

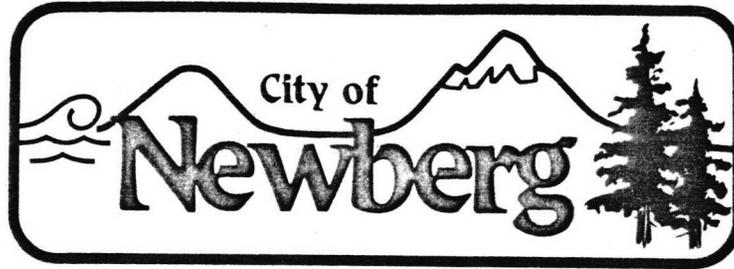
Final Plan
Only

Final Plan
Only

ACTION	DATE
DATE OF APPLICATION	10/19/78
	P.C. 1-16-79
DATE OF HEARING	C.C. 2-5-79 *
NOTICE SENT & CERTIFIED	1-2-79
DATE SENT	12-26-78
NOTICE PUBLISHED: PUBLISHED	P.C. 1-4-79; C.C. 1-25-79 & 2-1-79
NOTICE POSTED & CERTIFIED	N/A
STAFF REVIEW SENT	PUD 10-25-78
ACTION:	
1. <i>Planning Commission</i> Approved in Principle	11/21/78
2. P.C. Approval <i>Final Dept. Prelim.</i> (see 1-16-79 minutes)	1-16-79
3.	

SUB (5-7-78)
12-29-78

COMMENTS: * City Council changed from 2/5/79 to 2/6/79 because 2/5 is state holiday (Lincoln birthday).



Planning Department
(503) 538-9421

414 E. First St.
Newberg, Oregon 97132

May 17, 1983

Dick Sadler
Rt. 1 Box 679A
Dundee OR 97115

RE: Pharmacy within the Newberg Professional Center

Dear Dick,

In researching the question of whether the building which occupied the pharmacy may only be used for that purpose, I did come up with some information from the file. The plan which was submitted to the Planning Commission titled Tentative Plat and Final Development Plan of Newberg Professional Center did specifically identify the building which occupied the pharmacy as a proposed pharmacy location. Apparently, in reviewing the final plat in this matter, the Planning Commission also reviewed the restrictive covenants for the project. On January 16, 1979 the Newberg Planning Commission minutes reflect that the covenants were reviewed and certain amendments were required by the Planning Commission before a motion was made to approve the final plat. The copy of the covenants (the pertinent part I have attached herewith) states:

Section 1. Purpose.

The Newberg Professional Center is intended to provide space for the location of medical and dental offices and related support services. To assure this intent is carried out, it is advisable that space in this project be available for, but not limited to, the following purposes:

- (a). clinic and medical offices;
- (b). dental offices;
- (c). medical or dental laboratories;
- (d). X-ray facilities;
- (e). pharmacy;
- (f). opticians/dispensing outlet for optical needs;



Page 2
Pharmacy - Newberg Professional Center

- (g). medical/dental research offices;
- (h). retail/rental outlets for equipment and supplies necessary for out-patient or handicapped patient care;
- (i). physical therapy

Additionally, Planned Unit Developments may only be authorized through adoption of an ordinance as a PUD is considered to be a zone change procedure under City ordinances. The final ordinance adopting the Planned Unit Development indicates that "the final development plan and program for Newberg Professional Center is hereby adopted by the Council".

This particular development was processed under two separate zoning ordinances, as through the development process the Council was simultaneously reviewing legislative amendments to the Zoning Ordinance for acknowledgement of the City's Comprehensive Plan and implementing ordinances. The Zoning Ordinance as it exists today provides that the City Planner may permit project changes subsequent to the execution of an agreement (for the guarantee of making improvements within the project) upon finding the changes substantially conform to final approved plans and comply with the City standards, plans, policies and ordinances. Other modifications are subject to re-application at the appropriate step.

The question which you have posed, whether the building which was occupied as a pharmacy could be used for any other purpose, could probably be argued both ways. First of all, the tentative plan did identify that building as a proposed pharmacy location and that use was actually established within that building. Secondly, when the Planning Commission approved the final project and covenants for the project, they approved the ability to use the space within the project for uses not limited to: clinics, medical offices, laboratories, pharmacy, etc. It would appear that, in adopting this language, the Planning Commission and developer were both intending to authorize various uses within the project related to the medical field without specifically identifying site locations for such uses, in order to provide the flexibility necessary for marketing the project.

I hope this information has been of some assistance to you. If you have any further questions, don't hesitate to call.

Sincerely,


Clay W. Moorhead
Planning Director

CWM:bym
Enclosure

not remedied by the owner within thirty (30) days after notice thereof, the costs of said repair or maintenance, after completion may be assessed to the lot where the improvements were done, and shall be a lien and enforceable as such against said lot. The method for the assessment and enforcement of said lien shall be as follows: A meeting of the Association shall be called, pursuant to the By-Laws thereof, and the Board of Directors of said Association shall present to the meeting the names of all those owners who, in the opinion of the Directors, have not complied with the maintenance requirements hereinabove mentioned.

Section 3. Quorum Requirements.

The quorum requirements shall be the same as those required for the initial meeting referred to in Section 2, Article IV. Any owners found by an affirmative vote of seventy-five (75%) percent of the members present or by proxy, to have not properly maintained their lot, will be given notice of the specific deficiencies effecting their lot, and required to complete said maintenance or repair within ninety (90) days from the date of said notice. All notices to be sent by Certified Mail, Return Receipt Requested, to the address of the owner at his last known address. Each owner shall be responsible for maintaining and keeping in good order and repair the interior of his own office unit or units.

ARTICLE VIII EASEMENTS

Section 1.

The Developer reserves for the benefit of the tract those areas designated on said plat as easements and right-of-way for the purpose of construction of utilities, including but not limited to streets, sewers, water, power, gas and telephone, for the benefit of all lot owners in said tract.

ARTICLE IX USE RESTRICTIONS

Section 1. Purpose.

The Newberg Professional Center is intended to provide space for the location of medical and dental offices and related support services. To assure this intent is carried out, it is advisable that space in this project be available for, but not limited to, the following purposes: (a) clinic and medical offices; (b) dental offices; (c) medical or dental laboratories; (d) X-ray facility; (e) pharmacy; (f) opticians/dispensing outlet for optical needs; (g) medical/dental research offices; (h) retail/rental outlets for equipment and supplies necessary for out-patient or handicapped patient care; (i) physical therapy.

Section 2. Signs.

No signs shall be displayed upon a lot except one professional sign indicating the business carried out upon the lot complying with the City of Newberg sign code applicable to such a use if the use were located in an R-2 zone or the equivalent. In addition, one sign upon a lot may advertise that lot for sale, lease or rent, and such a sign shall comply with the applicable provisions of the City of Newberg sign code.

Section 3. Waste.

No part of a lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. No rubbish, trash, garbage or any other waste shall be kept or maintained on any lot except in a sanitary closed container. No dump box,

PARKING

EDGE OF EXISTING PVMT.

WATER

SEWER

HANDIC PARKING

20 FT. DRIVEWAY EASEMENT

STREET LIGHT

120'

SANITARY

HANDIC RAMP

PROPOSED PHARMACY

HANDICAPPED RAMPS

BUS STOP

PAINTED CROSSING

23'

WATER

EDGE OF EXISTING PVMT.

ENT

EXISTING SANITARY SEWER

10'

100

SCALE

0

20

50



Motion: Hindman-Youngman to recommend to City Council approval of zone change from rural residential to R-1 with findings in staff memorandum.

Mr. Mahr pointed out that the findings did not include any mention for zone change.

Discussion of members pointed out the fact that Yamhill County had zone called Rural Residential and the City of Newberg has no RR zone.

Motion amendment: Hindman-Cach to amend motion by adding an item #5 to staff findings for approval which states "zone change for house-keeping as R-1 is the most restrictive zone in the City of Newberg." Carried.

Amended motion: Cach-Hindman to recommend to City Council approval of the zone change from rural residential to R-1 with findings including item #5. Carried.

Public Hearing: Final Development Plan, Program & Zone Change for Newberg Professional Center (previously explained Public Hearing)

Mr. Youngman stated that his firm is in the process of making cost estimates for the Pharmacy and clinic with Dr. Abbott therefore he would abstain.

Staff Report: Mr. Heister presented staff report as stated in staff memorandum.

Mr. Hindman stated he's involved with Glen Ling & Associates through his work but he is not associated with this project.

Proponent: Glen Ling of Ling, Green & Associates representing Dr. Abbott. Would like to have on record the narrative they have submitted which is included in the staff memorandum. The preliminary plan passed November 21, 1978. The need for this development has been shown, property is already commercial zone. But they would like the PUD zone which would be more flexible to work with. They have met with a majority of the adjacent residents to the north of the development. Final plan is much the same as the preliminary plan. **Variances are: street right-of-way, lot size & setbacks.** 2 changes to be noted in the Covenants which they have drawn up: Add the word "CONSTRUCTION" to EXTERIOR MAINTENANCE #6.

Remove the word "only" in #7 of USE RESTRICTIONS.

(Plans of the proposed development were handed out to the Commission members.) Mr. Ling went over the plans which included landscape designs & building designs. What they are requesting is the approval of final development plan & program and zone change.

Mr. Grobey made the suggestion to Mr. Ling that under item #6 "CONSTRUCTION & EXTERIOR MAINTENANCE" to add the words "owner or corporation" after the word "aesthetically compatible." *Approved* *Applied*

Mr. Cach inquired to the height of the fence or shrubbery bordering the development.

Mr. Ling stated the fence would be five foot with shrubbery near the fence.

Mr. Grobey suggested that a registered Landscape architect look over the plans.

Mr. Ling expressed the credibility of their architect who drew up the landscape plans. But would consider Mr. Grobey's suggestion.

No opponents or other proponents wished to be heard, no written remonstrance has been received.

Staff Recommendation: Staff recommends approval as stated in recommendations in staff memorandum.

Public hearing closed.

Mr. Mahr explained what is included in a PD Commercial Zone.

Mr. Grobey stated finding #1 in staff recommendations has already been made in November.

Motion: Cach-Hindman to recommend to the City Council to grant Final Development Plan & Program with 4 facts included in staff memorandum, conditional to approval of zone change from C-R to the PD Commercial Zone. Carried.

Motion: Cach-Hindman to approve final plat plan with condition that zone change is approved by City Council with any additional recommendations by City Council. Carried.

Non-Hearing Items:

A. Newberg Construction - Minor partitioning - Discussion among commission members as to the location of property & particularly parcel in question. No representative present on this matter.

Motion: Cach-Grobey motion to deny request for minor partitioning based on deficiencies in frontage and access. Carried.

B. Stiller/Turner partitioning and variance postponed to February meeting on request of applicants.

New Business:

A. Zone Change recommendation to Yamhill County on Publishers Paper Co. Area south of 11th, East of Pacific.

Mr. Andy Anderson-representing Publishers Paper, pointed out parcel in question on map. Explained that the County would like a recommendation from the City Planning Commission, which was referred to them by the City Council, as to the zone change, since the area in question is included in our Proposed Urban Growth Boundary.

Chairman DeMay read letter from the Yamhill County Planning Commission asking for the recommendation of the City.

Discussion among members followed.

Motion: Cach-Youngman motion to have City Attorney draft a letter from Planning Commission stating our present comprehensive plan designates area as partial residential, our new comprehensive plan designates the

ORDINANCE NO. 1942

AN ORDINANCE AMENDING ORDINANCE NO. 1282 OF THE CITY OF NEWBERG RELATING TO THE ZONE REGULATIONS PASSED AND APPROVED MAY 8, 1961, AS AMENDED, BY AMENDING THE ZONING MAP REFERRED TO IN SECTION 5 THEREOF, TO CHANGE THE ZONE OF A CERTAIN LOT FROM RESIDENTIAL-COMMERCIAL TO PLANNED UNIT DEVELOPMENT AND ADOPTING THE FINAL DEVELOPMENT PLAN AND PROGRAM FOR THE PLANNED UNIT DEVELOPMENT.

WHEREAS, the applicant, Dr. David F. Abbott, has filed an application for a zone change on the Yamhill County Tax Lot No. 3217 CD 3200 requesting the zoning of that lot be changed to "Planned Unit Development"; and

WHEREAS, the applicant has submitted a final development plan for that planned unit development which names the development as Newberg Professional Center; and

WHEREAS, the Newberg Planning Commission held a public hearing to consider the zone change and the final development plan on January 16, 1979, and after due consideration does recommend to the Council that the zone change be allowed and that the final development plan be adopted; and

WHEREAS, the Council has set February 6, 1979, at 7:30 p.m. as the time and place for a public hearing on this and such hearing having been held.

NOW, THEREFORE, THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Yamhill County Tax Lot No. 3217 CD 3200 is presently zoned Residential-Commercial (C-R).

Section 2. Ordinance No. 1282 as amended, is further amended to change certain zone boundaries on the zoning map referred to in Section 5 thereby changing the zone classification of the following described real property from Residential-Commercial (C-R) to Planned Unit Development (P-D):

Yamhill County Tax Lot No. 3217 CD 3200

Section 3. The final development plan and program for Newberg Professional Center is hereby adopted by the Council.

Section 4. The above stated zone change and adoption of the final development plan and program are based upon the following findings of fact:

1. Comprehensive Plan designation - Commercial.
2. Zoning and Land use - The parcel is zoned CR, Residential-Commercial and is currently vacant. Building permits have been issued for the Pharmacy and Clinic under standard permit and zoning requirements.
3. Public Facilities and Services - Sewer and Water are available. Access is to Villa Road.

4. Other information - This request falls under the 5-acre minimum and, therefore, requires a finding by the commission that the area has "adequate" land to develop a PUD. The finding was made.
5. There is a public need for the request.

Public need: The public need is best served in this instance by the location of these supportive community medical services near the hospital. The need is best served by the proposed change as compared with other available property because this property is convenient to the hospital and will group needed health services in an area where they are accessible to the people rather than dispersing such services throughout the community.

6. The subject request is in compliance with LCDC Goal #5, Open Space.

An appropriate amount of the 1.15 acres of open space will be developed as landscaped areas around buildings and the parking lot.

7. The subject request is in compliance with LCDC Goal #12, Transportation.

Both arterial and collector streets serve the vicinity. The plan has been designed to recognize and serve the needs of the community's residents. It includes special parking spaces for handicapped people and also has planned an area where such vehicles as the Senior Citizen bus can safely and conveniently load and unload passengers. Walkways are designed with ramps and crosswalks will be identified to ease access to all buildings.

8. The subject request is in compliance with LCDC Goal #9, Economy of the State.

The development of clean, quiet, professional businesses is economically and environmentally beneficial to the economy of the community and the State.

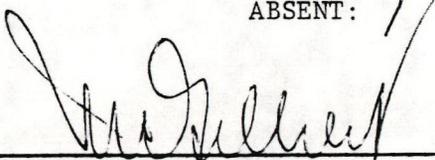
9. The subject request does not conflict with the Newberg Comprehensive Plan of the Zoning Ordinance.

PASSED by the Council at its meeting on this 6th day of February, 1979, by the following votes:

AYES: 7

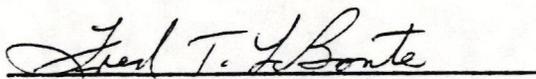
NAYS: 0

ABSENT: 1



M.C. Gilbert - Recorder

APPROVED by the Mayor this 6th day of February, 1979.



Fred T. Bonte
President of the Council

PERFORMANCE AGREEMENT

NEWBERG PROFESSIONAL CENTER
(a planned unit development)

WHEREAS, the Newberg City Council on February 6, 1979, approved a Planned Unit Development known as "Newberg Professional Center"; and

WHEREAS, the developer, David F. Abbott, has submitted plans and specifications for the development; and

WHEREAS, the Planning Department of the City of Newberg and the developer do hereby agree to the following terms and conditions in order to carry out the intent and purpose of this planned unit development;

Now, Therefore, the Parties agree to the following:

1. The Newberg Professional Center shall be built according to the plans and specifications approved by the City.
2. Any change to the plans and specifications shall first have to be approved by the City through proper procedures.
3. The landscaping and road construction as indicated on the plans and specifications shall be completed on the area referred to as Tract A of the Plat (the common area) up to a point referred to as "curve data point No. 22" by October 31, 1980 and before any building permits are issued for lots one through eight of the development.
4. The remaining landscaping and road improvement to the area referred to as Tract A on the plat shall be completed by October 31, 1981, and before any building permits are issued for the remaining lots.
5. Failure to complete the work specified in condition three and four within the time specified shall result in all work being seized within the development until such time as the conditions are met. All building permits issued are subject to this provision and the developer has the responsibility of giving notice of this provision to any persons building within the development. The provision of condition three and four as to when the building permits may be issued, may be altered by written consent as to each permit by the City Planner.

