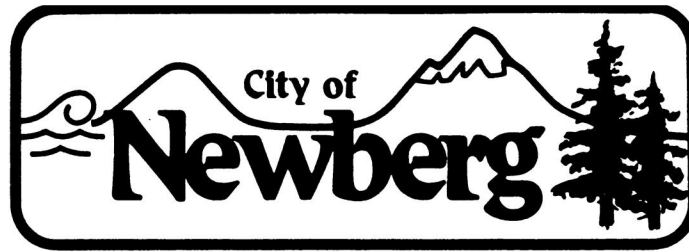


City Manager
(503) 538-9421

City Attorney
(503) 537-1206



414 East First St.
PO Box 970
Newberg, OR 97132

**CITY OF NEWBERG
CITY COUNCIL WORK SESSION
DECEMBER 3, 2007
6:00 P.M.**

NEWBERG PUBLIC SAFETY BUILDING

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE DECEMBER 3RD COUNCIL AGENDA ITEMS AND TO HEAR REPORTS FROM BOARDS, COMMISSIONS, AND COMMITTEES. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS.

SCHEDULED STAFF REPORTS:

AFFORDABLE HOUSING PRESENTATION

DATED THIS 20TH DAY OF NOVEMBER, 2007.

ROBERT I. TARDIFF
CITY MANAGER PRO TEM

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Manager's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Norma Alley, City Recorder, at (503) 537-1283. For TTY service please call (503) 554-7793.

● CITY MANAGER'S OFFICE: e-mail: nctymgr@ci.newberg.or.us Fax: 537-5013 ●
Building: 537-1240 ● Public Works: 537-1273 ● Finance: 538-9421 ● Fire: 537-1230
Library: 538-7323 ● Municipal Court: 537-1203 ● Police: 538-8321 ● Maintenance: 537-1234 ● Utilities: 537-1205
Municipal Court Fax: 538-5393 ● Public Works Fax: 537-1277 ● Library Fax: 538-9720

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

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Memorandum

To: Newberg City Council
CC: Barton Brierley, Planning and Building Director
From: David Beam, Economic Development Coordinator/Planner *DB*
Date: 11/16/2007
Re: Affordable Housing Workshop on December 3, 2007

At your December 3rd meeting, I will be joining you during the work session to discuss affordable housing and recent efforts by city staff and citizens of the community to address this issue in Newberg. As a prelude the work session, I have attached for your review a recent article in the Oregonian regarding housing affordability in Washington County. In general, I believe the principal issues brought up in this article likely apply to Newberg as well.

I look forward to our work session.

For rent: Nothing you ca

For many in Washington County, the rising cost of housing pushes them out,

By **KATHLEEN GORMAN**
THE OREGONIAN

While cocktail partygoers chatter about their rising property values, thousands of other Washington County residents worry about how they're going to pay the rent.

Some are trying to put troubled lives behind them. Others are stuck in low-paying jobs. They face what advocates call "housing insecurity."

And it's getting worse.

"It's really hard to find affordable housing," says Lydia Loftin, who gratefully moved into Greenburg Oaks, a subsidized apartment complex in Tigard, last week. "It's very limited — that I do know."

The Portland area's rising home prices and interest rates are partly to blame. Rental vacancies have fallen nearly to 3 percent. Few new apartments are being built, and others are being converted into condos, which further drives up rents. After a long stagnant period, Portland-area rents rose about 6 percent in 2006 and are expected to increase again this year.

At the same time, wages aren't keeping up. More people are moving into Washington County, and not all are scoring high-paying jobs. Most affordable housing complexes have waiting lists, and new projects aren't going up fast enough to meet the growing need.

To bring attention to the issue, the Interfaith Committee on Homelessness and the nonprofit Community Housing Fund are presenting a free forum on affordable housing May 12 at the Cedar Hills United Church of Christ. Organizers hope to educate the public as well as offer information on how to help.

"The term 'affordable housing' is sort of a mystery," says Eric Canon, chairman of the committee. "It conjures up images of Chicago high-rises and crime and filth and that kind of thing."

Forget those stereotypes of lazy people living in squalor, he says. Subsidized housing in Washington County serves the working poor, the elderly, the disabled. Agencies work hard to make it fit into neighborhoods.

Budget-busting rents

Experts say no one should pay more than 30 percent of their income for housing. Using that figure, it takes \$14.17 an hour, or just less than \$30,000 a year, to afford an average two-bedroom, market-rate apartment in the Portland area that rents for \$750 monthly.

That's well beyond the reach of a single parent making the minimum wage of \$7.80 an hour. It can be a stretch for a professional just starting out.

"Not everybody who moves into Washington County is an engineer," says Susan Wilson, director of housing services.

Please see **FOR RENT**, Page 14



Lydia Loftin moved last week into Greenburg Oaks, an affordable housing complex in Tigard managed by Community Housing Fund. "The former meth addict has been clean and sober for more than a year and is working to and I have to rehabilitate myself," she says.

BY THE NUMBERS

Affordable housing units
in Washington County

7.040

Estimated units needed
by 2017

46.676

Units added
each year

250

Monthly rent for average
two-bedroom apartment

\$750

Hourly wage needed to afford
average two-bedroom apartment

\$14.17

1 afford

1 as nonprofits try to help



JOEL DAVIS/THE OREGONIAN

rs for Affordable Housing. She says it feels great to be in a three youngest daughters back. "It's like being in a bad accident

Oregon's hourly minimum wage

\$7.80

Affordable monthly rent at minimum wage

\$405

HOW MUCH FOR A ROOF?

The median annual income in the Portland area for a family of four:
\$57,200

Affordable monthly rent – no more than 30 percent of a household's income – for such a family:
\$1,430

The market-rate rent for an average three-bedroom apartment in the Portland area:
\$1,073,
which is within the family's means

Here's what people making less than the median income can afford to spend on housing:

A family earning: **\$40,700**
affordable rent: **\$1,018**

A family earning: **\$33,950**
affordable rent: **\$849**

A family earning: **\$20,350**
affordable rent: **\$509**

Source: Guidelines from the U.S. Department of Housing and Urban Development and the Washington County Department of Housing



DANA E. OLSEN/THE OREGONIAN

Bobbi Brown left an abusive marriage and lived briefly with her mother and then in a hotel before landing at Villa Capri Apartments East in Aloha. She now lives and works at the affordable-housing complex. Her job includes organizing activities after school and on Saturdays for children who live there. Surrounding Brown in the complex's community center are (from left) Deandre Brooks, 8; Annah Astin, 9, and twins Ana and Cecilia Eddy, 7. Although her income is still below the poverty line, Brown is optimistic. "I think we're going to do really great things here," she says.

AGENCIES HELP COUNTY RESIDENTS

Nonprofit agencies providing affordable housing in Washington County

Community Partners for Affordable Housing

Tigard/Tualatin area

Contact: Sheila Greenlaw-Fink, executive director, 503-968-2724
www.cpahinc.org

Housing Development Corporation of Northwest Oregon

Aloha, Hillsboro, Forest Grove, Cornelius, with new units opening in Scappoose

Contact: Robin Smith, housing director, 503-693-2937, ext. 105
www.farmworkerhousing.org

Tualatin Valley Housing Partners

Aloha, Beaverton, Hillsboro

Contact: Karen Voiss, resident services manager, 503-641-5437
www.tvhphousing.org

TOWN HALL ON AFFORDABLE HOUSING

What: Washington County experts will discuss the challenges of providing housing for people who can't afford market-rate rents and will offer information on how to help. The forum is presented by the Interfaith Committee on Homelessness and the nonprofit Community Housing Fund.

Where: Cedar Hills United Church of Christ 11695 S.W. Park Way (corner of Southwest Cedar Hills Boulevard and Park Way)

When: 10 a.m. to noon, Saturday, May 12
Registration, 9:30 a.m.; program, 10

Fee: Free

Information: Call Eric Canon of the Interfaith Committee on Homelessness at 503-357-3282 or Kathy Varro Andersen of the Community Housing Fund at 503-846-5794.

Online: www.ahomeoftheirown.com

For rent: Land cost can prevent new low-cost units

Continued from Page 12

The county has about 7,000 units of affordable housing — a combination of federal Section 8 housing, public and private partnerships and county-owned units, Wilson says. Those 7,000 units serve an estimated 17,600 people, or about 4 percent of the population. The inventory would be 100 percent full if not for some apartments damaged by a recent fire.

One study estimated the county will need 46,676 more units of affordable housing by 2017 for people who make less than 80 percent of the median income. But county leaders have been able to add only about 250 units a year.

"Times are great for our nonprofit, but they're terrible for the

people we serve," says Sheila Greenlaw-Fink, executive director of Community Partners for Affordable Housing in Tigard.

The agency has a waiting list for the 175 units it manages, she says. As many as 101 more units are in development. Typically, creating new affordable housing units takes three to four years, she says.

That's if an agency can navigate the complex financing typically involved.

It takes a village

In Beaverton, Tualatin Valley Housing Partners broke ground April 5 on Merlo Station Apartments, just south of the Merlo/Southwest 158th Avenue MAX station. Merlo Station Apartments will provide 128 units of transit-oriented affordable housing.

The project will include 113 two-, three- and four-bedroom family units and 15 studio, one- and two-bedroom units designed for independent living for developmentally disabled adults. Rents will range from \$190 to \$945. The project is expected to be ready to open in May 2008.

"Not everybody who moves into Washington County is an engineer."

Susan Wilson
County director of housing services

To bring it to reality, Tualatin Valley Housing Partners worked with TriMet, Beaverton, Washington County, the state, the Enterprise Foundation and U.S. Bank.

"I think it shows what it takes these days to get affordable housing," says Karen Voiss, resident services manager.

Some of the seed money for new affordable housing projects comes from the Community Housing Fund, one of the sponsors of the town hall forum.

Since incorporating in 2003, the fund has loaned about \$250,000 to nonprofit organizations to get affordable housing projects going, says Kathy Varro Andersen, resource development manager.

The loans average about

\$25,000 and go toward "pre-development" costs such as soil samples and early architectural plans — things banks often won't cover. "We're kind of in the leveraging business," she says.

One of those \$25,000 loans helped pay for an overhaul of Greenburg Oaks, Loftin's new home. The renovation, more than \$2.5 million, was completed last summer.

Four buildings were stripped of old stucco and covered with siding. Workers installed energy-efficient windows and rebuilt apartment decks. All 84 apartments also received new cabinets and countertops, bathroom vanities and tub surrounds, window coverings, fresh wall texture and paint; and other upgrades.

Cost of land is barrier

Agencies also face challenges in finding space for new projects in a county where land is becoming ever more scarce and expensive.

The Housing Development Corporation of Northwest Oregon began providing migrant farmworkers with housing a

quarter-century ago. About a year ago, it changed the last part of its name from "Washington County" to "Northwest Oregon," in part because it was building a \$2 million, 22-unit housing complex in Scappoose, which is in Columbia County.

The decision made sense because of the need to serve workers who live in Scappoose and work in Saurie Island fields, says Robin Smith, housing director for the nonprofit organization. But part of the decision was because the organization couldn't find affordable land in Washington County.

Smith says some of the group's units in western Washington County are vacant because of the ongoing immigration debate. Families with members who aren't clearly documented citizens stay away for fear of being deported. Some choose instead to live outdoors.

"What I do know is that every single day people call me about housing," she says.

That need is why the Interfaith Committee on Homelessness expanded its mission to include the lack of affordable housing, which members see as one of the root causes of homelessness.

Bobbi Brown agrees. When she left an abusive marriage, she and her two children lived briefly with her mother. When that didn't work out, her mother paid for them to live in a hotel for two months.

"We were basically homeless," she says.

Now living and working at Villa Capri Apartments East in Aloha, Brown feels as if she's "somewhere I'm supposed to be. Like it was meant to be. It's nice to have a place where I feel like I can grow."

After raising money last year to support county shelters, members of the Interfaith Committee on Homelessness are lobbying the Legislature in support of a bill that would provide \$100 million for more units of affordable housing in Oregon. The extra money would come primarily from an increase in real estate recording fees.

Group members also support a new campaign — called "100 by 1,000" — that urges 100 churches to raise \$1,000 each for the Community Housing Fund for affordable housing in Washington County.

"We have a responsibility," Canon says. "It's not OK to leave people out in the cold."

Kathleen Gorman: 503-294-5956;
kathleengorman@
www.oregonian.com



What goes on the ground, goes in the river. Runoff from your yard picks up oil, fertilizer and weed killer along the way. Do your part and landscape with native plants, garden chemical-free, and pick up after your pet. For more tips, visit CleanWaterServices.org/tips.

CleanWater Services
Keeping it clean.

Council accepts comments on agenda items during the meeting. Please fill out a form identifying the item(s) you wish to speak on prior to the meeting starting, if possible, or prior to the agenda item beginning and turn it into the City Recorder. (The exception is formal land use hearings, which requires a specific public hearing process.)

**CITY OF NEWBERG
COUNCIL AGENDA
DECEMBER 3, 2007
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

I. CALL MEETING TO ORDER*

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CITY MANAGER'S REPORT

V. COUNCIL APPOINTMENTS

1. Consider a motion to elect a Council President. (Pg. 11)
2. Consider a motion to fill three Planning Commission positions and one Student Planning Commission position with the most qualified candidates. (Pg. 13-28)

| | |
|---|----------------|
| Thomas Barnes | Nick Tri |
| Bob Woodruff | Marcia Mikesch |
| William Ashburn | Steve Thomson |
| TeAnna Rice (Student Planning Commissioner) | |

VI. PUBLIC COMMENTS

(30 minutes maximum which may be extended at the Mayor's discretion; an opportunity to speak for no more than 5 minutes per speaker allowed)

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2007-2746** accepting jurisdiction over Second Street from State Highway 219 to Springbrook Road. (Pg. 29-31)
2. Consider a motion approving **Resolution No. 2007-2752** updating the Permit Center Fee Schedule. (33-37)

*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.

VIII. PUBLIC HEARING

Consider a motion approving **Resolution No. 2007-2739** accepting the Columbia Drive Local Improvement District and setting a public hearing for the formation of the Local Improvement District. (Pg. 39-103)
(Legislative Hearing)

IX. CONTINUED BUSINESS

X. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2007-2749** directing staff to proceed with a jurisdictional transfer request of the rights-of-way for portions of Mountainview Drive, Springbrook Road, and Zimri Drive from Yamhill County. (Pg. 105-107)
2. Consider a motion approving **Resolution No. 2007-2750** authorizing the city manager pro tem to enter into an agreement with the Newberg School District to collect a construction excise tax. (Pg. 109-134)
3. Consider a motion approving **Resolution No. 2007-2751** adopting a list of street trees to be used in the downtown area (C-3 Central Business District). (Pg. 135-146)

XI. COUNCIL BUSINESS

Discussion on City Attorney's Evaluation Process.

XII. EXECUTIVE SESSION

XIII. ADJOURNMENT

*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.

INDEX OF ORDERS, ORDINANCES AND RESOLUTIONS:

ORDERS:

None.

ORDINANCES:

None.

RESOLUTIONS:

Resolution No. 2007-2739 accepting the engineering report for the Columbia Drive Local Improvement District (LID) and setting a public hearing for Council to consider a formation of the LID.

Resolution No. 2007-2746 accepting jurisdiction of a portion of Second Street from Yamhill County.

Resolution No. 2007-2749 directing public works engineering staff to proceed with a request for a jurisdictional transfer of the rights-of-way for portions of Mountainview Drive, Springbrook Road and Zimri Drive from Yamhill County.

Resolution No. 2007-2750 authorizing the city manager to enter into an agreement with Newberg School District to collect the district's construction excise tax

Resolution No. 2007-2751 adopting a list of street trees that are to be used in the downtown area (C-3 Central Business District).

Resolution No. 2007-2752 modifying the Permit Center Fee Schedule.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Norma Alley, City Recorder, at (503) 537-1283.

*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.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2007, December 3

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

Date Submitted: November 16, 2007

SUBJECT: Election of Council President

Contact Person (Preparer) for this
Motion: Norma Alley, City Recorder

Dept.: Administration

File No.:
(if applicable)

RECOMMENDATION:

Elect a member of the City Council to serve as Council President.

BACKGROUND:

1. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform his or her duties.
2. The position of Council president is currently vacant with the resignation of Robert Soppe.

FISCAL IMPACT: None.

STRATEGIC ASSESSMENT: The position of Council president needs to be filled to ensure that the duties and authority of the office of mayor can be legally exercised in the event that the mayor is absent or unable to fulfill his or her duties.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2007, December 3

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

Date Submitted: November 16, 2007
SUBJECT: Planning Commissioner and Student Planning Commissioner appointments

Contact Person (Preparer) for this Motion: Steve Olson, AICP Associate Planner

Dept.: Planning and Building

File No.:
(if applicable)

RECOMMENDATION:

Motion to fill three Planning Commissioner positions and the one Student Planning Commissioner position with the most qualified candidates. The planning commissioner terms will end December 31, 2010. The student planning commissioner term will end August 31, 2008.

BACKGROUND:

1. The Planning Commission is a seven member commission, with an additional non-voting student member.
2. The City has received six applications for the planning commissioner positions, and one application for the student planning commissioner position. The applications are attached. One application (Thomson) was received after the November 14th deadline. The City Council, at its discretion, may choose to accept or reject this application.
3. The planning commissioner terms are for three years and expire December 31, 2010. The student planning commissioner term is for the current school year and expires August 31, 2008 to allow flexibility for student's schedules.

FISCAL IMPACT: None.

STRATEGIC ASSESSMENT: The Planning Commission serves a very important role in the community. The volunteer members serve to further the purposes of Goal One, Citizen Involvement, as well as to cultivate future leaders in the community.

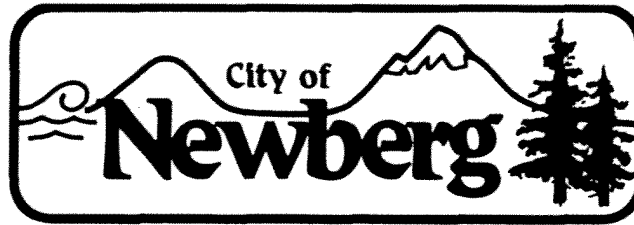
**PLANNING COMMISSION - CITY OF NEWBERG
APPROVED: January 2, 2007**

**Newberg
City Limits**

Occupation

| | | | | |
|-----|-------------------------|---|---|--------------------------------|
| Yes | Daniel H. Foster, Chair | Term: Appointed: Term Expires: | 3 years 12/6/04 12/31/07 | Real Estate Broker |
| Yes | Matson Haug | Term: Appointed: Re-appointed: Term Expires: | 3 years 01/18/94 1/94, 1/95, 12/97, 12/00, 12/03, 12/06 12/31/09 | Engineer |
| Yes | Philip Smith | Term: Appointed: Re-Appointed: Term Expires: | 3 years 12/2/02 12/5/05 12/31/08 | GFU Professor |
| No | Cathy Stuhr, V. Chair | Term: Appointed: Re-Appointed: Term Expires: | 3 years 7/5/05 12/5/05 12/31/08 | Business Owner |
| Yes | Nick Tri | Term: Appointed: Re-Appointed: Term Expires: | 3 years 10/15/01 12/6/04 12/31/07 | Semi-Retired Antique Dealer |
| Yes | Lon Wall | Term: Appointed: Term Expires: | 3 years 11/6/06 12/31/09 | Business Man |
| Yes | Benjamin Shelton | Student Planning Commissioner Term: Appointed: Term Expires: | School year 1/2/07 8/2007 | H.S. Student |

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



City Manager
(503) 538-9421

(503) 538-5013 FAX

Planning and Building Department

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

NEWS RELEASE

DATE: October 17, 2007

CONTACT: Barton Brierley (503-537-1212)

SUBJECT: Vacancies on Newberg Planning Commission & Newberg Downtown Revitalization Committee

RELEASE DATE: Immediate

The City of Newberg is seeking applications from citizens to serve on the Planning Commission and the Downtown Revitalization Committee (NDRC). This is an opportunity to serve your community and be part of the decision-making team that governs your community. These positions will be open as of December 31st, 2007. Members may also participate on other City-wide committees.

Planning Commission

There will be three positions available. The Planning Commission hears requests for annexations, comprehensive plan changes, zone changes, conditional use permits, appeals, and other land use applications. Its duties are to hold hearings, make findings, and typically present its recommendation to the Newberg City Council. For some types of applications the Planning Commission makes the final decision.

The appointment would be for a three year term. Applicants must reside within the city limits of Newberg. The Planning Commission meets at 7 p.m. on the second Thursday of every month. Additional meetings are occasionally required.

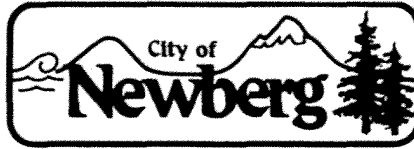
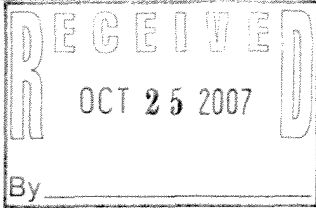
Newberg Downtown Revitalization Committee (NDRC)

There will be three positions available. The Committee advises the Newberg City Council on matters pertaining to the revitalization of Newberg's downtown area.

The committee meets at 7 p.m. on the third Wednesday of every month. Committee members are appointed for three-year terms. Applicants must be a resident of Newberg and/or be a downtown property owner, business owner, and/or a representative of a business located within the downtown Central Business District.

If you would like to participate on the Planning Commission or NDRC, please stop by the Planning and Building Office at 414 E. First Street, or call 503-537-1240 and we will be happy to provide you with an application. An application also is available at the City's website www.ci.newberg.or.us under the Mayor & City Council/Committee Applications heading. Applications are due by 5 p.m. on **Wednesday, November 14, 2007**. The City reserves the right to accept applications after this due date at the City Council's discretion.

The Newberg City Council is scheduled to review applications and appoint new members to the Planning Commission and NDRC on **Monday, December 3, 2007**. If you apply for a position, you should plan to attend this City Council meeting.



APPLICATION FOR CITY COMMISSION, COMMITTEE OR BOARD

POSITION APPLYING FOR: PLANNING COMMISSION

NAME: THOMAS BARNES HOME PHONE: 503-538-0219

HOME ADDRESS: 1000 S. SPRING BROOK UNIT 46 WORK PHONE: _____

WORK ADDRESS: RETIRED CELL PHONE: _____

E-MAIL ADDRESS: THOMAS.O.BARNES@US.ARMY.MIL

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 12 YRS

How long have you lived at the above address? 12 YRS

Previous Address: 33018 SE MAPLE, SCAPPOOSE, OR How long? 3 YRS

Occupation: RETIRED US ARMY Employer: _____

Thomas O Barnes
Signature _____ Date _____

Why do you want this position? (Continue on back or separate sheet, if necessary)
PLEASE SEE ATTACHED

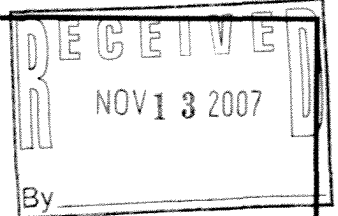
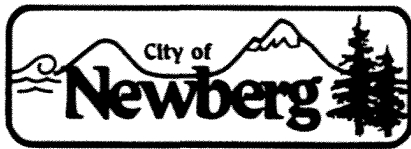
NOTE: Applicants are required to be present at the Council Meeting at which their application is to be considered.

RETURN THIS FORM TO THE OFFICE OF THE CITY RECORDER
P.O. BOX 970
NEWBERG, OREGON 97132
(503) 537-1283

G:\Recorder\Boards\Applications\General Commission Application.doc

Why do I want a position on the Planning Commission?

Last spring I was fortunate to become a member of the Newberg Budget Committee, and have found through that experience that working as a volunteer in the City of Newberg, can be challenging, exciting, and most of all very rewarding. The Budget Committee is driven to some extent by the work that the Planning Commission performs. As new neighborhoods are added, or developments postponed, the Public Safety requirements fluctuate with the General Fund being impacted. I think a blending of these two positions could be very important for the City, and myself. I look forward to the challenge.



APPLICATION FOR CITY COMMISSION, COMMITTEE OR BOARD

POSITION APPLYING FOR: PLANNING COMMISSION
NAME: NICK TRI HOME PHONE: (503) 538-9547

HOME ADDRESS: 1517 HESS CREEK CT WORK PHONE: SAME

WORK ADDRESS: RETIRED CELL PHONE: (503) 476-4517

E-MAIL ADDRESS: TRIK8@COMCAST.NET

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 17 1/2 yrs

How long have you lived at the above address? 17 1/2 YRS.

Previous Address: 85 OAK CT, EUGENE, OR How long? 12 yrs

Occupation: RETIRED Employer: N/A

Nick Tri
Signature

NOV. 14, 2007
Date

Why do you want this position? (Continue on back or separate sheet, if necessary)

HAVING SERVED ON THE PLANNING COMMISSION FOR TWO TERMS (6 YRS), I HAVE GAINED A GREAT DEAL OF KNOWLEDGE ABOUT THE

NOTE: Applicants are required to be present at the Council Meeting at which their application is to be considered.

RETURN THIS FORM TO THE OFFICE OF THE CITY RECORDER
P.O. BOX 970
NEWBERG, OREGON 97132
(503) 537-1283

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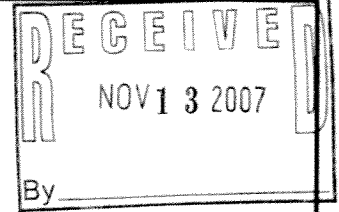
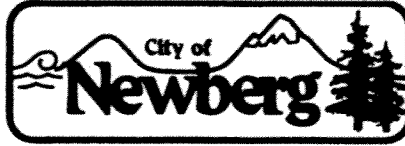
DEVELOPMENT CODE, THE DIRECTION THAT NEWBERG IS UNDERTAKING AND THE INTERESTS OF NEWBERG AS WELL AS ITS RESIDENTS.

I HAVE BEEN INVOLVED IN COMMUNITY AND CITY ACTIVITIES FOR OVER THIRTY YEARS. IT IS MY INTEREST TO CONTINUE ~~ON~~ ON THE PLANNING COMMISSION TO FURTHER THE IMPLEMENTATION OF THE SPRING BROOK PLAN AS WELL AS IMPROVING THE TRANSPORTATION OPTIONS OF NEWBERG.

THANK YOU FOR YOUR CONSIDERATION.

SINCERELY,

Nick Tri



APPLICATION FOR CITY COMMISSION, COMMITTEE OR BOARD

POSITION APPLYING FOR:

NAME: HOME PHONE:

HOME ADDRESS: WORK PHONE:

WORK ADDRESS: CELL PHONE:

E-MAIL ADDRESS:

Are you a registered voter? Yes No

Do you live within the City limits of Newberg? Yes No How long?

How long have you lived at the above address?

Previous Address: How long?

Occupation: Employer:

Signature

Date

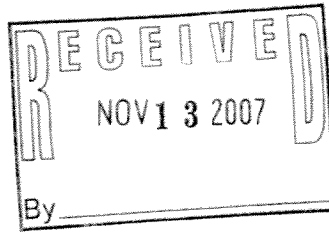
Why do you want this position? (Continue on back or separate sheet, if necessary)

Please See Attached Letter.

NOTE: Applicants are required to be present at the Council Meeting at which their application is to be considered.

**RETURN THIS FORM TO THE OFFICE OF THE CITY RECORDER
P.O. BOX 970
NEWBERG, OREGON 97132
(503) 537-1283**

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Bob Woodruff
320 Dayton Ave.
Newberg, OR 97132
503-487-6263
woodruff04@msn.com

City of Newberg
City Council: Planning Commission Application
Newberg, OR 97132

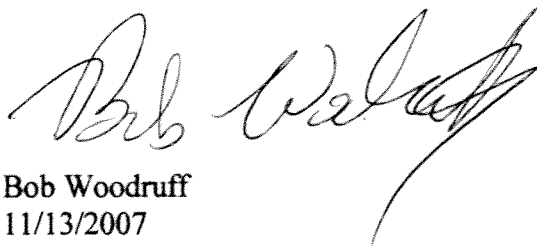
I would like to serve on the Planning Commission because I have a seven month old daughter and I want her to grow up in the best town possible. The Planning Commission plays a crucial role in shaping the growth of Newberg.

That is why I want to serve, but I guess you probably need more than that to go on. I have worked as Park Ranger with the Oregon Parks and Recreation Department for the past four years. My wife and I married just over two years ago and decided that Newberg would be an ideal place to settle down, buy a house and raise a family. It is close to family that we have in Portland and all that the 'big city' has to offer, but is still a small town.

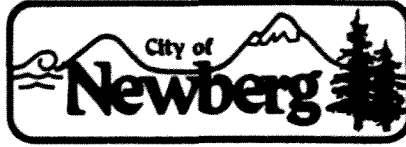
I previously lived in Charleston, SC. While there I served on several boards of directors for non-profit agencies, so I am familiar with working within a group decision-making body. Charleston also is nationally recognized for its urban planning and historic preservation efforts. While I was not directly involved in those efforts, few people live in Charleston without being aware of the successes and failures of city planning. I learned much simply by being a resident and having a "front row seat."

I am excited and proud to live in Newberg. This is where my wife and I have bought our first home and look forward to raising our children. I believe that I have much to offer to the Planning Commission and would be proud to serve.

Please to contact me at the above phone number/email address if you have any additional questions.



Bob Woodruff
11/13/2007



APPLICATION FOR CITY COMMISSION, COMMITTEE OR BOARD

POSITION APPLYING FOR: PLANNING COMMISSION

NAME: MARCIA A. MIKESH HOME PHONE: 503 538 0474

HOME ADDRESS: 301 PINEHURST DR. NEWBERG OR 97132 WORK PHONE: 503 538 5484

WORK ADDRESS: same CELL PHONE: NA

E-MAIL ADDRESS: marcia@mikesh-architect.com

Are you a registered voter? Yes No

Do you live within the City limits of Newberg? Yes No How long? 8 YRS. Months

How long have you lived at the above address? 5 YRS.

Previous Address: 2504 REDWOOD CT. NEWBERG How long? 3 YRS Months

Occupation: ARCHITECT Employer: SELF

Marcy Mikesh
Signature

11/13/07
Date

Why do you want this position? (Continue on back or separate sheet, if necessary)

see attached letter

NOTE: Applicants are required to be present at the Council Meeting at which their application is to be considered.

RETURN THIS FORM TO THE OFFICE OF THE CITY RECORDER
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NEWBERG, OREGON 97132
(503) 537-1283

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Marcia A. Mikesh Architect Inc.

COMMERCIAL
RESIDENTIAL
INSTITUTIONAL

301 PINEHURST DRIVE
NEWBERG, OR 97132
(503) 538-5484
Fax: (503) 538-5714
marcia@mikesh-architect.com

13 November, 2007
Newberg Planning Department
Planning Commission Application

To Whom it may concern:

I am applying for the position of Planning Commissioner for the City of Newberg to serve the community I live and work in. I want to learn how to better apply development codes, find out what is going on around town, and meet active community participants. I want to consider and discuss the various aspects of development being advocated. This is an exciting time in Newberg.

I'm a licensed architect, practicing from my home office in Yamhill County since 1990. I've worked with the Newberg Development Code and city staff on a couple of projects. I understand a commissioner has to recuse themselves from decisions where they have a personal, business, or financial interest. Springbrook Place is a 15 unit HUD-sponsored apartment project dedicated to developmentally disabled tenants, and required a zone change, comprehensive plan amendment, and site design review. Chehalem Mill is an ongoing historic landmark redevelopment project which to date has included two types of historic landmark design review applications, as well as some creative code application from the fire, building, and planning departments to allow an interim occupancy after construction is completed to weatherize and stabilize the structures.

Past commission experience includes serving on the McMinnville Historic Landmark Committee since about 1990 (Doug Montgomery, McMinnville Planning Director, 503-434-7311); the Yamhill County Historic Landmark Commission during the contentious early to mid-1990's (Ken Friday, Yamhill County Planning, and Melissa Van Bossuyt); I was an active member of the McMinnville Downtown Advisory Committee recently for several years, where we set up downtown building design standards that extend past the historic district, explored streetscape design standards, passed a tree ordinance allowing for succession, outlined an initial sign ordinance, and set the scope and reviewed a new downtown plan by consultants (Doug Montgomery).

I am a member of the Newberg Earlybirds Rotary Club, along with Mat Haug, a current Planning Commission member. I volunteer with SMART at Edwards Elementary School, the Interact club at Newberg High School, and with Architects in Schools (AiS) program through the American Institute of Architects, providing classes and projects in a Sherwood middle school two years ago and a McMinnville middle school this year.

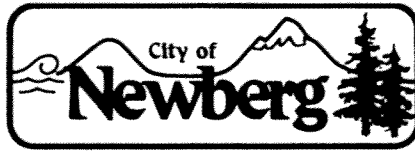
Thank-you for considering my application.

Sincerely,



RECEIVED
NOV 13 2007

RECEIVED
NOV 13 2007



APPLICATION FOR CITY COMMISSION, COMMITTEE OR BOARD

POSITION APPLYING FOR: PLANNING COMMISSION

NAME: WILLIAM (BILL) E ASHBURN HOME PHONE: N/A

HOME ADDRESS: 923-B CHARLES ST WORK PHONE: N/A

WORK ADDRESS: N/A CELL PHONE: 503-487-7364

E-MAIL ADDRESS: noemailathome@yahoo.com

Are you a registered voter? Yes

Do you live within the City limits of Newberg? Yes How long? 7

How long have you lived at the above address? 6 yrs

Previous Address: 800 hundred block of Columbia St How long? 1

Occupation: disable Employer: N/A

William E. Ashburn
Signature

11/09
Date

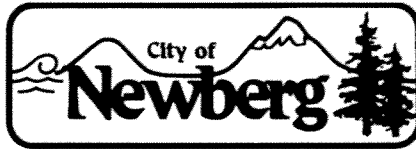
Why do you want this position? (Continue on back or separate sheet, if necessary)

I'm interested in a plan growth + interested in keeping Newberg livable, + get a living city.

NOTE: Applicants are required to be present at the Council Meeting at which their application is to be considered.

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NEWBERG, OREGON 97132
(503) 537-1283**

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RECEIVED
NOV 16 2007

BY:.....

APPLICATION FOR CITY COMMISSION, COMMITTEE OR BOARD

POSITION APPLYING FOR: PLANNING COMMISSION

NAME: STEVE THOMSON HOME PHONE: 503.538.1045

HOME ADDRESS: 330 W. OXFORD ST. WORK PHONE: N/A

WORK ADDRESS: N/A CELL PHONE: 971.257.6150

E-MAIL ADDRESS: SWTHOMSON@VERIZON.NET

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 10 MONTHS

How long have you lived at the above address? 10 MONTHS

Previous Address: 19220 NW MELLORES LN, 97129 How long? 6 MONTHS

Occupation: DISABILITY Employer: N/A

[Signature]

11/16/07

Signature

Date

Why do you want this position? (Continue on back or separate sheet, if necessary)

I AM INTERESTED IN BEING INVOLVED WITH THE GROWTH OF NEWBERG, AND HAVING SOME INPUT WITH IT.

NOTE: Applicants are required to be present at the Council Meeting at which their application is to be considered.

