

Monday, 6:00 p.m.

October 1, 1990

MINUTES
JOINT CITY COUNCIL/HOSPITAL COMMISSION
MEETING

Newberg Community Hospital

Newberg, Oregon

The Mayor called the meeting to order at 6:20 p.m. at the Newberg Community Hospital.

ROLL CALL:

Council Members

Present: Roger Gano Jack Nulsen
Alan Halstead Donna Proctor
Donna McCain Richard Rementería
C. Eldon McIntosh Joe Young

Elvern Hall, Mayor

Hospital Commission Members

Present: Philip Edin Julie Isaacson
Hal Grobey Tobi Young
Charile Holman

Staff Members

Present: Duane R. Cole, City Manager
Terrence D. Mahr, City Attorney

The City Manager gave a report on the Hospital Commission, City Council, City Manager relationship as outlined in a staff report. The basis of his analysis was that the Charter clearly outlines the duty of the City Manager to oversee the operation of the City. The Council has, however, determined that the Hospital shall be run as a separate corporation with the Hospital Commission being the controlling board. The Hospital Commission is empowered to hire staff and a Hospital Administrator and to spend money that is generated by the Hospital. The City Charter also provides that the City is empowered to own and operate a Hospital.

Council member Joe Young indicated that the Council should be receiving financial reports on a monthly basis from the Hospital and minutes of the Hospital Commission meetings. It was also suggested that a quarterly report from the Hospital Administrator may be a benefit to the Council.

The question of Executive Session material being made available to the Council from the Hospital was discussed. The City Attorney, Terry Mahr, indicated in some situations, Executive Session material could be made available to the Council and in other situations his recommendation would be that it not be made available. The specific examples used were doctors' evaluations and medical records which he felt would not be the business of the Council, while items like property transactions might be the business of the Council. Council

III-1

J. B. Mahr
12/18/90
P. Mahr

Page 2

Minutes of Council/Hospital Meeting
October 1, 1990

member Nulsen indicated that he was in support of not providing the Council full access due to the sensitivity of many items discussed by the Hospital Commission.

There was a discussion on how to resolve problems that come before the Hospital Commission that the Hospital Commission is not able to resolve. The question that followed was the Council's ultimate responsibility for what happens at the Hospital. There was a discussion of the corporate model and how the Hospital is a subsidiary corporation to the City and that possibly the City should have greater control over the sub-corporation of the Hospital. The discussion continued with the question of where a Hospital Board member can get advice if the Administration and Board are not willing to listen to the problems. There were several suggestions made including the City Attorney, the Council and possibly, the City Manager.

Hospital Commissioner Edin suggested that the group should consider the larger process. The Hospital Commission is similar to the City Manager appointment by the Council. The Hospital Commission is responsible as is the City Manager and that if the Council is unhappy with the Hospital Commission's performance, they need to replace the Commission similar to replacing the Manager.

There was a discussion on appeal procedures and two of the Commissioners indicated that they would step down from the Commission if they felt they would be second guessed by the City Council.

There was a question regarding the legal ramifications of speaking outside the Executive Session and Mr. Mahr indicated that a Commissioner could be removed for violation of Executive Session privilege but that it would be virtually impossible to remove an elected official. Council member Halstead indicated that he felt basically the Commission had done a good job and that he was not willing to overstep the Council's bounds by becoming involved in the Hospital Commission business.

Mr. Mahr outlined that in a recent personnel issue, the discussion was taken to the Executive Committee and finally to the Hospital Commission for resolution.

Eldon McIntosh indicated that he felt the Hospital Commission should be under the purview of the City Manager. Rick Rementeria felt that it was working they way it is currently arranged and Joe Young indicated that he would not change the current structure but that the liaison person should be the City Manager between the Hospital Commission and Council.

Mr. Cole commented that the staff will provide more information to the

III-1

9.

Page 3

Minutes of Council/Hospital Meeting
October 1, 1990

City Council regarding the operation of the Hospital. Dr. Holman indicated that the more road blocks the City Council places in the processes at the Hospital that the less profitable the Hospital may become.

There being no further discussion of the issues, the Mayor adjourned the meeting at 7:15 p.m.

Respectfully submitted by:



Duane R. Cole
City Manager/*Recorder*

cc\min10-1

III-1

10

CITY OF NEWBERG
CITY COUNCIL WORK SESSION
MONDAY, OCTOBER 1, 1990
6:00 P.M.
NEWBERG COMMUNITY HOSPITAL

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE OCTOBER 1, 1990, COUNCIL AGENDA ITEMS. THE COUNCIL WILL NOT MAKE ANY DECISIONS ON THE AGENDA ITEMS AT THE WORK SESSION. THE HOSPITAL BOARD WILL ALSO BE PRESENT TO DISCUSS THE CITY/HOSPITAL RELATIONSHIP. THE WORK SESSION WILL BE HELD IN CONFERENCE ROOM "A" AT THE NEWBERG COMMUNITY HOSPITAL.

THE WORK SESSION WILL BE FOLLOWED BY THE CITY COUNCIL MEETING WHICH WILL BE HELD AT THE NEWBERG PUBLIC LIBRARY BEGINNING AT 7:30 P.M.

DATED THIS 24TH DAY OF SEPTEMBER, 1990.

DUANE R. COLE,
CITY RECORDER

\wsnote

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: September 21, 1990

X MOTION

DATE ACTION REQUESTED: October 1, 1990

SUBJECT: Hospital Commission/City Council/City Manager Relationship.

RECOMMENDATION:

1. The City Charter specifically places the City Manager in charge of all City departments to be operated efficiently and effectively.
2. The City Council, through ordinance, has established the policy position that the Hospital Commission shall operate and manage the Hospital. The City Manager's role at the Hospital is not specifically mentioned in Ordinance No. 1190 since the ordinance was established twenty years prior to the establishment of the City Manager position.
3. The last written policy position regarding this issue to my knowledge is the Hospital Commission ordinance which would seem to exempt the City Manager from oversight responsibility at the Hospital. This could still be a policy question for the City Council if they wish to take action.
4. The City Manager's role in relationship to the Hospital is one of review and cooperation and to be aware of the financial condition of the Hospital and provide a conduit for information from the Hospital Commission to the City Council as necessary. This would not be at the exclusion of the Hospital Commission, Mayor or medical staff advising Council of Hospital concerns and activities.
5. The Legislative Council Committee recommended concurrence with the results of this analysis and agreement with the attached organization chart.

BACKGROUND:

The City of Newberg operates a City-owned hospital. As City staff and Council members change, the question periodically arises as to the relationship between the City Council, Hospital Commission and City Manager. The answer to this question is not simple since the policy documents do not specifically mention this relationship. This does not mean, however, that certain inferences cannot be drawn from the documents we have available.

City Charter:

Chapter 3 - Form of Government, Section 7. Where Powers Vested.
Except as this Charter provides otherwise, all powers of the City shall be vested in this Council.

Request for Council Action
RE: Hospital/City Relationship

Section 23. City Manager. (c) Powers and Duties. The powers and duties of the Manager shall be as follows:

- (1) The Manager shall devote full time to the discharge of the Manager's official duties, attend all meetings of the Council unless excused therefrom by the Council or the Mayor, keep the Council advised at all times of the affairs and needs of the City, and make reports annually, or more frequently if requested by the Council, of all affairs and departments of the City.
- (2) The City Manager shall see that ordinances are enforced and that the provisions of all franchises, leases, contracts, permits and privileges granted by the City are observed.
- (3) The Manager shall designate a City Recorder and shall appoint and may remove appointive City officers and employees except as this Charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. The City Manager shall supervise the departments to the end of obtaining the utmost efficiency in each of them. The Manager shall have no control, however, over the Council, over the Mayor, over the City Attorney or over the judicial activities of the Municipal Judge.
- (4) The Manager shall act as purchasing agent for all departments of the City. All purchases shall be made by requisition signed by the Manager or his designate.
- (5) The Manager shall be responsible for preparing and submitting to the Budget Committee the annual budget estimates and such reports as the body requests.
- (6) The Manager shall supervise the operation of public utilities, owned and operated by the City and shall have general supervision over all City property.

The Manager, through the Charter, clearly has responsibility for all City departments and activities. With just the provisions in the Charter outlined, it would appear that the City Manager would also be responsible for the Hospital Commission and Hospital. The Council has the right, however, to define the Manager's responsibility more specifically through an ordinance. The Council did this prior to the adoption of the current Charter on May 6, 1957 when they set forth the ordinance establishing a City Hospital Commission.

Page 3

Request for Council Action
RE: Hospital/City Relationship

Section 43, 44, and 45 of the Charter clearly empowers the Council to operate the hospital. The Ordinance attached to this report is the Council's policy statement regarding how the hospital shall be operated.

Hospital Ordinance:

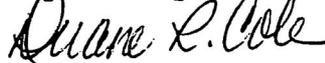
The Hospital ordinance provides for a Hospital Commission made up of nine members, with a Chair, Vice-Chair and Secretary. The Hospital Administrator, President of the Medical Staff and the Mayor are ex-officio members of the Hospital Board. The Board's only duty to the City Council is to report on all actions of the Board as of the first of August each year.

The City Council conferred powers on the Hospital Commission as follows:

The Hospital Commission is to provide for the operation and management, supervision and control of all nurses, employees and may delegate that duty, and for the upkeep and maintenance including the real and personal property of the Hospital. The Hospital may employ consulting advice as they see fit. The Hospital Administrator position is specifically mentioned in the ordinance as being an ex-officio member on the Board which infers that the Hospital shall have a Hospital Administrator.

The Hospital Commission has all powers and may perform all such duties as are necessary or desirable to provide for the efficient operation of the Hospital. The Hospital Commission is responsible for all funds including capital improvement reserves. The Hospital Commission is also responsible for cooperation with the medical staff and to promulgate rules to encourage communication on the operation and management and improvement of the hospital.

Respectfully submitted:



Duane R. Cole
City Manager

DRC/bjm

Enc.

\\hospcom

The City of Newberg ordains as follows:

Section 1. (Hospital Commission.) That there is hereby created a city hospital commission (hereinafter referred to as "the commission") for the City of Newberg, Oregon.

Section 2. (Membership.) The commission shall consist of the Mayor, ex officio, the Hospital Administrator, ex officio, the President of the Medical Staff, ex officio and of nine other members to be appointed by the Mayor with the consent of the Council of the City of Newberg, Oregon. Commission members shall receive no compensation. (As amended by Ord. 2149, passed and approved 8-6-84.)

Section 3. (Qualifications.) The qualifications of five of the appointed members of the commission shall be the same as the qualifications now and hereinafter required of the council persons of the City of Newberg. The remaining four members of the Commission need not be residents of the City. Council persons of the City of Newberg shall be eligible to serve as members. (Amended by Ord. 1921, passed 10-2-78.)

Section 4. (Terms.) The members of the Commission shall be appointed for a term of three years. The terms shall be staggered so that one-third of the terms of the appointed members end each year. The term of office of the appointed member shall be designated by resolution of the Council. The successors to said appointed members of the commission shall hold office for three years. Any vacancy on the commission shall be filled by the Mayor with the consent of the council for the unexpired portion of the term. (Amended by Ord. 1921, passed 10-2-78.)

Section 5. (Officers.) The commission, at its first meeting, shall elect a chairman and vice chairman, who shall be appointed members of the commission and who shall hold office during the pleasure of the commission.

Section 6. (Secretary; Report to Council.) The commission shall appoint a secretary, who need not be a member of the commission. The secretary shall keep an accurate record of all commission proceedings. On August 1 of each year, the commission shall make and file a report of all its transactions with the council of the City of Newberg, Oregon.

Section 7. (Rules and Regulations.) Five appointed members of the Commission shall constitute a quorum. The Commission may make and alter rules and regulations for its government and procedure consistent with the laws of the State of Oregon and with the Charter and Ordinances of the City of Newberg. The commission shall meet at least once a month at such times and places as may be fixed by the commission. Special meetings of the commission may be called at any time by the chairman or by four members, by written notice served upon each member of the commission at least three hours before the time specified for the proposed meeting. (Amended by Ord. 1921, passed 10-2-78.)

Section 8. (Consulting Advice.) The commission may employ consulting advice on hospital problems and also such clerks as may be necessary. The commission may pay for the services of such advisers and clerks and for such other expenses as the commission may lawfully incur, including the necessary disbursements incurred by its members in the performance of their duties as members of the commission, out of funds at the disposal of the commission as authorized by the city council.

Section 9. (Recommendations to Council.) All recommendations and suggestions made to the city council by the commission shall be in writing.

Section 10. (Powers and Duties.) The commission shall provide for the operation and management, supervision and control, upkeep and maintenance of the Newberg Community Hospital, including all real and personal property appertaining thereto. The commission shall have and exercise all powers heretofore granted to or exercised by the special committee of the council of the said City of Newberg. Said commission shall supervise and control the administrator and superintendent of nurses of said hospital and all other employees thereof, and may prescribe and alter their compensation, provide for their employment and discharge, and prescribe and change their powers and duties. Said commission may delegate to the officers and employees of said hospital any powers and duties hereby granted to said commission. Said commission may make recommendations to the city council or other city officials relative to said hospital, and said commission shall have all such powers and perform all such duties as are necessary or desirable to provide for the proper and efficient operation of Newberg Community Hospital.

Section 11. (Hospital Funds.) Said commission shall supervise and control all the deposits, safekeeping and expenditure of funds arising from the operation of said hospital or assigned to the use of said hospital by the council of the City of Newberg, Oregon, subject to the control and further orders of said council. That all such funds shall be deposited in certain bank accounts now and hereafter created by said council, and shall be withdrawn therefrom by check signed by the administrator of said hospital and such other person or persons as may be specified by the council of the City of Newberg, Oregon. Such funds may be created and named, and the disposition thereof may be hereafter controlled by resolution of said council. Such funds presently in existence are entitled "City of Newberg, Newberg Community Hospital Operating Account" and the "Hospital Capital Improvement Reserve Fund" created by this amending ordinance. (Amended by Ord. 1350, passed June 3, 1963.)

Section 11A. (Hospital Capital Improvement Reserve Fund.) That there is hereby created a special fund of the City of Newberg, Oregon, to be known as the "Hospital Capital Improvement Reserve Fund" and which shall be used exclusively for the purchase of real property for the Hospital and for capital improvements to buildings and equipment appertaining to the Hospital. There shall be deposited in said fund all reserves for depreciation of Hospital buildings and equipment which shall be hereinafter provided; and in addition thereto all such sums as the Council shall from

time-to-time designate and allocate as capital improvement reserves. All withdrawals from said "Hospital Capital Improvement Reserve Fund" shall be authorized by the Council. (Added by Ord. 1350, 6-3-63, Amended by Ord. 1972, passed 8-6-79.)

Section 12. (Operation and Management of Medical Staff.) The commission shall cooperate with the medical staff of said hospital, and shall encourage the formulation by said staff of appropriate rules and regulations for the management and operation of said medical staff. The operation and management of said hospital by said commission and its agents shall be separate and apart from the operation and management of said medical staff; provided, however, that said medical staff shall be encouraged to furnish to said administrator and/or commission suggestions regarding the operation and management and the improvement of said hospital.

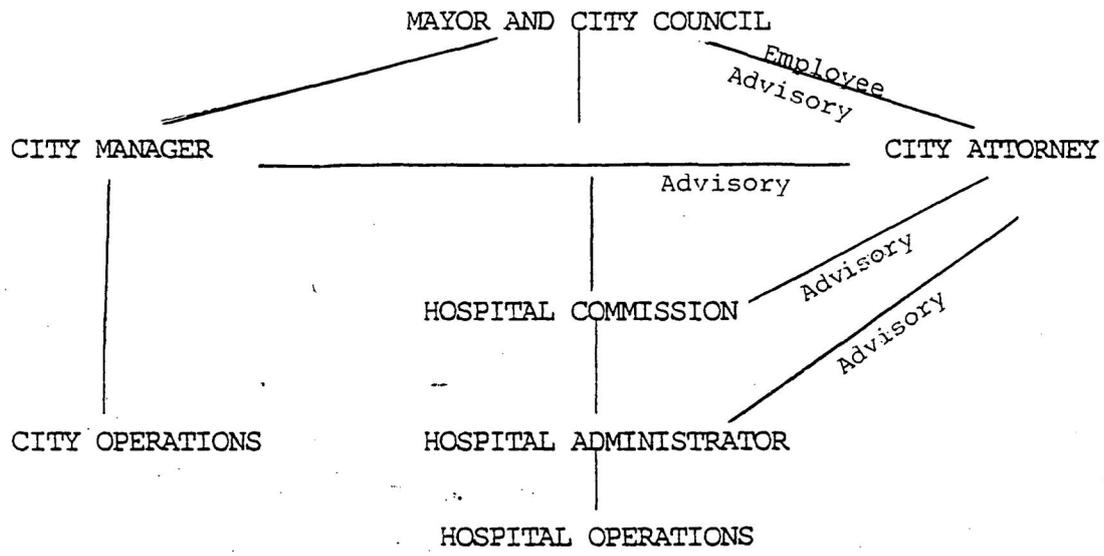
Section 13. (Books and Accounts.) The commission shall provide for setting up and operating a system of books and accounts for said hospital, and shall provide for the auditing thereof and for monthly and annual reports thereof to the council of the City of Newberg, Oregon.

Section 14. (Operation and Management of Hospital.) The commission shall provide for the efficient management and operation of the hospital within and subject to all applicable laws, rules and regulations of the State of Oregon and its agencies, and of the American Hospital Association and the Oregon Hospital Association.

Section 15. (Charges.) The commission shall determine and may alter from time-to-time the amounts of the charges to be made by the said hospital for its services and facilities. The commission shall provide for the collection of such charges.

Section 16. (Emergency.) Whereas, Newberg Community Hospital is now in existence and in operation and it is immediately necessary for the peace, health and safety of the people of the City of Newberg, Oregon, that a framework for the government and management of said hospital should be provided; now, therefore, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by the council and approved by the Mayor May 6, 1957.



\hospatch

CITY OF NEWBERG
COUNCIL AGENDA
OCTOBER 1, 1990
7:30 P.M.
NEWBERG PUBLIC LIBRARY

- I. CALL MEETING TO ORDER.
- II. ROLL CALL.
- III. CONSENT CALENDAR:
 1. Appointments by Mayor to the Library Board:

George Witmer to fill vacant full term position due to resignation of Judy Elliott.

Dorothy Rogers to position created by resignation of Brian Bessler.
 2. Motion to set a public hearing on vacation of the east-west alley in Block 37 Edwards Addition, between Sixth and Seventh, Chehalem and Willamette Streets.
- IV. REQUESTS AND COMMUNICATIONS FROM FLOOR. (Limit 5 minutes)
- V. PUBLIC HEARINGS:
- VI. REPORT FROM CITY MANAGER. (This report will be handed out at the meeting.)
 1. Report on the upcoming League of Oregon Cities Conference to be held November 10-12, 1990 in Portland.
- VII. REPORT FROM YAMHILL COUNTY COMMISSIONERS.
- VIII. REPORT FROM CHAMBER OF COMMERCE.
- IX. NEW BUSINESS:
 1. Appoints the Newberg Urban Area Management Commission:
 - One member from the Newberg City Council
 - One member from the Newberg Planning Commission
 - One member from the Newberg Citizens Advisory Committee

PAGE 2

CITY COUNCIL AGENDA
OCTOBER 1, 1990

X. CONTINUED BUSINESS:

1. Northeast Area Transportation Plan
Crestview/Mountainview Alignment
Planning Department File No. G-7-90
Resolution No. 90-1580
Special Ordinance No. 90-2284
Ordinance No. 90-2285

XI. ADJOURN.

INDEX OF RESOLUTIONS AND ORDINANCES ON THIS AGENDA FOR ACTION:

RESOLUTIONS:

1. Resolution No. 90-1580 initiating a plan amendment for a revised alignment for a proposed collector street connecting Mountainview Drive and Springbrook Street to be formally initiated as a comprehensive plan amendment at the time the proposed Springbrook District master plan is submitted and providing for a sunset provision of three years.

ORDINANCES:

1. Special Ordinance No. 90-2284 initiating a plan amendment for a revised alignment for a proposed collector street connecting Mountainview Drive and Springbrook Street to be formally initiated as a comprehensive plan amendment at the time the proposed Springbrook District master plan is submitted and providing for a sunset provision of three years.
2. Ordinance No. 90-2285 adopting a plan amendment for a revised alignment for a proposed collector street connecting Mountainview Drive and Springbrook Street to be formally initiated as a comprehensive plan amendment at the time the proposed Springbrook District master plan is submitted and providing for a sunset provision of three years.

\lagenda

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: September 28, 1990

DATE ACTION REQUESTED: October 1

MOTION
 RESOLUTION
 ORDINANCE
 INFORMATION

SUBJECT: Appointment of Library Board members

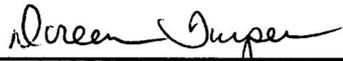
RECOMMENDATION: Appoint George Whitmer to fill the vacant full term position. Appoint Dorothy Rogers to fill the position created with the resignation of Brian Bessler.