6. The structure to be constructed on Block two, lots 9 through 18 shall be built in phases, the phases shall be approved by the City Planner before issuance of any building permits for this area.

7. This agreement covers the Newberg Professional Center, a Planned Unit Development, located on Yamhill County Tax Lot No. 3217 CD 3200.

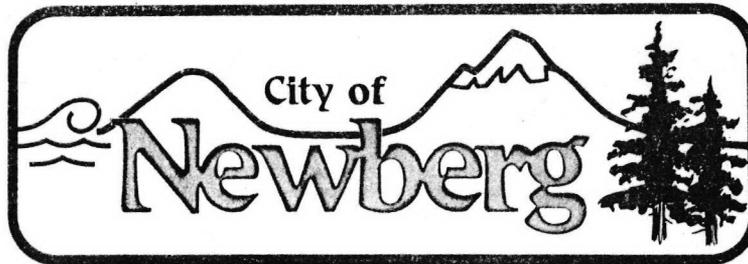
8. These conditions act as a covenant running with the land.

This agreement made and entered into this _____ day of _____, 19 .

Developer and Owner

The City of Newberg
City Planner of Newberg

Clay Moorhead



Planning Department
(503) 538-9421

August 9, 1988

414 E. First St.
Newberg, Oregon 97132

Dean E. Holman
72 Winchester Drive
Atherton CA 94025

RE: Possible Building Remodel, Yamhill County Tax Lot 3217CD-3213, -3214,
-3215. Newberg Planning Department File PUD-1-78

Dear Mr. Holman,

Since your visit I have had the opportunity to more closely examine the file, and to locate the ordinance which adopted the planned unit development (PUD) on this property.

The ordinance does not mention specific building setbacks; it does, however, adopt the final development plan for that project. The development plan does specify a minimum 20 ft. setback from all property lines. In addition, the project also has to maintain it's landscaped area; in reviewing the plat, it appears the development just meets the minimum required.

These standards do not preclude expanding your offices; any major change, however, must be approved through the Planning Commission and City Council through a PUD amendment process. A minor change could be authorized administratively, if it substantially conforms to the final development plan and complies with City standards, plans, policies and ordinances.

I hope this information is of some assistance to you. Please call if you have any further questions.

Sincerely,

A handwritten signature in cursive script that reads "James Reitz".

James Reitz
Associate Planner

JR:bym



Home of Old Fashioned Festival

PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
NEWBERG PROFESSIONAL CENTER, NEWBERG, OREGON

David F. Abbott, M.D., the owner of all lands within the platted subdivision known as the Newberg Professional Center, Yamhill County, Oregon, declares that all of the land within the Newberg Professional Center is subject to the following protective covenants, conditions and restrictions:

PARTY WALLS

1. General Rules of Law Apply. Each wall constructed on or immediately adjacent to the dividing line between platted lots shall be a party wall. The general rules of law relating to party walls shall apply to the party walls in this subdivision except where those general rules are inconsistent with these protective covenants, conditions and restrictions.
2. Repair and Maintenance. The cost of reasonable repair and maintenance of each party wall shall be shared equally by the owners whose lots abut the wall.
3. Destruction. If a party wall is destroyed or damaged by fire or other casualty, an owner who has used the wall may restore it, and if another owner thereafter makes use of the wall, that other owner shall contribute to the cost of restoration in proportion to the use without prejudice, however, to the right of either owner to call for a larger contribution from the other under any rule of law regarding liability for negligent or willful acts or omissions. An owner who by negligent or willful act has caused the party wall to be exposed to the elements shall bear the entire cost of furnishing the necessary protection against the elements.
4. Contribution. The right of an owner to contribution from another owner and the obligation of an owner to contribute to another owner shall be appurtenant to the land and shall pass to successors in title.
5. Arbitration. Any dispute concerning a party wall which the owners are unable to settle shall be arbitrated. Each of the owners shall choose one arbitrator and the two arbitrators so chosen shall choose a third arbitrator, and the decision of a majority of the arbitrators shall be binding upon both parties.

CONSTRUCTION AND EXTERIOR MAINTENANCE

6. Each lot owner is responsible for construction and exterior maintenance of all improvements constructed upon the lot. All architectural designs, exterior colors and textures shall be aesthetically compatible and reasonably consistent with

colors and textures of all other improvements in Newberg Professional Center. In the event of disagreement between owners concerning reasonable maintenance, aesthetic compatibility or reasonable consistency of colors and textures, each owner involved in the dispute shall appoint an appraiser. If the number of appraisers so appointed is an even number, then all of the appraisers so appointed shall appoint one additional appraiser, and the decision of a majority of the appraisers shall be binding upon all parties.

USE RESTRICTIONS

7. Purpose. The Newberg Professional Center is intended to provide space for the location of medical and dental offices and related support services. To assure this intent is carried out, it is advisable that space in this project be available for the following purposes:

- a. Clinic and medical offices;
- b. Dental offices;
- c. Medical or dental laboratories;
- d. X-ray facility;
- e. Pharmacy;
- f. Opticians/Dispensing outlet for optical needs;
- g. Medical/dental research offices;
- h. Retail/rental outlets for equipment and supplies necessary for out-patient or handicapped patient care;
- i. Physical Therapy

8. Signs. No signs shall be displayed upon a lot except one professional sign indicating the business carried on upon the lot complying with the City of Newberg sign code applicable to such a use if the use were located in an R-2 zone or the equivalent. In addition one sign upon a lot may advertise that lot for sale, lease or rent, and such a sign shall comply with applicable provisions of the City of Newberg sign code.

9. Waste. No part of a lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or any other waste. No rubbish, trash, garbage or any other waste shall be kept or maintained on any lot except in a sanitary closed container. No dump box, garbage can or other waste container shall be kept on a lot in a place exposed to view from the common areas. No incinerator shall be kept or used on any lot.

10. Cleanliness and Good Order. The owner of each lot is responsible for maintaining the owner's lot in a clean and orderly condition. No noxious or offensive or unsightly condition shall be permitted on any lot. No condition which is an annoyance or nuisance to the use of any other lot shall be allowed.

COMMON AREAS

11. Purposes. The common areas of Newberg Professional Center as shown in the recorded plat are dedicated to the common use of all lots in the Newberg Professional Center for traffic flow, automobile parking, beautification, essential services, safety and convenience of all lot owners and their tenants, clients, customers and business invitees.

12. Decision. Each lot owner is entitled to participate in decisions concerning development, maintenance, insurance and use of the common areas. A decision by the owners of a majority of lots shall be binding upon all owners.

13. Expense. The owner of each lot is obligated to pay one eighteenth (1/18) of any expense for the development, maintenance, insurance or use of the common areas approved by the owners of a majority of lots in the Newberg Professional Center. Such payment shall be made promptly. The owner of each lot has a cause of action against the owner of any other lot who fails to pay promptly an expense so approved together with reasonable attorneys fees and court costs incurred in enforcing and collecting such contribution.

GENERAL PROVISIONS

14. Duration. These covenants, conditions and restrictions run with the land and inure to the benefit of each lot in Newberg Professional Center for a term of 25 years from the date of recording of this declaration, after which time these covenants, conditions and restrictions shall be extended and renewed automatically for successive periods of 10 years unless the owners of 75% of the lots in the Newberg Professional Center vote to revise or terminate these covenants, conditions and restrictions. Within the initial 25 year term, no covenant, condition or restriction shall be amended except by an instrument signed and acknowledged by all of the owners of all of the lots in the Newberg Professional Center.

15. Enforcement. Any owner of any lot in the Newberg Professional Center may enforce any covenant, condition or restriction by an action at law or a suit in equity against any other owner. In such suit or action the party prevailing shall be entitled to reimbursement of all reasonable expenses of enforcement including but not limited to attorneys fees and court costs.

16. Divided Ownerships. If more than one person has an ownership interest in a lot, then any of such owners may exercise all of the rights of the owner of that lot under these covenants, conditions and restrictions except that in the event of disagreement between the respective owners of interests in the same lot the majority shall prevail.

17. Owners Association. If the owners of 3/4 of the lots in the Newberg Professional Center incorporate an owners association, then that owners association may exercise and enforce the rights and obligations of the individual owners, but if the incorporated owners association fails or refuses to act, the owner of each lot retains the right to enforce these covenants, conditions and restrictions.

18. Severability. If any of these covenants, conditions and restrictions or any part thereof is declared to be invalid by a court of competent jurisdiction, the judgement or decree of the court shall not impliedly affect the enforceability of the remainder of these covenants, conditions and restriction.

19. No Reversion. The declarant for himself, his heirs and assigns retains no right of reversion or re-entry on account of any alleged breach of any of these covenants, conditions and restrictions.

DATED _____, 1979.

DAVID F. ABBOTT, M.D.

STATE OF OREGON)
) SS
COUNTY OF YAMHILL)

On _____, 1978, before me appeared
DAVID F. ABBOTT, M.D. who executed the foregoing Declaration and acknowledged
to me that he did so freely and voluntarily.

NOTARY PUBLIC FOR OREGON

My commission expires: _____

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS

for

NEWBERG PROFESSIONAL CENTER

NEWBERG, OREGON

DECLARATION

THIS DECLARATION, Made this 14th day of November, 1979, by
DAVID F. ABBOTT, hereinafter referred to as "Developer".

WITNESSETH:

WHEREAS, Developer is the owner of certain real property described in this Declaration and desires to create thereon a space for the location of medical and dental offices and related support services, with common facilities for the benefit of such offices. This development shall be referred to as the "Newberg Professional Center", and

WHEREAS, the Developer has deemed it desirable for the efficient preservation of the values and amenities of the said development to create an agency to which should be delegated and assigned the powers of maintaining, administering and enforcing the covenants and restrictions and collecting and disbursing the assessments and charges hereafter created. This agency shall be referred to as the "NEWBERG PROFESSIONAL CENTER ASSOCIATION".

NOW THEREFORE, the Developer hereby declares that all of the said property is and shall be held and conveyed upon and subject to the easements, conditions, covenants, restrictions and reservations hereinafter set forth; all of which are for the purpose of enhancing and protecting the value, desirability, and attractiveness of said property. These easements, covenants, restrictions, conditions and reservations shall constitute covenants running with the land, and shall be binding upon all persons claiming under them, and also that these conditions, covenants, restrictions, easements, and reservations shall inure to the benefit and be limitations upon all future owners of said property, or any interests therein.

ARTICLE I
DEFINITIONS

Section 1.

"Association" shall mean and refer to "NEWBERG PROFESSIONAL CENTER ASSOCIATION", a non-profit corporation organized under the laws of the State of Oregon, its successors and assigns.

Section 2.

"Association of Members" means all the owners and other persons entitled to vote, acting as a group, in accordance with this declaration and bylaws.

Section 3.

"Building" means a multiple unit building or a single unit building or any combination thereof, comprising a part of the property.

Section 4.

"Common Expenses" means the expenses of administration, maintenance, repair or replacement of the common facilities, expenses agreed upon as common by the owners, and expenses declared common by this declaration, or the bylaws of this Association.

Section 5.

"Lot" shall mean and refer to any separately designated plot of land shown upon any recorded subdivision map of the Properties with the exception of the Common or Public Areas.

Section 6.

"Member" means that person or entity having a voting right in the Association pursuant to the declaration and the Articles of Incorporation and bylaws.

Section 7.

"Owner" shall mean the record owner, record mortgagor, record grantor of a trust deed, or contract purchaser, whether one or more persons or entities, of a fee simple title, to any lot, plot or office unit situated upon the properties, but, notwithstanding any applicable theory of the mortgage, shall not mean or refer to the mortgagee, contract seller or beneficiary of a trust deed, unless and until such mortgagee, contract seller or beneficiary of a trust deed has acquired title pursuant to foreclosure or any proceeding in lieu of foreclosure.

Section 8.

"Developer" shall mean David F. Abbott, or his assigns.

Section 9.

"Said Property" shall mean and refer to that certain real property hereinbefore described, and such additions thereto as may hereafter be brought within the jurisdiction of the Association.

Section 10.

"Common Areas" shall mean all real property, and appurtenances thereto, now or hereafter owned or maintained by the Association for the common use and enjoyment of the members of the Association.

ARTICLE II
PROPERTY SUBJECT TO THE DECLARATION

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to the Declaration is more particularly described in two parcels, to-wit:

PARCEL I

Being parts of Lots 6 and 10 of County Survey 2266 in the Southwest one-quarter of Section 17, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon; further described as follows: Beginning on the East line of the Daniel D. Deskins Donation Land Claim in said township and range, at a point N 00°21' W 30.828 chains from the Northeast corner of said Deskins claim; thence S 00°21' W on said claim line, 210.21 feet; thence S 89°54' E 151.0 feet to an iron pipe, being the TRUE POINT OF BEGINNING, herein; thence S 89°54' E 512.60 feet to an iron rod on the East line of Lot 10 of said County Survey 2266; thence N 00°10' E 210.21 feet to an iron pipe at the Northeast corner of said Lot 10; thence N 89°54' W 323.12 feet to an iron pipe on the North line of said Lot 6; thence S 00°21' W 95.40 feet to an iron pipe; thence N 89°54' W 114.65 feet to an iron pipe; thence Southwesterly on a 59.95 foot radius curve to the left, 58.96 feet; thence S 33°45' W 14.85 feet; thence Southerly on a 98.00 foot radius curve to the left, 57.13 feet; thence S 00°21' W 21.84 feet to said true point of beginning.

PARCEL II

Being a part of Lot 6 of County Survey 2266, in the Southwest one-quarter of Section 17, Township 3 South, Range 2 West of the Willamette Meridian, Yamhill County, Oregon; further described as follows: Beginning on the East line of the Daniel D. Deskins Donation Land Claim in said township and range, at a point S 00°21' W 34.013 chains from the Northeast corner of said Deskins claim and also being S 00°21' W 210.21 feet from the Northwest corner of said Lot 6; thence S 89°54' E 151.0 feet to an iron pipe; thence N 00°21' E 21.84 feet; thence Northerly on a 98.0 foot radius curve to the right, a distance of 18.17 feet; thence N 89°54' W 152.68 feet to the East line of said claim; thence S 00°21' W 40.00 feet to the point of beginning.

Together with a non-exclusive easement for ingress and egress over and across a strip of land 20 feet wide, running from the West line of Parcel I to the North line of Parcel II, the Southerly line of said 20 foot strip, being described as follows: Beginning South 00°21' West 95' of the Northerly Northwest corner of Parcel I to the true point of beginning; thence North 89°54' West 114.65 feet to an iron pipe; thence Southwesterly on a 59.95 foot radius curve to the left, 58.96 feet; thence South 33°45' West 14.85 feet; thence Southerly on a 98.00 foot radius curve to the left, 57.13 feet to the terminus of said line.

ARTICLE III MEMBERSHIP AND VOTING RIGHTS IN THE ASSOCIATION

Section 1. Membership.

Every person or entity who or which is an owner of a lot shall be a member, the owner of more than one lot shall be a member as to each lot so owned, and shall have one vote for each lot so owned. The owner of each lot shall be considered a separate owner. Proportionate shares of the separate owners in the common revenue and expenses in connection with their private commons, or any public lands which the Association is required to improve and/or maintain, and the proportionate representation for voting purposes in the Association of the separate owners shall be equal.

Section 2.

Each owner shall have one vote, whether the owner is a corporation, an association, a partnership, or a husband and wife. When more than one person holds such interest in any one lot, all such persons shall exercise their one vote as a unit, as they among themselves shall determine.

ARTICLE IV PROPERTY RIGHTS IN PRIVATE COMMONS

Section 1. Members Easement of Enjoyment.