RETURN THIS FORM TO THE OFFICE OF THE CITY RECORDER

P.O. BOX 970

NEWBERG, OREGON 97132

(503) 537-1283

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APPLICATION FOR CITY COMMISSION, COMMITTEE OR BOARD

POSITION APPLYING FOR:

NAME: HOME PHONE:

HOME ADDRESS: WORK PHONE:

WORK ADDRESS: CELL PHONE:

E-MAIL ADDRESS:

Are you a registered voter? Yes No

Do you live within the City limits of Newberg? Yes No How long?

How long have you lived at the above address?

Previous Address: How long?

Occupation: Employer:

TeAnna Rice
Signature

Date

Why do you want this position? (Continue on back or separate sheet, if necessary)

I want this position because I have always wanted to make something better for me and the people around me. I was taught in both Girl Scouts and Leadership (for Mountain View Middle School) that you should always be involved in your community and that you should do your best to improve it. I want to help people live in a safe and comfortable environment.

NOTE: Applicants are required to be present at the Council Meeting at which their application is to be considered.

RETURN THIS FORM TO THE OFFICE OF THE CITY RECORDER
P.O. BOX 970
NEWBERG, OREGON 97132
(503) 537-1283

To Whom It May Concern:

I am writing this letter on behalf of TeAnna Rice, who is a student in my Social Studies Analysis class at Newberg High School's Silver School. I believe TeAnna has all the skills necessary to contribute to the city of Newberg in the capacity of Student Planning Commissioner. In addition to being one of my top Freshman students, TeAnna has shown a keen interest in helping her community by her membership with Girl Scouts of America, as well as her active role in student government and leadership team.

TeAnna has expressed to me that she hopes to help the community of Newberg by contributing her time and effort to the job of Student Planning Commissioner. Not only does she value being an active and productive member of her home town and school, as mentioned above, but she views this opportunity as a component of her education. Furthermore, TeAnna expressed the importance of being active in her community and feels this position will give her valuable experience in government participation and the 'behind the scenes' action which is not always visible to the general public.

Please consider TeAnna Rice for your opening for the reasons above. I will be more than happy to elaborate on any information provided, or answer any additional questions regarding my recommendation of TeAnna Rice for the position of Student Planning Commissioner.

Sincerely,

Kai Neevel
Newberg HS
neevk@newberg.k12.or.us

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2007, December 3

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2007-2746

Date Submitted: November 16, 2007

SUBJECT: Transfer of Jurisdiction of a Portion of Second Street from Yamhill County to the City of Newberg.

Contact Person (Preparer) for this Resolution: Daniel Danicic, PE
Public Works Director

Dept.: Public Works Department

File No.:
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2007-2746** accepting jurisdiction over Second Street from State Highway 219 to South Springbrook Road, subject to the conditions enumerated therein.

BACKGROUND:

At the City's request, the Yamhill County Commission, following a public hearing, passed Board Order No. 07-844, offering to transfer jurisdiction of a portion of Second Street to the City. This action is part of the Second Street Reconstruction Project to which Yamhill County will contribute \$100,000.

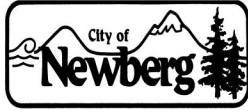
The street segment under consideration is that portion Second Street from its intersection with the centerline of State Highway 219, easterly along the centerline of Second Street to its intersection with the centerline of South Springbrook Road.

The Board Order stipulates that the transfer shall be deemed accepted by the City on the enactment of appropriate municipal legislation. Following the transfer, the City shall be responsible for all maintenance and repair of the road segment and for the financing thereof.

The conditions of Board Order No. 07-844 are satisfactory to the City of Newberg.

FISCAL IMPACT: The City will be responsible for maintenance of this road segment.

STRATEGIC ASSESSMENT: It is appropriate that roads within the City limits of the City of Newberg be under the jurisdiction of the City. This will assure that, as the roads are improved, the improvements will be to City standards.



RESOLUTION No. 2007-2746

A RESOLUTION ACCEPTING JURISDICTION OF A PORTION OF SECOND STREET FROM YAMHILL COUNTY

RECITALS:

1. On July 16, 2007 the City Council requested, through Resolution No. 2007-2720, that Yamhill County surrender to the City jurisdiction over that portion of Second Street from State Highway 219 to South Springbrook Road. This action was requested as part of the Second Street Reconstruction Project.
2. Thereafter, the County adopted Board Order 07-655 on July 18, 2007. The Order authorized the initiation of a formal process under ORS 373.270 to transfer to the City jurisdiction over the above-mentioned portion of Second Street, and to hold a public hearing on the matter.
3. On August 28, 2007, the duly noticed public hearing was held in the Yamhill County Courthouse on the proposed transfer of jurisdiction. No testimony opposed to the proposed transfer of jurisdiction was received.
4. In a unanimous vote (one member's absence being excused) on May 31, 2006, the Board passed Board Order 07-844, which found, based on the record of the public hearing and the request of the City of Newberg, a transfer of jurisdiction to be in the best interests of the citizens of Yamhill County. The Board Order constituted a formal offer to transfer jurisdiction. The operative part of the Board Order provided as follows:
 - A. Yamhill County hereby offers to surrender jurisdiction over the following portion of Second Street to the City of Newberg, Oregon:

That portion of Second Street from its intersection with the centerline of State Highway 219 easterly along the centerline of Second Street to its intersection with the centerline of South Springbrook Road.
 - B. On the City of Newberg's enactment of appropriate municipal legislation accepting the County's offer to surrender jurisdiction and in accordance with ORS 373.270(7) (2005 replacement part), the offer shall be deemed accepted with the following effect:
 - The jurisdiction of the County over the subject road or for its improvement, construction or repair shall cease.
 - The full and absolute jurisdiction over the subject road for all purposes of repair, construction, improvement and the levying and collection of assessments therefore shall vest in the City of Newberg.

- The City of Newberg shall have the same jurisdiction over the subject road as by its charter and the laws of the State are given or granted it over any of the public streets and alleys of the City.

5. The conditions of Board Order 07-844 are satisfactory to the City of Newberg. It is now necessary and proper that Board Order 07-844 and the offer contained therein be accepted by appropriate legislation of this Council as the governing body of the City of Newberg.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. That the offer of Yamhill County, Oregon, as contained in Board Order 07-844, dated September 5, 2007, to surrender jurisdiction to the City of Newberg over the following described portion of Second Street is hereby accepted: that portion of Second Street from its intersection with the centerline of State Highway 219 easterly along the centerline of Second Street to its intersection with the centerline of South Springbrook Road.
2. That this Resolution shall constitute notice to all persons concerned from the date of this Resolution that the jurisdiction of Yamhill County over the portion of the road described above shall cease and desist. This Resolution shall further constitute notice that the full and absolute jurisdiction over this road segment shall vest in the City of Newberg, Oregon for all purposes of repair, construction, improvement, and levying and collection of assessments therefore.
3. That a true copy of this Resolution certified to be such by the City Recorder of the City of Newberg be forwarded to the Yamhill County Board of Commissioners.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 4, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of December 2007.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 6th day of December 2007.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____ / ____ /200x meeting. Or, X None.
(committee name) (date) (check if applicable)

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2007, December 3

| | | | | |
|-------------------|-----------------------|-----------------------------|--------------------|-------------------------|
| Order ____ | Ordinance ____ | Resolution <u>XX</u> | Motion ____ | Information ____ |
| No. | No. | No. 2007-2752 | | |

Date Submitted: November 15, 2007

SUBJECT: Permit Center Fee Schedule Adjustments

Contact Person (Preparer) for this Resolution: Barton Brierley, AICP

Dept.: Planning and Building

File No.: Fee Changes 2007 (Alpha)
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2007-2752** adopting an updated Permit Center Fee Schedule.

BACKGROUND:

Staff proposes updating the Permit Center Fee Schedule with several adjustments:

1. The Newberg Development Code requires notice to be published in the Newberg Graphic for each Type III application. Type III applications are heard by the Planning Commission. Some Type III applications, such as zone changes, also require a City Council hearing. When the Permit Center fee schedule was originally adopted, the newspaper generally published such notices without charge. Now there is a charge for such publication, generally \$75 per notice. It is proposed that the fees for Type III applications be increased \$75 (or \$150 for applications that require both Planning Commission and City Council action) to cover these costs.

2. The Newberg Development Code requires filing of Measure 37 (now Measure 49) waivers in conjunction with applications for zone changes, annexations, and comprehensive plan map amendments. The cost of recording these waivers is typically about \$40. It is proposed that the fees for zone changes and annexations be increased by \$40 to covers the cost or recording these waivers.

3. Type I (staff review) design reviews cover commercial additions less than 1,000 square feet, commercial remodels less than 25% of the value, duplexes, and certain other items. The fee for a Type I design review (with inflation adjustment) is \$325. This generally covers the cost of processing small applications. However, under the 25% rule, some large buildings could undergo major remodels, could require substantial review time, yet still fall under \$325 fee. It is recommended that the fee for Type I design reviews be a sliding fee of 0.3% of the project value, \$325 minimum. Under this, only Type I reviews over \$108,000 valuation would have additional fees beyond the \$325 base.

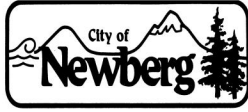
4. The Permit Center fee schedule may be increased annually to address changes in the consumer price index. The last inflation adjustment was made on January 2, 2007, and was based on the Sept 2006 CPI-U West of 207.8. The September 2007-CPI-U West is 212.9, or an increase of 2.5%. It is proposed the Permit Center Fee schedule be adjusted accordingly.

FISCAL IMPACT: Staff estimates that the adjustments will generate about \$1,000 additional revenue this fiscal year.

STRATEGIC ASSESSMENT: The fee adjustments will help maintain permit fees at a level anticipated to cover the cost of processing applications.

Attachments:

- Resolution 2007-2752 with Exhibit A: Fee Schedule
- 1. Current Permit Center Fee Schedule



RESOLUTION No. 2007-2752

A RESOLUTION MODIFYING THE PERMIT CENTER FEE SCHEDULE

RECITALS:

1. The Permit Center's goal is to provide excellent service to our customers, and to cover the costs of providing this service through fees.
2. The current Permit Center fee schedule does not adequately cover the rising cost of publishing notice in the newspaper, of recording documents, and of reviewing more complex Type I design review applications.
3. The Permit Center fee schedule may be increased annually to address changes in the consumer price index. The last inflation adjustment was made on January 2, 2007, and was based on the Sept 2006 CPI-U West of 207.8. The September 2007-CPI-U West is 212.9, or an increase of 2.5%.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Permit Center Fee Schedule as shown in Exhibit A is hereby adopted.
2. This fee schedule is effective for any application submitted after December 31, 2007.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 4, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of December, 2007.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 6th day of December, 2007.

Bob Andrews, Mayor

Exhibit A: Permit Center Fee Schedule.

LEGISLATIVE HISTORY

By and through _____ Committee at ____/____/200x meeting. Or, x None.
(committee name) (date) (check if applicable)

PLANNING & BUILDING DEPARTMENT FEE SCHEDULE
Effective Date: January 1, 2008

| | |
|--|--|
| PRE-APPLICATION REVIEW | \$100 |
| TYPE I (ADMINISTRATIVE REVIEW) | |
| ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION | \$130 |
| CODE ADJUSTMENT | \$325 |
| DESIGN REVIEW - TYPE I (DUPLEX OR COMMERCIAL/INDUSTRIAL MINOR ADDITION REVIEW) | 0.3% OF PROJECT VALUE, \$325 MINIMUM |
| MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION | \$130 |
| MAJOR MODIFICATION OF TYPE I DECISION | 50% OF ORIGINAL FEE |
| PARTITION FINAL PLAT | \$650 + \$65 PER PARCEL |
| PROPERTY LINE ADJUSTMENT | \$650 |
| SIGN REVIEW | \$60 PLUS \$1.00 PER SQ. FT. OF SIGN FACE |
| SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT | \$1300 + \$65 PER LOT OR UNIT |
| TYPE II (LAND USE DECISION) | |
| ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION | \$650 |
| MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION | \$130 |
| MAJOR MODIFICATION OF TYPE II DECISION | 50% OF ORIGINAL FEE |
| DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS) | 0.6% OF TOTAL PROJECT COST, \$650 MINIMUM* |
| PARTITION PRELIMINARY PLAT | \$650 PLUS \$65 PER PARCEL |
| SUBDIVISION PRELIMINARY PLAT | \$1300 PLUS \$65 PER LOT |
| VARIANCE | \$650 |
| *FOR ANY DESIGN REVIEW FEE IN EXCESS OF \$10,000, 50% OF THE DESIGN REVIEW FEE IS DUE AT TIME OF APPLICATION AND 50% DUE AT TIME OF BUILDING OR SIMILAR PERMIT ISSUANCE. | |
| TYPE III (QUASI-JUDICIAL REVIEW) | |
| ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION | \$1375 |
| ANNEXATION | \$1810 PLUS \$190 PER ACRE |
| COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC) | \$1695 |
| CONDITIONAL USE PERMIT | \$1375 |
| MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION | \$130 |
| MAJOR MODIFICATION OF TYPE III DECISION | 50% OF ORIGINAL FEE |
| HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION | \$0 |
| HISTORIC LANDMARK ELIMINATION | \$1695 |
| PLANNED UNIT DEVELOPMENT | \$2745+\$65 PER LOT OR UNIT |
| ZONING AMENDMENT (SITE SPECIFIC) | \$1735 |
| TYPE IV (LEGISLATIVE AMENDMENTS) | |
| COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION | \$1900 |
| DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION | \$1900 |
| APPEALS | |
| TYPE I OR II APPEAL TO PLANNING COMMISSION | \$400 |
| TYPE I OR II APPEAL TO CITY COUNCIL | \$725 |
| TYPE III APPEAL TO CITY COUNCIL | \$850 |
| TYPE I ADJUSTMENTS OR TYPE II VARIANCES THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT | \$250 |
| OTHER FEES | |
| COMMUNITY DEVELOPMENT FEE | 0.75% OF PROJECT COST |
| CITY HALL FEE | 0.25% OF PROJECT COST |
| (THE ABOVE TWO CHARGES ADDED TO ANY BUILDING PERMIT APPLICATION) | |
| EXPEDITED LAND DIVISION | \$5185 + \$65 PER LOT OR UNIT |
| URBAN GROWTH BOUNDARY AMENDMENT | \$3315 |
| VACATION OF PUBLIC RIGHT-OF-WAY | \$1375 |
| LICENSE FEES | |
| PEDDLER/SOLICITOR/STREET VENDOR | No fee (Business License fee only) |
| TEMPORARY MERCHANT | \$85/45 days or \$280/perpetual |

ADOPTION AND REVISION HISTORY:

| | |
|--|---|
| Adopted by: Resolution 98-2122, July 6, 1998 | Executive Order, December 16, 2002 pursuant to Resolution 99-2210 |
| Amended by: Resolution 99-2214, December 8, 1999 | Executive Order, January 22, 2002 pursuant to Resolution 99-2210 |
| Resolution 2000-2265, October 2, 2000 | Resolution 2004-2466, November 3, 2003 |
| Resolution 2001-2318, November 19, 2001 | Resolution 2007-2752, December 3, 2007 |
| Executive Order January 2, 2007 (Reso. 99-2210) | |

Attachment 1: Current Planning and Building Department Fee Schedule

PLANNING & BUILDING FEE SCHEDULE Effective Date: February 1, 2007

| | |
|--|---|
| PRE-APPLICATION REVIEW | \$100 |
| TYPE I (ADMINISTRATIVE REVIEW) | |
| ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION | \$125 |
| CODE ADJUSTMENT | \$315 |
| DUPLEX OR COMMERCIAL/INDUSTRIAL MINOR ADDITION REVIEW | \$315 |
| MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION | \$125 |
| MAJOR MODIFICATION OF TYPE I DECISION | 50% OF ORIGINAL FEE |
| PARTITION FINAL PLAT | \$630 + \$65 PER PARCEL |
| PROPERTY LINE ADJUSTMENT | \$630 |
| SIGN REVIEW | \$55 PLUS \$1.00 PER SQ. FT. OF SIGN FACE |
| SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT | \$1265 + \$65 PER LOT OR UNIT |
| TYPE II (LAND USE DECISION) | |
| ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION | \$630 |
| MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION | \$125 |
| MAJOR MODIFICATION OF TYPE II DECISION | 50% OF ORIGINAL FEE |
| DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS) | 0.6% OF TOTAL PROJECT COST, \$500 MINIMUM* |
| PARTITION PRELIMINARY PLAT | \$630 PLUS \$65 PER PARCEL |
| SUBDIVISION PRELIMINARY PLAT | \$1250 PLUS \$65 PER LOT |
| VARIANCE | \$630 |
| *FOR ANY DESIGN REVIEW FEE IN EXCESS OF \$10,000, 50% OF THE DESIGN REVIEW FEE IS DUE AT TIME OF APPLICATION AND 50% DUE AT TIME OF BUILDING OR SIMILAR PERMIT ISSUANCE. | |
| TYPE III (QUASI-JUDICIAL REVIEW) | |
| ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION | \$1265 |
| ANNEXATION | \$1580 PLUS \$185 PER ACRE |
| COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC) | \$1580 |
| CONDITIONAL USE PERMIT | \$1265 |
| MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION | \$125 |
| MAJOR MODIFICATION OF TYPE III DECISION | 50% OF ORIGINAL FEE |
| HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION | \$0 |
| HISTORIC LANDMARK ELIMINATION | \$1580 |
| PLANNED UNIT DEVELOPMENT | \$2530+\$65 PER LOT OR UNIT |
| ZONING AMENDMENT (SITE SPECIFIC) | \$1580 |
| TYPE IV (LEGISLATIVE AMENDMENTS) | |
| COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION | \$1900 |
| DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION | \$1900 |
| APPEALS | |
| OF EXHIBITOR LICENSE | \$110 |
| TYPE I OR II APPEAL TO PLANNING COMMISSION | \$315 |
| TYPE I OR II APPEAL TO CITY COUNCIL | \$630 |
| TYPE III APPEAL TO CITY COUNCIL | \$755 |
| TYPE I ADJUSTMENTS OR TYPE II VARIANCES THAT ARE NOT DESIGNED TO REGULATE THE PHYSICAL CHARACTERISTICS OF A USE PERMITTED OUTRIGHT ... | \$250 |
| OTHER FEES | |
| COMMUNITY DEVELOPMENT FEE | 0.75% OF PROJECT COST |
| CITY HALL FEE | 0.25% OF PROJECT COST |
| (THE ABOVE TWO CHARGES ADDED TO ANY BUILDING PERMIT APPLICATION) | |
| EXPEDITED LAND DIVISION | \$4600 + \$65 PER LOT OR UNIT |
| URBAN GROWTH BOUNDARY AMENDMENT | \$3160 |
| VACATION OF PUBLIC RIGHT-OF-WAY | \$1265 |
| LICENSE FEES | |
| EXHIBITOR (110.02) | \$110 |
| DANCE | \$12.50/for every dance held |
| PEDDLER/SOLICITOR/STREET VENDOR | No fee |
| TEMPORARY MERCHANT | \$85/45 days or \$275/perpetual |
| MISCELLANEOUS CHARGES | |
| COPY | \$0.25 |
| DOCUMENT | cost + 25% + \$4.05 shipping and handling |
| DOCUMENT ON DISK | \$9.15 + \$2.25 shipping and handling |
| MAP | cost + 25% + \$4.05 shipping and handling |
| ENGINEERING FEES | |
| ENGINEERING REVIEW AND INSPECTION | 5% OF PUBLIC IMPROVEMENT COST (2% DUE AT TIME OF PLAN SUBMITTAL) |
| FIRE FLOW MODELING FEE | \$630 |
| STORM SEWER MODELING FEE | \$630 |

ADOPTION AND REVISION HISTORY:

| | | |
|-------------|---|---|
| Adopted by: | Resolution 98-2122, July 6, 1998 | |
| Amended by: | Resolution 99-2214, December 8, 1999 | Executive Order, December 16, 2002 pursuant to Resolution 99-2210 |
| | Resolution 2000-2265, October 2, 2000 | Executive Order, January 22, 2002 pursuant to Resolution 99-2210 |
| | Resolution 2001-2318, November 19, 2001 | Resolution 2004-2466, November 3, 2003 |
| | Executive Order January 2, 2007 | |

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2007, December 3

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2007-2739

Date Submitted: November 16, 2007

SUBJECT: Adopt Resolution accepting the engineering report for the Columbia Drive Local Improvement District (LID) and setting a public hearing for Council to consider the formation of the LID.

Contact Person (Preparer) for this Resolution: Daniel Danicic, PE
Public Works Director

Dept.: Public Works Department

File No.:
(if applicable)

RECOMMENDATION: Adopt Resolution No. 2007-2739 accepting the Columbia Drive LID Engineering Report and setting a public hearing for January 7, 2008.

BACKGROUND: On March 10, 2006, a petition was submitted by property owners of several parcels on Columbia Drive west of its intersection with College Street requesting the City consider the formation of an LID for the improvement of the frontage of their property along Columbia Drive and College Street.

The block of Columbia Drive between College and Main Streets is partially improved with curb, gutter and sidewalk on the north side but the south side of the street and portions of the north side of the street are not improved to City standards. One of the petitioner's parcels is on the southwest corner of College Street and Columbia Drive and their request is to improve the frontage on both streets as part of an LID. The frontage of the parcels along the west side of College Street between the proposed LID parcel and Pinehurst Drive is also unimproved

On June 27, 2006, City Staff met with property owners along Columbia Drive to outline the process and to explain the feasibility of forming an LID.

On August 7, 2006, Council Resolution No. 2006-2668 was passed directing the City Engineer to prepare a report for the LID to improve the street frontage along both sides of Columbia Drive from Main Street to College Street and the frontage along the west side of College Street from Columbia Drive to Pinehurst Drive.

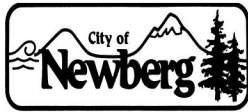
On October 4, 2007, City staff again met with property owners to discuss the recommendations of the final engineer's report, possible options for this LID and to further explain the process.

STRATEGIC ASSESSMENT:

Property owners at and near the corner of Columbia Drive and College Street have petitioned the City to consider an LID to improve their frontage, including the frontage of the church on the corner of Columbia Drive and College Street. Columbia Drive is a Minor Collector street which is mostly unimproved along its frontage between College Street and Main Street. This street is heavily traveled both by vehicles and pedestrians and presents a hazard to pedestrian safety and a gap in pedestrian connectivity. Non-remonstrance agreements encumber most of the properties with unimproved frontage from Main Street, along Columbia Drive, to College Street, and South along College Street down to Pinehurst Drive. The administrative and mobilization costs for a larger LID are the same as for a smaller LID. The inclusion of the unimproved areas surrounding the properties petitioning for an LID would lend cost efficiency and cohesiveness to the efforts of the City to improve pedestrian connectivity in the City.

FISCAL IMPACT:

The following costs would be contributed by the City using System Development Funds: The cost of the storm drainage improvements is estimated to be \$112,408. The City is to contribute 50% of the ‘general’ costs as well as 100% of the right-of-way acquisition. These costs total \$86,202. The City will contribute \$35,722 towards the upsizing of College Street from Local Street to Minor Arterial classification and Columbia Drive from Local Street to Minor Collector classification.



RESOLUTION No. 2007-2739

**A RESOLUTION ACCEPTING THE ENGINEERING REPORT FOR
THE COLUMBIA DRIVE LOCAL IMPROVEMENT DISTRICT (LID)
AND SETTING A PUBLIC HEARING FOR COUNCIL TO CONSIDER
THE FORMATION OF THE LID**

RECITALS:

1. On March 10, 2006, the City received a petition from property owners of several parcels on Columbia Drive west of its intersection with College Street, requesting that the City consider the formation of an LID for their property frontage improvements along Columbia Drive and College Street.
2. On August 7, 2006, City Council adopted a resolution directing staff to prepare an engineering report to examine creating an LID encompassing Columbia Drive between Main Street and College Street and along the west side of College Street between Columbia Drive and Pinehurst Drive. The engineering report is attached as Exhibit A.
3. On October 4, 2007, City Staff met with affected property owners. Several owners expressed interest in writing letters to City Council. The letters received are attached as Exhibit B.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council has examined the Engineer's Report and finds it to be satisfactory and finds that the estimated costs and apportionment to be reasonable and just.
2. The City Council has reviewed the boundary of the LID (Exhibit C) and finds it properly determined.
3. The City Council directs the City Engineer to provide a notice of public hearing to properties benefited. Said hearing to be scheduled for January 7, 2008 for the Council to consider the formation of the LID.

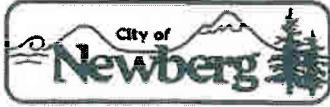
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 4, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of December 2007.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 6th day of December 2007.

Bob Andrews, Mayor



**Newberg Public Works
Department
Engineering Division**

October 18, 2007

**COLUMBIA DRIVE LOCAL IMPROVEMENT
DISTRICT**

ENGINEERING REPORT



EXP: 12/31/07



Newberg Public Works Department Engineering Division

October 18, 2007

COLUMBIA DRIVE LOCAL IMPROVEMENT DISTRICT ENGINEERING REPORT

EXECUTIVE SUMMARY

The portion of Columbia Drive between College Street and Main Street is partially improved with curb, gutter and sidewalk on the north side of the street but the south side of the street and portions of the north side of the street are not improved to City standards. On March 10, 2006, a petition was submitted by property owners of several parcels on Columbia Drive, west of the intersection at College Street, requesting that the City consider the formation of a Local Improvement District (LID) for the improvement of the frontage of their property. The petitioners would also like to have the LID encompass the portion of College Street adjacent to their property. Many of the parcels with unimproved frontage along Columbia Drive between Main Street and College Street and along the west side of College Street between Columbia Drive and Pinehurst Drive are encumbered by waiver of remonstrance agreements for street frontage improvements.

Columbia Drive is classified as a minor collector street. This street is heavily traveled by both vehicles and pedestrians. There is a safety hazard to pedestrians because of discontinuity of the sidewalk along Columbia Drive forcing pedestrians to walk in the travel lane.

On August 7, 2006, City Council adopted a resolution directing the City Engineer to prepare an engineering report for an LID for the street frontage improvements along both sides of Columbia Drive between Main Street and College Street and along the west side of College Street from Columbia Drive to Pinehurst Drive.

System Development Charge funding can be applied to the cost of over-sizing Columbia Drive from residential to minor collector street standards. A methodology for apportioning the cost among the property owners along Columbia Drive based on the terms of the waiver of remonstrance agreements is recommended. Other LID limits, assessment methodologies, and funding sources are explored as directed by Council and requested by public comment.

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APPENDIX

- A. Resolution to Prepare an Engineer's Report (Council Action)
- B. Code of Newberg, Sections 36.40-36.56
- C. Yamhill County Assessor's Map
- D. Property Information and Estimated Assessments
- E. Engineer's Preliminary Cost Estimates

1. Resolution Initiating the Engineer’s Report for an LID

On March 10, 2006, a petition was submitted by property owners of several parcels on Columbia Drive, west of the intersection at College Street, requesting that the City consider the formation of an LID for the improvement of the frontage of their property. See figure one for a vicinity map of Columbia Drive. The petitioners would also like to have the LID encompass the portion of College Street adjacent to their property. Many of the parcels with unimproved frontage along Columbia Drive between Main Street and College Street and along the west side of College Street between Columbia Drive and Pinehurst Drive are encumbered by waiver of remonstrance agreements against the formation of an LID for street frontage improvements.

The City of Newberg also has an interest in improving Columbia Drive to improve the safety of pedestrian travel. There is discontinuity in the sidewalk system along Columbia Drive which forces pedestrians to walk in the travel lane. The City would also like to upgrade Columbia Drive to minor collector standards, which is the classification of the street per the Newberg Transportation System Plan.

On August 7, 2006, City Council adopted a motion directing the City Engineer to prepare an engineering report for a Local Improvement District (LID) for the street frontage improvements along both sides of Columbia Drive between Main Street and College Street and along the west side of College Street from Columbia Drive to Pinehurst Drive. Table one is a listing of properties involved with the proposed LID.

TABLE 1: PROPERTY IDENTIFICATION

| Tax Lot | Address |
|----------------|-------------------|
| 3218 AC 401 | 104 COLUMBIA DR |
| 3218 AC 300 | 110 COLUMBIA DR |
| 3218 AC 200 | 200 COLUMBIA DR |
| 3218 AC 101 | 220 COLUMBIA DR |
| 3218 AC 100 | 300 COLUMBIA DR |
| 3218 AC 102 | 308 COLUMBIA DR |
| 3218 AD 6801 | No Address |
| 3218 AD 6800 | 1709 N COLLEGE ST |
| 3218 AA 3600 | No Address |
| | |
| 3218 AD 6900 | 1701 N COLLEGE ST |
| 3218 AD 7100 | 1605 N COLLEGE ST |
| 3218 AD 7000 | 1605 N COLLEGE ST |
| 3218 AD 7200 | 1603 N COLLEGE ST |

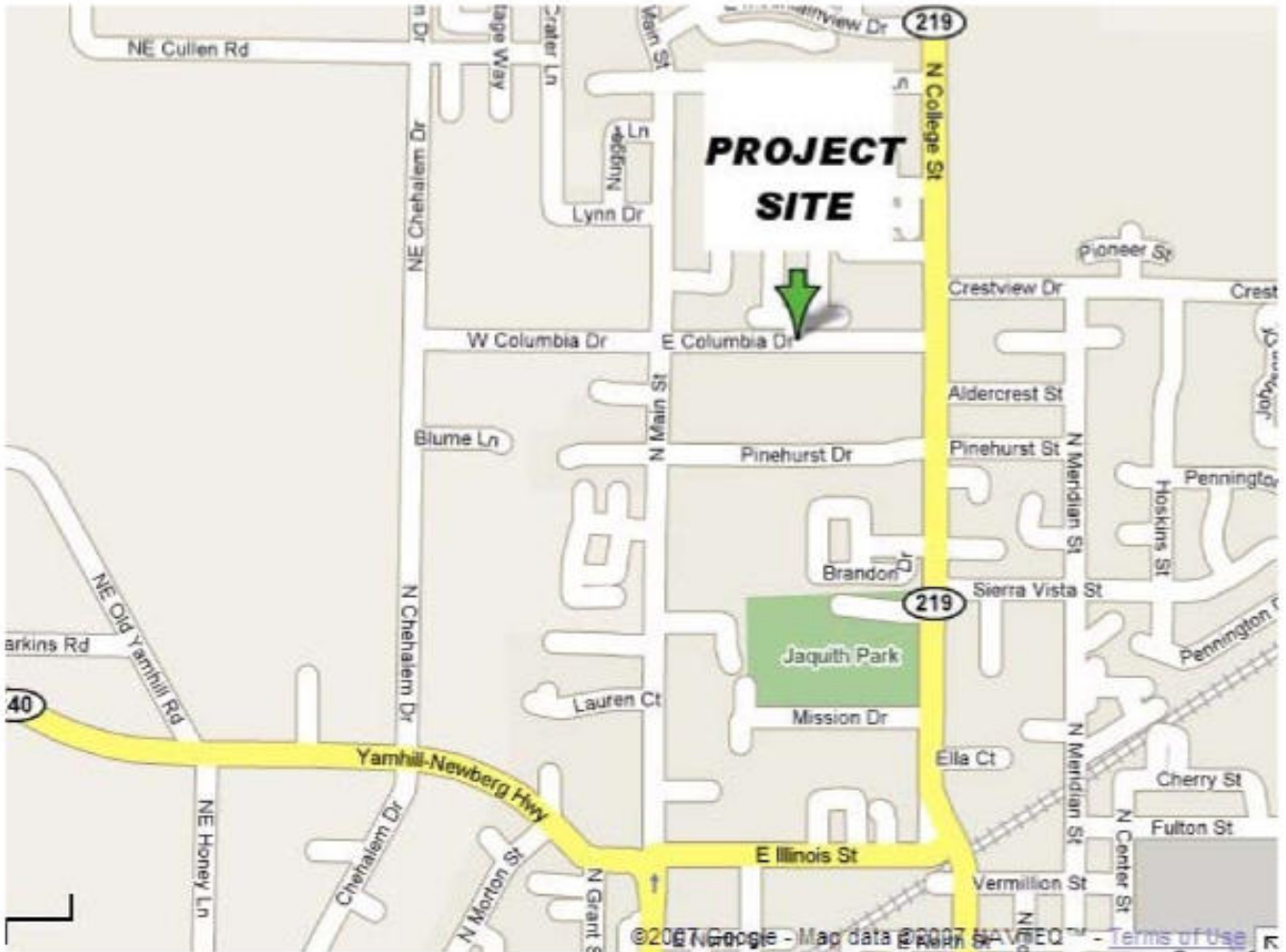


FIGURE 1: VICINITY MAP

2. Improvement Description and Cost

The proposed improvements to be constructed as part of the Columbia Drive LID include improving Columbia Drive from Main Street to College Street to full minor collector street standards and half-street improvements on College Street along the west side of College Street from Columbia Drive to Pinehurst Drive to minor arterial street standards.

2.1 Columbia Drive

As laid out by the Newberg Transportation System Plan, Columbia Drive between Main Street and College Street shall be constructed to minor collector street standards. The Transportation System Plan (TSP) includes a cost estimate of \$500,000 for the approximately 0.25 miles to be constructed. Columbia Drive is currently in the jurisdiction of Yamhill County. Prior to construction of this project, the City of Newberg will need to obtain jurisdiction of Columbia Drive.

The portion of Columbia Drive to be improved already has wastewater and water utilities. Neither water nor wastewater improvements are planned for this street segment, however, stormwater improvements are required.

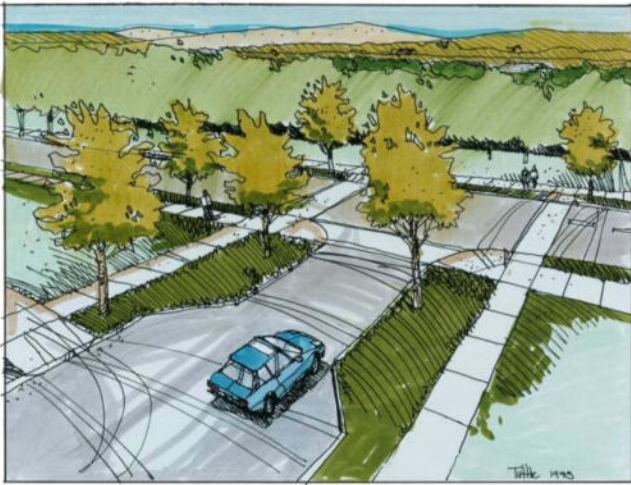
The standard for minor collector streets calls for a 60-foot right-of-way with a 34-foot paved section measured curb to curb. The right-of-way will include the paved street, and, on each side, curb, gutter, and 5-foot curbside sidewalk. The paved street will contain two, 10-foot travel lanes for travel in each direction and a 7-foot parking area on each side (Figure 4). Street lighting has already been installed along most of Columbia Drive however one street light will need to be installed adjacent to tax lot #3218AA3600.

The existing pavement on the west half of Columbia Drive is in acceptable condition and no reconstruction will be required. However, the east half of Columbia Drive has very poor pavement with the exception of the recent half-street improvement on the southwest corner of Columbia Drive and College Street. The pavement section will need to be completely rebuilt.