BACKGROUND: The Library Board has two positions vacant, one created with the completion of Judy Elliott's term of appointment; the second created with the resignation of Brian Bessler who is moving from the community.

Mr. Whitmer has lived in Newberg for about three years. Since moving to our community and retiring, he has become involved in volunteer work with the schools and other local activities. His experience with libraries comes from the point of view of an adult life-long learner who has used libraries throughout the country and the world. His financial background, experience in a variety of positions, and keen sense of observation will be an asset to the Board.

Dorothy Rogers served on the Library Board during the building project. During that period she proved to be an active board member, not only providing leadership and facilitating decision making, but also generating involvement in the library by other groups. She teaches in the Newberg School District and has a long association with the community.

COST: none



Department Head Signature



Duane R. Cole - City Manager

III - 1

/

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: September 20, 1990

X MOTION

DATE ACTION REQUESTED: October 1, 1990

 RESOLUTION

 ORDINANCE

 INFORMATION

SUBJECT:

Public hearing on vacation of the east-west alley in Block 37 Edwards Addition, between Sixth and Seventh, Chehalem and Willamette Streets

RECOMMENDATION:

Initiate vacation procedures and set a final public hearing on the request for November 7, 1990, at 7:30 PM in the Newberg Public Library.

BACKGROUND:

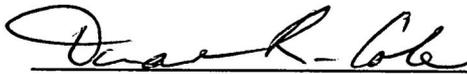
The City has received an application requesting the vacation of the above mentioned alley. The alley is unimproved and adjacent to tax lots 3220CB-900, -1000, -1300, and -1400 as depicted on the attached map. The owners of the abutting property have signed the application.

The City Council initiates vacation proceedings by setting a public hearing on the vacation. Upon establishment of a hearing date, staff will review the request, prepare a report, and advertise the hearing as required by ORS 271.130. To meet the notice requirements, the hearing cannot be scheduled prior to the November 7, 1990 meeting.

COST: None



Dennis Egner, Planning Director



Duane Cole, City Manager

III-2

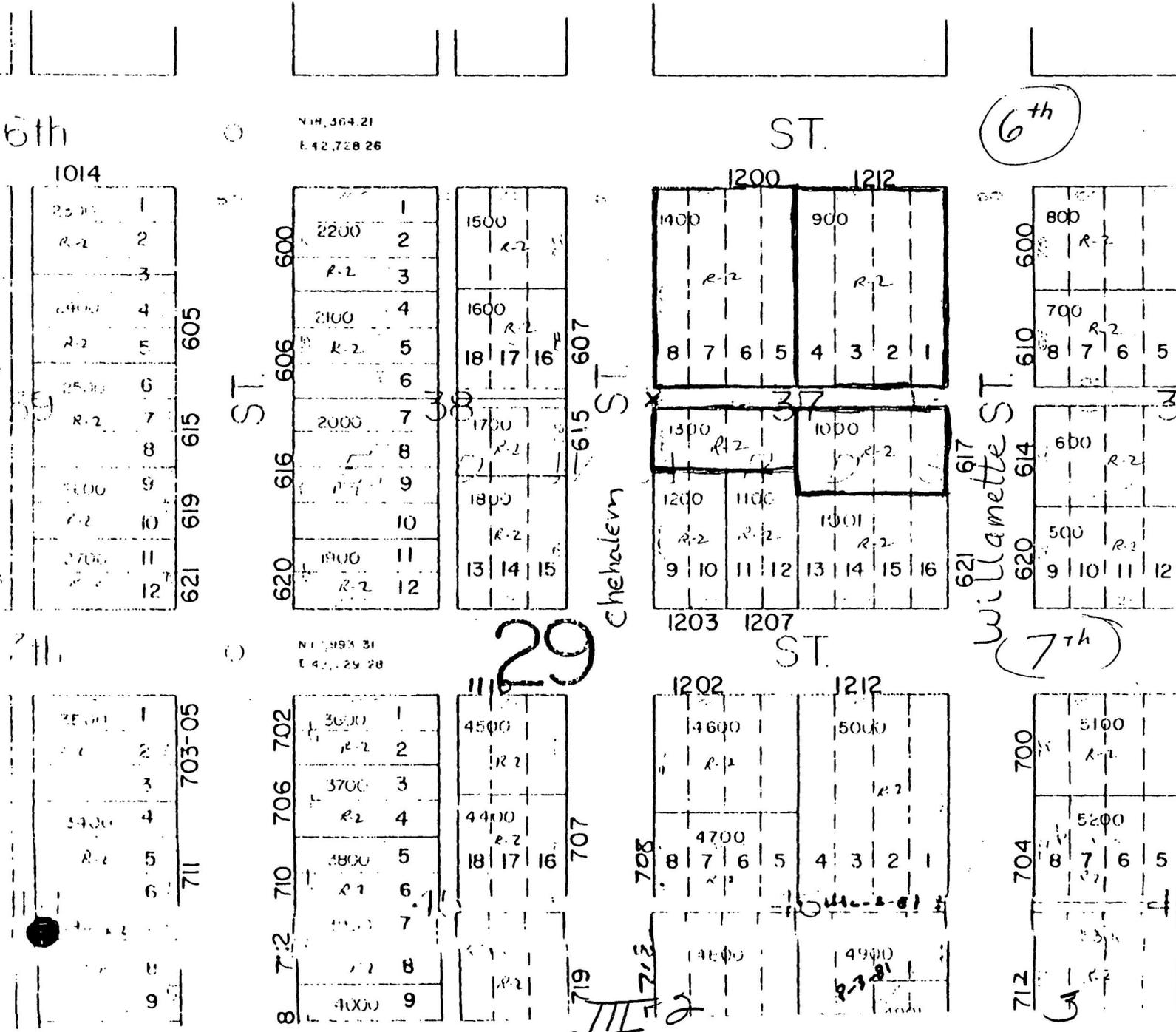
2

N.W.1/4 SW.1/4 SEC.20 T.3S. R.2W. W.M.

YAMHILL COUNTY

1" = 100'

SEE MAP 3 2 20BC



N 1/4, 364.21
E 42.728 26

ST.

ST.

6th

1014

1200

1212

2500	1
R-2	2
	3
2400	4
R-2	5
2500	6
R-2	7
	8
2100	9
R-2	10
2700	11
R-2	12

2200	1
R-2	2
	3
2100	4
R-2	5
	6
2000	7
	8
	9
	10
1900	11
R-2	12

1500		
R-2		
1600		
R-2		
18	17	16
1700		
R-2		
1800		
R-2		
13	14	15

1400		900					
R-2		R-2					
8	7	6	5	4	3	2	1
1300		1000					
R-2		R-2					
1200	1100						
R-2	R-2						
9	10	11	12	13	14	15	16

800			
R-2			
700			
R-2			
8	7	6	5
600			
R-2			
500			
R-2			
9	10	11	12

N 1/4, 993.31
E 42.29 28

29

ST.

7th

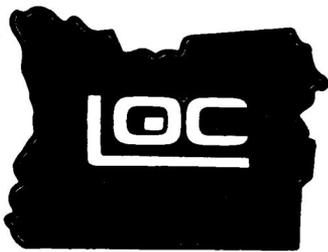
3500	1
	2
	3
3400	4
R-2	5
	6
	7
	8
	9

3600	1
R-2	2
3700	3
R-2	4
3800	5
R-2	6
	7
	8
4100	9

4500		
R-2		
4400		
R-2		
18	17	16

14600		15000					
R-2		R-2					
8	7	6	5	4	3	2	1
4700							
R-2							
14800		14900					
R-2		R-2					

5100			
R-2			
5200			
R-2			
8	7	6	5



League of Oregon Cities

Local Government Center, 1201 Court St. N.E., P.O. Box 928, Salem 97308 • Telephone: (503) 588-6550; 1-800-452-0338 toll free; FAX: 378-5859

September 19, 1990

TO: City Managers/City Records

RE: Registration for League of Oregon Cities' Conference

As you know, the League's 65th Annual Conference will be held November 10-12 at the Red Lion Inn, Jantzen Beach. The conference promotional piece, complete with registration and housing reservation information, will be sent to individual mayors, councilors and city staff. If you prefer to have the registrations channeled through the city manager's or city recorder's office, please communicate this procedure to your personnel. Also, it would be helpful to us if you would let your people know the importance of mailing in the original form and not a copy.

Again this year, all delegates are to pick up their registration materials including program, badges and tickets to meals and special events at the League Registration desk located in one-half of the Ballroom of the Red Lion Inn, Jantzen Beach. A preliminary program, describing the concurrent conference work sessions, will be mailed to each city with the October *Newsletter*.

The conference will again conclude with the Annual Banquet on Monday night. There will be no sessions on Tuesday.

This year delegates will make motel reservations directly with the Red Lion Inn.

Conference Registration Information

Every delegate, guest, speaker, representative of the media, and any other conference participant **MUST REGISTER** with this form. Please complete the form in full and return it along with your check or voucher covering payment of all appropriate conference registration fees payable to: League of Oregon Cities' Conference, P.O. Box 928, Salem, Oregon 97308.

NOTE: No registration will be processed without payment in full or an accompanying purchase order or city voucher. No registrations will be taken over the telephone.

Preregistration Saves Money! Register by **October 19th** and save \$10. Also, by preregistering, you will be assured that you have meal reservations and a full packet of conference materials including a name badge, conference program, and tickets to meals and special events which will be ready for you upon your arrival at the Red Lion.

Conference Registration Fees. "Member" rates include city officials and staff from cities as well as state, regional, county, and federal officials. "Non-member" rates include individuals from private organizations and other interested parties.

There is a minimal fee of \$20 for spouse/guest registration. This fee helps to defray the cost of handling guest registrations and the programming of special events for spouses and guests of conference participants. It also entitles your spouse/guest to a badge to attend all general conference sessions and admission to hosted receptions and special events.

VI-1

(Over) 4

Cancellations/changes. Registration and meal cancellations and changes will be accepted by the League office until November 7th at no charge. Cancellations made after 5 p.m. November 7th, 1990, will not be refunded. Because space is limited it is advisable to preregister for conference meal functions. Vegetarian meals can be arranged; please indicate on registration form by marking a "V" by the meal and indicate how many.

Parking. There is ample free parking at the Red Lion Inn. The hotels are within walking distance of each other and with the abundance of parking, no shuttle will be provided.

Housing Reservation Information

DEADLINE: Reservations must be made by October 16th

The Red Lion Inn, Jantzen Beach is the headquarters hotel. All conference sessions will be held in this facility. The overflow facility listed below is holding a room block for our conference. Rates and locations of the hotels are indicated.

Procedures. All room reservations will be made directly with the hotels. Toll free numbers are listed below. When making reservations please identify yourself as a delegate of the League of Oregon Cities in order to receive special room rates.

Please do not call the League office for room reservations. Room confirmations will be sent directly from the hotel.

Requests for room reservations must be received no later than October 16th. After that date any available rooms will cost the regular rate, which is considerably higher. Any additions, changes, or cancellations of reservations should be made by contacting the hotel directly.

The rooms at Jantzen Beach will be filled first, then Columbia River, unless otherwise specified.

Should you have any questions about the preregistration or housing reservation process, please call the League of Oregon Cities, (503) 588-6550. We look forward to seeing you at our 65th Annual Conference and Business Meeting.

Conference Hotels

	Single (1 person)	Double (2 people)	Double/Double	Suite
1. Red Lion Jantzen Beach 909 North Hayden Island Dr. Portland, OR 97217 1-800-547-8018 Direct (503) 283-4466	\$54	\$64	*	Vary
2. Red Lion Inn, Columbia River 1401 North Hayden Island Dr. Portland, OR 97217 1-800-547-8010 Direct (503) 283-2111	\$54	\$64	*	Vary

*Double/Double is double rate plus \$10 per person. Rates do not include city room tax.

Cancellations/changes. Registration and meal cancellations and changes will be accepted by the League office until November 7th at no charge. Cancellations made after 5 p.m. November 7th, 1990, will not be refunded. Because space is limited it is advisable to preregister for conference meal functions. Vegetarian meals can be arranged; please indicate on registration form by marking a "V" by the meal and indicate how many.

Parking. There is ample free parking at the Red Lion Inn. The hotels are within walking distance of each other and with the abundance of parking, no shuttle will be provided.

Housing Reservation Information

DEADLINE: Reservations must be made by October 16th

The Red Lion Inn, Jantzen Beach is the headquarters hotel. All conference sessions will be held in this facility. The overflow facility listed below is holding a room block for our conference. Rates and locations of the hotels are indicated.

Procedures. All room reservations will be made directly with the hotels. Toll free numbers are listed below. When making reservations please identify yourself as a delegate of the League of Oregon Cities in order to receive special room rates.

Please do not call the League office for room reservations. Room confirmations will be sent directly from the hotel.

Requests for room reservations must be received no later than October 16th. After that date any available rooms will cost the regular rate, which is considerably higher. Any additions, changes, or cancellations of reservations should be made by contacting the hotel directly.

The rooms at Jantzen Beach will be filled first, then Columbia River, unless otherwise specified.

Should you have any questions about the preregistration or housing reservation process, please call the League of Oregon Cities, (503) 588-6550. We look forward to seeing you at our 65th Annual Conference and Business Meeting.

Conference Hotels

	Single (1 person)	Double (2 people)	Double/Double	Suite
1. Red Lion Jantzen Beach 909 North Hayden Island Dr. Portland, OR 97217 1-800-547-8018 Direct (503) 283-4466	\$54	\$64	*	Vary
2. Red Lion Inn, Columbia River 1401 North Hayden Island Dr. Portland, OR 97217 1-800-547-8010 Direct (503) 283-2111	\$54	\$64	*	Vary

*Double/Double is double rate plus \$10 per person. Rates do not include city room tax.

VI-1

5,

**LEAGUE OF OREGON CITIES
1990 ANNUAL CONFERENCE AND BUSINESS MEETING**

**Designation of Voting Delegate
At Annual Business Meeting**

The annual business meeting will be held Monday, November 12, at 7:30 a.m. Each city is entitled to cast one vote at the business meeting; all city officials are encouraged to attend.

Use this form to indicate those persons who will represent your city as a voting delegate and alternate delegate. The voting delegate or alternate should pick up a voting card at the Conference Registration Desk on Monday morning prior to the business meeting. **NOTE: Delegates may not vote without a voting card, and voting cards will be issued only to a person indicated on this form. Voting by proxy will not be permitted.**

VOTING DELEGATE

Name _____

Title _____

ALTERNATE

Name _____

Title _____

Submitted by: _____
(Signature)

Name _____
(Print)

Title _____

City _____

Telephone _____

Return by October 31 to:

League of Oregon Cities
P.O. Box 928
Salem, OR 97308

VI-1

6.

Equipment Exchange

**LEAGUE OF OREGON CITIES' CONFERENCE AND BUSINESS MEETING
RED LION INN/JANTZEN BEACH, PORTLAND -- NOVEMBER 10-12, 1990**

1. I would like to advertise the following used vehicles, equipment or other surplus items on the equipment exchange display board at the League Conference (include brief description and asking price):

2. We are interested in purchasing the following used equipment or vehicle(s):

Please complete and return
by **October 31** to:

League of Oregon Cities
P.O. Box 928
Salem, OR 97308

Submitted by _____

Title _____

City/Agency _____

Address _____

Phone _____

EQUIPMENT

VI-1

7.

Thursday, 7:00 p.m.

September 13, 1990

CITY OF NEWBERG
COMMUNITY DEVELOPMENT COMMITTEE
MINUTES

Newberg Wastewater Treatment Plant

Newberg, Oregon

The meeting was called to order at 7:00 p.m. by Chairman Alan Halstead.

ROLL CALL:

Present: Alan Halstead
 Donna McCain
 Donna Proctor
 Jack Nulsen
 Elvern Hall, Mayor

Staff Present:

Dennis Egner, City Planning Director
Duane R. Cole, City Manager

Mr. Egner opened the meeting by discussing the status of the Historic Preservation process.

He indicated there were two items to be adopted. The first is the ordinance that sets up the policies for dealing with the historic properties. The second item is the list of properties that defines which properties will be protected. Mr. Egner asked the committee for guidance regarding the process for adopting these two items. After a discussion it was decided that the list and draft ordinance would be developed for staff to hold a public meeting to answer questions and take input. The ordinance would then be placed in front of the City Council since it has been approved by the Planning Commission and the list from this meeting would go to the Planning Commission for their consideration. The Council would then adopt the ordinance followed by the Planning Commission's passing of the list onto the City Council. In this way, the policies and the actual properties affected would be dealt with at the same time. It was suggested that the City record at the County the historic preservation status of property so that property owners would know.

Mr. Egner updated the committee on the Comprehensive Plan Update. He indicated that the Comprehensive Plan policy document had been developed which included the mobile home ordinance. He indicated he would be breaking the policy issues down into digestible bites for the City Council's consideration. The committee had a long discussion regarding the mobile home ordinance and Mr. Egner explained many of the provisions under consideration. He suggested that the opportunity needs to be available for development of mobile homes in the community. This does not mean that 20% of the community must be developed by

Community Development Committee
Minutes - 9/13/90

mobile homes. Some areas of the City would be excluded from mobile homes and developers could place deed restrictions on properties restricting mobile home development.

Mr. Egner talked to the committee about the Newberg/Dundee by-pass. He indicated that the Council would be requested to name a member of the Newberg Urban Area Management Committee. The process would be that the County would hold a hearing at which the County, Newberg and Dundee areas would be represented. The City Councils of Newberg and Dundee would then adopt policies providing for the development of the a by-pass. Mr. Egner advised the committee that two Planning Commissioners, a Council member and one appointed person would need to serve on the Newberg Urban Area Management Committee. Staff indicated that the October 4th meeting would be a good time to consider the appointment to the Newberg Urban Area Management Committee.

The City Manager briefed the committee on the Northeast Area Transportation Plan. There was a discussion of the staff report that will go to Council on Tuesday, September 18th. No action was taken by the committee regarding the NEAT-P.

The City Manager reported on a partition that was a matter of contention with Fred Casey. The issue was the interpretation of State Law regarding surveying checks of partitions. The City Manager believed the City staff was over-enforcing the provisions in the State Law. Mr. Casey felt that it took staff too long to process the application. The City Manager expressed general agreement and indicated that next time there may be disagreement on the outcome, but this time he felt that Mr. Casey's interpretation of State Law was accurate.

There being no further business to come before the committee, the meeting was adjourned at 8:20 p.m.

Respectively submitted:



Duane R. Cole
City Manager

Tuesday, 7:00 a.m.

September 25, 1990

FINANCE COMMITTEE
MINUTES

J's Restaurant

Newberg, Oregon

The meeting was called to order by Chair Joe Young at 7:20 a.m.

ROLL CALL:

Present: Donna McCain
C. Eldon McIntosh
Joe Young

Absent: Rick Rementeria

Others Present:

Kathy Tri, Finance Director
Ellen Cooper, Asst. Finance Director

NEW BUSINESS:

BALLOT MEASURE #5:

Kathy Tri reviewed her memorandum on Ballot Measure #5, property tax limitation. She explained that this is a constitutional amendment which imposes limits on property taxes, restricts user charges or incurred charges, and restricts the ability of communities to issue certain types of debt. She explained that the measure divides property taxes into two categories:

- (1) Taxes levied for public school systems, pre-kindergarten through post-graduate training, and
- (2) Taxes levied for other government operations other than the public school system.

She explained that the rate which applies to the City will be \$10.00 beginning in fiscal year 1991-92 and a sliding tax rate for schools beginning at \$15.00 for fiscal year 1991-92 and decreasing to \$5.00 in 1995-96. She indicated that this measure mandates the legislature to make up the difference in lost property tax revenue for schools through the fiscal year 1995-96. However, the measure does not provide any guidelines on how the legislature should do this, other than the fact that the money must come from the State General Fund. The State predicts that it will cost \$790 million dollars in the 91-93 biennium and over \$3 million dollars in the 1995-97 biennium. This equates to 15% of the state's General Fund in the first biennium and increases to 46% in the last biennium. There is no mandate that the legislature make up lost revenues for other jurisdictions. It is estimated that cities will lose \$49 million dollars in property taxes. This will

Finance Committee Minutes
September 25, 1990

primarily be in cities with low assessed values that provide full services.

She indicated that there were a number of features of the measure that are still unclear even to the Attorney General and it will be up to the legislature and the courts to set out the rules and procedures. One of the unclear areas is that dealing with system development charges. The measure will require the City to review each of fees and determine if they are a "tax" or an "incurred charge".

The measure will have a major impact on the City's ability to finance local improvements. After November 6th, the measure will require a vote of all the people within the City for Bancroft bonds. She indicated that there are other debt instruments available that are commonly used in other states. However, these instruments cost more and have a higher interest rate and will have to be evaluated at a later time. Another feature of the measure is that only general obligation debt for capital construction may be outside the rate limitation. Any other debt for such items as equipment will be inside the rate limitation. For example, if the City were to issue general obligation debt for a new City hall, the portion of the debt for the building would be outside the limitation, but that portion of the debt that might be for equipment such as telephones, computers and furniture, would have to be included in the \$10.00 limitation.