Subject to the provision of Section 4 of this Article IV, every member shall have a right and easement of enjoyment in and to the said private commons or said public lands referred to in Article III, Section I, and such easement shall be appurtenant to and shall pass with the title to every lot or office unit.

Section 2. Conveyance of the Common Areas.

The Developer hereby covenants that they will convey to the Association all the interest of the Developer not previously conveyed to the City of Newberg in the Common Areas designated as such on Exhibit A. This will occur no later than the time when seventy-five (75%) percent of the lots in this Planned

Unit Development (PUD) are sold. At said time or within one hundred twenty (120) days thereafter the office owners Association will be incorporated by the Developer and will hold its first meeting pursuant to its By-Laws.

Section 3. Extent of Members Easement.

The rights and easements of enjoyment created hereby shall be subject to the following:

- (a) The right of the Association, as provided in its Articles of Incorporation and By-Laws, to suspend the enjoyment rights of any member for any period during which any assessment remains unpaid, and for any period not to exceed thirty (30) days for any infraction of its published rules and regulations.

ARTICLE V
COVENANT FOR MAINTENANCE ASSESSMENTS

Section 1. Creation of the Lien and Personal Obligation of Assessments.

The Developer hereby covenants for all of said Property, that from and after the first day of the month immediately following the conveyance of the Common Areas by the Developer to the Association and each owner of any lot, plot, or office unit by acceptance of a deed or contract of purchase therefore, whether or not it shall be so expressed in any such deed or other conveyance or agreement for conveyance, is deemed to covenant and agree to pay to the Association: (1) Regular periodic or other regular assessments or charges, and (2) Special Assessments for capital improvements, such assessments to be fixed, established, and collected from time to time as hereinafter provided. The regular and special assessments, together with such interest thereon and costs of collection thereof, as hereinafter provided, shall be a charge on the land and shall be a continuing lien upon the property against which such assessment is made. Each such assessment, together with such interest, costs, and reasonable attorney's fees, shall also be the personal obligation of the person who was the owner of such property at the time such assessment became due. The obligations shall remain a lien on the property until paid or foreclosed, but shall not be a personal obligation of successors in title unless expressly assumed by them.

Section 2. Purpose of Assessments.

The assessments levied by the Association shall be used exclusively for the purpose of maintaining the Common Areas.

Section 3. Periodic Assessments.

The owner of each lot shall be obligated to pay a proportionate share of the expense in the development and maintenance of the Common Areas. The owner's share shall be as follows: (1) Until the Newberg Professional Center is developed with improvements upon twelve (12) lots or the Association is formed, each owner of a lot is obligated to pay one-eighteenth (1/18) share of any expense for the development, maintenance, insurance, taxes, or use of the Common Areas approved by the owners of a majority of the lots. When the Professional Center is developed with improvements constructed upon at least twelve (12) lots, or the Association is formed, each owner of the lot is obligated to pay that proportion of the development, maintenance, insurance, taxes, and use of the Common Areas as the total square footage of the owner's improvement (or if building is not completed the improvements that are permitted as shown on Exhibit A), bears to the total square footage of all of the permitted improvements on all lots in the Professional Center. Assessments shall be made promptly. The Newberg Professional Center Association and/or the owner of each lot has a course of action against the owner of any other lot who fails to pay promptly an expense so approved together with reasonable attorney's fees and court costs incurred in enforcing and collecting such assessment.

Section 4. Date of Commencement of Periodic Assessments: Due Dates.

The periodic assessments provided for herein shall commence as to all lots on the first day of the second month following the incorporation of the Association. Written notice of the periodic assessment shall be sent to every owner subject thereto. The first regular assessment shall be adjusted according to the number of months remaining in the calendar year. The Board of Directors shall fix the amount of the regular assessment at least thirty (30) days in advance of each periodic assessment. The due date shall be established by the Board of Directors. The Association shall, upon demand, in any reasonable time, furnish the Certificate in writing, signed by an officer of the Association stating whether the assessments on a specified lot have been paid. A reasonable charge may be made by the Board for the issuance of these Certificates. Such Certificates shall be conclusive evidence of payment of any assessment therein stated to have been paid.

Section 5. Effect of Nonpayment of Assessments: Remedies of the Association.

Any assessments which are not paid when due shall be delinquent. If the assessment is not paid within thirty (30) days after the due date, the assessment shall bear interest from the date of delinquency at the rate of nine (9%) percent per annum. The Secretary of the said Association shall file in the office of the Director of Records, County Clerk, or appropriate recorder of conveyances of Yamhill County, State of Oregon, within one hundred twenty (120) days after delinquency, a statement of the amount of any such charges or assessments together with interest as aforesaid, which have come delinquent with respect to any lot on said property, and upon payment in full thereof, shall execute and file a proper release of the lien securing the same. The aggregate amount of such assessment, together with interests costs, and expenses, and a reasonable attorney's fee for the filing and enforcement thereof, shall constitute a lien on the whole lot with respect to which it is fixed and on any improvement thereon, from the date the notice of delinquency thereof is filed in the office of said Director of Records or County Clerk or other appropriate recording office, until the same has been paid or released as herein provided. Such lien may be enforced by said Association in the manner provided by law with respect to liens upon real property. The owner of said property at the time said assessment becomes due shall be personally liable for the expenses, costs and disbursements and attorney's fees which shall be secured by said lien, including costs and fees on appeal, and such owner at the time such assessment is incurred shall also be liable for any deficiency remaining unpaid after any foreclosure sale. No owner may waive or otherwise escape liability for the assessments provided for herein by non-use of the Common Areas or abandonment of his lot or any improvement thereon.

Section 6. Subordination of the Lien to Mortgages.

The lien of the assessments provided for herein shall be inferior, junior, and subordinate to the lien of all mortgages and trust deeds for or hereafter placed upon said property or any part thereof. Sale or transfer of any lot or any other part of said property shall not effect the assessment lien. However, the sale or transfer of any lot which is subject to any mortgage pursuant to a decree of foreclosure under such mortgage or any proceeding in lieu of foreclosure thereof, shall extinguish the lien of such assessments as to amounts thereof which shall become due prior to such sale or transfer; and such lien shall attach to the net proceeds of sale, if any, remaining after such mortgages or other prior liens and charges have been satisfied. No sale or transfer shall relieve such lot and any improvements thereon from liability for any assessments thereafter becoming due or from the lien thereof.

Section 7. Exempt Property.

The following property subject to this Declaration shall be exempt from the assessments created herein: (a) all properties expressly dedicated to and accepted by a local public authority; (b) the Common Areas; and (c) all other properties owned by the Association.

ARTICLE VI
PARTY WALLS

Section 1. General Rules of Law Apply.

Each wall constructed on or immediately adjacent to the dividing line between platted lots shall be a party wall. The general rules of law relating to party walls shall apply to the party walls in this subdivision except where those general rules are inconsistent with these protective Covenants, Conditions, and Restrictions.

Section 2. Repair and Maintenance.

The cost of reasonable repair and maintenance of each party wall shall be shared equally by the owners whose lots abut the wall.

Section 3. Destruction.

If a party wall is destroyed or damaged by fire or other casualty, an owner who has used the wall may restore it, and if another owner thereafter makes use of the wall, that other owner shall contribute to the cost of restoration in proportion to the use without prejudice, however, to the right of either owner to call for a larger contribution from the other under any rule of law regarding liability for negligent or willful acts or omissions. An owner who by negligent or willful act has caused the party wall to be exposed to the elements shall bear the entire cost of furnishing the necessary protection against the elements.

Section 4. Contribution.

The right of an owner to contribution from another owner and the obligation of an owner to contribute to another owner shall be appurtenant to the land and shall pass to successors in title.

Section 5. Arbitration.

Any dispute concerning a party wall which the owners are unable to settle shall be arbitrated. Each of the owners shall choose one arbitrator and the two arbitrators so chosen shall choose a third arbitrator, and the decision of a majority of the arbitrators shall be binding upon both parties.

ARTICLE VII
CONSTRUCTION AND ARCHITECTURAL CONTROL AND EXTERIOR MAINTENANCE

Section 1. Construction and Architectural Control.

All plans for improvements of any lot in this Planned Unit Development (PUD) including, but not limited to, all building plans, size and dimensions of the buildings, landscaping plans, and the exact location of said buildings and landscaping on the said lot must be approved by the Developer. Additionally, the exterior decor and color of all buildings, all architectural designs and textures, shall be esthetically compatible and reasonably consistent with all other improvements in the Newberg Professional Center and must be approved by the Developer. Such approval must be in writing and signed by the Developer, or his successors, or assigns.

Section 2. Exterior Maintenance.

The Association shall maintain or provide for the maintenance of the Common Areas. The lot owners shall provide for the exterior maintenance of their lots including, without being limited to, the following: paint, repair, replace and care for roofs, gutters,

downspouts, exterior building surfaces, trees, shrubs, grass, landscaped areas, walks and other exterior improvements. In the event that the need for such maintenance or repair occurs and is not remedied by the owner within thirty (30) days after notice thereof, the costs of said repair or maintenance, after completion, may be assessed to the lot where the improvements were done, and shall be a lien and enforceable as such against said lot. The method for the assessment and enforcement of said lien shall be as follows: A meeting of the Association shall be called, pursuant to the By-Laws thereof, and the Board of Directors of said Association shall present to the meeting the names of all those owners who, in the opinion of the Directors, have not complied with the maintenance requirements hereinabove mentioned.

Section 3. Quorum Requirements.

The quorum requirements shall be the same as those required for the initial meeting referred to in Section 2, Article IV. Any owners found by an affirmative vote of seventy-five (75%) percent of the members present or by proxy, to have not properly maintained their lot, will be given notice of the specific deficiencies effecting their lot, and required to complete said maintenance or repair within ninety (90) days from the date of said notice. All notices to be sent by Certified Mail, Return Receipt Requested, to the address of the owner at his last known address. Each owner shall be responsible for maintaining and keeping in good order and repair the interior of his own office unit or units.

ARTICLE VIII EASEMENTS

Section 1.

The Developer reserves for the benefit of the tract those areas designated on said plat as easements and right-of-way for the purpose of construction of utilities, including but not limited to streets, sewers, water, power, gas and telephone, for the benefit of all lot owners in said tract.

ARTICLE IX USE RESTRICTIONS

Section 1. Purpose.

The Newberg Professional Center is intended to provide space for the location of medical and dental offices and related support services. To assure this intent is carried out, it is advisable that space in this project be available for, but not limited to, the following purposes: (a) clinic and medical offices; (b) dental offices; (c) medical or dental laboratories; (d) X-ray facility; (e) pharmacy; (f) opticians/dispensing outlet for optical needs; (g) medical/dental research offices; (h) retail/rental outlets for equipment and supplies necessary for out-patient or handicapped patient care; (i) physical therapy.

Section 2. Signs.

No signs shall be displayed upon a lot except one professional sign indicating the business carried out upon the lot complying with the City of Newberg sign code applicable to such a use if the use were located in an R-2 zone or the equivalent. In addition, one sign upon a lot may advertise that lot for sale, lease or rent, and such a sign shall comply with the applicable provisions of the City of Newberg sign code.

Section 3. Waste.

No part of a lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or other waste. No rubbish, trash, garbage or any other waste shall be kept or maintained on any lot except in a sanitary closed container. No dump box,

garbage can or other waste container shall be kept on a lot in a place exposed to view from the Common Areas. No incinerator shall be kept or used on any lot.

Section 4. Cleanliness and Good Order.

The owner of each lot is responsible for maintaining the owner's lot in a clean and orderly condition. No noxious or offensive or unsightly condition shall be permitted on any lot. No condition which is an annoyance or nuisance to the use of any other lot shall be allowed.

Section 5. Time Limit on Building.

The Developer intends to sell lots for the purpose of constructing medical and related offices. If a lot is sold, but construction is not started within two years from the date of sale closing, the Developer shall have the option to repurchase the lot at the sale price less reasonable sales fees.

ARTICLE X
COMMON AREAS

Section 1. Purposes.

The Common Areas of the Newberg Professional Center as shown in the recorded plat are dedicated to the common use of all lots in the Newberg Professional Center for traffic flow, automobile parking, beautification, essential services, safety and convenience of all lot owners and their tenants, clients, customers and business invitees.

ARTICLE XI
GENERAL PROVISIONS

Section 1. Duration.

These Covenants, Conditions and Restrictions run with the land and inure to the benefit of each lot in Newberg Professional Center for a term of twenty-five (25) years from the date of recording this Declaration, after which time these Covenants, Conditions and Restrictions shall be extended and renewed automatically for successive periods of ten (10) years unless the owners of seventy-five (75%) percent of these lots in the Newberg Professional Center vote to revise or terminate these Covenants, Conditions and Restrictions. Within the initial twenty-five (25) year term, no Covenant, Condition or Restriction shall be amended except by an instrument signed and acknowledged by all of the owners of all of the lots in the Newberg Professional Center.

Section 2. Enforcement.

Any owner of any lot in the Newberg Professional Center may enforce any Covenant, Condition or Restriction by an action at law or a suit in equity against any other owner. In such suit or action the party prevailing shall be entitled to reimbursement of all reasonable expenses or enforcement including but not limited to attorney's fees and court costs.

Section 3. Divided Ownerships.

If more than one person has an ownership interest in a lot, then any of such owners may exercise all of the rights of the owner of that lot under these Covenants, Conditions and Restrictions except that in the event of disagreement between the respective owners of interests in the same lot the majority shall prevail.

Section 4. Severability.

If any of these Covenants, Conditions and Restrictions or any part thereof is declared to be invalid by a court of competent jurisdiction, the judgement or decree of the court shall not impliedly effect the enforceability of the remainder of these Covenants, Conditions and Restrictions.

Section 5. No Reversion.

The declarant for himself, his heirs and assigns retains no right of reversion or re-entry on account of any alleged breach of any of these Covenants, Conditions and Restrictions.

DATED 21st November, 1979.

David F. Abbott
DAVID F. ABBOTT, M.D.

STATE OF OREGON }
COUNTY OF YAMHILL } SS

On November 21, 1979, before me appeared
DAVID F. ABBOTT, M.D. who executed the foregoing Declaration and acknowledged
to me that he did so freely and voluntarily.

Margaret Cronin
MARGARET CRONIN
NOTARY PUBLIC
My Commission Expires 6/27/82

NOTARY PUBLIC FOR OREGON
My commission expires: _____



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

March 28, 1980

David F. Abbott, M.D.
Physician and Surgeon
1314 E. Sherman Street
Newberg, OR 97132

RE: Proposed modifications to the final plat for Newberg Professional Center *file*

Dear Dr. Abbott:

In response to your letter of February 11, 1980, relating to certain modifications proposed to the Newberg Professional Center plat, the following modifications are hereby approved:

1. The realignment of the curve in the northern portion of Lot 3. --- This alignment will allow for the northern line of lot 3 to be expanded by approximately 10'. A map indicating this adjustment is attached.

Any changes to the configuration of lot 3 or the accessway will require remonumentation and corrections on the final construction plans reflecting the changes.

2. Lots 4 and 8 may have a common wall and the combined building square footage shall not exceed that indicated on the preliminary plat. The combined square footage of building area for lots 4 and 8 would be 3,870 square feet. The building must otherwise fall within the approved setback lines with the exception of the common lot line. Lots 5, 6, and 7 may also be connected by a common wall structure. The total square footage of this structure may not exceed the permitted square footages as indicated on the preliminary plan. The total square footages for a structure that may be placed on lots 5, 6, and 7 would be 4,255 square feet. Again, this structure shall conform to all other applicable setback requirements for the P.U.D. with the exception of the common lot lines.

If you have any questions relating to this matter, please feel free to contact our office.