The existing stormwater main line needs to be improved. A new stormwater main line will be installed from the west edge of tax lot #3218AD6801 to the culvert west of the intersection of Main Street and Columbia Street.

High traffic speeds are a concern of residents along Columbia Drive. After evaluating the various traffic calming strategies, we have narrowed the options. One option is to construct a raised cross walk in the center of Columbia Drive between College Street and Main Street (Figure 2) In addition to the raised cross walk, 'bulb outs' would be placed at each end of the cross walk to create a 'choke point' which will reduced traffic speeds. (Figure 2) Another option is to install a digital radar speed detector sign which would be placed below a speed limit sign. (Figure 3) The third option is to combine the first two options. If the council chooses, these can be included as part of the project. It is proposed that the cost of the

traffic calming would be paid for by the City because of the benefit to all residents along Columbia Drive, not just the residents participating in the LID.



'BULB OUT'

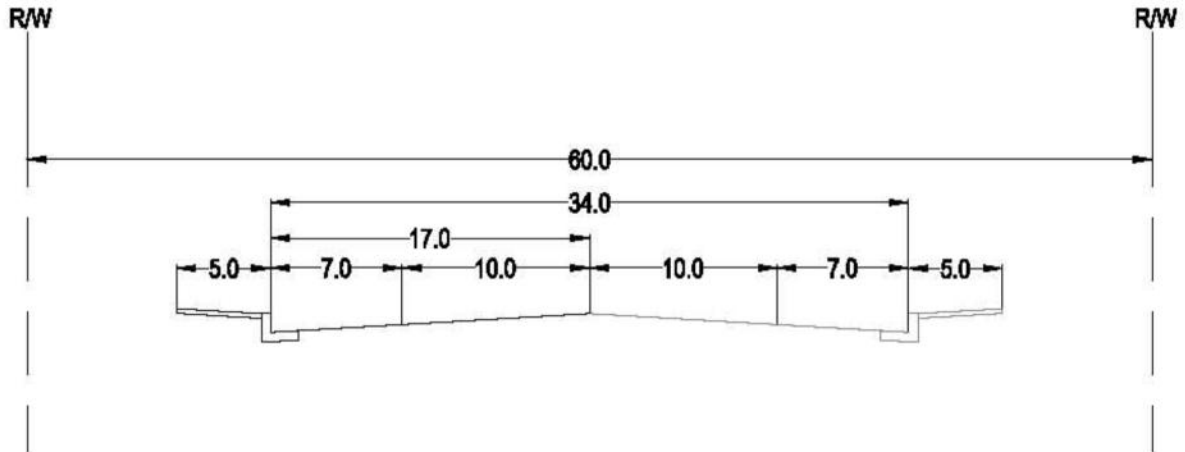


'RAISED CROSS WALK'

FIGURE 2: RAISED CROSSWALK / BULB OUT



FIGURE 3: RADAR SPEED SIGN

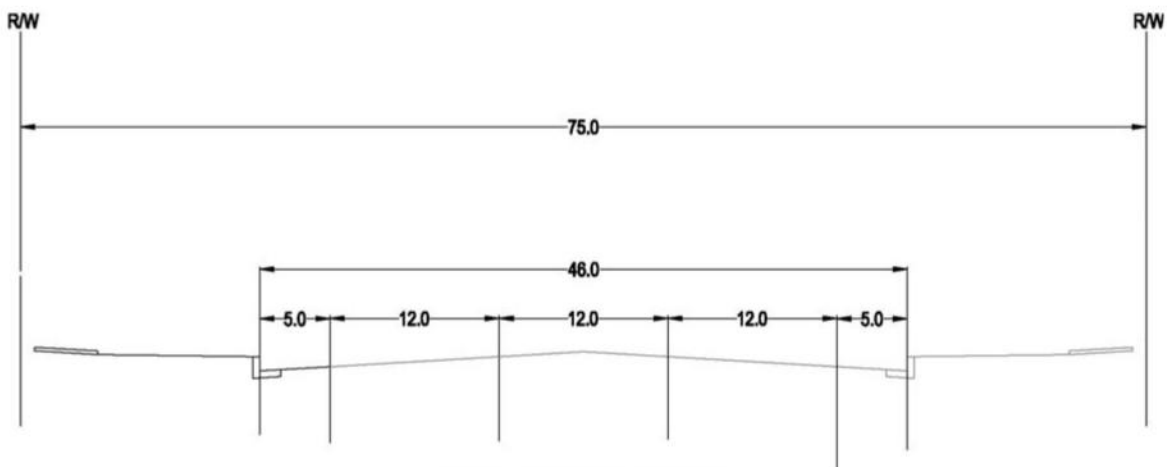


**FIGURE 4: COLUMBIA DRIVE TYPICAL CROSS SECTION
(MODIFIED MINOR COLLECTOR STANDARD)**

2.2 College Street / Highway 219

The petitioners have also requested that the west side of College Street be included in the LID from Pinehurst Drive to Columbia Drive. The total improvement will be an approximately 530-foot half-street improvement to City minor arterial street standards. This will include installing curb and gutter, a planter strip, and a sidewalk. The existing pavement in this area is in good condition and does not require an overlay or full street reconstruction, unless ODOT requires it. The pavement width needs to be extended to meet City and State requirements. Neither water nor wastewater improvements are needed or planned for this street segment, however, stormwater improvements are required. The property on the corner of College Street and Pinehurst Drive (1603 N College) has two driveways. The driveway located on Pinehurst is adjacent to the home's garage, while the driveway accessed on College Street is not adjacent to a garage. It is possible that ODOT will require that the driveway adjacent to College St be closed. The property on the corner of College Street and Columbia Drive (1709 N College) also has an access on College Street and Columbia Drive. It is possible that ODOT will require that the access adjacent to College Street be closed.

It is anticipated that a Local Improvement District will be formed to bring the west side of College Street from Pinehurst Drive to Columbia Drive into compliance with City standards. The administrative costs associated with forming and completing an LID are the same for a large project as for a small project. Adding the College Street improvements to the Columbia Drive LID will not increase the associated administrative costs. Creating a separate LID for the College Street improvements subsequent to the Columbia Drive LID, however, will cause a second assessment to include administrative costs equal to those included in the first assessment. Mobilization costs would also be doubled were the improvements to be completed separately rather than as one project with a single mobilization. Property owners who are to be assessed for both improvements will realize cost savings by combining the improvements into one LID. Property owners who are to be assessed only for Columbia Drive improvements will also realize savings by sharing administrative and mobilization costs with another project.



**FIGURE 5: COLLEGE STREET TYPICAL CROSS SECTION
(MINOR ARTERIAL STANDARD)**

3. Local Improvement Districts

Sections 36.40-36.56 of the Code of Newberg are entitled “Local Improvement Districts” and were passed in November of 2001 (See Appendix B - Code of Newberg, Sections 36.40 – 36.56). These code sections were created to establish local improvement district policies in compliance with state law and to continue the City’s authority to create local improvement districts as set forth under the charter of the City of Newberg. These sections define a local improvement. They also set out the criteria and process for creating and completing a local improvement.

Local improvement districts provide a means by which the City may undertake capital construction projects which provide a special benefit only to specific properties, or which rectify a problem caused by specific properties, through assessment of those properties for the cost of the improvements. For example, the property west of Crater Lane, which has recently been developed, participated in a local improvement district to construct the pump station that made it possible to receive City wastewater services in the area. This property could not otherwise have been developed to the residential density allowed by City Codes. The LID would not have been formed and assessments levied without the agreement of most of the property owners in the area. The LID Code prescribes that if written objection, or remonstrance, is filed against the proposed improvement from persons representing 60 percent of the proposed assessment, the LID proceedings must be halted, except in the case of sidewalks or an emergency, for at least 6 months.

Another historically common use for the local improvement district has been to provide for future local improvements. This is accomplished by executing an agreement waiving the right to file a written objection to construction of a given public improvement through certain City practices. The waiver is called a waiver of remonstrance agreement and, like an easement, remains as an encumbrance on the property regardless of changes of ownership or land divisions.

If the City Council determines that an LID is to be formed, the Local Improvement District Code directs the City Council to consider the objections or remonstrances made and to adopt or modify the proposed assessments in accordance with the special and peculiar benefits accrued to each lot by the Local Improvement. Council is required by the Code to use a fair and reasonable method for apportioning the cost among the benefited properties. The meaning of “benefit” and the role that benefit plays in the determination of a Local Improvement is illuminated by the following definitions found in the Code:

Local Improvement: means a capital construction project, or part thereof, undertaken by the City pursuant to the procedure to be followed in making local assessments for the benefits from a local improvement upon the lots which have been benefitted by all or part of the improvement:

(1) which provides a special benefit only to specific properties or rectifies a problem caused by specific properties; and

...

(5) for which the status of a capital construction project as a local improvement is not affected by the accrual of a general benefit to property other than the property receiving the specific benefit.

Property benefitted: means all property specially benefitted by the improvement, the relative extent of such benefit to be determined by any just and reasonable method of apportionment of the actual cost of the improvement between the properties determined to be specially benefitted.

4. Columbia Drive and College Street Waiver of Remonstrance Agreements

A portion of the lots adjacent to Columbia Drive between Main Street and College Street and College Street between Columbia Drive and Pinehurst Drive are encumbered by waiver of remonstrance agreements for the improvement of Columbia Drive and College Street. These lots with waiver of remonstrance agreements span 68% of the frontage along Columbia Drive and College Street proposed to be included in the LID. There are two lots on the northeast and southeast corners of Columbia Drive and Main Street. Main Street is scheduled to have an LID formed in the near future; therefore, it would be more appropriate for these property owners to be included as part of the Main Street LID.

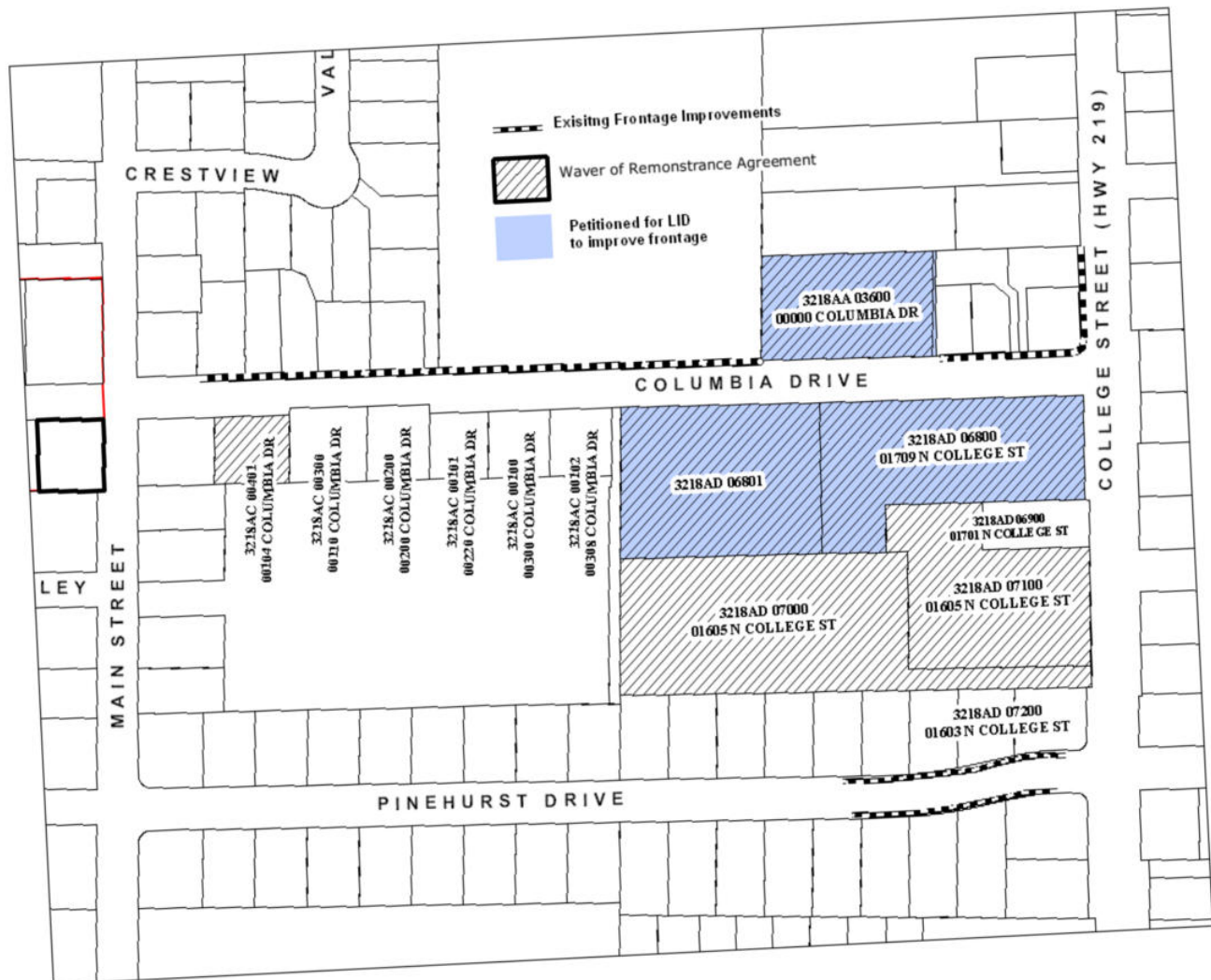


FIGURE 6: WAIVER OF REMONSTRANCE AGREEMENTS MAP

TABLE 2: WAIVER OF REMONSTRANCE AGREEMENT FRONTAGE COMPARISON

| ADDRESS | TAX LOT | FT. OF FRONTAGE | WAIVER OF REMON? |
|-------------------|----------------|------------------------|-------------------------|
| 104 COLUMBIA DR | 3218AC401 | 109.42 | YES |
| 110 COLUMBIA DR | 3218AC300 | 108.31 | NO |
| 200 COLUMBIA DR | 3218AC200 | 90.00 | NO |
| 220 COLUMBIA DR | 3218AC101 | 89.62 | NO |
| 300 COLUMBIA DR | 3218AC100 | 89.70 | NO |
| 308 COLUMBIA DR | 3218AC102 | 89.70 | NO |
| | | | |
| NO ADDRESS | 3218AD6801 | 290.00 | YES |
| 1709 N COLLEGE ST | 3218AD6800 | 531.47 | YES |
| NO ADDRESS | 3218AA3600 | 247.50 | YES |
| | | | |
| 1701 N COLLEGE ST | 3218AD6900 | 66.00 | NO |
| 1605 N COLLEGE ST | 3218AD7100 | 163.00 | YES |
| 1605 N COLLEGE ST | 3218AD7000 | 30.00 | YES |
| 1603 N COLLEGE ST | 3218AD7200 | 99.11 | NO |

TABLE 3: PERCENTAGE WITH WAIVER OF REMONSTRANCE AGREEMENTS

| | |
|---|------------|
| TOTAL FRONTAGE = | 2004.16 |
| TOTAL FRONTAGE WITH WAIVER OF REMONSTRANCE = | 1371.39 |
| TOTAL FRONTAGE WITHOUT WAIVER OF REMONSTRANCE = | 632.44 |
| PERCENTAGE WITH WAIVER OF REMONSTRANCE = | 68% |

5. Recommended Assessment Methodology

Some of the properties along Columbia Drive already have frontage improvements. These properties will not be required to contribute to the LID. The recommended methodology for apportioning the cost of the improvements is to assess the properties with frontage that is not improved for the cost to improve that frontage based on the lineal feet of frontage.

Additional contributions to the cost of improvements are considered. System Development Charge (SDC) funding may be applied to public improvements of regional benefit. The over-sizing of a street from a local street to a minor collector street qualifies as an improvement of regional benefit. The additional cost to improve Columbia Drive to minor collector street standards above and beyond the cost to construct the street to local street standards can be contributed by the City in the form of SDC funding (See Appendix E – Engineer’s Preliminary Cost Estimates). The same can be applied for the over-sizing of College Street from local street standards to minor arterial standards.

The cost of the Columbia Drive and College Street improvements will be tracked based on three primary groups (A,B,C – See Figure 7). Each group will be responsible for the funding of the frontage improvements adjacent to the group. Within each group, the cost will be divided based on lineal feet of frontage. In addition, there are general costs that will be shared by the LID participant and the City. The City will contribute towards 50% of the general costs. The remaining general costs will be divided by lineal feet of frontage among the entire LID. Included in the general cost is the right-of-way (ROW) acquisition. This portion of the general costs will be funded by the City. The City standard ROW width along Columbia Drive is 60 feet, or 30 feet on each side. The ROW in front of Lots 3218AC200, 3218AC300 is only 20 feet to the centerline. These two lots will dedicate an additional ten-foot wide strip along their frontage to provide a continuous 60 foot wide ROW along the entire stretch of Columbia Drive between College Street and Main Street. The City standard ROW width along College Street is 70 feet. In order to improve College Street it is necessary that lots 3218AD6900, 3218AD7000 and 3218AD7100, which currently only have 30 feet to the centerline along their frontage, dedicate an additional five-foot wide strip along their frontage. The City will contribute 100% of the ROW acquisition.

The stormwater main line LID improvements span from the center of Columbia Drive between College Street and Main Street to the existing culvert to the west of Main Street. In general, once public improvements have been installed, the City is responsible for maintenance of the system. Because the existing stormwater system does not allow for proper drainage, these improvements will be funded by the City of Newberg. Combining these improvements with the LID will provide cost savings to both the City and the residents.

The costs have been broken into three main groups: general, road construction, and storm drainage improvements. The general section includes costs that are shared by all groups equally. The road construction and storm drainage improvement costs are specific to each group.

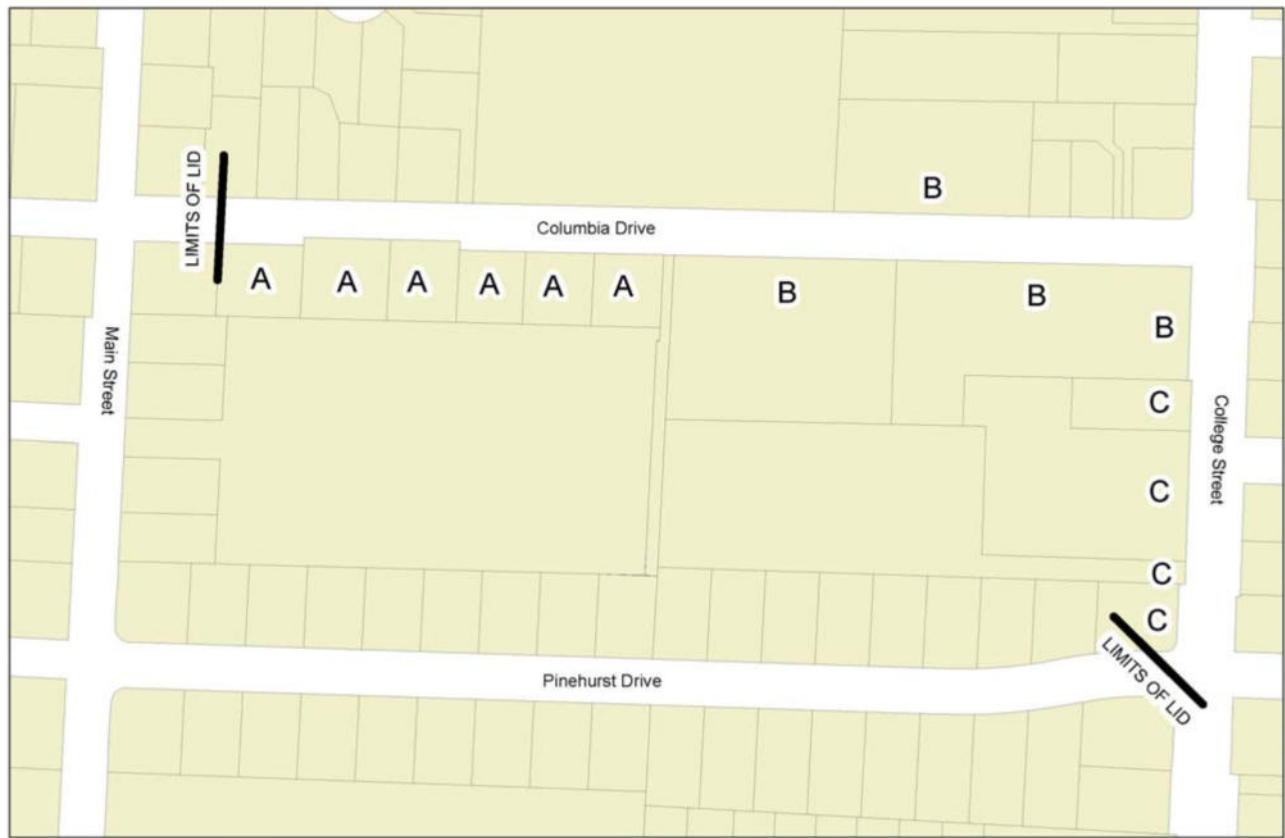


FIGURE 7: COST ASSESSMENT GROUP MAP

6. Estimated Assessments

6.1 Group A

This group is comprised of tax lot #'s 3218AC401, 3218AC300, 3218AC200, 3218AC101, 3218AC100 and 3218AC102. These properties are very similar in size in terms of lineal feet of frontage. Adjacent to these properties will be a half-street improvement that will not involve full reconstruction of the pavement section. The paved width of the road will be extended. Curb and gutter with curbside sidewalk will be installed as well. The storm main line improvements will be funded by the City of Newberg, however, one catch basin is required regardless of the storm main line improvements and will therefore be funded by group A. A typical cross section for this group can be seen in figure 8.

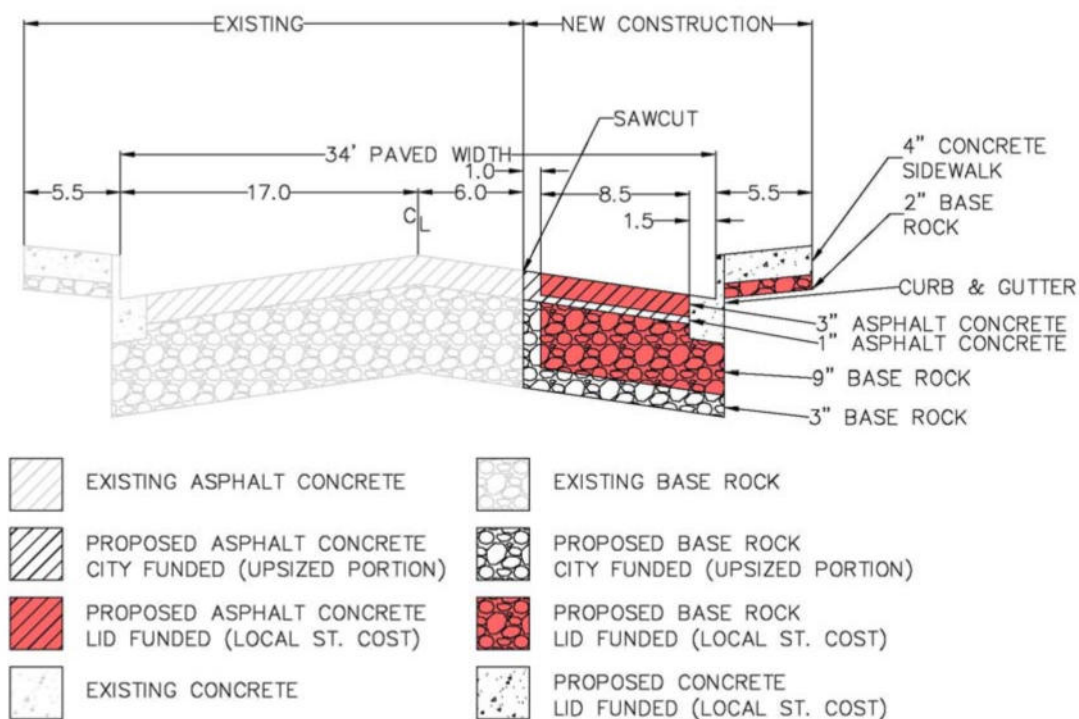


FIGURE 8: GROUP A CROSS SECTION (NORTH IS LEFT)

The total estimated cost of these improvements is \$72,189. Tax lots 3218AC300 and 3218AC200 will need to dedicate additional ROW. These properties are to be credited the value of the dedicated land in the form of a reduction to their estimated assessments. The reimbursement for 3218AC300 is \$11,914 and 3218AC200 is \$9,900. Table 4 shows the total estimated assessments for each property. See Appendix D for a detailed spreadsheet showing the calculations for the total estimated assessments after ROW reimbursements have been accounted for. (See Engineer's Estimate – Appendix E)

TABLE 4: GROUP A ESTIMATED ASSESSMENTS

| Tax Lot | Address | Total Assessment |
|------------------|-----------------|------------------|
| 3218AC401 | 104 COLUMBIA DR | \$13,695 |
| 3218AC300 | 110 COLUMBIA DR | \$1,642 |
| 3218AC200 | 200 COLUMBIA DR | \$1,365 |
| 3218AC101 | 220 COLUMBIA DR | \$11,217 |
| 3218AC100 | 300 COLUMBIA DR | \$11,227 |
| 3218AC102 | 308 COLUMBIA DR | \$11,227 |
| Total: | | \$50,374 |
| City Funded ROW: | | \$21,814 |
| Total: | | \$72,189 |

6.2 Group B

This group includes tax lot #'s 3218AD6801, 3218AD6800 and 3218AA3600. The property owners of these tax lots are the individuals who petitioned the City of Newberg to explore the option of the Columbia Drive LID. Adjacent to tax lot 3218AA3600 will be a full street reconstruction. The rest of this group will have a half street improvement that will also include street reconstruction. The pavement in this area is very poor and needs to be replaced. In addition to pavement, curb, gutter and curbside sidewalk will also be installed. Stormwater improvements are required as well. The two typical cross sections for this group can be seen in figures 9 and 10.

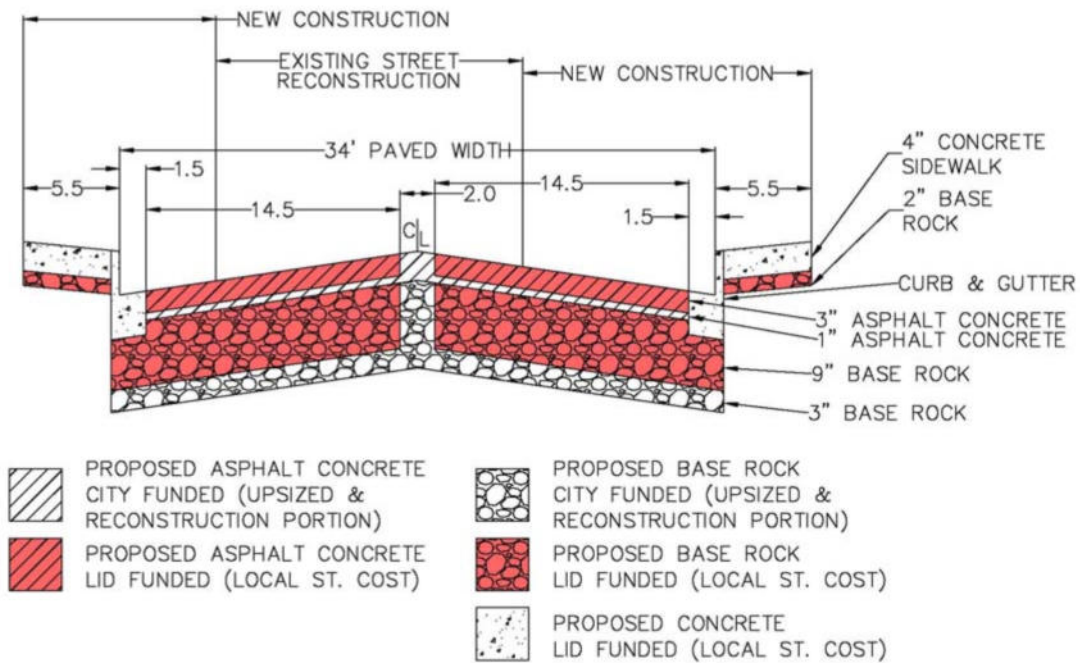


FIGURE 9: GROUP B CROSS SECTION 1 (NORTH IS LEFT)

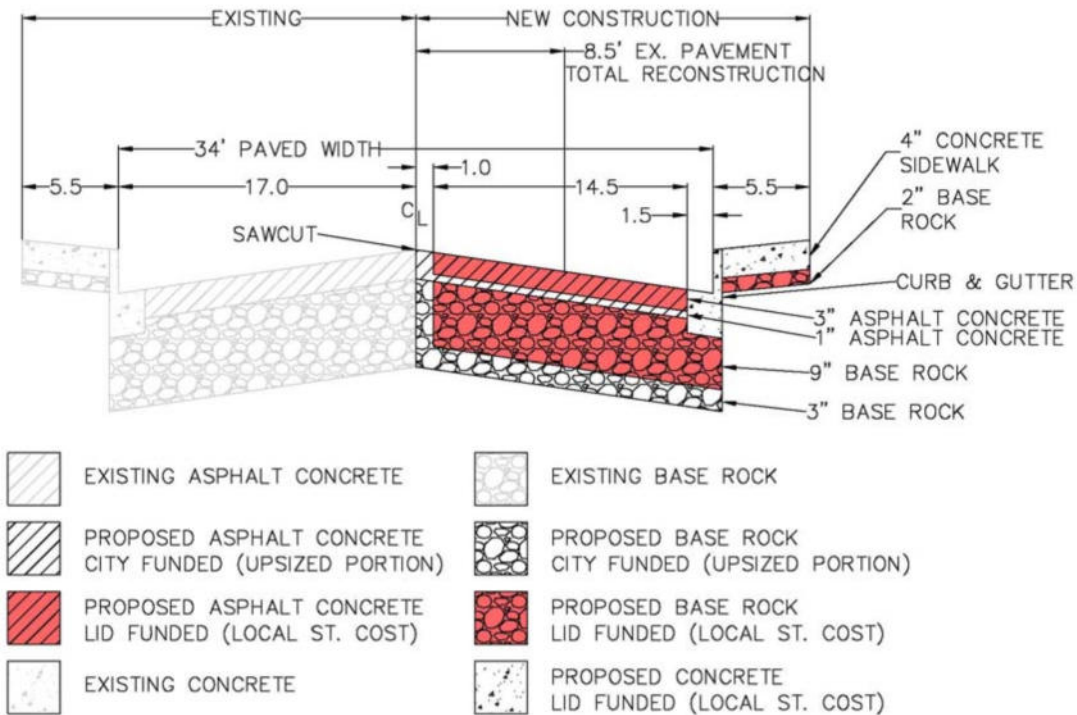


FIGURE 10: GROUP B CROSS SECTION 2 (NORTH IS LEFT)

The total estimated cost of these improvements is \$158,610. There is no ROW reimbursement for any properties in group B. Table 5 shows the total estimated assessments for each property in group B. See Appendix D for a detailed spreadsheet showing the total estimated assessments. (See Engineer's Estimate – Appendix E)

TABLE 5: GROUP B ESTIMATED ASSESSMENTS

| Tax Lot | Address | Total Assessment |
|------------|-------------------|------------------|
| 3218AD6801 | No Address | \$43,016 |
| 3218AD6800 | 1709 N COLLEGE ST | \$78,833 |
| 3218AA3600 | No Address | \$36,761 |
| Total: | | \$158,610 |

6.3 Group C

This group is comprised of tax lot #'s 3218AD6900, 3218AD7100, 3218AD7000 and 3218AD7200. The tax lots in this group are adjacent to College Street. The condition of the existing pavement along College Street does not necessitate a full half-street reconstruction. Instead, the pavement will be extended and curb, gutter and a setback sidewalk will be installed. Stormwater improvements are required as well. A typical cross section for this group can be seen in figure 11.

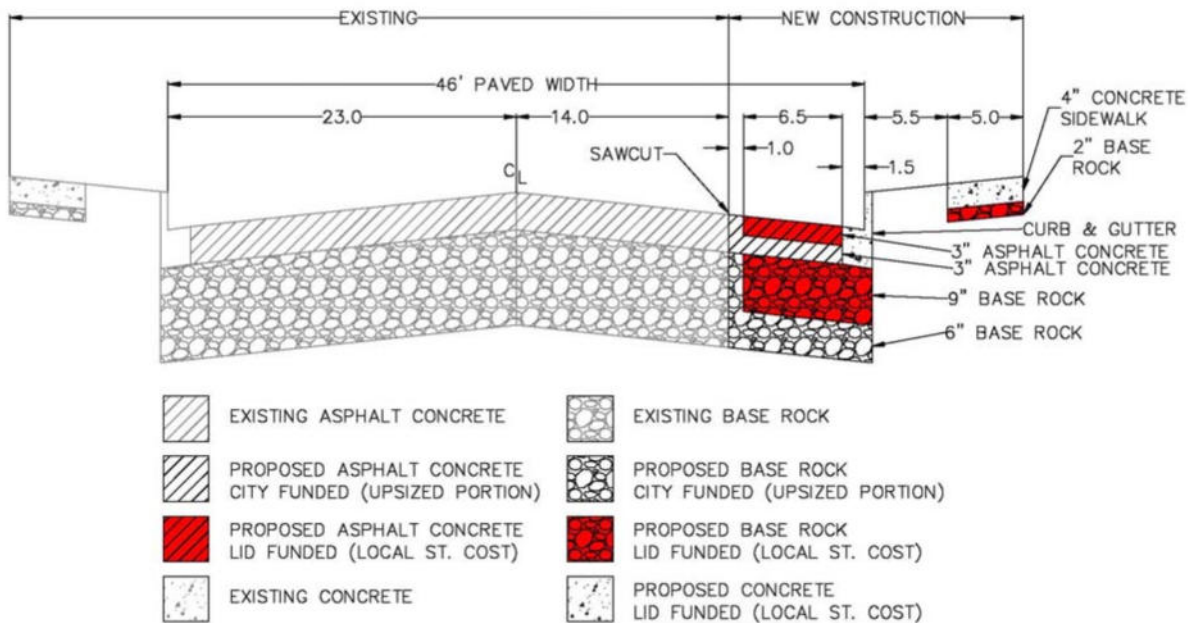


FIGURE 11: GROUP C CROSS SECTION (SECTION IS LOOKING SOUTH)

The total estimated cost of these improvements is \$53,594. Tax lots 3218AD6900, 3218AD7100 and 3218AD7000 will need to dedicate additional ROW. These properties are to be credited the value of the dedicated land in the form of a reduction to their estimated assessments. The reimbursements for tax lots 3218AD6900, 3218AD7100 and 3218AD7000 are \$3,630 \$8,965 and \$1,650 respectively. Table 6 shows the total estimated assessments for the properties in group C after ROW reimbursements have been accounted for. See Appendix D for a detailed spreadsheet showing the total estimated assessments. (See Engineer's Estimate – Appendix E)

TABLE 6: GROUP C ESTIMATED ASSESSMENTS

| Tax Lot | Address | Total Assessment |
|------------------|-------------------|------------------|
| 3218AD6900 | 1701 N COLLEGE ST | \$6,247 |
| 3218AD7100 | 1605 N COLLEGE ST | \$15,429 |
| 3218AD7000 | 1605 N COLLEGE ST | \$2,840 |
| 3218AD7200 | 1603 N COLLEGE ST | \$14,833 |
| Total: | | \$39,349 |
| City Funded ROW: | | \$14,245 |
| Total: | | \$53,594 |

6.4 City Assessment

Table 7 summarizes the costs that the City of Newberg is proposed to contribute. Current policy is for the City to pay for all upsizing features beyond local street standards. In addition, the City proposes to purchase the entire ROW required as well as contribute 50% of the general costs (schedule 1). The stormwater costs (schedule 5-7) have no upsizing component to them; therefore, there is no city contribution towards those schedules. Schedule 2-4 take into consideration the pavement upsizing and maintenance and schedule 8 is the stormwater main line work. (See Appendix E – Engineer’s Preliminary Cost Estimates)

Currently the Newberg TSP budgets an expenditure of approximately \$250,000 for this portion of Columbia Drive. The proposed scope of the project estimates that the City contribution will be less than \$250,000. The design, as proposed, calls for the City to contribute \$121,923 for transportation related improvements (transportation SDC fees) and \$112,408 of stormwater related improvements (stormwater SDC fees). The City’s proposed involvement with this project therefore totals \$234,331. See table 7. If the City Council chooses, they may allocate the balance of the SDCs towards this project.