Once a taxing district exceeds the \$10.00 limit, the taxes must be reduced proportionally. For example, if the combined tax rate equalled \$11.00, each taxing district's tax rate would have to be reduced by 10%. The County Assessor estimates that the \$10.00 limit for Newberg residents reached may be within two to three years depending on assessed value growth. Another quirk in the ballot measure is the fact that it's the tax rate on a current market value in the fiscal year in which the taxes are levied. This provision will alter our current property tax assessment system.

MONTHLY REPORT:

Kathy Tri reviewed the monthly report for August. She highlighted that a new sheet is attached showing the difference between current revenues and current expenditures. The total for the month equals \$664,821 of which \$201,367 is for the General Fund. She expressed that it is important to track these differences so that the staff and City Council can better determine the City's working capital needs. She also indicated that the City continues to invest about the same amount as last month and that most of the money is in the investment pool earning slightly over 8%.

Page 3

Finance Committee Minutes
September 25, 1990

MONTHLY TRANSACTIONS:

The committee reviewed the monthly transactions and had no comments.

GRASS CUTTING LIENS:

Kathy Tri passed out a memo to the committee on grass cutting liens. She indicated that Ordinance No. 88-2232 pertains to cutting certain brush and grass in the City. Attached to the memo was a list of five properties which have outstanding bills for grass cutting. While most property owners comply with the initial request of the Fire Department to cut the grass, a few do not and require the City to do it for them. Those owners are notified and bills are sent to them. She mentioned that for one property in particular, 609 E. Sheridan, the bill has been unable to be delivered. The staff has checked with the County Assessor's office to determine the correct address and the bill is still returned as undeliverable. She will do further research to try to find out more about the property owner for this particular property.

Motion: McIntosh/Young move to bring the grass cutting liens back to the Council at its October 16, 1990 meeting. Vote on the motion: Carried unanimously by those present.

The meeting adjourned at 8:20 a.m.

\fcm

VI-1

12.

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: September 21, 1990

X MOTION

DATE ACTION REQUESTED: October 1, 1990

_____ RESOLUTION

_____ ORDINANCE

_____ INFORMATION

SUBJECT: Appointments to the Newberg Urban Area Management Commission (NUAMC)

RECOMMENDATION:

Appoint a representative from the City Council, a representative and alternate from Planning Commission and a representative and alternate from the Citizen Involvement Advisory Committee.

BACKGROUND:

On Monday, September 10, Planning Director Dennis Egner met with Yamhill County Acting Planning Director Bill Campbell to discuss policy coordination related to the Newberg-Dundee bypass. The State has been advising the two cities and two counties to be sure that policy language is consistent in each jurisdiction's comprehensive plan as each plan addresses a potential southern bypass. To assure consistency, Bill Campbell and Dennis Egner met to set forth a procedure whereby the three jurisdiction's comprehensive plans could be amended to include similar policy language. This process of amending the plans makes it necessary to convene the Newberg Urban Area Management Commission. NUAMC is made up of members of the Newberg City Council, Planning Commission, and Citizen Involvement Advisory Committee (CIAC), as well as members of the County Commission and County Planning Commission. County Planning Advisory Committee members also make up this commission.

To begin the process of amending the Comprehensive Plan, it has been suggested that an informational meeting of NUAMC be held in late October, with a joint public hearing held by NUAMC and the Dundee Urban Area Management Commission (DUAMC) in November. To meet this timeline, it is necessary that the City Council appoint members to NUAMC. The following appointments need to be made:

- One member from the Newberg City Council
- One member from the Newberg Planning Commission -- Rob Molson, *Volunteer*; Jack *Kris, Alternate*
- One member from the Newberg Citizen Involvement Advisory Committee

A list of Planning Commission members and the most recent list of CIAC members has been attached. We suggest that you appoint both a primary and an alternate member from the Planning Commission and the CIAC.

The role of the NUAMC will not immediately end following the conclusion of the Newberg-Dundee Bypass discussion. Other tasks for the Commission include:

1. Revising the Urban Area Growth Management Agreement with the County; and
2. Adoption of the Northeast Area Transportation Plan for areas outside the Newberg city limits.

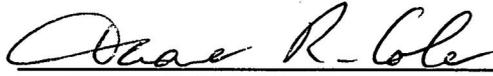
IX-1

The task of adopting the Northeast Area Transportation Plan will require action by this Committee.

COST: None



Dennis Egner, Planning Director



Duane Cole, City Manager

IX 7

LIST OF CITIZEN INVOLVEMENT ADVISORY COMMITTEE MEMBERS
AND INTERESTED PARTIES

REGULAR MEETING DATE:
MONTHLY/2ND THURS./7:30

COMMITTEE MEMBERS:

KATHLEEN SULLIVAN
2300 E. THIRD
NEWBERG OR 97132
538-8133 (W) OR 538-2317 (H)

Planning Commission

DONNA MCCAIN
1207 PENNINGTON DR S
NEWBERG OR 97132
538-4696 (H)

Chehalam Park & Rec

LEONARD RYDELL
601 PINEHURST DR
NEWBERG OR 97132
538-5700 (H)

At Large

JIM SNELL
509 SW WALNUT
DUNDEE OR 97115
538-9461 (W) OR 538-2891 (H)

Chamber of Commerce

NINA WATERS
2200 PROSPECT DR
NEWBERG OR 97132
538-3081 (H)

At Large

KEN AUSTIN, III
ADI
POB 189
NEWBERG OR 97132
538-7311 (W) OR 538-8404 (H)

Newberg Industrial Group

ALLYN BROWN
501 E. FIRST
NEWBERG OR 97132
538-3138 (W) OR 538-9851 (H)

NDA - Inactive Now

HAL GROBEY
2715 DOUGLAS AVENUE *off council*
NEWBERG OR 97132
800-422-4012 X 4301 (W) OR 538-5617 (H)

Council member

VACANT

Building Trades

IX-1

FRED CASEY
POB 188
NEWBERG OR 97132
538-8694 (H)

off School
Board

School Board

JEAN HARRIS
3305 VITTORIA WAY, #21
NEWBERG OR 97132
538-3540 (H)

at large

BILL JACKSON
615 N COLLEGE
NEWBERG OR 97132
538-8383 (W) OR 538-8134 (H)

George Fox College

AGENDA AND MINUTES ONLY:

KCYX
POB 207
MCMINNVILLE OR 97128

YAMHILL COUNTY PLANNING DEPT.
5TH & EVANS
MCMINNVILLE OR 97128

NEWBERG HUMAN RESOURCES CENTER
408 E. THIRD
NEWBERG OR 97132

CHAMBER OF COMMERCE
115 N. WASHINGTON
NEWBERG OR 97132

NEWBERG DOWNTOWN ASSOCIATION
518 E. FIRST
NEWBERG OR 97132

NEWBERG GRAPHIC
POB 110
NEWBERG OR 97132

STATESMAN JOURNAL REPRESENTATIVE

LIBRARY
DOWNSTAIRS WINDOW
ALL COUNCIL MEMBERS

IX-7

L E G A L M E M O
September 28, 1990

TO: Newberg City Council
FROM: Terrence D. Mahr 
City Attorney

There are three documents presented to you that you can adopt concerning the collector alignment. They are as follows:

1. Resolution
 - A. Cannot be referred to the voters.
 - B. Initiate a plan amendment to change the location of the collector to the "Crestview" alignment when the Springbrook District Master Plan is submitted.
 - C. Leaves the present alignment on Mountainview Road.
 - D. Requires a majority vote of the quorum.
 - E. Probably can be appealed to LUBA and maybe procedural problems, but feel relatively comfortable.
2. Ordinance initiating plan amendment.
 - A. Can be referred to voters.
 - B. Initiates the plan amendment to change the location of the collector to the "Crestview" alignment when the Springbrook District Master Plan is submitted.
 - C. Leaves the designation of collector on Mountainview Road.
 - D. Requires five affirmative votes by Council members.
 - E. Probably can be appealed to LUBA and maybe procedural problems, but feel relatively comfortable.
 - F. Has a three year Sunset provision.
3. Ordinance adopting plan amendment.
 - A. Can be referred to the voters.
 - B. The alignment is presently changed to Crestview Dr.
 - C. Requires five affirmative votes of the Council.
 - D. Can be appealed to LUBA and there could be procedural problems.
 - E. Has a three year Sunset provision.

I will be glad to offer further explanation but I think you have heard this issue a number of times.

X-1

17

INITIATING

RESOLUTION NO. 90-1580

A RESOLUTION INITIATING A PLAN AMENDMENT FOR A REVISED ALIGNMENT FOR A PROPOSED COLLECTOR STREET CONNECTING MOUNTAINVIEW DR. AND SPRINGBROOK ST. TO BE FORMALLY INITIATED AS A COMPREHENSIVE PLAN AMENDMENT AT THE TIME THE PROPOSED SPRINGBROOK DISTRICT MASTER PLAN IS SUBMITTED AND PROVIDING FOR A SUNSET PROVISION OF THREE YEARS.

RECITALS:

1. The City authorized JRH TRANSPORTATION ENGINEERING to conduct a study of traffic in a specific area in the northeast portion of the city. Said traffic study is the Northeast Newberg Transportation Study which has been adopted by the City by Resolution No. 90-1438.
2. The City adopted Ordinance No. 90-2271 on February 5, 1990, which provided for revised alignment of a proposed collector street connecting Mountainview Dr. and Springbrook St. along a portion of Crestview Dr. in the area addressed in the traffic study.
3. Ordinance No. 90-2271 was referred to the voters and said Ordinance was rejected at the August 12, 1990 election.
4. The City Council has held public hearings to address the proposed alignment that had previously been addressed by Ordinance 90-2271. Said public hearings were held on September 4, 1990, September 18, 1990 and October 1, 1990.
5. The City Council has considered special standards, conditions and amenities to be required to be constructed at the same time the proposed collector is built in order to initiate any adverse impact on adjacent residential property to the south.
6. The City Council has the authority to initiate plan amendments and zone changes to the Newberg Comprehensive Plan and the Newberg Zoning Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Newberg, Oregon, as follow, to-wit:

1. The Newberg City Council adopts the recitals above-mentioned and the findings of facts which shall be made part of this Ordinance and attached as Exhibit "A".

X-1

18

2. The Newberg Comprehensive Plan Map (Ordinance No. 1967 as amended) shall remain as it presently exists with the Mountainview Dr. designated as a collector street from the intersection of Mountainview Dr. at Aspen Way, eastwardly to the intersection of Springbrook St.

3. A comprehensive plan amendment shall be initiated by the Newberg City Council at such time as the master plan for the Springbrook District is submitted to the City. The necessary hearings and procedure concerning such amendments shall be conducted in conjunction with the necessary hearings and procedure concerning the Springbrook Master Plan. The Comprehensive Plan amendment that is initiated shall be to adopt a revised alignment for a proposed collector street connecting Mountainview Dr. and Springbrook St. as depicted on Exhibit "B", "C" and "D" of this ordinance. Further, the amendments shall remove the collector street from Mountainview Dr. portion as referred to in Section 2.

4. The advised alignment for the proposed collector street as indicated in Section 3 shall have the following standards and conditions:

A. The collector street connection between Mountainview Dr. and Springbrook St. shall generally follow the alignment depicted on the attached Exhibit "B". The proposed collector street and access road shall be developed according to the street plan and section depicted as attached Exhibit "C".

B. Except where required for cul-de-sac, a minimum 20 feet wide landscaped area shall be provided between the access road and the collector street. The landscaped area shall include a noise barrier wall.

C. The landscaped area and noise barrier shall be similar in concept to the rendering attached as Exhibit "D" which was submitted at the September 18, 1990, City Council Meeting.

D. The access road shall be a minimum of 24 feet in width and shall include a cul-de-sac at the east end. The cul-de-sac shall be designed with the maximum radius possible.

E. Future expansion of the collector street shall be to the north of the alignment depicted in Exhibit "C". The integrity and function of the landscaping and noise buffering shall be maintained if additional travel lanes are added to the collector street in the future.

Resolution

EXHIBIT A - RESOLUTION NO.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

PLANNING DEPARTMENT FILE NO. G-7-90

I. PROPOSAL

The City proposes adoption of a revised alignment for a proposed collector street connecting Mountainview Drive and Springbrook Street as depicted on Exhibits B, C and D. The City will formally implement this alignment with a Comprehensive Plan Amendment at the time the proposed Springbrook District Master Plan is adopted.

II. CRITERIA

Specific written criteria for revision of the street alignment does not exist. In lieu of such criteria, the City Council concludes that such an amendment must be consistent with applicable policies of the Comprehensive Plan and must be consistent with the relevant Statewide Planning Goals. In conclusion, the criteria are as follows:

- A. Conformance with applicable policies of the Comprehensive Plan of the City of Newberg.
- B. Conformance with applicable Statewide Planning Goals.

III. BACKGROUND FACTS

- A. On July 6, 1989, the Newberg City Council authorized a traffic study for a specific area in the northeast portion of the City. Following extensive public input and coordination with affected local jurisdictions such as Yamhill County, JRH Transportation Engineering prepared the Northeast Newberg Area Traffic Study for presentation to the Planning Commission and City Council. A draft report was submitted to the Commission August 21, 1989.

The study examines existing circulation and roadway alignment conditions in the northeast portion of the City as defined in the Study and the nature and potential future transportation impacts of anticipated development in the area. Based upon such analysis of the area and the identification of various public safety issues, transportation plan alternatives including proposed street classifications and conceptual roadway alignments, were generated for public review.

The initial draft study presented to the Commission recommended Alternative 2, as well as a number of common features that were part of all the alternatives. At the request of the Commission a supplement to the Study was prepared by JRH Transportation Engineering. The supplement included five plan alternatives and a traffic analysis of each

X-1

21

alternative, with a recommended plan which reflected a combination of Alternative 4 and Alternative 2.

- B. The Commission adopted a recommendation on October 10, 1989 to approve the Northeast Newberg Traffic Study, exclusive of the conceptual realignment of Crestview Drive within an area bounded by Aspen Way, Mountainview Drive, Springbrook Road and existing Crestview Drive.
- C. The City Council held meetings to consider this matter on November 6, 1989, November 21, 1989, December 4, 1989, and January 16, 1989. By resolution and separate ordinances, the Council accepted the commissions recommendation and adopted the study with minor revisions.
- D. With regard to Crestview Drive, the Traffic Study calls for the continuation of the roadway from Springbrook Street as a collector street. Within the above-referenced geographic area, the Council heard public testimony and evidence in support of two principal alternative alignments to connect Mountainview Drive and Springbrook Street. The primary distinction between these realignment proposals - one submitted by Austin Industries and another submitted by various area residents - is the proximity to the existing Crestview Drive alignment. Based upon the testimony received, the recommendations of City staff and the findings and conclusions set forth below, the City Council adopted the conceptual realignment for the portion of Crestview Drive submitted by Austin Industries.
- E. On February 5, 1990, the City Council adopted Ordinance No. 90-2271 which revised the alignment for a portion of Crestview Drive. Following adoption, interested citizens circulated petitions and filed a referendum to refer the ordinance to the City voters. On June 12, 1990, the voters rejected Ordinance No. 90-2271. During July, August, and September, City staff and elected officials worked with interested parties in an attempt to resolve the dispute over the proposed street alignment. On September 4th and 18th, the City Council held public hearings and received testimony on the issue. At the September 18th Council meeting, a rendering of the proposed alignment was submitted to illustrate how the street could be buffered from adjoining residential properties. At that meeting, the City Council by motion requested the City Attorney to draw the necessary documents for presentation at the October 1, 1990 meeting to identify the realignment of the collector to be formally adopted as a plan map amendment at the time the proposed Springbrook District Master Plan is approved.

IV. COMPLIANCE WITH CRITERIA

The criteria for amending the street alignment are conformance with applicable policies of the Plan and Statewide Planning Goals. In the following sections, Comprehensive Plan goals and policies and relevant Statewide Goals are listed and are addressed as to relevancy and, as appropriate, compliance.

- A. Inapplicable Goals and Policies of the Newberg Comprehensive Plan

For purposes of this criterion, the Council deems inapplicable those Comprehensive Plan Goals which constitute general planning guidelines to be implemented through specific policies and implementing ordinance standards.

1. Based upon a review of the Comprehensive Plan and the record in this matter, the Council finds that the following Plan policies do not apply to the realignment of a portion of Crestview Drive because they are intended to address specific land development proposals rather than to a change in the type and level of a proposed public facility to meet future development needs:

FOREST LANDS:
Policies 1-3.

AIR, WATER AND LAND RESOURCE QUALITY:
Policies 4 and 7.

OPEN SPACE, SCENIC, NATURAL, HISTORIC, AND RECREATIONAL RESOURCES:
Open Space and Natural Resources Policies 1 and 3-5; Scenic Resources Policy 1; and Historic Resources Policy 1.

ECONOMY:
General Policy 5.

HOUSING:
Density Policies 1-3; Location Policies 1-2; and Mix Policies 5-6 and 8-10.

URBAN DESIGN:
General Policies 1-5; Commercial Areas Policy 3; and Residential Areas Policies 1-5.

TRANSPORTATION:
Overall Transportation Policies 1-2; Automobile Policy 4; Bicycles and Pedestrians Policies 4-8.

These policies are intended to be addressed during discretionary land use reviews for specific development projects, including PUD reviews. The policies will need to be addressed when the Springbrook Master Plan is approved.

2. The Council finds that the subject matter of the following policies renders these policies inapplicable to the decision to initiate a plan amendment to realign this limited segment of Crestview Drive:

FOREST LANDS:
Policy 3.

AIR, WATER, AND LAND RESOURCE QUALITY:

Policies 2-3 and 5-6.

AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS:
Policies 1 and 2.

OPEN SPACE, SCENIC, NATURAL, HISTORIC, AND RECREATIONAL
RESOURCES:
Open Space and Natural Resources Policy 6 and Willamette
River Greenway Policies 1-9.

ECONOMY:
General Policy 4; Industrial Areas Policies 1-2; and
Commercial Areas Policies 1-4.

HOUSING:
Mix Policies 2-4 and 7.

URBAN DESIGN:
Industrial Areas Policy 1 and Commercial Areas Policies
1-3; Residential Areas Policies 6-10.

PUBLIC FACILITIES AND SERVICES:
Sewers and Water Policies 1-4.

TRANSPORTATION:
Overall Transportation Policy 3; Automobile Policy 6.

URBANIZATION:
Policies 5-9.

3. The Council finds that the following policies do not apply because they relate to land use planning procedures and to the planning of public facilities and services on a City-wide basis rather than to the provisions of a specific facility or service to or upon individual properties at a specific location:

CITIZEN INVOLVEMENT

LAND USE PLANNING:
Policies 1-3.

AIR, WATER, AND LAND RESOURCE QUALITY:
Policy 1.

OPEN SPACE, SCENIC, NATURAL, HISTORIC, AND RECREATIONAL
RESOURCES:
Open Space and Natural Resources Policy 2; Historic
Resources Policy 2; and Recreation Policies 1-8.

ECONOMY:

General Policies 1-3.

HOUSING:

Mix Policy 1.

TRANSPORTATION:

Overall Transportation Policies 4-6; Automobile Policies 1 and 3, and 6-13; Bicycles and Pedestrians Policies 1-3 and 9; Van/Small Transit Policy 1; and Air Transportation Policy 1.

PUBLIC FACILITIES AND SERVICES:

All Facilities and Services Policies 1-5; Street Lighting Policies 1-2; Fire Protection Policies 1-3; Schools Policies 1-8; and Civic Center Policies 1-2.

ENERGY:

Private Energy Conservation Policies 1-2; Public Energy Conservation Policies 1-3; and Design Policy 1.

URBANIZATION:

Policies 1-4.

B. Relevant Newberg Comprehensive Plan Goals and Policies

The Council finds the following Comprehensive Plan policies to be relevant to the proposed roadway realignment at the subject location. The Council finds the proposed roadway to be consistent with these policies:

1. Air, Water and Land Resource Policy No. 8

The threat of excessive noise will be considered when reviewing land use requests. In addition, any new commercial and industrial developments shall conform to DEQ noise pollution standards.

Finding

The design of roadway improvements will generally conform with attached Exhibits B, C, and D. Final design will be determined at the time of construction and will conform to all City and State noise emission standards. Generally, the final design will be addressed as a part of site plan review, since street improvements will occur as a part of private development in the area. Specific methods of noise reduction including berms, and walls were considered and discussed by the City Council and will be imposed, consistent with attached exhibits, at the time of site plan review.

2. Overall Transportation, Policies 1-6

- (1) Transportation facilities will recognize and respect the natural features of the areas in which they are sited and will be designed to minimize impacts on these features.
- (2) Transportation facilities will respect adjacent land uses and be so designed as to be an asset to an area rather than a disruptive feature. As such, transportation facilities should be landscaped and designed to be aesthetically pleasing.