Sincerely,


Clay W. Moorhead
Planning Director

CWM:nm
xc: Building
Engineering

DAVID F. ABBOTT, M.D.
PHYSICIAN AND SURGEON
1314 E. SHERMAN
NEWBERG, OREGON 97132

538-2145

parking

Proposed

Existing

24'

3

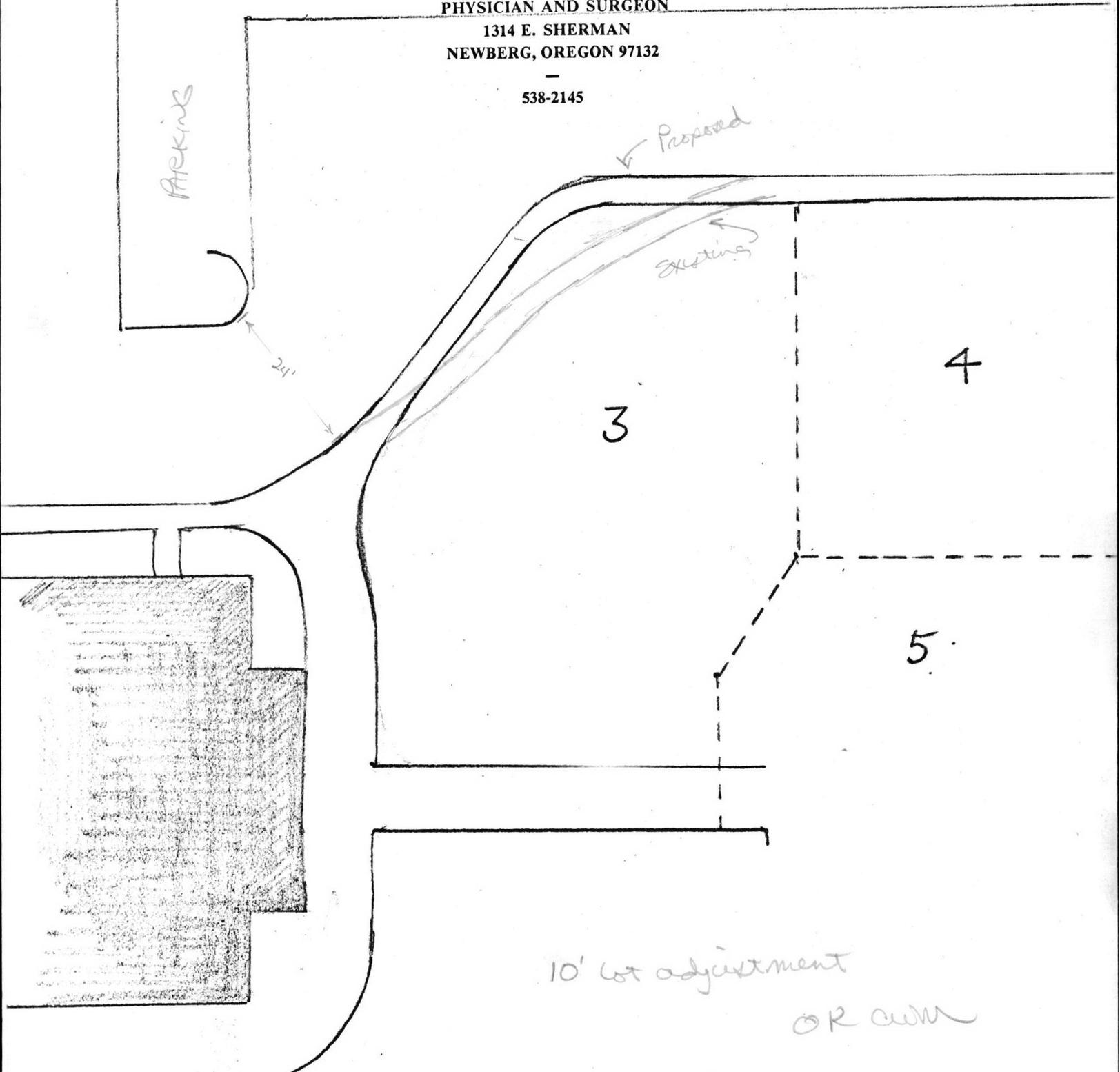
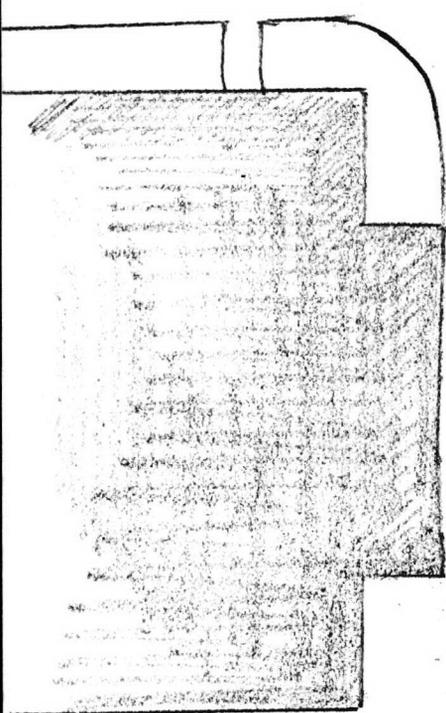
4

5

10' lot adjustment

OR cum

1" = 20'



DAVID F. ABBOTT, M.D., P.C.
PHYSICIAN AND SURGEON
1314 E. SHERMAN STREET
NEWBERG, OREGON 97132

538-7331

February 11, 1980

Clay Moorhead
Planning Officer
Planning Department
City Hall
Newberg, Oregon 97132

Dear Clay:

This letter is to confirm our conversation of last week.

I am interested in developing the Newberg Professional Center in the most attractive way possible. To this end, I wish to provide a focal plaza to the east of the clinic which is presently under construction. This plaza will be landscaped with shrubs, benches, and walkways. The plaza will be on Lots 2, 3, and 5.

In order to achieve this open space, I have asked permission to erect one single building on Lots 5, 6, and 7 and another single building on Lots 3, 4, and 8. The construction of these buildings will be dependent upon suitable financing.

I have enclosed some preliminary plans contemplated for Lots 5, 6, and 7. Excluding the lobby areas, the square footage of this building is approximately the square footage permitted by a previous agreement. However, because the lines between Lots 5 and 6, and 6 and 7, are zero lot lines, this permits the buildings on Lots 6 and 7 to be somewhat larger than if zero lot lines had not been used, and I have made a corresponding reduction in the size of the building on Lot 5, thereby allowing the plaza to be expanded eastward. This also permits the provision of an additional parking space in the block of parking to the north of the roadway in this area. This parking bay will actually be on Lot 5 and the appropriate legal restrictions will have to be made to insure that it continues to be used appropriately.

Continued ...

DAVID F. ABBOTT, M.D., P.C.
PHYSICIAN AND SURGEON
1314 E. SHERMAN STREET
NEWBERG, OREGON 97132

538-7331

Clay Moorhead, Planning Officer
Newberg, Oregon 97132

Page II
February 11, 1980

Regarding the building on Lots 3, 4 and 8, I am anxious to use this space in the most efficient way, also. To this end, I would like to expand Lot 3 along its northern boundary. This would be achieved by continuing the east-west lot line that forms the boundary between Lots 4 and 8, and the common areas to be extended westward in the same line for a distance of 30' from the lot line between Lots 3 and 4. It would then arc to the southwest, as shown on the accompanying diagram.

I hope that you will agree that these minor adjustments will give us the potential for achieving a much more cohesive and integrated planning arrangement than would otherwise be the case.

In addition to the above, Clay, I would like to improve the access to the site as a whole by arcing the corners of the roadway where it joins Villa Road. I would also like to improve the visibility around the sharp curve to the left, as the patients enter with a view going to Dr. Pearson's office. This could be done by increasing the radius of the curve on that corner to 25'. Mr. Carter is agreeable to both of these minor changes.

With best wishes,

Yours sincerely,



David F. Abbott, M.D.

DFA:STAT-LINE T 2/11/80
Medical Transcription Service

Ernie

AGENDA

CITY OF NEWBERG
PLANNING COMMISSION

January 16, 1979

7:30 P.M.
Council Chambers

1. Call Meeting to Order

2. Roll Call

3. Election of Chairman and Vice Chairman

3a Introduction of new member (Jean Harris, former council person)

4. Approval of previous meeting's minutes

5. Public Hearings

A. Annexation and Zone Change

Owner: Paul M. Bondo

Request: Annexation to the City of Newberg of approximately 2.49 acres; and Zone Change from Rural Residential to R-1.

Tax Lot No: 3218AC-1600

Legal Description: South half of Tract 22, Northwest Newberg Subdivision, in the William Jones Donation Land Claim #38, North half Section 18, T3S, R2W, W.M., Yamhill County, Oregon.

Location: West side of Main Street Extension.

B. Final Development Plan & Program, Zone Change for Newberg Professional Center

Applicant: David F. Abbott, M.D.

Request: Approval of Final Development Plan & Program and Zone Change from the underlying zone of C-R to the Planned Unit Development (P-D) zone.

Location: East side of Villa Rd. across from Newberg Community Hospital.

Tax Lot #: Part of Lot 6 County Survey 2266, SW 1/2 Sec. 17, T3S, R2W, WM - Parcel 2

6. Non-hearing Items

A. Newberg Construction - minor partitioning

B. Stiller/Turner partitioning and variance postponed to February meeting on request of applicants.

7. New Business

A. Zone change recommendation to Yamhill County on Publishers Paper Co. - Area south of 11th, East of Pacific.

8. Adjournment

Berry has info on this.

Abbott POD
file

DONALD C.COOLEY P.L.S.
1805 PORTLAND ROAD
P.O.BOX 5
NEWBERG, OREGON 97132

PHONE: 538-3340

FOR: Dr. David Abbott

PURPOSE: Lot line adjustment in Lots 3, 4 & 8 of the NEWBERG PROFFSSIONAL CENTER.

Data above line for identification purposes only

Data below line for use on legal instrument

PARCEL 1

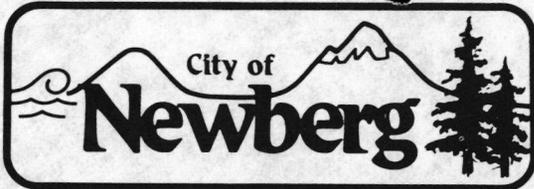
The East 44.00 feet of Lot 8, NEWBERG PROFFSSIONAL CENTER.

PARCEL 2

The West 20.00 feet of Lot 8 and the East 21.00 feet of Lot 4, NEWBERG PROFFSSIONAL CENTER.

PARCEL 3

All of Lot 3 and the West 39.00 feet of Lot 4, NEWBERG PROFFSSIONAL CENTER.



414 E. First St.

Newberg, Oregon 97132

TAP NO. 1502

Sewer Tap Fee \$ 500.00

Sewer Development Fee _____

Water Tap Fee 350.00

Water Development Fee Meter 150.00

Total \$ 900.00

PROPERTY OWNERS APPLICATION FOR WATER & SANITARY SEWER TAPS

To the Recorder of the City of Newberg:

The undersigned, Ed Casciato hereby petitions and requests the City of Newberg to connect to the City's Sanitary and/or Water System at the premises owned by:

DE Abbott (NAME OF OWNER) 450 Villa Road (ADDRESS)

Number of Buildings to be Connected 1 Number of Units per Building 1

Size of Water Meter 3/4" Number of Water Meters 1

Size of Sewer Connection 4" Work Performed By _____

Firm or Person Installing Plumbing _____

In consideration thereof, the undersigned does hereby agree to pay the City of Newberg, the full cost of the sewer and/or water connection as detailed above, at the time application is made for the building permit, except as provided in section 404(8) or Ordinance 1386 of the City of Newberg. The undersigned does also acknowledge that a building permit will not be issued until the full connections costs are paid except as provided in section 404(8) of Ordinance 1386 of the City of Newberg.

IN WITNESS WHEREOF, the undersigned has hereunto set their hand this

24th day of June, 19 85.

Ed Casciato
Company Name

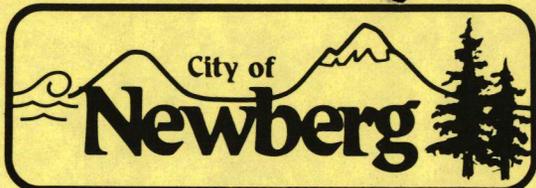
Edmond L Casciato
Signature

RT 1 BOX 550 DUNDALK
Address

Fee received by Tracy Weatherly Date 6-24-85

Date Tap Installation is desired _____

PLEASE ATTACH PLOT PLAN INDICATING DESIRED LOCATION OF WATER/SEWER TAP.



414 E. First St.

Newberg, Oregon 97132

TAP NO. 1503

Sewer Tap Fee

\$ 200

Sewer Development Fee

500 paid #04884

Water Tap Fee

Water Development Fee

Total

\$ 700

PROPERTY OWNERS APPLICATION FOR WATER & SANITARY SEWER TAPS

To the Recorder of the City of Newberg:

The undersigned, _____ hereby petitions and requests the City of Newberg to connect to the City's Sanitary and/or Water System at the premises owned by:

Dr. Abbott

460 Villa Rd.

(NAME OF OWNER)

(ADDRESS)

Number of Buildings to be Connected 1

Number of Units per Building 1

Size of Water Meter _____

Number of Water Meters _____

Size of Sewer Connection 4"

Work Performed By _____

Firm or Person Installing Plumbing _____

In consideration thereof, the undersigned does hereby agree to pay the City of Newberg, the full cost of the sewer and/or water connection as detailed above, at the time application is made for the building permit, except as provided in section 404(8) or Ordinance 1386 of the City of Newberg. The undersigned does also acknowledge that a building permit will not be issued until the full connections costs are paid except as provided in section 404(8) of Ordinance 1386 of the City of Newberg.

IN WITNESS WHEREOF, the undersigned has hereunto set their hand this

3 day of July, 19 85.

Ed Casciato

Company Name

Edmund Casciato

Signature

Address

Fee received by R. Skjka

Date 7-5-85

Date Tap Installation is desired July 5, 1985

PLEASE ATTACH PLOT PLAN INDICATING DESIRED LOCATION OF WATER/SEWER TAP.

1979

Conditional Use/Variance

- 7. Docket: C-305-78/V-68-78
- Request: A conditional use permit and a variance to allow separation of a 0.8 acre parcel divided by County Road No. 50 from a larger 6.3 acre parcel, in an area designated "Very Low Density Residential" on the Comprehensive Plan map and presently zoned "VLDR 2 1/2".
- Location: Approximately three (3) miles northeast of the City of Newberg in the SW 1/2 of Section 3, T3S-R2W, Tax Lot No. 3203-3000.
- Applicants: Lester & Lucile Winters.

Plan/Zone Change

- 8. Docket: PA-65-78/Z-157-78
- Request: An amendment to the Yamhill County Comprehensive Plan, 1974, to change the Plan Map designation from "Low Density Residential" to "Heavy Industrial" and an amendment to the Yamhill County Zoning Ordinance, Ordinance 83, 1976 to change the zoning designation from "LDR-6,750" to "Heavy Industrial" to accommodate expansion of the existing paper mill facilities.
- Location: Abutting the southeast corner of the City of Newberg, between 11th and 12th streets from the Newberg City Limits to Wyooski street, a portion of Cavells Subdivision in the S 1/2 of Section 20, T3S-R2W, Tax Lots 3220CD-1800, 1900, 2100, 2200, 2300, 2400 and 2500.
- Applicant: Spaulding Pulp & Paper Company.

**** 9:30 P.M. or after ****

Special Exception/Temporary Structure

- 9. Docket: SE-23-78/TS-81-78
- Request: A special exception to Yamhill County Zoning Ordinance, Ordinance 83, 1976 to allow placement of a mobile home as a second temporary dwelling on a 18.5-acre parcel in an area designated "Agriculture/Forestry Large Holding" on the Comprehensive Plan map and presently zoned "AF-20".
- Location: Approximately 3 1/2 miles west of the City of Yamhill on County Road No. 224 and County Road No. 244 in the S 1/2 of Section 1, T3S-R5W, Tax Lot 3501-800.
- Applicant: Ron G. Morton.

STAFF MEMORANDUM
 AGENDA ITEM 8
 YAMHILL COUNTY PLANNING COMMISSION
 January 18, 1979 - 7:30 P.M.
 Yamhill County Courthouse Rm. 32
 McMinnville, Oregon

8. Docket PA-65-78/Z-157-78
 Request: An amendment to the Yamhill County Comprehensive Plan, 1974, to change the Plan Map designation from "Low Density Residential" to "Heavy Industrial" and an amendment to the Yamhill County Zoning Ordinance, Ordinance 83, 1976 to change the zoning designation from "LDR-6,750" to "Heavy Industrial" to accommodate expansion of the existing paper mill facilities.
- Location: Abutting the southeast corner of the City of Newberg, between 11th and 12th streets from the Newberg City Limits to Wyooski street, a portion of Cavells Subdivision in the S 1/2 of Section 20, T3S-R2W, Tax Lots 3220CD-1800, 1900, 2100, 2200, 2300, 2400 and 2500.
- Applicant: Spaulding Pulp & Paper Company.