TABLE 7: CITY OF NEWBERG ESTIMATED ASSESSMENTS

CITY COSTS

| | |
|-------------------------|------------------|
| Schedule 1 | \$86,202 |
| Schedule 2 | \$8,769 |
| Schedule 3 | \$17,706 |
| Schedule 4 | \$9,247 |
| Schedule 8 | \$112,408 |
| Total City Cost: | \$234,331 |

7. Assessment Timing and Financing

Assessments are due and payable in full upon completion of the LID improvements and acceptance by City Council of the final assessments. The City LID Code (*See Appendix B*) provides that owners of assessed properties may obtain financing through the City if so desired. The loan term is for 10 years and payments are made every 6 months. The City can generally offer interest rates which are lower than average market rates. Table 8 provides a general idea of what the owners of assessed properties of the Columbia Drive LID would pay every six months if they chose to finance their assessments through the City and a 6.25% fixed rate were available. Actual rates will be determined when the properties are assessed. Property owners may also chose to obtain financing through any other institution or pay in cash.

TABLE 8: BI-ANNUAL PAYMENTS ON 10-YEAR LOAN AT 6.25% INTEREST

| Principal | Bi-annual Payment |
|------------------|--------------------------|
| \$10,000 | \$812.50 |
| \$15,000 | \$1218.75 |
| \$20,000 | \$1625.00 |
| \$30,000 | \$2437.50 |
| \$40,000 | \$3250.00 |
| \$50,000 | \$4062.50 |
| \$60,000 | \$4875.00 |
| \$70,000 | \$5687.50 |
| \$80,000 | \$6500.00 |
| \$90,000 | \$7312.50 |

APPENDICES

- A. Resolution to Prepare an Engineer's Report (Council Action)
- B. Code of Newberg Sections 36.40-36.56: LID's
- C. Yamhill County Assessor's Map
- D. Property Information and Estimated Assessments
- E. Engineer's Preliminary Cost Estimate

APPENDIX A
Resolution to Prepare an Engineer's Report



RESOLUTION NO. 2006-2668

A RESOLUTION DIRECTING THE CITY ENGINEER TO PREPARE AN ENGINEER'S REPORT FOR A LOCAL IMPROVEMENT DISTRICT (LID) TO IMPROVE THE STREET FRONTAGE ALONG BOTH SIDES OF COLUMBIA DRIVE FROM MAIN STREET TO COLLEGE STREET AND THE FRONTAGE ALONG THE WEST SIDE OF COLLEGE STREET FROM COLUMBIA DRIVE TO PINEHURST DRIVE.

RECITALS:

1. On March 10, 2006, a petition was submitted by property owners of several parcels on Columbia Drive west of its intersection with College Street requesting that the City consider the formation of an LID for the improvement of the frontage of their property along Columbia Drive and College Street. See Exhibit A. All of the petitioners' parcels, Tax Lots 3218 AA -3500 and -3600 and Tax Lot 3218 AD 6800, are encumbered by non-remonstrance agreements against the formation of an LID for the improvement of Columbia Drive.
2. The block of Columbia Drive between College Street and Main Street is partially improved with curb, gutter and sidewalk on the north side of the street but the south side of the street and portions of the north side of the street are not improved to City standards. One of the petitioner's parcels is on the southwest corner of College Street and Columbia Drive and their request is to improve the frontage on both streets as part of an LID. The frontage of the parcels along the west side of College Street between the proposed LID parcel and Pinehurst Drive is also unimproved. See Exhibits B and C.
3. Many of the parcels with unimproved frontage along Columbia Drive between Main Street and College Street and along the west side of College Street between Columbia Drive and Pinehurst Drive are encumbered by non-remonstrance agreements against the formation of an LID for street frontage improvements. See Exhibit B.
4. The LID process is laid out in the Local Improvement District Ordinance (Newberg City Code Section 36.40 to 36.56). In this instance, for the LID to be formed the following shall apply: Obtain Council authorization to prepare an Engineer's Report; Obtain Council approval to form the LID; After construction is completed, obtain Council approval of the final assessments. See Exhibit D for a step-by-step summary of the LID process.
5. City Staff invited property owners along Columbia Drive to a meeting on June 27, 2006 to outline the process and to explain the feasibility of forming an LID. Some residents expressed particular interest in exploring traffic calming measures due to the Minor Collector

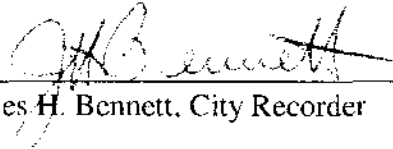
classification of Columbia Drive. Staff informed the neighbors that some City assistance in the form of System Development Funds may be available due to the oversized classification of Columbia Drive.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. An Engineer's Report shall be prepared by the City Engineer to examine a Local Improvement District to make street frontage improvements along both sides of Columbia Drive between Main Street and College Street and along the west side of College Street from Columbia Drive to Pinchurst Drive.

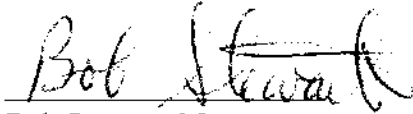
➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: August 8, 2006.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of August 2006.



James H. Bennett, City Recorder

ATTEST by the Mayor this 9th day of August 2006.



Bob Stewart, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at 1 /2006 meeting. Or, X None.
(committee name) (date) (check if applicable)

EXHIBIT A



PROPERTY OWNER'S PETITION AND REQUEST FOR IMPROVEMENTS

TO THE CITY COUNCIL OF NEWBERG, OREGON Date: 3-6-06

Pursuant to Chapter 36 of the Newberg Code of Ordinances, the undersigned hereby petition the City Council to consider the construction of a local improvement district consisting of:

Street improvements on Berry & Trinity Church
frontage on Columbia Dr. & College St.

The undersigned are the recorded owners of the property to benefit from the improvement:

| OWNER | ADDRESS | TAX LOT NO. |
|--|----------------------------|------------------------|
| <i>Mailing Address</i> | <i>Property</i> | <i>North Side</i> |
| GEORGE & JOHANNA BERRY 611 EAST SHERIDAN ST. | <i>from Street Improve</i> | 3218 AA 03600 |
| | <i>is Columbia Dr.</i> | 3218 AA 03500 |
| GEORGE & JOHANNA BERRY 611 EAST SHERIDAN ST. NEWBERG, OR 97132 | <i>Newberg</i> | |
| | | <i>South Side</i> |
| | | <i>Next To</i> |
| | | <i>Trinity Presby.</i> |
| | | <i>R. 3218 6801</i> |
| <i>Trinity Presbyterian Church</i> | <i>Contact:</i> | |
| | <i>Bill Elder</i> | R3218AD 06800 |
| <i>600 E. Columbia Dr.</i> | <i>h) 503-554-9886</i> | |
| <i>Newberg, OR 97132</i> | <i>c) 503-793-7011</i> | |
| | | |
| | | |

Attach another sheet for additional signatures. Return to the City Engineer's office.

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EXHIBIT B

VICINITY MAP

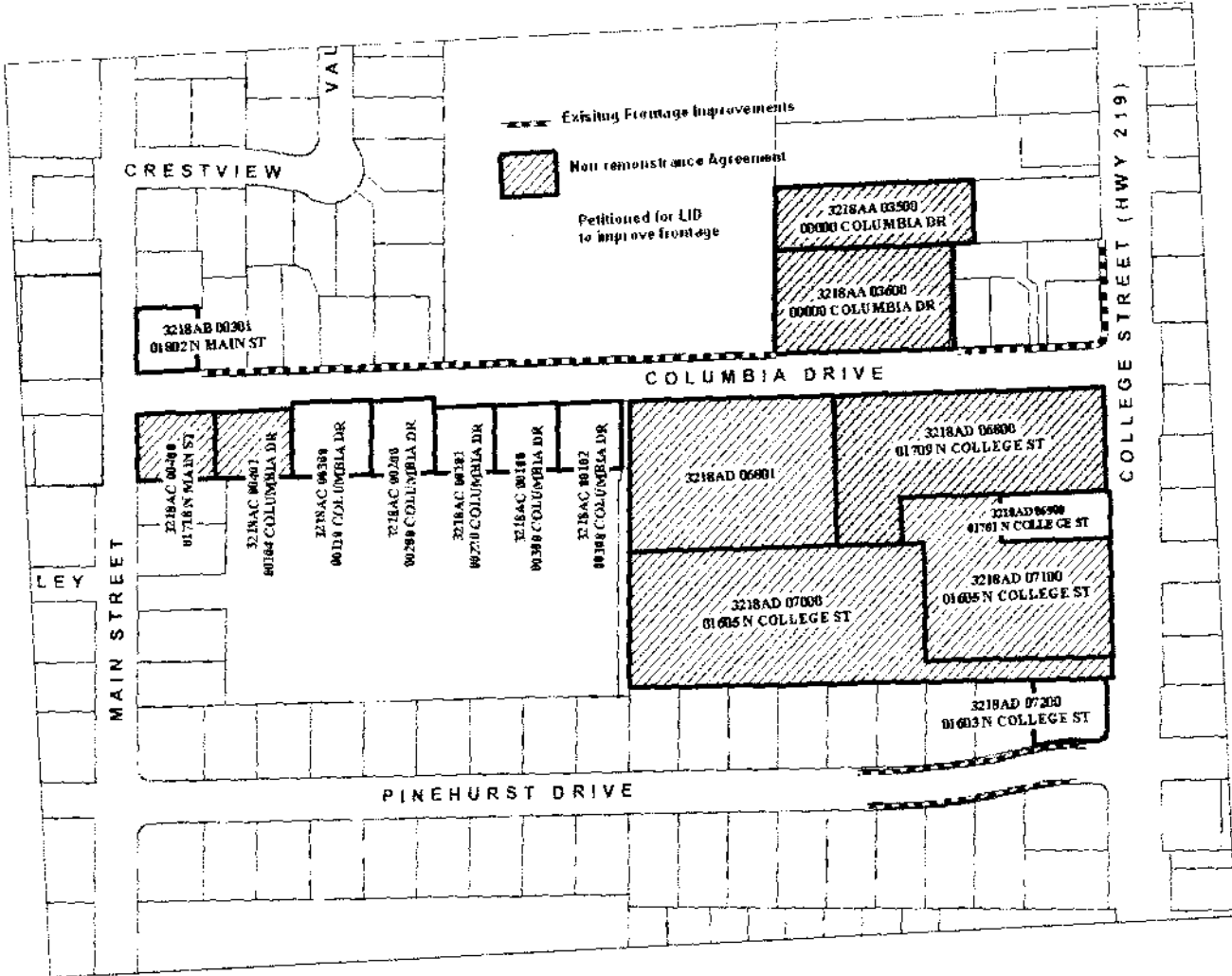


EXHIBIT C

PICTURES

- Picture 1:** SOUTHEAST CORNER OF COLUMBIA AND MAIN - Looking East towards Columbia
- Picture 2:** NORTHEAST CORNER OF COLUMBIA AND MAIN - Looking Northeast from intersection
- Picture 3:** COLUMBIA DRIVE JUST EAST OF MAIN - Looking East towards College
- Picture 4:** COLUMBIA DRIVE BETWEEN MAIN AND COLLEGE - Looking East towards College
- Picture 5:** COLUMBIA DRIVE BETWEEN MAIN AND COLLEGE - Looking East towards College
- Picture 6:** COLUMBIA DRIVE JUST WEST OF COLLEGE - Looking East towards College
- Picture 7:** CORNER OF COLUMBIA AND COLLEGE - Looking North along College
- Picture 8:** WEST SIDE OF COLLEGE - Looking North along College
- Picture 9:** WEST SIDE OF INTERSECTION OF PINEHURST AND COLLEGE - Looking South along College
- Picture 10:** NORTHWEST CORNER OF PINEHURST AND COLLEGE - Looking North from the intersection

Picture 1: SOUTHEAST CORNER OF COLUMBIA AND MAIN - Looking East towards Columbia



Picture 2: NORTHEAST CORNER OF COLUMBIA AND MAIN - Looking Northeast from intersection



Picture 3: COLUMBIA DRIVE JUST EAST OF MAIN - Looking East towards College



Picture 4: COLUMBIA DRIVE BETWEEN MAIN AND COLLEGE - Looking East towards College



Picture 5: COLUMBIA DRIVE BETWEEN MAIN AND COLLEGE - Looking East towards College



Picture 6: COLUMBIA DRIVE JUST WEST OF COLLEGE - Looking East towards College



Picture 7: CORNER OF COLUMBIA AND COLLEGE - Looking North along College



Picture 8: WEST SIDE OF COLLEGE - Looking North along College



Picture 9: WEST SIDE OF INTERSECTION OF PINEHURST AND COLLEGE -

Looking South along College



Picture 10: NORTHWEST CORNER OF PINEHURST AND COLLEGE - Looking North from the intersection



EXHIBIT D

LID Public Process

- A. **Council** decides whether to direct the City Engineer to prepare an Engineer's Report on the proposed LID improvements. The engineer's report will include a project cost estimate, recommended assessment methodology, and estimated individual assessments.
- B. After reviewing the Engineer's Report, **Council** decides whether to propose the formation of an LID at a Public Hearing. If Council decides to propose the LID, a Public Hearing date is set.
- C. **Council** holds a Public Hearing and then decides whether to form the LID.
- D. City Engineering Division completes site survey and construction plans and calls for contractor bids.
- E. Individual assessments are recalculated based on the low bid amount. **Council** holds another meeting to approve the bid. However, if the new assessments are 20% higher, or more, than the assessments estimated in the Engineer's Report, Council will set a date for another Public Hearing.
- F. Improvements are constructed
- G. Final assessments are prepared based on the final total cost of the project. **Council** holds a Public Hearing and sets the final assessments. Within 10 days, the final assessments are published in the newspaper and certified notice is sent to LID participants. If LID participants wish to finance the assessment through the City, they must, within 10 days of notice, make application to the City, or pay assessments within 30 days of notice.

APPENDIX B
Code of Newberg Sections 36.40-36.56

LOCAL IMPROVEMENT DISTRICTS

§ 36.40 TITLE.

This subchapter shall be known as the “Local Improvement District Ordinance.”
(Ord. 96-2444, passed 6-3-96)

§ 36.41 DEFINITIONS.

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

ACTUAL COST. All direct or indirect costs incurred by the city in order to undertake and complete a capital construction project. **ACTUAL COST** includes, but is not limited to, the costs of labor, materials, supplies, equipment rental, property acquisition, permits, engineering, financing (bond issuance costs), reasonable program delinquencies, return on investment, required fees, insurance, administration, accounting, depreciation, amortization, operation, maintenance, repair or replacement and debt service, including debt service payments or payments into reserve accounts for debt service and payment of amounts necessary to meet debt service coverage requirements.

ASSESSMENT FOR LOCAL IMPROVEMENT. Any fee, charge, or assessment that does not exceed the actual cost of a local improvement incurred by the city.

BONDED INDEBTEDNESS. Any formally executed written agreement representing a promise by the city to pay to another specified sum of money, at a specified date(s) at least one year in the future.

CAPITAL CONSTRUCTION. The construction, modification, replacement, repair, remodeling or renovation of a structure, or addition to a structure, which is expected to have a useful life of more than one year, and includes, but is not limited to:

- (1) Acquisition of land, or a legal interest in land, in conjunction with a capital construction of a structure.
- (2) Acquisition, installation of machinery or equipment, furnishings or materials which will become an integral part of a structure.
- (3) Activities related to the capital construction, such as planning design, acquisition of interim or permanent financing, research, land use and environmental impact studies, acquisition of permits or licenses or services connected with the construction.
- (4) Acquisition of existing structures, or legal interests in structures, in conjunction with the capital construction.

CAPITAL IMPROVEMENT. Land, structures, facilities, as that term is defined in O.R.S. 288.805, machinery, equipment or furnishings having a useful life longer than one year.

CITY ENGINEER. Duly appointed official or if such official does not exist, a designated engineer or firm of engineers, charged with engineering responsibilities.

ESTIMATED ASSESSMENT.

(1) With respect to each property to be assessed in connection with a local improvement, the total assessment that, at the time of giving notice of the assessment and the right to object or remonstrate, the city estimates will be levied against the property following completion of the local improvement. The estimate shall be based on the estimated cost of the local improvement and the proposed formula for apportioning the actual cost to the property.

(2) Estimated assessment shall be determined by:

(a) Excluding the estimated financing costs associated with any bonds issued to accommodate the payment of the assessment in installments; and

(b) Including the estimated financing costs associated with interim financing of the local improvement.

FINAL ASSESSMENT. With respect to each property to be assessed in connection with a local improvement, the total assessment levied against the property following completion of the local improvement. The total assessment shall be based on the actual cost of the local improvement and the formula for apportioning the actual cost to the property.

FINANCING. All costs necessary or attributable to acquiring and preserving interim or permanent financing of a local improvement.

(1) The costs of financing may include the salaries, wages and benefits payable to employees to the extent the same are reasonably allocable to the work or services performed by the employees in connection with the financing of a local improvement or any part thereof. However, as a condition to including of any salaries, wages or benefits payable to employees of the city as financing costs of a local improvement or any part thereof, the city shall establish a record keeping system to track the actual work done or services performed by each employee on or in connection with such local improvement.

(2) Financing costs that are to be incurred after the levy of a final assessment may be included whether directly in the final assessment or in the interest rate charged on installment payments, based on the city's reasonable estimate of the financing costs if the city first documents the basis for the estimate and makes the documentation available to interested persons on request.

LOCAL IMPROVEMENT. A capital construction project, or part thereof, undertaken by the city pursuant to the procedure to be followed in making local assessments for the benefits from a local improvement upon the lots which have been benefitted by all or part of the improvement:

(1) Which provides a special benefit only to specific properties or rectifies a problem caused by specific properties; and

(2) The costs of which are assessed against those properties in a single assessment upon the completion of the project; and

(3) For which the payment of the assessment plus appropriate interest may be spread over a period of at least ten years by the property owner; and

(4) For which the total of all assessments for the local improvement shall not exceed the actual cost incurred by the city in completing the project; and

(5) For which the status of a capital construction project as a local improvement is not affected by the accrual of a general benefit to property other than the property receiving the specific benefit.

LOT. Lot, block, or parcel of land.

MANAGER. The City Manager of the City of Newberg.

OWNER. The owner of the title to real property or the contract purchaser of real property of record as shown on the last available complete assessment roll in the office of the Yamhill County Assessor.

PROPERTY BENEFITTED. All property specially benefitted by the improvement, the relative extent of such benefit to be determined by any just and reasonable method of apportionment of the actual cost of the improvement between the properties determined to be specially benefitted.

(1) Real property may be described by giving the subdivision according to the United States survey when coincident with the boundaries thereof, or by lots, blocks and additional names, or by giving the boundaries thereof by metes and bounds, or by reference to the book and page of any public record of the county where the description may be found, or by designation of a tax lot number, or in any other manner as to cause the description to be capable of being made certain.

(2) If the owner of any land is unknown, the land may be assessed to “unknown owner(s).” If the property is correctly described, no final assessment shall be invalidated by a mistake in the name of the owner of the real property assessed or by the omissions of the name of the owner or the entry of the name other than that of the true owner. Where the name of the true owner, or the owner of record, of any parcel of real property is given, the final assessment shall not be held invalid on account of any error or irregularity in the description if the description would be sufficient in a deed of conveyance from the owner, or is such that, in a suit to enforce a contract to convey, employing such description, a court of equity would hold it to be good and sufficient.

(3) Any description of real property which conforms substantially to the requirements of this section shall be a sufficient description in all proceedings of assessment relating or leading to a final assessment for a local improvement foreclosure and sale of delinquent assessments, and in any other proceedings related to or connected with levying, collecting and enforcing final assessments for special benefits to the property.

REMONSTRANCE. A written objection to the formation of a local improvement district.

SINGLE ASSESSMENT. The complete assessment process, including pre-assessment, assessment or reassessment, for any authorized local improvement which provides the procedure to be followed in making local assessments for benefits from a local improvement upon lots which have been benefitted by all or part of the improvement.

SPECIAL BENEFIT ONLY TO SPECIFIC PROPERTIES. The same meaning as “special and peculiar benefit” as that term is used in Oregon Law (O.R.S. 223.389).

STRUCTURE. Any temporary or permanent building or improvement to real property of any kind, which is constructed on or attached to real property, whether above, on or beneath the surface.
(Ord. 96-2444, passed 6-3-96)

§ 36.42 PLANS AND SPECIFICATIONS.

Whenever the Council shall determine to proceed to make a local improvement to be paid for in full or in part by the property benefitted, the Council shall, by motion, direct the City Engineer to have a report prepared containing the following information:

(A) A description of the local improvement.

(B) Preliminary plans and outline specifications for the local improvement.

(C) A description of the boundaries of the local improvement.

(D) A just and reasonable method of apportioning the actual cost of the local improvement to the properties benefitted.

(E) A list of properties benefitted by the local improvement, including the name and address of each owner; the assessed value of each property, adjusted in accordance with Oregon law; and a statement of the amount of outstanding assessments against any property proposed to be assessed by the improvements.

(F) The estimated cost of the improvement, including any legal, administrative and engineering costs attributable to the project.

(G) The estimated share of the estimated cost of the local improvement to be assessed to each property.

(H) The estimated share of the estimated cost of the local improvement to be paid by the city, if any.
(Ord. 96-2444, passed 6-3-96)

§ 36.43 ASSESSING.

The Council shall do the following in assessing the cost of the improvement:

(A) Use a fair and reasonable method for determining the extent of the district boundaries.

(B) Use a fair and reasonable method for apportioning the actual cost or estimated cost of the local improvement among the benefitted properties.

(C) Consider payment by the city of all or part of the actual cost or estimated cost of the improvement when, in the opinion of the Council, on account of topographical, physical or other characteristics of the local improvement or expected unusual or excessive use by the general public, payment by the city would be appropriate or when the Council otherwise believes it would be just and reasonable for the city to pay all or part of the cost.

(D) Consider other available means of financing the improvement. In the event other means of finance are used, the Council may, subject to the constraints of the Oregon Constitution and Oregon Laws, in its discretion, levy assessments to cover any part of the actual cost of the local improvement not covered by the alternative means of finance. The use of any available alternative means of finance lies solely within the discretion of the Council.

(E) Not give credits for corner lots.

(F) Assess Unimproved property subject to a maximum depth of 200 feet.
(Ord. 96-2444, passed 6-3-96)

§ 36.44 RESOLUTION.

(A) After the Engineer's report has been filed with the City Manager, after the Council has examined the

report and found the same to be satisfactory and having found the estimated costs and apportionment to be reasonable and just, and after having found the boundaries of the improvement district to be properly determined, the Council may, by resolution, propose to make the improvement, and to create a local improvement district.

(B) The resolution shall state:

(1) The boundaries of the local improvement district.

(2) The proposed method for apportioning the estimated cost of the local improvement among the benefitted properties.

(3) The portion of the estimated cost, if any, which the city will pay.

(4) That the portion of the estimated cost which is assessed to the properties benefitted shall be a charge and lien upon those properties.

(5) The time and place for a public hearing before the Council to hear objections and receive remonstrances.

(6) Directions to the City Engineer to provide a notice of public hearing to the owners of the properties benefitted which contains the following:

(a) A brief and general description of the proposed local improvement and a statement that a more detailed description is set forth in a report on file in the City Engineer's Office and City Manager's Office.

(b) That the Council proposes to create a local improvement district and will be holding a public hearing to hear objectives and receive remonstrances to the local improvement.

(c) The date, time and place of the public hearing.

(d) A description of the properties to be benefitted, the owners of the properties, the estimated cost of the improvement and the estimated assessment for each property benefitted.

(e) A statement that if at or before the public hearing, written remonstrances against the local improvement are filed with the City Engineer by the owners of at least 60% of the property to be assessed, action on the local improvement shall be suspended for at least six months.

(Ord. 96-2444, passed 6-3-96)

§ 36.45 NOTICES TO PROPERTY OWNERS.

(A) *Form of notice.* Any notice required hereunder shall be sent by registered or certified mail or by personal delivery to the owner of each property proposed to be assessed, and shall include the estimated assessment proposed for that property, the date by which time objections shall be filed with the City Engineer, and that such objection shall state the grounds for the objection.

(B) *Delivery of notice.* Whenever a notice is required to be sent to the owner of a lot affected by a proposed assessment, the notice shall be addressed to the owner or his agent. If the address of the owner or his agent is unknown to the city, the notice shall be addressed to the owner or his agent at the city where the property is located. Any mistake, error, omission, for failure with respect to such mailing shall not be jurisdictional or invalidate the assessment proceedings, but there shall be no foreclosure or legal action to collect

until notice has been given by personal service upon the property owner, or if personal service cannot be had, then by publication once a week for two successive weeks in a newspaper of general circulation in the city. (Ord. 96-2444, passed 6-3-96)

§ 36.46 PUBLIC HEARING AND REMONSTRANCES.

A public hearing before the Council shall be held at the scheduled date and time and the Council shall hear and consider objections and receive remonstrances to the local improvement. If those persons representing 60% or more of the proposed assessment within the district file with the City Engineer a written objection or remonstrance against the proposed improvement, the remonstrance shall be a bar to any further proceedings in the making of such improvement of a period of six months, except for a sidewalk or improvement unanimously declared by the Council to be needed at once because of an emergency. (Ord. 96-2444, passed 6-3-96)

§ 36.47 ORDINANCE CREATING LOCAL IMPROVEMENT DISTRICT.

(A) *Public hearing.* After the public hearing, the Council may create a local improvement district by ordinance. The ordinance shall describe the improvement(s) to be made, the boundary of the district, the estimated assessments against the properties benefitted, and shall state that the assessment shall be charges and liens against the properties. The city may enforce collection of the assessments as provided in Oregon law.

(B) *Adoption process.* In creating the local improvement by ordinance, the Council shall consider the objections or remonstrances made and reasons stated for them. The Council may adopt, correct, modify or revise the proposed assessments or estimated assessments and shall determine the amount or estimated assessment to be charged against each lot within the district, according to the special and peculiar benefits accruing thereto from the improvement and shall by ordinance spread the assessments. The estimated assessment lien shall continue until the time the estimated assessment becomes a final assessment.

(C) *Plans.* The ordinance shall also direct the City Engineer to have detailed plans and specifications of the local improvement prepared and that, when appropriate, the city shall invite bids for construction of the local improvement. (Ord. 96-2444, passed 6-3-96)

§ 36.48 CALL FOR BIDS.

(A) *Work to be done.* The construction work may be done in whole or in part by the city, by a contractor, or by any other governmental agency, or by any combination thereof.

(B) *Low bids.* If all or part of the improvement is to be constructed by a contractor, the city shall call for bids for making the local improvements and to award the bid to the lowest responsible bidder.

(C) *Separate bids.* In the event that more than one local improvement shall be advertised for bids at the same time, all local improvement districts shall be bid separately.

(D) *Aggregate bid.* The Council shall have the authority to accept the lowest responsible aggregate bid which is in the best interest of the city for all of the local improvement districts bid at the same time, and allocate the proper amount of the total cost to each district separately.

(E) *Council discretion.* The Council may reject any or all bids.

(F) *Rebidding.* If no bids are received, or if all bids are rejected, the Council may call for other bids, change the manner in which the local improvement shall be constructed, or abandon the local improvement.

(G) *Excessive bids.* If the lowest responsible bid exceeds the estimated cost of the local improvement, and if accepted, would cause any estimated assessment to increase by more than 20% and if the Council wants to proceed with the local improvement, before proceeding the Council shall revise the estimated assessments, hold another public hearing, after notice to the owners of the benefitted properties of the new estimated assessment, and shall proceed as if that was the original public hearing except that new bids need not be solicited.

(H) *Bond required.* The Council shall require bonding of all contractors for the faithful performance of the contract. All bidders shall be required to submit a certified check or bid bond in an amount equal to five percent of their bid, and the contractor to whom the award is made shall submit a performance bond in the amount of his bid at the time the contract is awarded. All bonds shall be with bonding companies doing business in Oregon and given under Oregon law. Bonds shall incorporate the term of the plans and specifications and must be approved by the City Attorney as to form.
(Ord. 96-2444, passed 6-3-96)

§ 36.49 ASSESSMENT ORDINANCE PROCEDURES.

(A) *Initial assessments.* If the Council determines that the local improvement district shall be created, the Council shall provide for the assessment or estimated assessment of the benefitted properties, and for the apportionment of the assessment or estimated assessment to the properties benefitted by ordinance by one of the following methods:

- (1) Actual cost of the local improvement; or
- (2) The estimated cost of the improvement.

(B) *Notice.* The City Engineer shall prepare the assessment or estimated assessment for the properties benefitted and file it with the appropriate city office. Notice of such assessment or estimated assessment shall be given to each owner of the properties benefitted. The notice shall state the amount of the assessment or estimated assessment proposed for that property and set forth the date, time and place for a public hearing before the Council for hearing objections to the proposed assessments.

(C) *Consideration of proposed assessment.* The Council shall consider objections to the proposed assessments and may correct, modify, or revise the proposed assessments. After determining that the assessments meet the requirements of this subchapter, the Council shall by ordinance, spread the assessments.

(D) *Actual cost.* In determining the assessment or estimated assessment for the local improvement the Council shall use the actual cost.

(E) *Lien.* The assessment ordinance shall provide that the assessments or estimated assessments against the benefitted properties shall be a lien against the assessed properties and that the city may enforce collection of such assessments as provided by Oregon law.

(F) *Estimated cost.* If the initial assessment has been made on the basis of estimated assessment, and upon the completion of work the actual cost is found to be greater or less than the estimated cost, the Council shall make an assessment for the actual cost. Proposed revised assessments shall be made; notice to the owners shall

be sent; a public hearing for receiving and considering objections shall be held; determination of the assessment against each property benefitted shall be made as in the case of the initial assessment; and the revised assessments shall be spread by ordinance. In the event that an estimated assessment which was greater than a revised assessment has been paid, the payor or the payor's assigns or legal representative shall be refunded the difference.

(Ord. 96-2444, passed 6-3-96)

§ 36.50 LIEN RECORDING; PAYMENTS OVER TIME OR BY CASH.

(A) *Docket.* After the passage of the assessment ordinance, the City Manager shall direct to have entered in the docket of city liens a statement of the amount assessed upon each property benefitted, together with a description of the improvement, the name of the owner(s) and the date of the assessment ordinance. Upon entry in the lien docket, the amount entered shall become a lien and charge upon the respective lots, parcel of land or portions thereof, which have been assessed. All assessment liens of the city shall be superior and prior to all other liens or encumbrances on the property insofar as the laws of the State of Oregon permit.

(B) *Foreclosure.* After the expiration of 30 days from the date the assessment ordinance was adopted, the city may proceed to foreclose or enforce collection of the assessment liens in any manner provided for by the laws of the State of Oregon. The city may, at its option, enter a bid for any property being offered at a foreclosure sale, which bid shall be prior to all bids except those made by persons who would be entitled under the laws of the State of Oregon to redeem the property.

(C) *Final assessment.* After the final assessment has been adopted by the Council, the city shall publish the final assessments once in a newspaper of general circulation within the city and also send a copy by certified mail or deliver it personally to the owners of the properties to be assessed within ten days after the adoption of the ordinance. The notice shall identify the local improvement for which the assessment is to be made, each lot to be assessed, and the final assessment for each lot. In addition, the notice shall state that the owner shall have the right to apply to the city for payment of the final assessment in installments as provided by this subchapter.

(D) *Time payments.* Within ten days after notice of final assessment is mailed, the owner of any property to be assessed, at any time, may file a written application in the Finance Department to pay:

(1) The whole of the final assessment in installments; or

(2) If part of the final or estimated assessment has been paid, the unpaid balance of the final assessment in installments. Failure to apply for installment payments within ten days will require full payment of the assessment within 30 days from the date of the entry of the lien in the city docket.

(E) *Filing deadline.* At the option of the city, an installment application may be filed not more than ten days after the notice of the final assessment is first published.

(F) *Waiver.* The installment application shall state that the applicant does thereby waive all irregularities or defects, jurisdictional or otherwise, in the proceedings, including the apportionment of the cost of the improvement.

(G) *Period of payments.* The application shall provide that the applicant agrees to pay the assessment in installments over a period of not less than ten years nor more than 30 years and according to such terms as the city may provide. The city may provide that the owner of the assessed property may elect to have the final assessment payable over a period of less than ten years and according to terms determined by the city.

(H) *Interest.* The application shall also provide that the applicant acknowledges and agrees to pay interest at the rate provided by the city. The interest shall be set at an interim rate which shall be applied to the unpaid balance until improvement bonds are sold to finance assessment bonds. Upon sale of bonds, the Finance Director shall adjust the interest rate to the rate received by the city on the bond issue (expressed as true interest cost). All subsequent payments will be made at the new adjusted rate.

(I) *Loan fees.* To recover the costs for administering the bond assessment program, applicants will be charged a loan origination fee and billing fee as set by resolution and reviewed periodically by the Finance Committee of the Council. Those who initially choose to pay the assessment in full will not be charged these fees.

(J) *Description of property.* The application shall also contain a description, by lots or blocks, or other convenient description, of the property of the application assessed for the improvement.

(K) *Payment dates.* The amount and due date of each installment shall be determined by the city and shall be set forth in the installment application. The first installment, plus accrued interest and fees, shall be due and payable on the date determined by the city and subsequent installments plus accrued interest and fees shall be due and payable on subsequent periodic dates as determined by the city.

(L) *Delinquent payments.* If the installment payment or the interest or any portion thereof are not paid within one year of their due date, then the city may pass a resolution:

- (1) Giving the name of the owner in default;
- (2) Stating the sum due, both principal and interest, and any unpaid late payment penalties or charges;
- (3) Containing a description of the property subject to the assessment; and
- (4) Declaring the whole sum, both principal and interest, immediately due and payable.

(M) *Collection.* The city may then immediately proceed to collect all unpaid amounts owing and enforce collection by any method authorized by law for the collection on delinquent municipal liens. (Ord. 96-2444, passed 6-3-96)

§ 36.51 ERRORS IN ASSESSMENT CALCULATIONS.