Finding

There is no evidence in the record of significant or unique natural features within or adjacent to the realigned roadway. With respect to natural features such as existing tree cover and terrain and adjacent land use to be addressed under Policy 2, any impact upon such features or uses will be assessed prior to design and construction through the site review process. Given this subsequent review proceeding, which will be required when and if the roadway is constructed in conjunction with the adjoining development, the Council finds that these policies are not applicable to the realignment determination.

- (3) Proposals for major new transportation facilities and services shall identify impacts, as well as the financial feasibility of various projects, on:
 - (a) Land Use;
 - (b) Natural and Scenic Resources;
 - (c) Air Resource Quality, including noise;
 - (d) Water and Land Resource Quality; and
 - (e) Existing and Planned Transportation Facilities.

Finding

This policy imposes various review criteria upon major new transportation facilities, and the Council construes this term to not include the conceptual realignment of this limited segment of Crestview Drive. The proposed classification of this roadway as a collector does not change with the realignment decision, and the realignment of this portion of the roadway, standing alone, will not result in an appreciable increase in vehicular traffic to or from the area. Instead, the proposed realignment merely serves to provide a more efficient vehicular route from Springbrook Street to Mountainview Drive. The proposed alignment will be considered in conjunction with the proposed Springbrook district master plan which will address existing comprehensive plan and zone map designations on adjacent properties. For these reasons the future shift in the location of the roadway is neither "major" or "new", since the collector designation and the nature and intensity of adjoining land uses shall be addressed in the future. If, however the nature and intensity of the surrounding land uses changes, the City may require additional studies.

Furthermore, except as identified on attached exhibits, the specific location, design, and funding of the realigned Crestview Drive has yet to be determined. As a result, the application of this policy, even if deemed relevant, could not occur until these issues have been resolved. As such, any subsequent determination that this policy is applicable necessarily would require that the policy be addressed at the time of roadway construction.

- (4) Transportation improvements shall be used to guide urban development and shall be designed to serve anticipated future needs.
- (5) While automobiles shall continue as the primary means of transportation, the City shall encourage the development of a variety of alternative modes including small mass transit, bicycle and pedestrian systems.
- (6) Low density areas shall continue to be served primarily by automobiles with bike and pedestrian paths along selected arterials and collectors.

Finding

Although these policies serve as guidelines for street improvements city-wide, they do not serve as binding criteria for specific construction projects and, for this reason, these policies are inapplicable.

3. Automobile, Policies 2 and 5

- (2) Future rights-of-way should be identified in undeveloped areas to facilitate acquisition with minimal disruption and cost.

Finding

The designation of a future realignment of Crestview Drive supports this policy by serving to identify a future right of way prior to development of the subject property and in a manner which will define the permissible nature and intensity of development on adjacent lands.

- (5) To help facilitate traffic flow in the northern portion of the City an east-west collector street is needed.

Finding

The proposed alignment supports this policy by providing an integral and more efficient roadway system in northeast Newberg consistent with the recommendations of the Northeast Newberg Traffic Study. With this alignment, the stated policy goal of providing an east-west collector to provide enhanced vehicular access through the northeast quadrant of the City is achieved.

C. Statewide Planning Goals

1. Goal No. 1 - Citizen Involvement

Finding

Public notice was provided through the Newberg Graphic newspaper and extensive press coverage of the issue. Public hearings were held before the Newberg Planning Commission on August 24, September 28 and October 10, 1989 at which testimony and other evidence were received. Public hearings and deliberations were also held before the City Council on November 6, November 21 and December 4, 1989 and January 16, 1990, at which additional testimony and evidence were received. Public workshops were held on August 15 and 20, 1990. The City Council held public hearings on September 4 and 18, 1990.

2. Goal No. 2 - Land Use Planning

Finding

Yamhill County and other affected public agencies were notified of the subject decision and afforded an opportunity to comment on the proposed realignment of Crestview Drive. During meetings between City and County staff, the City engaged in an exchange of information with the County and invited County comments upon the proposal. Since the portion of the roadway proposed for realignment lies entirely within the City limits, the nature and scope of this decision falls outside the terms of the Urban Growth Boundary Management Agreement with the County.

In addition, the current proposal is intended to provide guidance to the developer of the Springbrook District so that the proposed Crestview alignment can be formally adopted as part of the Springbrook Master Plan. The Comprehensive Plan Map depicting the current alignment will be approved at the time the Springbrook Master Plan is approved by the City. For these reasons, the Council finds this Goal to be met.

3. Goal No. 11 - Public Facilities and Services

Finding

This goal requires the City to develop plans that identify existing and projected types and levels of public facilities and services and to provide "a timely, orderly and efficient arrangement" of such services to meet community needs. Pursuant to the City's acknowledged Comprehensive Plan and street classification resolution, the existing Crestview Drive alignment carries a collector designation. The decision to provide a future alignment of a portion of this roadway does not affect this designation. On the other hand, expert testimony indicates that the proposed realignment provides (1) more efficient access to adjoining

industrial parcels, (2) a safer and more efficient crossing of existing railroad trackage, and (3) improved traffic flow within the Mountainview/Crestview Drive corridor designated as the major east-west collector through this portion of the City. For these reasons, the Council concludes that the proposed realignment is in compliance with this Goal.

4. Goal No. 12 - Transportation

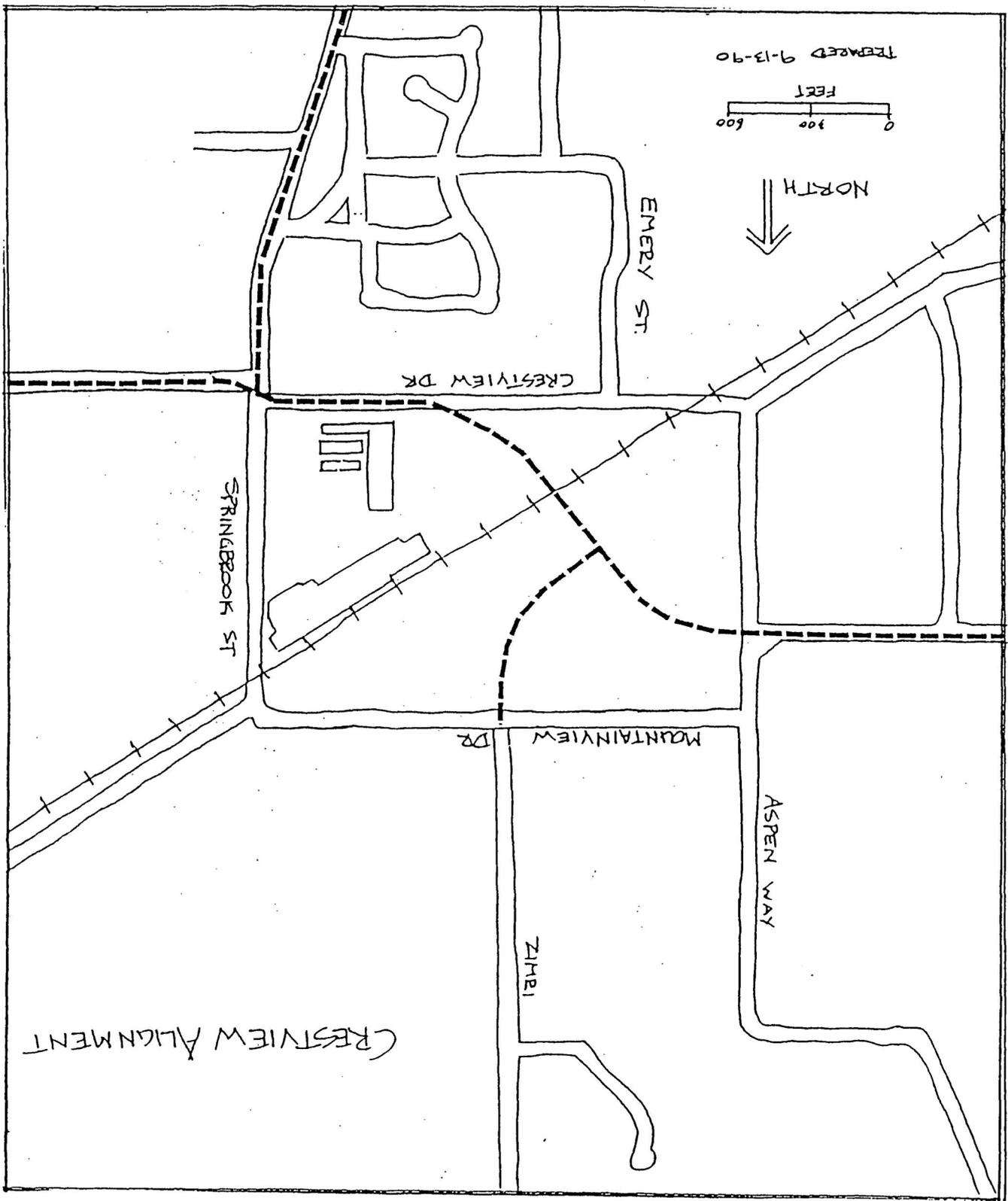
The City's Comprehensive Plan was acknowledged to be in compliance with all applicable Statewide Planning Goals on August 6, 1981. Accordingly, this Statewide Goal is implemented through a demonstration of compliance with applicable City transportation goals and policies. For the reasons set forth above, this proposed realignment is found to be consistent with those City transportation policies and is thereby deemed to be consistent with this Statewide Goal.

5. Other Goals

The remaining Statewide Planning Goals are deemed to be inapplicable to this particular action because (1) the affected area lies entirely within an acknowledged urban growth boundary (goals 3, 4, and 14, (2) there is no evidence to indicate that the affected area or adjoining properties contain resources or land characteristics governed by Goals 5 and 7 and (3) a roadway realignment decision has no affect upon or implications for the subject matter of the remaining Statewide Goals (Goals 6, 8, 9, 10, 13, and 15-19).

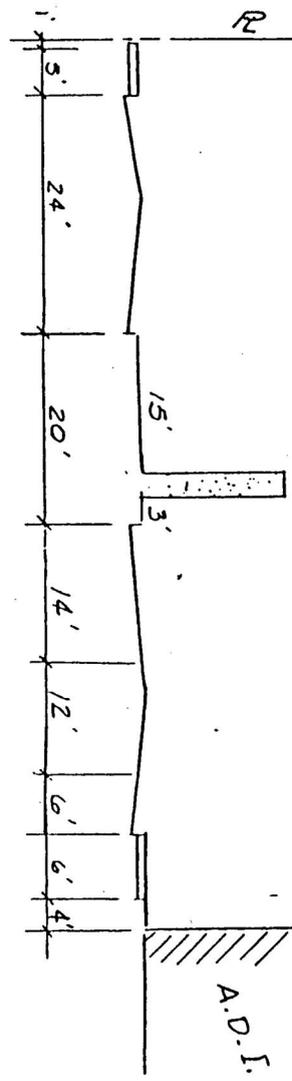
V. CONCLUSIONS

Based upon the findings and recommendations contained in the Northeast Newberg Traffic Study, testimony and evidence on the record, the City Council concludes that the realignment of Crestview Drive as depicted in Exhibit B, C and D attached hereto is consistent with applicable Comprehensive Plan policies and these Statewide Planning Goals. This alignment will be formally implemented as part of the Comprehensive Plan Map at the time the Springbrook District Master Plan is adopted.



X-1

30



SECTION LOOKING WEST

A.D.I.

MOUNTAINVIEW DR

6' SIDEWALK

BIKE LANE

E. CRESTVIEW DR.

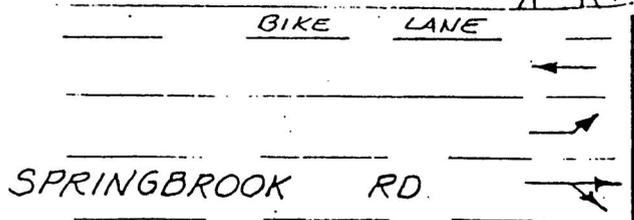
SOUND BARRIER WALL

PRIVATE DRIVE

BIKE PATH / SIDEWALK / EMERGENCY ACCESS

NORTHEAST NEWBERG
PROPOSED
TRANSPORTATION PLAN

SEPT. 21, 1990



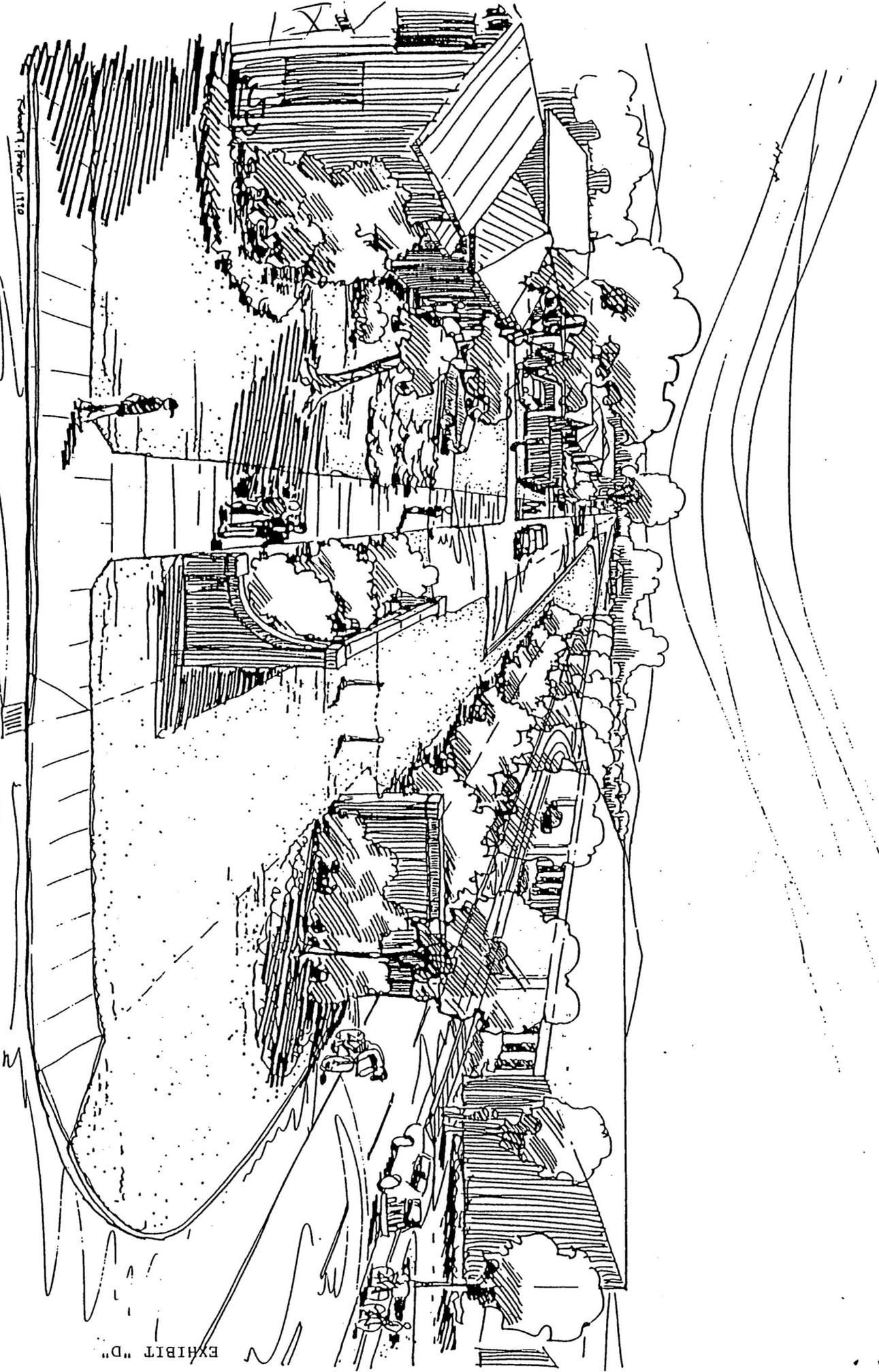
1"=40'

L.S.A.



3

CRESTVIEW PERSPECTIVE
LOOKING WEST FROM SPRINGBROOK



1110

EXHIBIT "D"

INITIATING

ORDINANCE NO. 90-2284

SPECIAL ORDINANCE

AN ORDINANCE INITIATING A PLAN AMENDMENT FOR A REVISED ALIGNMENT FOR A PROPOSED COLLECTOR STREET CONNECTING MOUNTAINVIEW DR. AND SPRINGBROOK ST. TO BE FORMALLY INITIATED AS A COMPREHENSIVE PLAN AMENDMENT AT THE TIME THE PROPOSED SPRINGBROOK DISTRICT MASTER PLAN IS SUBMITTED AND PROVIDING FOR A SUNSET PROVISION OF THREE YEARS.

RECITALS:

1. The City authorized JRH TRANSPORTATION ENGINEERING to conduct a study of traffic in a specific area in the northeast portion of the city. Said traffic study is the Northeast Newberg Transportation Study which has been adopted by the City by Resolution No. 90-1438.
2. The City adopted Ordinance No. 90-2271 on February 5, 1990, which provided for revised alignment of a proposed collector street connecting Mountainview Dr. and Springbrook St. along a portion of Crestview Dr. in the area addressed in the traffic study.
3. Ordinance No. 90-2271 was referred to the voters and said Ordinance was rejected at the August 12, 1990 election.
4. The City Council has held public hearings to address the proposed alignment that had previously been addressed by Ordinance 90-2271. Said public hearings were held on September 4, 1990, September 18, 1990 and October 1, 1990.
5. The City Council has considered special standards, conditions and amenities to be required to be constructed at the same time the proposed collector is built in order to initiate any adverse impact on adjacent residential property to the south.
6. The City Council has the authority to initiate plan amendments and zone changes to the Newberg Comprehensive Plan and the Newberg Zoning Ordinance.

NOW THEREFORE, THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

SECTION 1. The Newberg City Council adopts the recitals above-mentioned and the findings of facts which shall be made part of this Ordinance and attached as Exhibit "A".

IX-1

SECTION 2. The Newberg Comprehensive Plan Map (Ordinance No. 1967 as amended) shall remain as it presently exists with the Mountainview Dr. designated as a collector street from the intersection of Mountainview Dr. at Aspen Way, eastwardly to the intersection of Springbrook St.

SECTION 3. A comprehensive plan amendment shall be initiated by the Newberg City Council at such time as the master plan for the Springbrook District is submitted to the City. The necessary hearings and procedure concerning such amendments shall be conducted in conjunction with the necessary hearings and procedure concerning the Springbrook Master Plan. The Comprehensive Plan amendment that is initiated shall be to adopt a revised alignment for a proposed collector street connecting Mountainview Dr. and Springbrook St. as depicted on Exhibit "B", "C" and "D" of this ordinance. Further, the amendments shall remove the collector street from Mountainview Dr. portion as referred to in Section 2.

SECTION 4. The advised alignment for the proposed collector street as indicated in Section 3 shall have the following standards and conditions:

A. The collector street connection between Mountainview Dr. and Springbrook St. shall generally follow the alignment depicted on the attached Exhibit "B". The proposed collector street and access road shall be developed according to the street plan and section depicted as attached Exhibit "C".

B. Except where required for cul-de-sac, a minimum 20 feet wide landscaped area shall be provided between the access road and the collector street. The landscaped area shall include a noise barrier wall.

C. The landscaped area and noise barrier shall be similar in concept to the rendering attached as Exhibit "D" which was submitted at the September 18, 1990, City Council Meeting.

D. The access road shall be a minimum of 24 feet in width and shall include a cul-de-sac at the east end. The cul-de-sac shall be designed with the maximum radius possible.

E. Future expansion of the collector street shall be to the north of the alignment depicted in Exhibit "C". The integrity and function of the landscaping and noise buffering shall be maintained if additional travel lanes are added to the collector street in the future.

SECTION 5. SUNSET PROVISION. This ordinance shall remain in full force and effect for a period of three years from the date that the ordinance becomes final and beyond any appeal period.

PASSED by the City Council of the City of Newberg this ____ day of October, 1990, by the following votes:

Ayes: Nays: Absent:

Duane R. Cole, City Manager

APPROVED by the Mayor this _____ day of October, 1990.

Elvern Hall, Mayor

Attachments: A. Findings of Fact
 B. Crestview Alignment
 C. Street Plan and Section
 D. Crestview Rendering

FINDINGS OF FACT AND CONCLUSIONS OF LAW

PLANNING DEPARTMENT FILE NO. G-7-90

I. PROPOSAL

The City proposes adoption of a revised alignment for a proposed collector street connecting Mountainview Drive and Springbrook Street as depicted on Exhibits B, C and D. The City will formally implement this alignment with a Comprehensive Plan Amendment at the time the proposed Springbrook District Master Plan is adopted.

II. CRITERIA

Specific written criteria for revision of the street alignment does not exist. In lieu of such criteria, the City Council concludes that such an amendment must be consistent with applicable policies of the Comprehensive Plan and must be consistent with the relevant Statewide Planning Goals. In conclusion, the criteria are as follows:

- A. Conformance with applicable policies of the Comprehensive Plan of the City of Newberg.
- B. Conformance with applicable Statewide Planning Goals.

