberg Development Code (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.

NMC (Newberg Municipal Code) 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.

<i>Comprehensive Plan Classification</i>	<i>Appropriate Zoning Classification</i>
<i>OS</i>	<i>Any zoning classification</i>
<i>LDR</i>	<i>R-1</i>
<i>MDR</i>	<i>R-2, R-4</i>
<i>HDR</i>	<i>R-3, R-4</i>
<i>COM</i>	<i>C-1, C-2, or C-3 as determined by the director</i>
<i>MIX</i>	<i>C-2, M-1, or M-2 as determined by the director</i>
<i>IND</i>	<i>M-1, M-2, M-3, M-4, or AI</i>
<i>PQ</i>	<i>Any zoning classification</i>
<i>P</i>	<i>CF</i>

This Municipal Code section states that the R-1 zone is the appropriate zone that implements a LDR comprehensive plan designation, and that upon annexation a LDR property shall automatically be rezoned to the R-1 zone. The applicant has requested R-1 zoning for the property upon annexation, and intends to develop it with single family homes at R-1 densities. The proposed use for the site in the annexation request complies with the requested R-1 zoning and therefore complies with the LDR comprehensive plan map designation for the property.

Newberg comprehensive plan text:

The Newberg city attorney supplied a memo (Attachment 5) to the Planning Commission that addressed the question, raised in public comments, of whether some Newberg comprehensive plan policies should be considered applicable criteria for annexation proposals. The answer, based on LUBA decisions, is a qualified yes. The Newberg municipal code (which includes the development code) is intended to implement the Newberg comprehensive plan, but it does not foreclose the possibility that some comprehensive plan requirements may continue to apply directly to the annexation decision. In such a case, it is not enough for a commenter to identify “mandatory” language in a comprehensive plan policy, but the text and the context must be read with competing goals in the comprehensive plan and the language in the implementing regulations.

I. HOUSING

POLICIES:

3. Mix Policies

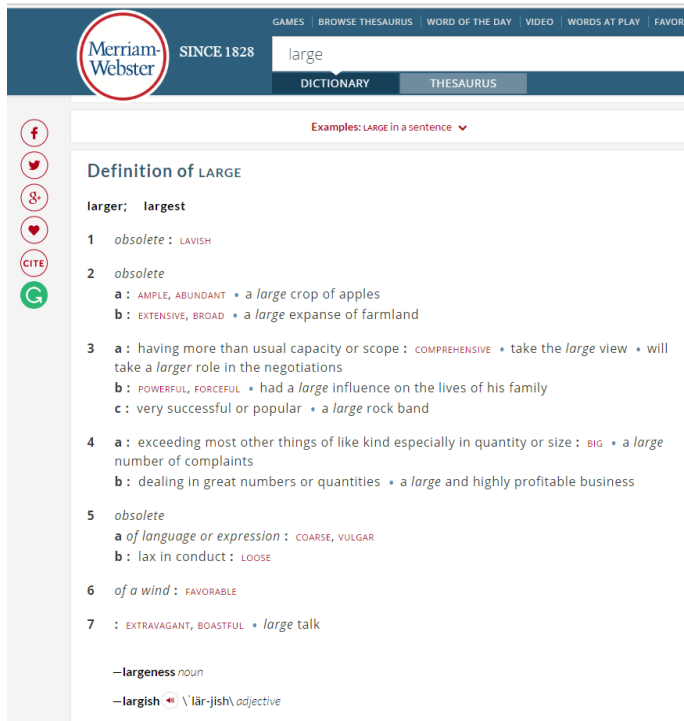
x. Where large residentially designated parcels are to be annexed, the City shall apply a

45

mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

This policy has mandatory language that the city “shall” apply a mixture of zoning, to include some R-3 lands, when large residentially designated parcels are to be annexed. There are several problems with applying this policy: it does not define how large “large” is; it conflicts with the municipal code section **15.250.080** listed above that is intended to implement the comprehensive plan policies for annexations; it conflicts with the descriptions of the LDR, MDR and HDR residential classifications in the comprehensive plan; and the location policies for R-3 land in the comprehensive plan do not provide much support for R-3 at the proposed annexation site.

Defining “large”: The development code does not define “large”, and this comprehensive plan policy does not provide context for the meaning of “large”. The Merriam-Webster dictionary defines “large” as exceeding most other things of like kind especially in quantity or size, or dealing in great numbers or quantities.



To provide context, city staff compiled a list of the size of residential annexations into Newberg since 1996 (see page 5). As can be seen in the list, there have been many small residential annexations, one very large annexation of 250 acres, and some in between. The proposed annexation consists of three parcels and right-of-way totaling approximately 25.66 acres. An argument could be made that the three parcels should be considered individually as smaller parcels, but since this is a joint annexation application it seems appropriate to consider them a single 25.66 acre site for the purpose of assessing whether they are “large”.

The average size of the 40 residential annexations is 15 acres. One could argue that any annexation larger than the 15 acre average could be considered “large”, and any annexation smaller than 15 acres could be considered small. This would mean that a 16 acre annexation and a 250 acre annexation would both be considered large. The average size is not necessarily a good description of the annexation size

range, as it is heavily influenced by the large number of very small annexations under 5 acres, and by the one very large 250 acre annexation. Using the average as the primary measuring stick breaks annexations into two sizes – small or large. Another way to assess the data is to look at the spreadsheet and break it into ranges of similar sized annexations.

Most annexations are under 5 acres, and are very small. These annexations are typically done to allow the owner to connect to city water and sewer services, and have little development potential. There are several annexations in the 5-10 acre range, a cluster in the 20 acre range, and some larger annexations (46, 71 and 250 acres). Based on this data, the annexations could be broken into the following ranges: Small = under 10 acres, medium = 10-40 acres, and large = over 40 acres. The relevant question is where to draw the line between medium and large annexations. The proposed 25.66 acre Dutchman Ridge annexation seems more like the medium-sized development site in the 10-30 acre range than the truly large 46 acre, 70 acre and 250 acre development sites. Development of the 46 acre, 70 acre and 250 acre sites will have relatively large impacts on the community, and development of sites in the 10-30 acre range have moderate impacts on the community. For the purposes of this policy, 40 acres is a reasonable threshold for being considered a “large” annexation. The proposed 25.66 acre annexation is therefore considered medium sized.

Based on the annexation data and size ranges noted above, the proposed 25.66 acre annexation is not considered large, and therefore the requirement to apply a mix of zoning that includes R-3 land is not applicable to this annexation.

Residential annexations since 1996 (does not include commercial, parks, or industrial annexations)								
Anexation	Zone	Order / ORDINANCE	Map Tax Lot	Acres	SQ Feet			
ANX-22-99	R-2	2000 2524	3219DB 03200	0.12	5400 sf			
ANX-31-04	R-1	2004 2601	3218AB 02300	0.22				
ANX-11-96	R-1	96 2461	3220CD 00500	0.34				
ANX-12-002	R-2	2012 2755	3221BB 00300	0.36				
ANX-05-037	R-1	2005 2630	3209CD 00400	0.40				
ANX-17-97	R-2	2000 2231	3220CD 00900	0.40	17,763 SF			
ANX-14-001	R-1	2014 2774	3209 05800	0.50				
ANX-32-04	R-2	2004 2604	3207AD 00900	0.55				
ANX-25-01	R-1	2001 2559	3218AB 02000	0.96				
ANX-06-005	R-1	2006 2649	3207AC 00800	1.00				
ANX-12-001	R-2	2012 2755	3218AB 01101	1.00				
ANX-05-038	R-1	2005 2631	3217BA 00300	1.55				
ANX-06-008	R-1	2006 2655	3207DA00200	1.83				
ANX-14-002	R-1	2016 2799	3208 02900	2.29				
ANX-16-003	R-2	2016 2803	3218AB 01700, 01701, 01702	3.06				
ANX-06-001	R-2	2006 2653	3221 03100	3.20				
ANX-06-002	R-2	2006 2654	3218AB 01800	3.20				
ANX-30-03	R-1	2003 2594	3218CA 00100, 00101,00300	3.30				
			3217BA 00100, 00200, 00500,					
ANX-07-005	R-2	2008 0009	00600, 00700, 00800	3.55				
ANX-05-036	R-1	2005 2629	3209 03000	3.64				
ANX-06-003	R-1	2006 2650	3207AC 00102,0200,0400	3.73				
ANX-7-96	R-2		3221 015600	3.80				
ANX-8-96	R-2		3221 00700	3.90				
ANX-14-96	R-1	96 44	3207AD 01000	4.48				
			3218AB 01000, 01100, 01200,					
ANX-05-041	R-2	2006 2641	01300, 01400	5.43				
ANX-21-98	R-1	99 2170	3207 03300	6.00				
ANX-13-001	R-3	2014 0033	3221 00900	7.20				
ANX-08-005	R-1	2008 2695	3207 00500	7.67				
ANX-12-96	R-1		3218AC 01700, 01800, 02000	8.00				
ANX-16-001	R-1	2016 2805	3207 00900	10.37		Gracie's Landing		
ANX-6-96	R-2	2434	3208 03000, 03100	11.00				
ANX-05-042	R-2	2006 2639	3220 01300	16.30				
			3208 01100, 3208AD 00900,					
ANX-05-039	R-1	2005 2642	3208AD 01000	20.27				
ANX-33-04	R-1	2004 2603	3221 04300, 04301, 04390, 04400	20.58		Southern part of Greens		
ANX-06-007	R-2	2006 2652	3220 01101, 01400	24.50				
ANX-15-97	R-1	97 2479	3208 03400, 03500, 3207DD 00100	25.50		NWNSP		
ANX-17-001	R-1		3207 00600, 00700, 00800	25.66		Dutchman's Ridge (proposed)		
			3207 01000, 02800,03400, 03500,					
ANX-28-01	R-2	2002 2566	03600, 03700, 03701, 03702, 03703, 03704, & 3218SB 00900	46.00				
ANX-05-043	R-2	2006 2651	3219 00700, 3219 00301, 3230 00400, 3230 00500, 3230B 02300, 3230 01400,	70.80		Waterfront area		
ANX-9-96	R-1, R-2, M-2	2439	3206 03601, 03600, 03700, 03800, 03900, 04000, 04100, 04200, 04101, 04300, 04400, 04500, 04600, 04700, 04800, 03208AD 01600, 01700, 3209CD 00100, 00101, 3209 2900, 3217BA 01200	249.00		Springbrook master plan site		
				601.66	total acres in 40 annexations			
				Average size = 601.66/40 = 15 acres				

I. HOUSING

POLICIES:

1. Density Policies

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

b. Target densities shall be as follows:

<u>Classification</u>	<u>Units Per Gross Acre*</u>
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

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

This comprehensive plan policy states that density is the most important distinguishing characteristic of residential areas, and has different target densities for low, medium, and high density residential areas. The mix policy that calls for R-3 land to be included in large annexations (repeated below) implies that the city can apply a mix of residential zones with different densities to LDR sites. The city does not have the ability to do this at the annexation stage; it would require a comprehensive plan map amendment to change the residential densities from LDR to a mix of LDR, MDR and HDR. Mix policy 3.x is in conflict with this policy because it attempts to add R-3 zoned land at the annexation stage; if the policy instead said that HDR land should be added at the urban growth boundary expansion phase then there would be no conflict with this policy.

3. Mix Policies

x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

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. (Ordinance 2380, June 6, 1994, Ordinance 2011-2747, September 8, 2011) The following is a summary of the three residential land use categories:

a. Low Density Residential (LDR) The objective of this designation is to provide a wide range of housing types and styles, while allowing for an overall density of up to 4.4 units per acre. Typical housing types will include single-family attached and detached housing. Clustered

housing areas within Planned Unit Developments or condominiums must include adequate open areas to maintain the low overall density of this classification. Services shall include improved streets, underground utilities (except electrical transmission lines), street lighting, sidewalks, and in some cases, bikeways.

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 single-family 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 electric transmission lines), street lighting, sidewalks and, in some cases, bikeways.

c. High Density Residential (HDR) The objective of this designation is to provide multi-family housing of different types while maintaining an overall density of up to 21.8 units to the acre. Typical housing types include apartments, townhouses, and a variety of cluster developments. Density may vary depending on lot sizes, off-street parking and other site constraints. Services shall include improved streets, underground utilities (except electric transmission lines), street lighting, sidewalks, and in some cases, bikeways.

The comprehensive plan residential designations allow a range of development types in each designation, but emphasize that the overall density must fit the classification. Development in the LDR designation can be clustered, but that would require that the rest of the site be very low density in order to not exceed the overall LDR density target. The designations allow a range of housing types, but do not allow a range of housing zones in each designation.

I. HOUSING

POLICIES:

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.

The comprehensive plan has location policies that need to be considered in order to determine if a site is a good fit for high density housing. North Valley Road is a major collector road, so high density housing could be located immediately adjacent to it assuming the driveway location met sight distance guidelines along North Valley Road. The site has connections to local streets to the west, south and east, however, that run through low density residential areas. It is undetermined if the high density housing could be sited in a way that did not cause traffic to move through low density areas.

There are some commercial services located at the corner of Foothills Drive and College Street. Most of the commercially zoned site is taken up by an assisted living facility. The remaining commercial property contains a daycare, a dentist office, a hair salon, and commercial offices. There is no grocery store, convenience store, or other retail store.

In conclusion, there is not much support in the location policies for high density housing at this annexation site.

B. LAND USE PLANNING

POLICIES:

4. When Comprehensive Plan statements conflict, the relative importance of the statements should be balanced by giving consideration to existing and future public need, impacts on surrounding areas, and the effect of any precedent that may be established.

The previous findings have noted that the comprehensive plan mix policy that requires R-3 land to be included in large residential annexation conflicts with several other comprehensive plan statements, and with the municipal code that is intended to implement the comprehensive plan. The policy has been determined to not apply to the proposed annexation site because it is not a large site. Even if the R-3 policy did apply to this site, however, it still would conflict with: the municipal code language that states that only R-1 zoning is appropriate to implement the LDR designation; the comprehensive plan map; the description of LDR in the comprehensive plan classification; and the policy that describes density as the distinguishing characteristic of housing and does not provide for a mix of zoning. On balance, the annexation proposal complies with the comprehensive plan.

Conclusion: The annexation request complies with the LDR comprehensive plan map designation for the property and, on balance, complies with the comprehensive plan policies.

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.

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: The applicant has stated that the future subdivision development will occur within three years.

Utilities: There are existing wastewater and water lines available for the proposed annexation from Taylor Drive and Jones Street to serve the southern section of the development. There is a subdivision under construction (Gracie's Landing) west of the site that will extend public water and wastewater lines to the western edge of the annexation site, which can then be extended to serve the rest of the annexation site. Future development will require the public utilities to be extended to and through the site to serve potential future development on adjacent properties. At the subdivision preliminary plan stage the applicant must show that the design provides public wastewater service to all lots. Private pump stations/sumps are not permitted.

The design at the time of the development submittal shall show water, wastewater, and stormwater stubs to North Valley Road.

The concept plan shows the wastewater line crossing a potential wetland area and the water line crossing the stream corridor. At development, approval/permits from USACE/DSL to cross the watercourses must be submitted with the development application.

The applicant must show in the development application that the receiving pump station has adequate capacity for the proposed subdivision. The development application must also show all proposed stormwater lines and facilities.

Wetlands and the stream corridor are present in the proposed Tax Lots. The wetland delineation approval from DSL must be submitted with the development application along with any permits/approvals required from DSL/USACE/DEQ.

The concept plan shows the stream corridor being used for detention ponds. The applicant is strongly advised to read PW Design and Construction Standards Section 4.8.3 and ensure that the stormwater management facilities adhere to the requirements in this section. Any construction in the stream corridor/wetlands areas must receive USACE/DSL/DEQ approvals with the appropriate permits submitted with the development application. Impacts to the stream corridor shall adhere to requirements in NMC 15.342.

Dept. of State Lands: The national wetland inventory shows a wetland/waterway on the property, and the county soil survey shows hydric (wet) soils on the property. It appears that the proposed project will impact wetlands and requires a wetland delineation. A state permit will be required for the proposed project if more than 50 cubic yards for the entire project is placed and/or removed within approved wetland boundaries. A permit may be required by the US Army Corps of Engineers.

Roads: The applicant is required to provide a traffic study with the development application. Intersections required for the traffic study include Chehalem Drive/North Valley Road, North Valley Road/College Street (Highway 219), Chehalem Drive/Foothills Drive, Terrace Drive/College Street, and Foothills Drive/College Street.

The applicant shall ensure that the design for the street exiting onto North Valley Rd complies with the sight distances required by PW Design and Construction Standards at the time of the development submittal. The North Valley Road frontage will be improved to city standards with sidewalk, planter strip, curb and gutter at time of development. The applicant shall provide sufficient right-of-way to comply with the requirements in NMC 15.505.

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: the proposed zoning of R-1 is consistent with the existing comprehensive plan map designation of LDR; the City of Newberg has an acknowledged TSP which included this area in the urban reserve as planned future urbanizable land; this property was brought into the urban growth boundary as part of a larger urban growth boundary amendment that included a full report with adequate justifications for transportation and other public facilities.

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.

Criterion B is therefore met because an adequate level of urban services will be made available within three years of annexation.

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 and the Police Dept. both commented “Reviewed, no conflict”. 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. CPRD did not provide any comments.

There are no comments to suggest that city services could not support the addition of the 25.66 acres to the city limits, and in fact future development of the site helps fund these city services and other System Development Charge or permit fee funded 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 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.

Conclusion: Based on the above-mentioned findings, the application meets the criteria of the Newberg Development Code and complies with the Comprehensive Plan.

Development Notes –File ANX-17-001 – Dutchman Ridge

The following comments are not conditions of approval for the annexation. These comments will need to be addressed, however, in the future development application:

1. Utilities:

At the subdivision preliminary plan stage the applicant must show that the design provides public wastewater service to all lots. Private pump stations/sumps are not permitted.

The design at the time of the development submittal shall show water, wastewater, and stormwater stubs to North Valley Road.

The concept plan shows the wastewater line crossing a potential wetland area and the water line crossing the stream corridor. At development, approval/permits from USACE/DSL to cross the watercourses must be submitted with the development application.

The applicant must show in the development application that the receiving pump station has adequate capacity for the proposed subdivision. The development application must also show all proposed stormwater lines and facilities.

The wetland delineation approval from DSL must be submitted with the development application along with any permits/approvals required from DSL/USACE/DEQ.

The concept plan shows the stream corridor being used for detention ponds. The applicant is strongly advised to read PW Design and Construction Standards Section 4.8.3 and ensure that the stormwater management facilities adhere to the requirements in this section. Any construction in the stream corridor/wetlands areas must receive USACE/DSL/DEQ approvals with the appropriate permits submitted with the development application. Impacts to the stream corridor shall adhere to requirements in NMC 15.342.

2. Dept. of State Lands: The national wetland inventory shows a wetland/waterway on the property, and the county soil survey shows hydric (wet) soils on the property. It appears that the proposed project will impact wetlands and requires a wetland delineation. A state permit will be required for the proposed project if more than 50 cubic yards for the entire project is placed and/or removed within approved wetland boundaries. A permit may be required by the US Army Corps of Engineers.

3. Roads:

The applicant is required to provide a traffic study with the development application. Intersections required for the traffic study include Chehalem Drive/North Valley Road, North Valley Road/College Street (Highway 219), Chehalem Drive/Foothills Drive, Terrace Drive/College Street, and Foothills Drive/College Street.

The applicant shall ensure that the design for the street exiting onto North Valley Rd complies with the sight distances required by PW Design and Construction Standards at the time of the development submittal. The North Valley Road frontage will be improved to city standards with sidewalk, planter strip, curb and gutter at time of development. The applicant shall provide sufficient right-of-way to comply with the requirements in NMC 15.505.

4. Tualatin Valley Fire & Rescue: At the time of development the following items will need to be addressed:

- The fire apparatus road along the NE side is approximately 577 feet long and requires an approved turnaround.
- Fire flow testing will be required.
- The plans do not indicate locations of fire hydrants.
- The full comment in the appendix lists the applicable Fire Code standards for the future subdivision development.



PLANNING COMMISSION RESOLUTION 2017-324

A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL APPROVE AN ANNEXATION OF APPROXIMATELY 25.66 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-1 WITH STREAM CORRIDOR OVERLAY, FOR THREE PROPERTIES LOCATED AT 25020, 25240 AND 25300 NE NORTH VALLEY ROAD, YAMHILL COUNTY TAX LOTS 3207-600, 700 AND 800.

RECITALS

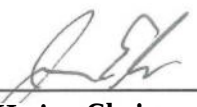
1. Del Boca Vista LLC submitted an application to annex approximately 25.66 acres of property, plus the area of the adjacent rights-of-way, into the City of Newberg and change the zoning from Yamhill County AF-10 to Newberg R-1. The three properties are contiguous and located at 25020, 25240 and 25300 NE North Valley Road, Yamhill County tax lots 3207-600, 700 and 800. The properties have Comprehensive Plan designations of LDR (Low Density Residential), which corresponds with the R-1 zone. There is also a Comprehensive Plan Stream Corridor overlay on part of the site, so the zoning will include a Stream Corridor overlay zone at the same location.
2. After proper notice, the Newberg Planning Commission held a hearing on March 9, 2017, to consider the application. The Commission considered testimony, closed public testimony, and continued the hearing to April 13, 2017.
3. The Newberg Planning Commission continued the hearing on April 13, 2017, reopened public testimony, considered public 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 recently 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-1 with Stream Corridor overlay zone, 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. 4 above. Exhibit "C" is hereby

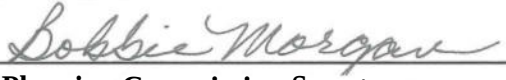
adopted and by this reference incorporated.

Adopted by the Newberg Planning Commission this 11th day of April, 2017.



Planning Commission Chair

ATTEST:

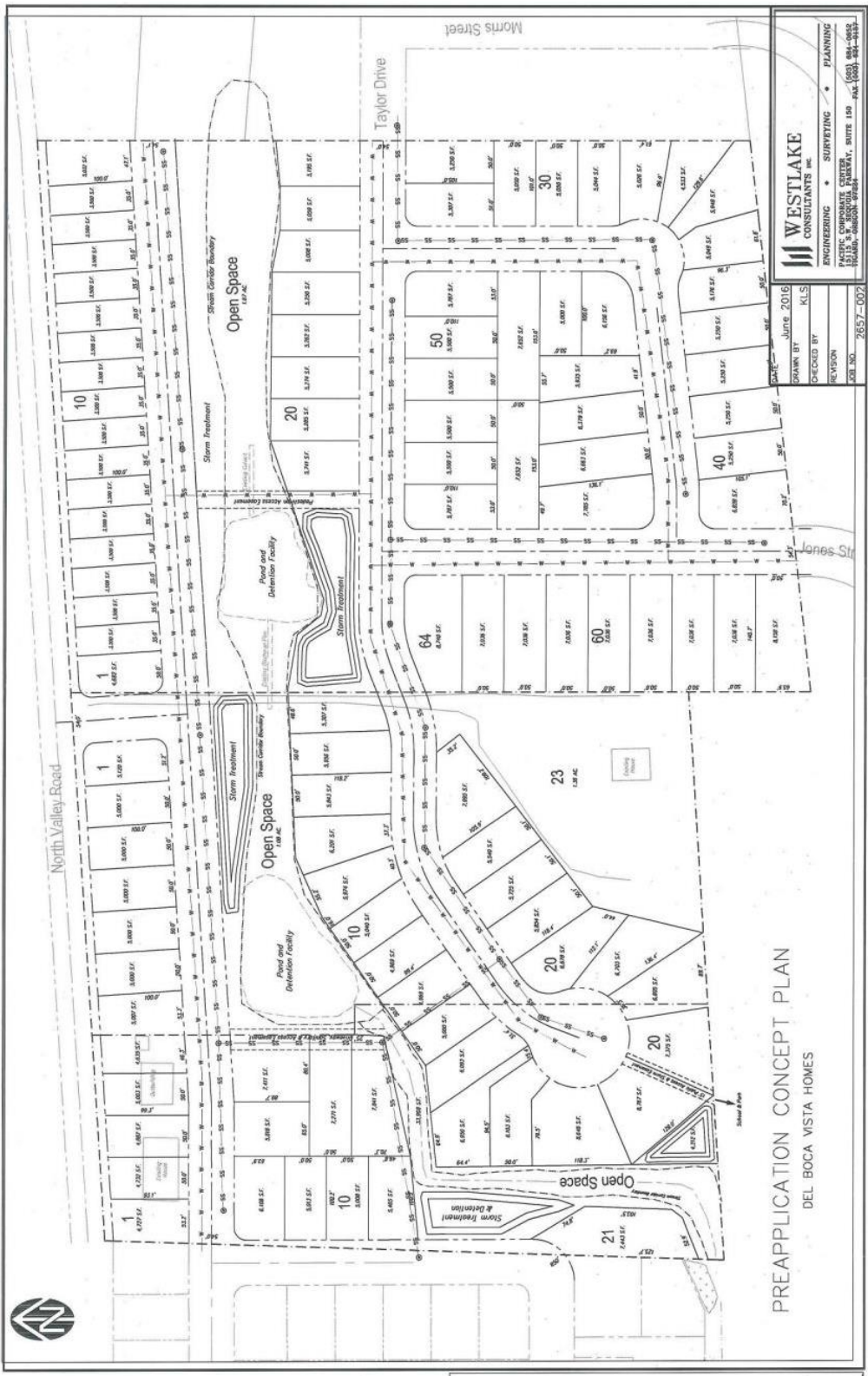


Planning Commission Secretary

Attachment 2: Aerial Photo

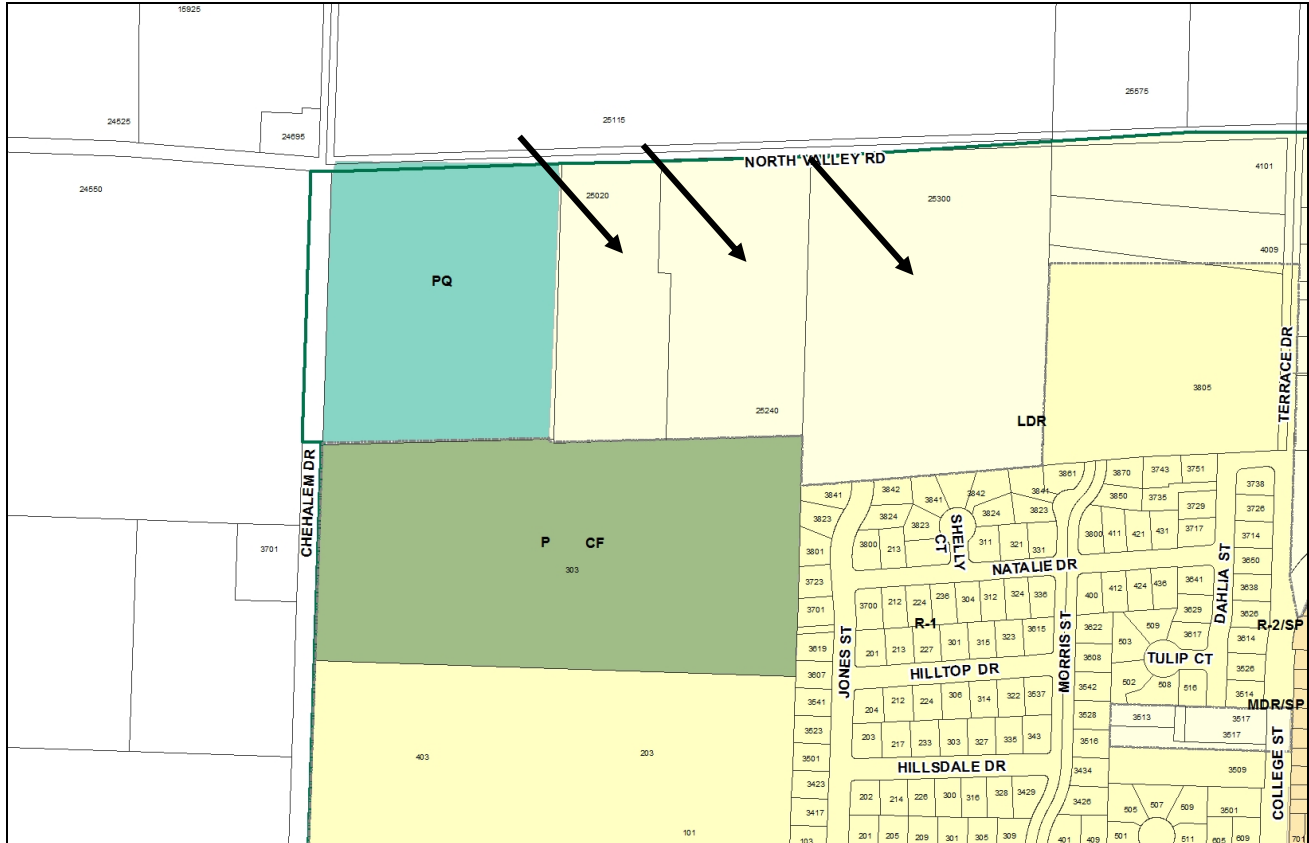


Attachment 3: Concept Development Plan



Attachment 4: Comprehensive Plan Map

The lot to the west of the proposed annexation (with PQ Comprehensive Plan designation) was annexed into the city last year with R-1 zoning, and is currently under development as a single family home subdivision called Gracie's Landing.