Findings of Fact

1. The applicant has requested an amendment to the Yamhill County Comprehensive Plan, 1974, to change the Plan map designation from "Low Density Residential" to "Heavy Industrial" and an amendment to the Yamhill County Zoning Ordinance, Ordinance 83, 1976, to change the Zone map district from "Low Density Residential-6,750" to "Heavy Industrial" on a 2.2 acre parcel.
2. The applicant has addressed the requirements for the Plan Amendment/Zone Change in the attached application.
3. The Comprehensive Plan states on page 60, that Yamhill County will "encourage the containment of existing urban centers, provide for the orderly, staged, diversified and compatible development of all of the cities of Yamhill County, and assure an efficient transition from rural to urban land use."

The Plan further states on page 65, "That Yamhill County will ...assure an orderly and efficient transition from rural to urban land use in all areas surrounding the cities of the County over which the County has jurisdiction."

The Plan states on page 134-135 that Yamhill County will "concentrate industries of similar types, service needs, and performance characteristics within select areas of each of the existing urban centers; to reserve suitable land for new industrial development prior to actual demand; to encourage the relocation of existing industries from undesirable locations in order to eliminate land-use conflicts; and to attract new industries in accordance with the need to achieve a more balanced local property tax and employment base, at the same time maintaining a high standard of environmental quality."

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The Plan states on page 135 that "The conversion of designated residential and agricultural land to industrial use will depend upon zone change actions which must stand the test of demonstrated public need in light of alternative available sites which may equally well serve that need."

On page 140 of the Plan, it is stated that two concerns should be stressed regarding industrial lands, "Prime industrial sites must be identified and protected and the unique location factors affecting all industrial development must be respected. Much prime industrial land designated on earlier comprehensive plans has been lost in certain communities through inappropriate zoning, inadequate servicing policies, and piecemeal land subdivision and partitioning. While the need to reserve adequate additional industrial land is most pressing in Newberg, this problem can occur in many of the small communities as well. Most industrial development has fairly demanding location, space and servicing requirements: an urban location, favorable soil conditions and drainage; good highway and possibly rail access; available gas, power, water supply and sewerage facilities at attractive rates, and compatible surroundings. Few areas of the County offer all of these attractions and those which do must be designated on community plans and zoned accordingly, the only reservation being that such land allocations be commensurate with the community's real development prospects and its evolving goals and policies for future growth and change.

4. The Zoning Ordinance provides for manufacture of forest products, sawmills, planing mills, plywood and particle board plants, pulp and paper mills and related uses, manufacture of clay products, brick, tile, cement and related uses, outdoor storage of raw materials or finished products associated with any permitted use, animal slaughtering and meat packing plants, grain elevators, feed mills, seed cleaning plants and similar uses as permitted uses in the "Heavy Industrial" zoning designations.
5. Statewide Planning goal #14 (Urbanization) states that provision should be made for "orderly and efficient transition from rural to urban land use."
6. The parcel for which the proposed change is made is within the adopted Newberg Urban Growth Boundary, but outside the present City limits. The parcel is designated Industrial on the present Newberg Comprehensive Plan map. However, the Draft Comprehensive Plan map designates the parcel as "Low Density Residential."

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7. The City of Newberg Planning Commission will meet to consider this item at the January 16, 1979 meeting of that body.
8. The application was referred to the Newberg/Dundee Planning Advisory Committee but no meeting was held to consider the request.
9. The area to the south of the parcel is occupied by Publisher's Paper. The parcel is bounded on the north and west by the Newberg City limits.

Recommendation

Due to the location of the property within the Newberg Urban Growth Boundary and in light of the work currently in progress on an Urban Growth Management Agreement with the City of Newberg the staff, at this time, has inadequate information to make a recommendation. The fact that an apparent conflict with the proposed Newberg Comprehensive Plan exists, plus the lack of comment from the City at this time causes the County staff to withhold a recommendation until some direction is received from the affected jurisdiction.

of the citizens now. (5) The fact that services are available (schools, water, sewer, roads) does not prove that development now would be in the best interest of the residents of Newberg. Carried"

Motion: Cach-Grobey to accept minutes of previous meeting with revision of motion as Mr. Cach stated. Carried.

Public Hearing: Annexation and Zone Change
Owner: Paul M. Bondo
Request: Annexation to the City of Newberg of Approximately 2.49 acres; and Zone Change from Rural Residential to R-1.
Tax lot No.: 3218 AC 1600
Legal Description: South half of Tract 22, Northwest Newberg Subdivision in the William Jones Donation Land Claim #38, North half section 18, T3S, R2W, W.M. Yamhill County, Oregon.
Location: West side of Main Street Extension

Staff Report: Mr. Heister presented staff report as stated in staff memorandum.

Proponent: Wyn Stuckey, Engineer, 211 E. First St, preparer of document know as "Exhibit A" in staff memorandum. Explained the location of land in question, it is located across from Boyer Meadow subdivision. He had nothing more to add than what was present in Exhibit A.

No other proponents or opponents wished to be heard, no written remonstrance has been received.

Staff Recommendation: Staff makes a recommendation for approval and if approved with condition that additional right-of-way shall be deeded to the City to make up a 30' half width for N. Main St. This deed shall be subject to approval of the City Attorney and City Administrator.

Public hearing closed.

Mr. Gilbert stated that when the property owner makes application to hook up to the sewer line, they must also consent to annexation.

Motion: Hindman-Youngman motion to recommend to City Council approval of annexation with findings as stated in staff memorandum excluding the condition. Carried.

Public Hearing: Final Development Plan and Program, Zone Change for Newberg Professional Center
Applicant: David F. Abbott, M.D.
Request: Approval of Final Development Plan & Program and Zone Change from the underlying zone of C-R to the Planned Unit Development (P-D) zone.
Location: East side of Villa Road across from Newberg Community Hospital
Tax Lot #: Part of Lot 6 County Survey 2266, SW 1/2 Sec. 17, T3S R2W, W.M., - Parcel 2.

Motion: Grobey-Hindman to move back to previous Public Hearing. Carried.

Motion: Hindman-Youngman to recommend to City Council approval of zone change from rural residential to R-1 with findings in staff memorandum.

Mr. Mahr pointed out that the findings did not include any mention for zone change.

Discussion of members pointed out the fact that Yamhill County had zone called Rural Residential and the City of Newberg has no RR zone.

Motion amendment: Hindman-Cach to amend motion by adding an item #5 to staff findings for approval which states "zone change for house-keeping as R-1 is the most restrictive zone in the City of Newberg." Carried.

Amended motion: Cach-Hindman to recommend to City Council approval of the zone change from rural residential to R-1 with findings including item #5. Carried.

Public Hearing: Final Development Plan, Program & Zone Change for Newberg Professional Center (previously explained Public Hearing)

Mr. Youngman stated that his firm is in the process of making cost estimates for the Pharmacy and clinic with Dr. Abbott therefore he would abstain.

Staff Report: Mr. Heister presented staff report as stated in staff memorandum.

Mr. Hindman stated he's involved with Glen Ling & Associates through his work but he is not associated with this project.

Proponent: Glen Ling of Ling, Green & Associates representing Dr. Abbott. Would like to have on record the narrative they have submitted which is included in the staff memorandum. The preliminary plan passed November 21, 1978. The need for this development has been shown, property is already commercial zone. But they would like the PUD zone which would be more flexible to work with. They have met with a majority of the adjacent residents to the north of the development. Final plan is much the same as the preliminary plan. Variances are: street right-of-way, lot size & setbacks. 2 changes to be noted in the Covenants which they have drawn up: Add the word "CONSTRUCTION" to EXTERIOR MAINTENANCE #6.

Remove the word "only" in #7 of USE RESTRICTIONS.

(Plans of the proposed development were handed out to the Commission members.) Mr. Ling went over the plans which included landscape designs & building designs. What they are requesting is the approval of final development plan & program and zone change.

Mr. Grobey made the suggestion to Mr. Ling that under item #6 "CONSTRUCTION & EXTERIOR MAINTENANCE" to add the work "owner" or "corporation" after the word "aesthetically compatible."

Mr. Cach inquired to the height of the fence or shrubbery bordering the development.

Mr. Ling stated the fence would be five foot with shrubbery near the fence.

refers to Bonds Amendment

Final Development Plan, Program & Zone Change for Newberg Professional Center (previously explained Public Hearing)

Mr. Grobey suggested that a registered Landscape architect look over the plans.

Mr. Ling expressed the credibility of their architect who drew up the landscape plans. But would consider Mr. Grobey's suggestion.

No opponents or other proponents wished to be heard, no written remonstrance has been received.

Staff Recommendation: Staff recommends approval as stated in recommendations in staff memorandum.

Public hearing closed.

Mr. Mahr explained what is included in a PD Commercial Zone.

Mr. Grobey stated finding #1 in staff recommendations has already been made in November.

Motion: Cach-Hindman to recommend to the City Council to grant Final Development Plan & Program with 4 facts included in staff memorandum, conditional to approval of zone change from C-R to the PD Commercial Zone. Carried.

Motion: Cach-Hindman to approve final plat plan with condition that zone change is approved by City Council with any additional recommendations by City Council. Carried.

Non-Hearing Items:

A. Newberg Construction - Minor partitioning - Discussion among commission members as to the location of property & particularly parcel in question. No representative present on this matter.

Motion: Cach-Grobey motion to deny request for minor partitioning based on deficiencies in frontage and access. Carried.

B. Stiller/Turner partitioning and variance postponed to February meeting on request of applicants.

New Business:

A. Zone Change recommendation to Yamhill County on Publishers Paper Co. Area south of 11th, East of Pacific.

Mr. Andy Anderson-representing Publishers Paper, pointed out parcel in question on map. Explained that the County would like a recommendation from the City Planning Commission, which was referred to them by the City Council, as to the zone change, since the area in question is included in our Proposed Urban Growth Boundary.

Chairman DeMay read letter from the Yamhill County Planning Commission asking for the recommendation of the City.

Discussion among members followed.

Motion: Cach-Youngman motion to have City Attorney draft a letter from Planning Commission stating our present comprehensive plan designates area as partial residential, our new comprehensive plan designates the

area partial residential, also to make recommendation that a temporary permit be granted to Publishers during the period of construction for them to use the property in conjunction with their construction for a period of 2½ to 3 years. Carried.

Mr. Youngman recommended that it would be beneficial for planning commission members to attend seminars, land use planning meetings or training seminars, if funds are available for those who would like to attend such meetings. Mr. Gilbert stated that funds are available.

Mr. Cach pointed out the fact that the Citizens Involvement Advisory Committee has had himself as representative from the commission. Mr. Gilbert stated that the Chairman was originally the representative.

Motion: Youngman-Grobey motion to have Maybelle DeMay, Chairman represent the Planning Commission at the Citizen Involvement Advisory Committee meetings. Carried.

Motion: Grobey-Blodgett motion to adjourn. Carried.



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

February 19, 1980

S T A F F R E P O R T

TO: Planning Commission

FROM: Planning Department

RE: Items: Amendment of the "Description and Purpose" statement of the RP (Residential Professional) zone; and Amendment of the Newberg Zoning Ordinance to allow "Professional Offices for Medical Doctors within a 2000 foot radius of the Newberg Community Hospital" as a Conditional Use within the R-1 (Single Family) and R-2 (Medium Density Residential) zones.

Items 4.D and 4.E on the agenda are related in that the intent of the previous zoning ordinance was to allow medical office space near the Newberg Community Hospital, and the current RP (Residential Professional) zone appears to be too restrictive as far as permissible locations. The RP zone states within the "Description and Purpose" section:

"...The RP district is intended to be consistent with a 'Commercial' designation, or consistent with a 'Medium' or 'High' Density residential designation when such designation abuts a commercial designation on the comprehensive plan."

The problem lies in that the RP zone is consistent with medium and high density residential areas but only when they abut a commercial designation on the comprehensive plan. This type of language would not allow the RP zone to be located on major collector intersections abutting industrial areas or abutting residential areas and because of this, the RP zone is severely limited to being located in close proximity to Highway 99-W. Other locations which might be advantageous to have an RP zone may be at the intersection of Crestview and Springbrook Street, or at Haworth and Villa Road, or possibly in the vicinity of A-Dec Industrial Park, or possibly in the vicinity of the St. Paul Highway and East Second Street.

Language that might be considered to replace the current wording within the "Description and Purpose" statement might read as follows:

The RP District is intended to be consistent with commercial or residential designations on the Newberg Comprehensive Plan. RP zones shall be located as to conform to the goals and policies identified within the Newberg Comprehensive Plan and in areas which have a minimal impact on the livability or appropriate development of abutting property.

This language would allow the RP zone to be placed in a number of different locations provided it conforms to the general intent and policies identified within the Newberg Comprehensive Plan. The location of new RP zones could be further controlled as it would thus be necessary to go through the zone change procedures, which would place the burden of proof for the location of such zones upon the prospective applicants, and would further provide for the ability of public input.

The previous zoning ordinance had within the R-1 and R-2 zones, under a conditional use permit, the following language:

"Professional office for medical doctors only, after hearing, and located within 2000 foot radius of the Newberg Community Hospital."

It is the Staff's contention that the creation of the RP zone within the new zoning ordinance eliminated the need for the above mentioned conditional use. Medical offices are an outright permitted use within RP zones. With the modification of the language within the description and purpose of the RP zone as mentioned above, the RP zone and thus medical office space could be located in a number of different locations, and would carry forward the intent as established within the previous zoning ordinance.

* * * * *

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 1282 OF THE CITY OF NEWBERG RELATING TO THE ZONE REGULATIONS PASSED AND APPROVED MAY 8, 1961, AS AMENDED, BY AMENDING THE ZONING MAP REFERRED TO IN SECTION 5 THEREOF, TO CHANGE THE ZONE OF A CERTAIN LOT FROM RESIDENTIAL-COMMERCIAL TO PLANNED UNIT DEVELOPMENT AND ADOPTING THE FINAL DEVELOPMENT PLAN AND PROGRAM FOR THE PLANNED UNIT DEVELOPMENT.

WHEREAS, the applicant, Dr. David F. Abbott, has filed an application for a zone change on the Yamhill County Tax Lot No. 3217 CD 3200 requesting the zoning of that lot be changed to "Planned Unit Development"; and

WHEREAS, the applicant has submitted a final development plan for that planned unit development which names the development as Newberg Professional Center; and

WHEREAS, the Newberg Planning Commission held a public hearing to consider the zone change and the final development plan on January 16, 1979, and after due consideration does recommend to the Council that the zone change be allowed and that the final development plan be adopted; and

WHEREAS, the Council has set February 6, 1979, at 7:30 p.m. as the time and place for a public hearing on this and such hearing having been held.

NOW, THEREFORE, THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Yamhill County Tax Lot No. 3217 CD 3200 is presently zoned Residential-Commercial (C-R).

Section 2. Ordinance No. 1282 as amended, is further amended to change certain zone boundaries on the zoning map referred to in Section 5 thereby changing the zone classification of the following described real property from Residential-Commercial (C-R) to Planned Unit Development (P-D):

Yamhill County Tax Lot No. 3217 CD 3200

Section 3. The final development plan and program for Newberg Professional Center is hereby adopted by the Council.

Section 4. The above stated zone change and adoption of the final development plan and program are based upon the following findings of fact:

1. Comprehensive Plan designation - Commercial.
2. Zoning and Land use - The parcel is zoned CR, Residential-Commercial and is currently vacant. Building permits have been issued for the Pharmacy and Clinic under standard permit and zoning requirements.
3. Public Facilities and Services - Sewer and Water are available. Access is to Villa Road.

4. Other information - This request falls under the 5-acre minimum and, therefore, requires a finding by the commission that the area has "adequate" land to develop a PUD. The finding was made.
5. There is a public need for the request.