III. BACKGROUND FACTS

- A. On July 6, 1989, the Newberg City Council authorized a traffic study for a specific area in the northeast portion of the City. Following extensive public input and coordination with affected local jurisdictions such as Yamhill County, JRH Transportation Engineering prepared the Northeast Newberg Area Traffic Study for presentation to the Planning Commission and City Council. A draft report was submitted to the Commission August 21, 1989.

The study examines existing circulation and roadway alignment conditions in the northeast portion of the City as defined in the Study and the nature and potential future transportation impacts of anticipated development in the area. Based upon such analysis of the area and the identification of various public safety issues, transportation plan alternatives including proposed street classifications and conceptual roadway alignments, were generated for public review.

The initial draft study presented to the Commission recommended Alternative 2, as well as a number of common features that were part of all the alternatives. At the request of the Commission a supplement to the Study was prepared by JRH Transportation Engineering. The supplement included five plan alternatives and a traffic analysis of each

alternative, with a recommended plan which reflected a combination of Alternative 4 and Alternative 2.

- B. The Commission adopted a recommendation on October 10, 1989 to approve the Northeast Newberg Traffic Study, exclusive of the conceptual realignment of Crestview Drive within an area bounded by Aspen Way, Mountainview Drive, Springbrook Road and existing Crestview Drive.
- C. The City Council held meetings to consider this matter on November 6, 1989, November 21, 1989, December 4, 1989, and January 16, 1989. By resolution and separate ordinances, the Council accepted the commissions recommendation and adopted the study with minor revisions.
- D. With regard to Crestview Drive, the Traffic Study calls for the continuation of the roadway from Springbrook Street as a collector street. Within the above-referenced geographic area, the Council heard public testimony and evidence in support of two principal alternative alignments to connect Mountainview Drive and Springbrook Street. The primary distinction between these realignment proposals - one submitted by Austin Industries and another submitted by various area residents - is the proximity to the existing Crestview Drive alignment. Based upon the testimony received, the recommendations of City staff and the findings and conclusions set forth below, the City Council adopted the conceptual realignment for the portion of Crestview Drive submitted by Austin Industries.
- E. On February 5, 1990, the City Council adopted Ordinance No. 90-2271 which revised the alignment for a portion of Crestview Drive. Following adoption, interested citizens circulated petitions and filed a referendum to refer the ordinance to the City voters. On June 12, 1990, the voters rejected Ordinance No. 90-2271. During July, August, and September, City staff and elected officials worked with interested parties in an attempt to resolve the dispute over the proposed street alignment. On September 4th and 18th, the City Council held public hearings and received testimony on the issue. At the September 18th Council meeting, a rendering of the proposed alignment was submitted to illustrate how the street could be buffered from adjoining residential properties. At that meeting, the City Council by motion requested the City Attorney to draw the necessary documents for presentation at the October 1, 1990 meeting to identify the realignment of the collector to be formally adopted as a plan map amendment at the time the proposed Springbrook District Master Plan is approved.

IV. COMPLIANCE WITH CRITERIA

The criteria for amending the street alignment are conformance with applicable policies of the Plan and Statewide Planning Goals. In the following sections, Comprehensive Plan goals and policies and relevant Statewide Goals are listed and are addressed as to relevancy and, as appropriate, compliance.

A. Inapplicable Goals and Policies of the Newberg Comprehensive Plan

For purposes of this criterion, the Council deems inapplicable those Comprehensive Plan Goals which constitute general planning guidelines to be implemented through specific policies and implementing ordinance standards.

1. Based upon a review of the Comprehensive Plan and the record in this matter, the Council finds that the following Plan policies do not apply to the realignment of a portion of Crestview Drive because they are intended to address specific land development proposals rather than to a change in the type and level of a proposed public facility to meet future development needs:

FOREST LANDS:

Policies 1-3.

AIR, WATER AND LAND RESOURCE QUALITY:

Policies 4 and 7.

OPEN SPACE, SCENIC, NATURAL, HISTORIC, AND RECREATIONAL RESOURCES:

Open Space and Natural Resources Policies 1 and 3-5; Scenic Resources Policy 1; and Historic Resources Policy 1.

ECONOMY:

General Policy 5.

HOUSING:

Density Policies 1-3; Location Policies 1-2; and Mix Policies 5-6 and 8-10.

URBAN DESIGN:

General Policies 1-5; Commercial Areas Policy 3; and Residential Areas Policies 1-5.

TRANSPORTATION:

Overall Transportation Policies 1-2; Automobile Policy 4; Bicycles and Pedestrians Policies 4-8.

These policies are intended to be addressed during discretionary land use reviews for specific development projects, including PUD reviews. The policies will need to be addressed when the Springbrook Master Plan is approved.

2. The Council finds that the subject matter of the following policies renders these policies inapplicable to the decision to initiate a plan amendment to realign this limited segment of Crestview Drive:

FOREST LANDS:

Policy 3.

AIR, WATER, AND LAND RESOURCE QUALITY:

Policies 2-3 and 5-6.

AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS:
Policies 1 and 2.

OPEN SPACE, SCENIC, NATURAL, HISTORIC, AND RECREATIONAL
RESOURCES:
Open Space and Natural Resources Policy 6 and Willamette
River Greenway Policies 1-9.

ECONOMY:
General Policy 4; Industrial Areas Policies 1-2; and
Commercial Areas Policies 1-4.

HOUSING:
Mix Policies 2-4 and 7.

URBAN DESIGN:
Industrial Areas Policy 1 and Commercial Areas Policies
1-3; Residential Areas Policies 6-10.

PUBLIC FACILITIES AND SERVICES:
Sewers and Water Policies 1-4.

TRANSPORTATION:
Overall Transportation Policy 3; Automobile Policy 6.

URBANIZATION:
Policies 5-9.

3. The Council finds that the following policies do not apply because they relate to land use planning procedures and to the planning of public facilities and services on a City-wide basis rather than to the provisions of a specific facility or service to or upon individual properties at a specific location:

CITIZEN INVOLVEMENT

LAND USE PLANNING:
Policies 1-3.

AIR, WATER, AND LAND RESOURCE QUALITY:
Policy 1.

OPEN SPACE, SCENIC, NATURAL, HISTORIC, AND RECREATIONAL
RESOURCES:
Open Space and Natural Resources Policy 2; Historic
Resources Policy 2; and Recreation Policies 1-8.

ECONOMY:

General Policies 1-3.

HOUSING:

Mix Policy 1.

TRANSPORTATION:

Overall Transportation Policies 4-6; Automobile Policies 1 and 3, and 6-13; Bicycles and Pedestrians Policies 1-3 and 9; Van/Small Transit Policy 1; and Air Transportation Policy 1.

PUBLIC FACILITIES AND SERVICES:

All Facilities and Services Policies 1-5; Street Lighting Policies 1-2; Fire Protection Policies 1-3; Schools Policies 1-8; and Civic Center Policies 1-2.

ENERGY:

Private Energy Conservation Policies 1-2; Public Energy Conservation Policies 1-3; and Design Policy 1.

URBANIZATION:

Policies 1-4.

B. Relevant Newberg Comprehensive Plan Goals and Policies

The Council finds the following Comprehensive Plan policies to be relevant to the proposed roadway realignment at the subject location. The Council finds the proposed roadway to be consistent with these policies:

1. Air, Water and Land Resource Policy No. 8

The threat of excessive noise will be considered when reviewing land use requests. In addition, any new commercial and industrial developments shall conform to DEQ noise pollution standards.

Finding

The design of roadway improvements will generally conform with attached Exhibits B, C, and D. Final design will be determined at the time of construction and will conform to all City and State noise emission standards. Generally, the final design will be addressed as a part of site plan review, since street improvements will occur as a part of private development in the area. Specific methods of noise reduction including berms, and walls were considered and discussed by the City Council and will be imposed, consistent with attached exhibits, at the time of site plan review.

2. Overall Transportation, Policies 1-6

- (1) Transportation facilities will recognize and respect the natural features of the areas in which they are sited and will be designed to minimize impacts on these features.
- (2) Transportation facilities will respect adjacent land uses and be so designed as to be an asset to an area rather than a disruptive feature. As such, transportation facilities should be landscaped and designed to be aesthetically pleasing.

Finding

There is no evidence in the record of significant or unique natural features within or adjacent to the realigned roadway. With respect to natural features such as existing tree cover and terrain and adjacent land use to be addressed under Policy 2, any impact upon such features or uses will be assessed prior to design and construction through the site review process. Given this subsequent review proceeding, which will be required when and if the roadway is constructed in conjunction with the adjoining development, the Council finds that these policies are not applicable to the realignment determination.

- (3) Proposals for major new transportation facilities and services shall identify impacts, as well as the financial feasibility of various projects, on:
 - (a) Land Use;
 - (b) Natural and Scenic Resources;
 - (c) Air Resource Quality, including noise;
 - (d) Water and Land Resource Quality; and
 - (e) Existing and Planned Transportation Facilities.

Finding

This policy imposes various review criteria upon major new transportation facilities, and the Council construes this term to not include the conceptual realignment of this limited segment of Crestview Drive. The proposed classification of this roadway as a collector does not change with the realignment decision, and the realignment of this portion of the roadway, standing alone, will not result in an appreciable increase in vehicular traffic to or from the area. Instead, the proposed realignment merely serves to provide a more efficient vehicular route from Springbrook Street to Mountainview Drive. The proposed alignment will be considered in conjunction with the proposed Springbrook district master plan which will address existing comprehensive plan and zone map designations on adjacent properties. For these reasons the future shift in the location of the roadway is neither "major" or "new", since the collector designation and the nature and intensity of adjoining land uses shall be addressed in the future. If, however the nature and intensity of the surrounding land uses changes, the City may require additional studies.

Furthermore, except as identified on attached exhibits, the specific location, design, and funding of the realigned Crestview Drive has yet to be determined. As a result, the application of this policy, even if deemed relevant, could not occur until these issues have been resolved. As such, any subsequent determination that this policy is applicable necessarily would require that the policy be addressed at the time of roadway construction.

- (4) Transportation improvements shall be used to guide urban development and shall be designed to serve anticipated future needs.
- (5) While automobiles shall continue as the primary means of transportation, the City shall encourage the development of a variety of alternative modes including small mass transit, bicycle and pedestrian systems.
- (6) Low density areas shall continue to be served primarily by automobiles with bike and pedestrian paths along selected arterials and collectors.

Finding

Although these policies serve as guidelines for street improvements city-wide, they do not serve as binding criteria for specific construction projects and, for this reason, these policies are inapplicable.

3. Automobile, Policies 2 and 5

- (2) Future rights-of-way should be identified in undeveloped areas to facilitate acquisition with minimal disruption and cost.

Finding

The designation of a future realignment of Crestview Drive supports this policy by serving to identify a future right of way prior to development of the subject property and in a manner which will define the permissible nature and intensity of development on adjacent lands.

- (5) To help facilitate traffic flow in the northern portion of the City an east-west collector street is needed.

Finding

The proposed alignment supports this policy by providing an integral and more efficient roadway system in northeast Newberg consistent with the recommendations of the Northeast Newberg Traffic Study. With this alignment, the stated policy goal of providing an east-west collector to provide enhanced vehicular access through the northeast quadrant of the City is achieved.

C. Statewide Planning Goals

1. Goal No. 1 - Citizen Involvement

Finding

Public notice was provided through the Newberg Graphic newspaper and extensive press coverage of the issue. Public hearings were held before the Newberg Planning Commission on August 24, September 28 and October 10, 1989 at which testimony and other evidence were received. Public hearings and deliberations were also held before the City Council on November 6, November 21 and December 4, 1989 and January 16, 1990, at which additional testimony and evidence were received. Public workshops were held on August 15 and 20, 1990. The City Council held public hearings on September 4 and 18, 1990.

2. Goal No. 2 - Land Use Planning

Finding

Yamhill County and other affected public agencies were notified of the subject decision and afforded an opportunity to comment on the proposed realignment of Crestview Drive. During meetings between City and County staff, the City engaged in an exchange of information with the County and invited County comments upon the proposal. Since the portion of the roadway proposed for realignment lies entirely within the City limits, the nature and scope of this decision falls outside the terms of the Urban Growth Boundary Management Agreement with the County.

In addition, the current proposal is intended to provide guidance to the developer of the Springbrook District so that the proposed Crestview alignment can be formally adopted as part of the Springbrook Master Plan. The Comprehensive Plan Map depicting the current alignment will be approved at the time the Springbrook Master Plan is approved by the City. For these reasons, the Council finds this Goal to be met.

3. Goal No. 11 - Public Facilities and Services

Finding

This goal requires the City to develop plans that identify existing and projected types and levels of public facilities and services and to provide "a timely, orderly and efficient arrangement" of such services to meet community needs. Pursuant to the City's acknowledged Comprehensive Plan and street classification resolution, the existing Crestview Drive alignment carries a collector designation. The decision to provide a future alignment of a portion of this roadway does not affect this designation. On the other hand, expert testimony indicates that the proposed realignment provides (1) more efficient access to adjoining

industrial parcels, (2) a safer and more efficient crossing of existing railroad trackage, and (3) improved traffic flow within the Mountainview/Crestview Drive corridor designated as the major east-west collector through this portion of the City. For these reasons, the Council concludes that the proposed realignment is in compliance with this Goal.

4. Goal No. 12 - Transportation

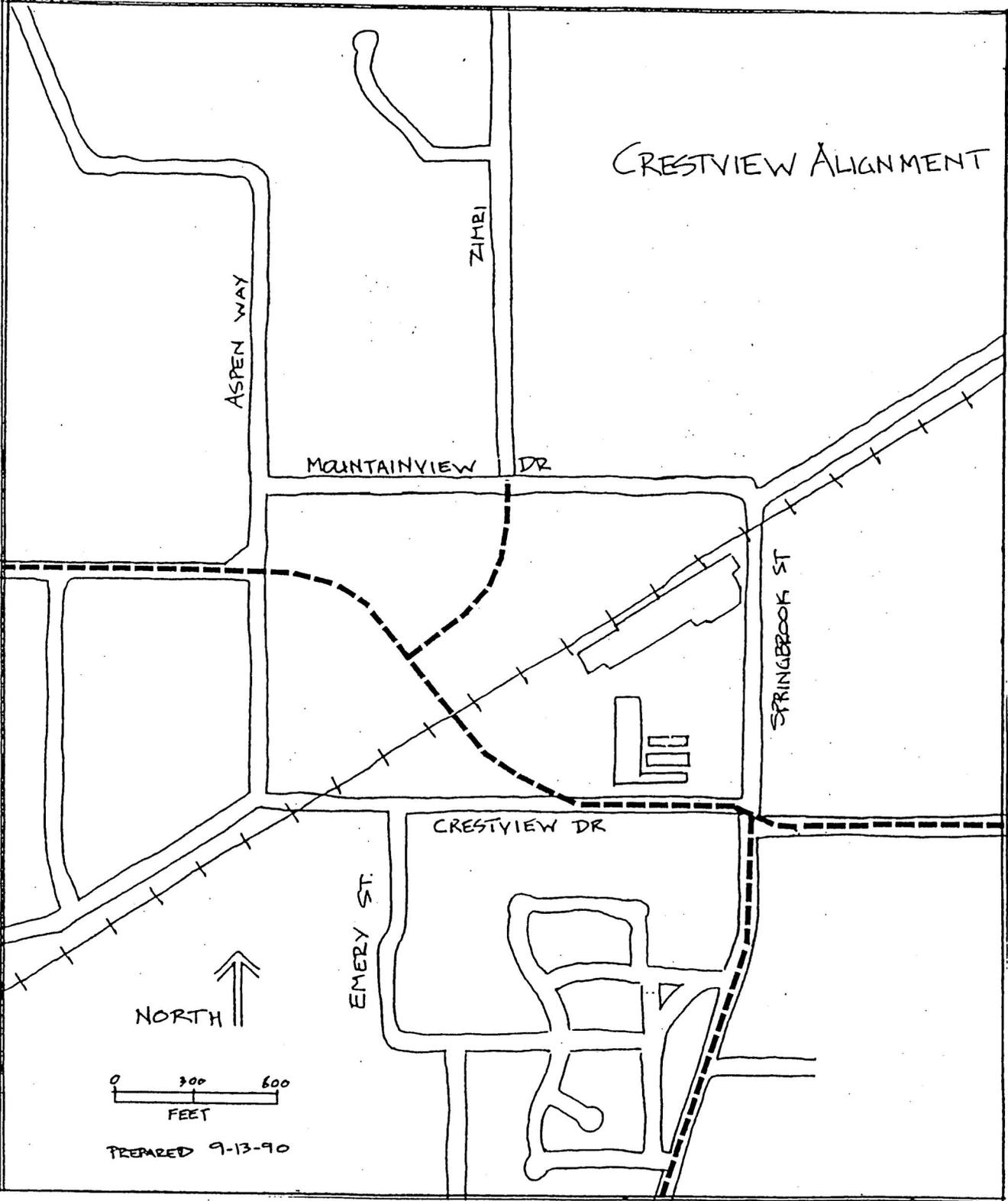
The City's Comprehensive Plan was acknowledged to be in compliance with all applicable Statewide Planning Goals on August 6, 1981. Accordingly, this Statewide Goal is implemented through a demonstration of compliance with applicable City transportation goals and policies. For the reasons set forth above, this proposed realignment is found to be consistent with those City transportation policies and is thereby deemed to be consistent with this Statewide Goal.

5. Other Goals

The remaining Statewide Planning Goals are deemed to be inapplicable to this particular action because (1) the affected area lies entirely within an acknowledged urban growth boundary (goals 3, 4, and 14), (2) there is no evidence to indicate that the affected area or adjoining properties contain resources or land characteristics governed by Goals 5 and 7 and (3) a roadway realignment decision has no affect upon or implications for the subject matter of the remaining Statewide Goals (Goals 6, 8, 9, 10, 13, and 15-19).

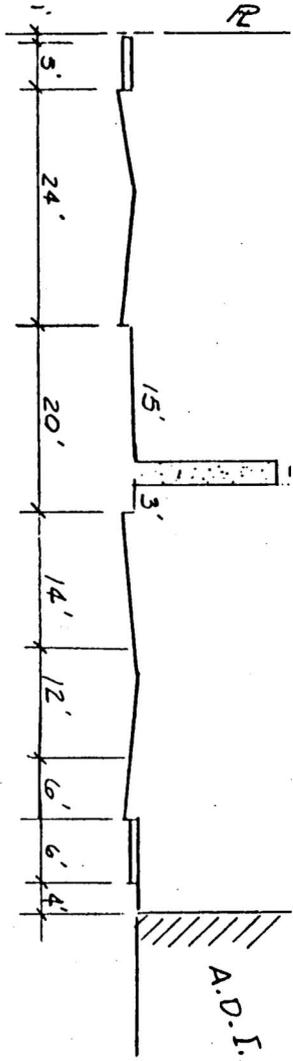
V. CONCLUSIONS

Based upon the findings and recommendations contained in the Northeast Newberg Traffic Study, testimony and evidence on the record, the City Council concludes that the realignment of Crestview Drive as depicted in Exhibit B, C and D attached hereto is consistent with applicable Comprehensive Plan policies and these Statewide Planning Goals. This alignment will be formally implemented as part of the Comprehensive Plan Map at the time the Springbrook District Master Plan is adopted.



A.D.I.

SECTION LOOKING WEST



MOUNTAINVIEW DR

6' SIDEWALK
BIKE LANE

SOUND BARRIER WALL

E. CRESTVIEW DR.

PRIVATE DRIVE

BIKE PATH / SIDEWALK
/ EMERGENCY ACCESS

BIKE LANE

BIKE LANE

SPRINGBROOK RD.

NORTHEAST NEWBERG
PROPOSED
TRANSPORTATION PLAN

SEPT. 21, 1990



1" = 40'
L.U.A.