CITY ATTORNEY'S OFFICE

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 Newberg, Oregon 97132
 Phone: 503.537.1248 Fax: 503.537.5013
 E-Mail: truman.stone@newbergoregon.gov
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To: Doug Rux
 From: Truman Stone
 CC: Steve Olson; Brad Allen
 Date: April 4, 2017
 Re: NCP/NMC Annexation Criteria

Attorney Opinion Memo

Q: Is the following language from the Newberg Comprehensive Plan (Dec. 2016) a criterion applicable to annexation of residential parcels?

I. HOUSING

* * *

3. Mix Policies

* * *

- x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

A: Yes, qualified.

As an initial matter, an examination of applicable Land Use Board of Appeals (LUBA) decisions provides the analytical context. This is followed by discussion applying that analytical context to the relevant portions of the Newberg Comprehensive Plan (NCP) and the Newberg Municipal Code (NMC), with a list of questions to be considered.

LUBA Decisions. The 2007 decision in *Sommer v. Cave Junction*, (LUBA No. 2007-220) considered whether the city made adequate findings regarding adequacy of public services, in light of a comprehensive plan which was described by LUBA as:

... Cave Junction Comprehensive Plan (CJCP) Goal 11 (Public Facilities and Services). ... provides in relevant part that the city will not annex property unless all public services are available. One of the public services listed in CJCP Goal 11 is "Police Protection."

The city concluded it was not required to determine the availability of police services, since the municipal code did not mention police services as an annexation criterion, and therefore the findings were silent as to police services. LUBA relied on a finding that the CJCP was an applicable approval criterion, and held the finding inadequate because:

The provisions of the CJCP also apply to the proposed annexation, and accordingly the city must address applicable CJCP provisions, including CJCP Goal 11. The city must either find that CJCP Goal 11 is met, specifically, that the listed public services including police protection are available, or explain why those provisions do not apply to the proposed annexation.

LUBA again considered this issue in *Friends of the Hood River Waterfront v. City of Hood River* (LUBA No. 2013-064) (*Friends of Hood River Waterfront II*), a case remanded to LUBA by the Oregon Court of Appeals with instruction to directly consider whether goals in the comprehensive plan were mandatory approval criteria, and if so, how the proposal was consistent with those goals.

LUBA first noted that both the Hood River municipal code and the Oregon Revised Statutes require land use decisions to be “in compliance with” or “consistent with” the city’s acknowledged comprehensive plan, then observed that neither the statute or the municipal code “dictate how that compliance or consistency is to be achieved or demonstrated.” LUBA then noted three possible methods of satisfying this requirement.

The first would be to apply all applicable comprehensive plan requirements directly as approval criteria, but “given the way most comprehensive plans are written, with overlapping and conflicting goals and policies, sifting through the comprehensive plan for potentially applicable approval criteria can easily become an onerous and problematic chore.”

The second method would be to show that the application complies with land use regulations which were adopted to *fully* implement the comprehensive plan, essentially displacing the plan language with code language. In this instance, there would be no reference to the plan provisions as potentially applicable criteria.

The third, and most common route is where land use regulations are adopted to implement the plan, but neither the plan nor the regulations foreclose the possibility that some comprehensive plan requirements may continue to apply directly to the decision. In such cases, it is not enough for the petitioner to simply identify “mandatory” language in a comprehensive plan policy. The text and context must be read with perhaps competing goals in the comprehensive plan and the language of the implementing regulations.

The words “will” and “shall” are mandatory, however a mandatory comprehensive plan policy may have been incorporated into implementing land use regulations, thereby fully implementing the plan policy and making direct application of the policy duplicative and unnecessary.

Newberg Comprehensive Plan and Municipal Code.

Within the NCP, paragraph x. of the Housing Mix Policies contains mandatory criteria for certain annexations:

Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

In my opinion, there must be findings addressing this criterion. Failure to do so, would likely result in a remand.

The NMC implementing regulations are found in NMC 15.250.020 (Conditions for annexation) and 15.250.030 (Quasi-judicial annexation criteria). The application must also meet the ORS 222.111 criteria.

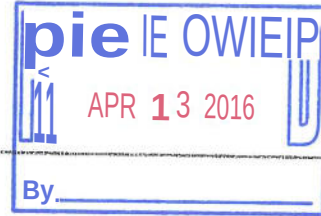
The Planning Commission, after considering the evidence in the record, should make findings answering one or more of the following questions:

1. Do the NMC regulations fully or partially implement this NCP policy?
If fully implemented, the NCP Housing Mix Policy, paragraph x. criterion is displaced by the regulation.
2. If not fully implemented, is this criterion applicable to the current annexation proposal?
If it is not applicable, there should be findings as to why it is not applicable.
3. If applicable, there should be findings that either the criterion is met, unmet, or performance excused.
4. In the context of other relevant NCP and NMC policies and criteria, some of which may be conflicting, can this criterion and other criteria be met in concert?
5. If competing criteria cannot be met in concert, there must be findings balancing the competing policies and goals and explaining the rationale for doing so.

Truman Stone

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RICK ROGERS



Planning Commission
City of Newberg
PO Box 970
Newberg, OR 97132

April 13, 2017

Re: Public Comment – Revised Dutchman Ridge Annexation (ANX-17-001)

Dear Commissioners:

As you know, in 2008, eleven community members assisted by two City staffers formed the Affordable Housing Ad Hoc committee. For well over a year the group (including a couple of you) met to draft suggestions for the creation and retention of affordable housing in Newberg. The suggestions resulted in the Affordable Housing Action Plan adopted by City Council on May 4, 2009.

Within this document is the comprehensive plan requirement "Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands" (Section I. 3 x Housing Mix and Affordability Policies).

Although the City Attorney's Office determined, in an opinion memo dated April 4, 2017, that the language in the Comprehensive Plan is indeed a criterion applicable to annexation of residential parcels, (a yes, qualified) the referenced staff report (packet Exhibit c) counters this opinion arguing that this proposed annexation does not, in fact, meet these criteria.

Regarding the staff report:

- 1) Defining "large" - staff argues that the word 'large' is not defined in the comprehensive plan language and therefore must be quantified. To put the proposed 25.66-acre annexation in context, the report chose to analyze 40 annexations since 1996. It is not evident why this 22-year period was chosen but this range does include one very large (249 acre) parcel which heavily skews the analysis. When this parcel and the proposed 25.66 acre annexation, are removed from the equation, the average annexation size over this period (of 38 total) drops from 15 acres to 8.61 acres. The proposed Dutchman's Ridge annexation is therefore 300% larger than the average annexation (less one) Newberg has experienced since 1996. Even by Merriam Webster's broad definition, 300% larger is certainly 'large'. (See the attached calculations).
- 2) Land Classification - of the 40 annexations listed by staff, exactly one (7.20 acres in 2014) is for high-density R-3 land. In other words, since 1996 less than 2% of the land brought into the City has been for high-density residential use even though we have a clear and much discussed lack of high density zoned land.

509 South College Street, Newberg, Oregon, 97132

City of Newberg Annexations
4/11/2017

1996 - 2017 (22 years)				
		Area	Annexations	Average
	Total	601.66	40	15.04
Pending	ANX-17-001	-25.66	-1	14.77
	ANX-9-96	-249.00	-1	8.61
		327	38	
	If Average:	(38)		8.61
	Excess of Average:			298%
2002 - 2017 (15 years)				
	Total	288.16	28	10.29
Pending	ANX-17-001	-25.66	-1	9.72
		262.50		9.72
	Excess of Average:	25.66		249%
2007 - 2017 (10 years)				
	Total	61.66	10	6.17
Pending	ANX-17-001	-25.66	-1	4.00
		36.00		4.00
	Excess of Average:	25.66		416%

Residential Annexations since 1996 (does not include commercial, parks, or industrial annexations)
By Year

Annexation	Zone	Year	Acres	
ANX-11-96	R-1	1996	0.34	
ANX-7-96	R-2	1996	3.80	
ANX-8-96	R-2	1996	3.90	
ANX-14-96	R-1	1996	4.48	
ANX-12-96	R-1	1996	8.00	
ANX-6-96	R-2	1996	11.00	
ANX-9-96	R-1, R-2, M-2	1996	249.00	Springbrook master plan site
ANX-17-97	R-2	1997	0.40	
ANX-15-97	R-1	1997	25.50	NWNSP
ANX-22-99	R-2	1999	0.12	
ANX-21-98	R-1	1999	6.00	
ANX-25-01	R-1	2001	0.96	
ANX-28-01	R-2	2002	46.00	
ANX-30-03	R-1	2003	3.30	
ANX-31-04	R-1	2004	0.22	
ANX-32-04	R-2	2004	0.55	
ANX-33-04	R-1	2004	20.58	Southern part of Greens
ANX-05-037	R-1	2005	0.40	
ANX-05-038	R-1	2005	1.55	
ANX-05-036	R-1	2005	3.64	
ANX-05-039	R-1	2005	20.27	
ANX-06-005	R-1	2006	1.00	
ANX-06-008	R-1	2006	1.83	
ANX-06-001	R-2	2006	3.20	
ANX-06-002	R-2	2006	3.20	
ANX-06-003	R-1	2006	3.73	
ANX-05-041	R-2	2006	5.43	
ANX-05-042	R-2	2006	16.30	
ANX-06-007	R-2	2006	24.50	
ANX-05-043	R-2	2006	70.80	Waterfront area
ANX-07-005	R-2	2007	3.55	
ANX-08-005	R-1	2008	7.67	
ANX-12-002	R-2	2012	0.36	
ANX-12-001	R-2	2012	1.00	
ANX-14-001	R-1	2014	0.50	
ANX-14-002	R-1	2014	2.29	
ANX-13-001	R-3	2014	7.20	Villa Project?
ANX-16-003	R-2	2016	3.06	
ANX-16-001	R-1	2016	10.37	Grade's Landing
ANX-17-001	R-1	2017	25.66	Dutchman's Ridge proposed

601.66

2002 - 2017 288.16

2007 - 2017 61.66

R-3 1.20%

To: Newberg Planning Commission
 From: Charlie Harris
 Date: April 13, 2017
 Re: Dutchman Ridge Annexation, ANX-17-001



When last you met, the issue boiled down to, “When the comprehensive plan says that large annexation requests shall include R-3 land, does shall really mean shall?” The City Attorney has now replied, saying that, yes, indeed, shall means shall, provided that certain findings are made. In light of the City Attorney’s response, staff has issued a revised staff report that grasps at straws in its continued attempt to evade the comprehensive plan provision at issue. The proposed findings as presented in the staff report should be summarily rejected and the annexation request denied, for failure to comply with the comprehensive plan and the Newberg Development Code.

The City Attorney laid out a step-by-step analysis for the Planning Commission to go through in analyzing the issue of whether the Comp Plan provision requires the inclusion of R-3 land in annexation requests:

1. Do the NMC regulations fully or partially implement this NCP policy [requiring the inclusion of R-3 land in annexation requests]? Or, as the City Attorney otherwise paraphrases this step, do the NMC regulations “foreclose the possibility that some comprehensive plan requirements may continue to apply directly to the decision”?

Clearly the answer is that the NMC regs do not fully implement the NCP policy. NMC 15.250.040 by its terms states that the proposed use must comply with the NCP.

Furthermore, while NMC 15.250.040 also says that the site must also comply with the NCP map, this requirement must be read in conjunction with NMC 15.250.080, which states that the NCP map shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. This provision (NMC 15.250.080) makes clear that it is the text of the comp plan, not the map, that controls. The map is merely a criterion to determine compliance with the text of the plan.

2. If not fully implemented, is this criterion applicable to the current annexation proposal?

Yes, the R-3 requirement is applicable to the current annexation proposal. To be applicable, the proposal must meet two requirements:

- a. The parcels must be residentially designated, which they are. This is undisputed.
- b. The parcels must be “large”. The staff report goes to great lengths to try to argue that the parcels are not large. Staff is grasping at straws in trying to make this argument.

Assuming, as the staff does, that the definition of large means “exceeding most other things of like kind,” and the “other things of like kind” are the 39 other annexations approved in the last 20 years, then the question is whether this proposed annexation exceeds “most” of those 39 others. Since it exceeds 36 of the 39 other annexations, one must conclude that it exceeds “most” of the others. Therefore the proposal meets the requirement that the parcel is “large” and therefore the provision is applicable to the current proposal.¹

¹ would note that Commissioner Smith noted at the previous meeting that he thought the site met the definition of “large”. This remark did not appear in the minutes included in the current packet.

Also, while it is not necessary to go any further, the question may be asked (for future annexations) where the cut-off is for “large annexations.” This is a decision best left to the City Council to decide in a legislative rather than a quasi-judicial proceeding.

March 5, 2017

Dear Newberg City Planning Commission,

I continue to be concerned about the intersection of North Valley and Chehalem Drive which is incredibly dangerous and sees many accidents each year. With the addition of 50+ houses on that corner, the traffic problems will increase. The intersection should have been squared off as a condition of the adjacent subdivision.

Now the same developer is planning an additional 107 houses on the property just East of this first subdivision which will again bring more traffic and accidents to this intersection.

I have spoken to the city and the county and contacted emergency services in the hope that they will look carefully and consider what can be done to make the roads safer. I am not opposing the subdivision's development but am very concerned that the traffic safety issues have not been adequately addressed. The new roads currently being put in only complicate this issue. The access onto North Valley adds another extremely dangerous intersection to this area as traffic coming from the East will not have sufficient sight distance to avoid conflict with traffic turning left out of the new subdivision.

Sincerely,



Paul Jellum
503-538-9190

IX. ADJOURNMENT

FOR QUESTIONS, PLEASE STOP BY THE COMMUNITY DEVELOPMENT DEPT. AT 414 E. FIRST STREET, OR CALL 503-537-1240

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the Community Development Department Office Assistant II of any special physical or language accommodations you may need as far in advance of the meeting as possible as and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Office Assistant at (503) 537-1240. For TTY services please dial 711.

Please consider this written information for
the Dutchman Ridge Annexation
Proposed addition to "Q&A d&p MGif" notes pay-to
77:78. - f)DD Site path fo P&HLD tractcr
of side walk along path valley road

thank ipcc -

FRED KO B tyn J0A
t & 725 Ave Coia Rd
UCucfiMfyj C/L 5 r/3Z-
f03 - 538 - T7-?5



**P.O. Box 1083
McMinnville, OR 97128**

March 9, 2017

Helping to shape the use of our natural resources to protect the quality of life in Yamhill County.

City of Newberg Planning Department
414 E. First Street
Newberg OR 97132

Re: Dutchman Ridge Annexation

Dear Planning Commissioners and Staff:

Friends of Yamhill County (FYC) works to protect natural resources through the implementation of land use planning goals, policies, and laws that maintain and improve the present and future quality of life in Yamhill County for both urban and rural residents. We appreciate the opportunity to comment on the proposed Dutchman Ridge annexation.

Housing affordability is a pressing issue throughout Yamhill County. As home prices escalate, too many households struggle to pay rent or afford a mortgage. To its credit, the City of Newberg has repeatedly recognized this issue and has acknowledged the pressing need within the city for more housing that its residents can afford. This need was also one of the top issues cited in the city's recent community values surveys.

We oppose the Dutchman Ridge annexation as proposed. It is more business as usual- a 25 acre subdivision of large-lot low density R-1 residential that utterly fails to address the city's need for housing in higher density zones, especially R-3. This shortcoming is even more striking given the opportunity this site presents. The site is in close walking distance of Crater Elementary School, Chehalem Middle school, the Chehalem Senior Center, Crater Park, and churches. Pre-school, dental, Yamhill Valley Transit and other services are available at Foothills Drive. These are the exactly the attributes that the city has said are desirable for higher-density housing.

A more affordable mix of housing types, including R-3, for this site is not just desirable; it is also required by the city's comprehensive plan. Comprehensive plan housing policy 3(x) states:

Where large residentially designated parcels are to be annexed, the City *shall* apply a mixture of zoning, to include some *R-3 zoned lands*, consistent with the policy of distributing affordable housing throughout the community. *Such zoning shall be applied* to portions of the property that are most suitable for high density development. (Emphasis added.)

It is time for the city to align its actions with its words and adopted policies. We urge you to deny the annexation as proposed and direct the applicant to return with a request that meets the city's documented needs and adopted policies.

We hope these comments are helpful. Please include them in the official record of this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read 'Sid Friedman', followed by a long horizontal flourish.

Sid Friedman
Friends of Yamhill County

Cc: DLCD

To: Newberg Planning Commission
 From: Charlie Harris
 Date: March 8, 2017
 Re: Dutchman Ridge Annexation, ANX-17-001

First of all, I object to the hearing being held this evening, based on the failure to provide proper notice. NDC 15.100.240 (Additional notice for Type III quasi-judicial hearing for annexations) requires that, 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. The staff report states that notice in the Graphic was published only once. (While SB 1573 eliminated the requirement to submit annexation proposals to a vote, it still specifically required that the annexation proposal comply with all other requirements of the city's ordinances. And it should be noted that the "annexation by vote" requirements of Newberg's code had its own publication requirements, separate from 15.100.240. See NDC 15.250.040(F).)

As an affordable housing advocate, I am opposed to the annexation application regarding Dutchman Ridge.

In short, the application should be denied because, contrary to Section II, I.3(x) of the Newberg Comprehensive Plan ("NCP"), it fails to include any R-3 multi-family zoned land in its request. Because the application does not comply with the comprehensive plan, it fails to comply with Section 15.250.030 of the Newberg Development Code and therefore must be denied.

A more thorough legal analysis follows at the end of my testimony. But first, I'd like to stress these points:

1. The Comprehensive Plan and other city documents recognize the need for additional multi-family, R-3 land.

The above-cited Comprehensive Plan provision recognizes the dire need for more R-3 land. It requires that

Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development. (Emphasis added.)

This Comp Plan provision is a recognition that, of the 3 residentially designated zones—R-1 single family, R-2 medium density, and R-3 multi-family, the city is most deficient in R-3 land, with only enough R-3 zoned land to meet 21% of anticipated demand.¹ Despite this requirement, applicant seeks to have all the property brought in as R-1 land, of which there is already enough land to meet 89% of the anticipated demand.

2. This dearth of multi-family land is both an affordable housing issue and an economic development issue in Newberg. According to representatives of Newberg's largest employers, their workers can no longer afford to live in Newberg, meaning longer commutes, higher turnover and greater difficulty in filling vacant positions.

Newberg's recently adopted Economic Development Strategy cites the lack of multi-family housing, the lack of vacant rental residential housing, and the lack of affordable housing for lower income families as 3 of the top 15 weaknesses facing the city. As the Newberg Graphic reported in its page 1 article on Nov. 9, 2016, the shortage of affordable housing affects the ability of employers to attract and retain school teachers, hospitality workers, and other service industry workers, and means that students now compete with families to find housing in the community.

3. The property proposed for annexation is suitable for high density development. While the burden is on the applicant to show that its application complies with both the Comprehensive Plan and the Development Ordinance², I would like to point out that the property is quite suitable for high density development:

- it is within walking distance of a public elementary school (Antonia Crater Elementary School)
- it is within walking distance of a public middle school (Chehalem Valley Middle School)

¹ See City Council Findings in *Martell Commons* File CPA-15-001/ZMA3-15-001, Ex. A.

² NDC Sec. 15.250.030(D)

- it is within walking distance of the Chehalem Senior Center.
- it is conveniently and regularly served by Yamhill Valley Transit. The No. 5 bus provides regular bus service up College to Foothills, then along Foothills to the Senior Center, again within a few short blocks of the property.
- the site is suitable for apartment construction. I recently met with a local builder who is building houses close by the proposed site, who is familiar with the site, and who confirmed that the site was suitable for apartments.
- the proposed site will access North Valley Rd., which provides easy access by car to the Allison, A-Dec and other major employers and commercial activity in the vicinity.

4. The fact that the land is presently designated on the comprehensive plan map as Low Density Residential does not require the City to bring it in as R-1 Single Family.

NDC Sec. 15.250.030 requires that the proposed use of the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. Wouldn't this seemingly require that the property be annexed as R-1 land? No, it doesn't. NDC Sec. 15.250.080 states:

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..."

Note that 15.250.080 states that the comp plan map designation is simply "a criterion" to determine whether the proposal complies with the plan. It is not conclusive. And where, as here, the proposal for all R-1 land is directly contradictory to the comp plan provision that requires large parcels to include some R-3 land, the map criterion fails.

So what's to be done? Doesn't this put the applicant in a catch-22 position? No, not at all. Here is what the Development Code requires:

- *Since the application does not include any R-3 land as required by the comp plan, the application as submitted should be denied.*
- *As 15.250.080(A) anticipates, the applicant could then submit a new application, with a request that a portion of the land be re-designated as HDR on the comp plan map. The application would then be in compliance with the comp plan (assuming that it otherwise meets the other applicable criteria).*
- *Pursuant to 15.250.080(B), upon annexation the area annexed would automatically be zoned to the corresponding zoning classification (R-1 for a portion of the land and R-3 for a portion of the land).*

I would add that the applicant was informed by staff of the "R-3" issue before submitting its application. The applicant chose to roll the dice and ignore the issue. It is now up to the Planning Commission and City Council to enforce the provisions of the comp plan and zoning ordinance.

5. The comprehensive plan provision requiring the inclusion of R-3 land is not simply a "policy" or a "guideline"; it is a requirement that the application must meet in order to be approved.

First of all, the Comprehensive Plan itself states that certain of its provisions are in fact requirements. Section I. E. of the plan states: "The Goals and Policies section includes general goals associated with each resource area followed by specific policies. This section includes information on the general intent of the Plan and more detailed requirements on a resource-by resource basis."

Further, the issue of whether comprehensive plan language should be considered as a requirement to be met or as simply a policy or guideline has been considered by the Land Use Board of Appeals (“LUBA”), which has laid out this 2-prong test to determine whether to enforce such a provision³:

- a. Is the comp plan requirement mandatory (rather than, in LUBA’s words, aspirational or hortatory):
- b. Even if the provision is considered mandatory, it must not have been incorporated into implementing land use regulations that fully implement the plan provision.

Because in this instance the plan provision uses the word “shall” (“the City shall apply a mixture of zoning, to include some R-3 zoned lands”), the provision is considered mandatory and so meets the first test. And, because the city has simply ignored the comp plan “R-3” requirement, with no provision addressing it in *any* chapter of the Development Code, it meets the second test.

Pursuant to *Hood River II*, , the comp plan requirement to include R-3 land in this annexation request should be considered just that—a requirement—and the application must be denied.