Public need: The public need is best served in this instance by the location of these supportive community medical services near the hospital. The need is best served by the proposed change as compared with other available property because this property is convenient to the hospital and will group needed health services in an area where they are accessible to the people rather than dispersing such services throughout the community.

6. The subject request is in compliance with LCDC Goal #5, Open Space.

An appropriate amount of the 1.15 acres of open space will be developed as landscaped areas around buildings and the parking lot.

7. The subject request is in compliance with LCDC Goal #12, Transportation.

Both arterial and collector streets serve the vicinity. The plan has been designed to recognize and serve the needs of the community's residents. It includes special parking spaces for handicapped people and also has planned an area where such vehicles as the Senior Citizen bus can safely and conveniently load and unload passengers. Walkways are designed with ramps and crosswalks will be identified to ease access to all buildings.

8. The subject request is in compliance with LCDC Goal #9, Economy of the State.

The development of clean, quiet, professional businesses is economically and environmentally beneficial to the economy of the community and the State.

9. The subject request does not conflict with the Newberg Comprehensive Plan of the Zoning Ordinance.

PASSED by the Council at its meeting on this 6th day of February, 1979, by the following votes:

AYES:

NAYS:

ABSENT:

M.C. Gilbert - Recorder

APPROVED by the Mayor this 6th day of February, 1979.

Elvern Hall - Mayor



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

January 12, 1979

M E M O R A N D U M

TO: Planning Commission
FROM: City Staff
SUBJECT: January 16, 1979 Planning Commission Meeting

Agenda Item 5A ----- Annexation and Zone Change
Owner: Paul M. Bondo
Request: Annexation to the City of Newberg
of approximately 2.49 acres; and
Zone Change from Rural Residential
to R-1.
Tax Lot No.: 3218AC-1600
Legal Description: South half of Tract 22,
Northwest Newberg Subdivision, in
the William Jones Donation Land
Claim #38, North half Section 18,
T3S, R2W, W.M., Yamhill County,
Oregon.
Location: West side of Main Street Extension.

Facts

1. Comprehensive Plan Designation - Low Density Residential.
The parcel is within the Urban Growth Boundary.
2. Zoning and Land Use - The parcel is zoned Rural Residential by
Yamhill County.
3. Public Facilities and Services.
 - A. Sewer is available on Main Street.

- B. Water is available at Main Street.
- C. Transportation. The main access is to North Main Street.
- 4. Surrounding Land Use. The area is predominantly residential.
- 5. Physical Profile. Soils are predominantly Class 2 and 3. Woodburn soils pose no problems for residential housing.

Analysis of Request

The requested annexation is within the Urban Growth Boundary. This extension of City boundaries will tend to fill in the spaces West of North Main Street due, in part, to the newly installed Northwest Sewer Interceptor and Collection System.

Possible Findings for Approval

1. The proposal is consistent with the Newberg Comprehensive Plan because it would annex property within a jointly adopted Urban Growth Boundary.
2. The proposal is consistent with the Statewide Planning Goals because the property is within a jointly adopted Urban Growth Boundary as required by Goal 14. (Urbanization)
3. There is a need for urbanizable land which has services available within a reasonable time frame. That need is best served by annexing this parcel.
4. The proposal is consistent with the four factors in Goal 14 for conversion to urban use because of availability of urban services provided in an economical manner; and this area conforms with the definition of urban land within the statewide goals.

Recommendation:

Staff makes a recommendation for approval.

If approved, staff recommends the following condition:

1. Additional street right-of-way shall be deeded to the City to make up a 30' half width for N. Main St. This deed shall be subject to approval of the City Attorney and City Administrator.

EXHIBIT "A"

To Accompany Petitions by Paul Bondo For Annexation
And Zone Change of TL 1600-3218AC

1. COMPLIANCE WITH APPLICABLE STATEWIDE PLANNING GOALS is demonstrated by these facts:

(a) Agricultural Land Use Goal (3) is considered inapplicable. The property has been in Rural Residential use for over 30 years, consisting of 2-4 acres approximately, and has not been in agricultural use for that time, at least.

(b) The following goals are considered inapplicable without further detailed discussion:

Goal 4 - Forest Lands
Goal 6 - Resources Quality
Goal 7 - Hazard Areas
Goal 8 - Recreational Needs
Goal 11- Public Facilities
Goal 12- Transportation
Goal 13- Energy Conservation

(c) Compliance with the following Goals is described:

Goal 1 - Citizen Involvement. Participation of Newberg citizens in the Comprehensive Plan and in this public hearing is considered sufficient indication of citizen involvement for this purpose.

Goal 2 - Land Use Planning. The proposed annexation conforms to the Newberg Comprehensive Plan of 1974 and to the new Comprehensive Plan which is expected to be adopted soon. The property is within Urban Growth Limits; its zoning (as requested on an accompanying application) conforms to the designation on the existing and proposed Comprehensive Plans; city water and sanitary sewer facilities run past the property frontage, and overall a completely orderly development pattern is foreseen and completely in harmony with the Comprehensive Plan.

Goal 5 - Open Spaces. A minor watercourse runs Southward inside the West line of the property. This water course is dry throughout most of the year, and is a very shallow swale and is about 40-50 feet wide. The owner of this property will not build upon this swale, and plans to leave it in its present state after development.

Goal 9 - Economy of the State. This annexation would lead to development planned for 1979, which will contribute to the level of economic activity in the State; will use Oregon - grown and Oregon-made materials to a large extent; and will provide its quota of employment for Oregon workers in the building trades for at least two years. The City's user charges and service connection funds will grow likewise, without any further outlays on the City's part, because the necessary public utilities are already in place.

Goal 10 - Housing. This annexation will lead to housing development on the property at an early date, a favorable positive impact.

Goal 11 - Public Facilities and Services. This annexation will have a very favorable positive impact on the financial and operating position of the City's services as noted under Goal 9 above. Negative impacts are sometimes associated with any development, but in the short term only, in respect of schools, fire protection, and parks and recreation. In the long term, after the necessary adjustments have been made by these facilities, the basic impacts are always seen as positive and permanently favorable.

Goal 14 - Urbanization. The goal calls for an "orderly and efficient transition from rural to urban land use." In the light of the facts brought forward above, and particularly in reference to Goals 2, 10, and 11, and generally to all other goals favorably met, the requirements of the Urbanization goal are considered to be completely satisfied.

2. COMPLIANCE WITH COMPREHENSIVE PLAN

The property is inside Urban Growth Boundaries of the 1974 and 1979 Plans. The transition from Rural Residential to Urban Low-Density Residential (R-1) is also as indicated by both Plans. Complete conformity is believed clearly demonstrated.

To summarize, applicant believes that the annexation and its purposes are completely consistent with the Newberg Comprehensive Plan and with Statewide Land Use Planning Goals.

3. PUBLIC NEED FOR ZONE CHANGE

Need for annexation is consequent upon the nation-wide demand for housing; a demand which cannot be questioned.

A clear need exists for housing development to be placed close to the core area of the city, to be located where sewer, water and transportation services are already installed, and to fill in the blank spaces left behind by leap-frog development patterns. The annexation and proposed development will achieve precisely those objec-

tives, all of which flow from clearly understood public needs and public policy.

Furthermore, this mandated "zone change" procedure in this case represents much more a change in density than a change of use or zoning in the transition from Rural Residential to Urban Low-Density Residential.

Public needs are considered well served, and public policy properly implimented by this annexation and zone change.

4. OTHER AVAILABLE PROPERTY

Other properties with similar attributes exist in the core area, but unless and until they are brought forward by the housing market to the development stage, they are not "available". The comparison invited by the guidelines cannot be conducted until such alternative properties can be identified. We are entitled to state at this point that the market has satisfied the guideline criterion. Additionally, both the market and public policy have great need for increasing the availability of tracts with the specific qualities of this property, such as existing serviceability, location etc.. No merit is seen in putting small core-area properties of this type into a kind of selective contest as implied by the guideline, when public policy seems better served by encouraging as much small-tract, close-in, already serviced developments as possible.

7. POTENTIAL IMPACTS

The change in density consequent upon annexation and urban zoning is not considered to be in any way affecting the classification of the property, which in essence remains residential.

Potential impact on the neighbourhood of a change in residential density is expected to be minimally negative, and favorable impacts are foreseen in respect of improved street surface and width, facilities utilization, etc.

20.90' FM PK NAIL
FND IN TP.

PK SET F
& MEASURE
FM PK'S

3/8 IR FND
10.0'

N.W. NEWBERG SUBD'N

89° 15' 15" W (N 89° 32' W)
642.88'

27.47' FM
FND IN.

ALL REC
ON & N.
REMOVED
ST. IMPR
1978

TRACT 23



522.69

20 20

522.69' N MAIN ST.

TRACT 22
N 89° 15' 15" W 642.88'
612.88'

10.00'

SURVEY BY R. M. MURSELL
6 JULY, 1976

169.39'

612.88'
N 89° 15' 15" W 642.88'

10.00'

169.39' (1322.32')

ING BASE
HWEST NEWBERG
'N PLAT - DATED 1908

TRACT 21

293.90' 0° 51' E)

Agenda Item 5B ----- Final Development Plan, Program & Zone Change
Newberg Professional Center
Applicant: David F. Abbott, M.D.
Request: Approval of Final Development Plan &
Program/Zone Change from the underlying
zone of C-R to the Planned Unit Develop-
ment (P-D) zone.
Location: East side of Villa Rd. across from
Newberg Community Hospital.
Tax Lot #: Part of Lot 6 County Survey 2266,
SW $\frac{1}{2}$ Sec. 17, T3S, R2W, WM - Parcel 2.

Facts

1. Comprehensive Plan designation - Commercial.
2. Zoning and Land use - The parcel is zoned CR, Residential/
Commercial and is currently vacant. Building permits have been
issued for the Pharmacy and Clinic under standard permit and
Zoning requirements.
3. Public Facilities and Services - Sewer and Water are available.
Access is to Villa Road.
4. Other information - This request falls under the 5-acre minimum
and, therefore, requires a finding by the commission that the area
has "adequate" land to develop a P.U.D.

The primary reason for doing a P.U.D. is the ability to divide land
into small parcels for sale without a full 60' street right-of-way.

Analysis of request

The site does contain adequate area for the development of this type
of P.U.D. The proximity to the hospital coupled with a need for medical
facilities further support this application.

The development shown could be accomplished without benefit of
the P.U.D. procedures. However, lots could not be sold under normal
development methods.

Variances from lot sizes and street frontages can be granted in
the P.U.D. final plan adoption, making this P.U.D. acceptable.

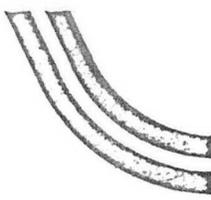
The proposal will have a traffic impact upon Villa Road. The
intensity of this impact is difficult to predict, but is not expected
to be excessive. Other public facilities appear to be adequate at
this time.

Attached are copies of applicant's narrative to accompany final
plan and covenants as appended to this final plan. It should be
understood that the covenants are enforced by the developer and/or
owners association, not the City; also covenants cannot be enforced
which violate an ordinance.

Recommendation

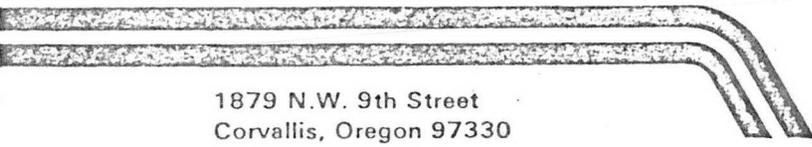
Staff recommends the following:

1. Make a finding that the site contains adequate area for the contemplated Planned Unit Development.
2. Adopt the final plan, program and zone change as a Preliminary Plat for the subdivision with findings of approval and conditions as stated herein.



ling,
green &
associates,
inc.

Engineers & Land Surveyors



1879 N.W. 9th Street
Corvallis, Oregon 97330
(503) 757-8771

November 28, 1978

NARRATIVE

to accompany a

NEWBERG PROFESSIONAL CENTER FINAL PLAN

The Newberg Planning Commission has approved the preliminary plan for the Newberg Professional Center at their regular meeting on November 21, 1978. It was further recommended that the existing commercial/residential C-R zone be changed to Planned Unit Development for the project. The Comprehensive Plan designation is for commercial use and is compatible with the intention of this project.

Therefore, the submittal of the final plan for the Newberg Professional Center does include this request for the zone change to PUD. The following information is provided in support of this request.

Public Need: The public need is best served in this instance by the location of these supportive community medical services near the hospital. The PUD designation will allow some diversity in the arrangement of buildings and in the design of the projects internal pedestrian and motor vehicle circulation pattern. It will allow a better use of the available space by making it possible to utilize the lot size variances and street frontages acceptable under the Planned Development regulations.

The need is best served by the proposed change as compared with other available property because this property is convenient to the hospital and will group needed health services in an area where they are accessible to the people rather than dispersing such services throughout the community.

Compliance with Statewide Goals and Guidelines:

1. Land Use

The Newberg Professional Center will provide the highest and best use for this available vacant land by locating related medical and dental services near the hospital. It also creates a transitional zone between commercial uses and low density residential uses which now neighbor the property. The planning Commission has approved the preliminary plan for this development and found that the site contains adequate area for the proposed planned development zoning.

2. Open Space

An appropriate amount of the 1.15 acres of open space will be developed as landscaped areas around buildings and the parking lot.

3. Air, Water and Land Resources Quality

The location of this project near the hospital and within the residential areas of the community will, through the implementation of the planned unit development guidelines, further reflect the community desire for a quality environment and a healthy economy consist with State goals.

4. Transportation

Both arterial and collector streets serve the vicinity. The plan has been designed to recognize and serve the needs of the community's residents. It includes special parking spaces for handicapped people and also has planned an area where such vehicles as the Senior Citizen bus can safely and conveniently load and unload passengers. Walkways are designed with ramps and crosswalks will be identified to ease access to all buildings.

5. State Economy

The development of clean, quiet, professional businesses is economically and environmentally beneficial to the economy of the community and the State.

6. Energy Conservation

By locating these medical facilities within the community near other health services, the need for residents to travel to other communities for these services is lessened and energy is conserved. The community is directly benefitted by becoming more self-sufficient and the residents are conveniently and efficiently served.

7. Public Facilities and Services

Public facilities and services are available and of a capacity to serve the project.

8. Urbanization

The proposed site is within the city limits, uses vacant land, and is appropriately near the hospital. This medical-dental facility will provide a needed element that will increase the livability of this community.

This proposal is in compliance with the Newberg Comprehensive Plan which identifies the site for commercial uses; therefore, the request for a zone change to Planned Unit Development to implement this project is justified.

Newberg Professional Center Final Plan

Timeline for Project

Building permits have been issued for the Pharmacy and Clinic under standard permit and zoning requirements.

To that extent, the project is already underway. Those facilities are included within the adopted preliminary plan and will remain in the final plan. Additional phases of the project will begin in 1979 and it is expected that the project will be completed within three to five years.

PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
NEWBERG PROFESSIONAL CENTER, NEWBERG, OREGON

David F. Abbott, M.D., the owner of all lands within the platted subdivision known as the Newberg Professional Center, Yamhill County, Oregon, declares that all of the land within the Newberg Professional Center is subject to the following protective covenants, conditions and restrictions:

PARTY WALLS

1. General Rules of Law Apply. Each wall constructed on or immediately adjacent to the dividing line between platted lots shall be a party wall. The general rules of law relating to party walls shall apply to the party walls in this subdivision except where those general rules are inconsistent with these protective covenants, conditions and restrictions.
2. Repair and Maintenance. The cost of reasonable repair and maintenance of each party wall shall be shared equally by the owners whose lots abut the wall.
3. Destruction. If a party wall is destroyed or damaged by fire or other casualty, an owner who has used the wall may restore it, and if another owner thereafter makes use of the wall, that other owner shall contribute to the cost of restoration in proportion to the use without prejudice, however, to the right of either owner to call for a larger contribution from the other under any rule of law regarding liability for negligent or willful acts or omissions. An owner who by negligent or willful act has caused the party wall to be exposed to the elements shall bear the entire cost of furnishing the necessary protection against the elements.
4. Contribution. The right of an owner to contribution from another owner and the obligation of an owner to contribute to another owner shall be appurtenant to the land and shall pass to successors in title.
5. Arbitration. Any dispute concerning a party wall which the owners are unable to settle shall be arbitrated. Each of the owners shall choose one arbitrator and the two arbitrators so chosen shall choose a third arbitrator, and the decision of a majority of the arbitrators shall be binding upon both parties.