X-1

46

47
CRESTVIEW
LOOKING WEST FROM SPRINGBROOK
PERSPECTIVE

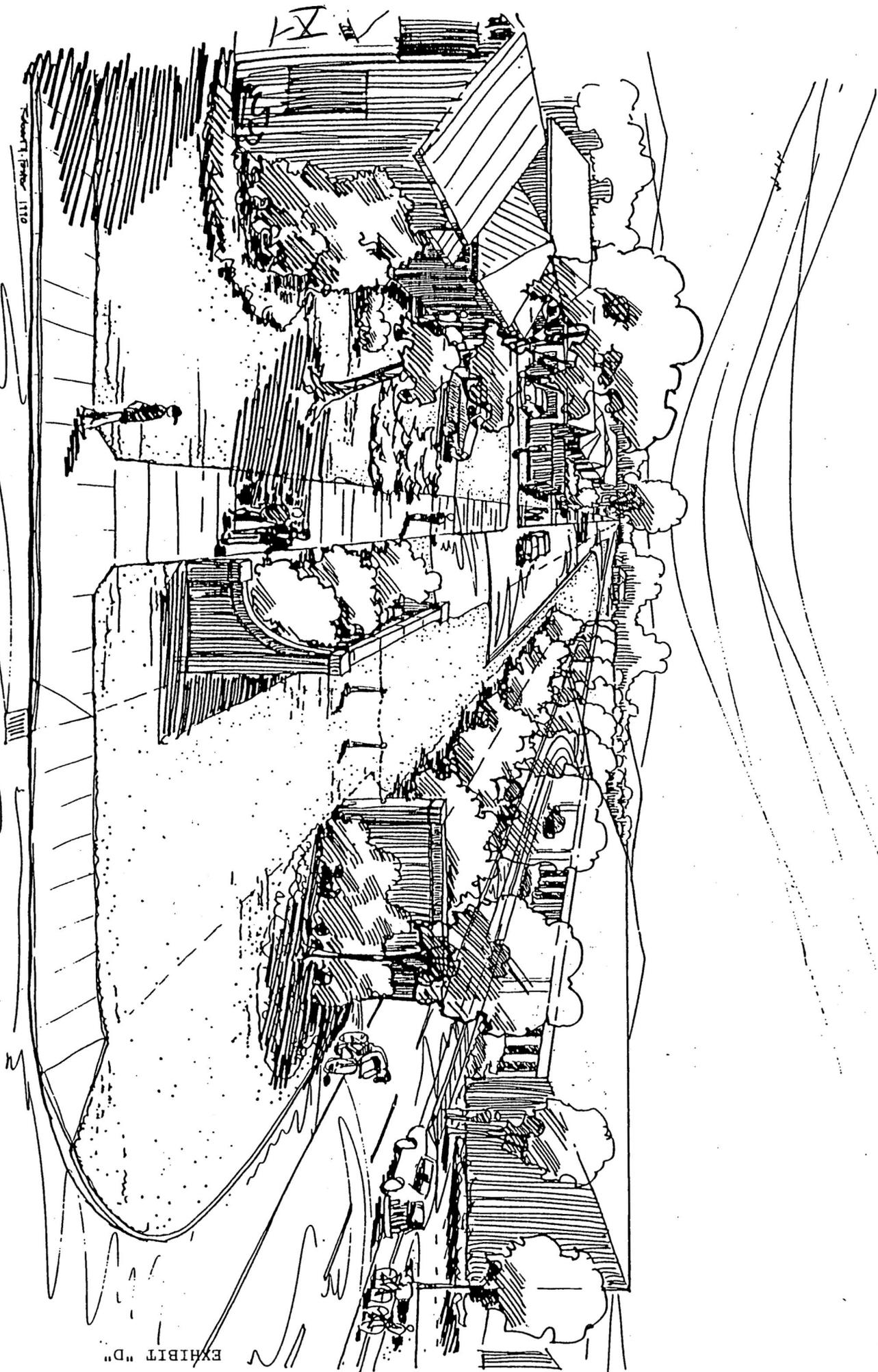


EXHIBIT "D"

1110

ADOPTING

ORDINANCE NO. 90-2085

AN ORDINANCE ADOPTING A PLAN AMENDMENT FOR A REVISED ALIGNMENT FOR A COLLECTOR STREET CONNECTING MOUNTAINVIEW DR. AND SPRINGBROOK ST. TO BE IMPLEMENTED AT THE TIME THE PROPOSED SPRINGBROOK DISTRICT MASTER PLAN IS ADOPTED AND PROVIDING FOR A SUNSET PROVISION OF THREE YEARS.

RECITALS:

1. The City authorized JRH TRANSPORTATION ENGINEERING to conduct a traffic study in a specific area in the northeast portion of the city. Said traffic study is the Northeast Newberg Transportation Study which has been adopted by the City by Resolution No. 90-1430.
2. The City adopted Ordinance No. 90-2271 on February 5, 1990, which provided for revised alignment of a proposed collector street connecting Mountainview Dr. and Springbrook St. along a portion of Crestview Dr. in the area addressed in the traffic study.
3. Ordinance No. 90-2271 was referred to the voters and said Ordinance was rejected at the August 12, 1990 election.
4. The City Council has held public hearings to address the proposed alignment that had previously been addressed by Ordinance 90-2271. Said public hearings were held on September 4, 1990, September 18, 1990 and October 1, 1990.
5. The City Council has considered special standards, conditions and amenities to be required to be constructed at the same time the proposed collector is built in order to initiate any adverse impact on adjacent residential property to the south.
6. The City Council has the authority to initiate plan amendments and zone changes to the Newberg Comprehensive Plan and the Newberg Zoning Ordinance.

NOW THEREFORE, THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

SECTION 1. The Newberg City Council adopts the recitals above-mentioned and the findings of facts which shall be made part of this Ordinance and attached as Exhibit "A".

X-1

48

SECTION 2. The Newberg Comprehensive Plan Map (Ordinance No. 1967 as amended) shall remain as it presently exists with the Mountainview Dr. designated as a collector street from the intersection of Mountainview Dr. at Aspen Way, eastwardly to the intersection of Springbrook St.

SECTION 3. A comprehensive plan amendment shall take effect at such time as the master plan for the Springbrook District as submitted to the City. The necessary hearings and procedure concerning such amendments shall be conducted in conjunction with the necessary hearings and procedure concerning the Springbrook Master Plan. The Comprehensive Plan amendment shall adopt a revised alignment for a proposed collector street connecting Mountainview Dr. and Springbrook St. as depicted on Exhibit "B", "C" and "D" of this ordinance. Further, the amendments shall remove the collector street from Mountainview Dr. portion as referred to in Section 2.

SECTION 4. The advised alignment for the proposed collector street as indicated in Section 3 shall have the following standards and conditions:

A. The collector street connection between Mountainview Dr. and Springbrook St. shall generally follow the alignment depicted on the attached Exhibit "B". The proposed collector street and access road shall be developed according to the street plan and section depicted as attached Exhibit "C".

B. Except where required for cul-de-sac, a minimum 20 feet wide landscaped area shall be provided between the access road and the collector street. The landscaped area shall include a noise barrier wall.

C. The landscaped area and noise barrier shall be similar in concept to the rendering attached as Exhibit "D" which was submitted at the September 18, 1990, City Council Meeting.

D. The access road shall be a minimum of 24 feet in width and shall include a cul-de-sac at the east end. The cul-de-sac shall be designed with the maximum radius possible.

E. Future expansion of the collector street shall be to the north of the alignment depicted in Exhibit "C". The integrity and function of the landscaping and noise buffering shall be maintained if additional travel lanes are added to the collector street in the future.

SECTION 5. SUNSET PROVISION. This ordinance shall remain in full force and effect for a period of three years from the date that the ordinance becomes final and beyond any appeal period.

PASSED by the City Council of the City of Newberg this ____ day of October, 1990, by the following votes:

Ayes: Nays: Absent:

Duane R. Cole, City Manager

APPROVED by the Mayor this ____ day of October, 1990.

Elvern Hall, Mayor

X-1

50

EXHIBIT A - ORDINANCE NO.

Adopt PLAN AMENDMENT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

PLANNING DEPARTMENT FILE NO. G-7-90

I. PROPOSAL

The City proposes a Comprehensive Plan Map amendment to realign a proposed collector street connecting Mountainview Drive and Springbrook Street as depicted on Exhibits B, C and D.

II. CRITERIA

Specific written criteria for revision of the street alignment does not exist. In lieu of such criteria, the City Council concludes that such an amendment must be consistent with applicable policies of the Comprehensive Plan and must be consistent with the relevant Statewide Planning Goals. In conclusion, the criteria are as follows:

- A. Conformance with applicable policies of the Comprehensive Plan of the City of Newberg.
- B. Conformance with applicable Statewide Planning Goals.

III. BACKGROUND FACTS

- A. On July 6, 1989, the Newberg City Council authorized a traffic study for a specific area in the northeast portion of the City. Following extensive public input and coordination with affected local jurisdictions such as Yamhill County, JRH Transportation Engineering prepared the Northeast Newberg Area Traffic Study for presentation to the Planning Commission and City Council. A draft report was submitted to the Commission August 21, 1989.

The study examines existing circulation and roadway alignment conditions in the northeast portion of the City as defined in the Study and the nature and potential future transportation impacts of anticipated development in the area. Based upon such analysis of the area and the identification of various public safety issues, transportation plan alternatives including proposed street classifications and conceptual roadway alignments, were generated for public review.

The initial draft study presented to the Commission recommended Alternative 2, as well as a number of common features that were part of all the alternatives. At the request of the Commission a supplement to the Study was prepared by JRH Transportation Engineering. The supplement included five plan alternatives and a traffic analysis of each alternative, with a recommended plan which reflected a combination of Alternative 4 and Alternative 2.

- B. The Commission adopted a recommendation on October 10, 1989 to approve the Northeast Newberg Traffic Study, exclusive of the conceptual realignment of Crestview Drive within an area bounded by Aspen Way, Mountainview Drive, Springbrook Road and existing Crestview Drive.
- C. The City Council held meetings to consider this matter on November 6, 1989, November 21, 1989, December 4, 1989, and January 16, 1989. By resolution and separate ordinances, the Council accepted the commissions recommendation and adopted the study with minor revisions.
- D. With regard to Crestview Drive, the Traffic Study calls for the continuation of the roadway from Springbrook Street as a collector street. Within the above-referenced geographic area, the Council heard public testimony and evidence in support of two principal alternative alignments to connect Mountainview Drive and Springbrook Street. The primary distinction between these realignment proposals - one submitted by Austin Industries and another submitted by various area residents - is the proximity to the existing Crestview Drive alignment. Based upon the testimony received, the recommendations of City staff and the findings and conclusions set forth below, the City Council adopted the conceptual realignment for the portion of Crestview Drive submitted by Austin Industries.
- E. On February 5, 1990, the City Council adopted Ordinance No. 90-2271 which revised the alignment for a portion of Crestview Drive. Following adoption, interested citizens circulated petitions and filed a referendum to refer the ordinance to the City voters. On June 12, 1990, the voters rejected Ordinance No. 90-2271. During July, August, and September, City staff and elected officials worked with interested parties in an attempt to resolve the dispute over the proposed street alignment. On September 4th and 18th, the City Council held public hearings and received testimony on the issue. At the September 18th Council meeting, a rendering of the proposed alignment was submitted to illustrate how the street could be buffered from adjoining residential properties. At that meeting, the City Council by motion requested the City Attorney to draw the necessary documents for presentation at the October 1, 1990 meeting to amend the Comprehensive Plan by realigning the proposed collector street.

IV. COMPLIANCE WITH CRITERIA

The criteria for amending the street alignment are conformance with applicable policies of the Plan and Statewide Planning Goals. In the following sections, Comprehensive Plan goals and policies and relevant Statewide Goals are listed and are addressed as to relevancy and, as appropriate, compliance.

A. Inapplicable Goals and Policies of the Newberg Comprehensive Plan

For purposes of this criterion, the Council deems inapplicable those Comprehensive Plan Goals which constitute general planning guidelines to be implemented through specific policies and implementing ordinance standards.

1. Based upon a review of the Comprehensive Plan and the record in this matter, the Council finds that the following Plan policies do not apply to the realignment of a portion of Crestview Drive because they are intended to address specific land development proposals rather than to a change in the type and level of a proposed public facility to meet future development needs:

FOREST LANDS:

Policies 1-3.

AIR, WATER AND LAND RESOURCE QUALITY:

Policies 4 and 7.

OPEN SPACE, SCENIC, NATURAL, HISTORIC, AND RECREATIONAL RESOURCES:

Open Space and Natural Resources Policies 1 and 3-5; Scenic Resources Policy 1; and Historic Resources Policy 1.

ECONOMY:

General Policy 5.

HOUSING:

Density Policies 1-3; Location Policies 1-2; and Mix Policies 5-6 and 8-10.

URBAN DESIGN:

General Policies 1-5; Commercial Areas Policy 3; and Residential Areas Policies 1-5.

TRANSPORTATION:

Overall Transportation Policies 1-2; Automobile Policy 4; Bicycles and Pedestrians Policies 4-8.

These policies are intended to be addressed during discretionary land use reviews for specific development projects, including PUD reviews. The policies will need to be addressed at the time of road development.

2. The Council finds that the subject matter of the following policies renders these policies inapplicable to the decision to amend the Comprehensive Plan for the realignment of this limited segment of Crestview Drive:

FOREST LANDS:

Policy 3.

AIR, WATER, AND LAND RESOURCE QUALITY:

Policies 2-3 and 5-6.

AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS:

Policies 1 and 2.

OPEN SPACE, SCENIC, NATURAL, HISTORIC, AND RECREATIONAL RESOURCES:

Open Space and Natural Resources Policy 6 and Willamette River Greenway Policies 1-9.

ECONOMY:

General Policy 4; Industrial Areas Policies 1-2; and Commercial Areas Policies 1-4.

HOUSING:

Mix Policies 2-4 and 7.

URBAN DESIGN:

Industrial Areas Policy 1 and Commercial Areas Policies 1-3; Residential Areas Policies 6-10.

PUBLIC FACILITIES AND SERVICES:

Sewers and Water Policies 1-4.

TRANSPORTATION:

Overall Transportation Policy 3; Automobile Policy 6.

URBANIZATION:

Policies 5-9.

3. The Council finds that the following policies do not apply because they relate to land use planning procedures and to the planning of public facilities and services on a City-wide basis rather than to the provisions of a specific facility or service to or upon individual properties at a specific location:

CITIZEN INVOLVEMENT

LAND USE PLANNING:

Policies 1-3.

AIR, WATER, AND LAND RESOURCE QUALITY:

Policy 1.

OPEN SPACE, SCENIC, NATURAL, HISTORIC, AND RECREATIONAL RESOURCES:

Open Space and Natural Resources Policy 2; Historic Resources Policy 2; and Recreation Policies 1-8.

ECONOMY:

General Policies 1-3.

HOUSING:

Mix Policy 1.

TRANSPORTATION:

Overall Transportation Policies 4-6; Automobile Policies 1 and 3, and 6-13; Bicycles and Pedestrians Policies 1-3 and 9; Van/Small Transit Policy 1; and Air Transportation Policy 1.

PUBLIC FACILITIES AND SERVICES:

All Facilities and Services Policies 1-5; Street Lighting Policies 1-2; Fire Protection Policies 1-3; Schools Policies 1-8; and Civic Center Policies 1-2.

ENERGY:

Private Energy Conservation Policies 1-2; Public Energy Conservation Policies 1-3; and Design Policy 1.

URBANIZATION:

Policies 1-4.

B. Relevant Newberg Comprehensive Plan Goals and Policies

The Council finds the following Comprehensive Plan policies to be relevant to the proposed roadway realignment at the subject location. The Council finds the proposed roadway to be consistent with these policies:

1. Air, Water and Land Resource Policy No. 8

The threat of excessive noise will be considered when reviewing land use requests. In addition, any new commercial and industrial developments shall conform to DEQ noise pollution standards.

Finding

The design of roadway improvements will generally conform with attached Exhibits B, C, and D. Final design will be determined at the time of construction and will conform to all City and State noise emission standards. Generally, the final design will be addressed as a part of site plan review, since street improvements will occur as a part of private development in the area. Specific methods of noise reduction including berms, and walls were considered and discussed by the City Council and will be imposed, consistent with attached exhibits, at the time of site plan review.

2. Overall Transportation, Policies 1-6

(1) Transportation facilities will recognize and respect the natural features of the areas in which they are sited and will be designed to minimize impacts on these features.

(2) Transportation facilities will respect adjacent land uses and be so designed as to be an asset to an area rather than a

disruptive feature. As such, transportation facilities should be landscaped and designed to be aesthetically pleasing.

Finding

There is no evidence in the record of significant or unique natural features within or adjacent to the realigned roadway. With respect to natural features such as existing tree cover and terrain and adjacent land use to be addressed under Policy 2, any impact upon such features or uses will be assessed prior to design and construction through the site review process. Given this subsequent review proceeding, which will be required when and if the roadway is constructed in conjunction with the adjoining development, the Council finds that these policies are not applicable to the realignment determination.

- (3) Proposals for major new transportation facilities and services shall identify impacts, as well as the financial feasibility of various projects, on:
- (a) Land Use;
 - (b) Natural and Scenic Resources;
 - (c) Air Resource Quality, including noise;
 - (d) Water and Land Resource Quality; and
 - (e) Existing and Planned Transportation Facilities.

Finding

This policy imposes various review criteria upon major new transportation facilities, and the Council construes this term to not include the conceptual realignment of this limited segment of Crestview Drive. The proposed classification of this roadway as a collector does not change with the realignment decision, and the realignment of this portion of the roadway, standing alone, will not result in an appreciable increase in vehicular traffic to or from the area. Instead, the proposed realignment merely serves to provide a more efficient vehicular route from Springbrook Street to Mountainview Drive without altering any land use designations in the plan. For these reasons the future shift in the location of the roadway is neither "major" or "new", since the collector designation and the nature and intensity of adjoining land uses shall be addressed in the future. If, however the nature and intensity of the surrounding land uses changes, the City may require additional studies.

Furthermore, except as identified on attached exhibits, the specific location, design, and funding of the realigned Crestview Drive has yet to be determined. As a result, the application of this policy, even if deemed relevant, could not occur until these issues have been resolved. As such, any subsequent determination that this policy is applicable necessarily would require that the policy be addressed at the time of roadway construction.

- (4) Transportation improvements shall be used to guide urban development and shall be designed to serve anticipated future needs.
- (5) While automobiles shall continue as the primary means of transportation, the City shall encourage the development of a variety of alternative modes including small mass transit, bicycle and pedestrian systems.
- (6) Low density areas shall continue to be served primarily by automobiles with bike and pedestrian paths along selected arterials and collectors.

Finding

Although these policies serve as guidelines for street improvements city-wide, they do not serve as binding criteria for specific construction projects and, for this reason, these policies are inapplicable.

3. Automobile, Policies 2 and 5

- (2) Future rights-of-way should be identified in undeveloped areas to facilitate acquisition with minimal disruption and cost.

Finding

The designation of a future realignment of Crestview Drive supports this policy by serving to identify a future right of way prior to development of the subject property and in a manner which will define the permissible nature and intensity of development on adjacent lands.

- (5) To help facilitate traffic flow in the northern portion of the City an east-west collector street is needed.

Finding

The proposed alignment supports this policy by providing an integral and more efficient roadway system in northeast Newberg consistent with the recommendations of the Northeast Newberg Traffic Study. With this alignment, the stated policy goal of providing an east-west collector to provide enhanced vehicular access through the northeast quadrant of the City is achieved.

C. Statewide Planning Goals

1. Goal No. 1 - Citizen Involvement

Finding

Public notice was provided through the Newberg Graphic newspaper and extensive press coverage of the issue. Public hearings were held before the Newberg Planning Commission on August 24, September 28 and October 10, 1989 at which testimony and other evidence were received. Public hearings and deliberations were also held before the City Council on November 6, November 21 and December 4, 1989 and January 16, 1990, at which additional testimony and evidence were received. Public workshops were held on August 15 and 20, 1990. The City Council held public hearings on September 4 and 18, 1990.

2. Goal No. 2 - Land Use Planning

Finding

Yamhill County and other affected public agencies were notified of the subject decision and afforded an opportunity to comment on the proposed realignment of Crestview Drive. During meetings between City and County staff, the City engaged in an exchange of information with the County and invited County comments upon the proposal. Since the portion of the roadway proposed for realignment lies entirely within the City limits, the nature and scope of this decision falls outside the terms of the Urban Growth Boundary Management Agreement with the County. For these reasons, the Council finds this Goal to be met.

3. Goal No. 11 - Public Facilities and Services

Finding

This goal requires the City to develop plans that identify existing and projected types and levels of public facilities and services and to provide "a timely, orderly and efficient arrangement" of such services to meet community needs. Pursuant to the City's acknowledged Comprehensive Plan and street classification resolution, the existing Crestview Drive alignment carries a collector designation. The decision to provide a future alignment of a portion of this roadway does not affect this designation. On the other hand, expert testimony indicates that the proposed realignment provides (1) more efficient access to adjoining industrial parcels, (2) a safer and more efficient crossing of existing railroad trackage, and (3) improved traffic flow within the Mountainview/Crestview Drive corridor designated as the major east-west collector through this portion of the City. For these reasons, the Council concludes that the proposed realignment is in compliance with this Goal.