This conclusion is further bolstered by LUBA’s decision in Bowler v. City of Cave Junction, LUBA No. 2007-220 (2/14/2008). This was an annexation case in which a provision of the city’s comp plan required annexation applicants to show that police protection, among other public services, would be available, while the development code required the other public services to be available but not police protection. LUBA ruled that the city must follow the comp plan and address police protection, even though its zoning ordinance did not include a like provision.

Thank you for your time.

³ See *Friends of the Hood River Waterfront v. City of Hood River*, LUBA No. 2013-064 (2013), referred to as *Hood River II* since it is the second decision that LUBA made on the case.



WETLAND LAND USE NOTIFICATION RESPONSE
OREGON DEPARTMENT OF STATE LANDS
 775 Summer Street NE, Suite 100, Salem, OR 97301-1279
 Phone (503) 986-5200
www.oregonstatelands.us

DSL File Number: WN2017-0069

Cities and counties have a responsibility to notify the Department of State Lands (DSL) of certain activities proposed within wetlands mapped on the Statewide Wetlands Inventory. Steve Olson from city of Newberg submitted a WLUN pertaining to local case file #: ANX-17-001.

Activity location:

township: 03S range: 02W section: 07 quarter-quarter section:

tax lot(s): 600,700,800

street address: 25020,25240 and 25300 NE North Valley Rd, Newberg

city: Newberg county: Yamhill

latitude: 45.329234 longitude: -122.979323

Mapped wetland/waterway features:

- ☒ The national wetlands inventory shows a wetland/waterway on the property.
- ☒ The county soil survey shows hydric (wet) soils on the property. Hydric soils indicate that there may be wetlands.

Oregon Removal-Fill requirement (s):

^ A state permit is required for 50 cubic yards or more of removal and/or fill in wetlands, below ordinary high water of streams, within other waters of the state, or below highest measured tide where applicable.

Your activity:

£3 It appears that the proposed project impacts wetland and requires a wetland delineation.

^ A state permit will be required for the proposed project if more than 50 cubic yards for the entire project is placed and removed within approved wetland boundaries..

Contacts:

£3 For permit information and requirements contact DSL Resource Coordinator (see website for current list) http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Wetlands Waterways

☒ For wetland delineation report requirements and information contact DSL Wetlands Specialist (see website for current list)

http://www.oregonstatelands.us/DSL/contact_us_directory.shtml#Wetlands Waterways

☒ For removal-fill permit and/or wetland delineation report fees go to

http://www.oregon.gov/DSL/PERMITS/docs/rf_fees.pdf

M A permit may be required by the U.S. Army Corps of Engineers (503-808-4373).

^ This is a preliminary jurisdictional determination and is advisory only.

Comments: Please call Lauren Brown at 503-986-5218 if you have any questions.

Response by: Lauren Brown date: 02/28/2017



February 22, 2017

Steve Olson
Associate Planner
City of Newberg
141 E. First Street
Newberg, Oregon 97132

Re: Dutchman Ridge
Tax Lot I.D: R3207 0600, R3207 00700 & R3207 00800

Dear Steve,

Thank you for the opportunity to review the proposed site plan surrounding the above named development project. These notes are provided in regards to the plans received February 22, 2017. 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)

This requirement is met.

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)

The fire apparatus access road along the NE side is approximately 577 ft long and requires an approved turnaround.

3. **ADDITIONAL ACCESS ROADS – ONE- OR TWO-FAMILY RESIDENTIAL DEVELOPMENTS:** Developments of one- or two-family dwellings, where the number of dwelling units exceeds 30, shall be provided with separate and approved fire apparatus access roads and shall meet the requirements of Section D104.3. Exception: Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.3.1.2, or 903.3.1.3 of the International Fire Code, access from two directions shall not be required. (OFC D107)

This requirement is met.

4. **MULTIPLE ACCESS ROADS SEPARATION:** Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the area to be served (as identified by the Fire Marshal), measured in a straight line between accesses. (OFC D104.3)

This requirement is met.

5. **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)
6. **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)
7. **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
8. **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)
9. **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)
10. **TURNOUTS:** Where access roads are less than 20 feet and exceed 400 feet in length, turnouts 10 feet wide and 30 feet long may be required and will be determined on a case by case basis. (OFC 503.2.2)
11. **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced as to provide all-weather driving capabilities. (OFC 503.2.3)
12. **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)
13. **ACCESS ROAD GRADE:** Fire apparatus access roadway grades shall not exceed 15%.
14. **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)
15. **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)
16. **AERIAL APPARATUS OPERATING GRADES:** Portions of aerial apparatus roads that will be used for aerial operations shall be as flat as possible. Front to rear and side to side maximum slope shall not exceed 10%.

17. **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)
18. **TRAFFIC CALMING DEVICES:** Shall be prohibited on fire access routes unless approved by the Fire Marshal. (OFC 503.4.1).

FIREFIGHTING WATER SUPPLIES:

19. **SINGLE FAMILY DWELLINGS - REQUIRED FIRE FLOW:** 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)
20. **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)
21. **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:

22. **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)
23. **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)
24. **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.

Plans do not indicate locations of fire hydrants.

25. **PRIVATE FIRE HYDRANT IDENTIFICATION:** Private fire hydrants shall be painted red in color. Exception: Private fire hydrants within the City of Tualatin shall be yellow in color. (OFC 507)
26. **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)

27. **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)
28. **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)
29. **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

30. **KNOX BOX:** A Knox Box, padlock, or Knox key switch for gate access may be required See Appendix A for further information and detail on required installations. Order via www.tvfr.com or contact TVF&R for assistance and instructions regarding installation and placement. (OFC 506.1) <http://www.tvfr.com/DocumentCenter/View/1438>
31. **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)

If you have questions or need further clarification, or would like to discuss any alternate methods and/or materials, please feel free to contact me at 503-259-1419.

Sincerely,

Tom Mooney

Tom Mooney
Deputy Fire Marshal II

Thomas.mooney@tvfr.com

Cc: File



D E L B O C A
V I S T A
A LIMITED LIABILITY COMPANY

Annexation Application

Dutchman Ridge

25300 NE North Valley Rd, 25240 NE North Valley Rd, 25020 NE North Valley Rd

February 3, 2017



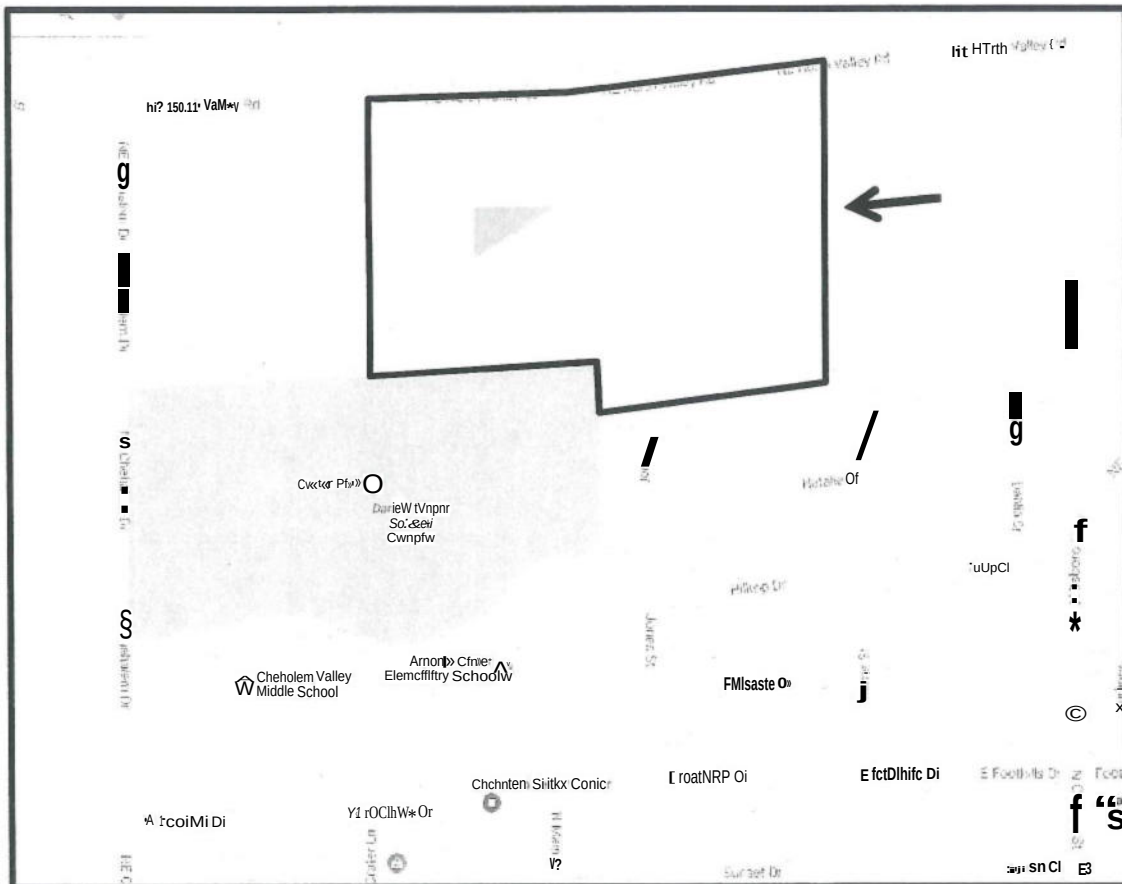
Please join us for a neighborhood meeting regarding the

Annexation Application

of the following properties
25300, 25240 and 25020 NE North Valley Rd
 for a development that will be known as

Dutchman Ridge

which comprises approximately 25.66 acres
 and will be developed as approximately 107 lots in the City of Newberg



Tuesday, February 21, 2017
 Newberg Senior Center
 101 Foothills Dr.
 7:00 pm



TYPE III APPLICATION - 2016 (QUASI-JUDICIAL REVIEW)

File #: _____

TYPES - PLEASE CHECK ONE:

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

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

APPLICANT INFORMATION:

APPLICANT: M Boca Nista ULL
 ADDRESS: 645 KE TV < A SA. N IV 2QT M6 M V V I (le QE 9712.K
 EMAIL ADDRESS: JeSSICO.G dbvcorn.COYV
 PHONE: 503-590-1200 MOBILE: 1 71-qQX-11NY * FAX: 593-217-1flz4
 OWNER (if different from above): %Ce fl.VWlr-Vv Prdl PHONE: 10/A
 ADDRESS: 23010, 25240, 2SbOO NE North Valley 531
 ENGINEER/SURVEYOR: VJCSA \oL so Co n5UA tanks Inc. PHONE: 503 > (#%H . QOCs'Z.
 AppPFQg: 1545 SW Segovia PlCullj ISO TttflJfzi OR Hi2Z4

GENERAL INFORMATION:

PROJECT NAME: TLACV WVOJA Ridge PROJECT LOCATION: N6. KWHI Valley bfcW.EA
 PROJECT DESCRIPTION/USE: CWdtQ IgyiA Ridl & Tey y&CC
 MAP/TAX LOT NO. (i.e. 3200AB-400T E52D*7*000,100 fflfroNF: VLDR- (SITE SIZE: 2.5 tle SO. FT. ☐ ACRE 3k
 COMP PLAN DESIGNATION: LDR. TOPOGRAPHY: SLOpyAG Vtrw dyJ K3. VIU&j & Chchalem
 CURRENT USE: Nwiflv* Vufu i t pefVickvIC.E - CLyU.tiJl-VuVflji *
 SURROUNDING USES: A
 NORTH: WITf Ollhj/0A SOUTH: school / sf>P4lrvtJl roiuftlett
 EAST: Singl J UDM iUj res d ox in J WEST: sinnlf EAJWU1U ve%rlu*Ar i A

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

Print Name

Print Name

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

Attachment to Type III application
Owner signature

The statements and information contained herein are in all respects true, complete, and correct to the best of my knowledge and belief.

Tax Lot R3207-600

Dated 30 JANUARY 2017

KAT

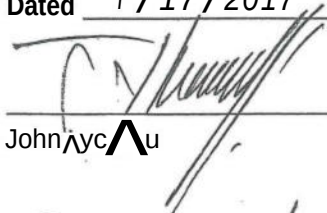
Kenneth J. Taylor, Successor Trustee of the Melvin J. Taylor Revocable Trust
under Agreement dated June 19, 2013

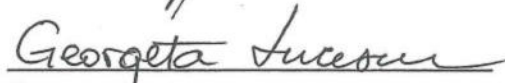
Attachment to Type III application
Owner signature

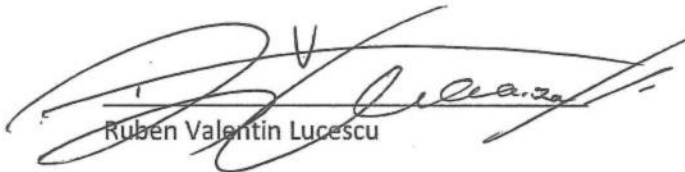
The statements and information contained herein are in all respects true, complete, and correct to the best of my knowledge and belief.

Tax Lot R3207-700

Dated 1/17/2017


 John Lucu


 Georgeta Lucescu


 Ruben Valentin Lucescu

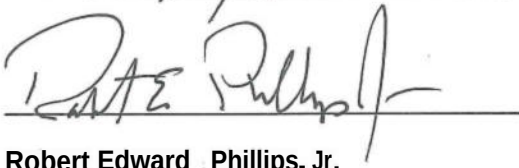

 Jenna Marie Lucescu

Attachment to Type III application
Owner signature

The statements and information contained herein are in all respects true, complete, and correct to the best of my knowledge and belief.

Tax Lot R3207-800

Dated 1/17/17

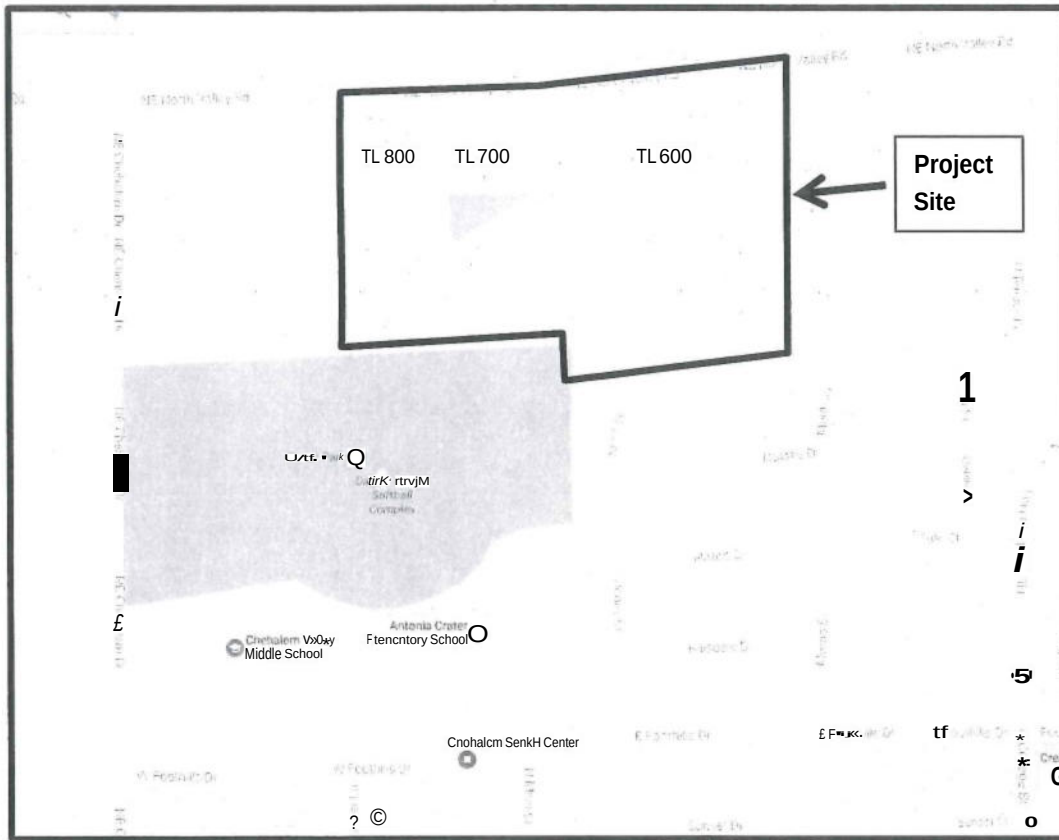


Robert Edward Phillips, Jr.

Page 5



Dutchman Ridge Annexation and Zone Amendment



Applicant: Del Boca Vista, LLC
645 NE Third St. Suite 200 McMinnville, OR 97128

Tax Lots: 3207-600, 3207-700, 3207-800

General Land Use Plan

Site Size: Total of 25.66 acres

Zoning:	Current	County VLDR-1
	Newberg Comp Plan	LDR
	Proposed	R1

Proposal: Single Family Residential Subdivision

Proposed Lot Size: 5,000sf minimum

Natural Features: Stream corridors and wetlands exist on this property.

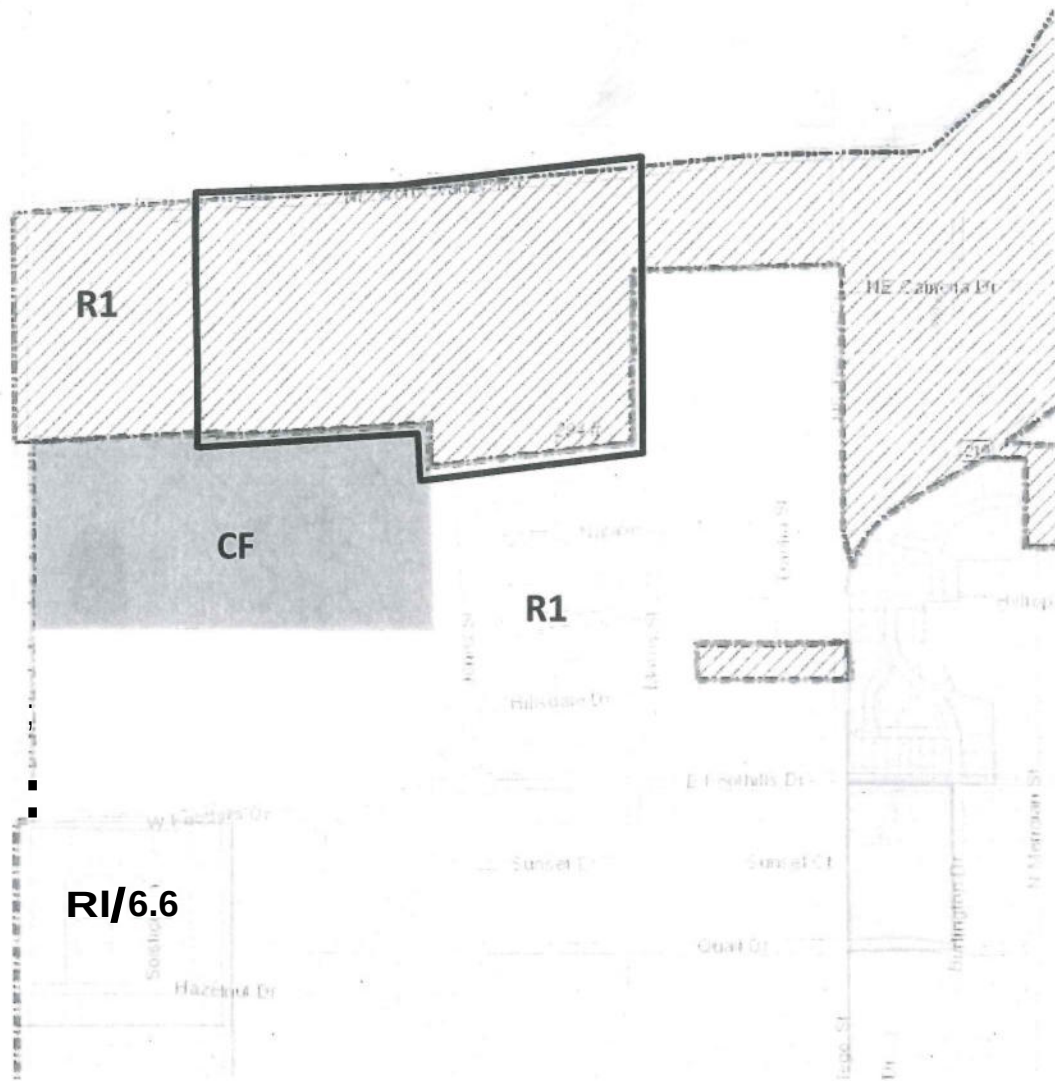
Public Facility Financing Statement: All public utilities necessary for the development of this site will be financed by the developer.

H



NEWBERG COMP PLAN DESIGNATION

Dutchman Ridge Annexation and Zone Amendment



NEWBERG ZONING MAP



Dutchman Ridge Annexation and Zone Amendment

ANNEXATION REQUEST AND FINDINGS

The following is the applicants' statement regarding the annexation criteria (Newberg Code 15.250.030) for annexation of approximately 25.66 acres (Net area) of territory (Yamhill County-Tax Lots 3207-600, 3207-700, 3207-800) that is South of NE North Valley Road and between Chehalem Drive and Terrace Drive in Newberg Oregon.

The subject property is currently zoned VLDR-1 (Very Low Density Residential-1 acre minimum) and designated "LDR" (Low Density Residential) on the Newberg Comprehensive Plan Map.

There are existing single family residences on Tax Lots 700 and 800. There are existing abandoned agricultural storage structures on Tax Lot 600. The applicant is proposing to develop the site with a minimum of 107 single family lots for residential construction.

The proposal provides for orderly growth of the City limits and once developed, public and private services will be available to the residents of the annexed territory. No new service districts are proposed.

The Urban Growth Boundary is not proposed for expansion. The annexation will provide adequate land for residential development to meet the City's demand for urban development in an orderly, efficient and timely manner.

The subject property is bordered by City limits to the west, east and south by City limits.

The annexation will permit new development. Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines. It is timely to process the annexation of the subject property now, as it will be a minimum of one year before actual development can take place.

Development Concept Statement and Positive/Negative Effects Statement:

The applicant is proposing to develop the site with at approximately 107 single family residences. The subject property will be a site that will contribute to the need for housing. The subject property when developed will provide street improvements such as sidewalks that will provide pedestrian connections throughout the neighborhood. The development of the site will meet a need for new single family homes.

Though this development will increase the traffic in the area, this increase has been anticipated in the Newberg Traffic System Plan and is therefore not unexpected. When a development application is submitted a thorough traffic impact study will be prepared for city approval.

The proposed annexation will have a positive impact on the economy of the City of Newberg. The rezone and annexation will allow the property to be developed, which will create employment during construction, add utility customers and increase property tax revenues to the City.



To: Steve Olson
City of Newberg, Community Development Department

From: Jessica Cain

Date: 02/09/17

Re: Dutchman Ridge Annexation Application
Supplemental Response

Please find below our response to your request for additional information:

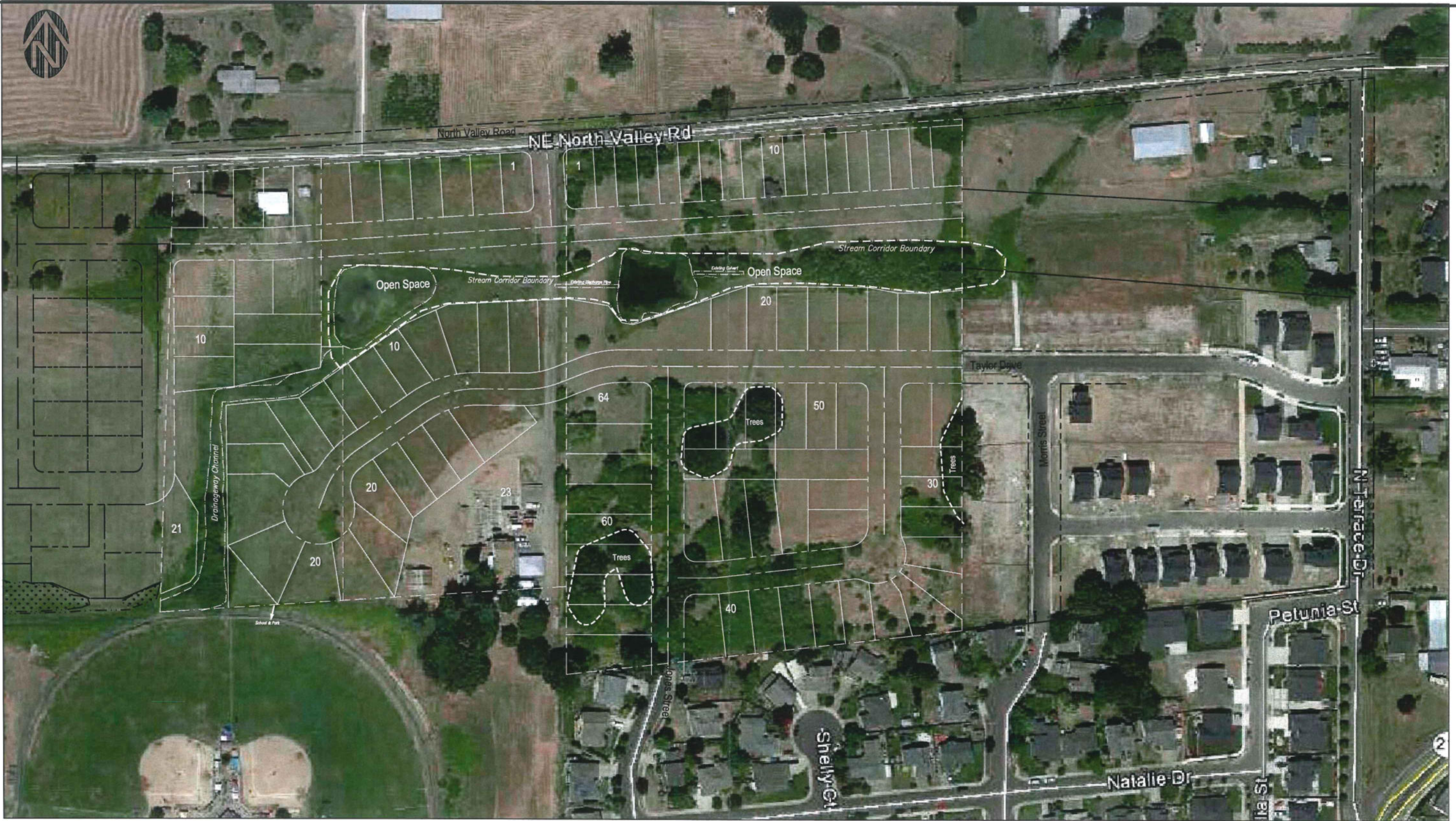
1. **Urban Services.** Applicant intends to complete the development of these properties by the end of 2019. The project is likely to be completed in phases which would be submitted as part of the subdivision application. The services will be made available to serve the properties via the to and through services that are completed in Gracie's Landing and Terra Estates as indicated on the attached general land use plan.
2. **Aerial Land Use Map.** Attached please find a map indicating the existing stream corridor and significant stands of mature trees. Applicant is unaware of any wildlife travel corridors as each of the three properties are fenced and there is no indication of any such corridors.