Claimed errors in the calculation of final assessments shall be called to the attention of the Manager prior to any payments on the account. The Manager shall check the calculation and report the findings to the Council. If an error has been made, the Council shall amend the final assessment ordinance to correct the error. Upon the enactment of the amendment, the Manager shall make the necessary correction in the lien docket and shall send by registered or certified mail to the owner a corrected notice of the assessment. (Ord. 96-2444, passed 6-3-96)

§ 36.52 AUTHORITY OF CITY TO MAKE REASSESSMENT.

Whenever all or part of any assessment for a local improvement was or is declared void or set aside for any

reason or its enforcement refused by any court by reason of jurisdictional or other defects in procedure, whether directly or by virtue of any court decision or when the Council is in doubt as to the validity of all or part of any such assessment by reason of such defects in procedure, the Council may by ordinance make a new assessment or reassessment upon the lots which have been benefitted by all or part of the improvement to the extent of their respective and proportionate shares of the full value of such benefit.
(Ord. 96-2444, passed 6-3-96)

**§ 36.53 CONSENT OR WAIVING
REQUIREMENT OF NOTICE.**

The provisions of § 36.44(B)(6), insofar as it requires notice to the owners of the properties benefitted, shall not apply if the owners of all assessable property within the proposed local improvement district have consented in writing to the local improvement and have waived the requirement for notice in the initial public hearing.
(Ord. 96-2444, passed 6-3-96)

§ 36.54 ASSESSMENT OF PUBLIC PROPERTY BENEFITTED BY IMPROVEMENTS.

(A) Whenever all or any part of the cost of a local improvement is to be assessed to the property benefitted, benefitted property owned by the city, county, school district, park district, state and any other political subdivision shall be assessed in the same manner as private property and the amounts of the assessment shall be paid by the city, school district, county, park district, or state, as the case may be.

(B) In the case of property owned by the state, the amount of the assessment shall be certified by the City Finance Director and filed with the Executive Department as a claim for reference to the Legislative Assembly in the manner provided by Oregon law unless funds for the payment of the assessment have been otherwise provided by law.
(Ord. 96-2444, passed 6-3-96)

§ 36.55 ABANDONMENT OF PROCEEDINGS.

The Council shall have full authority to abandon and rescind proceedings for a local improvement at any time prior to the final consummation of the proceedings. If liens have been assessed upon any property, they shall be cancelled, and any payments received shall be refunded to the payor, his assigns or legal representatives.
(Ord. 96-2444, passed 6-3-96)

APPENDIX C
Yamhill County Assessor's Map

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

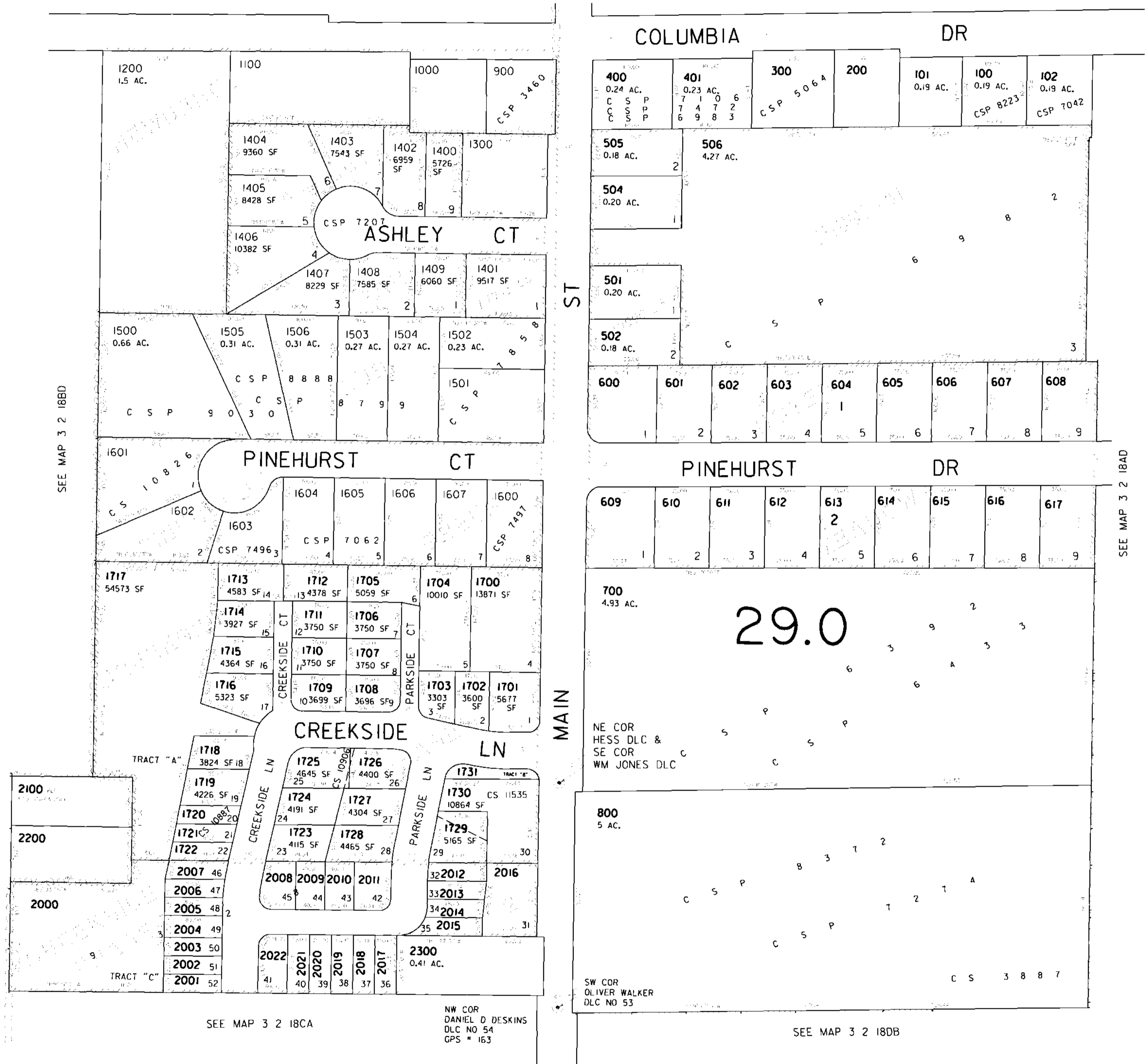
SW 1/4 NE 1/4 SEC 18 T3S R2W W.M.
YAMHILL COUNTY

3 2 18AC
NEWBERG

1" = 100'

SEE MAP 3 2 18AB

CANCELLED
500
503
1800
1900



3 2 18AC

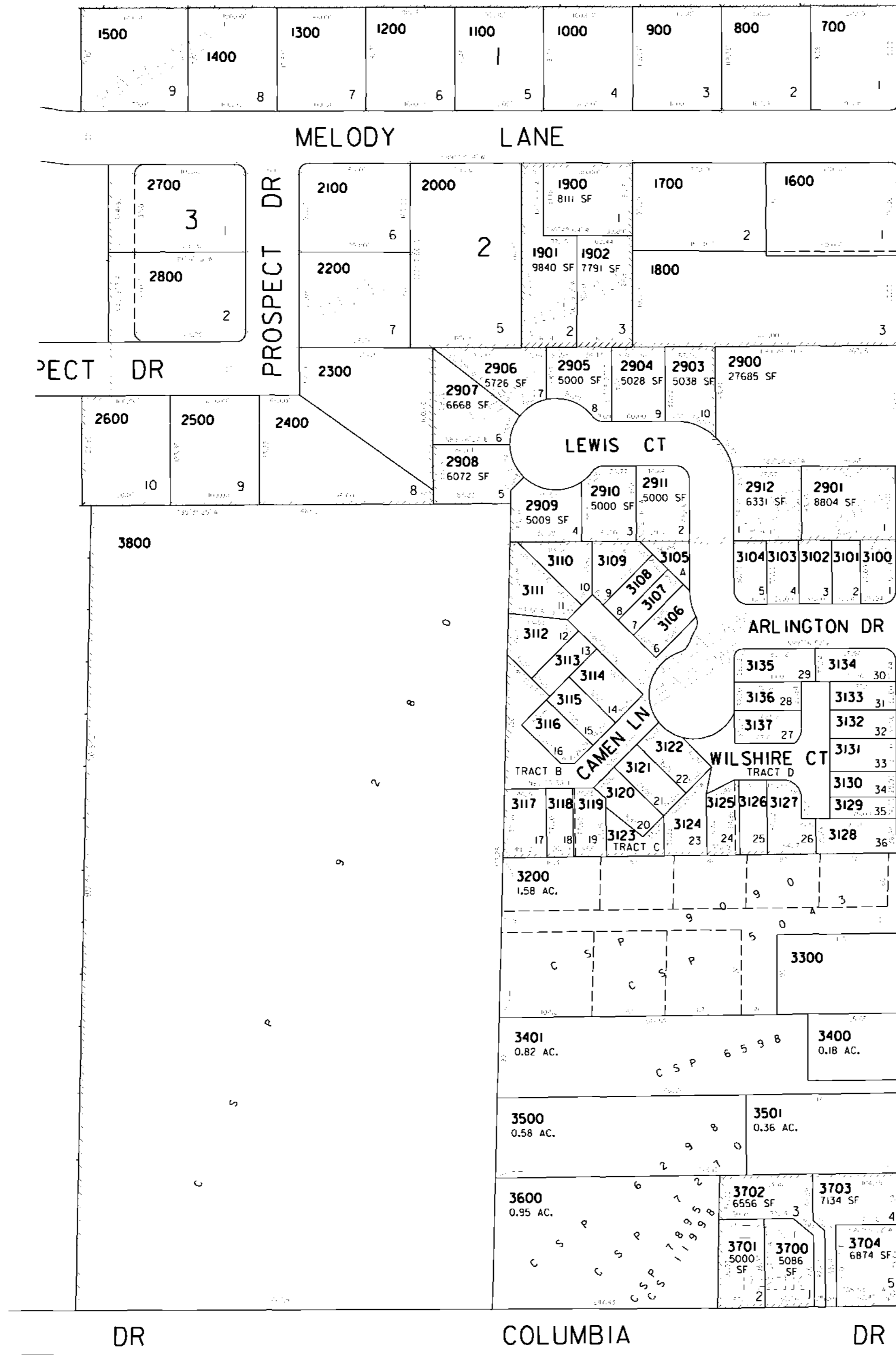
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE 1/4 NE 1/4 SEC 18 T3S R2W W.M.
YAMHILL COUNTY

3 2 18AA
NEWBERG

SEE MAP 3 2 07DC

1" = 100'

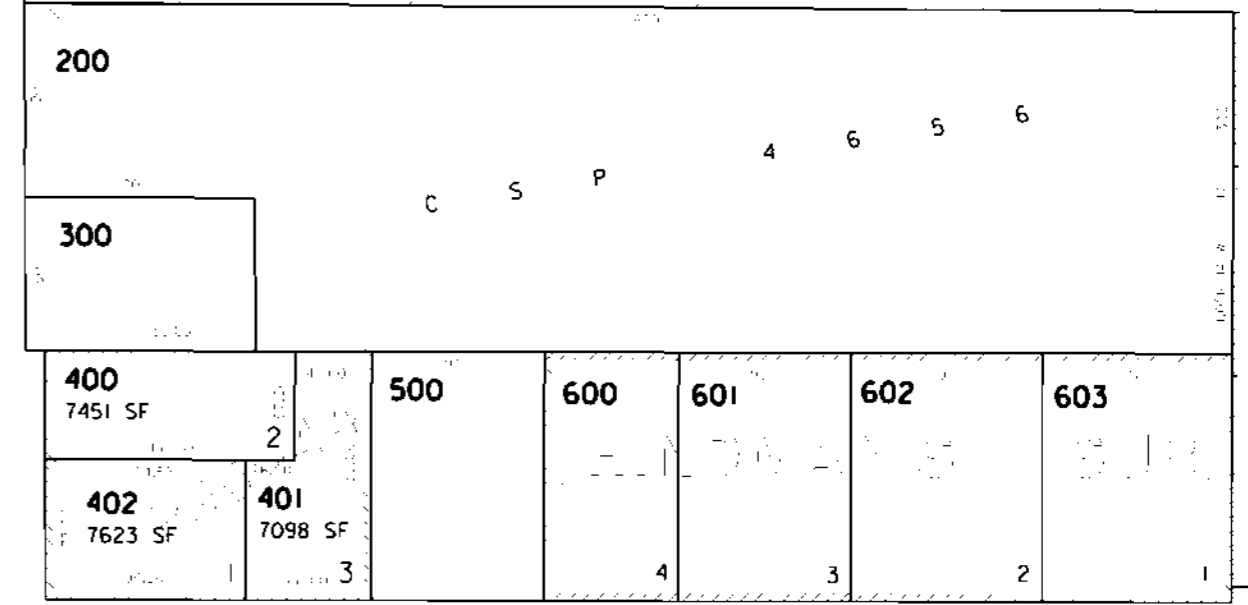


SEE MAP 3 2 18AB

- CANCELLED NO.
- 100
- 1801
- 2902
- 3000
- 3201
- 3202
- 3203
- 3204
- 3205
- 3206
- 3207
- 3208

SEE MAP 3 2 17

HIGHWAY 219



CRESTVIEW DR

SEE MAP 3 2 18AD

SEE MAP 3 2 18AD

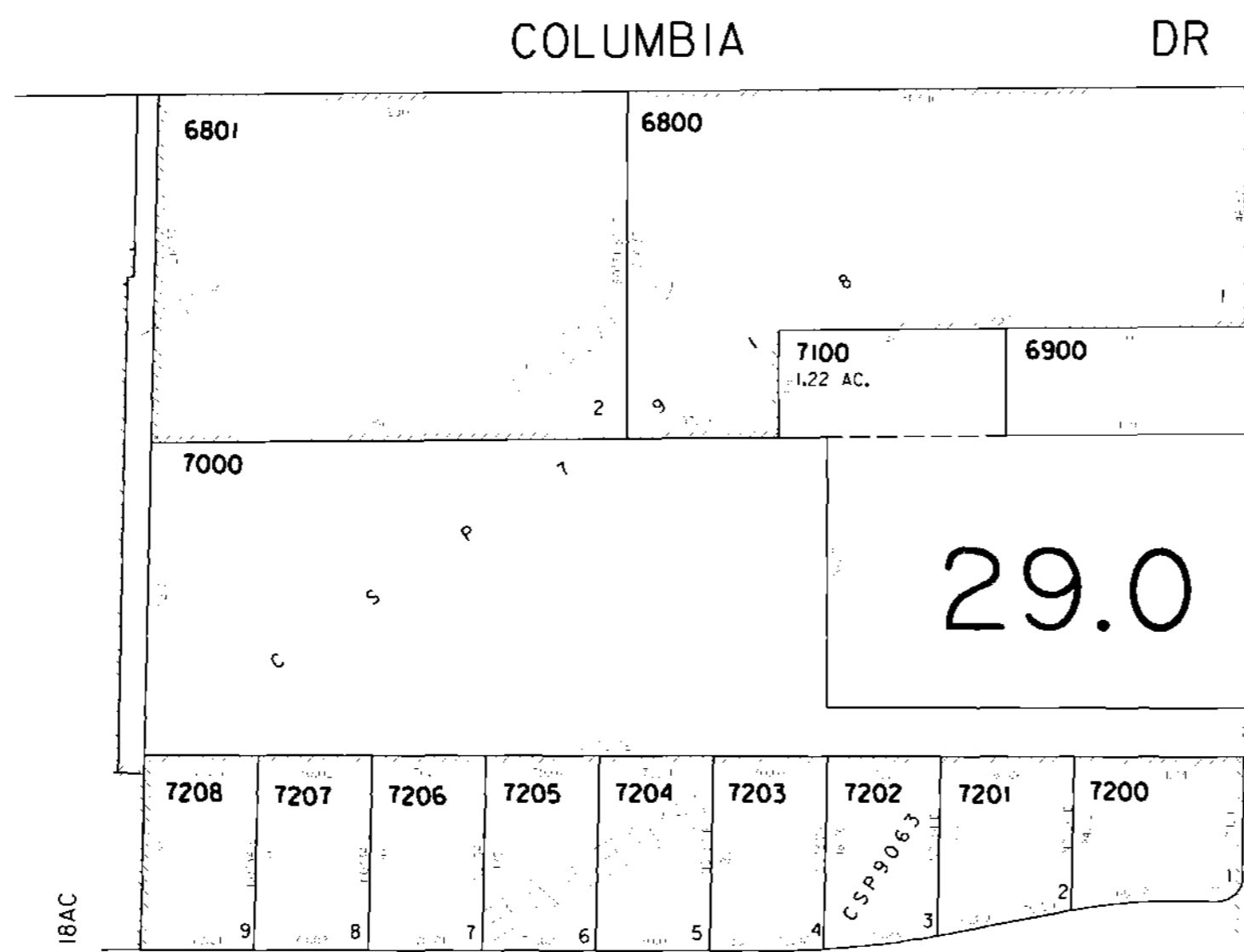
3 2 18AA

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

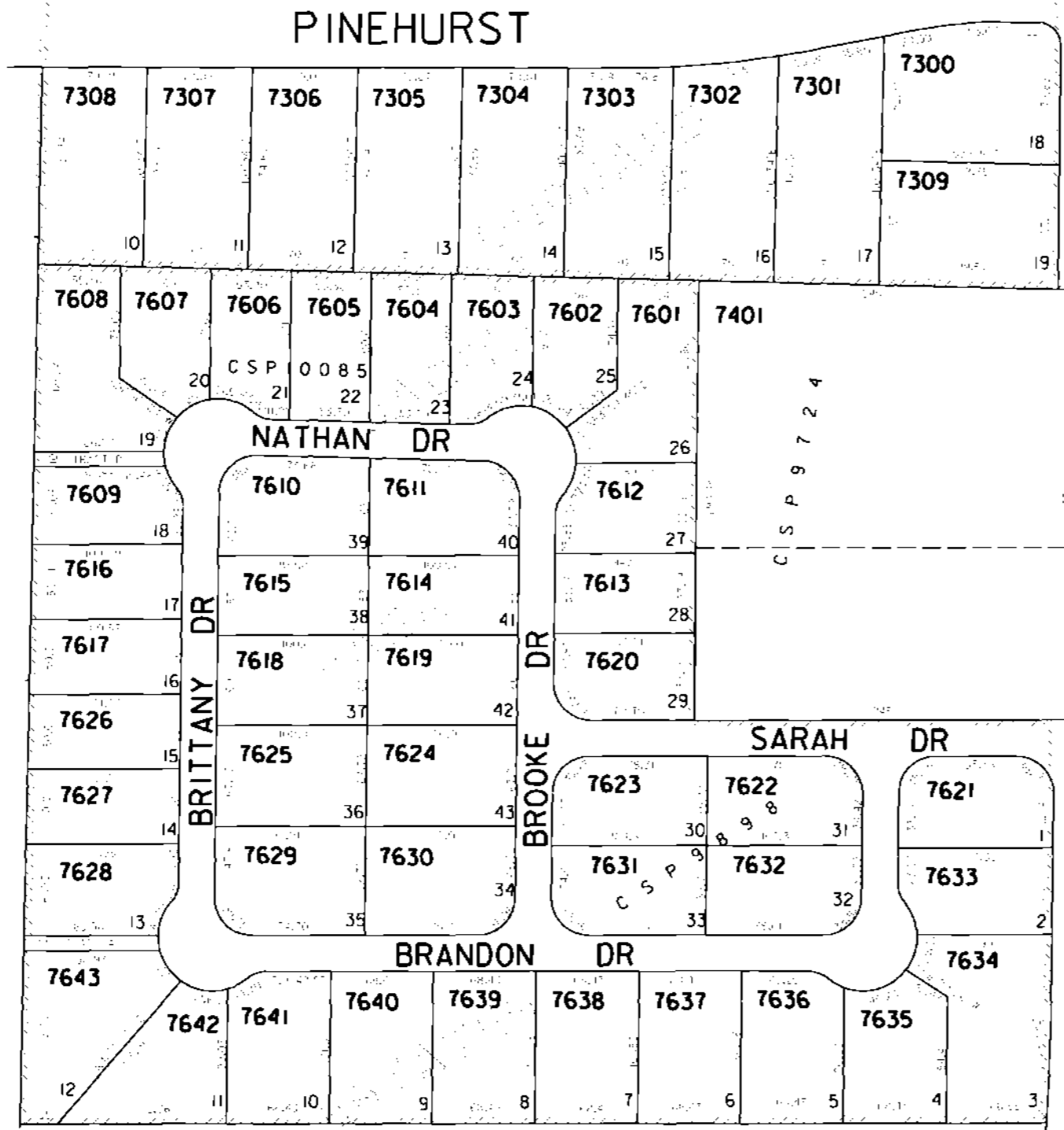
SE 1/4 NE 1/4 SEC 18 T3S R2W W.M.
YAMHILL COUNTY

1" = 100'

SEE MAP 3 2 18AA

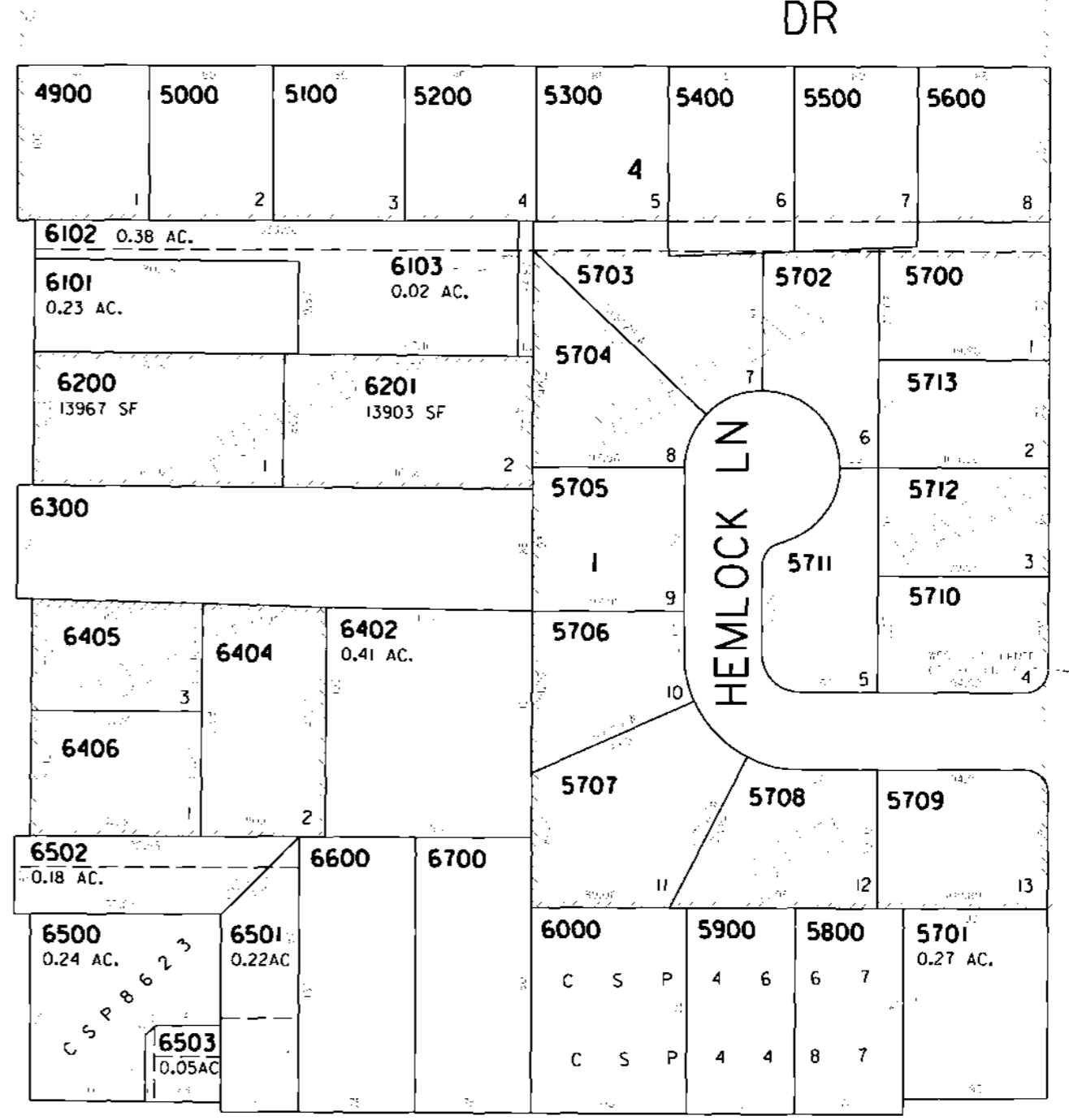
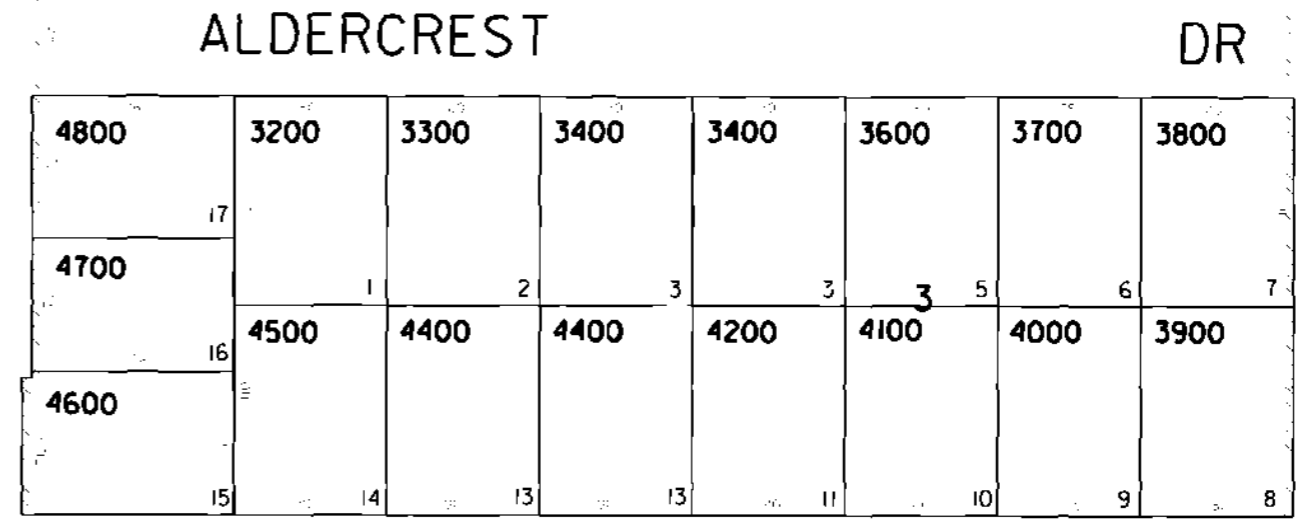
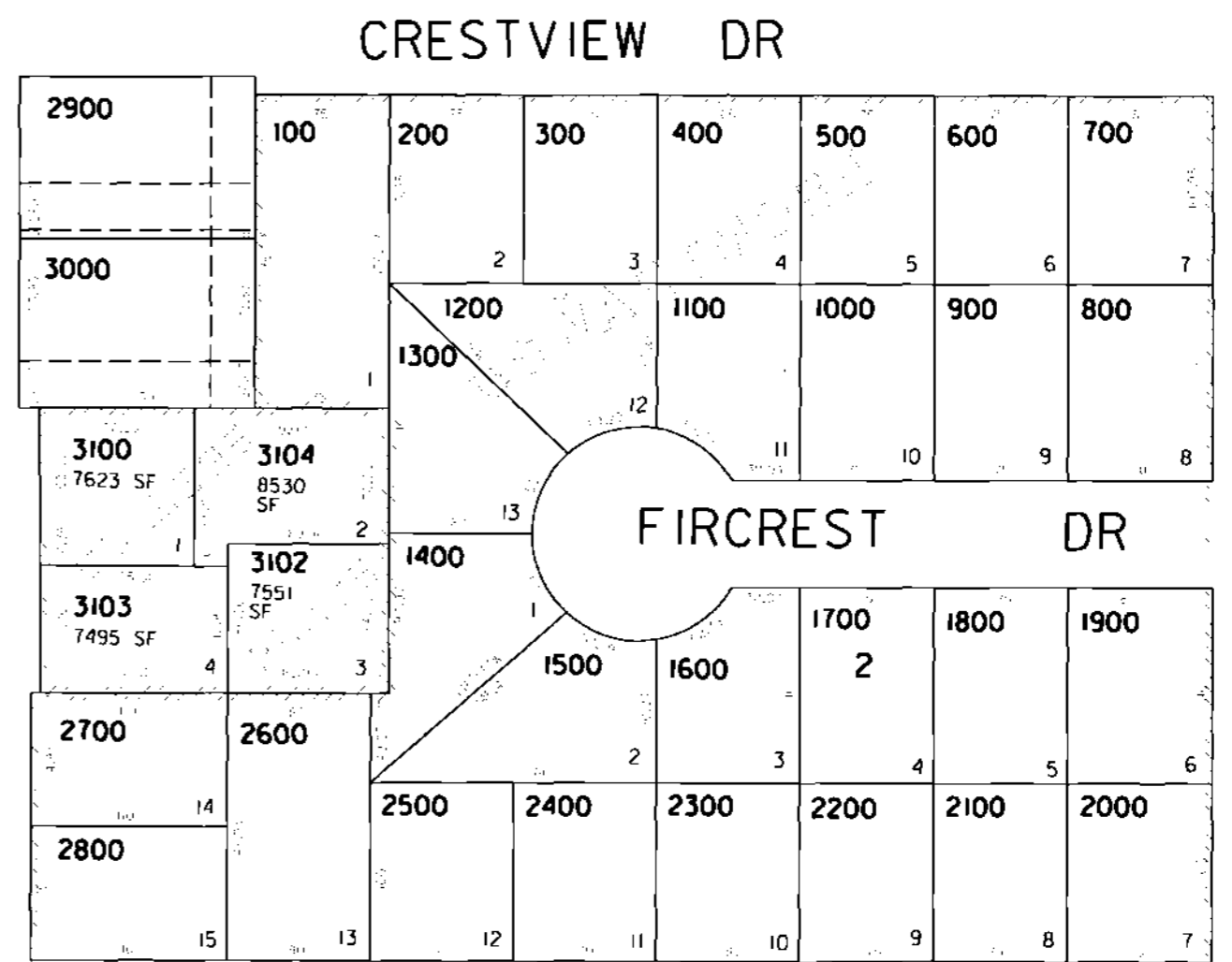


SEE MAP 3 2 18AC



SEE MAP 3 2 18DB

(O.S.H.219)
HWY
HILLSBORO



SEE MAP 3 2 18DA

3 2 18AD
NEWBERG

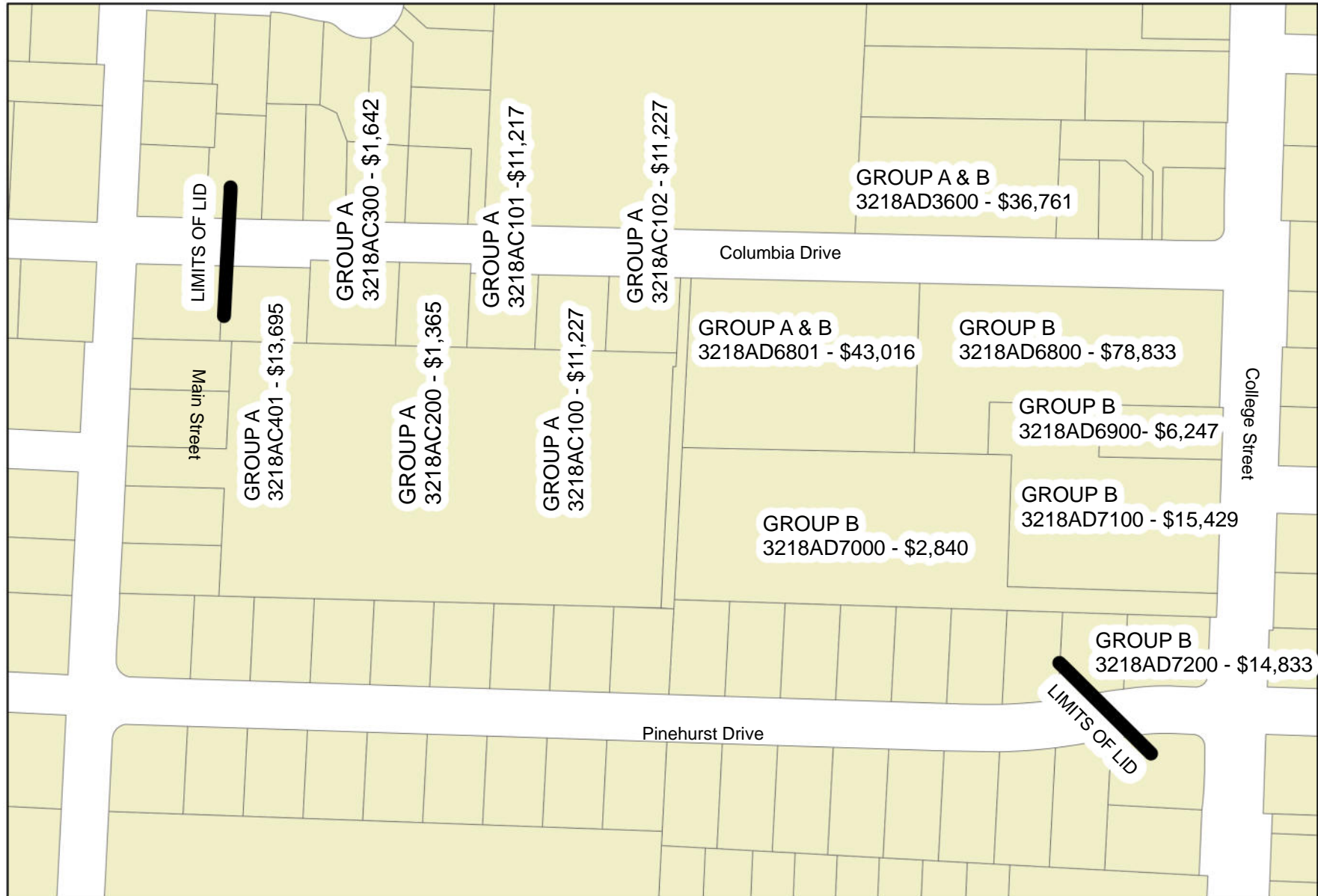
- CANCELLED
- 3001
- 3101
- 6100
- 6190
- 6401
- 6403
- 6901
- 7400
- 7500
- 7501
- 7502