EXTERIOR MAINTENANCE

6. Each lot owner is responsible for exterior maintenance upon all improvements constructed upon the lot. All exterior colors and

textures shall be aesthetically compatible and reasonably consistent with colors and textures of all other improvements in Newberg Professional Center. In the event of disagreement between owners concerning reasonable maintenance, aesthetic compatibility or reasonable consistency of colors and textures, each owner involved in the dispute shall appoint an appraiser. If the number of appraisers so appointed is an even number, then all of the appraisers so appointed shall appoint one additional appraiser, and the decision of a majority of the appraisers shall be binding upon all parties.

USE RESTRICTIONS

7. Purpose. The Newberg Professional Center is intended to provide space for the location of medical and dental offices and related support services. To assure this intent is carried out, it is advisable that space in this project be available only for the following purposes.

- a. Clinic and medical offices;
- b. Dental offices;
- c. Medical or dental laboratories;
- d. X-ray facility;
- e. Pharmacy;
- f. Opticians/Dispensing outlet for optical needs;
- g. Medical/dental research offices;
- h. Retail/rental outlets for equipment and supplies necessary for out-patient or handicapped patient care;
- i. Physical Therapy

8. Signs. No signs shall be displayed upon a lot except one professional sign indicating the business carried on upon the lot complying with the City of Newberg sign code applicable to such a use if the use were located in an R-2 zone or the equivalent. In addition one sign upon a lot may advertise that lot for sale, lease or rent, and such a sign shall comply with applicable provisions of the City of Newberg sign code.

9. Waste. No part of a lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or any other waste. No rubbish, trash, garbage or any other waste shall be kept or maintained on any lot except in a sanitary closed container. No dump box, garbage can or other waste container shall be kept on a lot in a place exposed to view from the common areas. No incinerator shall be kept or used on any lot.

10. Cleanliness and Good Order. The owner of each lot is responsible for maintaining the owner's lot in a clean and orderly condition. No noxious or offensive or unsightly condition shall be permitted on any lot. No condition which is an annoyance or nuisance to the use of any other lot shall be allowed.

COMMON AREAS

11. Purposes. The common areas of Newberg Professional Center as shown in the recorded plat are dedicated to the common use of all lots in the Newberg Professional Center for traffic flow, automobile parking, beautification, essential services, safety and convenience of all lot owners and their tenants, clients, customers and business invitees.

12. Decisions. Each lot owner is entitled to participate in decisions concerning development, maintenance, insurance and use of the common areas. A decision by the owners of a majority of lots shall be binding upon all owners.

13. Expense. The owner of each lot is obligated to pay one eighteenth (1/18) of any expense for the development, maintenance, insurance or use of the common areas approved by the owners of a majority of lots in the Newberg Professional Center. Such payment shall be made promptly. The owner of each lot has a cause of action against the owner of any other lot who fails to pay promptly an expense so approved together with reasonable attorneys fees and court costs incurred in enforcing and collecting such contribution.

GENERAL PROVISIONS

14. Duration. These covenants, conditions and restrictions run with the land and inure to the benefit of each lot in Newberg Professional Center for a term of 25 years from the date of recording of this declaration, after which time these covenants, conditions and restrictions shall be extended and renewed automatically for successive periods of 10 years unless the owners of 75% of the lots in the Newberg Professional Center vote to revise or terminate these covenants, conditions and restrictions. Within the initial 25 year term, no covenant, condition or restriction shall be amended except by an instrument signed and acknowledged by all of the owners of all of the lots in the Newberg Professional Center.

15. Enforcement. Any owner of any lot in the Newberg Professional Center may enforce any covenant, condition or restriction by an action at law or a suit in equity against any other owner. In such suit or action the party prevailing shall be entitled to reimbursement of all reasonable expenses of enforcement including but not limited to attorneys fees and court costs.

16. Divided Ownerships. If more than one person has an ownership interest in a lot, then any of such owners may exercise all of the rights of the owner of that lot under these covenants, conditions and restrictions except that in the event of disagreement between the respective owners of interests in the same lot the majority shall prevail.

17. Owners Association. If the owners of 3/4 of the lots in the Newberg Professional Center incorporate an owners association, then that owners association may exercise and enforce the rights and obligations of the individual owners, but if the incorporated owners association fails or refuses to act, the owner of each lot retains the right to enforce these covenants, conditions and restrictions.

18. Severability. If any of these covenants, conditions and restrictions or any part thereof is declared to be invalid by a court of competent jurisdiction, the judgement or decree of the court shall not impliedly affect the enforceability of the remainder of these covenants, conditions and restriction.

19. No Reversion. The declarant for himself, his heirs and assigns retains no right of reversion or re-entry on account of any alleged breach of any of these covenants, conditions and restrictions.

DATED 7 Dec 8, 1978.

Copy

*Original
Signed*

DAVID F. ABBOTT, M.D.

STATE OF OREGON)
) SS
COUNTY OF YAMHILL)

On _____, 1978, before me appeared
DAVID F. ABBOTT, M.D. who executed the foregoing Declaration and acknowledged
to me that he did so freely and voluntarily.

NOTARY PUBLIC FOR OREGON

My commission expires: _____

Agenda Item 6-A ----- Newberg Construction
Request for Minor Partitioning
Location: 609 West 1st St. (rear)
Tax Lots 3219BA-2000 and portion of 3219BA-2100

Facts

1. Comprehensive Plan Designation - Low Density.
2. Zoning and Land Use - R-1
3. Public Facilities - Water service is available; sewer is at 1st Street but elevation is too shallow to allow proper grade 2%.
4. Frontage of 28 feet is required.
5. Building Code Section 504 for R-1 zone states "Building shall adjoin or have access to a public space yard or street on not less than one side.

Analysis of Request

This minor partitioning is submitted for the purpose of utilizing the rear area lots for additional buildings with access of small private gravel drive.

A 6-inch sanitary sewer main is located on 1st Street, but the elevation is such that proper grade from the back lot cannot be maintained. Possibly additional fill could rectify this problem.

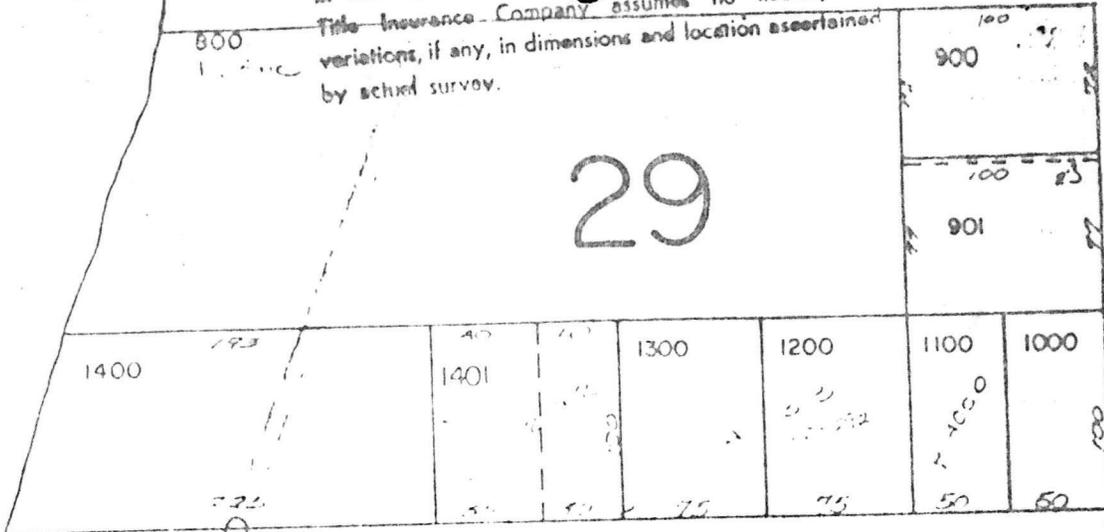
Recommendation

Staff recommends disapproval based on deficiencies in frontage and access.

This sketch is made solely for the purpose of assisting in locating said premises and the Pioneer National Title Insurance Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

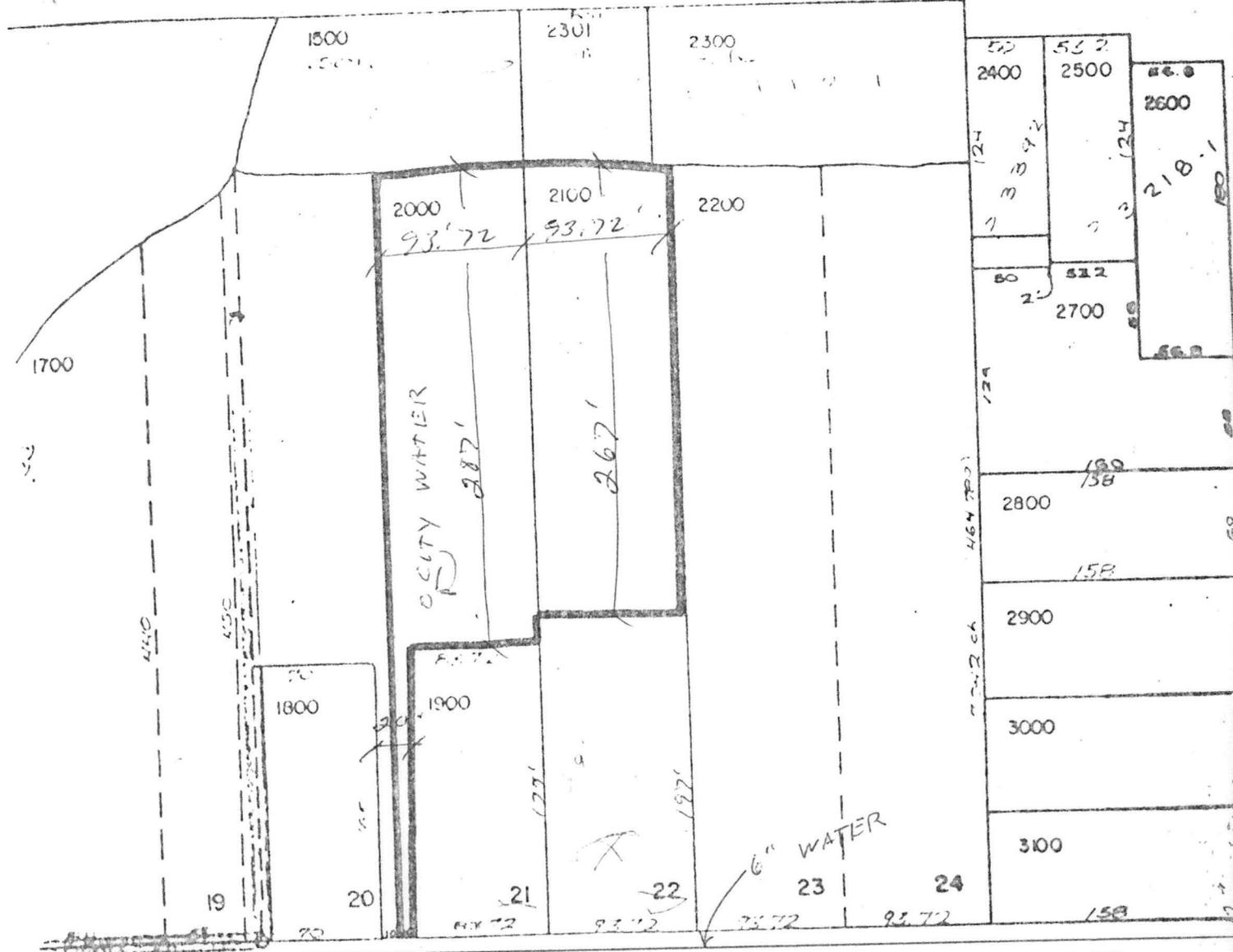
SECTION 19
 HAND
 29.2
 26

29



N 20° 44' 23"
 E 38' 49' 30"

N 20° 21' 32"
 E 35° 08' 40"



N 20° 04' 41"
 E 38° 31' 17"

N 20° 17' 40"
 E 38° 40' 20"

FIRST 6" SEWER ST.

SEWER

609 W. First

SEE MAP 2 198D

Tuesday, 7:30 P.M.

A Regular Meeting
of the Planning Commission

December 19, 1978

Council Chambers

Newberg, Oregon

The meeting was called to order by Chairman Halstead.

Roll Call: Bob Blodgett Charley Hindman
Present: John Cach Esther Keltner
 Hal Grobey Bob Youngman

Absent: Maybelle DeMay Arthur Stanley

Staff Present:

M. C. Gilbert, City Administrator
Ernst Heister, City Engineer
Terry Mahr, City Attorney
Becky Manning, Recording Secretary
Bob Weisenback, Building Official

Also Present: Approximately 25 citizens.

Due to conflicts with many items on the agenda Mr. Hindman removed himself from the Commission meeting and would not participate in any discussions or decisions.

Motion: Cach-Grobey to approve minutes of the previous meeting. Carried.

Public Hearing: Annexation

Applicants: Lyle D. & Florence M. Lookabill
Location: Rt. 2, Box 32, Newberg, Oregon
 East of Springbrook Road and adjacent to west of County
 Road 54

Tax Lot # 3209-2700

Staff Report: Mr. Heister presented staff report as presented in staff memorandum.

Proponent: William Keys, Room 1025, Yeon Building, Portland, an attorney representing Stuart Lindquist, pointed out the submission of a written report as presented in staff memorandum. He had no additional information to add.

Mr. Cach questioned the proponent on the need for this annexation at this time.

Proponent: Mr. Keys stated that there has been done an inventory on land usable for building a residential area - for the projected population growth. Some of the land could be used for industrial land use - this parcel would provide a area for 10 acres or more for industrial use.

He pointed out the fact that public facilities and services are being put in now in the surrounding areas and this would make it a good time to annex.

Most of the surrounding areas are already annexed. He feels a mixed use such as industrial and residential is favorable for this parcel. But they are not asking for a zone change at this time.

He stressed the fact that the northern area is located near the railroad line so it would be the most appropriate location for an industrial site. The southern area is near the current and proposed residential areas. He was not sure the exact estimate of how much would be residential or industrial.

No other proponents or opponents wished to be heard, no written remonstrance has been received.

Public hearing closed.

Staff recommendation: Mr. Heister presented staff recommendation with findings as presented in staff memorandum.

Mr. Youngman inquired about status of Rinkes subdivision - was told it is in process now.

Mr. Grobey inquired as to what the Proposed Comprehensive Plan shows for the zoning of the parcel in question: 70% industrial, 10% Greenway, and 20% residential.

substantiated
Motion: Cach-Grobey to deny annexation due the following: (1) no facts have been given by applicant to prove the 30% vacancy factor of industrial land sites; (2) it has not been shown specifically that surrounding area has been annexed at this time; (3) with the applicant holding onto the land until a need arises does not show the need for immediate annexation; (4) even though access to public facilities and services will be available this does not show reason to annex at this time.

Mr. Gilbert stated that there is a definite need at this time for a 5 acre plot for heavy industrial use.

Mr. Cach stated he did not feel that the parcel should be cut up into smaller parcels for industry.

Mr. Grobey stressed the fact that the applicants are looking at the proposed Comprehensive Plan which has not been adopted at this time.

Vote on motion for denial of annexation, 4 - Aye, 2 - Nay. Carried.
Annexation request denied.

Public hearing on the annexation before the City Council will be January 2, 1979.

Public Hearing: Zone Change
Applicant: Joe Brugato
Request: Change zoning from AF-10 to R-1
Location: North portion of Newberg, west of Mountainview Drive and Hwy 219 (N. College St.)

Tax Lot #3207-2700

Staff Report: Mr. Heister presented staff report as presented in staff memorandum.

Proponent: Paul Green, of Ling, Green & Associates representing Joe Brugato, presented and submitted facts for record on zone change.

Mr. Mahr read fact submitted.

No other proponents or opponents wished to be heard, no written remonstrance has been received.

Public hearing closed.