ATTACHMENTS

- A. Supplemental Page 5A, General Land Use Concept Plan
- B. Aerial Land Use Map



Drawing No: 2657-002, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



ANNEXATION CONCEPT PLAN
DEL BOCA VISTA HOMES

DATE	February 2016
DRAWN BY	KLS
CHECKED BY	
REVISION	
JOB NO.	2657-002

**WESTLAKE**
CONSULTANTS INC.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150
TIGARD, OREGON 97224

(503) 684-0652
FAX (503) 624-0167

Dutchman Ridge Annexation and Zone Amendment

Exhibits

- A Title Report
- B Map and Legal Description
- C Annexation Consent Forms
- D Measure 49 Waiver
- E Transportation Planning Rule Analysis
- F Public Notices
- G 500' Radius Properties

Dutchman Ridge Annexation and Zone Amendment

ANNEXATION CRITERIA:

(A) The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If the resignation 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 applicant is a City designation of RI. The proposed land use designation is consistent with the Newberg Area Comprehensive Plan "LDR" designation and applicable Statewide planning goals.

II. Goals and Policies.

A. Citizen Involvement

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Newberg. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies. The published notice will identify the applicable criteria. A public hearing to consider the request will be held, along with voter approval. 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.

These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

B. Land-Use Planning

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The City's Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. 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, the annexation criteria is part of this review. Facts and evidence have been provided that support to support the annexation. For these reasons, the proposal conforms to the land use planning process established by this Goal.

E. Air, Water, and Land Resource Quality

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 proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm

Dutchman Ridge Annexation and Zone Amendment

drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land.

G. Open Space, Scenic, Natural Historic and Recreational Resources

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are no mapped wetlands and a waterway on the subject property.

H. The Economy and I. Housing

The proposed annexation and zone change will have a positive impact on the economy and housing of the City of Newberg. There is a high demand for single family homes right now. The annexation and rezone will allow the property to be developed, which will create employment along with a housing type that is desirable for families.

K. Transportation

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 is located along NE North Valley Road between Terrace Drive and Chehalem Road. Local residential connectors are identified within the lots as indicated in the proposed development plan. The major streets are in place due to previous development.

The attached letter prepared by Associated Transportation Engineering and Planning dated December 22, 2016 addressed the Transportation Planning Rule. Their analysis concludes that the proposed annexation of the three parcels will generate traffic volumes consistent with the Comprehensive Plan and the anticipated zoning of the area.

A traffic study has not been submitted as the trip generation for the proposed annexation does not change the forecasted use to trigger a traffic impact study.

With the recommended improvements, the function of the transportation system will be maintained at acceptable standards and not have a negative impact on the neighborhood or existing street system.

For these reasons the requirements of this Goal are met.

L. Public Facilities and Services

Dutchman Ridge Annexation and Zone Amendment

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies 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 proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Water will be extended south from Taylor Drive and Jones Street for the southern portion of tax lot R3207-600 and from the Grade's Landing subdivision to service the remainder of tax lot 3207-600 as well as both tax lots 3207-700 and 800 to serve the proposed development. Stormwater will be collected and conveyed to approximately three water quality/detention facilities on the site, which then discharges into the Yamhill County drainage ditch system. Yamhill County will dictate any need for downstream drainage improvements. Sanitary sewer can be extended south from Taylor Drive and Jones Street for the southern portion of tax lot R3207-600 and from the Gracie's Landing subdivision to service the remainder of tax lot 3207-600 as well as both tax lots 3207-700 and 800 to serve the proposed development. Refer to the concept development plan above for details.

Sidewalks will be provided along the public right-of-way through the site to connect to the existing public sidewalk systems. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in this area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas and has convenient access to the existing streets. Aesthetics and landscaping will be considered in the design of the circulation system to cut down on headlight glare, heat, and improved traffic direction.

The Newberg School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested.

Dutchman Ridge Annexation and Zone Amendment

The proposed annexation is in compliance with the applicable Goals and Policies in the Comprehensive Plan.

(B) Urban Services

As stated above, the proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks will be provided through the site to connect to the existing public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Newberg urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Traffic from this site is diverted away from residential areas to the maximum extent practicable towards the existing major and minor collector streets. The existing Stream Corridor presents a potential barrier to access of major collector streets. Aesthetics and landscaping will be considered in the design of the circulation system to cut down on headlight glare, heat, and improved traffic direction.

(C) Police, Fire, Parks, and School Facilities

The Newberg School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested.

The development of the site will require the applicant to pay System Development Charges (SDC'S) that will contribute to parks and school facilities. Taxes that come from the development will help to provide funding for Police, Fire, and other required services.

Dutchman Ridge Annexation and Zone Amendment

This concludes the applicants' summary addressing the requirements of the code for annexation. If you have any questions or need additional information, please call our office at 503 590 8600.



EXHIBIT A



First American

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

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Larry Ball, Title Officer

Phone: (503)376-7363 - Fax: (866)800-7294 - Email: lball@firstam.com

Del Boca Vista LLC
 645 NE Third Street, Suite 200
 McMinnville, OR 97128

Order No.: 1039-2789656
 January 13, 2017

Attn: Jessica Cain
 Phone No.: (971)987-7507 - Fax No.:
 Email: jessica@dbvcorp.com

Re: Lucescu

Supplemental Preliminary Title Report

County Tax Roll Situs Address: 25240 North Valley Road, Newberg, OR 97132

2006 ALTA Owners Standard Coverage	Liability \$	To Come	Premium \$	To Come
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$	
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$	
Endorsement 9, 22 & 8.1			Premium \$	
Govt Service Charge			Cost \$	
Other			Cost \$	

We are prepared to issue Tide Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

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

and as of January 11, 2017 at 8:00 a.m., title to the fee simple estate is vested in:

John Lucescu, Georgeta Lucescu, Ruben Valentin Lucescu and Jenna Marie Lucescu

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

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

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

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

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

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
 - B. Affidavit regarding possession
 - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
 7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

Preliminary Report

Order No.: 1039-2789656

Page 3 of 7

8. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor: John Lucescu and Georgeta Lucescu and Ruben Valentin
Lucescu and Jenna Marie Lucescu
Grantee/Beneficiary: Northwest Community Credit Union
Trustee: Patrick Stevens
Amount: \$384,000.00
Recorded: July 03, 2013
Recording Information: Instrument No. 201310217, Deed and Mortgage Records

The beneficial interest under said Deed of Trust has been assigned to Truhome Solutions, LLC, by Assignment recorded July 12, 2013, as Instrument No. 201311117, Deed and Mortgage Records .

And Re-Recorded: July 15, 2013
Recording Information: Instrument No. 201311218, Deed and Mortgage Records

- END OF EXCEPTIONS -

NOTE: This report has been supplemented to bring forward plant date.

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

NOTE: We find no matters of public record against Del Boca Vista, LLC that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2016-2017 PAID IN FULL

Tax Amount: \$5,086.96
Map No.: R3207-00700
Property ID: 23316
Tax Code No.: 29.2

Situs Address as disclosed on Yamhill County Tax Roll:

25240 North Valley Road, Newberg, OR 97132

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

Preliminary Report

Order No.: 1039-2789656

Page 4 of 7

RECORDING INFORMATION

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

Recording Fees: \$ **41.00** for the first page
\$ **5.00** for each additional page

cc:

cc: Ruben Lucescu and Jenna Lucescu



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

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

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

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

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

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

SCHEDULE OF STANDARD EXCEPTIONS

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

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

T1.149 Rev. 7-22-08

Preliminary Report

Order No.: 1039-2789656

Page 6 of 7



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

Preliminary Report

Order No.: 1039-2789656

Page 7 of 7

Exhibit "A"

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

A part of the Donation Land Claim of James Morris and Lydia Morris, his wife, in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

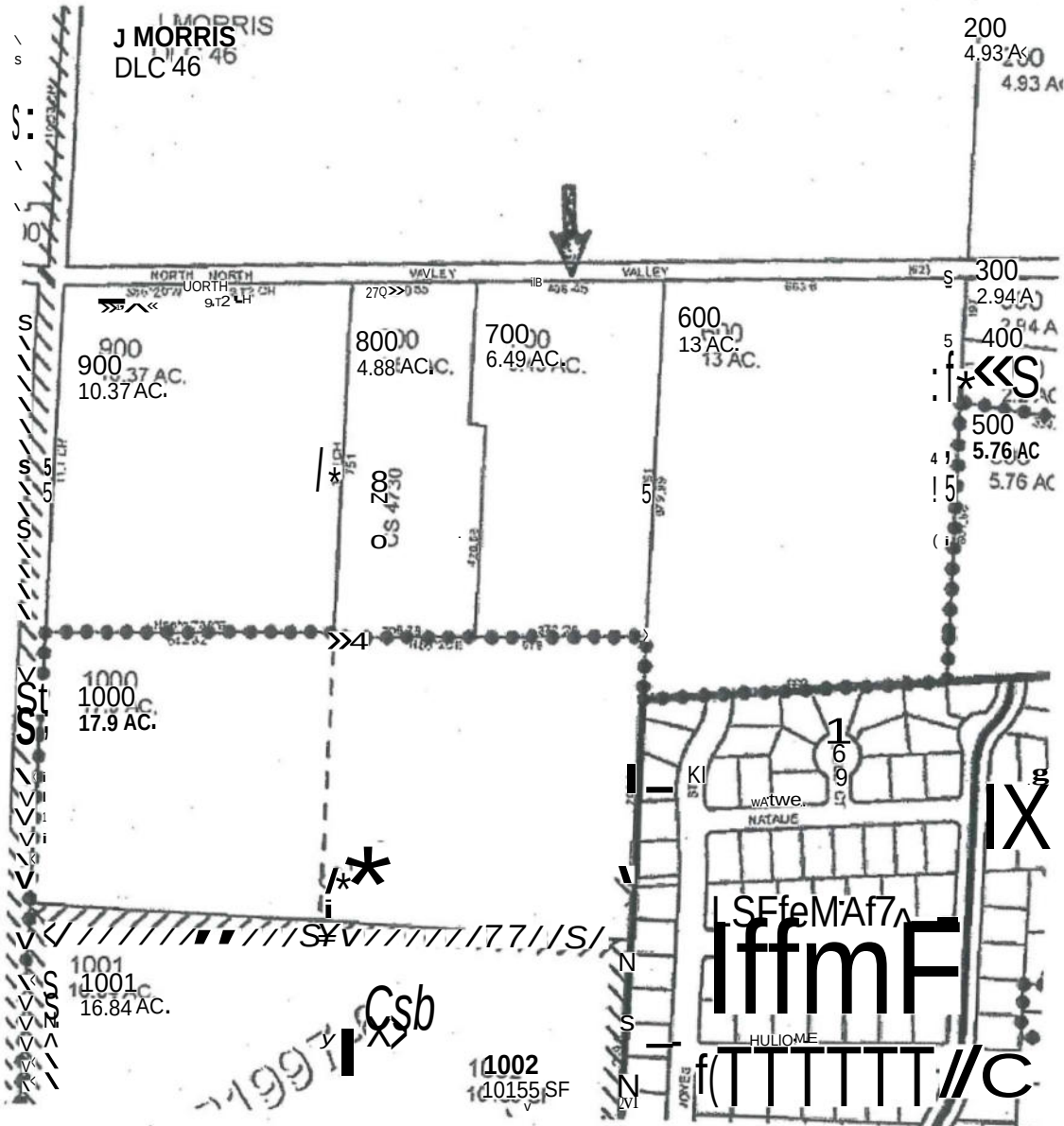
BEGINNING at a point in the center of a County Road, South 687 feet and North 89° East 641 feet from the Northwest corner of the said James Morris Donation Land Claim; thence North 86°20' East along the center of said County Road, 679 feet; thence South 751 feet; thence South 86°20' West 679 feet to an iron pipe in bottom of a ditch; thence North 751 feet to the place of beginning.

EXCEPT a tract described as beginning at the Southwest corner of that tract conveyed to Walter Aders et ux, by deed recorded in Film Volume 61, Page 144, Deed Records of Yamhill County, Oregon, said beginning point being an iron pipe in the bottom of a ditch and recorded in said deed as being South 1438.0 feet and North 89° East 641 feet from the Northwest corner of the James Morris Donation Land Claim in Section 7, Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon; thence North along the West line of said Aders tract, a distance of 751 feet to a point in the County Road; thence North 86°20' East 270.55 feet; thence South 328 feet; thence East 36.15 feet; thence South 420.68 feet to the South line of said Ader tract; thence South 86°20' West 306.78 feet to the point of beginning.

NOTE: This Legal Description was created prior to January 01, 2008.



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





First American

First American Title Company of Oregon
 S25 NE Evans Street
 McMinnville, OR 97128
 Phn - (503)376-7363
 Fax - (866)800-7294

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Larry Ball, Title Officer

Phone: (503)376-7363 - Fax: (866)800-7294 - Email: lball@firstam.com

Del Boca Vista LLC
 645 NE Third Street, Suite 200
 McMinnville, OR 97128

Order No.: 1039-2789641
 January 13, 2017

Attn: Jessica Cain
 Phone No.: (971)987-7507 - Fax No.:
 Email: jessica@dbvcorp.com

Re: Phillips

Supplemental Preliminary Title Report

County Tax Roll Situs Address: 25020 North Valley Road, Newberg, OR 97132

2006 ALTA Owners Standard Coverage	Liability \$	TBD	Premium \$
2006 ALTA Owners Extended Coverage	Liability \$		Premium \$
2006 ALTA Lenders Standard Coverage	Liability \$		Premium \$
2006 ALTA Lenders Extended Coverage	Liability \$		Premium \$
Endorsement 9, 22 & 8.1			Premium \$
Govt Service Charge			Cost \$
Other			Cost \$

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

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

and as of January 11, 2017 at 8:00 a.m., title to the fee simple estate is vested in:

Robert Edward Phillips, Jr.

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

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

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

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

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

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
- B. Affidavit regarding possession
- C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
8. Line of Credit Trust Deed, including the terms and provisions thereof, given to secure an indebtedness of up to \$128,000.00
Grantor: Robert E. Phillips, Jr. and Barbara J. Phillips, husband and wife
Beneficiary: U.S. Bank, National Association
Trustee: U.S. Bank Trust Company, National Association
Dated: April 07, 2003
Recorded: April 24, 2003
Recording Information: Instrument No. 200309413, Deed and Mortgage Records

- END OF EXCEPTIONS -

NOTE: This report has been supplemented to bring forward plant date.

Preliminary Report

Order No.: 1039-2789641

Page 3 of 6

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

NOTE: We find no matters of public record against Del Boca Vista, LLC that will take priority over any trust deed, mortgage Or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2016-2017 PAID IN FULL

Tax Amount:	\$4,372.43
Map No.:	R3207-00800
Property ID:	23325
Tax Code No.:	29.2

Situs Address as disclosed on Yamhill County Tax Roll:

25020 North Valley Road, Newberg, OR 97132

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

RECORDING INFORMATION

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

Recording Fees: \$ 41.00 for the first page
\$ 5.00 for each additional page

cc:

cc: Robert Phillips



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

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

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

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

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

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

SCHEDULE OF STANDARD EXCEPTIONS

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

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

TI 149 Rev. 7-22-08



First American Title

Privacy Information

We Are Committed to Safeguarding Customer Information

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with such information - particularly any personal or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, together with our subsidiaries we have adopted this Privacy Policy to govern the use and handling of your personal information.

Applicability

This Privacy Policy governs our use of the information that you provide to us. It does not govern the manner in which we may use information we have obtained from any other source, such as information obtained from a public record or from another person or entity. First American has also adopted broader guidelines that govern our use of personal information regardless of its source. First American calls these guidelines its Fair Information Values.

Types of Information

Depending upon which of our services you are utilizing, the types of nonpublic personal information that we may collect include:

- Information we receive from you on applications, forms and in other communications to us, whether in writing, in person, by telephone or any other means;
- Information about your transactions with us, our affiliated companies, or others; and
- Information we receive from a consumer reporting agency.

Use of Information

We request information from you for our own legitimate business purposes and not for the benefit of any nonaffiliated party. Therefore, we will not release your information to nonaffiliated parties except: (1) as necessary for us to provide the product or service you have requested of us; or (2) as permitted by law. We may, however, store such information indefinitely, including the period after which any customer relationship has ceased. Such information may be used for any internal purpose, such as quality control efforts or customer analysis. We may also provide all of the types of nonpublic personal information listed above to one or more of our affiliated companies. Such affiliated companies include financial service providers, such as title insurers, property and casualty insurers, and trust and investment advisory companies, or companies involved in real estate services, such as appraisal companies, home warranty companies and escrow companies. Furthermore, we may also provide all the information we collect, as described above, to companies that perform marketing services on our behalf, on behalf of our affiliated companies or to other financial institutions with whom we or our affiliated companies have joint marketing agreements.

Former Customers

Even if you are no longer our customer, our Privacy Policy will continue to apply to you.

Confidentiality and Security

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees and agents to ensure that your information will be handled responsibly and in accordance with this Privacy Policy and First American's Fair Information Values. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

Information Obtained Through Our Web Site

First American Financial Corporation is sensitive to privacy issues on the Internet. We believe it is important you know how we treat the information about you we receive on the Internet.

In general, you can visit First American or its affiliates' Web sites on the World Wide Web without telling us who you are or revealing any information about yourself. Our Web servers collect the domain names, not the e-mail addresses, of visitors. This information is aggregated to measure the number of visits, average time spent on the site, pages viewed and similar information. First American uses this information to measure the use of our site and to develop ideas to improve the content of our site.

There are times, however, when we may need information from you, such as your name and email address. When information is needed, we will use our best efforts to let you know at the time of collection how we will use the personal information. Usually, the personal information we collect is used only by us to respond to your inquiry, process an order or allow you to access specific account/profile information. If you choose to share any personal information with us, we will only use it in accordance with the policies outlined above.

Business Relationships

First American Financial Corporation's site and its affiliates' sites may contain links to other Web sites. While we try to link only to sites that share our high standards and respect for privacy, we are not responsible for the content or the privacy practices employed by other sites.

Cookies

Some of First American's Web sites may make use of "cookie" technology to measure site activity and to customize information to your personal tastes. A cookie is an element of data that a Web site can send to your browser, which may then store the cookie on your hard drive.

FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

Fair Information Values

Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

Public Record We believe that an open public record creates significant value for society, enhances consumer choice and creates consumer opportunity. We actively support an open public record and emphasize its importance and contribution to our economy.

Use We believe we should behave responsibly when we use information about a consumer in our business. We will obey the laws governing the collection, use and dissemination of data.

Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

Education We endeavor to educate the users of our products and services, our employees and others in our industry about the importance of consumer privacy. We will instruct our employees on our fair information values and on the responsible collection and use of data. We will encourage others in our industry to collect and use information in a responsible manner.

Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

Preliminary Report

Order No.: 1039-2789641

Page 6 of 6

Exhibit "A"

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

Beginning at the Southwest corner of that tract conveyed to Walter Aders, et ux, by deed recorded in Film Volume 61, Page 144 of Yamhill County deed records, said beginning point being an iron pipe in the bottom of a ditch and recorded in said deed as being South 1438.0 feet and North 89° East, 641 feet from the Northwest corner of the James Morris Donation Land Claim in Section 7, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon; thence North along the west line of said conveyance, a distance of 751 feet to a point in the County Road; thence North 86°20' East, 270.55 feet; thence South 328 feet; thence East 36.15 feet; thence South 420.68 feet to the South line of said Ader tract; thence South 86°20' West, 306.78 feet to the point of beginning.



First American

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

Order No.: 1032-2743152
 January 13, 2017

FOR QUESTIONS REGARDING YOUR CLOSING. PLEASE CONTACT:

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

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT. PLEASE CONTACT:

Larry Ball, Title Officer
 Phone: (503)376-7363 - Fax: (866)800-7294 - Email: lball@firstam.com

Supplemental Preliminary Title Report

County Tax Roll Situs Address: 25300 North Valley Road, Newberg, OR 97132

2006 ALTA Owners Standard Coverage	Liability \$ 2,882,000.00	Premium \$ 4,923.00
2006 ALTA Owners Extended Coverage	Liability \$	Premium \$
2006 ALTA Lenders Standard Coverage	Liability \$	Premium \$
2006 ALTA Lenders Extended Coverage	Liability \$ 2,832,000.00	Premium \$ 1,554.00
Endorsement 9, 22 & 8.1		Premium \$ 100.00
Govt Service Charge		Cost \$ Supplemental
Other		Cost \$

Proposed Insured Lender:

Proposed Borrower: Del Boca Vista, LLC

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

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

and as of January 11, 2017 at 8:00 a.m., title to the fee simple estate is vested in:

Melvin Taylor, Trustee of the Melvin J. Taylor Revocable Trust under Agreement dated June 19, 2013

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

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

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

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the company
 - B. Affidavit regarding possession
 - C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
 - i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon
6. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
 7. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
 8. In order to insure a transaction involving the herein named trust, we will need to be provided a Certification of Trust pursuant to ORS 130.800 through ORS 130.910.

Preliminary Report

Order No.: 1032-2743152

Page 3 of 6

9. Unrecorded leases or periodic tenancies, if any.

- END OF EXCEPTIONS -

NOTE: This report has been supplemented to update tax information and bring forward plant date.

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

NOTE: We find no matters of public record against Del Boca Vista, LLC that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2016-2017 PAID IN FULL

Tax Amount:	\$2,083.82
Map No.:	R3207 00600
Property ID:	23272
Tax Code No.:	29.2

Situs Address as disclosed on Yamhill County Tax Roll:

25300 North Valley Road, Newberg, OR 97132

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

RECORDING INFORMATION

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

Recording Fees: **\$41.00** for the first page
\$ 5.00 for each additional page

cc: Del Boca Vista, LLC
cc: Melvin J Taylor Revocable Trust
cc: , For Sale By Owner

cc: Matt Willcuts, Willcuts Company Realtors
518 E 1st ST STE A, Newberg, OR 97132



First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (06/17/06)

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

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

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

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

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

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
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TI 149 Rev. 7-22-08



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FirstAm.com uses stored cookies. The goal of this technology is to better serve you when visiting our site, save you time when you are here and to provide you with a more meaningful and productive Web site experience.

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Fairness We consider consumer expectations about their privacy in all our businesses. We only offer products and services that assure a favorable balance between consumer benefits and consumer privacy.

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Accuracy We will take reasonable steps to help assure the accuracy of the data we collect, use and disseminate. Where possible, we will take reasonable steps to correct inaccurate information. When, as with the public record, we cannot correct inaccurate information, we will take all reasonable steps to assist consumers in identifying the source of the erroneous data so that the consumer can secure the required corrections.

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Security We will maintain appropriate facilities and systems to protect against unauthorized access to and corruption of the data we maintain.

Preliminary Report

Order No.: 1032-2743152

Page 6 of 6

Exhibit "A"

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

Situate, lying and being in the County of Yamhill, State of Oregon, and being a part of the Original Donation Land Claim of James Morris and wife, Claim No. 46, in Township 3 South, Range 2 West of the Willamette Meridian, said part being bounded and described as follows:

Beginning at a point in the center of a County Road South 30 rods and South 84° 2' West 663.6 feet from the Northeast corner of said Claim; thence South 880 feet to an iron stake set in the line of the fence row now there; thence South 84° 2' West following the line offence now there, 663.6 feet, to an iron stake in said fence row; thence North 880 feet of the center of said County Road; thence North 84° 2' East along the center line of said County Road 663.6 feet to the place of beginning.

NOTE: This Legal Description was created prior to January 01, 2008.