4. Goal No. 12 - Transportation

The City's Comprehensive Plan was acknowledged to be in compliance with all applicable Statewide Planning Goals on August 6, 1981. Accordingly, this Statewide Goal is implemented through a demonstration of compliance with applicable City transportation

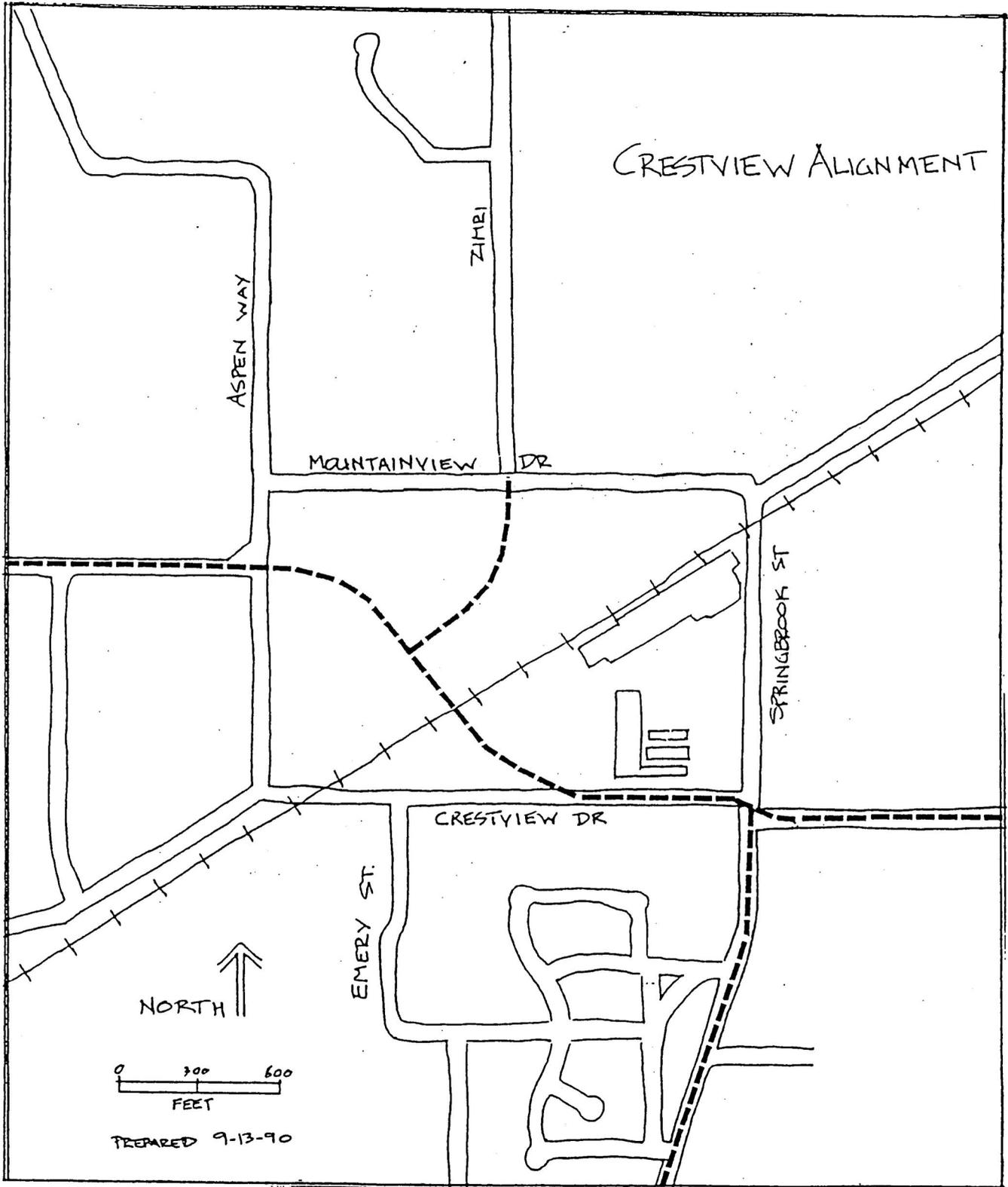
goals and policies. For the reasons set forth above, this proposed realignment is found to be consistent with those City transportation policies and is thereby deemed to be consistent with this Statewide Goal.

5. Other Goals

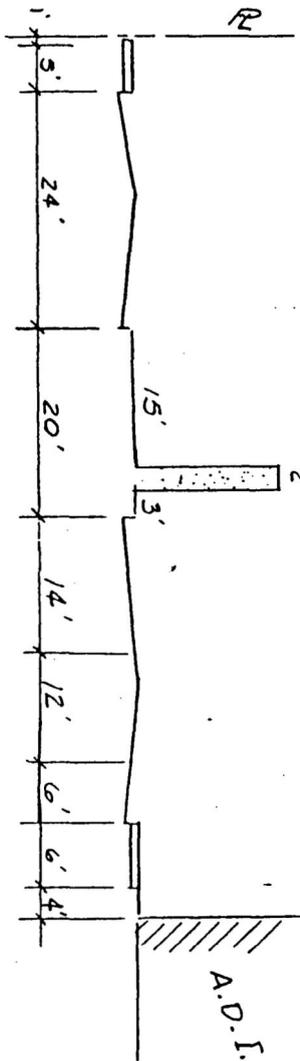
The remaining Statewide Planning Goals are deemed to be inapplicable to this particular action because (1) the affected area lies entirely within an acknowledged urban growth boundary (goals 3, 4, and 14, (2) there is no evidence to indicate that the affected area or adjoining properties contain resources or land characteristics governed by Goals 5 and 7 and (3) a roadway realignment decision has no affect upon or implications for the subject matter of the remaining Statewide Goals (Goals 6, 8, 9, 10, 13, and 15-19).

V. CONCLUSIONS

Based upon the findings and recommendations contained in the Northeast Newberg Traffic Study, testimony and evidence on the record, the City Council concludes that the realignment of Crestview Drive as depicted in Exhibit B, C and D attached hereto is consistent with applicable Comprehensive Plan policies and these Statewide Planning Goals.



X-1



A.D.I.

SECTION LOOKING WEST

MOUNTAINVIEW DR

6' SIDEWALK

BIKE LANE

E. CRESTVIEW DR.

SOUND BARRIER WALL

PRIVATE DRIVE

BIKE PATH / SIDEWALK / EMERGENCY ACCESS

NORTHEAST NEWBERG
PROPOSED
TRANSPORTATION PLAN

SEPT. 21, 1990



1" = 40'

BIKE LANE

SPRINGBROOK RD.

BIKE LANE

69

CRESTVIEW PERSPECTIVE

LOOKING WEST FROM SPRINGBROOK



Robert Fisher 1170

EXHIBIT "D"

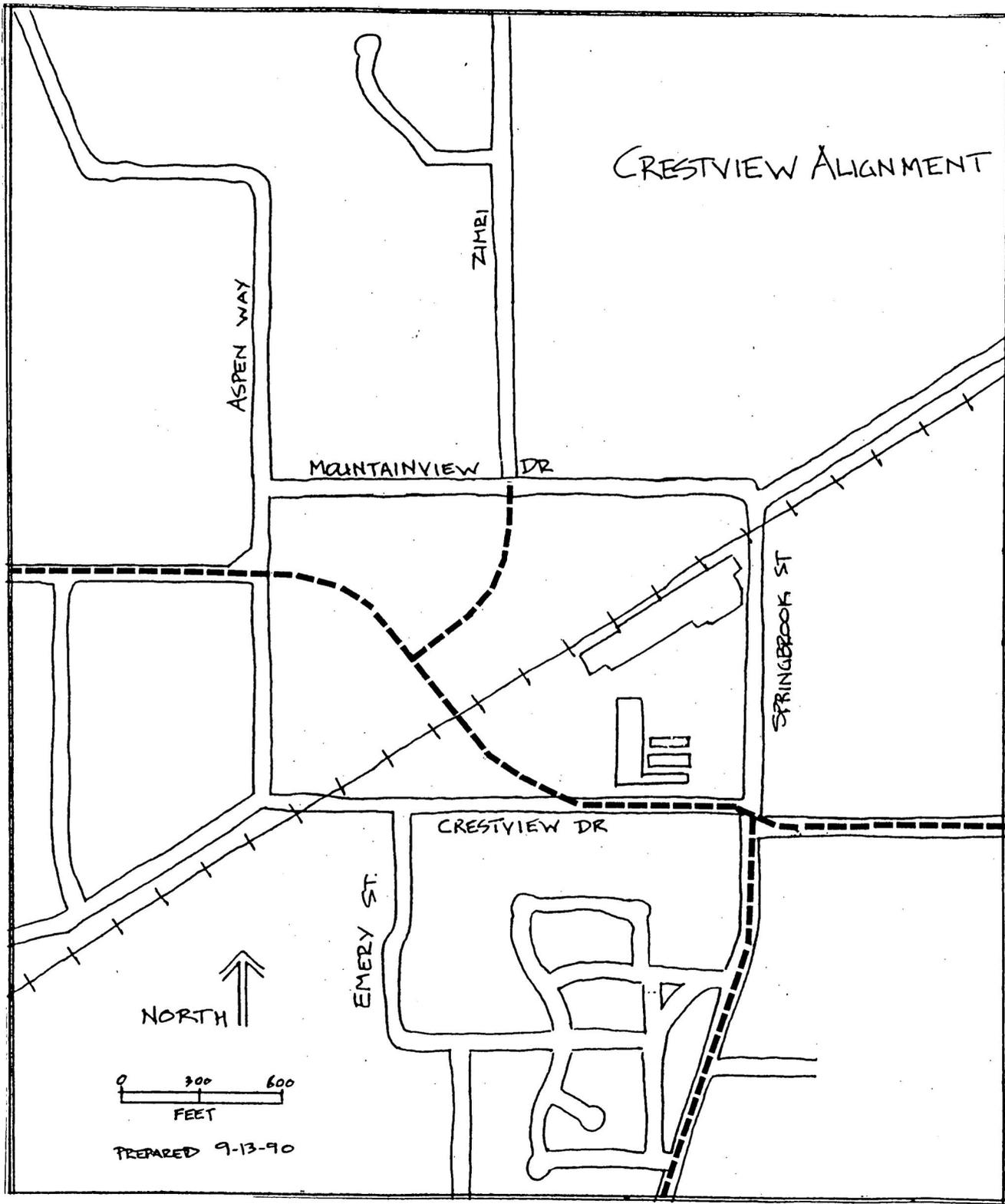
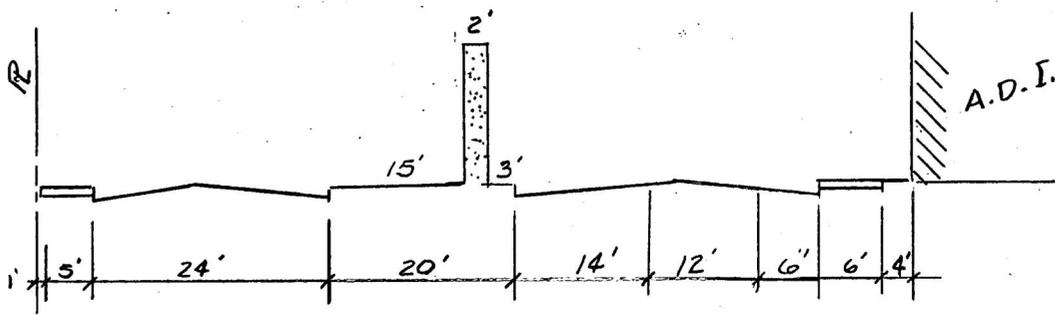
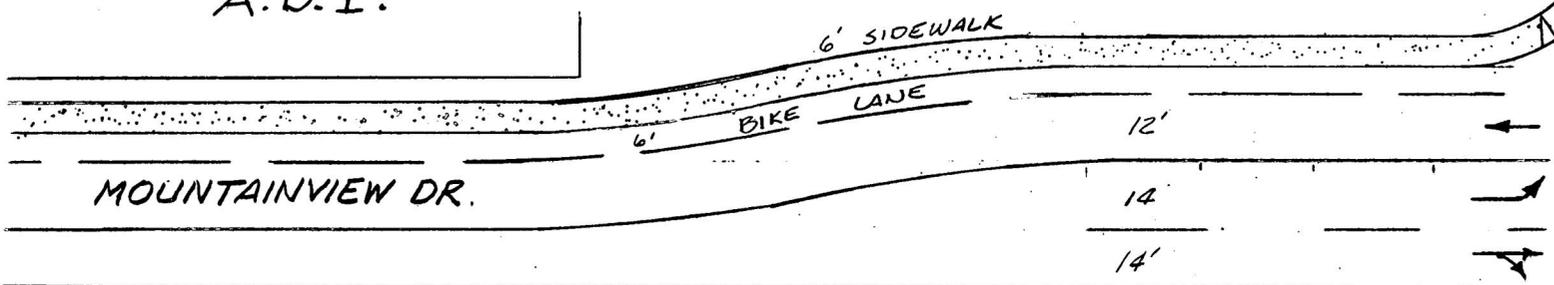


Exhibit C

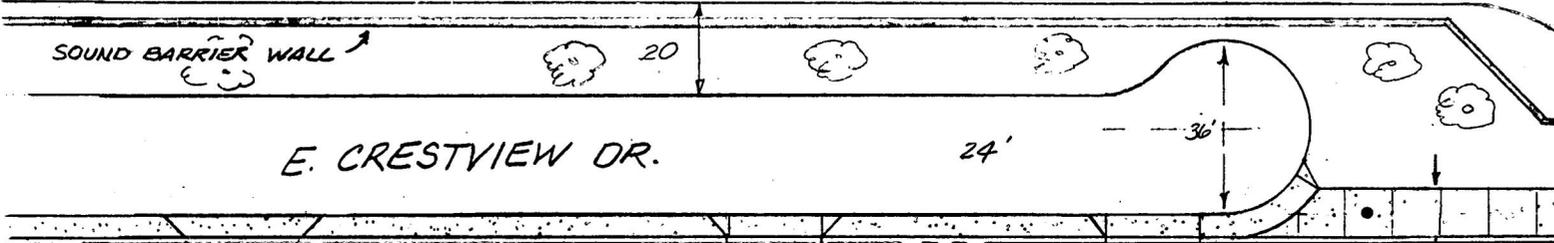


SECTION LOOKING WEST

A.D.I.



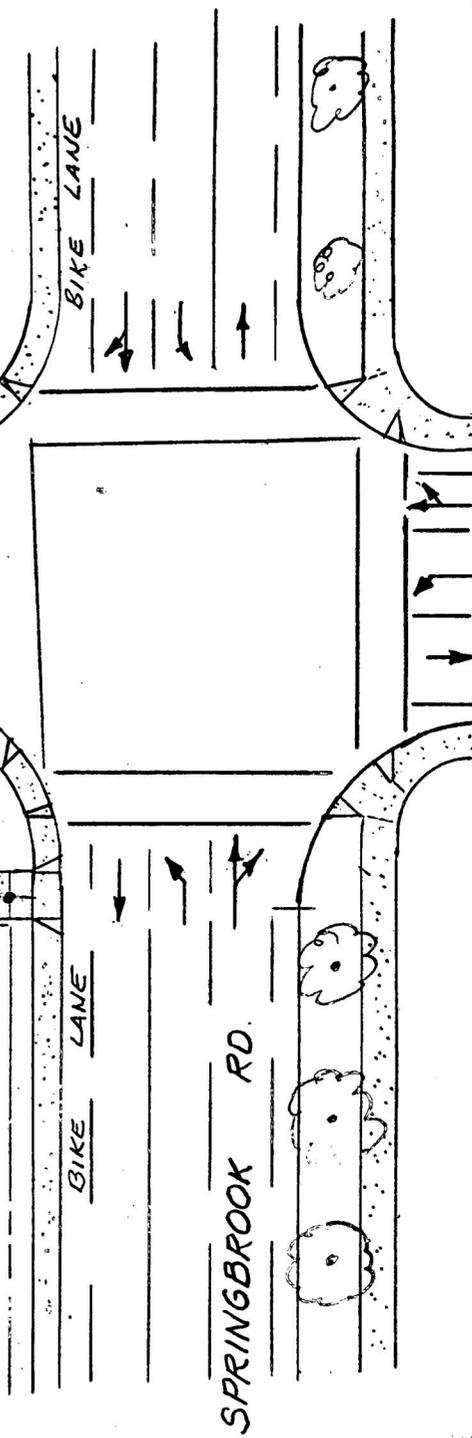
MOUNTAINVIEW DR.



E. CRESTVIEW DR.

BIKE PATH / SIDEWALK / EMERGENCY ACCESS

PRIVATE DRIVE



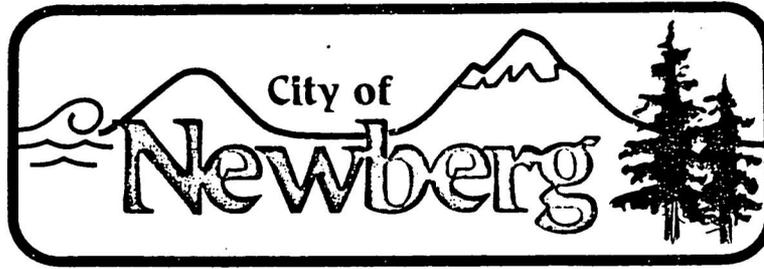
SPRINGBROOK RD.

NORTHEAST NEWBERG
PROPOSED
TRANSPORTATION PLAN

SEPT. 21, 1990



1" = 40'
L.J.A.



*Oct-1
Council File
@*

Planning Department
(503) 538-9421
FAX (503) 538-5393

414 E. First St.
Newberg, Oregon 97132

MEMORANDUM
July 19, 1990

To: Planning Commission
From: Planning Department
Subject: Historic Preservation Ordinance

Enclosed is a new draft Historic Preservation Ordinance. The proposed ordinance includes the following changes from the May 24 and June 21 drafts:

1. Overlay Zone Concept.

The current draft deletes the existing "H" District section of the Zoning Ordinance and imposes an "H" Historic Landmark Subdistrict to implement historic preservation provisions. The overlay would be applied to Landmark properties and to Historic Districts that are identified. The entire Historic Preservation Ordinance therefore becomes an amendment to the Zoning Ordinance, rather than a stand-alone ordinance.

2. Planning Commission Review

The current draft substitutes the Planning Commission for the proposed Landmarks Commission.

3. Designation Criteria.

Section 447 (D) is now Section 421(D) and has been expanded so that Landmark designation criteria is consistent with the designation criteria used in the Historic Resources evaluation. At the request of SHPO, the term "interested party" has replaced "affected party" and reference to designation criteria has been emphasized.

4. Alterations.

Section 448 (A)2 is now Section 422(A)2 and has been developed to provide for Planning Director review of minor alterations. Notice requirements for Planning Commission review of alterations has been changed to be consistent with State law (House Bill 2288). The other significant change



Home of Old Fashioned Festival

in this section is the review criteria in Section 448 (A)5 (now Section 422(A)5) have been termed "design guidelines" in the text. The criteria has been reworded so that substantial compliance with the guidelines is required. At the request of SHPO, the guidelines have been reworded to be consistent with the Secretary of the Interior's standards for rehabilitation.

5. **New construction and demolition.**

Section 448 (B)1 and 448 (C)2 (now Section 422) have been revised so that procedures are consistent with State law (House Bill 2288).

6. **Maintenance.**

Section 450 (C) is now Section 424(C) and has been expanded to better define what maintenance procedures are permitted without review.

7. **Appeals.**

The appeals section has been rewritten to provide direct appeal to the Council for Planning Commission decisions and appeals of the Planning Director decisions to the Planning Commission.

8. **Economic Hardship.**

At the request of SHPO, Section 449 (now Section 423) has been expanded to place a greater burden of proof on the applicant. SHPO also requested that the ordinance state that relaxation of ordinance requirements be the minimum necessary.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A HISTORIC LANDMARKS ZONING SUBDISTRICT, PROVIDING A PROCEDURE FOR ESTABLISHING HISTORIC LANDMARKS AND PROVIDING REGULATION APPLICABLE THERETO.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

ZONING ORDINANCE AMENDMENTS TO CREATE A HISTORIC LANDMARKS ZONING SUBDISTRICT

Section 1. Ordinance 1968 shall be amended by deleting the H Historic District provision listed in Sections 422, 424, 426, and 428 and replacing the sections with a new H Historic Landmarks Subdistrict as noted in Section 2 of this Ordinance.

Section 2. Ordinance 1968 shall be amended to include the following sections:

270 (8) H Historic Landmarks Subdistrict. Pursuant to the provisions of Sections 420-424, an H subdistrict may be created within any zoning district. The subdistrict shall be designated by the suffix "H" added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the "H" subdistrict subject to procedures listed in Sections 420-424.

H HISTORIC LANDMARKS SUBDISTRICT

420 Purpose and Definitions.

A. Purpose. The purpose of the "H" subdistrict is to:

1. Safeguard the historic district(s), landmarks, buildings and sites representing significant elements of Newberg history;
2. Promote the historic, educational, cultural, economic and general welfare of the public through the preservation, restoration and protection of these buildings, structures, sites, districts and objects of historic interest within the City;
3. Foster civic pride in the accomplishments of the past;
4. Protect and enhance the City's attractions to tourists and visitors;
5. Carry out the provisions of the Land Conservation and Development Commission Goal 5.