SEE MAP 3 2 17BC

3 2 18AD

APPENDIX D
Property Information & Estimated Assessments

COLUMBIA COST ASSESSMENT MAP



GROUP A

Group A Frontage: 576.75 Schedule 2 & 5 -Group A Costs: \$60,872
 Entire LID Frontage: 2004.16 Schedule 1 - General Costs: \$39,325

| Tax Lot | Address | Frontage (feet) | % Frontage of Group A | Group A Cost | % Frontage of Entire LID | General Cost | ROW Reimbursement | Total Cost | Total Assessment |
|-----------|-----------------|-----------------|-----------------------|--------------|--------------------------|--------------|-------------------|------------|------------------|
| 3218AC401 | 104 COLUMBIA DR | 109.42 | 18.97% | \$11,548 | 5.46% | \$2,147 | \$0 | \$13,695 | \$13,695 |
| 3218AC300 | 110 COLUMBIA DR | 108.31 | 18.78% | \$11,431 | 5.40% | \$2,125 | \$11,914 | \$13,557 | \$1,642 |
| 3218AC200 | 200 COLUMBIA DR | 90.00 | 15.60% | \$9,499 | 4.49% | \$1,766 | \$9,900 | \$11,265 | \$1,365 |
| 3218AC101 | 220 COLUMBIA DR | 89.62 | 15.54% | \$9,459 | 4.47% | \$1,758 | \$0 | \$11,217 | \$11,217 |
| 3218AC100 | 300 COLUMBIA DR | 89.70 | 15.55% | \$9,467 | 4.48% | \$1,760 | \$0 | \$11,227 | \$11,227 |
| 3218AC102 | 308 COLUMBIA DR | 89.70 | 15.55% | \$9,467 | 4.48% | \$1,760 | \$0 | \$11,227 | \$11,227 |
| Total: | | 576.75 | 100.00% | \$60,872 | 28.78% | \$11,317 | \$21,814 | \$72,189 | \$50,374 |

GROUP B

Group B Frontage: 1069.30 Schedule 3 & 6 - Group B Costs: \$137,629
 Entire LID Frontage: 2004.16 Schedule 1 - General Costs: \$39,325

| Tax Lot | Address | Frontage (feet) | % Frontage of Group B | Group B Cost | % Frontage of Entire LID | General Cost | ROW Reimbursement | Total Cost | Total Assessment |
|------------|-------------------|-----------------|-----------------------|--------------|--------------------------|--------------|-------------------|------------|------------------|
| 3218AD6801 | No Address | 290.00 | 27.12% | \$37,326 | 14.47% | \$5,690 | \$0 | \$43,016 | \$43,016 |
| 3218AD6800 | 1709 N COLLEGE ST | 531.47 | 49.70% | \$68,405 | 26.52% | \$10,428 | \$0 | \$78,833 | \$78,833 |
| 3218AA3600 | No Address | 247.83 | 23.18% | \$31,898 | 12.37% | \$4,863 | \$0 | \$36,761 | \$36,761 |
| Total: | | 1069.30 | 100.00% | \$137,629 | 53.35% | \$20,981 | \$0 | \$158,610 | \$158,610 |

GROUP C

Group C Frontage: 358.11 Schedule 4 & 7 Group C Costs: \$46,568
 Entire LID Frontage: 2004.16 Schedule 1 - General Costs: \$39,325

| Tax Lot | Address | Frontage (feet) | % Frontage of Group C | Group C Cost | % Frontage of Entire LID | General Cost | ROW Reimbursement | Total Cost | Total Assessment |
|------------|-------------------|-----------------|-----------------------|--------------|--------------------------|--------------|-------------------|------------|------------------|
| 3218AD6900 | 1701 N COLLEGE ST | 66.00 | 18.43% | \$8,582 | 3.29% | \$1,295 | \$3,630 | \$9,877 | \$6,247 |
| 3218AD7100 | 1605 N COLLEGE ST | 163.00 | 45.52% | \$21,196 | 8.13% | \$3,198 | \$8,965 | \$24,394 | \$15,429 |
| 3218AD7000 | 1605 N COLLEGE ST | 30.00 | 8.38% | \$3,901 | 1.50% | \$589 | \$1,650 | \$4,490 | \$2,840 |
| 3218AD7200 | 1603 N COLLEGE ST | 99.11 | 27.68% | \$12,888 | 4.95% | \$1,945 | \$0 | \$14,833 | \$14,833 |
| Total: | | 358.11 | 100.00% | \$46,568 | 17.87% | \$7,027 | \$14,245 | \$53,594 | \$39,349 |

CITY COSTS

| | |
|-------------------------|------------------|
| Schedule 1 | \$86,202 |
| Schedule 2 | \$8,769 |
| Schedule 3 | \$17,706 |
| Schedule 4 | \$9,247 |
| Schedule 8 | \$112,408 |
| Total City Cost: | \$234,331 |

APPENDIX E

Engineer's Preliminary Cost Estimates

Columbia Drive LID Preliminary Cost Estimate - Local Street

| SCHEDULE 1 | | GENERAL | | | |
|------------------------------|---|---|---------|-------------|-----------------|
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 1.01 | Mobilization | 0.5 | LS | \$15,000.00 | \$7,500 |
| 1.02 | Traffic Control | 0.5 | LS | \$5,000.00 | \$2,500 |
| 1.03 | Sediment & Erosion Control Measure | 0.5 | LS | \$1,000.00 | \$500 |
| 1.04 | Clear & Grub, Including Removal/trimming Of Trees / Stumps | 0.5 | LS | \$1,500.00 | \$750 |
| 1.05 | Site Restoration & Cleanup (Restore Mail Boxes, Signs, Etc.) | 0.5 | LS | \$1,500.00 | \$750 |
| 1.08 | Additional Right of Way (TL# 200, 300, 6900) | 0 | Sq. Ft. | \$11.00 | \$0 |
| 2.08 | Pre Design Survey | 0.5 | LS | \$1,500.00 | \$750 |
| 3.08 | Engineering/Design | 0.5 | LS | \$20,000.00 | \$10,000 |
| 4.08 | Field Engineering/Inspection | 0.5 | LS | \$15,000.00 | \$7,500 |
| TOTAL = | | | | | \$30,250 |
| 30% Contingency = | | | | | \$9,075 |
| SCHEDULE 1 SUBTOTAL = | | | | | \$39,325 |
| SCHEDULE 2 | | ROAD CONSTRUCTION - Group A (TL# 401, 300, 200, 101, 100, 102) | | | |
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 2.01 | Sawcut A.C. | 580 | LF | 1.95 | \$1,131 |
| 2.02 | Excavation | 274 | CY | 10.00 | \$2,740 |
| 2.03 | Base Rock (6" Base, 3" Leveling) | 644 | SY | 8.40 | \$5,410 |
| 2.04 | Asphalt Concrete, Type 'C' In 2 Lifts, 3" In-place | 548 | SY | 15.75 | \$8,631 |
| 2.05 | Concrete Driveway | 540 | SF | 6.41 | \$3,461 |
| 2.06 | Concrete Curb & Gutter (Dwg #501) | 580 | LF | 5.75 | \$3,335 |
| 2.07 | Concrete Sidewalk, 4" Thick On 2" Of 3/4" Minus | 2900 | SF | 4.97 | \$14,413 |
| 2.08 | Over Excavate As Directed (Written authorization required) & Backfill | 30 | CY | 30.00 | \$900 |
| 2.09 | Concrete block wall removal and relocation | 1 | LS | \$5,000.00 | \$5,000 |
| TOTAL = | | | | | \$45,021 |
| 30% Contingency = | | | | | \$13,506 |
| SCHEDULE 2 SUBTOTAL = | | | | | \$58,527 |
| SCHEDULE 3 | | ROAD CONSTRUCTION - Group B (TL# 6801, 3600, 6800) | | | |
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 3.01 | Sawcut A.C. | 610 | LF | 2.07 | \$1,263 |
| 3.02 | Excavation | 734 | CY | 10.00 | \$7,340 |
| 3.03 | Base Rock (6" Base, 3" Leveling) | 1817 | SY | 8.40 | \$15,263 |
| 3.04 | Asphalt Concrete, Type 'C' In 2 Lifts, 3" In-place | 1616 | SY | 15.75 | \$25,452 |
| 3.05 | Concrete Driveway | 140 | SF | 6.41 | \$897 |
| 3.06 | Concrete Curb & Gutter (Dwg #501) | 1191 | LF | 5.75 | \$6,848 |
| 3.07 | Concrete Sidewalk, 4" Thick On 2" Of 3/4" Minus | 5350 | SF | 4.97 | \$26,590 |
| 3.08 | Concrete ADA Sidewalk Ramps, Single, Parallel Or Combination | 1 | EA | 650.00 | \$650 |
| 3.09 | Over Excavate As Directed (Written authorization required) & Backfill | 40 | CY | 30.00 | \$1,200 |
| 3.10 | Street Light | 1 | EA | \$2,500.00 | \$2,500 |
| TOTAL = | | | | | \$88,003 |

| | |
|------------------------------|------------------|
| 30% Contingency = | \$26,401 |
| SCHEDULE 3 SUBTOTAL = | \$114,403 |

SCHEDULE 4 ROAD CONSTRUCTION - Group C (TL# 6900, 7100, 7000, 7200)

| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
|------------------------------|---|----------|------|------------|-----------------|
| 4.01 | Sawcut A.C. | 360 | LF | 2.80 | \$1,008 |
| 4.02 | Excavation | 143 | CY | 10.00 | \$1,430 |
| 4.03 | Base Rock (6" Base, 3" Leveling) | 318 | SY | 8.40 | \$2,671 |
| 4.04 | Asphalt Concrete, Type 'C' In 2 Lifts, 3" In-place | 259 | SY | 15.75 | \$4,079 |
| 4.05 | Concrete Driveway | 1000 | SF | 6.41 | \$6,410 |
| 4.06 | Concrete Curb & Gutter (Dwg #501) | 358 | LF | 5.75 | \$2,059 |
| 4.07 | Concrete Sidewalk, 4" Thick On 2" Of 3/4" Minus | 1750 | SF | 4.97 | \$8,698 |
| 4.08 | Concrete ADA Sidewalk Ramps, Single, Parallel Or Combination | 1 | EA | 650.00 | \$650 |
| 4.09 | Over Excavate As Directed (Written authorization required) & Backfill | 30 | CY | 30.00 | \$900 |
| 4.10 | Driveway Grading | 1 | LS | 1500.00 | \$1,500 |
| 4.11 | Retaining Wall | 1 | LS | 4000.00 | \$4,000 |
| TOTAL = | | | | | \$33,404 |
| 30% Contingency = | | | | | \$10,021 |
| SCHEDULE 4 SUBTOTAL = | | | | | \$43,426 |

SCHEDULE 5 STORM DRAINAGE IMPROVEMENT - Group A (TL# 401, 300, 200, 101, 100, 102)

| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
|------------------------------|---|----------|------|------------|----------------|
| 5.01 | Concrete Catch Basins, (City Dwg #401), In-place | 1 | Each | 1350.00 | \$1,350 |
| 5.02 | 12" PVC Storm Pipe (trench/placement/pipe/backfill) | 17 | LF | 26.67 | \$453 |
| TOTAL = | | | | | \$1,803 |
| 30% Contingency = | | | | | \$541 |
| SCHEDULE 5 SUBTOTAL = | | | | | \$2,344 |

SCHEDULE 6 STORM DRAINAGE IMPROVEMENT - Group B (TL# 6801, 3600, 6800)

| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
|------------------------------|---|----------|------|------------|-----------------|
| 6.01 | Concrete Catch Basins, (City Dwg #401), In-place | 2 | Each | 1350.00 | \$2,700 |
| 6.02 | Standard Manholes, (City Dwg #204), In-place | 1 | Each | 1600.00 | \$1,600 |
| 6.03 | 12" PVC Storm Pipe (trench/placement/pipe/backfill) | 74 | LF | 26.67 | \$1,974 |
| 6.04 | 24" PVC Storm Pipe (trench/placement/pipe/backfill) | 240 | LF | 48.3 | \$11,592 |
| TOTAL = | | | | | \$17,866 |
| 30% Contingency = | | | | | \$5,360 |
| SCHEDULE 6 SUBTOTAL = | | | | | \$23,225 |

SCHEDULE 7 STORM DRAINAGE IMPROVEMENT - Group C (TL# 6900, 7100, 7000, 7200)

| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
|------------------------------|---|----------|------|------------|----------------|
| 7.01 | Concrete Catch Basins, (City Dwg #401), In-place | 1 | Each | 1350.00 | \$1,350 |
| 7.01 | 12" PVC Storm Pipe (trench/placement/pipe/backfill) | 40 | LF | 26.67 | \$1,067 |
| TOTAL = | | | | | \$2,417 |
| 30% Contingency = | | | | | \$725 |
| SCHEDULE 7 SUBTOTAL = | | | | | \$3,142 |

PROJECT SUBTOTAL: \$284,393

Columbia Drive LID Preliminary Cost Estimate - Upsized

| SCHEDULE 1 | | GENERAL | | | |
|------------|---|--|---------|------------------------------|------------------|
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 1.01 | Mobilization | 1 | LS | \$15,000.00 | \$15,000 |
| 1.02 | Traffic Control | 1 | LS | \$5,000.00 | \$5,000 |
| 1.03 | Sediment & Erosion Control Measure | 1 | LS | \$1,000.00 | \$1,000 |
| 1.04 | Clear & Grub, Including Removal/trimming Of Trees / Stumps | 1 | LS | \$1,500.00 | \$1,500 |
| 1.05 | Site Restoration & Cleanup (Restore Mail Boxes, Signs, Etc.) | 1 | LS | \$1,500.00 | \$1,500 |
| 1.08 | Additional Right of Way (TL# 200, 300, 6900) | 3278.1 | Sq. Ft. | \$11.00 | \$36,059 |
| 2.08 | Pre Design Survey | 1 | LS | \$1,500.00 | \$1,500 |
| 3.08 | Engineering/Design | 1 | LS | \$20,000.00 | \$20,000 |
| 4.08 | Field Engineering/Inspection | 1 | LS | \$15,000.00 | \$15,000 |
| | | | | TOTAL = | \$96,559 |
| | | | | 30% Contingency = | \$28,968 |
| | | | | SCHEDULE 1 SUBTOTAL = | \$125,527 |
| SCHEDULE 2 | | ROAD CONSTRUCTION - Group A (TL# 401, 300, 200, 101, 100, 102) | | | |
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 2.01 | Sawcut A.C. | 580 | LF | 1.95 | \$1,131 |
| 2.02 | Excavation | 374 | CY | 10.00 | \$3,740 |
| 2.03 | Base Rock (9" Base & 3" Leveling) | 710 | SY | 10.11 | \$7,178 |
| 2.04 | Asphalt Concrete, Type 'C' In 2 Lifts, 4" In-place | 615 | SY | 20.50 | \$12,608 |
| 2.05 | Concrete Driveway | 540 | SF | 6.41 | \$3,461 |
| 2.06 | Concrete Curb & Gutter (Dwg #501) | 580 | LF | 5.75 | \$3,335 |
| 2.07 | Concrete Sidewalk, 4" Thick On 2" Of 3/4" Minus | 2900 | SF | 4.97 | \$14,413 |
| 2.08 | Over Excavate As Directed (Written authorization required) & Backfill | 30 | CY | 30.00 | \$900 |
| 2.09 | Concrete block wall removal and relocation | 1 | LS | \$5,000.00 | \$5,000 |
| | | | | TOTAL = | \$51,766 |
| | | | | 30% Contingency = | \$15,530 |
| | | | | SCHEDULE 2 SUBTOTAL = | \$67,296 |
| SCHEDULE 3 | | ROAD CONSTRUCTION - Group B (TL# 6801, 3600, 6800) | | | |
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 3.01 | Sawcut A.C. | 610 | LF | 2.07 | \$1,263 |
| 3.02 | Excavation | 740 | CY | 10.00 | \$7,400 |
| 3.03 | Base Rock (9" Base & 3" Leveling) | 1602 | SY | 10.11 | \$16,196 |
| 3.04 | Base Rock (11" Base & 4" Leveling) | 50 | SY | 12.11 | \$606 |
| 3.05 | Asphalt Concrete, Type 'C' In 2 Lifts, 4" In-place | 1602 | SY | 20.50 | \$32,841 |
| 3.06 | Asphalt Concrete, Type 'C' In 3 Lifts, 6" In-place | 50 | SY | 28.55 | \$1,428 |
| 3.07 | Concrete Driveway | 140 | SF | 6.41 | \$897 |
| 3.08 | Concrete Curb & Gutter (Dwg #501) | 1070 | LF | 5.75 | \$6,153 |
| 3.09 | Concrete Sidewalk, 4" Thick On 2" Of 3/4" Minus | 5350 | SF | 4.97 | \$26,590 |
| 3.10 | Concrete ADA Sidewalk Ramps, Single, Parallel Or Combination | 1 | EA | 650.00 | \$650 |
| 3.11 | Over Excavate As Directed (Written authorization required) & Backfill | 40 | CY | 30.00 | \$1,200 |
| 3.12 | Landscape/street trees | 1 | LS | \$3,900.00 | \$3,900 |
| 3.13 | Street Light | 1 | EA | \$2,500.00 | \$2,500 |
| | | | | TOTAL = | \$101,622 |
| | | | | 30% Contingency = | \$30,487 |
| | | | | SCHEDULE 3 SUBTOTAL = | \$132,109 |

| SCHEDULE 4 ROAD CONSTRUCTION - Group C (TL# 6900, 7100, 7000, 7200) | | | | | |
|---|---|-----------------|-------------|-------------------|------------------|
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 4.01 | Sawcut A.C. | 360 | LF | 2.80 | \$1,008 |
| 4.02 | Excavation | 245 | CY | 10.00 | \$2,450 |
| 4.03 | Base Rock (11" Base & 4" Leveling) | 358 | SY | 12.11 | \$4,335 |
| 4.04 | Asphalt Concrete, Type 'C' In 3 Lifts, 6" In-place | 298 | SY | 28.55 | \$8,508 |
| 4.05 | Concrete Driveway | 1000 | SF | 6.41 | \$6,410 |
| 4.06 | Concrete Curb & Gutter (Dwg #501) | 358 | LF | 5.75 | \$2,059 |
| 4.07 | Concrete Sidewalk, 4" Thick On 2" Of 3/4" Minus | 1750 | SF | 4.97 | \$8,698 |
| 4.08 | Concrete ADA Sidewalk Ramps, Single, Parallel Or Combination | 1 | EA | 650.00 | \$650 |
| 4.09 | Over Excavate As Directed (Written authorization required) & Backfill | 30 | CY | 30.00 | \$900 |
| 4.10 | Driveway Grading | 1 | LS | 1500.00 | \$1,500 |
| 4.11 | Retaining Wall | 1 | LS | 4000.00 | \$4,000 |
| TOTAL = | | | | | \$40,517 |
| 30% Contingency = | | | | | \$12,155 |
| SCHEDULE 4 SUBTOTAL = | | | | | \$52,672 |
| SCHEDULE 5 STORM DRAINAGE IMPROVEMENT - Group A (TL# 401, 300, 200, 101, 100, 102) | | | | | |
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 5.01 | Concrete Catch Basins, (City Dwg #401), In-place | 1 | Each | 1350.00 | \$1,350 |
| 5.02 | 12" PVC/Concrete Storm Pipe (trench/placement/pipe/backfill) | 17 | LF | 26.67 | \$453 |
| TOTAL = | | | | | \$1,803 |
| 30% Contingency = | | | | | \$541 |
| SCHEDULE 5 SUBTOTAL = | | | | | \$2,344 |
| SCHEDULE 6 STORM DRAINAGE IMPROVEMENT - Group B (TL# 6801, 3600, 6800) | | | | | |
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 6.01 | Concrete Catch Basins, (City Dwg #401), In-place | 2 | Each | 1350.00 | \$2,700 |
| 6.02 | Standard Manholes, (City Dwg #204), In-place | 1 | Each | 1600.00 | \$1,600 |
| 6.03 | 12" PVC/Concrete Storm Pipe (trench/placement/pipe/backfill) | 74 | LF | 26.67 | \$1,974 |
| 6.04 | 24" PVC/Concrete Storm Pipe (trench/placement/pipe/backfill) | 240 | LF | 48.3 | \$11,592 |
| TOTAL = | | | | | \$17,866 |
| 30% Contingency = | | | | | \$5,360 |
| SCHEDULE 6 SUBTOTAL = | | | | | \$23,225 |
| SCHEDULE 7 STORM DRAINAGE IMPROVEMENT - Group C (TL# 6900, 7100, 7000, 7200) | | | | | |
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 7.01 | Concrete Catch Basins, (City Dwg #401), In-place | 1 | Each | 1350.00 | \$1,350 |
| 7.01 | 12" PVC/Concrete Storm Pipe (trench/placement/pipe/backfill) | 40 | LF | 26.67 | \$1,067 |
| TOTAL = | | | | | \$2,417 |
| 30% Contingency = | | | | | \$725 |
| SCHEDULE 7 SUBTOTAL = | | | | | \$3,142 |
| SCHEDULE 8 STORM DRAINAGE IMPROVEMENT - West End City Improvements | | | | | |
| Item No. | Item Description | Quantity | Unit | Unit Price | Total |
| 8.01 | Concrete Catch Basins, (City Dwg #401), In-place | 1 | Each | 1350.00 | \$1,350 |
| 8.02 | Standard Manholes, (City Dwg #204), In-place | 3 | Each | 1600.00 | \$4,800 |
| 8.03 | 12" PVC Storm Pipe (trench/placement/pipe/backfill) | 34 | LF | 26.67 | \$907 |
| 8.04 | 30" PVC Storm Pipe (trench/placement/pipe/backfill) | 925 | LF | 80.62 | \$74,574 |
| 8.05 | Remove Existing 18" Storm Pipe | 10.75 | LF | 450 | \$4,838 |
| TOTAL = | | | | | \$86,468 |
| 30% Contingency = | | | | | \$25,940 |
| SCHEDULE 8 SUBTOTAL = | | | | | \$112,408 |
| PROJECT SUBTOTAL: | | | | | \$518,724 |

Date: October 15, 2007
To: Jason Wuertz – City of Newberg
Subject: Columbia Drive Local Improvement District

This letter is a statement of my **opposition** of the Columbia Drive Local Improvement District.

I live at 1603 N. College Street. (NOT ON COLUMBIA) I have been included in this petition only as needed for cost savings to the original petitioners. I was not approached prior to the petition application for my opinion on the formation of the LID or on my involvement.

I have a remonstrance on my property, however this seems to carry little weight when I am combined with other properties with non-remonstrance agreements. (As pointed out on Page 11 of the Engineering report – implying majority rules)

College Street presently does not have sidewalks into town from my home south to Vermillion Street. Presently there is not a safe crossing on College Street at the railroad tracks. The City is addressing College Street, between Columbia and Pinehurst, because of the petitioners on Columbia Drive. If safety is a priority, there are more critical areas on College Street that need to be addressed. College Street needs to be improved all the way in to town. College Street is also Highway 219. Are there not funds available from the State for highway improvements? Shouldn't improvements on College Street wait until this funding avenue is pursued?


This in many ways is a business decision for the City and the petitioners. The City can provide financing from various sources. The petitioners will be developing their property and can recover the costs in the sale of the lots in the subdivisions.

I would assume, the Petitioners have elected to apply for this LID when the timing is right for them to move forward on their development.

I am a single parent. I have two children attending Oregon State University. They will be there for the next four years. My budget is already in place for the priority of my children's education. The funding for the LID will not come back to me by any means. I will not see a tax break for the outlay of this money. I will not see a property value increase matching the cost of this improvement.

I strongly urge the City to not include College Street as part of this LID.

Sincerely,


Diane K. Gardner

October 15, 2007

Jason Woertz
City of Newberg

Re: Columbia Drive Local Improvement District

Mr. Woertz;

This letter is my statement in **opposition** to the Columbia Drive LID.

I own the home at 220 E. Columbia Drive, Newberg. With an income of \$19,000 and a family of 4 we are well below the poverty level. With 2 disabled adults and a teenager, resources are already stretched as far as they can go.

While I understand your reasons for wanting to go forward with the LID I see no way of being able to pay my assigned portion even with your "great" interest rate. This would create a substantial debt for me with no possible way to pay for it. With the lien you would then put on my home and the accumulated interest you would eventually own my home.

I was told the improvement is needed for the increased traffic from the developments to the north of Columbia Drive. Are not the developers charged for the projected costs of increased services including water, sewer, power, and roadways? Given that I don't understand why any of the property owners would be charged for the improvements at all. The city should have taken the street improvements into their budget considerations before approving the additional growth. To expect a few homeowners to foot the bill for the city's lack of foresight in this doesn't speak well of their planning. Further, the additional property taxes the city will collect will be more than enough for the city to recoup the cost of the improvements in a short time without imposing unnecessary debt on a few homeowners for the benefit of hundreds of others.

At previous meetings I was told the intent was not to take property from people but that is exactly what will happen. I will be forced to sell my house to pay for the improvements or you will take my home or at the very least the value of it leaving me with nothing.

For these reasons I am absolutely **against the Columbia Drive Local Improvement District's proposed method of funding**. This should be a city expense not an expense imposed on individual homeowners.

Sincerely,



Susan Decker
220 E. Columbia Drive
Newberg, Oregon 97132



Date: October 15, 2007

To: Jason Wuertz – City of Newberg

Subject: Columbia Drive Local Improvement District

This letter is a statement of my **opposition** of the Columbia Drive Local Improvement District.

I am the new Pastor at Newberg Open Bible Church located at 1605 N. College Street. I have been included in this petition only as needed for cost savings to the original petitioners. I was not approached prior to the petition application for my opinion on the formation of the LID or on my involvement. Our Church and School have had a significant drop in attendances and enrollment. This has put a financial strain on us at this present time. We do not have the financial means in our budget to pay for this improvement at this time.

I strongly urge the City to not include College Street as part of this LID.

Sincerely,



Pastor John R. Lester

Date: October 21, 2007
To: Jason Wuertz – City of Newberg
Subject: Columbia Drive Local Improvement District

This letter is a statement of my **opposition** of the Columbia Drive Local Improvement District.

I own the property at 308 E. Columbia Drive. While I understand why the City would like to expand the improvements petitioned, I don't believe the cost of this improvement should be paid for by the existing property owners. As an owner with a remonstrance on my property, I feel it's unfair for the city to combine the improvement decision with other properties with non-remonstrance to gain a majority decision power and thus force the decision onto my property at my expense. There are many other areas in Newberg without sidewalks that are not being requested to make the improvements. For example, College Street presently does not have sidewalks into town from Pinehurst south to Vermillion Street. Presently there is not a safe crossing on College Street at the railroad tracks. The question is why this area and why now???

If safety is the issue, I don't believe the risk in the area of this project is high risk. In fact, there seems to be many other areas that are more important than this Columbia LID project, such as the areas on College pointed out above. College Street needs to be improved all the way into downtown. Also, the safety benefit is for all the residents of the City of Newberg, not the homeowners in this area. If the City would like to improve the expanded area, I believe the City should fund this as a city funded improvement project, with funds that come from all city residents, not at the expense of the property owners.

If reduction of overall cost is the issue, this only benefits the individuals who have petitioned for the LID and the City. No other homeowner who is being asked to fund this project will gain from this, and in fact this project will be a major financial burden for each homeowner. I don't believe it's fair for the City to create financial problems for homeowners who gain no benefit.

As far as funding, the City does have the ability to fund this project with money from the SDC. It makes much more sense to pay for the areas expanded from the original petition from SDC funding as the project is a benefit to all city residents. Also, College Street is state Highway 219. I believe there are funds available from the State for highway improvements. I believe this funding option should be pursued as well.

This in many ways is a business decision for the City and the petitioners. The City can provide financing from various sources. The petitioners will be developing their property and can recover the costs in the sale of the lots in the subdivisions. I want to again state my opposition to this LID. If the City would like to complete the expanded development, I believe this should be paid by the city through SDC Funding and/or State Highway improvement funds.

Sincerely,

Jeff Citta



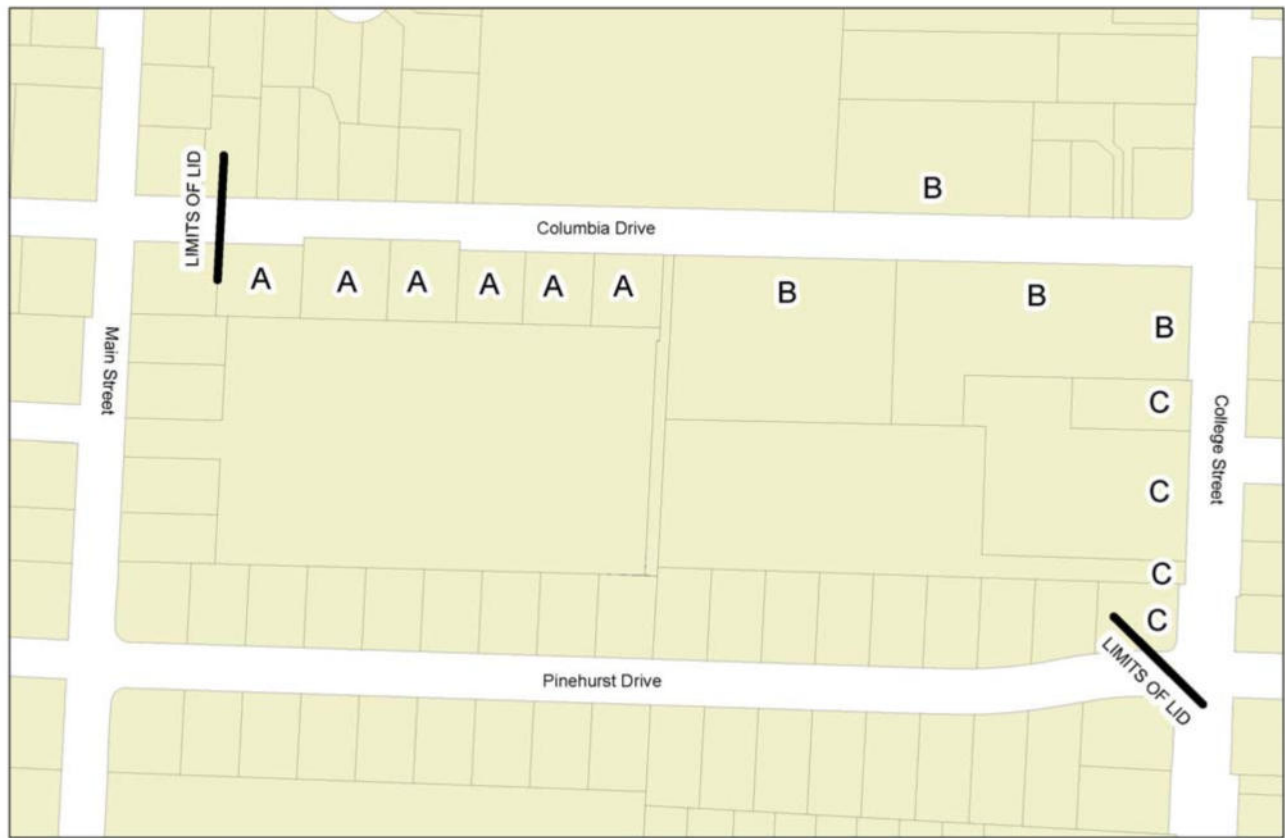


FIGURE 7: COST ASSESSMENT GROUP MAP

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2007, December 3

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2007-2749

Date Submitted: November 14, 2007

SUBJECT: Direct Public Works Engineering Staff to proceed with a request for a jurisdictional transfer of the rights-of-way for portions of Mountainview Drive, Springbrook Road and Zimri Drive from Yamhill County.

Contact Person (Preparer) for this Resolution: Paul Chiu, Senior Engineer

Dept.: Public Works Department

File No.:
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2007-2749** directing Public Works Engineering Staff to proceed with a request for a jurisdictional transfer of the rights-of-way for portions of Mountainview Drive, Springbrook Road and Zimri Drive from Yamhill County.

BACKGROUND:

The approved Springbrook Master Plan outlines a phased development of the Austin's property. Yamhill County and the City of Newberg both have non-overlapping jurisdictions of all the frontage roads for this master development, which lie within the City limits.

The proposed jurisdictional transfers are for major frontage roads (Exhibit A) that are anticipated to be improved by the developer within the next two years.

This rights-of-way transfer request would be timely as Springbrook Properties, Inc. has started the construction of Allison Inn & Spa that fronts Zimri Drive and Springbrook Road.

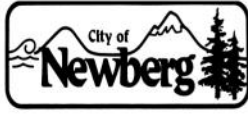
Without this right-of-way transfer, all permit fees and design approval will rest with the County.

FISCAL IMPACT:

By gaining jurisdictional authority, the City will be able to assess design and inspection fees for right-of-way improvements.

STRATEGIC ASSESSMENT:

The jurisdictional transfer allows the City complete control over the design standards required for the right-of-way improvements.



RESOLUTION No. 2007-2749

A RESOLUTION DIRECTING PUBLIC WORKS ENGINEERING STAFF TO PROCEED WITH A REQUEST FOR A JURISDICTIONAL TRANSFER OF THE RIGHTS-OF-WAY FOR PORTIONS OF MOUNTAINVIEW DRIVE, SPRINGBROOK ROAD AND ZIMRI DRIVE FROM YAMHILL COUNTY

RECITALS:

1. The approved Springbrook Master Plan outlines a phased development of the Austin's property. Yamhill County and the City of Newberg both have non-overlapping jurisdictions of all the frontage roads for this master development, which lie within the City limits.
2. The proposed jurisdictional transfers are for major frontage roads (Exhibit A) that are anticipated to be improved by the developer within the next two years. The jurisdictional transfer allows the City complete control over the design standards required for the right-of-way improvements.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. To request of Yamhill County to surrender jurisdiction to the City of Newberg over the following described portions of Mountainview Drive, Springbrook Road and Zimri Drive:
 - a. Mountainview Drive. The remaining County portion of Mountainview Drive between Villa Road and Aspen Way.
 - b. Springbrook Road. The portion of NE Springbrook Road that is within the City limits.
 - c. Zimri Drive. The portion of Zimri Drive that is within the City limits.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 4, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of December 2007.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 6th day of December 2007.

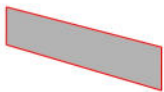
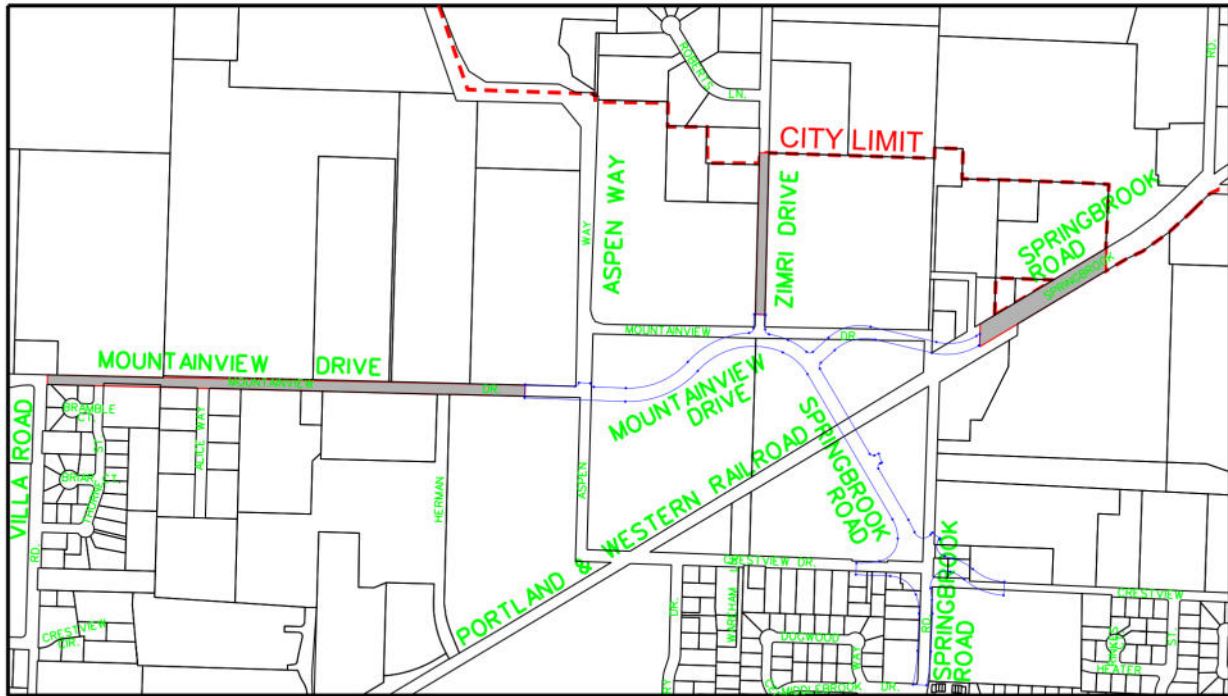
Bob Andrews, Mayor

LEGISLATIVE HISTORY

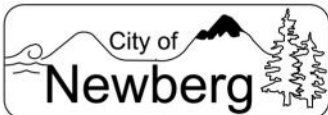
By and through _____ Committee at ____ / ____ /2007 meeting. Or, XX None.