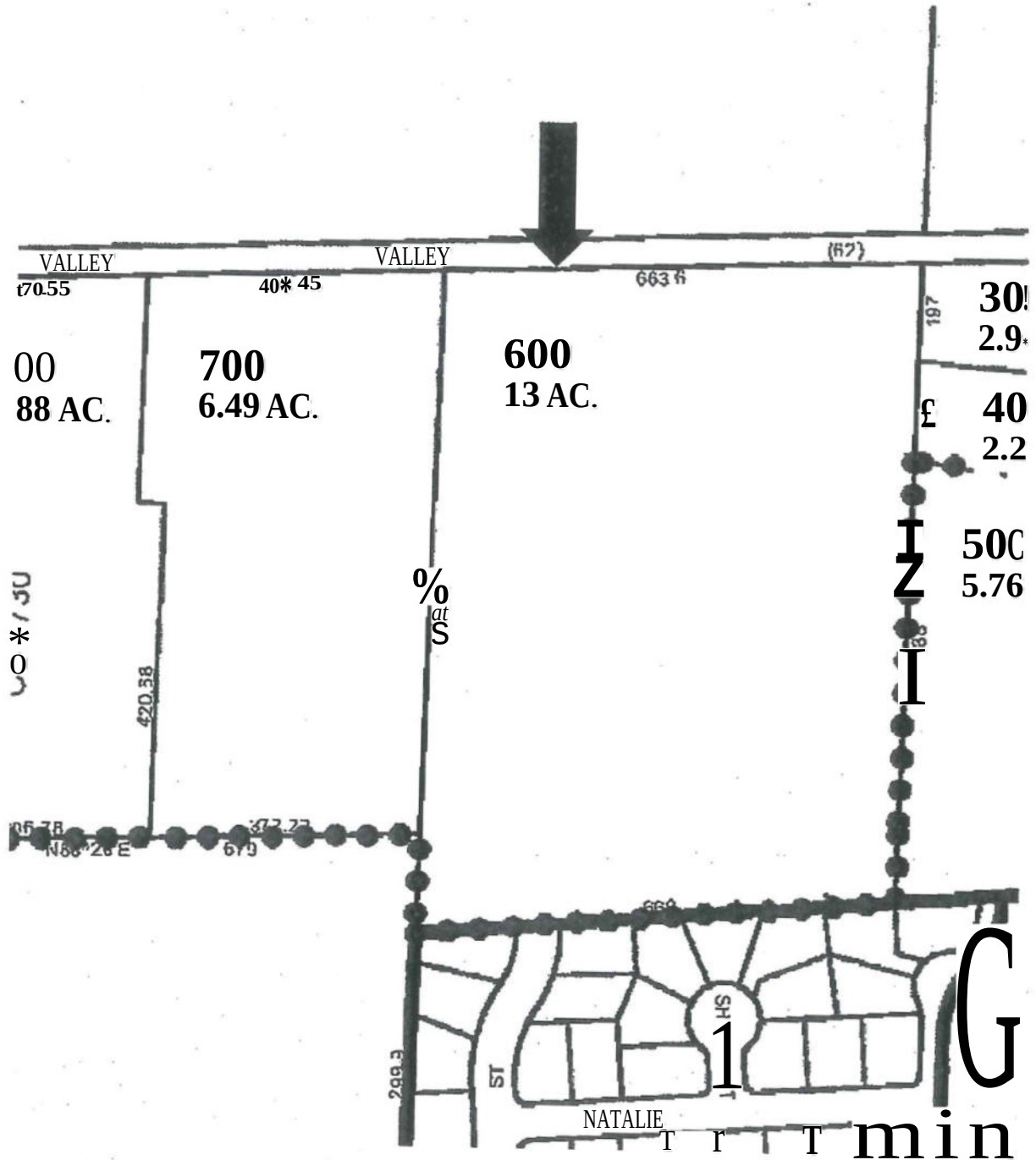
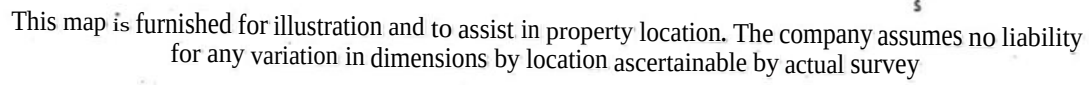




EXHIBIT B

Exhibit "A"

Phillips/Lucescu/Taylon Trust
 Proposed Annexation
 January 12, 2017
 Project 2657-003

PROPERTY DESCRIPTION

A tract of land situated in the North $1/2$ of Section 7, T. 3 S., R. 2 W., W.M. Yamhill County, Oregon, being more particularly described as follows:

Beginning at the intersection of the north right of way line of North Valley Road (Co. Rd. 62) and the northerly extension of the east line of that property conveyed to Del Boca Vista, LLC, by Deed Document Number 2016-11451, Yamhill County Records, said point bears South $42^{\circ}13'16''$ East, 921.13 feet from the Northwest Corner of the J. Morris Donation Land Claim No. 46;

thence, along said north right of way line the following three courses, North $89^{\circ}53'35''$ East, 345.89 feet

thence, North $88^{\circ}14'29''$ East, 481.45 feet

thence, North $85^{\circ}36'22''$ East, 518.28 feet to the northerly extension of the west line of the plat of TERRACE ESTATES PHASE 2, Yamhill County Plat Records;

thence, along said northerly extension and the west line thereof, South $01^{\circ}54'00''$ West, 895.82 feet to the north line of NATALIE PARK NO. 2 and the easterly extension of the north line of NATALIE PARK;

thence, along the north line of NATALIE PARK NO. 2 and the north line of NATALIE PARK, South $85^{\circ}24'48''$ West, 664.74 feet to the east line of that property conveyed to "The Chehalem Park & Recreation District" by Film 308, Page 627, Yamhill County Deed Records;

thence, along last said east line, North $03^{\circ}20'48''$ East, 136.33 feet to the north line thereof;

thence, along last said north line, South $88^{\circ}14'08''$ West, 380.14 feet to an angle point therein;

thence, continuing along last said north line, South $88^{\circ}17'18''$ West, 305.03 feet to an angle point therein;

thence, North $00^{\circ}29'04''$ West, 11.45 feet to the southeast corner of said Del Boca Vista Property,

thence, along the east line, North $01^{\circ}53'59''$ East, 767.05 feet to the Point of Beginning.

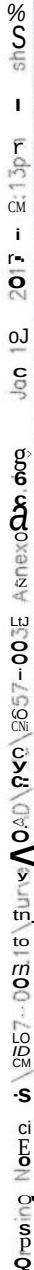
Containing 25.66 acres more or less.

Bearings are based upon Yamhill County Survey #8020.



RENEWS:

12/31/17



LOCATED IN THE N. 1/2 OF SECTION 7
TOWNSHIP 3 SOUTH, RANGE 2 WEST, W.M.
YAMHILL COUNTY, OREGON

WESTLAKE
CONSULTANTS me.

ENGINEERING ♦ SURVEYING ♦ PLANNING

PACIFIC CORPORATE CENTER
15115 S.W. SEQUOIA PARKWAY, SUITE 150 (503) 684-0652
TIGARD, OREGON 97224 PAX (503) 624-0157



EXHIBIT C

ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned KENNETH T. TAYLOR

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein,
 and generally known as fadaresst 2HLAGh {Vyfa16V RfIMS and {tax lot} R3207-UM
 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 30th day of
JANUARY, 20 17

STATE OF CALIFORNIA, County of NEVADA ss 01/30/2017
 Month / day / year

Personally appeared the above named _____

and acknowledged the foregoing instrument to be ^ voluntary act and deed.

Before me:

Notary public for _____

My commission expires 10Jtn-j-201cf

See Attached

JKS)SSS?

- Jessica L. Bennett
 (Notary Public)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Nevada)
 On 30 of October 2017 before me, Josanna L. Bennett, Notary Public,
 Date Here Insert Name and Title of the Officer
 personally appeared VCgAnp-Bo TCIAJ A
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) (are) subscribed to the within instrument and acknowledged to me that (s)he/they executed the same in (his/her/their) authorized capacity(ies), and that by (his/her/their) signature(s) on the instrument the person (or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Josanna L. Bennett
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document
 Title or Type of Document: Annexa HCO prSiSQA +
 Document Date: 1/1/2017 Number of Pages: _____
 Signer(s) Other Than Named Above: _____
 Capacity(ies) Used by Signer(s)
 Signer's Name: _____
☐ Corporate Officer - Title(s): _____
☐ Partner - ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer is Representing: _____
 Signer's Name: _____
☐ Corporate Officer - Title(s): _____
☒ Partner - ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
 Signer is Representing: _____

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned

KENNETH J. TAYLOR

_____ 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 1st day of JANUARY, 2012.

[Signature]

STATE OF ChjsMMh County of NEVADA ss 01/30/2017
month/day/year

Personally appeared the Above named _____

and acknowledged the foregoing instrument to be _____ voluntary act and deed.

Before me:

See Attached
CALIFORNIA ALL-PURPOSE
ACKNOWLEDGMENT

3 Notary Public

Notary Public for

My commission expires:

01/30/2017

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

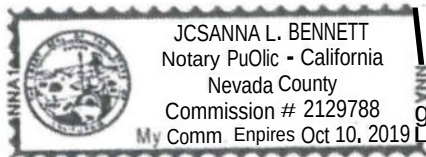
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Eastern)
 On 20 January Inf? before me, Deanna L. Bennett Notary Public
 Date 1/30/17 Here Insert Name and Title of the Officer
 personally appeared Wane W Tccmv
 Name of Signer

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity and that by his/her/their signature on the instrument the person or the entity upon behalf of which the person acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Deanna L. Bennett
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Waiver of Lien for 2017

Document Date: 1/30/17 Number of Pages: 2

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signers

Signer's Name: _____ ☐ Corporate Officer — Title(s): _____ ☐ Partner — ☐ Limited ☐ General ☐ Joint ☐ Individual ☐ Attorney in Fact & S ☐ Trustee ☐ Guardian or Conservator ☐ Other: _____ Signer Is Representing: _____	Signer's Name: _____ ☐ Corporate Officer — Title(s): _____ ☐ Partner — ☐ Limited ☐ General ☐ Individual ☐ Attorney in Fact ☐ Trustee ☐ Guardian or Conservator ☐ Other: _____ Signer Is Representing: _____
---	--

ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned 30th Lt. C. S. CVA, Geoc. tj. U. LuceSCU, Rnbctf LactSClij
OLftA 3etrvA LuceSCU

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein,
 and generally known as (address) 252 MOME AkrH. V. lly Rd. and (tax lot) R% 207 * 700
 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 30th day of January, 2010.

[Signature]
Geoc. tj. U. LuceSCU
[Signature]
[Signature]

STATE OF Oregon County of Yamhill ss January / 30 / 2010
 Month / day / year

Personally appeared the above named John LMCCCC. LL, (be etj ete. Lur. et To, RuEnZs)
LuceSCU ownr of Jenna LuceSen

and acknowledged the foregoing instrument to be SoLk (Acardicca) voluntary act and deed.
Ruben and Jenna's



Before me

Notary Public for OregonMy commission expires 5 M / 9, 2017

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned

30Ua LufA&fAA, Georgeta LUUSCMUJ RuUtfO Lac*sr, A
and Jenna Lucescu 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 10th day of January, 20 17.

[Signature]
Georgeta Lucescu
[Signature]
[Signature]

STATE OF Oregon County of %A h C M sscjtwcpij 1/30/2017
 month/day/year

Personally appeared the above named Aovyn LMC/zcw, Georgeta LUJOCSCik, Ruben
ijUreSCKA Met igpIAfi LutstCu

and acknowledged the foregoing instrument to be John, Oerv, fe o A voluntary act and deed.

53*1A and Jenna



Before me: [Signature]

Notary Public for: [Signature]

My commission expires: Feb 18, 2017

ANNEXATION CONSENT

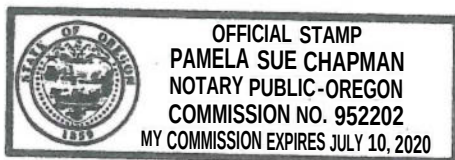
TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Wm VvH / 4 Q A k J W A Phillips Jr.being the sole owner of the real premjssedgri ribed Exhibit A attached hereto and moderated by reference herein, and generally known as (address) N North and (tax lot) - 800A does hereby consent to the annexation A such Titorty above described p 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 17th day of April, 20 XIWm VvH / 4 Q A k J W A Phillips Jr.STATE OF OK County of Vamli 11 ss QJ - 17 - 17
Month / day / yearPersonally appeared the above named Robert f-AuhSd Plult, p^Wand acknowledged the foregoing instrument to be U i A voluntary act and deed.

Before me:

Pamela Sue Chapman dimiuix.
Notary Public for L'iflE&tiY)My commission expires 17 (10 j 2020)

WAIVER OF EXPIRATION OF ANNEXATION CONSENT

WHEREAS: The undersigned

kODfai kzdiArIuUiΛs

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

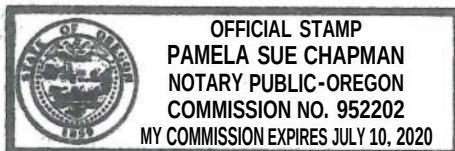
WHEREAS: ORS 222.173 provides that "only statements of consent to annexation which are filed within any one-year period shall be effective, unless separate written agreement waiving the one-year period or prescribing some other period of time has been entered into between an owner of land or an elector 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 IT* day of January, 2017.[Signature]STATE OF Dt, County of tj/HVLVU 11 ss pi-n-r?
month/day/yearPersonally appeared the above named NO190/t (A n n r J Puai.pq Λand acknowledged the foregoing instrument to be UA S voluntary act and deed.

Before me:

m/y.i.A Mi Chapman

Notary Public for:

L IY/fot

My commission expires:

7/10/2020



EXHIBIT D

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, Robert ZaffQJfcl - ffa lfk Jr. (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 Clwltxq/mos app tCa-tion * jZttD'l- 800 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) Owners) seek(s) to induce the City to proceed with the proceedings and therefore Owners) 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 Owners) warrant(s) that the Owners) 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: 25020 y) Vktfoj Roj- RAZD? - & S which may include designation of the property as subject to additional applicable overlay ZANES and districts, e.g., Limited Use Overlay District, (all inclusively referred to herein as "proceedings"), the undersigned Owners), 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

Robert Edward Phillips Jr.
Robert Edward Phillips Jr.

STATE OF OREGON)

) ss.

County of Yamhill)

This instrument was acknowledged before me on this 5th day of January, 2017, by Robert AijKurfJ Pm(y* dr. aqd

Lo
Notary Public for Oregon
My Commission expires: VVlux-K.3, £Q20



CITY OF NEWBERG

APPROVED AS TO FORM:

Sue Ryan, City Recorder

Truman A. Stone, City Attorney

Dated: _____

Dated: _____

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

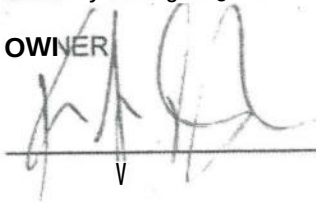
- 1) The undersigned, KEVIN T. X TMIPIA and _____ (hereinafter referred to as "Owner* or "Owners") has/have petitioned the City of Newberg (hereinafter referred to as "City") to commence certain proceedings, relating to PfctTYDM CbV -Aktfo tVCA-TTALN for the real property described in Exhibit A which 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 Cay'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) Owners) seek(s) to induce the City to proceed with the proceedings and therefore Owners) agree(s) to eliminate the potential of claim for compensation or foe right to seek waiver from the City's land use regulations existing as of the effective date of the proceedings.

NOW THEREFORE, the undersigned Owners) warrants) that the Owners) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenants) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: 25300 AOATH w/ talfiT ROAD, 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 Owners), on behalf of Owners), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenants) to the City of Newberg, its officers, agents, employees and assigns that the undersigned hereby remises, waives, releases and forever discharges, and agrees that Owners) 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 instalment is given contemporaneous with a consent to future proceedings to be initiated by the City, Owners) 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/Ave 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 _____ day of _____, 200____, by
_____ and _____.

Notary Public for Oregon
My Commission expires: _____

See Attached
CALIFORNIA ALL-PURPOSE
ACKNOWLEDGMENT

Jasmina L. Bennett
(Notary Public)

CITY OF NEWBERG

Sue Ryan, City Recorder

Dated: _____

APPROVED AS TO FORM:

Truman A. Stone, City Attorney

Dated: _____

CIVIL CODE § 1189

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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

- UoLn Ueescu** **RUBEA LUOLSCA**
- 1) The undersigned, OeoractA LuceSCU and TgftftA LLLCCSCU 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 25240 NE North Valley Rd. Newberg, OR 97132 for the real property described in Exhibit A which is attached hereto and incorporated hereW.
 - 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 OwneTs/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 Ownef(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 Owners) warrants) that the Owners) executing this covenant hold(s) the full and complete present ownership or any interest therein in the property, and hereby agree(s) and covenants) as follows:

- 1) As inducement to the City to proceed with the following proceeding(s) affecting the subject real property: 25240 NE North Valley Rd. 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 Owners), on behalf of Owners), Owner's/Owners' heirs, devisees, executors, administrators, successors and assigns, agree(s) and covenants) 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 instalment, 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, Owners) 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

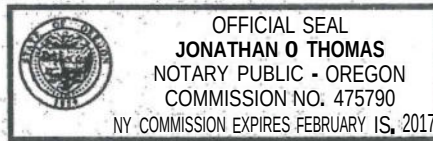
STATE OF OREGON)

) ss.

County of Yamhill)

This instrument was acknowledged before me on this 30 day of July, 2017, by Quoryib + John Muesen and IZuAfn < Jr nia Cjue eCcu.

Jonathan O Thomas
 Notary Public for Oregon
 My Commission expires: Feb 18, 2017



CITY OF NEWBERG

APPROVED AS TO FORM:

Sue Ryan, City Recorder

Truman A. Stone, City Attorney

Dated: _____

Dated: _____



EXHIBIT E

TPR Analysis - Dutchman Ridge Subdivision**ATEP, Inc**

Date: December 22, 2016
 To: Ms Jessica S. Cain,
 Del Boca Vista
 From: Karl Birky, PE, PTOE
 Re: TPR Analysis for Dutchman Ridge

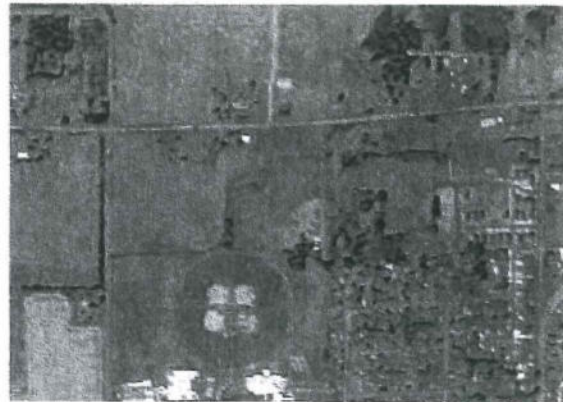


AT.E.P., Inc.
 1155 13th St. S.E.
 Salem, OR. 97302

Tel: 503-364-5066
 FAX: 503-364-1260
 e-mail: kbirky@atepine.com

The intent of this letter is to address the Transportation Planning Rule (TPR) aspects of your application to bring the site into the City of Newberg and change the zoning of tax lots 600, 700 and 800 of tax map 3S 2W Sec 07. The 24.4 Ac site is located south of North Valley Rd and several hundred feet east of Chehalem Dr. The proposed zone change will allow the site to provide 107 single family home lots. It is anticipated 107 additional homes in Newberg will generate 1019 average daily trips (ADT). When an Oregon city considers changing the zoning of a parcel, it is required to determine that no "significant effect" will occur to the transportation system as a result of the zone change.

The Transportation Planning Rule (TPR) was adopted in Oregon years ago to provide direction and order to development of streets and roads in Oregon cities. The rule limits making changes to zoning and comprehensive maps that would "significantly" impact the transportation system that has developed and is being planned for the future in cities and in the state. For instance the rule would not allow a fast food restaurant in a residential neighborhood because it would generate much more traffic than is expected in a residential neighborhood. There are instances where a zone change is desired, needed and adopted by the City with a cap (or limit) on the number of expected trips the planned use(s) can generate. Generally, cities and traffic engineers use the ITE Trip Generation Manual to determine the trip generation of a variety of uses. The ITE Trip Generation Manual estimates a single family home (ITE 210) generates 9.52 trips on a typical weekday. The proposed 107 homes on the site will generate an estimated 1019 ADT (average daily trips).



The site is in the City of Newberg Urban Growth Boundary. It is in Yamhill County, is zoned AF-10 and designated as VLDR on the County's comprehensive plan map. When the site is annexed into the City, the zoning will be R-1 (Single Family) and the comprehensive plan map will continue to show it as LDR (Low Density Residential). The Yamhill County Zoning Ordinance states in Section 501.01 Purpose:

"The purpose of the AF-10 District is to provide for low density rural residential development on selected lands identified as Agricultural/Forestry Small Holding in the Comprehensive Plan; and, at the same time, to encourage small-scale or more intensive farm and forestry activities. Within this District, no limitations shall be placed on farm and forestry uses of the scale, type and performance characteristics commonly found in the F-40, EF-40 and AF-20 Districts. In areas immediately adjacent to urban centers, the AF-10 District is intended to be a transitional zone between F-40, EF-40 or AF-20 Districts and higher-density VLDR and LDR Districts or urban districts identified in city comprehensive plans."

The purpose and zoning of the AF-10 zoning in Yamhill County is to allow for the transition to VLDR and LDR or urban districts identified in the city (Newberg) comprehensive plans. The following section of the Transportation Planning Rule applies in this instance.

OAR 660-12-0060 (9)

(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.

All three criteria are met. The intent is to facilitate annexations for residential development. The site is designated LDR in the City of Newberg Comprehensive Plan Map. There is no change in the housing development density and therefore no change in traffic generation, from development in the County's zoning designation to development in the City's zoning designation. There will be no significant change in the trip generation of the proposed site when it is annexed into the City. Therefore there will be no significant impact on the adjacent transportation system.

I thank you for asking ATEP, Inc to provide this analysis. I can be reached at 503-364-5066 if there is additional information you might find helpful and that I can provide.

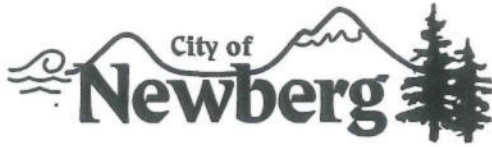


Karl Birky, PE, PTOE
ATEP, Inc.





EXHIBIT F



Community Development Department

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

NOTIC OF PLANNING COMMISSION HEARING ANNEXATION AND ZONING AMENDMENT

A property owner in your neighborhood submitted an application to the City of Newberg for an annexation and zoning amendment. The Newberg Planning Commission will hold a hearing on _____ 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 three tax lots into the city and amend the zoning from the Yamhill County designation of VLDR-1 to City designation of LDR (R1)

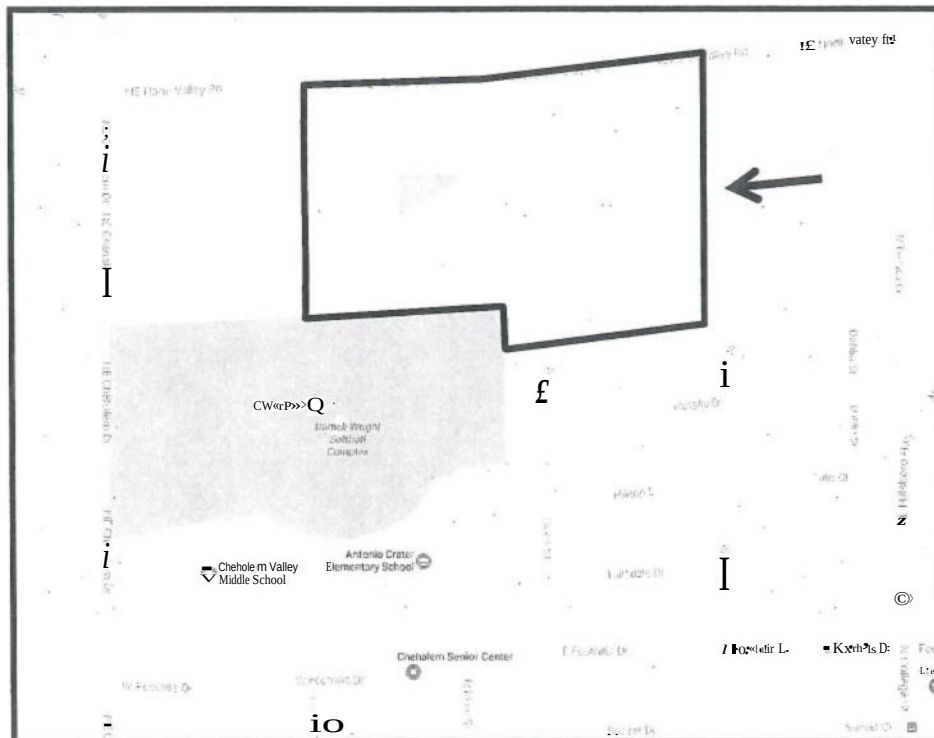
APPLICANT: *Del Boca Vista, LLC*

TELEPHONE: *503 590-8600*

PROPERTY OWNERS: *Melvin J Taylor Trust (Tax Lot 600)*
John and Georgetta Lucescu and Ruben Valentin Lucescu and Jenna Marie Lucescu (TL 700)
Robert Edward Phillips (Tax Lot 800)

LOCATION: *See map below*

TAX LOT NUMBER: *Yamhill County Tax Map 3207 Tax Lot Numbers 600, 700 and 800*



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

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

Written Comments: File **ANX-**
City of Newberg Community Development Department
PO Box 970 Newberg, OR 97132

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

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

Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised during the public hearing process. You must include enough detail to enable the decision maker an opportunity to respond. The applicable criteria used to make a decision on this application for a historic review are found in Newberg Development Code Section 15.344.030 (A) (3).