B. Definitions. For the purpose of carrying out the intent and

purposes of the Ordinance, words, phrases and terms, as used herein, shall be deemed to have meaning ascribed to them in this section:

1. Alteration or Alter - The addition to, removal of or from, or physical modifications or repair of, any exterior part or portion of a Landmark designated by the city; excluding, however, routine maintenance, painting, minor alterations subject to administrative review, and non-designated vegetative features. Signs and fences which are not specifically excluded shall be considered a form of alteration and shall be treated as such.
2. Historic District - A geographic area with a high concentration of historical, architectural, archeological or cultural Landmarks and/or a high concentration of contributing resources. The term "Historic District" includes Multiple Property or Resource District. The term also refers to both local historic districts and historic districts listed on the National Register of Historic Places. The "H" subdistrict designation shall be applied to recognize local historic districts as set forth in Section 421.
3. Inventory of Historic Resources - A census of historical, architectural, archeological or cultural buildings, structures, objects, vegetation, sites, districts or signs. Each resource (i.e. building, structure, etc.) shall have a location, a written description and a discussion of the resource's significance.
4. Multiple Property or Resource District - All or part of the Historic Resources identified within the City, or within a specific section of the City. These resources may be dispersed geographically, but shall be related to one another in a clearly distinguishable way.
5. Landmark - Properties selected from the Historic Inventory pursuant to Section 421 of this ordinance that are of individual importance based on architectural, historical, and/or environmental criteria. The "H" subdistrict designation shall be applied to landmark properties.

421 Landmark and District Designation.

- A. Institution of Proceedings. The City Council, Planning Commission, Planning Director, or interested parties may

initiate the proceedings for designation of a historic district or landmark. Applications for designation shall be made available by the Planning Director. To comply with notice requirements, a completed application must be submitted 50 days prior to the final public hearing.

- B. Application Information. The Planning Director may specify the information required in an application.
- C. Designation Procedure. Notice of an application to designate a property as a Landmark or a District shall be provided to the property owner(s) and other interested parties. A written notice of the proposed designation shall be posted on the property in a visible location. All public notice shall be provided not less than 20 days nor more than 30 days prior to the final public hearing. The application shall be considered by the Planning Commission at its next available meeting.

Upon a positive recommendation with findings by the Planning Commission, the application will be considered by the City Council at its next available meeting. The Council shall approve or disapprove the designation based on the designation criteria of Section 421(D) and shall notify the property owner(s) of its decision. Upon approval, the Council shall identify the location of the Landmark or District by application of the "H" subdistrict designation and by amending the Inventory of Historic Resources in Comprehensive Plan.

- D. Designation Criteria. If the building, structure, site, district or object is currently listed in the National Register of Historic Places of the United States of America, the property or properties shall be designated as a Local Landmark or Historic District. The following criteria will be used by the Planning Commission and Council in considering other properties. Any or all of the criteria may be satisfied for designation:

1. The Landmark or District is associated with natural history, historic people, or with important events in national, state or local history. The age of a specific building shall be considered but shall not be deemed sufficient in itself to warrant designation as a significant historic resource.
2. The Landmark or the structures within the District embody the distinguishing characteristics of architectural specimens inherently valuable for a study of a period, style, or method of construction.
3. The Landmark or the structures within the District are

notable works of master builders, designers or architects, or the structures represent rarities of types, styles, or designs in the community.

4. The Landmark or the structures within the District retain a high degree of original design, crafting, materials, and original site features.
5. The Landmark or the structures within the District contribute to the immediate environment and the character of the neighborhood or city.

In all cases it shall be determined that the proposed Landmark or District would serve the purpose of this section as stated in Section 420.

- E. Designation Removal. Request for removal of a historic landmark designation may be made by the property owner and shall follow the same procedures as required for inclusion by this ordinance.

422 Alteration, New Construction, Demolitions.

A. Exterior Alterations.

1. Application Process. Application for permit approval shall be made to the Planning Director. The application shall be in such form and detail as the Planning Director prescribes. The application shall include site plans, floor plans, elevations, materials, textures, and other information deemed necessary by the Planning Director to determine the appropriateness of the alterations of the designated Landmark.
2. Planning Director Review. The Planning Director shall approve minor alteration requests if there is no significant change in appearance, or in original material integrity, from the existing structure or site. Minor alterations meeting the following standards shall be approved and shall be documented by written findings:
 - a. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials.
 - b. The proposed alteration results in new siding or foundation skirting which matches materials used on the structure or is typical in terms of

material and texture for the style of the Landmark.

- c. The proposed alteration results in modifications to the porch which imitate or restore railings, posts, steps, and skirting which were typical for the style of the Landmark.
- d. The proposed alteration results in construction of a wood fence in the front yard which was typical for the style of the Landmark. Solid wood fences shall be permitted along side and rear property boundaries.
- e. The proposed alteration results in the installation of permanent air conditioning or heating facilities including solar panels which are not readily visible from the public right-of-way or other Landmark properties.

The Planning Commission may develop additional standards to guide the Planning Director in determining what constitutes a significant change. At the Director's discretion, any minor alteration may be referred to the Planning Commission for review subject to the process outlined below.

- 3. Planning Commission Review. Excluding routine maintenance and minor alterations subject to Planning Director review, requests to alter a designated Landmark in such a manner as to affect its exterior appearance shall be reviewed for permit approval by the Planning Commission. The Planning Commission, in considering applications for permit approval for any alteration, shall base their decision on the guidelines identified in Section 422 (A)5.
- 4. Review Process. Application for permit approval shall be filed by the applicant with the Planning Director. Upon the filing of a complete application, the Planning Director shall schedule a public hearing at which the Planning Commission shall review the request. The Director shall schedule the hearing for the next available Planning Commission meeting. Public notice of the pendency of an application for permit approval and the hearing date thereon shall be mailed to the owners of property within 100 feet of the site, posted on the bulletin board in the City Hall, and posted in a conspicuous place on or near the property involved. Notice shall be mailed and posted not less than twenty

days prior to the Planning Commission meeting. Such notice shall identify the name of the applicant, the subject of the application, and the date upon which the same will be heard by the Planning Commission.

At the hearing, the Planning Commission shall hear all arguments and evidence in support and against the request and shall decide whether the request should be approved.

The Planning Commission, after notice, public hearing, and deliberation, shall approve issuance, approve issuance with conditions, or disapprove issuance of the permit for the request. The decision of the Planning Commission shall include and be based upon findings of fact.

5. Review Criteria and Guidelines. For exterior alterations of designated Landmarks, the criteria to be used by the Planning Commission in reaching its decision on the permit application shall be substantial compliance with the following design guidelines:
 - a. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
 - b. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
 - c. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
 - d. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
 - e. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials.

Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

- g. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
- h. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
- i. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
- j. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

B. New Construction.

- 1. Review Required. If an application is made for property within a historic district to build a new building or to expand an existing non-Landmark building by increasing floor area more than 30%, the Building Official shall transmit to the Planning Director a copy of the request. The Planning Commission shall review the plan to determine design compatibility with structures in the surrounding area. No new structure or major public improvement shall be constructed in a historic district without review pursuant to the criteria listed in Section 422 (B)2 and the process outlined in Section 422 (A)4.
- 2. Review Criteria. Designs shall be compatible with structures in the surrounding area in terms of size, scale, material and character of the district. Contemporary designs shall not be discouraged when they do not destroy significant historical, architectural, or

cultural material. Review criteria for building expansions shall include consideration of the guidelines listed in Section 422(A)5.

C. Demolition and Moving Review.

1. Building Official Review. The Building Official shall issue a permit for moving or demolition if any of the following conditions exist:
 - a. The building is not a designated Landmark. If the Landmark is pending review under Section 421 of this ordinance, no permit shall be issued; and/or
 - b. The Landmark has been damaged beyond reasonable repair through fire, flood, wind or other acts of God, vandalism, or neglect, and poses an immediate threat to public safety.

For any demolition or moving which does not comply with the above criteria, it shall be referred to the Planning Commission.

2. Planning Commission Review Process. The process and public notice for review of a demolition permit shall be the same as stated in Section 422(A)4. Unless extended by mutual consent of the applicant and the Planning Commission, the Planning Commission shall complete any review within 90 days of the date the City received a complete application, with the intent that the Planning Commission and applicant seek alternatives such as sale, salvage, relocation or donation to historic or interested groups, not simply to delay the demolition or moving.
3. Review Criteria. In reviewing an application for a demolition permit or moving permit, the Commission shall consider the purpose of this ordinance as stated in Section 420 and the criteria used in the original designation of the Landmark as stated in Section 421(D).
4. Council Review of Dangerous Structures. The City Council may order the removal or demolition of any structure determined to be dangerous to life, health, or property.
5. Documentation. In the event of the demolition or moving of a landmark, building, structure, district, site or object, the history of such landmark shall be documented

and kept on file with the Newberg Planning Department.

423 Exceptions for Economic Hardship. When the applicant has demonstrated an economic hardship as a result of the provisions of this ordinance, the Commission or Council may relax the requirements of the ordinance provided the relaxation is consistent with the purpose of this ordinance as stated in Section 420. Any relaxation of requirements shall be the minimum necessary to alleviate the economic hardship. In determining whether an exception due to economic hardship is justified, the Commission or Council shall consider the following factors:

- a. Structural conditions;
- b. Estimated cost of rehabilitation;
- c. Estimated market value of property in current condition and after proposed construction;
- d. Potential income from property if income producing; and
- e. Any other economic information deemed relevant to the decision.

The applicant shall provide adequate documentation to justify an economic hardship. The information shall be provided on a form available from the Planning Department. In general, no requirement of this ordinance is intended to increase the cost of construction or remodeling by more than 25%.

424 General Administration.

- A. Waiver of Certain Permit Fees. Building fees not including system development charges attributable to the City shall be waived for all improvements which require a building permit and meet the review criteria of this ordinance.
- B. Identification Signs. One identification sign no larger than 200 square inches which identifies historic Landmarks is permitted in addition to other permitted signs.
- C. Maintenance. Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior architectural features which does not involve a change in design, material or the outward appearance thereof, nor to prevent the construction, reconstruction, alteration or demolition of such feature which the City's Building Official shall certify is required by the City's building and development codes. Maintenance and repair actions include, but are not limited to:

1. Replacement of gutters and downspouts, or the addition of gutters and downspouts, using materials that match those that were typically used on similar style buildings;
2. Repairing or providing a new foundation that does not result in raising or lowering the building elevation unless the foundation materials and/or craftsmanship contribute to the historical and architectural significance of the landmark;
3. Replacement of siding, when required due to deterioration of material, with material that matches or is in character with the original siding;
4. Repair and/or replacement of roof materials with the same kind of roof materials existing, or with materials which are in character with those of the original roof;
5. Application of storm windows made with wood, bronze or flat finished anodized aluminum, or baked enamel frames which complement or match the color detail and proportions of the building;
6. Replacement of existing sashes with new sashes, when using material which is consistent with the original historic material and appearance;
7. Painting and related preparation;
8. Water quality protection actions;
9. Installation of air conditioners, provided the units are removable and no structural alterations are necessary.
10. Site maintenance such as pruning, landscaping maintenance, brush clearing and removal of debris;
11. Temporary removals of roofs or other access obstructions for purposes of repair or maintenance of interior components of industrial or power generation facilities.

D. Appeals. Any applicant, owner, representative of the owner of a designated Landmark, or any person who was a party to this action, who is aggrieved by a

determination of the Planning Commission may within ten (10) days from and after such determination, file with the Planning Director notice to the effect that such person desires to appeal such determination to the City Council, and shall at that time pay an appeal fee, the sum of which shall be set by resolution of the City Council. This fee shall be collected at the Planning Department. The filing of such notice shall have the effect of suspending any permit approval so challenged, pending determination of such appeal by the Council. Upon the filing of such notice, the Planning Director shall set such appeal for hearing before the Council at its next available meeting provided proper public notice is given consistent with the process set forth in Section 422(A)4.

Upon the hearing of such appeal, the Council shall take testimony and hear all evidence and arguments which may be offered on the issue and shall then either affirm or reject the decision of the Planning Commission based upon the criteria used in the original decision.

Decisions of the Planning Director shall be appealed to the Planning Commission and shall follow the same procedural actions as outlined above for an appeal of a Planning Commission decision to the Council.

Section 3: Severability Clause. If any article, section, subsection, subdivision, phrase, clause, sentence, or word in this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify the remainder of the ordinance, but shall be confined to the article, section, subsection, subdivision, clause, phrase, sentence or word so held invalid or unconstitutional.

PASSED by the City Council of the City of Newberg this _____ day of _____, 1990, by the following votes:

AYES:

NAYS:

ABSENT:

City Recorder

APPROVED by the Mayor this _____ day of _____, 1990.

Elvern Hall - Mayor

LEASE AGREEMENT

THIS LEASE Agreement, made and entered into the _____ day of _____, 1990, between the following parties:

Parties:	(1)	Paul C. Hart c/o MCG 4640 S.W. Macadam Portland, OR 97201	"Lessor"
	(2)	City of Newberg, a municipal corporation 414 E. First St. Newberg, OR 97132 Lessor	"Lessee"

RECITALS

1. The Lessor is the owner of a certain real property located within the City of Newberg, County of Yamhill.
2. The Lessee wishes to lease the property from the Lessor for purposes of beautification of the property as a civic project.
3. Lessor is willing to lease the property to the Lessee for a consideration and for the good of the community provided that Lessor may be exempt from property tax during the period of the lease.

IN CONSIDERATION of the covenants and agreements and stipulations herein contained, the Parties enter into the following lease agreement:

1. Property. The Lessor shall lease to the Lessee the following described real property:

See Exhibit "A"

2. Purpose. The Lessee shall use the property in order to improve the aesthetic value of the property by planting plants upon the property, landscaping the property, doing other improvements to the property as part of a beautification project.

3. Plans for improvement. The Lessee shall submit plans for the beautification project to be done on the property to the Lessor. The Lessee shall obtain the consent of the Lessor for improvements in the project according to the plan, however, Lessor's consent cannot be unreasonably withheld.

4. Term. The lease agreement shall be for a term of five years from October ____, 1990, until October ____, 1995.

5. Termination. The lease may be terminated by 90 days written notice to either party by the other party during the entire term of the lease. EXCEPT, HOWEVER, during the first two years of the lease (October ____, 1990, until October ____, 1992), the Lessee may terminate the lease only for the purpose of selling the property as right-of-way to the State of Oregon for improvement of State Highway 99 W.

6. Consideration. The Lessor leases the property to the Lessee for the consideration of \$1.00 for the entire term, receipt of which is acknowledged by the Lessor. PROVIDED, HOWEVER, that the consideration for the rent of the leased property to the Lessee, a Municipal Corporation, which is tax exempt is that the Lessee meets requirements of ORS 307.122 and qualify the property being leased for tax exempt status. The lease rate reflects that consideration. If at any time during the term of the lease the property failed to qualify for tax exempt status, the lease agreement shall become null and void. The Lessee shall prepare and file with the cooperation of the Lessor the necessary application for property tax exemption. The Lessee shall further be responsible for filing a new claim in the event of extension of the current lease, modification of the existing lease or any other circumstances as set out in the Oregon Administrative Rules requiring a new claim to be filed with the County Assessor. Tax exemption shall be obtained as soon as possible and maintained as long as possible throughout the term of the lease.

7. General Liability Insurance. The Lessee shall maintain adequate insurance against any claims or damages arising out of the use of the premises by the Lessee. The Lessee shall defend and indemnify the Lessor against any claim, action or suit for damages arising out of the use of the Lessee of the property. The Lessee shall furnish to the Lessor upon request proof of such insurance.

8. Work on Premises. The Lessee shall defend and indemnify the Lessor against any claim by any party arising out of any construction, maintenance or any other activity conducted at the direction of the Lessee on said premises.

9. Maintenance. The Lessee shall be responsible for proper maintenance and upkeep of the property including all improvements.

10. Plans and fill. The Lessee shall be responsible for submitting the plans for landscaping and any necessary fill to address the topography of the land. The Lessee shall obtain the Lessor's approval concerning these plans and specifications. The Lessee shall be responsible to see that the activities are carried out in accordance with the plans and specifications. The Lessee may delegate this responsibility to a third party.

11. Return of Premises. At the termination of the lease, the

Lessor shall own all improvements, structures, and plantings placed upon the premises.

12. Notices. Any notice required by the terms of this lease to be given to one party thereto to the other are desired so to be given shall be sufficient if in writing, contained in a sealed envelope, deposited, with postage pre-paid, to the individual and the addresses above-referenced under parties.

IN WITNESS WHEREOF, THE RESPECTIVE PARTIES HAVE EXECUTED THIS INSTRUMENT IN DUPLICATE ON THIS THE DAY AND YEAR FIRST HEREINABOVE WRITTEN.

Lessor-Owner

Lessee
City of Newberg

Paul Hart

By: _____
Elvern Hall

By: _____
Duane R. Cole, City Manager

Notarial Act For Paul Hart

Goal
File



**NEWBERG
COMMUNITY
FOUNDATION**

August 3, 1990

Duane Cole
Manager
City of Newberg
414 E. First St.
Newberg, OR 97132

Dear Duane:

The Newberg Community Foundation has completed its Community Needs Assessment process and has tallied the results of the numerical priorities that all of you placed on your selections. Listed below are the prioritized items and the number of points they received:

- | | | |
|----|------------------|----|
| 1. | Education | 61 |
| 2. | Housing | 60 |
| 3. | Youth Issues | 58 |
| 4. | Community Center | 47 |
| | Community Vision | 47 |
| 5. | Riverfront Dev. | 45 |
| 6. | Family Issues | 43 |
| | Community Image | 43 |
| 7. | Historical Pres. | 32 |
| 8. | Animal Shelter | 19 |

Although this was not a scientific survey, we believe it does give some interesting and, hopefully, useful information for all of us as we work together to meet the needs of our community. Thank you for your participation.

Sincerely,

Janet Ker Porter
Development Consultant

August 6, 1990

Micki Snell -

Lori @ Denny's -

Goal Setting
File -
October 1990

Religious Community - Factionalized
Ministerial Association -

Mag. Drives - Principles

Booster Club

1. Board Chair - Mayor makes request.

2. Leroy in background.
More dangerous with promoters.

Liaison person - Shared Governmental Public Ed. Person.

Process

Mayor Call Meeting - Prelim 8 of us
Problem -
Process - ~~Sept~~ Tuesday - Lew Goslin
- Ebern Hall

All Boards

Evening (1 1/2 hour)

Dinner -

1. Capital Requirements

Maintenance

2. Operating Budgets

3. Vision Thing

options →

School [RFD]
Dundee
CPRO
Newberg

What comes first? Decisions process?

10 years time frame

Selection - Administrators.
Board / Council members.
Look for best.

Business Leaders - Consultant
Patrons - "
Corporate Leadership - "
Chamber - "

Metres building authority -

Political Image -

See Neil + Don

July 30, 1990

1. Forum Activities -

2. Provide Office Space -

Too many small groups unaddressed on the vision for the future.

No real major success.

Dollar depletion

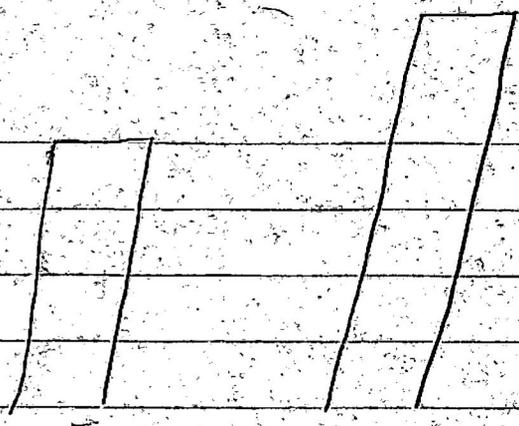
- Market all continuously

- Newberg as a destination.

Put together

3. Process -

- Old Fashioned Festival --
- Vintage Festival --
- Boat Races --
- Christmas Activities --
- Rotary --
- Kiwanis (A + B?) --
- City Club --
- Downtown Retail --
- Sports Coalition (LPRO) --
- 20/30 Club --
- Ministerial --
- School Coordinating Council -- Parents



October / Mid. Sept.
to coordination
or Joint Marketing
for Manpower Question

1. } Promotions --

2. } Service -- Fund Raisers
Clubs

3. } Schools
CPAD Chambers City -- Government / Chamber
Coalition

board + Council - Mayor + Member
City ← Chair + Member
Schools ← Chair + Member
CPAD ← Chair + Member
← Pres. + VP or Past Pres
Money -- Overrun

4. Tourism Promotions -- Antique Shops --
Recruit antique dealers.
Research
Why is the parking lot chanced off?

Promotions: OFF - O'Corner

Mike Boyes

September 21, 1990

Blodgett

Village - Sonja, Honnie,

Boat - ?

Christmas - Love - - President New Volunteers

Free Chet Christiansen - Endout offers

Doreen Turpen

Downtown - Drew Baldwin

Donna Wright

Sports Coalition - (CPRD) See Don.

Service Clubs:

Rotary - Bob Weaver

Don Tarrow

Kiwanis - Don Clements

August 14, 1990

1. Fund Raising

City Club -

2. Coordinate Activities

20/30

-

Bill Bailey,

Brad Berry

3. List of Activities

Newberg Foundation -

Janet Kere

4. Manpower issue

Chamber -

President, ED.

5. Resources

City -

City Mgr.

Joint Newsletter

Facilities & Funding

Joint Facilities Effort

City -

Schools -

CPRD -

Chamber -



Call: Wes Smith