EXHIBIT "A"

FOR RESOLUTION NO. 2007-2749



**Shaded Areas = Currently County's Rights-of-Way
(City to seek jurisdictional transfer upon Council approval)**



PUBLIC WORKS ENGINEERING DIVISION
414 E. FIRST STREET NEWBERG, OREGON 97132
PHONE 503-537-1240 - FAX 503-537-1277

REVISIONS:

| |
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**REQUEST FOR TRANSFER OF
RIGHT-OF-WAY JURISDICTION
FROM COUNTY TO CITY**
FOR PORTION OF
MOUNTAINVIEW DR, SPRINGBROOK RD & ZIMRI DR

SCALE: N.T.S.

DATE: NOV 14, 2007

APPROVED
BY: Paul Chiu, P.E.

DWG
NAME: RequestTrsfRW.dgn

RES # 2007-2749

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2007, December 3

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2007-2750

Date Submitted: November 20, 2007

SUBJECT: Agreement with Newberg School District to collect construction excise tax

Contact Person (Preparer) for this Resolution: Barton Brierley, AICP

Dept.: Planning and Building

File No.: School District Construction Excise Tax (Alpha)
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2007-2750**, authorizing the City Manager Pro Tem to enter into an agreement with the Newberg School District to collect a construction excise tax.

BACKGROUND:

1. In the 2007 Regular Session, the Oregon State Legislature passed Senate Bill 1036, which authorized school districts to collect an excise tax on new construction to fund school facility capital improvements.
2. The Newberg School District is requesting an agreement with the City to collect the construction excise tax on their behalf at the time of building permit issuance. Newberg would be authorized to retain one percent of the tax as an administrative fee, the maximum allowed by SB 1036.
3. SB 1036 authorizes the tax to be assessed at the rate of \$1 per square foot on residential construction and \$0.50 per square foot on non residential construction, not to exceed \$25,000 per building permit or \$25,000 per structure, whichever is less.
4. The Newberg School District Board will consider levying the tax at their December 10, 2007 board meeting. Per SB 1036, the School District must have an agreement to collect the tax prior to levying it.
5. The City Council is not being asked to approve the tax. Newberg's role would simply be to collect the tax and remit it to the Newberg School District. This would be done much in the same way that the City currently collects Parks SDCs for the Chehalem Parks and Recreation District. Newberg is not obligated to sign such an agreement. However, there are efficiencies in having the entity that issues building permits also collect the tax.

FISCAL IMPACT: Under the agreement, Newberg would retain one percent of the excise tax as an administrative fee. Based on year-to-date information for 2007, staff estimates that the tax would generate approximately \$300,000 a year. Thus, the City would retain approximately \$3,000 per year as an administrative fee.

Newberg would have an upfront cost in establishing the system to collect the fee of approximately

\$4,000. The main costs would be in establishing the collection agreement and in reconfiguring the City's permit software to calculate the appropriate fees and generate the necessary reports. Once the system is established, the City would have an annual cost of approximately \$4,500 to calculate and collect the fee on each permit, generate the monthly reports, respond to inquiries, remit the monthly fee, pay any bank charges, and do any annual modifications.

Thus, initially the City would not recover the costs of collecting and remitting the fee. In the long term, if construction activity increases as projected, then the revenue generated also would increase sufficient to recover costs. Also, it is likely that at some point legislation will be introduced to increase the percentage that may be retained as administrative fee.

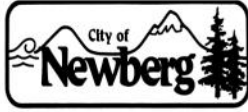
STRATEGIC ASSESSMENT: In 2005, Newberg adopted Beyond the Vision: A Strategic Plan for the Chehalem Valley. This resolution would implement the strategic plan goals in two ways. First, it would aid the Newberg School District in constructing the school facilities envisioned in strategic plan. Second, it is an example of a cooperative effort where the different public entities can use their expertise to best serve the public with the best use of resources.

Attachments:

Resolution 2007-2750 with

Exhibit A: Draft Agreement

1. Senate Bill 1036
2. Draft Newberg School District Resolution 2008:04, Adoption of Long-Term Facilities Plan
3. Chehalem Valley Strategic Plan excerpt



RESOLUTION No. 2007-2750

A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO ENTER INTO AN AGREEMENT WITH NEWBERG SCHOOL DISTRICT TO COLLECT THE DISTRICT'S CONSTRUCTION EXCISE TAX

RECITALS:

1. In the 2007 Regular Session, the Oregon State Legislature passed Senate Bill 1036, which authorized school districts to collect an excise tax on new construction to fund school facility capital improvements.
2. The Newberg School District is requesting an agreement with the City to collect the construction excise tax on their behalf at the time of building permit issuance.
3. Newberg would retain one percent of the tax as an administrative fee, the maximum allowed by SB 1036.
4. Collecting the excise tax would help implement the cooperative vision adopted in the Chehalem Strategic Plan.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Manager Pro Tem is hereby authorized to enter into an agreement with Newberg School District to collect the School District's construction excise tax, generally as shown in Exhibit "A".

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 4, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of December, 2007.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 6th day of December, 2007.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ___ / ___ /200x meeting. Or, X None.
(committee name) (date) (check if applicable)

Exhibit “A”
to Resolution No. 2007-2750
(total pages: 6)

INTERGOVERNMENTAL AGREEMENT
To Collect and Remit Construction Excise Tax
between
Newberg School District 29J and the City of Newberg

THIS Intergovernmental Agreement is effective on the last date of signature below, and is by and between Newberg School District 29J, a school district in the state of Oregon within the meaning of ORS 330.005 (“School District”), and the City of Newberg, an Oregon municipality of the State of Oregon, (“City”), collectively referred to as “Parties.”

RECITALS.

1. ORS 190.003 to 190.030 allows units of local government to enter into agreements for performance of any or all functions and activities which such units have authority to perform.
2. Chapter 829, Oregon Laws 2007 (Senate Bill 1036), authorizes school districts, as defined in ORS 330.005, to impose construction excise taxes to fund capital improvements to school facilities.
3. School District is contemplating imposing a construction excise tax within the School District and desires to enter into an intergovernmental agreement with City to collect the tax prior to the adoption of a construction excise tax.

NOW THEREFORE, the parties hereto agree as follows:

AGREEMENT.

1. Information and Forms. School District shall create and provide to City:
 - a. Information, forms, and assistance explaining the School District Construction Excise Tax (“CET”);
 - b. information and forms for CET exemptions within the School District; and
 - c. any other forms or information necessary for implementation of the CET.
2. Staffing. City shall provide sufficient staff to calculate and collect the School District CET as prescribed in this agreement along with its collection of other construction permit fees. School District shall provide sufficient staff to implement the CET program.
3. Facility Plan. School District has developed a long-term facility plan, entitled “Beyond the Vision: The Chehalem Valley in 2020,” as required by SB 1036, Section 6(2). School District adopted this plan on November 26, 2007.

Note: By the time the Council meeting occurs, the School District shall have adopted the resolution and furnished the City with a certified copy.

4. Collection; Start Date and Increases, and Termination.
 - a. Collection: City agrees to assess and collect the CET on behalf of School District for those properties within School District and within the city.
 - b. Initial Start Date and Increases:
 - 1) If the School District approves a resolution imposing the CET on December 10, 2007, and gives notice to the City of the adoption including a copy of the School District's resolution imposing the tax, the CET shall take effect on any permit application submitted after 5:00 p.m. on December 31, 2007, and on any permits issued after 5:00 p.m. on March 4, 2008.
 - 2) If the School District does not pass the resolution imposing the CET at its December 10, 2007, meeting or increases or otherwise modifies the taxes after initial implementation, the City shall begin collecting the School District's CET within thirty (30) business days of the date the School District gives notice to the City of CET adoption including a copy of the School District's resolution imposing the tax or the effective date of the CET stated in the resolution, whichever is later; **provided, however,** that in no event will the City begin collecting the School District CET until City's Information Technology Department has completed necessary work to create and install a workable computer software program to collect the CET.
 - c. Termination: City shall collect the School District CET until the CET expires or this agreement is terminated by either the School District or the City upon sixty (60) days written notice.
5. Exemptions. School District shall provide City with all forms necessary for CET exemptions, and any other forms or information necessary for implementation of the CET. If a person or entity asserts that it is exempt from the CET and files a School District CET Exemption Form at the time the CET would otherwise be due, City will grant the exemption if it appears to be a valid claim of exemption under the School District Resolution adopting the CET. It shall be School District's responsibility to determine the validity of the exemption and to institute collection procedures to obtain payment of the CET, as well as any other remedy School District may have under law, if the person was not entitled to the exemption. Statutory exemptions to the CET are included in exhibit A to this agreement.
6. Administrative Fee. As consideration for the above described services, City shall retain 1% of the CET collected by City as authorized by Section 5 of Senate Bill 1036, or such other amount as may be authorized in the future by law. Prior to remitting the CET to School District, City shall deduct this administrative fee directly from the CET collected, and the amounts deducted and retained shall be identified on the report submitted to School District.

7. Establishment of Fund. City shall establish a fund or account for CET revenue collected on behalf of the School District with the City, and shall deposit all revenues collected, minus the administrative fee, into such fund or account.
8. Remittance. Following the effective date of this Agreement, City shall remit the collected principal of the CET to School District on a monthly basis, following the month end. School District hereby waives any right to interest accruing on the principal. The CET remittance and the CET Report shall be sent to School District at an address it designates in writing.
9. CET Reports. City shall prepare and submit to the School District a report of the CETs to include: the aggregate amount of CET paid; and the amount of CET administrative fee retained by City pursuant to this CET collection IGA; and a list of copies or forms for all persons who were given an exemption from paying the CET. The CET report shall be furnished to the School District semiannually, beginning six (6) months from the date of collecting the CET. Reconciliation between remittance and report shall occur within thirty (30) days.
10. Failure to Pay CET. Construction Excise Taxes shall be paid by the person undertaking construction at the time that a permit authorizing the construction is issued. Upon a person's refusal to or failure to pay the CET when due, the City will not issue the building permit. In no event shall the City be liable for failure to collect CET when due. In the event a person who is not exempt from this CET fails to pay the CET when due, the City shall notify School District in writing within five (5) business days of discovery of such failure to pay, with information adequate for School District to begin collection procedures against that person, including the person's name, address, phone numbers, construction project, square footage of new construction, and building permit number. Upon a person's refusal or failure to pay the CET, it shall be School District's responsibility to institute collection procedures to obtain payment of the CET as well as any other remedy School District may have under law.
11. Records. City shall make all records related to building permit activity, CET collections, and CET exemptions available to School District, or its designated auditors, as necessary for School District to audit Construction Excise Tax collections.
12. Amendment. This Agreement may be amended only by mutual written agreement of the Parties.
13. Other Agreements. This Agreement does not affect or alter any other agreements between School District and City.
14. Defense and Indemnification. Subject to the limits of the Oregon Tort Claims Act, School District agrees to defend, indemnify and hold harmless the City, its officers, agents and employees, against all claims and actions, and all damages and expenses related thereto, arising from their actions made in good faith under this agreement. The obligations of this paragraph shall include, but not be limited to:
 - a. Challenge to the City's collection or calculation of the CET on behalf of the School District;

- b. For any and all injury to any and all persons or property caused directly or indirectly by reason of any and all acts or omissions of the School District in the performance of this Agreement or adoption of the CET; or
- c. Decisions of City staff concerning the amount of any CET, including calculation of such tax and/or any exemption(s); or
- d. Refusal or denial of any permit for failure to pay the School District CET.

15. School District and City Contact Persons. At the time School District provides City the information required by numbered paragraph 4, School District will designate in writing those persons it deems to have primary responsibility for administration of this Agreement and to receive any notice provided for herein. Either party may change its designated contact person by written notice to the other party.

The person designated by the School District under this section is

Dr. Paula A. Radich
Superintendent
Newberg School District 29J
714 East 6th Street
Newberg, Oregon 97132
(503) 554-5042
radichp@newberg.k12.or.us

The person designated by City under this section is:

Barton Brierley
Planning and Building Director
414 East First Street
PO Box 970
Newberg, OR 97132
(503) 537-1212
barton.brierley@ci.newberg.or.us

16. Notice. Whenever notice is required to be given under this Agreement, the notice shall be given in writing to the other party's contact person by US Mail, first class postage prepaid. In addition, notice may be given by email or personal delivery.

17. General Provisions. This Agreement is binding on and inures to the benefit of the parties and their successors and assigns. Except with the other party's prior written consent, a party may not assign any rights or delegate any duties under this Agreement. The headings used in this Agreement are solely for convenience of reference, are not part of this Agreement, and are not to be considered in construing or interpreting this Agreement. This Agreement sets forth the entire understanding of the parties with respect to the subject matter of this Agreement and supersedes any and all prior understandings and agreements, whether written or oral, between the parties

with respect to such subject matter. A provision of this Agreement may be waived only by a written instrument executed by the party waiving compliance. No waiver of any provision of this Agreement shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. Failure to enforce any provision of this Agreement shall not operate as a waiver of such provision or any other provision. From time to time, each of the parties shall execute, acknowledge, and deliver any instruments or documents necessary to carry out the purposes of this Agreement. Time is of the essence for each and every provision of this Agreement. Nothing in this Agreement, express or implied, is intended to confer on any person, other than the parties to this Agreement, any right or remedy of any nature whatsoever. Each party shall bear its own expenses in connection with this Agreement and the transactions contemplated by this Agreement. This Agreement shall become effective upon the approval of School District's Board of Directors and the Newberg City Council.

APPROVED the dates set forth below.

NEWBERG SCHOOL DISTRICT 29J

CITY OF NEWBERG

By: _____
Dr. Paula A. Radich
Superintendent

By: _____
Robert I. Tardiff
Manager Pro Tem

Date: _____

Date: _____

By: _____

By: _____
Barton Brierley
Planning and Building Director

APPROVED AS TO FORM & CONTENT:

APPROVED AS TO FORM & CONTENT:

By: _____
Legal Counsel

By: _____
Terrence D. Mahr
City Attorney

EXHIBIT A - EXEMPTIONS

The following improvements are exempt from the Construction excise tax by statute:

1. Private School Improvements.
2. Public Improvements as defined in ORS 279A.010
3. Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that earn no more than 80% of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.
4. Public or Private hospital improvements
5. Improvements to religious facilities primarily used for worship or education associated with worship.
6. Agricultural buildings as defined in ORS 455.315 (2)(a).

Enrolled
Senate Bill 1036

Sponsored by Senator DECKERT; Senators BATES, BROWN, BURDICK, DEVLIN, JOHNSON, METSGER, MONNES ANDERSON, MONROE, MORSE, PROZANSKI, STARR, WALKER, WESTLUND, WINTERS. Representatives BERGER, BEYER, BONAMICI, BOONE, BRUN, BUCKLEY, BURLEY, CANNON, CLEM, DALLUM, DINGFELDER, FLORES, GALIZIO, GILLIAM, GREENLICK, HANNA, HOLVEY, HUNT, KOMP, KRUMMEL, MACPHERSON, MERKLEY, NOLAN, READ, RILEY, ROBLAN, SCHAUFLE, SCOTT, SHIELDS, G SMITH, P SMITH

CHAPTER

AN ACT

Relating to local government construction excise taxes; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) A local government or local service district, as defined in ORS 174.116, or a special government body, as defined in ORS 174.117, may not impose a tax on the privilege of constructing improvements to real property except as provided in sections 2 to 8 of this 2007 Act.

(2) Subsection (1) of this section does not apply to:

(a) A tax that is in effect as of May 1, 2007, or to the extension or continuation of such a tax, provided that the rate of tax does not increase from the rate in effect as of May 1, 2007;

(b) A tax on which a public hearing was held before May 1, 2007; or

(c) The amendment or increase of a tax adopted by a county for transportation purposes prior to May 1, 2007, provided that the proceeds of such a tax continue to be used for those purposes.

(3) For purposes of this section and sections 2 to 8 of this 2007 Act, construction taxes are limited to privilege taxes imposed under sections 2 to 8 of this 2007 Act and do not include any other financial obligations such as building permit fees, financial obligations that qualify as system development charges under ORS 223.297 to 223.314 or financial obligations imposed on the basis of factors such as income.

SECTION 2. (1) Construction taxes may be imposed by a school district, as defined in ORS 330.005, in accordance with sections 2 to 8 of this 2007 Act.

(2) Notwithstanding subsection (1) of this section, construction taxes imposed by a school district may be collected by another local government, local service district or special government body pursuant to a written agreement with a school district.

SECTION 3. Construction taxes may not be imposed on the following:

(1) Private school improvements.

(2) Public improvements as defined in ORS 279A.010.

(3) Residential housing that is guaranteed to be affordable, under guidelines established by the United States Department of Housing and Urban Development, to households that

earn no more than 80 percent of the median household income for the area in which the construction tax is imposed, for a period of at least 60 years following the date of construction of the residential housing.

(4) Public or private hospital improvements.

(5) Improvements to religious facilities primarily used for worship or education associated with worship.

(6) Agricultural buildings, as defined in ORS 455.315 (2)(a).

SECTION 4. (1) Construction taxes imposed under sections 2 to 8 of this 2007 Act may be imposed only on improvements to real property that result in a new structure or additional square footage in an existing structure and may not exceed:

(a) \$1 per square foot on structures or portions of structures intended for residential use, including but not limited to single-unit or multiple-unit housing; and

(b) \$0.50 per square foot on structures or portions of structures intended for nonresidential use, not including multiple-unit housing of any kind.

(2) In addition to the limitations under subsection (1) of this section, a construction tax imposed on structures intended for nonresidential use may not exceed \$25,000 per building permit or \$25,000 per structure, whichever is less.

(3)(a) For years beginning on or after June 30, 2009, the limitations under subsections (1) and (2) of this section shall be adjusted for changes in construction costs by multiplying the limitations set forth in subsections (1) and (2) of this section by the ratio of the averaged monthly construction cost index for the 12-month period ending June 30 of the preceding calendar year over the averaged monthly construction cost index for the 12-month period ending June 30, 2008.

(b) The Department of Revenue shall determine the adjusted limitations under this section and shall report those limitations to entities imposing construction taxes. The department shall round the adjusted limitation under subsection (2) of this section to the nearest multiple of \$100.

(c) As used in this subsection, "construction cost index" means the Engineering News-Record Construction Cost Index, or a similar nationally recognized index of construction costs as identified by the department by rule.

SECTION 5. (1) A school district imposing a construction tax shall impose the tax by a resolution adopted by the district board of the school district. The resolution shall state the rates of tax, subject to section 4 of this 2007 Act.

(2) Prior to adopting a resolution under subsection (1) of this section, a school district shall enter into an intergovernmental agreement with each local government, local service district or special government body collecting the tax that establishes:

(a) Collection duties and responsibilities;

(b) The specific school district accounts into which construction tax revenues are to be deposited and the frequency of such deposits; and

(c) The amount of the administrative fee that the entity collecting the tax may retain to recoup its expenses in collecting the tax, not to exceed one percent of tax revenues.

SECTION 6. (1) After deducting the costs of administering a construction tax and payment of refunds of such taxes, a school district shall use net revenues only for capital improvements.

(2) A construction tax may not be imposed under sections 2 to 8 of this 2007 Act unless the school district imposing the tax develops a long-term facilities plan for making capital improvements. The plan shall be adopted by resolution of the district board of the school district.

(3) As used in this section, "capital improvements":

(a) Means:

(A) The acquisition of land;

(B) The construction, reconstruction or improvement of school facilities;

(C) The acquisition or installation of equipment, furnishings or other tangible property;
(D) The expenditure of funds for architectural, engineering, legal or similar costs related to capital improvements and any other expenditures for assets that have a useful life of more than one year; or

(E) The payment of obligations and related costs of issuance that are issued to finance or refinance capital improvements.

(b) Does not include operating costs or costs of routine maintenance.

SECTION 7. A school district may pledge construction taxes to the payment of obligations issued to finance or refinance capital improvements as defined in section 6 of this 2007 Act.

SECTION 8. Construction taxes shall be paid by the person undertaking the construction at the time that a permit authorizing the construction is issued.

SECTION 9. Section 1 of this 2007 Act is repealed on January 2, 2018.

SECTION 10. This 2007 Act takes effect on the 91st day after the date on which the regular session of the Seventy-fourth Legislative Assembly adjourns sine die.

Passed by Senate May 10, 2007

Received by Governor:

Repassed by Senate June 24, 2007

..... M....., 2007

Approved:

.....
Secretary of Senate

..... M....., 2007

.....
President of Senate

.....
Governor

Passed by House June 18, 2007

Filed in Office of Secretary of State:

Repassed by House June 26, 2007

..... M....., 2007

.....
Speaker of House

.....
Secretary of State



DRAFT

RESOLUTION: 2008:04
Adoption of School District Long-Term Facilities Plan

WHEREAS, the District, in 2001-2003 working with the Cities of Newberg and Dundee, Chehalem Park and Recreation District and Yamhill County, developed a long-term facilities master plan entitled *Beyond the Vision: The Chehalem Valley in 2020*, and the plan was completed and adopted by the joint jurisdictions in the spring of 2004.

WHEREAS, Senate Bill 1036 (2007) allows school districts, by resolution, to impose construction excise taxes on new construction; and

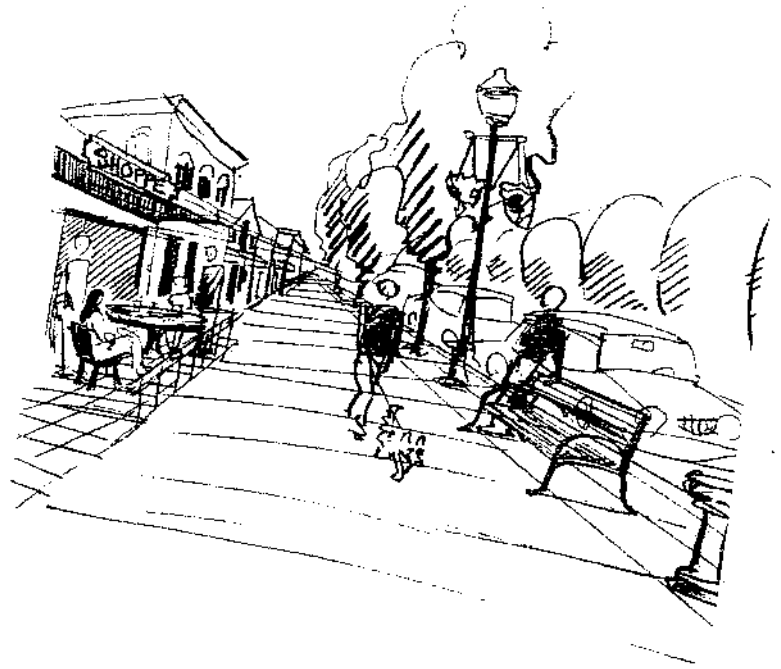
WHEREAS, Senate Bill 1036 (2007) requires school districts to adopt the district long-term facilities plan for capital improvement prior to the imposition of a construction excise tax.

NOW, THEREFORE, BE IT RESOLVED that:

The District adopts *Beyond the Vision: The Chehalem Valley in 2020* as their long-term facilities plan for making capital improvements as required by Senate Bill 1036 (2007).

Adopted this 26th day of November 2007.

Submitted by: Newberg School District 29J Board of Directors



Beyond the Vision

**The Chehalem Valley
in 2020**

A Vision of the Chehalem Valley in 2020

The downtown Newberg and Dundee core areas are vibrant commercial areas, with both cities maintaining a "small town" downtown atmosphere and character

Community Identity

Around the year 2020, the Chehalem Valley continues to be independent from the larger Portland Metropolitan Area to the north, and is characterized by a friendly, small-town atmosphere. It's a community that retains its distinct geographical, historical and cultural identity, preserving a "small town" feeling of livability. The downtown Newberg and Dundee core areas are vibrant commercial areas, with both cities maintaining a "small town" downtown atmosphere and character. Newberg's downtown is integrated with George Fox University and linked to the riverfront, while Dundee's small town atmosphere is characterized by a redesigned business district lying just west of 99W and linked to the riverfront. The riverfront is a focus of economic and recreational activity.

The towns are characterized by well-planned and livable neighborhoods. The area's healthy environment preserves the beauty of the natural surroundings—the valley and hills, forests, agricultural lands, rivers, streams and air quality. Agricultural activities and open space preserve the views from surrounding hillsides. Cultural diversity creates opportunities, and local residents have engaged those opportunities. General happiness, personal growth and strong families are encouraged and promoted.

Governance and Civic Involvement

Citizen engagement and involvement are emphasized in planning and implementation. Collaboration and both informal and formal partnerships between local governments, the business community, schools, private organizations and citizens lead to successful planning and completion of civic projects. The cities of Newberg and Dundee have developed a highly organized volunteer program represen-

tative of the diverse population of the area, and the public sector, the private sector, George Fox University and local churches collaborate to ensure that new ways for citizen engagement are constantly offered. Local governments are proactive and assertive in sharing information with the citizens of the Chehalem Valley, and listen carefully to citizen responses to their communiqués.

Education

Students achieve high academic standards. Students are actively involved in community service and leadership roles within the community. Schools are safe and orderly and reflect the cultural diversity of the community. The individual needs of students are met through special programs and by providing alternatives to traditional schooling.

Technological changes provide easy access to information and education for all Valley residents. A second high school, third middle school and additional elementary schools have been constructed to meet the needs of a growing student population. Public school facilities are designed and maintained to meet the needs of public school students and to serve the greater community. Where practical, facilities are jointly financed and managed by cooperating jurisdictions and other entities. The school district lead a coalition of community groups to establish an Early Childhood Education Center.

The Newberg School District has broadened partnerships with the community college, George Fox University and local business to provide professional technical opportunities for high school youth. Newberg School District is an active partner with other educational entities in creating opportunities for continuous learning throughout the community.



Economy and Employment

A diversified economy provides balanced economic opportunities for the residents of the Chehallem Valley. Agriculture and agribusinesses are an important component of the local economy. The natural beauty of the area encourages tourism and the wine industry. A carefully targeted retail recapture strategy has encouraged more local shopping and minimized buying outside of the area. Downtown areas are vibrant commercial areas that support the local economy.

Clean industries have been developed using a "campus" design. Plenty of family wage jobs are available for citizens of the area. Tourism is a major economic force, its strengths based on the premise that the Chehallem Valley is 1) the gateway to the wine country, 2) characterized by a clean and comfortable environment, and, 3) offers the historical experience of a friendly, small town and village America in the earlier period of the 20th century. As a destination location for visitors, the community of Dundee now has two small exclusive hotels and bed and breakfast inns. The service industry has expanded, with the health industry and health research being a major provider of employment in this sector of the economy.

Health and Social Services

Health care is provided locally through a one-stop health care facility. Social services are also available locally.

Public Safety

The Chehallem Valley is an ideal and safe place for families and children. Local citizens work closely with the business community, churches, schools, public agencies and law enforcement to develop programs that promote public safety for youth and the general citizenry. The result is a physically safe community, downtown, and park areas that allow a diverse population to grow and prosper without threat to person or property.

Housing

Diverse housing opportunities of high quality are available, including executive housing with a golf facility that attracts residents of higher income, historic homes, affordable housing for low and moderate income residents, rentals, condominiums, and housing for the elderly, disabled and disadvantaged.

Plenty of family wage jobs are available for citizens of the area. Tourism is a major economic force.

Culture and the Arts

To meet citizens' cultural needs, diverse amenities are offered that include live theaters, museums, historical venues, and public art. Museums focus community and tourist attention on the local heritage and history of the area. George Fox University assists in providing a focus for cultural events promoting the values of the area. The Chehallem Valley Arts Center in the old Central School is home for local groups, classes and visiting artisans and thespians, and a facility for meetings, events and community service.



Dundee and Newberg have successfully established an efficient transportation corridor and community transportation system for residential and commercial traffic.

Diversity

The trend towards greater cultural diversity that began in the early 1990's has continued through 2020, providing new opportunities for civic and cultural engagement within the Chehalis Valley. The residents of the area have effectively engaged these new opportunities. The Latino population is well represented in both government and business.

Transportation

The Chehalis Valley has developed a safe and efficient transportation network that promotes ease of movement throughout the Valley. A commuter rail line connects the Chehalis Valley with Portland and McMinnville. Dundee and Newberg have successfully established an efficient transportation corridor and community transportation system for residential and commercial traffic. Newberg has embraced the volume of traffic downtown as a symbol of vibrancy. The traffic makeup now includes autos

and alternative modes of transportation such as bicycles, pedestrians, trolley and mass transit. Commercial and truck traffic has been rerouted out of downtown. Efficient parking has been provided in both Dundee and in Newberg.

In Newberg, First Street is the main street, a two way street including a landscaped median strip, angled parking, transit stops, bike lanes and extra wide sidewalks for customers. Traffic calming devices exist, including bulb-outs to slow traffic. Hancock Street and Second Street are one way streets with two lanes and parking on both sides. Where appropriate, the street system has been developed in a grid pattern to tie the community together physically and socially. In Dundee, the redesigned street and bypass system for 99W enhances and supports the local economy. The highway is visually attractive with its award winning landscaping, creative traffic islands and accessible parking areas. The eastern and western portions of the community are connected by appealing pedestrian bridges over 99W.

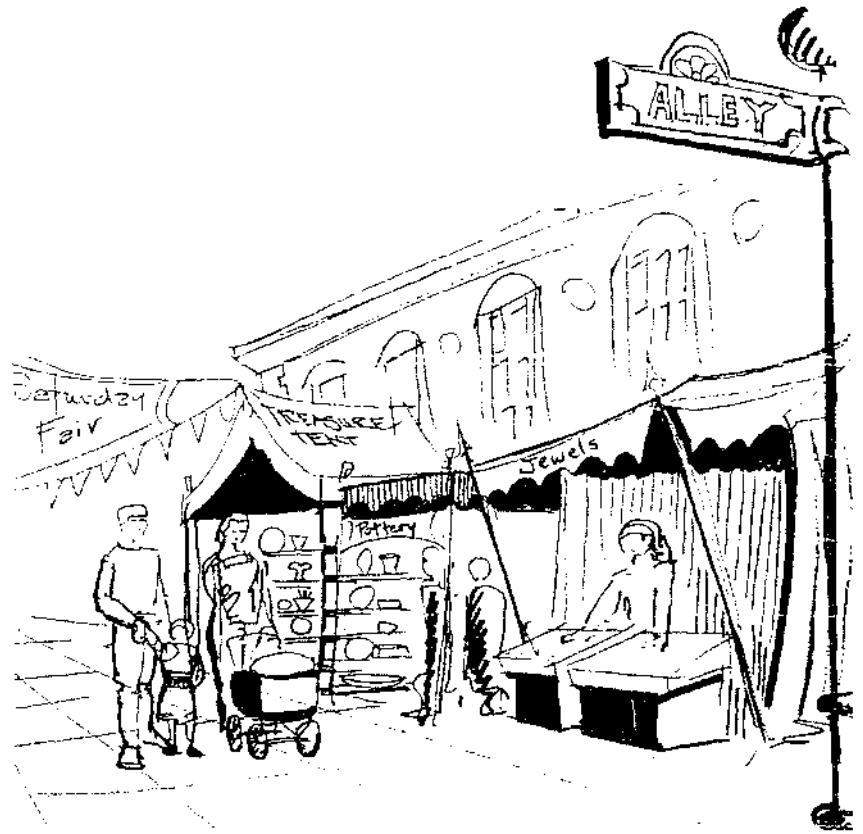
Downtown Development

The Newberg Downtown Association, the City of Newberg, The Newberg Area Chamber of Commerce and a diversity of local groups worked in partnership to revitalize the downtown Newberg area along a "vintage eclectic" downtown theme. The downtown is seen as customer-friendly with a variety of successful businesses including retail shops, restaurants, sidewalk cafes, boutique shops, salons, bakeries and other commercial activities.

The area from the Police building to the Old Central School has been redeveloped into a central plaza that ties the community together while anchoring downtown. Downtown vacancies have been filled, and the old Loren Berg property is now Butler Market Place, a charming place for shopping and entertainment located on the Civic Corridor that goes from Central School to Memorial Park. Adequate parking characterizes the downtown areas of Newberg and Dundee. Newberg now has a successful Farmer's Market located in a highly visible area of the downtown, showcasing local agricultural, craft and artistic products.

The businesses and buildings reflect the bygone era of the early 1900s with historic street lighting, while the sidewalks have brick extensions making them wider. There are benches, hanging baskets and flower boxes, public restrooms, waste receptacles and water fountains located throughout the downtown area. The Hess Creek gateway to downtown has been improved with flowering trees, vintage lighting, wrought iron railings and a footbridge linking both sides of Newberg over Hess Creek. The Newberg downtown is linked to the riverfront by the charming restored vintage trolley named the Red Electric after the electric railway system of the early 1900s.

Dundee's redesigned business district lies just west of 99W and includes the Sustainability-Administrative Center and a series of specialty shops and services pioneered by Ponzi in the late 1990s. The Visitor's Center and civic facilities anchor the center and its activities near the town square. The main street and new businesses have been beautified and are linked to a 20-acre riverfront park.



Parks, Greenways, Riverfront Development and Open Space

A park system of neighborhood, community and regional parks is in place to provide opportunities for individuals and groups within the Chehalis Valley to become physically, socially, psychologically and spiritually enhanced. The Willamette River has been reclaimed and is an integral part of the community.

The Cities of Dundee and Newberg, the County, the Chehalis Park and Recreation District, the State of Oregon and other public and private organizations have cooperated to create a riverfront park that connects Newberg with Dundee and other parts of the region. Dundee's and Newberg's pedestrian friendly riverfront, scenic picnic areas, quality regional and neighborhood parks, specialized recreational facilities, fine shops and eateries attract local families as well as connoisseurs of fine wines and restaurants. This riverfront park has become the community gathering place and helps to support the sense of community and the rejuvenated downtown. Natural areas, habitat for wildlife, agricultural land and open space have preserved the views from surrounding hills. A greenway system links pedestrian paths along clean rivers and streams and a public golf course provides recreational opportunities for local citizens.