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

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

Date Mailed:

DRAFT POSTED NOTICE

Land Use Notice

FILE # ANX-

PROPOSAL: Annexation and Zoning Amendment
for 25.66 acres to R-1 (low density residential)

FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Community Development Department
414 E First Street
Phone: 503-537-1240

2'

3'

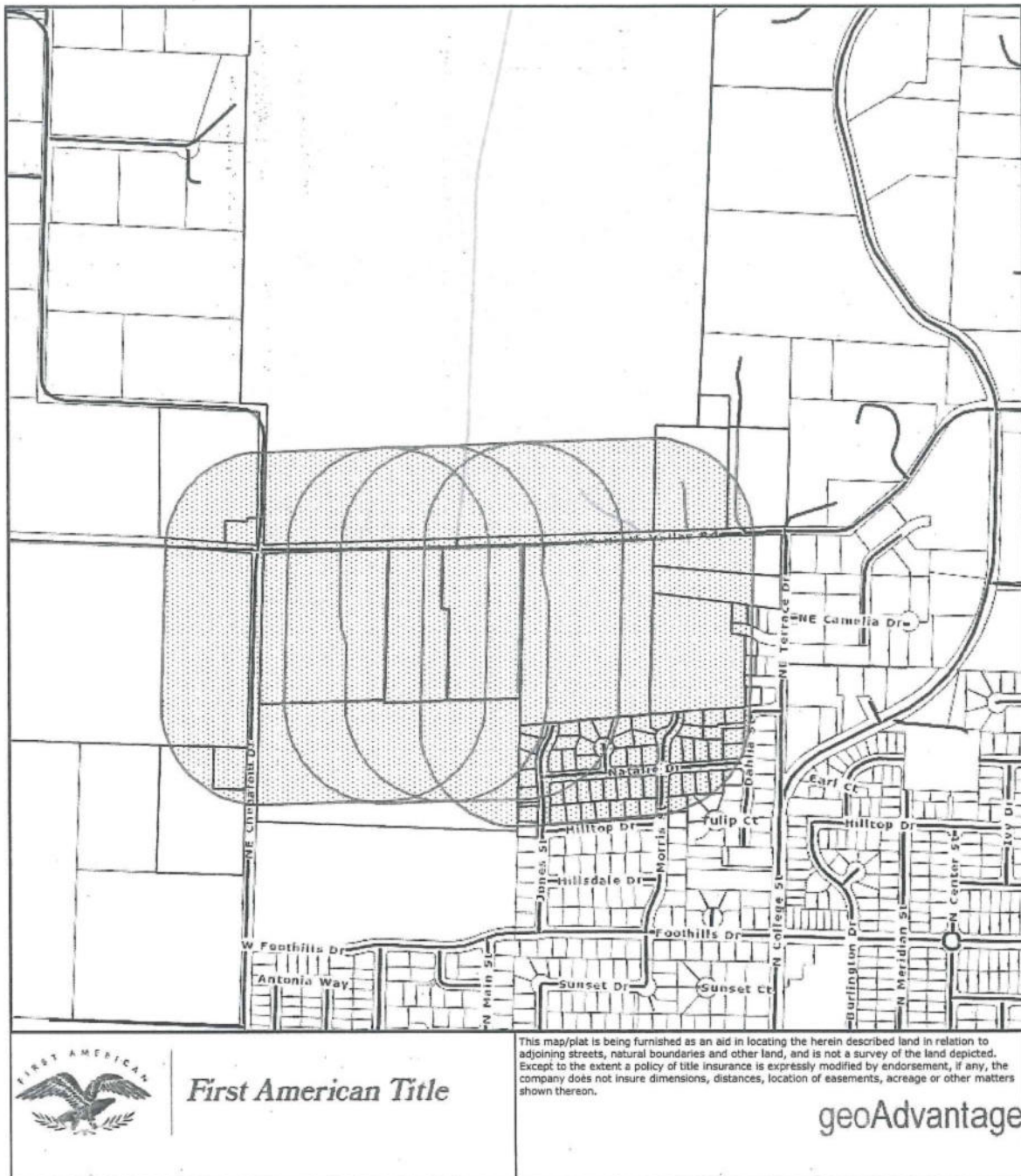
Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a "sans-serif font, such as Arial.



EXHIBIT G

ParcelID	OwnerNmFirst	OwnerNmLast	OwnerAddr	city	St	OZIP	SiteAddr	City	St	SZIP
R320602400	Kenneth W For	Kjersten	25025 North Valley Rd	Newberg	OR	97132	25115 North Valley Rd		OR	97132
R320700100	Forrest M For	Gist	25655 North Valley Rd	Newberg	OR	97132	25655 North Valley Rd	Newberg	OR	97132
R320700200	Joseph	McKee	25575 North Valley Rd	Newberg	OR	97132	25575 North Valley Rd	Newberg	OR	97132
R320700300	David & Diann	Conser	4101 NE Terrace Dr	Newberg	OR	97132	4101 NE Terrace Dr	Newberg	OR	97132
R320700400	Thomas & Kathryn	Lloyd	7995 W Marigold St	Rockaway	OR	97136	4009 NE Terrace Dr		OR	97132
R320700600	Melvin	Taylor	15850 SW Greens Wy	Portland	OR	97224	25300 North Valley Rd		OR	97132
R320700700	Ruben & Jenna	Lucescu	25240 North Valley Rd	Newberg	OR	97132	25240 North Valley Rd	Newberg	OR	97132
R320700800	Robert E Jr	Phillips	25020 North Valley Rd	Newberg	OR	97132	25020 North Valley Rd	Newberg	OR	97132
R320700900		Del Boca Vista LLC	645 NE 3rd St Ste 200	McMinnville	OR	97128	24950 North Valley Rd		OR	97132
R320701000		CPRD	501 E 1st St	Newberg	OR	97132	303 W Foothills Dr	Newberg	OR	97132
R320704700	William & Frances L For	Roth	3113 NE Chehalem Dr	Newberg	OR	97132			OR	97132
R320704800	Randolph & Lisa	Peltier	3701 NE Chehalem Dr	Newberg	OR	97132	3701 NE Chehalem Dr	Newberg	OR	97132
R320704900		Jar 2 LLC	7090 SW Benham Ct	Portland	OR	97225	24550 North Valley Rd		OR	97132
R320705000	Paul & Kristine	Jellum	15925 NE Chehalem Dr	Newberg	OR	97132	24695 North Valley Rd		OR	97132
R320705101	Paul & Kristine	Jellum	15925 NE Chehalem Dr	Newberg	OR	97132	15925 NE Chehalem Dr	Newberg	OR	97132
R3207AA02200	Ryan & Alisa	Darling	609 Taylor Dr	Newberg	OR	97132		Newberg	OR	97132
R3207AA02300		Newberg City Of	PO Box 970	Newberg	OR	97132		Newberg	OR	97132
R3207AA02400		Del Boca Vista LLC	PO Box 486	Newberg	OR	97132		Newberg	OR	97132
R3207AC00100	Kevin & Sandra	Fish	3841 Jones St	Newberg	OR	97132	3841 Jones St	Newberg	OR	97132
R3207AC00103	Kendell & Sandra	Freeman	3823 Jones St	Newberg	OR	97132	3823 Jones St	Newberg	OR	97132
R3207AC00104	Joseph & Joseph	Bencharsky	3801 Jones St	Newberg	OR	97132	3801 Jones St	Newberg	OR	97132
R3207AC00105	Gary	Juran	3723 Jones St	Newberg	OR	97132	3723 Jones St	Newberg	OR	97132
R3207AC00106	Michael & Mary	Casady	3701 Jones St	Newberg	OR	97132	3701 Jones St	Newberg	OR	97132
R3207AC00107		CPRD	414 1st St	Newberg	OR	97132		Newberg	OR	97132
R3207AC00108	H Alexander & Regina	Miller	3700 Jones St	Newberg	OR	97132	3700 Jones St	Newberg	OR	97132
R3207AC00109	Brian & Vanessa	Ernst	212 Natalie Dr	Newberg	OR	97132	212 Natalie Dr	Newberg	OR	97132
R3207AC00110	Jillian & Jeffrey	Risher	224 Natalie Dr	Newberg	OR	97132	224 Natalie Dr	Newberg	OR	97132
R3207AC00111	Caitlin	Johnson	236 Natalie Dr	Newberg	OR	97132	236 Natalie Dr	Newberg	OR	97132
R3207AC00112	Ronald & Marsha	Carr	304 Natalie Dr	Newberg	OR	97132	304 Natalie Dr	Newberg	OR	97132
R3207AC00113	George & Carol	Burnside	312 Natalie Dr	Newberg	OR	97132	312 Natalie Dr	Newberg	OR	97132
R3207AC00114	Arnold & Shirley	Rahier	311 Natalie Dr	Newberg	OR	97132	311 Natalie Dr	Newberg	OR	97132
R3207AC00115	Robert & Gloria	Davis	3824 Shelly Ct	Newberg	OR	97132	3824 Shelly Ct	Newberg	OR	97132
R3207AC00116	Mary	Willett	3848 Shelly Ct	Newberg	OR	97132	3842 Shelly Ct	Newberg	OR	97132
R3207AC00117	Christopher & Lisa	Myers	3856 Shelly Ct	Newberg	OR	97132	3856 Shelly Ct	Newberg	OR	97132
R3207AC00118	Demetrius & Heidi	Tsohantaridis	Ste B	Newberg	OR	97132	3841 Shelly Ct	Newberg	OR	97132
R3207AC00119	Marvin & Judith	Bixby	3823 Shelly Ct	Newberg	OR	97132	3823 Shelly Ct	Newberg	OR	97132
R3207AC00120	Lindsay & Joshua	Lillie	3801 Shelly Ct	Newberg	OR	97132	3801 Shelly Ct	Newberg	OR	97132
R3207AC00121	Albert	Eschler	213 Natalie Dr	Newberg	OR	97132	213 Natalie Dr	Newberg	OR	97132
R3207AC00122	Michael & Vicki	Thompson	3800 Jones St	Newberg	OR	97132	3800 Jones St	Newberg	OR	97132
R3207AC00123	Alan	Jones	1007 Buschmann Rd #2	Paradise	CA	95969	3824 Jones St	Newberg	OR	97132

R3207AC00124	Richard	Edwards II	3842 Jones St	Newberg	OR	97132	3842 Jones St	Newberg	OR	97132
R3207AC00134	Edward & Kelle	Howard	336 Natalie Dr	Newberg	OR	97132	336 Natalie Dr	Newberg	OR	97132
R3207AC00135	David & Rebecca	Beasley	324 Natalie Dr	Newberg	OR	97132	324 Natalie Dr	Newberg	OR	97132
R3207AC00136	Donna	Ramos	3546 Atlas St	San Diego	CA	92111	321 Natalie Dr	Newberg	OR	97132
R3207AC00137	Christopher & Debra	Jensen	331 Natalie Dr	Newberg	OR	97132	331 Natalie Dr	Newberg	OR	97132
R3207AC00138	Connie Nka	Farr	3823 Morris St	Newberg	OR	97132	3823 Morris St	Newberg	OR	97132
R3207AC00139		Hpa Borrower 2016-2 LLC	180 N Stetson Ave Ste 3650	Chicago	IL	60601	3841 Morris St	Newberg	OR	97132
R3207AC00140	Jeffrey & Lisa	Auld	3861 Morris St	Newberg	OR	97132	3861 Morris St	Newberg	OR	97132
R3207AC00328	Mike	Vangrunsvan	3615 Morris St	Newberg	OR	97132	3615 Morris St	Newberg	OR	97132
R3207AC00329	Tony	Lindsey	323 Hilltop Dr	Newberg	OR	97132	323 Hilltop Dr	Newberg	OR	97132
R3207AC00330	Michael & Peggy	Rennick	315 Hilltop Dr	Newberg	OR	97132	315 Hilltop Dr	Newberg	OR	97132
R3207AC00331	Maxine	Nelson	301 Hilltop Dr	Newberg	OR	97132	301 Hilltop Dr	Newberg	OR	97132
R3207AC00332	Brian & Lisa	Johnson	227 Hilltop Dr	Newberg	OR	97132	227 Hilltop Dr	Newberg	OR	97132
R3207AC00333	Joshua & Michelle	Sauerwein	213 Hilltop Dr	Newberg	OR	97132	213 Hilltop Dr	Newberg	OR	97132
R3207AC00334	James & Jayme	Newman	201 Hilltop Dr	Newberg	OR	97132	201 Hilltop Dr	Newberg	OR	97132
R3207AC00335	Brent & Emma Jo	Guthrie	3619 Jones St	Newberg	OR	97132	3619 Jones St	Newberg	OR	97132
R3207AC00336	Denise	Domingues	3607 Jones St	Newberg	OR	97132	3607 Jones St	Newberg	OR	97132
R3207AD03100	Cathy	Holbrook	3870 Morris St	Newberg	OR	97132	3870 Morris St	Newberg	OR	97132
R3207AD03101	John & Sally	Clemons	3850 Morris St	Newberg	OR	97132	3850 Morris St	Newberg	OR	97132
R3207AD03102	Christopher	Strange	3800 Morris St	Newberg	OR	97132	3800 Morris St	Newberg	OR	97132
R3207AD03103	Ronald & Patricia	Auld	411 Natalie Dr	Newberg	OR	97132	411 Natalie Dr	Newberg	OR	97132
R3207AD03104	Rauha & Sarah	Rahkola	421 Natalie Dr	Newberg	OR	97132	421 Natalie Dr	Newberg	OR	97132
R3207AD03105	Mark & Blythe	Darula	431 Natalie Dr	Newberg	OR	97132	431 Natalie Dr	Newberg	OR	97132
R3207AD03106	Bradley & Catherine	Amerson	436 Natalie Dr	Newberg	OR	97132	436 Natalie Dr	Newberg	OR	97132
R3207AD03107	Kenneth & Sharon A For	Pack	424 Natalie Dr	Newberg	OR	97132	424 Natalie Dr	Newberg	OR	97132
R3207AD03108	Gerald & Nina	Boe	412 Natalie Dr	Newberg	OR	97132	412 Natalie Dr	Newberg	OR	97132
R3207AD03109	James & Joann	Rightmire	26045 NE View Crest Ct	Newberg	OR	97132	400 Natalie Dr	Newberg	OR	97132
R3207AD03200	Debbie	Alga	3622 Morris St	Newberg	OR	97132	3622 Morris St	Newberg	OR	97132
R3207AD03201	Rodney & Jan	Hart	3608 Morris St	Newberg	OR	97132	3608 Morris St	Newberg	OR	97132
R3207AD03300	Royal & Kathleen	Graff	3743 Dahlia St	Newberg	OR	97132	3743 Dahlia St	Newberg	OR	97132
R3207AD03301	Patrick & Carrie	Herron	3751 Dahlia St	Newberg	OR	97132	3751 Dahlia St	Newberg	OR	97132
R3207AD03302		Pacific NW Land Devo LLC	20241 S Central Point Rd	Oregon City	OR	97045	3735 Dahlia St	Newberg	OR	97132
R3207AD03303	John & Becky	Christian	15270 SW Royalty Pkwy Apt B13	Tigard	OR	97224	3729 Dahlia St	Newberg	OR	97132
R3207AD03304	Ronald & Sharron	Gibson	3717 Dahlia St	Newberg	OR	97132	3717 Dahlia St	Newberg	OR	97132
R3207AD03305	John & Jane K For	Greller	3641 Dahlia St	Newberg	OR	97132	3641 Dahlia St	Newberg	OR	97132
R3207AD03308	Constance	Godish	509 Tulip Ct	Newberg	OR	97132	509 Tulip Ct	Newberg	OR	97132
R3207AD03309	Douglas & Tracy	Whitman	503 Tulip Ct	Newberg	OR	97132	503 Tulip Ct	Newberg	OR	97132
R3207AD05000	Timothy	Bauman	607 Dreas Way	Newberg	OR	97132		Newberg	OR	97132
R3207AD05100		Wingate Aviation Ents	6980 W Warm Springs Rd Ste 100	Las Vegas	NV	89113		Newberg	OR	97132



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

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

Joseph McKee
25575 North Valley Rd
Newberg, OR 97132

David Si Diann Conser
4101 NE Terrace Dr
Newberg, OR 97132

Thomas Si Kathryn Lloyd
7995 W Marigold St
Rockaway, OR 97136

Melvin Taylor
15850 SW Greens Wy
Portland, OR 97224

Ruben & Jenna Lucescu
25240 North Valley Rd
Newberg, OR 97132

Robert E Jr Phillips
25020 North Valley Rd
Newberg, OR 97132

Del Boca Vista LLC
645 NE 3rd St Ste 200
McMinnville, OR 97128

Chehalem Park Si Recreation District
501 E 1st St
Newberg, OR 97132

William Si Frances L For Roth
3113 NE Chehalem Dr
Newberg, OR 97132

Randolph & Lisa Peltier
3701 NE Chehalem Dr
Newberg, OR 97132

Jar 2 LLC
7090 SW Benham Ct
Portland, OR 97225

Paul Si Kristine Jellum
15925 NE Chehalem Dr
Newberg, OR 97132

Paul Si Kristine Jellum
15925 NE Chehalem Dr
Newberg, OR 97132

Ryan Si Alisa Darling
609 Taylor Dr
Newberg, OR 97132

Newberg City Of
PO Box 970
Newberg, OR 97132

Del Boca Vista LLC
PO Box 486
Newberg, OR 97132

Kevin Si Sandra Fish
3841 Jones St
Newberg, OR 97132

Kendell & Sandra Freeman
3823 Jones St
Newberg, OR 97132

Joseph Si Joseph Bencharsky
3801 Jones St
Newberg, OR 97132

Gary Juran
3723 Jones St
Newberg, OR 97132

Michael Si Mary Casady
3701 Jones St
Newberg, OR 97132

Chehalem Park And Recreation District
414 1st St
Newberg, OR 97132

H Alexander Si Regina Miller
3700 Jones St
Newberg, OR 97132

Brian Si Vanessa Ernst
212 Natalie Dr
Newberg, OR 97132

Jillian Si Jeffrey Risher
224 Natalie Dr
Newberg, OR 97132

Caitlin Johnson
236 Natalie Dr
Newberg, OR 97132

Ronald Si Marsha Carr
304 Natalie Dr
Newberg, OR 97132

George & Carol Burnside
312 Natalie Dr
Newberg, OR 97132

Arnold & Shirley Rahier
311 Natalie Dr
Newberg, OR 97132

Robert & Gloria Davis
3824 Shelly Ct
Newberg, OR 97132

Mary Willett
3848 Shelly Ct
Newberg, OR 97132

Christopher & Lisa Myers
3856 Shelly Ct
Newberg, OR 97132

Demetrius & Heidi Tsohantaridis
Ste B
Newberg, OR 97132

Marvin & Judith Bixby
3823 Shelly Ct
Newberg, OR 97132

Lindsay & Joshua Lillie
3801 Shelly Ct
Newberg, OR 97132

Albert Eschler
213 Natalie Dr
Newberg, OR 97132

Michael & Vicki Thompson
3800 Jones St
Newberg, OR 97132

Alan Jones
1007 Buschmann Rd #2
Paradise, CA 95969

Richard Edwards II
3842 Jones St
Newberg, OR 97132

Edward & Kelle Howard
336 Natalie Dr
Newberg, OR 97132

David & Rebecca Beasley
324 Natalie Dr
Newberg, OR 97132

Donna Ramos
3546 Atlas St
San Diego, CA 92111

Christopher & Debra Jensen
331 Natalie Dr
Newberg, OR 97132

Connie Nka Farr
3823 Morris St
Newberg, OR 97132

Hpa Borrower 2016-2 LLC
180 N Stetson Ave Ste 3650
Chicago, IL 60601

Jeffrey & Lisa Auld
3861 Morris St
Newberg, OR 97132

Mike Vangrunsvan
3615 Morris St
Newberg, OR 97132

Tony Lindsey
323 Hilltop Dr
Newberg, OR 97132

Michael & Peggy Rennick
315 Hilltop Dr
Newberg, OR 97132

Maxine Nelson
301 Hilltop Dr
Newberg, OR 97132

Brian & Lisa Johnson
227 Hilltop Dr
Newberg, OR 97132

Joshua & Michelle Sauerwein
213 Hilltop Dr
Newberg, OR 97132

James & Jayme Newman
201 Hilltop Dr
Newberg, OR 97132

Brent & Emma Jo Guthrie
3619 Jones St
Newberg, OR 97132

Denise Domingues
3607 Jones St
Newberg, OR 97132

Cathy Holbrook
3870 Morris St
Newberg, OR 97132

John & Sally Clemons
3850 Morris St
Newberg, OR 97132

Christopher Strange
3800 Morris St
Newberg, OR 97132

Ronald & Patricia Auld
411 Natalie Dr
Newberg, OR 97132

Rauha & Sarah Rahkola
421 Natalie Dr
Newberg, OR 97132

Mark & Blythe Darula
431 Natalie Dr
Newberg, OR 97132

Bradley & Catherine Amerson
436 Natalie Dr
Newberg, OR 97132

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

Gerald & Nina Boe
412 Natalie Dr
Newberg, OR 97132

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

Debbie Alga
3622 Morris St
Newberg, OR 97132

Rodney & Jan Hart
3608 Morris St
Newberg, OR 97132

Royal & Kathleen Graff
3743 Dahlia St
Newberg, OR 97132

Patrick & Carrie Herron
3751 Dahlia St
Newberg, OR 97132

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

John & Becky Christian
15270 SW Royalty Pkwy Apt B13
Tigard, OR 97224

Ronald & Sharron Gibson
3717 Dahlia St
Newberg, OR 97132

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

Constance Godish
509 Tulip Ct
Newberg, OR 97132

Douglas & Tracy Whitman
503 Tulip Ct
Newberg, OR 97132

Timothy Bauman
607 Dreas Way
Newberg, OR 97132

Wingate Aviation Ents
6980 W Warm Springs Rd Ste 100
Las Vegas, NV 89113

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2017-3380

SUBJECT: A Resolution acknowledging the acceptance of Councilor Hayley Delle's resignation, expressing the City's appreciation for her service, declaring a vacancy, and announcing the advertisement for qualified persons for appointment to fill the vacancy (District No. 1 with a term ending December 31, 2020)

Contact Person (Preparer) for this
Resolution: Sue Ryan, City Recorder

Dept.: Administration

RECOMMENDATION:

Adopt **Resolution No. 2017-3380** acknowledging the acceptance of Councilor Hayley Delle's resignation on May 2, 2017 by the City Council, declaring District No. 1 City Council position vacant, and announcing the advertisement for qualified persons for appointments to fill the vacancy (District No. 1 with a term ending December 31, 2020).

EXECUTIVE SUMMARY:

Councilor Hayley Delle was elected to the Newberg City Council on November 8, 2016, and took office on January 3, 2017.

Due to personal reasons related to family matters, Councilor Hayley Delle submitted her resignation and it was accepted by motion by the City Council on May 2nd, 2017. This resignation creates a vacancy on the City Council for the District No. 1 position. The term for this position expires December 31, 2020.

The City Charter states that vacancies on the Council are to be filled by appointment of the City Council. The vacancy will be filled through solicitation of applications from citizens who meet the Charter criteria for appointment. The individual must live within District No. 1, be a registered voter and have resided in the City for at least a year prior to appointment.

The application period will close on June 2, 2017 at 5:00 PM with interviews scheduled for the June 19, 2017 City Council meeting. Applications will be available on-line and to the City Recorder, Sue Ryan. See Attachments A & B for announcement and application.

FISCAL IMPACT:

Incidental costs associated with staff time to process the recruitment.

STRATEGIC ASSESSMENT:

The Council Member is one of the most important positions in the City. The Council sets policy and direction for the City. It is critical for the City Council to have a full complement of its membership in order to carry on the business of the City.

RESOLUTION No. 2017-3380

A RESOLUTION ACKNOWLEDGING THE ACCEPTANCE OF THE RESIGNATION OF COUNCILOR HAYLEY DELLE, EXPRESSING THE CITY'S APPRECIATION FOR HER SERVICE, DECLARING A VACANCY, AND ANNOUNCING THE ADVERTISEMENT FOR QUALIFIED PERSONS FOR APPOINTMENT TO FILL THE VACANCY (DISTRICT NO. 1 WITH A TERM ENDING DECEMBER 31, 2020)

RECITALS:

1. Councilor Hayley Delle was elected to the Newberg City Council on November 8, 2016, and took office on January 3, 2017.
2. On May 1, 2017, Councilor Hayley Delle announced her resignation to attend to family matters. The Council accepted her resignation by motion on May 2, 2017.
3. This resignation creates a vacancy on the City Council for the District No. 1 position. The term for this position expires December 31, 2020.
4. The City Charter states that vacancies on the Council are to be filled by appointment of the City Council.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Council hereby expresses its regrets that Councilor Hayley Delle is leaving the Council and accepts her resignation effective May 16, 2017. Attached is an email from Councilor Delle, which is hereby attached to this resolution as Exhibit "A" and by this reference incorporated.
2. The Mayor and Council express their deep appreciation on behalf of the citizens of the City of Newberg for Councilor Delle's service to the City by the giving of her personal time and effort in attending meetings, and working on behalf of the citizens of Newberg on the Newberg City Council.
3. The City Council hereby declares the Council District No. 1 position occupied by Councilor Delle is hereby vacant.
4. The Council announces to the citizens of the City of Newberg the vacancy has occurred and applications for this position is being received from qualified persons to fill this position.
5. Attached is a map of the Newberg City Council districts showing the location of District No. 1, which is hereby attached as Exhibit "B" and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: May 16, 2017.

ADOPTED by the City Council of the City of Newberg, Oregon, this 15th day of May, 2017.

Sue Ryan, City Recorder

ATTEST by the Mayor this ____ day of May, 2017.

Bob Andrews, Mayor

Sue Ryan

From: Hayley Delle
Sent: Monday, May 01, 2017 3:52 PM
To: Sue Ryan
Cc: Stephen McKinney; Mike Corey; Bob Andrews; Patrick Johnson; Denise Bacon; Scott Essin
Subject: Letter to Council and Staff

Dear Mayor, Council, and Staff,



It is with careful consideration and deepest regret that I write to you to inform you of my intention to resign from my position on the Council. I first wish to thank you all for the time and assistance you've offered me in my short tenure here, and I wish you all the best in the future.

Without offering too many details of a story that's not entirely mine to tell, I want to be honest about the changes that have recently come to pass in my life. About a month ago, my partner and I became the guardians of two children, ages twelve and fourteen. We went from being a couple whose biggest concern most nights was who was going to walk the dog, to being the foster parents of two children, and party to a complicated and time-consuming child welfare case. Suddenly, we found ourselves struggling not only to stay afloat financially, but to stay afloat emotionally and mentally while simultaneously taking a crash course in raising teenagers as we begin this difficult journey that may likely span the next few years of our lives. I'm having to balance not only my work but also my personal life with my new obligations to be at doctor's appointments, teacher meetings, track meets, supervising parental visitation, and no shortage of court dates.

Over the last few weeks, I have seriously considered the various roles I fill and obligations in my life. I came to the conclusion that my time, my experiences and my commitment were more needed and in higher demand in other areas of my life. I see a real, tangible difference being made in the lives of these kids every day through our involvement with them, and it is important to me to be present and available for them right now.

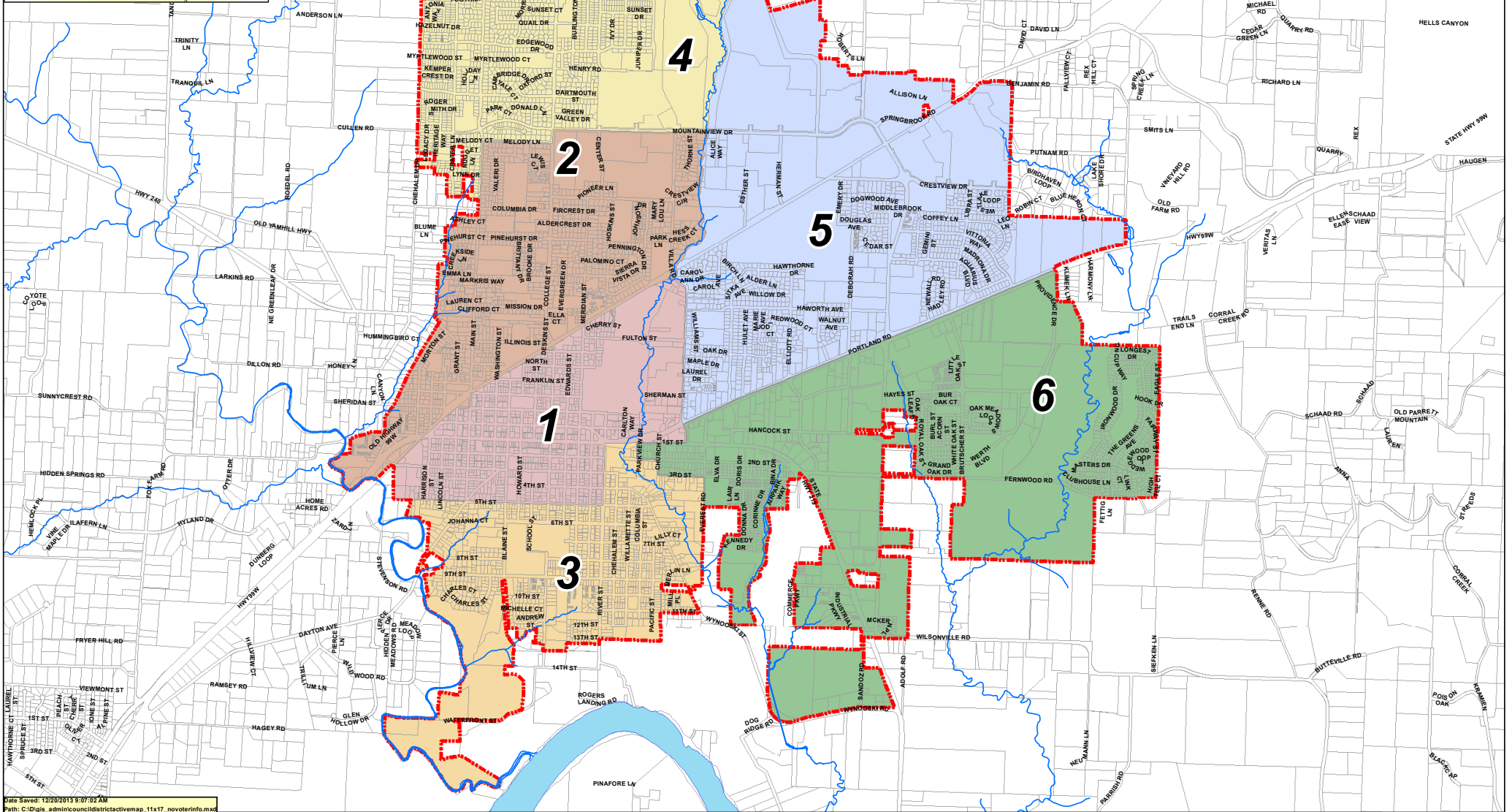
I would like to thank you all again for your help and the time you put in to equipping me for my position with the council. I wish you all nothing but the best in the future. I would be happy to help with finding someone to fill my vacancy should you desire my assistance. I intend for my final meeting to be the May 15th session, but would be happy to remain available through the end of May to aid in any transition. I also would respectfully request that this letter be forwarded on to anyone else who needs to receive a copy.

Sincerely,

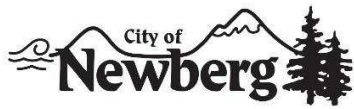
Hayley Delle

City Council District Map

City of Newberg, Oregon



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 Path: C:\Data\admin\council\district\citymap_11x17_novoterinfo.mxd



Newberg City Council Vacancy

DISTRICT No. 1

A City Council position is vacant due to the resignation of Councilor Hayley Delle effective May 16, 2017. The City Council shall appoint a qualified person to fill the position for the remainder of the term until December 31, 2020.

TERMS & CONDITIONS

The successful applicant will fill a vacant Council seat in District No. 1 with a term beginning upon appointment by the Council and expiring December 31, 2020.

- City Council members:
- ▶ Set policy for the entire City
 - ▶ Approve the City budget
 - ▶ Attend two Council meetings per month and committees as assigned.
 - ▶ Participate in intergovernmental relations
 - ▶ Supervise City Manager, City Attorney and Municipal Judge
 - ▶ Various other responsibilities

QUALIFICATIONS & RESIDENCY REQUIREMENTS

- Candidates must:
- ▶ Be a registered voter
 - ▶ Resided within the City of Newberg for at least one year.
 - ▶ Reside within the boundaries of District No. 1

TO APPLY:

- Candidates must:
- ▶ Fill out a City volunteer application
 - ▶ Submit a resume
 - ▶ Apply by Friday, June 2nd, 2017
 - ▶ Be available for interviews at City Council meeting on Monday, June 19, 2017

Questions? Contact City Recorder Sue Ryan at sue.ryan@newbergoregon.gov or call (503) 537-1283. Go online to <https://www.newbergoregon.gov/citycouncil/page/run-council-position>



APPLICATION FOR CITY COUNCIL, COMMISSIONS, COMMITTEES & ADVISORY BOARDS

Please check the Council/Committee/Commission/Board on which you would like to be considered for appointment. Continue on back or separate sheet, if necessary. If interested in serving on multiple boards, please list the order of preference (1-10). Terms vary. (Please note: The meeting dates/times are subject to change with advance notice and applicants may be required to be present at the Council Meeting at which their application is to be considered.)

☐ Budget Committee	4-5 times Jan-June, plus 1-2	☐ Traffic Safety Commission	2 nd Monday, 7 pm
☐ Citizens' Rate Review Committee	4-8 times bi-annually or by need	☐ Traffic Safety Student Commissioner	2 nd Monday, 7 pm
☐ City Council	1 st & 3 rd Monday, 6 pm	☐ Planning Commission	2 nd Thursday, 7pm
☐ Historic Preservation Commission	To Be Announced	☐ Planning Student Commissioner	2 nd Thursday, 7pm
☐ Historic Preservation Student Commissioner	To Be Announced	☐ Newberg Urban Area Management Commission	To Be Announced
☐ Library Advisory Board	3 rd Thursday, 7 pm	☐ Other: _____	

NAME: _____ RESIDENCE ADDRESS: _____ MAILING ADDRESS: _____ EMAIL: _____	HOME PHONE: _____ BUSINESS PHONE: _____ EMPLOYER: _____ OCCUPATION/PROFESSION: _____
---	---

Years living in Newberg? _____ Live in City limits? _____ Are you a registered voter? _____ Are you a city employee? _____

How would you currently rate City's performance? ☐ Excellent ☐ Good ☐ Fair ☐ Poor

What ideas do you have for improving "Good", "Fair" or "Poor" performance?

Why are you interested in serving on the Council/Committee/Commission/Board?

What qualifications, skills, or experiences would you bring to the Council/Committee/Commission/Board?

What contributions do you feel you can make to the Council/Committee/Commission/Board?

Previous/current appointed or elected offices: _____

Previous/current community affiliations or activities: _____

If not appointed at this time, may we keep your name on file? ☐ Yes ☐ No

Signature: _____

Date: _____

I have sufficient time to devote to this responsibility and will attend the required meetings if appointed.

Please complete, sign, and date application form and return to:

FOR OFFICE USE ONLY:

Council District Reside In: _____
 Registered Voter: Y__ N__ Since: _____
 Utility Customer: Y__ N__

City Recorder
 414 E. First Street
 Newberg, OR 97132
 Fax: 503-537-5013 • Office: 503-537-1283
cityrecorder@newbergoregon.gov

FOR OFFICE USE ONLY:

Appointed: Y__ N__ Date: _____
 Original Appt. Date: _____
 Date Left: _____

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: May 15, 2017

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
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SUBJECT: Waste Management Inc. annual presentation

Contact Person (Preparer) for this
Item: Sue Ryan
Dept.: City Manager

Dave Huber, of Waste Management, Inc. will deliver their annual report to the Council on May 15, 2017. Presentation materials will be available later in the week.

Partnering with the City of Newberg for Our Sustainable Future

Reducing waste. Protecting the environment.
Demonstrating community partnership.

THINK GREEN.®

Dave Huber
District Manager

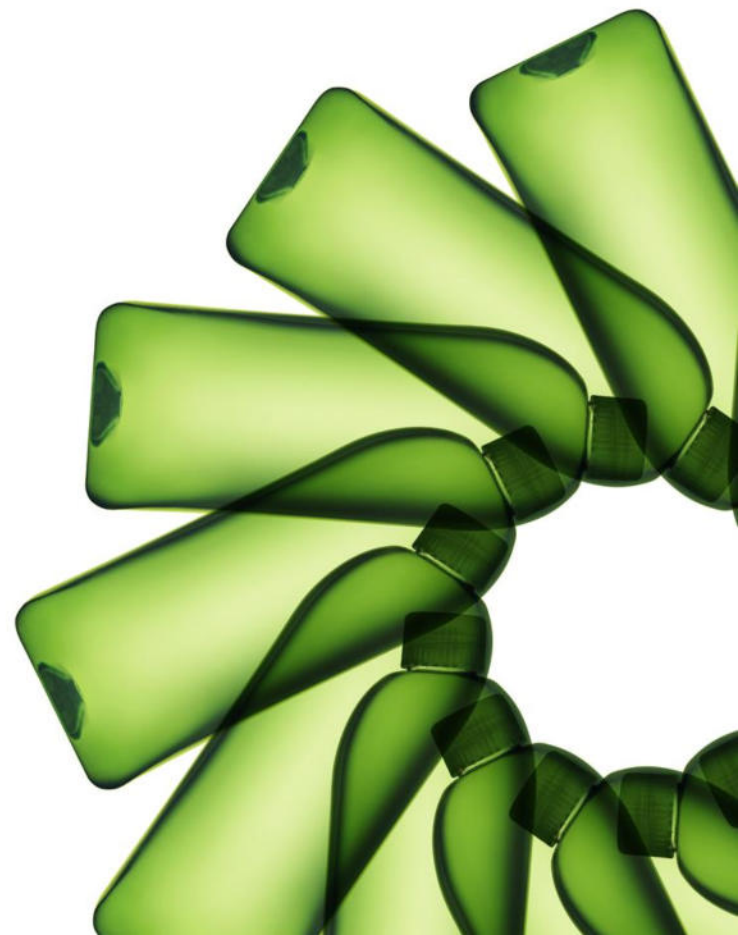
Mike Jefferies
Director of Pricing

Dean Kampfer
Municipal Marketing Manager



Tonight's discussion

- Services for the City of Newberg
- Operations Report
- 2016 Annual Report
- New DEQ Requirements
- Glass Collection Options
- Your Feedback and Questions



WM Newberg Operations



The Newberg District services;

- City of Newberg (69%)
- Yamhill County (21%)
- City of Dundee (10%)



The operation consists of 21 family wage jobs;

- 11 Drivers
- 5 Transfer Station employees
- 5 General support

Community Partnerships

Chehalem Valley Chamber

Top-Tier Member

Rotary

Active Member

Old Fashioned Festival

Newberg Oktberfest

Public Art Program



THINK GREEN®

Services for the City of Newberg

Residential Services - 5,907 Customers

- Garbage - weekly various sizes (volume based rates)
- Recycling - every-other-week collection, roll cart provided by WM
- Yard Debris - every-other-week collection, roll cart provided by WM

Commercial Services - 507 Customers

- Collection Frequency to meet the customers need for Garbage and Recycling with containers provided by Waste Management

Industrial Services - 1,978 Hauls in 2016

- Drop Box services for industrial customers and temporary boxes for construction and residential projects
- Seasonal services for wine industry (pomace)

Operations Report

- **SAFETY**

- No OSHA recordable injuries at our operations for the past five years

- **PEOPLE**

- 21 full time employees

- **TECHNOLOGY**

- On-Board Computers (tablets allow for efficiency and cost containment)

- **EQUIPMENT**

- Completed the conversion of commercial collection from rear load to front load.
Residential is a fully automated cart collection system

- **TRANSFER STATION**

- The wet waste is currently being transferred to a landfill in Benton County
- Dry waste is delivered to the WM Hillsboro Landfill



Mark your calendars

Saturday, May 20, 9 am - 1 pm

Household Hazard Waste Collection Event

WM Newberg Transfer Station located at 2904 S Wynooski Rd, Newberg

Sponsored by Yamhill County, no charge to Dundee residents

Bring old cleaning supplies, pesticides, and household items with label warnings such as Caution, Warning, Danger, Poison or Hazardous

No syringes or sharps, tires, asbestos, or explosives

Over-the-counter or prescription drugs, for pets or humans will be accepted, although you can bring drugs any time to the police stations. Medication can be old or new, and in liquid or solid form.

Questions? ycsw.org or call 503-434-7445.



THINK GREEN®

2016 ANNUAL REVIEW

	<u>2015</u>		<u>2016</u>		<u>Variance</u>		<u>2017 Projected</u>	
Commercial		943,769		1,024,486		80,717		1,024,486
Residential		1,652,833		1,745,669		92,836		1,745,669
Industrial		585,858		669,067		83,209		669,067
Recycling Material Sales and Other		49,637		23,174		(26,463)		10,752
Total Revenue	\$	3,232,097	\$	3,462,397	\$	230,300	\$	3,449,974
Total Direct Costs		2,452,001		2,527,450		75,449		2,551,587
G&A Costs		474,131		458,724		(15,407)		468,351
Total Costs	\$	2,926,132	\$	2,986,174	\$	60,041	\$	3,019,938
Operating Income	\$	305,965	\$	476,223			\$	430,036
Return on Revenue		9.47%		13.75%				12.46%

Recycling Overview

Transformation of Industry

Recycling Motivation

- Conservation of resources
- Energy savings
- Greenhouse gas reductions

Oregon DEQ 2020 Recovery Goal 52%

- 2015 achieved 46.5% recovery

Yamhill County 2025 DEQ goal 45%

- 2015 achieved 37% recovery



Oregon Opportunity to Recycle Act

- Established in 1983 - require local governments to add curbside recycling programs
- 1991 the Act was strengthened with a state recovery goal of 50% by 2000
- 2015 Senate Bill 263 was passed;
 - Requiring local governments to add program elements
 - Changed the recovery goals

Oregon Opportunity to Recycle Act

- Current Program Elements (5);
 1. Recycling with containers
 2. Recycling education and promotion
 3. Residential yard debris collection
 4. Commercial Recycling program
 5. Recycling drop off depot (Newberg Transfer Station)
- Options for the City of Newberg to consider (Add 1);
 1. City adopt requirement of Commercial Recycling
 2. City adopt requirement of Multifamily Recycling
 3. Recovery program for construction and demolition
 4. Commercial food waste collection (need local processing)
 - Added Education and outreach (Add 2)
 - Reduce and reuse

Waste Management is committed to work with the City of Newberg, Wasteshed - Yamhill County , and DEQ to meet these new 2018 requirements.

Residential - Glass Collection Options

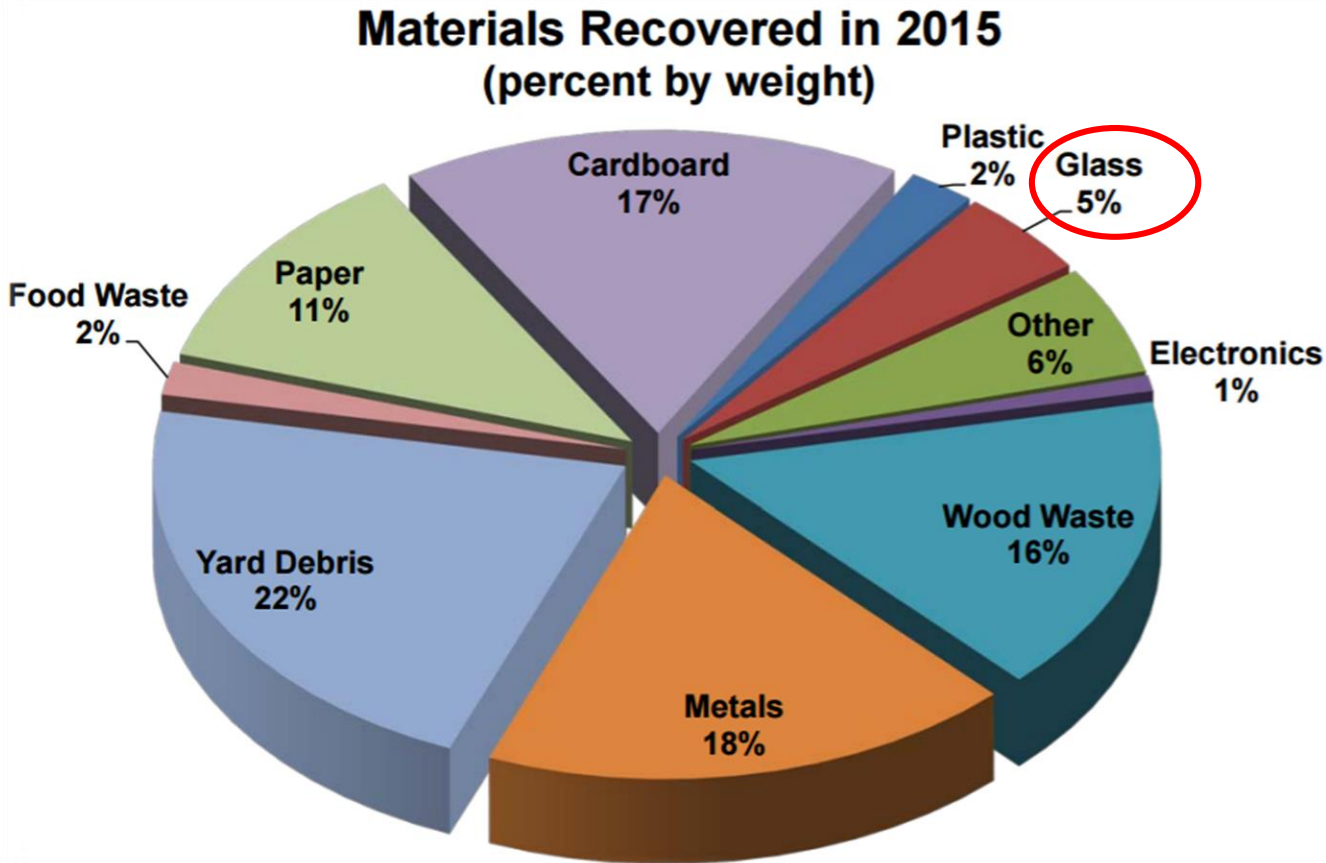


Residential - Glass Collection

Benefits of Recycling Glass

- Glass is 100% recyclable
- Glass can be recycled endlessly without loss of quality
- Glass manufacturing can use up to 50% recycled glass
 - Reduction of energy use
 - Raw materials conserved
 - Benefits to the environment
- Energy saved from recycling of one bottle is the equivalent of running a computer for 30 minutes.

Material Recovery 2015



Glass Collection Options

1. Depot Collection - current system
2. Single Stream Collection - No local processing
3. Every Other week collection of Glass in a 20 Gallon Cart



Depot



Cart

Glass Collection - Automated Advantages

- Every other week collection of glass-20 gallon cart
 - Automated loading
 - Standardized fleet
 - Collection efficiencies
 - Driver safety



Residential Glass Collection

Comparison of Glass Collection Options

	Options	Curbside Collection	Customer Convenience	Collected Tons	Collection Cost
1	Depot	No	Low	Low	Low
2	20 Gallon Cart	Yes	High	Medium (+)	Medium

Every Other week Glass Collection with a Waste Management provided roll cart for an additional \$2.88 per month. City wide program added to the current residential services.



Your feedback and questions

City Council Recommended Priorities

2017-2018

1. Maintain a state of the art police communication system
2. Implement Plans for Road Repair and Maintenance, replace and repair sidewalks and secure additional funding
3. Complete a community visioning process within 3 years
4. Utilize technology to improve and economize city service
5. Complete a 5-year financial plan and fiscal policies consistent with preferred service levels
6. Improve Communication with the Public
7. Expand the Urban Growth Boundary
8. Encourage affordable housing
9. Develop a Riverfront Plan
10. Implement Emergency Preparedness Program
11. Implement Downtown Improvement Plan
12. Improve Newberg Employee Retirement System
13. Decide on TVF&R Annexation
14. Improve the Transit System:
 - a) A few previously discussed priorities (described in attached memorandums are recommended to be included in the above priorities or acknowledged as important but not work or budget priorities
 - b) Specific actions suggested to accomplish the priorities are included in attached narrative

Dutchman Ridge Annexation

ANX-17-001

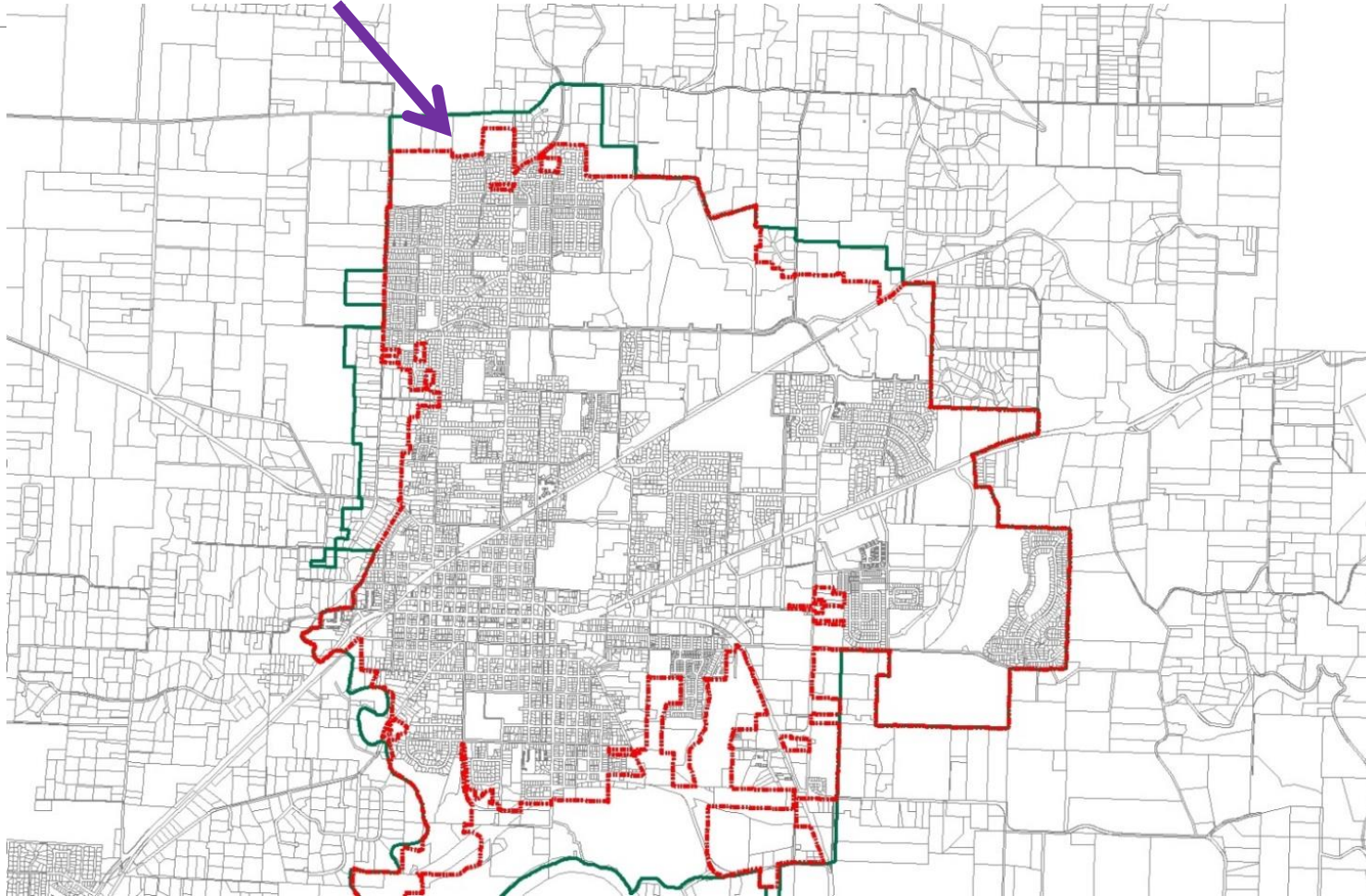
25020, 25240, AND 25300 NE NORTH VALLEY ROAD

CITY COUNCIL HEARING – MAY 15, 2017

Application Summary

- Request: Annex 25.66 acres into Newberg; change zoning to city R-1
- Comprehensive Plan Designation: LDR with Stream Corridor overlay on part of site (consistent with R-1 zoning, with SC overlay)
- Location: 25020, 25240, and 25300 NE North Valley Road
- Tax Lot: 3207-600, 700 and 800
- Applicable Criteria: 15.250.020, 15.250.030