Dundee's and Newberg's pedestrian friendly riverfront, scenic picnic areas, quality regional and neighborhood parks, specialized recreational facilities, fine shops and eateries attract local families as well as connoisseurs of fine wines and restaurants.

Moving Beyond the Vision

A Plan for Action

“Doing government better” in the Chehalis Valley means more efficient operations through greater cooperation, combining resources and regular communication

The plan to move “Beyond the Vision” focuses on tangible, “bricks and mortar” capital improvements plus changes in the way local governments operate. The Steering Committee established several smaller work groups to develop a series of initiatives to improve government operations in several areas:

Governance and Civic Involvement

Operational Improvements

“Doing government better” in the Chehalis Valley means more efficient operations through greater cooperation, combining resources and regular communication. Collaborative operational efforts focus on:

- Information systems and telecommunications to save costs and expand networking systems
- Land use planning to determine potential areas for future growth and development
- Maintenance and equipment sharing to explore ways to create cost savings
- Purchasing goods and services cooperatively to create cost savings
- Public works projects to create cost savings

Education

Operational Improvements

Newberg School District, Chemeketa Community College, the Newberg Area Chamber of Commerce, Chehalis Park and Recreation District and George Fox University are working together to:

- Improve opportunities for continuing education for local residents

- Create an Early Childhood Education Center
- Increase partnerships

Capital Improvements

Through generous community support of a \$46 million capital improvement bond issue in November 2002, public schools in the Chehalis Valley are being repaired, renovated and expanded to support a growing school population. These projects include:

- Expansion of Newberg High School
- New 550-student Joan Austin Elementary School
- Repairs and safety improvements at all elementary and middle schools
- Purchase of property for a future elementary and high school

Planning will commence in 2009 for a third middle school to be constructed on the former Renne School site in Newberg.

Economy and Employment

Operational Improvements

In consultation with the major economic development players in the Chehalis Valley, the Economic Development Subcommittee for “Beyond the Vision” recommended that economic development was a high priority for immediate action. The strategic approach identified by this group included development of a broad economic development partnership with the major players for the Chehalis Valley, including:

- Newberg Area Chamber of Commerce
- Cities of Newberg and Dundee

- Local businesses and property owners
- Newberg School District
- Yamhill County
- Newberg Downtown Association
- Mid-Willamette Valley Council of Governments
- Oregon Economic and Community Development Department

Key strategic steps include:

- Hold a broad community forum on economic development to build consensus
- Invigorate the Chamber of Commerce Economic Development Committee
- Seek financial aid in the form of grants
- Develop community college training programs tailored to the labor force needs of prospective employers

Health and Social Services

Operational Improvements

The Latino Community Forum identified development of a primary care health clinic in Newberg as a major priority for lower and moderate-income families in the Chehalis Valley. Recommended services included:

- General medicine
- Pediatric services
- Gynecology
- Chiropractic services
- Dental services
- A direct 24-hour/day emergency line

Capital Improvements

Updating and expanding water and sanitary sewer systems is a priority as populations in Dundee and Newberg continue to grow. The City of Dundee's wastewater facilities plan currently being prepared by Murray, Smith and Associates. The firm is evaluating the possibility of abandoning the Dundee treatment plant and consolidating wastewater treatment at the Newberg treatment plant. Projects in the planning stages include:

- Dundee wastewater treatment plant
- Master plan for Dundee water system
- Newberg water treatment plant
- Newberg wastewater treatment plant and improvements to the collection system

Providence Newberg Hospital began construction of a new regional hospital in October 2003. Local jurisdictions continue to work in partnership with the hospital to support this project.

Public Safety

Operational Improvements

City and County jurisdictions are engaged in planning efforts to improve public safety for all Chehalis Valley residents. Projects include:

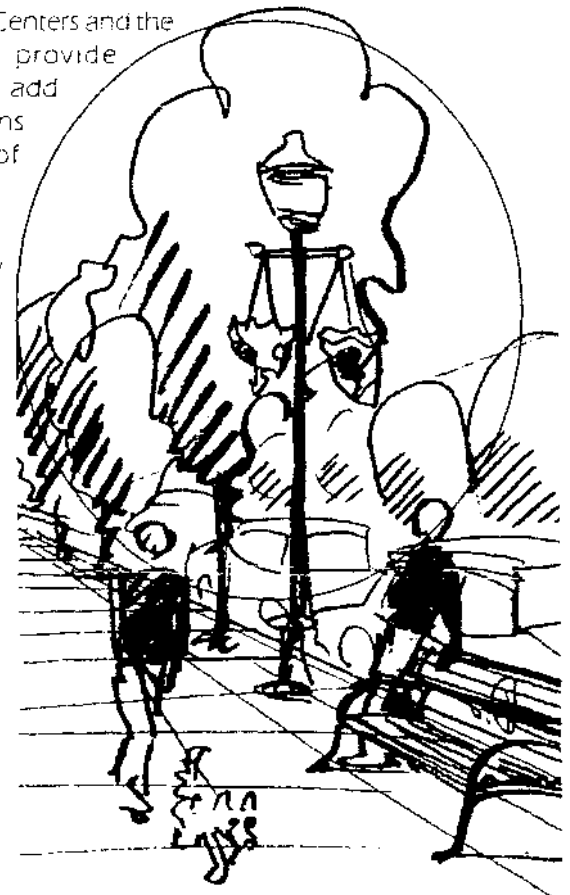
1. Emergency Operations
 - Planning is in progress to improve coordination between emergency services providers that coordinate resources and plans of all cities, fire districts and Yamhill County
 - Purchasing disaster management and relief supplies through grant opportunities is also in the planning stages

2. Newberg Public Safety Improvements

As the Newberg community grows, police and fire personnel are required to keep up with increased demands for service. Cost savings to the City of Newberg from consolidation of the Communications Centers and the public libraries will provide additional revenues to add needed police positions within the City of Newberg.

3. Dundee Public Safety Improvements

The City of Dundee is considering the formation of a cooperative fire district with other communities.



Housing

Operational Improvements

Local governments continue to work together to determine potential areas for future growth and development.

Capital Improvements

Plans to construction of a golf course in Newberg has attracted new housing development that will include single family homes, condominiums and senior housing.

Culture and the Arts

Operational Improvements

The Newberg Library Board continues to explore ways to improve and expand library services to Dundee, Newberg and Yamhill County residents.

Capital Improvements

The renovation of Central School for cultural and art activities continues through grant funds. Under the leadership of Chehalum Park and Recreation District, this project continues forward as funds are available.

Transportation

Operational Improvements

Improving public transit linkages to better connect the Newberg-Dundee area with the Portland Area Public Transit System (Tri-Met) was identified as the highest priority identified in the resident telephone survey carried out by the Nelson Group and by Latino residents in the Spanish forum.

Recommendations to address expanded transportation services include:

- Completion and implementation of Yamhill County's two-year countywide alternative transportation planning effort, a collaborative effort by Yamhill County, the Cities in Yamhill County, the Grand Route Tribe, and citizens from throughout the county to address transit questions within the county, including the Chehalum Valley.
- Publicity in English and Spanish about the existing transit service.
- Expansion of existing transit service.
- Clarifying that transit is for all public and not only senior citizens.

- Carpool and vanpool programs in both English and Spanish.
- Using school buses and Mid-Valley Workshop buses for public transit.

Capital Improvements

Long identified as the Chehalum Valley's chief concern, jurisdictions are actively planning and constructing improvements to ease congested roads. These projects include:

- Newberg street improvements.
- Dundee street improvements.
- Public transit bus shelters, park and ride locations and equipment.

The Oregon Department of Transportation continues planning efforts to construct the Newberg-Dundee bypass. Local jurisdictions are actively involved in supporting this effort.

Downtown Development

Capital Improvements

Newberg and Dundee are engaged in plans to revitalize downtown areas. The Newberg Downtown Association and the Newberg Area Chamber of Commerce are partners in this effort.

Parks, Greenways and Riverfront Development

Operational Improvements

Local governments continue to work together to determine potential areas for future growth and development. Specifically jurisdictions are clarifying the role of the Newberg Urban Area Management Commission (NUAMC) and analyze the Urban Growth Boundary.

Capital Improvements

The vision for green public spaces in 2020 is on the drawing board. Specific projects include:

- A public golf course in Newberg operated by the Chehalum Park and Recreation District.
- Additional parks in both Newberg and Dundee.
- Development of the Willamette Riverfront Parkway is in the early planning stages. This is a collaborative effort between the Cities of Newberg and Dundee and Yamhill County.

Sustainability

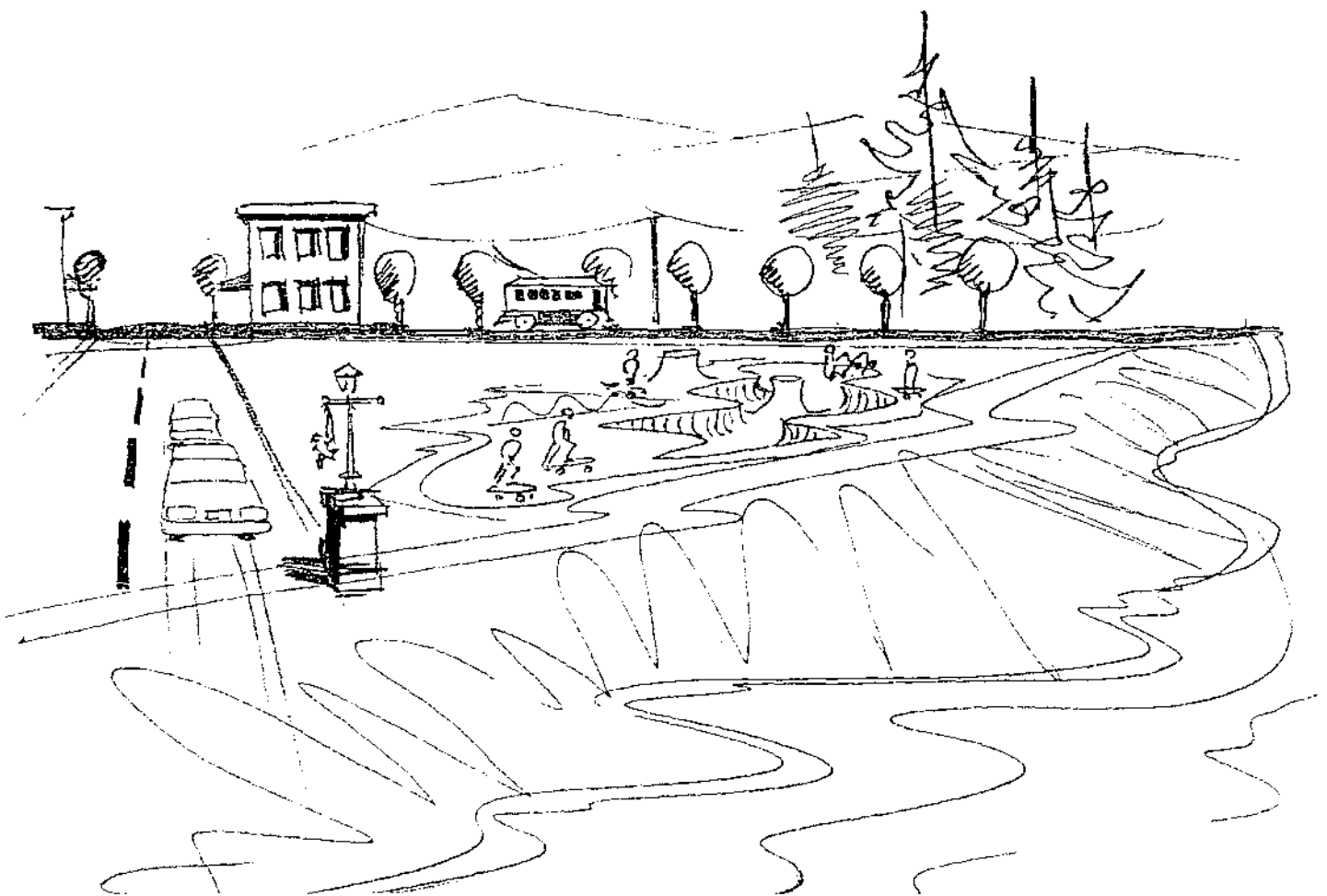
To insure the sustainability of this strategic planning effort, "Beyond the Vision" will be updated annually, and community forums will be held in both English and in Spanish to insure effective community input and participation in this effort. The updated strategic plan will be printed and circulated in draft form for final public comment during the public hearing and adoption process before each of the five jurisdictions participating in this effort: Cities of Dundee and Newberg, Newberg School District, Chehalis Park and Recreation District, and Yamhill County.

Communications

Communication between government jurisdictions and the citizens they serve continue to be an essential part of this planning effort. A plan for systematic, ongoing, two-way communication continues to guide efforts to "move beyond the vision."

Communications goals include:

- Involve citizens and local jurisdictions in developing and implementing the strategic plan.
- Local jurisdictions and citizens understand and support the strategic plan for the Chehalis Valley.
- Market the Chehalis Valley to prospective businesses and residents.



Capital Projects

Planning
 Construction
 Requires voter approval

| Project | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | |
|-----------------------------|--|------|------|------|------|------|------|------|------|---|------|--|
| EDUCATION | | | | | | | | | | | | |
| High School | | | | | | | | | | | | |
| New Elementary | | | | | | | | | | | | |
| School Repairs | | | | | | | | | | | | |
| Acquire Property | | | | | | | | | | | | |
| New Middle & Elem | | | | | | | | | | | | |
| RECREATION | | | | | | | | | | | | |
| Central School | | | | | | | | | | | | |
| Golf Course | | | | | | | | | | | | |
| Dundee Center | | | | | | | | | | | | |
| Riverfront Parkway | | | | | | | | | | | | |
| Dundee Parks | | | | | | | | | | | | |
| ECONOMIC DEVELOPMENT | | | | | | | | | | | | |
| Improve Downtown - N | | | | | | | | | | | | |
| Improve Downtown - D | | | | | | | | | | | | |
| TRANSPORTATION | | | | | | | | | | | | |
| Transit - N/D | | | | | | | | | | | | |
| Streets - Newberg | | | | | | | | | | | | |
| Streets - Dundee | | | | | | | | | | | | |
| Bypass | | | | | | | | | | | | |
| UTILITIES | | | | | | | | | | | | |
| Dundee WTP | | | | | | | | | | | | |
| Dundee water system | | | | | | | | | | | | |
| Newberg WTP | | | | | | | | | | | | |
| N - water trmt plant | | | | | | | | | | | | |

EDUCATION

- Expand Newberg High School
- Build new elementary school
- Repairs at all district schools, major renovation and expansion at Mabel Rush and Ewing Young Elementary Schools
 - Acquire property for future schools
- Construct new middle school and elementary school

RECREATION & CULTURE

- Redevelop Central School
- Public Golf Course
- Dundee Community Center
- Willamette Riverfront Parkway Development (Newberg, Dundee and Yamhill County)
- Newberg, Dundee Parks

TRANSPORTATION

- Public transit bus shelters, park and ride locations and equipment
- Newberg street improvements
- Dundee street system
- Newberg - Dundee Bypass is a state transportation project supported by local jurisdictions

UTILITIES

- Dundee wastewater treatment plant
- Dundee water system master plan
- Newberg wastewater treatment plant and collection system improvements
- Newberg water treatment plant

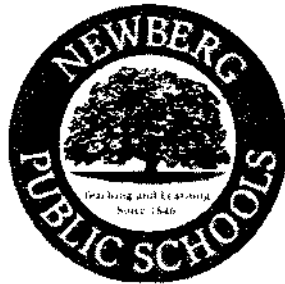
ECONOMIC DEVELOPMENT

- Newberg downtown improvements
- Dundee downtown improvements

A Report on

Community & School

Growth Projections



Newberg School Board Workshop
October 23, 2006

Claire Hertz, Business Services Director
Claudia Stewart, Communications Specialist

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Executive Summary

Recent home construction, followed by enrollment increases in district schools, prompted the Newberg School District to re-examine its' Long Range Facility Plan to ensure adequate classroom space now and in the future. This report reviews current enrollment, student demographics, enrollment projections, facility capacity, community growth projections, bonded debt capacity and interim solutions to mitigate school crowding.

The Newberg School District's facilities are sufficient for the current enrollment. Elementary school facilities provide adequate space for current and projected enrollment. However middle school enrollment growth is pressuring school facilities and portable classrooms are required to house all students. Newberg High School is 85% occupied. High school enrollment is projected to exceed building capacity in five to six years.

Newberg and Dundee are poised for residential growth. That growth appears to be primarily due to new residents moving into the area rather than an increase in birth rates. Planned development in Newberg in the next five years calls for approximately 2,280 new units of housing. Once Dundee water and sewer services are expanded to serve additional residences, city officials predict rapid development of up to 1,000 dwellings over the next four to ten years. County applications for Measure 37 claims to build over 900 dwellings in rural areas of the school district are in process.

The district's Long Range Facility Plan calls for a new middle school and elementary school to be on the 2011 election ballot. If approved, these schools would open approximately two years later in 2013. This report indicates a clear need for additional middle school classroom space. Enrollment projections indicate that elementary capacity is adequate for the next five years.

The Long Range Facility Plan also calls for a second high school in 2022. An examination of enrollment projections in this report indicates that Newberg High School will exceed its building capacity around 2011.

Several interim solutions to accommodate growing enrollment would provide short-term relief. Suggestions for possible action include adjusting elementary school boundaries to accommodate growth. This report also suggests examining changes to grade configurations, specifically creating K-8 schools and moving 6th grade students to create K-6 schools.

It is important that the school district continues to monitor enrollment growth and county, Newberg and Dundee housing plans and construction starts.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: 2007, December 3

Order ____ **Ordinance** ____ **Resolution** XX **Motion** ____ **Information** ____
No. **No.** **No. 2007-2751**

Date Submitted: November 16, 2007
SUBJECT: Adoption of street tree list for downtown area (C-3 Central Business District).

Contact Person (Preparer) for this Resolution: David Beam, AICP
Economic Development Coordinator/Planner

Dept.: Planning and Building

File No.: Gen File 07-005
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2007-2751**, approving the adoption of a list of street trees that are to be used in the downtown area (C-3 Central Business District).

BACKGROUND:

1. On December 6, 2005, the City Council approved Resolution No. 2005-2605, which adopted a list of streetscape amenities for the historic downtown. The list consisted of recommended streetscape amenities that were developed by the Newberg Downtown Revitalization Committee (NDRC), as a result of an extensive public involvement process. The list in the streetscape amenities included two street trees: the vine Maple and the Flowering Cherry.
2. Since 2006, the NDRC has been working on the development of a part of a downtown enhancement demonstration project (south side of First Street, from School Street to College Street), which includes some landscaping. Early in 2007, began working with Kristen Ramstad, an urban forester with the State's Department of Forestry, to help determine the type of landscaping to use in the proposed demonstration block. Ms. Ramstad has worked extensively with the NDRC, free of charge to the City.
3. While the initial downtown trees adopted in 2005 were proposed after careful consideration, the NDRC made the recommendation without the aid of extensive, individual expertise by a landscaping specialist. After some discussions with Ms. Ramstad, the NDRC determined that they would like to develop a new list of recommended street trees that would be better suited for the conditions of the downtown area than the existing adopted street tree list. After much evaluation and extensive discussions with Ms. Ramstad, the NDRC would like to recommend that the City Council replace the existing adopted downtown street trees (Vine Maple and Flowering Cherry) with the following list:

Smaller trees:

- | | |
|-------------------------------|----------------------------|
| Eastern Redbud "Forest Pansy" | (Cercis canadensis) |
| Glorybower Tree | (Clerodendron trichotomum) |
| Korean Dogwood | (Cornus kousa) |

Larger trees:

| | |
|------------------------------|---------------------------|
| 'Norwegian Sunset' Maple | (Acer truncatum 'var.') |
| 'Fasigate' European Hornbeam | (Carpinus betulus 'var.') |
| 'Columnar' Sargent Cherry | (Prunus sargentii 'var.') |

Attachments 1 and 2 provide more details regarding these trees.

4. The recommended downtown street tree list has been forwarded to Russ Thomas, Public Works Maintenance Superintendent. Mr. Thomas has raised concerns about some of the selections. Ms. Ramstad reviewed the comments by Mr. Thomas and provided a response. Attachment 3 lists Mr. Thomas' concerns (in ***bold italics***) and Mr. Ramstad's response.
5. The NDRC also recommends that if the proposed street tree list is adopted, that trees downtown should be installed or replaced on an as-needed basis.
6. The NDRC also recommends that if the proposed street tree list is adopted, the City Council authorize the NDRC to develop downtown tree planting pattern guidelines.

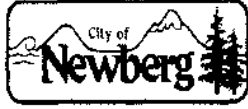
FISCAL IMPACT: None.

STRATEGIC ASSESSMENT: The proposed street trees should perform well in the downtown environment.

Attachments:

Resolution No. 2007-2751

1. Recommended Downtown Street Tree Pictures
2. Recommended Downtown Street Tree Characteristics Matrix
3. Comments by Russ Thomas and Kristin Ramstad



RESOLUTION No. 2007-2751

A RESOLUTION ADOPTING OF A LIST OF STREET TREES THAT ARE TO BE USED IN THE DOWNTOWN AREA (C-3 CENTRAL BUSINESS DISTRICT).

RECITALS:

1. On December 6, 2005, the City Council approved Resolution No. 2005-2605, which adopted a list of streetscape amenities for the historic downtown, which included the following two street trees: the vine Maple and the Flowering Cherry.
2. One of the tasks of the Newberg Downtown Revitalization Committee (NDRC) is to find ways in which to enhance the physical appearance of the downtown. Recently, the NDRC has been working with Kristen Ramstad, an urban forester with the State's Department of Forestry, to help the City determine the type of street trees that would be appropriate for the downtown. The NDRC has developed a recommended list of street trees for use in the downtown area.
3. The NDRC also recommends that if the proposed street tree list is adopted, that trees downtown should be installed or replace on an as-needed basis.
4. The NDRC also recommends that if the proposed street tree list is adopted, the City Council authorize the NDRC to develop downtown tree planting pattern guidelines.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The following list of street trees will be used in the downtown area (Central Business District C-3):

| | |
|-------------------------------|-------------------------------------|
| Eastern Redbud "Forest Pansy" | (<i>Cercis canadensis</i>) |
| Glorybower Tree | (<i>Clerodendron trichotomum</i>) |
| Korean Dogwood | (<i>Cornus kousa</i>) |
| 'Norwegian Sunset' Maple | (<i>Acer truncatum</i> 'var.') |
| 'Fasigate' European Hornbeam | (<i>Carpinus betulus</i> 'var.') |
| 'Columnar' Sargent Cherry | (<i>Prunus sargentii</i> 'var.') |

Existing trees in the downtown area will be replaced by one of the authorized trees listed above on an as-needed basis.

2. The NDRC is authorized to develop downtown tree planting guidelines for consideration of adoption by the City Council at a later date.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: December 4, 2007.
ADOPTED by the City Council of the City of Newberg, Oregon, this 3rd day of December, 2007.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 6th day of December, 2007.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through NDRC Committee at 9/19/2007 meeting. Or, None.
(committee name) (date) (check if applicable)

Cercis Canadensis – Eastern Redbud



Clerodendron trichotomum – Glorybower Tree



Carpinus beulus – Fastigate European Hornbeam



Prunus sargentii ‘var’ – Columnar Sargent Cherry



Cornus kousa – Korean Dogwood



Acewr Truncatum x 'var' – Norwegian Sunset Maple



Recommended Downtown Street Tree Characteristics Matrix

| Botanical Name | Common Name | Parking Strip Minimum Width (ft) | | | | | | | | | | | Comments | |
|---------------------------------|--------------------------------|----------------------------------|------------|------------|------------|------------|------------|------------|------------|------------|------------------------------|------------|----------|---|
| | | PNW Native | PNW Native | PNW Native | PNW Native | PNW Native | PNW Native | PNW Native | PNW Native | PNW Native | Prohibited as a street tree? | PNW Native | | |
| <i>Acer truncatum</i> x 'var.' | 'Norwegian Sunset' Maple | 6 | M | 35 | 25 | O | Y | Y | N | L | N | N | Y | Good uniform branching structure, with glossy dark green foliage, yellow-orange to red fall color, more heat and drought tolerant than Norways, and even 'Pacific Sunset'. Also called 'Keithsform'. |
| <i>Carpinus betulus</i> 'var.' | 'Fastigiata' European Hornbeam | 6 | N | 40 | 30 | P | Y | Y | N | L | N | N | N | Hardy leaf-shaped tree. Needs consistent water and some bark protection for establishment. No spring flowers or fall color, but "well-behaved" as a street tree. CAUTION. Susceptible to <i>Armillaria</i> . |
| <i>Prunus sargentii</i> 'var.' | 'Columnar' Sargent Cherry | 4 | Y | 40 | 18 | C | Y | Y | N | L | N | Y | Y | Often with several multiple trunks, but can be found as a single trunk tree. Tree can be brittle in ice-storms. Train to develop well-spaced branches along the trunk. Late April/early May, pink to deep pink single blooms, small, pea-sized fruits in June and July, considered inconspicuous. Shiny, dark green leaves take on various shades of orange, bronze, and red. |
| <i>Cercis canadensis</i> | Eastern Redbud | 4 | M | 30 | 35 | R | Y | Y | N | L | N | Y | N | Magenta flowers before leaves in April/May. Heart-shaped leaves, red when emerging turning to green; yellow in fall. Suscept to <i>Verticillium</i> . |
| <i>Clerodendron trichotomum</i> | Glorybower Tree | 4 | Y | 15 | 15 | R | N | Y | N | M | N | Y | N | Lovely, tough, small tree with white flowers in LATE summer, followed by interesting purple fruit with magenta sepals. Late to leaf out. Heart shaped leaves that smell like peanut butter when rubbed. Can sucker, but is quite disease resistant. |
| <i>Cornus kousa</i> | Korean Dogwood | 4 | M | 30 | 30 | R | N | N | N | M | N | Y | Y | Great pagoda-like form; resists anthracnose; blooms later than <i>C. florida</i> , bracts are pointy and look like stars. |

Attachment 2

Responses to Newberg Public Works street tree concerns

By Kristin Ramstad, Community Assistance Forester
Oregon Department of Forestry
October 3, 2007

Russ Thomas: After some research, I have some concerns with a few of your tree selections. It appears that maintenance, tree droppings and potential future problems with a few of these tree species may have been overlooked when selecting them for use as street trees in the downtown core area. While these have some desirable aesthetic qualities, these trees are specifically being designated as use for street trees in the downtown core area, which is all in sidewalk, and not in lawn areas. Some would be suitable for use in larger planter areas that may reduce their impact.

Additionally your email states that we, the city, will be responsible for the maintenance of these trees, and the addition of some of these species will present additional significant maintenance issues in the future that will require additional staff and resources to address them that are currently not funded. If approved, we will need to be aware of these issues and the specific restrictions on each of them in the future as they are allowed to be planted.

Here is the list with specific concerns with each tree;

'Norwegian Sunset' Maple (Acer truncatum 'var.')

This specific variety is known for producing significant surface roots. As these will be planted in a sidewalk, this would present significant future damage to the surrounding sidewalk areas. Mature Norway Maple tree canopies are about 50 feet in diameter. With these tree planted within 5 feet of the curb and 10 feet of adjacent buildings, this would present significant vehicle clearance and pruning issues in the future. With mature tree heights of 50 - 60 feet it should not be planted under power lines due to its height. We still have overhead power in the downtown core area, and these trees will need to only planted in specific areas where they will not conflict with the overhead power and communication lines, otherwise PGE will whack the top of them off at about 25 - 30 feet.

KR response: One shouldn't confuse the 'Norwegian Sunset' maple with the well-known and over-planted 'RED SUNSET' maple -- a completely understandable mistake. 'Red Sunset' is a red maple (*Acer rubrum*) cultivated variety that is infamous for causing infrastructure damage and growing into power-lines.

'Norwegian Sunset' maple is a cross between of *Acer platanoides* (Norway maple) and *A. truncatum* (Shantung maple.) From the information I have seen, 'Norwegian Sunset' maples will grow to 25-30 ft and, under normal street tree conditions, will not cause significant, if any, infrastructure damage. I do not recommend this tree for planting directly under power-lines, but it should do well near power-lines.

Korean Dogwood (Cornus kousa)

The Korean Dogwood produces fruit that is about 1" in diameter. While they are edible, these trees will present a local significant mess as they mature similar to the fruit of the flowering plum trees. This will present pedestrian safety and cleanliness issues in the downtown core where they are planted.

KR response: I initially thought this was a concern when I started to 'spec' this tree for other communities, but it hasn't turned out to be. For one thing, the fruit, if it even reaches the ground, doesn't stain. Most of the time, the fruit seems to disappear – birds? I don't know. No one has ever complained to me about this tree as a street tree. No need to take my word for it, here is what one well-known tree researcher/urban forest prof, Ed Gilman, says about *Cornus kousa* fruit on his website:

Fruit [of *C. kousa*]

Fruit shape: oval; round

Fruit length: .5 to 1 inch

Fruit covering: fleshy

Fruit color: red

Fruit characteristics: attracts birds; suited for human consumption; no significant litter problem; showy

Eastern Redbud "Forest Pansy" (Cercis canadensis)

This species is a fast growing short tree (20' to 30')with a wide spread (15' to 25') While it is a nice tree for inclusion in larger planter areas, it's location in the sidewalk within 5 feet of the curb will present problems in constant pruning to insure the vehicle clearance code of 14' at the curb is met due to its rapid growth. This rapid spread growth will also require constant pruning.

KR Response: To get 14 foot street clearance from a smaller stature, round-crown tree, and still have the tree look balanced, you would have to plant trees whose mature heights might interfere with power lines. If street clearance to 14 ft in a non-negotiable concern, don't plant a Forest Pansy in a place where it could

be whacked by a passing truck or poorly pruned. Consider a tree like a Japanese Snowbell, which is still small but has a more pyramidal shape.

Remember, the reason for 'spec'-ing small trees for downtown is to lend a more 'human scale' to the shopping district to encourage walking and window-shopping. Frankly, other than snowbells, paper-bark maples, some Korean dogwoods, and possibly a pyramidal Sargent Cherry, there are not many attractive small trees that are columnar or fastigate in form.

Also, (in the interest of full disclosure), as I mentioned to the NDRC group, one PROBLEM with small trees, in general, is that they can ultimately also block store signs that are at 20 feet. So, it all comes down to being clear about what you want, and the trade-offs associated with it (e.g. make the sign height requirement lower, changing street tree limb clearance requirements, making tree cut-outs more accommodating, etc...)

Re. pruning, if Forest Pansy's are pruned correctly when young **and not topped or stubbed**, they won't have to be pruned more often than any other tree. They should be pruned right after they've bloomed.

'Fastigate' European Hornbeam (Carpinus betulus 'var.')

This species has a mature height of 40 - 60 feet. The concern specific to this tree, like the maple, is it should not be planted under power lines due to its height. We still have overhead power in the downtown core area, and these trees will need to only be planted in specific areas where they will not conflict with the overhead power and communication lines, otherwise PGE will whack the top of them off at about 25 - 30 feet.

KR Response: Rarely, rarely will a hornbeam reach more than about 35 feet in the functional lifespan of its urban life in the PNW, (given the rooting restrictions, regional summer dryness, and other obstacles all street trees eventually encounter). AND I agree this tree **should not** be planted under power lines. Among the attributes that are phenomenal about this tree is that it can get to be a fairly good size and not do much, if any, damage to sidewalks, nor will it create a huge leafy mess in the fall. It's not flashy, but it is relatively carefree and well-behaved. For what it's worth, of all the trees on the list, I also think this one will ultimately be most tolerant of global climate change.

All the trees on this proposed list **should** be planted in specific areas, as indicated on the tree matrices. There is no one perfect tree that can deal with every street situation. There will be trade-offs.

I would be happy to meet with the Public Works folks to conduct a pruning workshop (neighboring city PW folks could also be invited). Many of the tree concerns that PW people have are often based on a history of dealing with trees

that have never being properly shaped and cared-for when they were first planted. Pruning for structure, watering consistently during the first three years of establishment, and mulching, will go a long way towards making these trees a relatively low-cost, trouble free, way of making your downtown more attractive.

NEWBERG CITY COUNCIL MEETING INFORMATION

DATE of Meeting: December 3, 2007

Prepared by: Norma Alley

| Councilors | Roll Call | Motion Topic: Consent Calendar – Permit Ctr. Fee | RESOLUTION NO. 2007-2739 Topic: Columbia Dr. LID | RESOLUTION NO. 2007-2739 Topic: Columbia Dr. LID & Set Separate Hearings for Section A, B, & C | RESOLUTION NO. 2007-2751 Topic: Downtown Street Tree List | RESOLUTION NO. 2007-2750 Topic: IGA with School District | RESOLUTION NO. 2007-2749 Topic: Rights of Way Jurisdiction Transfer | Res/Ord/Order # _____ Topic: _____ |
|--|-----------|--|--|---|--|---|--|--|
| ANDREWS, Bob, Mayor | X | YES | | YES | YES | YES | YES | |
| BOYES, Mike | X | YES | FAILED | YES | YES | YES | YES | |
| CURRIER, Roger | X | YES | FOR | YES | YES | YES | YES | |
| LARSON, Bob | X | YES | LACK | YES | YES | YES | YES | |
| PALMER, Jeff | X | YES | OF | YES | YES | YES | YES | |
| RIERSON, Bart | X | YES | SECOND | YES | YES | YES | YES | |
| VACANT | | | | | | | | |
| ROLL CALL VOTES | | YES: 6 NO: 0 Absent: 0 Abstain: 0 | YES: ____ NO: ____ Absent: ____ Abstain: ____ | YES: 6 NO: 0 Absent: 0 Abstain: 0 | YES: 6 NO: 0 Absent: 0 Abstain: 0 | YES: 6 NO: 0 Absent: 0 Abstain: 0 | YES: 6 NO: 0 Absent: 0 Abstain: 0 | YES: ____ NO: ____ Absent: ____ Abstain: ____ |
| Department: | | Planning | Engineering | Engineering | Planning | Planning | Engineering | |
| CHANGES: (Yes/No) | | No | | Yes | No | No | No | |
| MOTION (1st/2nd): | | Currier/Rierson | Larson/ | Palmer/Rierson | Larson/Currier | Larson/Rierson | Larson/Palmer | |

CITY RECORDER:

- Email Meeting Information Sheet and materials received at meeting to applicable departments for processing of Council action items.
- Place originals of materials received at meeting in corresponding packet file for the record.
- Place Audio recordings on the website, except Executive Session recordings get placed in City Recorder directory.

CITY DEPARTMENTS: WITHIN 48 HOURS - Route to City Recorder for Signature (verify changes, if any):

- IF ANY CHANGES, CORRECTIONS ARE TO BE MADE BY DEPARTMENT ORIGINATING DOCUMENT.
- Print final Orders/Ordinances/Resolutions and attachments on 100% cotton white bond paper (excluding RCA).
- IF NOT ADOPTED, route hard copy to City Recorder w/ following notation PRINTED ON TOP - "FAILED TO PASS (DATE)".
- Route to City Recorder for collection of signatures.

CITY RECORDER: * Route signed copies of documents to respective departments; * Place originals of orders/ordinances/resolutions in City Vault & Index appropriately; * Transfer FINAL order/ordinance/Resolution into appropriate City Recorder Computer Directory.