Location Map – Far View

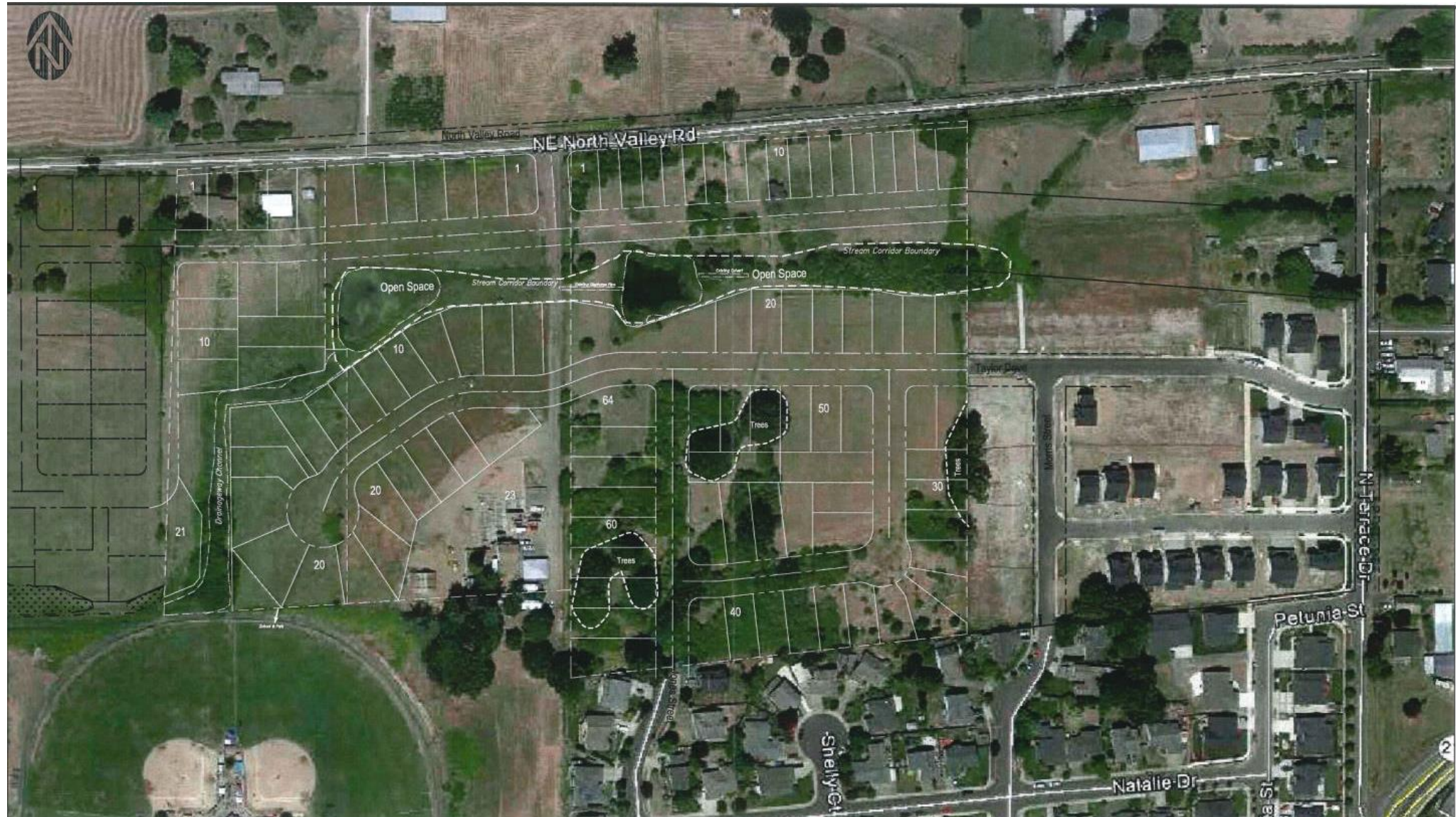


Criteria – 15.250.020 Conditions for Annexation

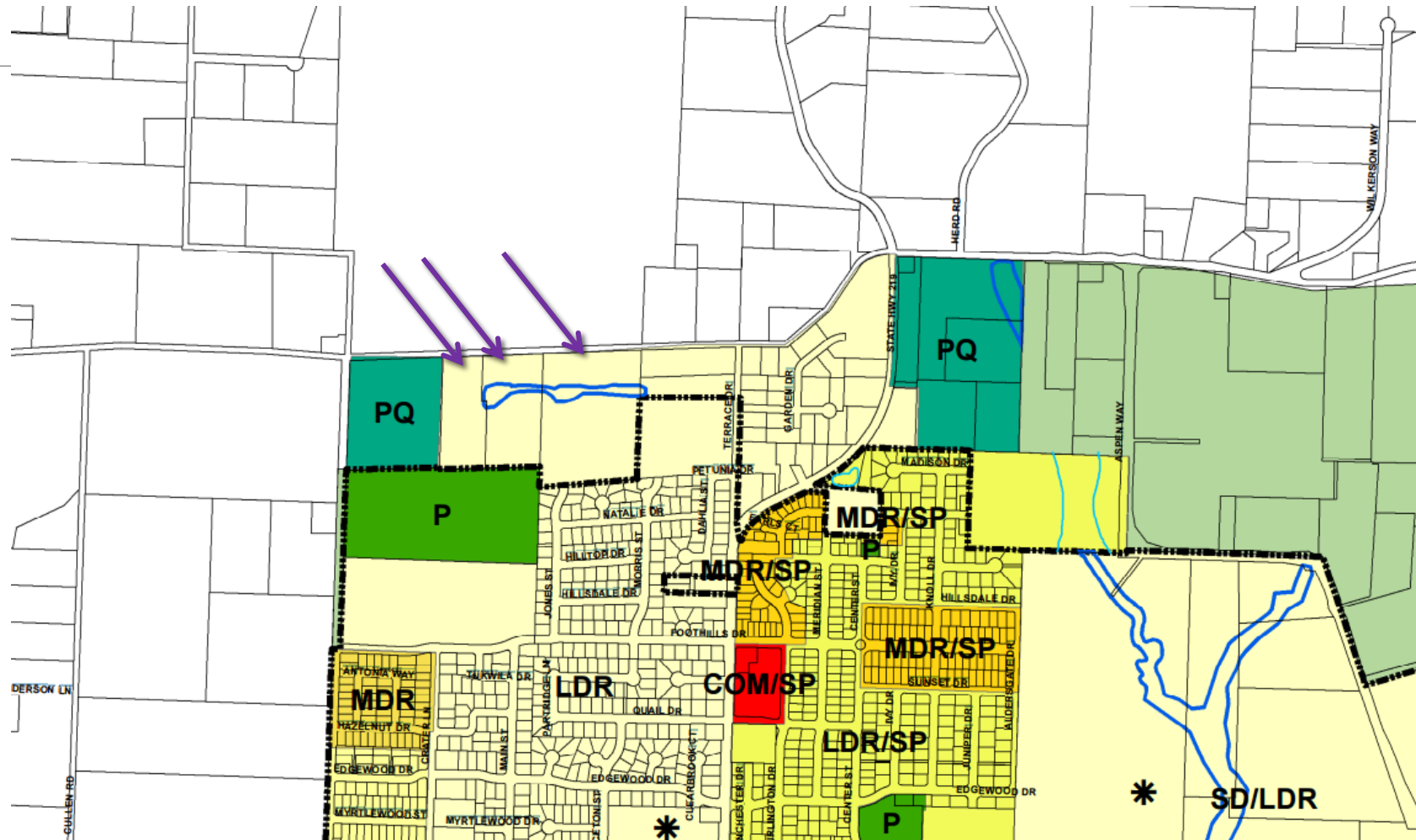
- ***Site must be within the UGB or URA, and contiguous to the existing city limits.***
 - The property is located within the urban growth boundary and is contiguous to the Newberg city limits along its southern boundary.
 - The legal description of the area to be annexed includes the adjacent rights-of-way, which provides for future continuity of the city limits.

Location Map – Close View



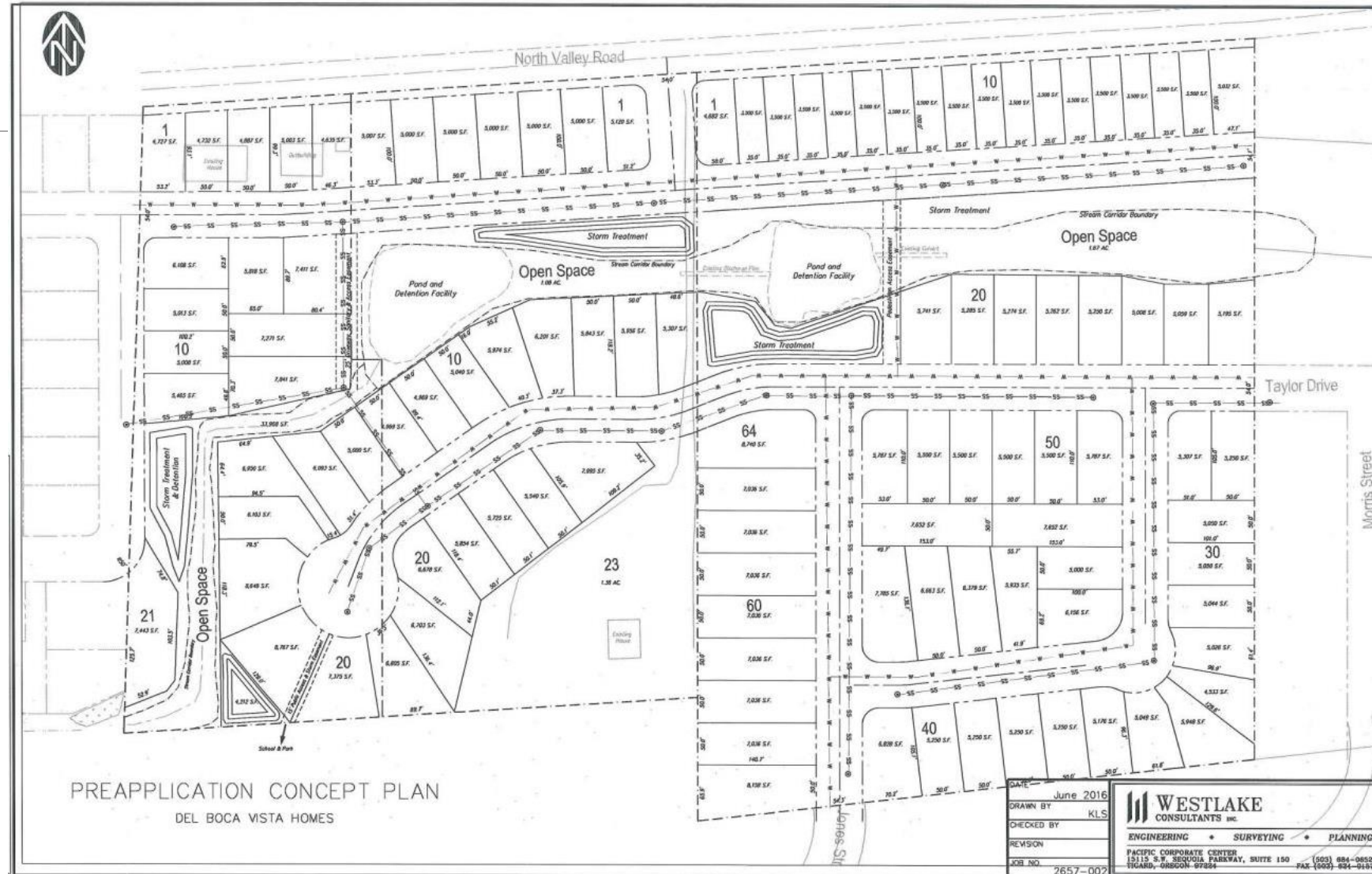


Comprehensive Plan Map



Utilities





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: The proposed use is low density residential. The requested zoning of R-1 (low density residential) is consistent with the LDR Comprehensive Plan designation, per NMC 15.250.080. The SC overlay on the Comprehensive Plan map becomes an SC zoning overlay on the Zoning map.
- Comprehensive Plan text:
 - *x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development*
 - *Question: Is this policy applicable to the annexation?*

Question for City Attorney & response (Attachment 5)

➤ Question: Is this comprehensive plan (CP) policy a criterion for annexation of residential parcels?

I. HOUSING – POLICIES - 3. Mix Policies

- *x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.*

➤ Answer: *Qualified yes, based on recent LUBA decisions.*

- *The Municipal Code is intended to implement the CP, but does not foreclose the possibility that some CP policies may continue to apply directly.*
- *Not enough for the petitioner to simply identify mandatory language in a CP policy; the text and context must be read with perhaps competing goals in the CP and the language of the implementing regulations.*
- *Must make findings addressing the criterion above, and others*

Question for City Attorney & response

➤ **Answer (continued):**

- The Planning Commission, after considering the evidence in the record, should make findings answering one or more of the following questions:
 1. Do the NMC regulations fully or partially implement this NCP policy?
If fully implemented, the NCP Housing Mix Policy, paragraph x. criterion is displaced by the regulation.
 2. If not fully implemented, is this criterion applicable to the current annexation proposal?
If it is not applicable, there should be findings as to why it is not applicable.
 3. If applicable, there should be findings that either the criterion is met, unmet, or performance excused.
 4. In the context of other relevant NCP and NMC policies and criteria, some of which may be conflicting, can this criterion and other criteria be met in concert?
 5. If competing criteria cannot be met in concert, there must be findings balancing the competing policies and goals and explaining the rationale for doing so.

Criteria – 15.250.030 Quasi-Judicial Annexation

➤ ***The proposed use complies with the Comprehensive Plan and designation on Comprehensive Plan map***

- Defining “large”: Merriam-Webster Dictionary – 1) exceeding most other things of like kind especially in quantity or size, or 2) dealing in great numbers or quantities.
- Context – list put together in 2016 of residential annexations going back 20 years (excludes commercial, industrial and parks annexations) – page 5 of findings
 - 602 total acres, 40 annexations
 - Most are very small (under 5 acres), one is very large (250 acres)
 - Average = 15 acres. Is “above average” = “large”? Average is influenced by the outliers, does not seem to fit data well as a description of “large” and “small”.
 - Group into similar clusters by impact on community: small = under 10 acres, medium = 10-40 acres, large = over 40 acres. This approach made sense to staff, and was in the draft findings.
 - Based on this grouping, the 25.66 acre annexation is not “large”, so the R-3 mix policy is not applicable.
 - Planning Commission discussed this at length. 4 commissioners said during discussion they thought this should be considered large, but when they made specific revisions to the findings they did not change the findings about “large”.
 - The City Council needs to make their own decision about whether this annexation is large or not, and then make sure the findings you adopt support your decision either way.

Residential annexations since 1996 (does not include commercial, parks, or industrial annexations)								
Anexation	Zone	Order / ORDINANCE	Map Tax Lot	Acres	SQ Feet			
ANX-22-99	R-2	2000 2524	3219DB 03200	0.12	5400 sf			
ANX-31-04	R-1	2004 2601	3218AB 02300	0.22				
ANX-11-96	R-1	96 2461	3220CD 00500	0.34				
ANX-12-002	R-2	2012 2755	3221BB 00300	0.36				
ANX-05-037	R-1	2005 2630	3209CD 00400	0.40				
ANX-17-97	R-2	2000 2231	3220CD 00900	0.40	17,763 SF			
ANX-14-001	R-1	2014 2774	3209 05800	0.50				
ANX-32-04	R-2	2004 2604	3207AD 00900	0.55				
ANX-25-01	R-1	2001 2559	3218AB 02000	0.96				
ANX-06-005	R-1	2006 2649	3207AC 00800	1.00				
ANX-12-001	R-2	2012 2755	3218AB 01101	1.00				
ANX-05-038	R-1	2005 2631	3217BA 00300	1.55				
ANX-06-008	R-1	2006 2655	3207DA00200	1.83				
ANX-14-002	R-1	2016 2799	3208 02900	2.29				
ANX-16-003	R-2	2016 2803	3218AB 01700, 01701, 01702	3.06				
ANX-06-001	R-2	2006 2653	3221 03100	3.20				
ANX-06-002	R-2	2006 2654	3218AB 01800	3.20				
ANX-30-03	R-1	2003 2594	3218CA 00100, 00101,00300	3.30				
			3217BA 00100, 00200, 00500,					
ANX-07-005	R-2	2008 0009	00600, 00700, 00800	3.55				
ANX-05-036	R-1	2005 2629	3209 03000	3.64				
ANX-06-003	R-1	2006 2650	3207AC 00102,0200,0400	3.73				
ANX-7-96	R-2		3221 015600	3.80				
ANX-8-96	R-2		3221 00700	3.90				
ANX-14-96	R-1	96 44	3207AD 01000	4.48				
			3218AB 01000, 01100, 01200,					
ANX-05-041	R-2	2006 2641	01300, 01400	5.43				
ANX-21-98	R-1	99 2170	3207 03300	6.00				
ANX-13-001	R-3	2014 0033	3221 00900	7.20				
ANX-08-005	R-1	2008 2695	3207 00500	7.67				
ANX-12-96	R-1		3218AC 01700, 01800, 02000	8.00				
ANX-16-001	R-1	2016 2805	3207 00900	10.37		Gracie's Landing		
ANX-6-96	R-2	2434	3208 03000, 03100	11.00				
ANX-05-042	R-2	2006 2639	3220 01300	16.30				
			3208 01100, 3208AD 00900,					
ANX-05-039	R-1	2005 2642	3208AD 01000	20.27				
ANX-33-04	R-1	2004 2603	3221 04300, 04301, 04390, 04400	20.58		Southern part of Greens		
ANX-06-007	R-2	2006 2652	3220 01101, 01400	24.50				
ANX-15-97	R-1	97 2479	3208 03400, 03500, 3207DD 00100	25.50		NWNSP		
ANX-17-001	R-1		3207 00600, 00700, 00800	25.66		Dutchman's Ridge (proposed)		
			3207 01000, 02800,03400, 03500,					
ANX-28-01	R-2	2002 2566	03600, 03700, 03701, 03702, 03703, 03704, & 3218SB 00900	46.00				
			3219 00700, 3219 00301, 3230					
ANX-05-043	R-2	2006 2651	00400, 3230 00500, 3230B 02300, 3230 01400,	70.80		Waterfront area		
			3206 03601, 03600, 03700, 03800,					
			03900, 04000, 04100, 04200,					
			04101, 04300, 04400, 04500,					
			04600, 04700, 04800, 03208AD					
ANX-9-96	R-1, R-2, M-2	2439	01600, 01700, 3209CD 00100, 00101, 3209 2900, 3217BA 01200	249.00		Springbrook master plan site		
				601.66	total acres in 40 annexations			
				Average size = 601.66/40 = 15 acres				

Criteria – 15.250.030 Quasi-Judicial Annexation

- Even if the R-3 mix policy was applicable, it conflicts with:
 - ***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***
 - (mandatory SHALL language separates housing by density, does not allow mix of zones in LDR)
 - ***Plan Classifications: Low Density Residential (LDR)*** - allows a range of housing types but must maintain the low overall average density. Does not allow a range of zones.
 - ***Location Policies:*** R-3 area could be located off a major collector but site is connected by local street network to low density areas – may still impact; some nearby commercial services.
 - ***Municipal Code 15.250.080:*** LDR is implemented by the R-1 zone. The zone is applied automatically at annexation, and a Comprehensive Plan Map amendment/Zoning Map amendment shall not be required.
- Planning Commission found that on balance, the annexation proposal complies with the LDR Comprehensive Plan map designation and the Comprehensive Plan policies.

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 on E/SE edge for extension to part of site.
 - Public utilities will be built within Gracie's Landing subdivision on west edge within three years, and will be designed to extend into this site.
 - Future development of property will require ROW dedication, frontage improvements to North Valley Rd, and full traffic impact analysis, including sight distance analysis. Will also require wetland delineation and DSL permits.
 - Police, Fire, parks, and schools are available to serve the future development.

City Council hearing steps

- ❖ Listen to public testimony
- ❖ Decide what you think the facts are, and whether or not the application meets the criteria for an annexation
- ❖ You can approve or deny the application, but you must make written findings that support your decision either way.
- ❖ The Planning Commission recommended approval, so the draft findings in the ordinance support approval of the annexation.
- ❖ The City Council must make a decision, and verify that the findings explain how the application either does or does not meet the annexation criteria.

Planning Commission Recommendation

Adopt Ordinance No. 2017-2815, annexing 25.66 acres of property located at 25020, 25240, and 25300 NE North Valley Road, withdraw it from the Newberg Rural Fire Protection District, and change the zoning from Yamhill County AF-10 to Newberg R-1 with Stream Corridor overlay.

Annexation of Newberg with TVR

It has been brought to my attention that the City of Newberg might be annexing with TVR, if this happens all property taxes will increase by 50%. I understand that there has been a 40% increase in 911 calls to dispatch.

I feel the reason for this increase is due to more people living here and drivers driving habits are very poor. I have noticed that the lights are longer now due to the increase of population, people are always in a hurry so they don't want to sit through another change of lights so they are running through red lights, I have seen this happen at Villa and 99 and Springbrook several times now, I have made it a habit for the last many years to look both ways when I get the green light but others may not. I have also seen people talking on the phone or texting while driving. Drivers don't care if they hurt or kill any one, they are most interested on getting where they need to go on time. (they need to learn to leave earlier or give themselves more time). And drivers also tail gate really really really bad, they get so close to my back side of my car I can't even see their head lights. If they get rear ended then they are going to rear end me.

ALL THESE THINGS ARE CAUSING MORE WRECKS WHICH CAUSE MORE TRAFFIC THROUGH THE 911 DISPATCH.

I not only speaking for my self but for the others this will impact in this city. It is high time that these drivers be responsible for their bad driving habits, now they are not accountable for any of their actions may be if they would be made accountable it might cut down on wrecks but I doubt it, so why not charge a hefty fine to the responsible party of accidents, if you hit them in the pocket book where it counts they might get it, if it was to work it could be a drop in wrecks there for less traffic to the 911 dispatchers.

I had a really bad wreck a few years ago, a 16 year old (of which had just gotten her drivers licence, from the time it took her to get from dmV in Sherwood to Newberg she had a major wreck, she wiped me out) she didn't understand the word stop, she totaled my car and totaled it out, I am the one paying for her mistake she has no idea what is has done to me and how it impacted my life. She got off scot free not even a slap on the hand. I have learned a very valuable lesson but I can't stop all wrecks from happening. Also there are way too many uncontrolled intersections, people don't think that the person to their right has the right of way so here again more wrecks. Maybe it time to put in stop signs at all these uncontrolled intersections, you can't count on people doing the right thing, they can't even turn off their phones long enough to get to their destination safely. Then there's the pedestrians they can't even walk without being on their phones not to mention that they can't stop before crossing the road and looking both ways to look for cars, **cars can't stop @ it a dime.** (I was taught that you look both ways before you cross the street).

If those stop signs were put in and reinforce the pedestrians doing the right thing it could have a positive impact on the amount of 911 calls to dispatch.

City Council Meeting

Date: 11/11/13

Re: JEERIK

Topic: Public Comments

I am tired of paying for the mistakes of others, its time that they be held accountable for there bad driving habits, let them pay the price for the accidents they cause and fund the dispatch and other departments with in the police and fire departments, I am scared to death to drive any more

Also you could charge a user fee to use the library.

I would say its time for the City to get to the table and do some major prioritizing and get rid of waste with in the city, **I have seen street lights on when it's light out and that is a money waster.**

I don't know about you hut when the budget is out of whack you get rid of what you can't afford or need. There has to be some things that could be eliminated from the city budget. (like getting rid of special perks)

At the moment I have no job nor any income I am living so lean I squeak, you all could take a lesson from me.

I am tired of being taxed to death every time there isn't money for anything, prices go up, (just like the sewer increase) and when will that stop. It has been several years now you would think that they would have gotten the extra cash for the sewer upgrade by now. (I have an Idea on to get money for that too).

There are many retired and elderly folks that live in this community, I know that they can't afford this 50% increase in property tax's I know I can't. I have been trying to get a job for the last 7 1/2 months the problem is I don't have a income and company's aren't hiring 63 year olds.

(just today I was running errands, At every light cars were running red lights and 1 stop sign, I see this as the problem to your 40% increase of 911 calls, more wrecks).

Thank You for your time.

Carolyn Phipps

NEWBERG CITY COUNCIL MEETING INFORMATION

Meeting Date: May 15, 2017

Prepared by: Sue Ryan

Councilors	Roll Call	Consent 4/17 Minutes Res 3374 Support City for all Ages Res 3363 M.L. Houck contract – Blaine St. Res 3369 – Blaine St. easements	Waiver 2 nd reading Ord 2815 Dutchman's Ridge	Waiver 2 nd reading Ord 2815 Dutchman's Ridge	Denial Ord 2815 Dutchman's Ridge + Direct staff to develop findings	Res 3380 Declare vacancy for District 1
ANDREWS, Bob, Mayor	X	Yes	No	No	Yes	Yes
BACON, Denise	X	Yes	Yes	Yes	Yes	Yes
COREY, Mike	Absent	Absent	Absent	Absent	Absent	Absent
DELLE, Hayley	X	Yes	No	No	Yes	Yes
ESSIN, Scott	X	Yes	Yes	Yes	Yes	Yes
JOHNSON, Patrick	X	Yes	No	Yes	Yes	Yes
McKINNEY, Stephen	X	Yes	Yes	Yes	No	Yes
ROLL CALL VOTES		YES: 6 NO: 0 Absent:1	YES: 3 NO: 3 Absent: 1	YES: 4 NO: 2 Absent: 1	YES: 5 NO: 1 Absent: 1	YES: 6 NO: 0 Absent: 1
MOTION (1 st /2 nd):		Bacon/ Johnson	Essin/Bacon	Johnson/ McKinney	Bacon/Essin [McKinney]	McKinney/Bacon

Meeting adjourned at 11:02 p.m.