Staff Recommendation: Mr. Heister presented staff recommendation with findings and conditions as presented in staff memorandum.

Motion: Keltner-Blodgett motion to recommend to the City Council zone change from AF-10 to R-1 of tax lot #3207-2700 with findings and conditions as presented in staff memorandum. Carried.

Maybelle DeMay now present.

Public Hearing: Variance
Applicants: Stiller, David L. & Turner, Carita Ann
Request: Vaiance from 28' to 20' frontage
Location: SE ½ of Sec. 19, T3S, R2W, W.M., Newberg
(on Charles St. south of the intersection of Ninth St.)
Tax lot #3219 DB 2900

Staff report: Mr. Mahr presented staff report as presented in staff memorandum.

Proponent: Mr. Frank Stiller, Rt. 2, Box 161, Carlton has a lot on which he was going to build a 12-plex but due to the fact that he could not receive a loan he has decided to build 2 4-plexes and sell them. They could be owner-occupant units. Therefore it would reduce the density. The stub for the storm drain is there, the sewer is there. He feels this way it would be easier to sell and obtain a loan.

Mr. Grobey inquired if Mr. Stiller was aware of the requirements for a variance request.

Applicant felt he had met all requirements that were required of him.

Mr. Youngman suggested he meet with staff and find out for sure the requirements he must meet.

No other proponents or opponents wished to be heard, no written remonstrance has been received.

Public hearing closed.

Motion: Grobey-Cach to take agenda item 5-C (partitioning) and place with agenda item 4-C (variance). Carried.

Staff recommendation: Staff recommends that this variance and the request for partitioning be held in abeyance pending submittal of plans clarifying dimensions and feasibility of the sewer service.

Motion: Youngman-Keltner to continue this variance request to January 16, 1979.

Motion Amendment: Grobey-Cach to reopen public hearing so as to accept new findings. Carried.

Amended motion: Cach-Grobey to continue public hearing on variance request by applicant on January 16, 1979. Carried.

Non-Hearing Items:

Jeffrey Park Subdivision (continued from 11/21/78)

Proponent: William Keys, Room 1025 Yeon Building, representing Stuart Lindquist. A meeting had been held with the existing neighborhood residents of Green Valley Subdivision. They have made the following compromises according to the requests of the residents: (1) to build a board on board six foot fence between the two subdivisions (2) grant a 10 foot easement on the easterly most lot #12 to allow residents to go behind their lots. It was not agreed that the lot lines would be changed from 70' lots to 80' lots.

Proponent: Johnnie Summers, 840 NE 15th, Hillsboro, verified the decisions that were made at the meeting. Street name changes were done at last months meeting.

Opponent: Margaret LeMaster, 800 Green Valley Drive, representing existing residents of Green Valley Drive Subdivision. They did get most of the neighborhood together to meet with Mr. Lingquist. Submitted in the staff memorandum are copies of a memo sent to the Planning Commission and a letter sent to Mr. Stuart Lindquist.

The neighborhood asked for easement of 12 to 15 foot and got 10 foot. They asked for 80' lot lines and got 6 foot fence. She stated the easement was of no use to them - not acceptable. Did not want a fence - not acceptable. She does not feel that the developer has a valid argument for unaligned lot lines. She does not feel that the adjacent lot owners are being considered at all in the planning of this subdivision.

Mr. Keys was asked reason for 70' lots instead of 80' - he stated that this would make less lots, a loss of \$15,000. When they purchased the parcel and divided it into lots they did what was required by the City to make a plot plan for a subdivision.

Mr. Mahr explained what is required by the City's ordinance of the developer for planning a subdivision - the developer in question has met all the requirements.

Motion: Cach-Grobey to accept plot plan of Jeffrey Park Subdivision with name changes. Keltner - abstained. Carried.

Name Change on Mountainview Park II Subdivision

Proponent: Paul Green, of Ling, Green & Associates, presented the proposed plot plan of the 30 lots. Have changed Mountainview Drive position to meet request of the ex-City Engineer and have made Main St. meet recommendation of staff.

Motion: Cach-Grobey to accept name change of Mountainview Park II to Marita Park and accept preliminary plat with conditions: (1) delete Track A from dedication, south side lots 1, 2, 3, 4, 6 of Block 2; (2) lot 1 of Block 1; (3) north property line of lot 1, Block 3; (4) 1' no access easement. Carried.

Motion: Cach-Keltner to add condition that an additional street right of way shall be deeded to the City to make up a 30' east half width for Crater Lane. This deed shall be subject to approval of the City Attorney and City Administrator. Carried.

Motion: Youngman-Grobey to recess for 5 minutes. Carried.

Meeting called back to order by Chairman Halstead.

Buckley's Mountainview Park (Ordinance No. Section 44-P, Changes to Final Development Plan & Program)

Letter from Brugato received 12/4/78, included in staff memorandum. Recommendation requested by City Administrator.

Mr. Mahr read letter submitted by Brugato.

Paul Green of Ling, Green & Associates presented a map showing lots in question. Pointed out the fact that sewer service is available to both units of the duplexes.

Motion: Cach-Grobey recommend approval by the City Administrator to grant zero lot lines for lots 13 through 16, and lots 19 through 25, Block one; and lots 25 through 34, Block three. Carried.

New Business:

Dennis Day, Rt. 1, Box 318A, has decided to change the Fun Center located at Hancock and North Main St. into an Ice Cream Parlor. He would have to extend the building 10' in the front & back. There is a need for additional parking. Has asked the Building Official to suggest a plan for additional parking. Had plan of proposal to submit to the commission.

Motion: Cach-DeMay move to set parking spaces at 10 for 1,000 sq. ft. for ice cream parlor. Carried.

Mr. Weisenback brought in a proposed building permit application from Schmidt Excavating, 116 E. Fifth St. He wants to build a personal storage garage to store equipment.

Commission suggest denial for building permit due to the fact that the building would be used to store equipment which is being used for commercial use and it is being used in a non-conforming use.

Recommendation on Publishers Paper request for 12th St. Vacation

Chairman Halstead read a letter submitted to the Planning Commission by Spaulding Paper for request to vacate a portion of 12th St.

Motion: Cach-Grobey to recommend to City Council to grant vacation of portion of 12th St. from Pacific St. east approximately 152 ft. to the City Boundry. Carried.

Street Renaming: Fieldstone Court to Pioneer Lane and Pioneer St. to N. Center St.

Motion: Cach-Grobey to recommend to the Council to grant the requested street name changes. Carried.

Presentation of Award: Mr. Mahr recited a short speech then presented Mr. Hal Grobey with a plaque.

Motion: Blodgett-Cach motion to adjourn. Carried.

Fee to owner only
held in 1/2 years

The owner of each lot shall be obligated to pay a proportionate share of any expense in the development and maintenance of the common areas. The owners ^{share} shall be: (1) until the Newberg Professional Center is fully developed with improvements upon each lot, each owner of a lot is obligated to pay one eighteenth ($1/18$) of any expense for the development, maintenance, insurance, taxes or use of the common ^{areas} approved by the owners of a majority of the lots; or (2) When the Professional Center is ~~fully~~ developed with improvements upon ~~at least~~ ^{at least} ~~12~~ ¹² lot, each owner of a lot is obligated to pay that proportion of the development, maintenance, insurance, taxes and use of the common areas that the total square footage of the owners improvement bears to the total square footage of all the ~~the~~ improvements on all ~~the~~ lots in the Professional Center. Assessments shall be made promptly. The owner of each lot has a cause of action against the owner of any other lot who fails to pay promptly an expense so approved together with reasonable attorneys fees and court costs incurred in enforcing and collecting such assessment.

instructed

PROFESSIONAL CENTER

IMPROVEMENTS IN 2 PHASES

1ST	FALL	1980	ROAD & LANDSCAPING
2ND	"	1981	" "

upon completion of Phase 1, - Block 1 improvements (buildings) may receive permits

same with Phase 2, - Block 2 permits

- Block 2 building - 2 phases possible
to 3 phases

1 NOTICE OF PLANNED UNIT DEVELOPMENT ZONING
2 PURSUANT TO SECTION 44N OF ORDINANCE NO. 1282

3 The owners of the following described real property acknowledge that the
4 final development plan and program which is on file with the City of Newberg as
5 approved by the Newberg City Council on March 13, 1978, by Ordinance No. 1898 of
6 the City constitutes the zoning of the property under the Planned Unit Development
7 Zone of Ordinance No. 1282 of the City of Newberg; and the real property is des-
8 cribed as follows:

9 A part of the James Morris Donation Land Claim, Certificate No. 2657,
10 Notification No. 1478, Claim No. 46, Township 3 South, Range 2 West of the
Willamette Meridian in Yamhill County, Oregon, particularly described as follows:

11 Beginning at the Southeast corner of said Claim and running thence North
12 40 rods; thence West 80 rods; thence South 40 rods; thence East 80 rods to the
place of beginning.

13 EXCEPTING THEREFROM the East 30 feet, conveyed to Yamhill County, Oregon,
14 by Deed recorded June 14, 1929, in Book 101, Page 242, Deed Records.

15 ALSO EXCEPTING THEREFROM that portion conveyed to the State of Oregon by
16 and through its State Highway Commission by deed recorded April 3, 1956, in
17 Book 180, Page 374, Deed Records.

18 Dated this 26th day of June, 1978.

19 Prepared by Terrence D. Mahr
20 Terrence D. Mahr
21 City Attorney
22 COUNTY OF YAMHILL } ss. **63708**

23 Owners: Raymond C. Buckley
24 Raymond C. Buckley



25 STATE OF OREGON)
26 I, Wanda Cati, County Clerk in and for said County, and State, do hereby certify that the within instrument of Raymond C. Buckley
27 was received and has been by me duly recorded on Page 1394 of Vol. 30 of the
28 Records of said County, on the 3 day of July AD 1978
29 at 10:50 o'clock AM to-wit: to-wit: whereat, I have hereto subscribed my name and affixed my Official
30 Seal

31 WANDA CATI County Clerk By Joan Salinas for Brugato
32 Joa Brugato

33 STATE OF OREGON)
34 County of) ss. June 28 A.D. 1978

35 Personally appeared the above named Raymond C. Buckley, Dennis L. Buckley and Jo
36 the foregoing instrument to be the voluntary act and deed.

37 Before me:

38 Page

39 Robert D. Smith
40 Notary Public For Oregon
41 My Commission Expires: 10/2/78
42 Wife - Wife
Sub College St

ORDINANCE NO. 1898

*See
Burgato PUD-2-77
"Buckley's Mt. View
Park"*

THE ORDINANCE AMENDING ORDINANCE NO. 1282 OF THE CITY OF NEWBERG RELATING TO THE ZONE REGULATIONS PASSED AND APPROVED MAY 8, 1961, AS AMENDED, BY AMENDING THE ZONING MAP REFERED TO IN SECTION 5 THEREOF, TO CHANGE THE ZONE OF A CERTAIN LOT FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT AND ADOPTING THE FINAL DEVELOPMENT PLAN AND PROGRAM FOR THE PLANNED UNIT DEVELOPMENT.

WHEREAS, the applicants Mr. Ray Buckley and Mr. Joe Burgato have filed an application for a zone change on the Yamhill County Tax Lot No. 3207-2600 requesting the zoning of that lot be changed to "Planned Unit Development"; and

WHEREAS, the applicants have submitted a final development plan for that planned unit development which names the development as Buckley's Mountain View Park; and

WHEREAS, the Newberg Planning Commission held a public hearing to consider the zone change and the final development plan on February 21, 1978, and after due consideration does recommend to the Council that the zone change be allowed and that the final development plan be adopted; and

WHEREAS, the Planning Commission based this recommendation for approval upon the recommended findings of fact presented in the staff memorandum to that commission on pages 13 thru 15 with recommended conditions for approval as presented in the staff memorandum on page 15 with additional conditions as presented on page 4 of the proposed minutes of that meeting; and

WHEREAS, the Council has conducted a full evidentiary hearing at its Council Meeting on the 6th day of March, 1978.

NOW, THEREFORE THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Yamhill County Tax Lot No. 3207-2600 is presently zoned at low density residential (R-1).

Section 2. Ordinance No. 1282 as amended, is further amended to change certain zone boundaries on the zoning map referred to in Section 5 thereby changing the zone classification of the following described real property from Low Density Residential (R-1) to Planned Unit Development (P-D):

YAMHILL COUNTY TAX LOT NO. 3207-2600

Section 3. The final development plan and program for Buckley's Mountain View Park is hereby adopted by the Council.

Section 4. The above stated zone change and adoption of the final development plan and program are based upon the following findings of fact:

1. The proposal is consistent with the Comprehensive Plan.

Goal no. 3 under "Community Wide Goals and Objectives" on page 17 states, "Newberg should create the image of quality living environment." It further states that only development of high standards should be permitted in the community. This proposal contains provisions for high architectural standards and design requirements.

"Residential Goals and Objectives" on page 18, Goal no. 1 states, "A variety of housing density, types and price levels should be encouraged." The Plan further states, "Newberg presently consists of single family detached homes, however, other types of housing should be encouraged, such as, townhouses and planned unit developments." This designation incorporates some innovative housing approaches including attached single-family dwellings. Since this is a plan for a planned unit development, approval would be consistent with the stated goal of encouraging planned unit development.

Under section 3 of the Plan, Land Use is addressed. The Plan states on page 22 that density classification should not be absolute for every parcel of land. Local conditions will justify the density. It was further stated that the City and the developer should have the freedom to specify how the dwellings should be located on a parcel of land. It may be more beneficial to group the dwellings in order to save natural features or to create usable open space. Page 25 of the plan states, "Planned Unit Developments should be encouraged where flexibility and design will enable a higher quality of development. The higher density in this classification should have direct access to arterial street system." This development exceeds the low density classifications of four units per acre, however, the existence of arterial street justifies the higher density. This development is consistent with the objectives of the density stated on page 22 of the Plan.

2. Public need is present.

The best expression of public need is the provision for the planned unit development in the zoning ordinance. The goals and policies of the Comprehensive Plan encourage planned unit developments. These provisions for a planned unit development in both the zoning ordinance and the Comprehensive Plan are a demonstration of public need for this type of development.

3. The need is best served.

The design of the PUD recognizes the natural features of the parcel as well as the land use elements of the Comprehensive

Plan. A park to the west is located among the existing trees. An arterial street is incorporated into this Plan. The arterial street is a prime factor in making this site appropriate for the proposed variety of housing.

4. The change will not adversely impact the surrounding area.

The design incorporates high building design and landscaping to buffer existing residential areas from new residential areas.

Lot no. 15 of block one on the development plan had a proposed use of Commercial. As brought out in the public hearing, this had potential adverse impact on the surrounding area. The impact would consist of possible noise, public nuisance and neighborhood disruption at late night business hours. This commercial use has been deleted from the plan. Additional property is available for this use near the intersection of Mountain View Drive and State Highway 219 to realize the objective of the Comprehensive Plan to establish a limited amount of convenience oriented commercial use in small shopping centers. This use can be realized some time in the future.

5. This proposal is in conformance with State-Wide Goals.

- A. Urbanization - Proposal is within the adopted Urban Growth Boundry.
- B. Public Utilities and Services - Services are or can be made available in 1978.
- C. Housing - The proposal provides a variety of housing types consistent with the goal and local needs.
- D. Transportation - The proposal incorporates an arterial street which is integral part of the local transportation plan.

(Based upon the City's inventory of natural and cultural resources, no other state-wide goals are applicable to this proposal.)

Section 5. The zone change and adoption of the final development plan and program for Buckley's Mountain View Park are subject to the following conditions:

1. A landscape plan shall be submitted to and approved by the City Planner for the area between Parkway subdivision and Mountain View Park.
2. All improvements shall be subject to the approval of the City Engineer.
3. Easements as required by the City Engineer shall be provided.

4. Covenants restricting the use of the roadway dedication shall not be included.
5. The natural screening and planting berms as proposed along the arterial shall be included as opposed to the privacy screens.
6. The building lines shall be delineated on the lots on the final plan that is to be recorded.
7. Lot no. 15 of block one, as shown on the Final Development Plan shall not be for commercial use. It shall have a residential use with the same layout and plan as lot no. 13 and 14 of block one.
8. The cul-de-sac on Mountain View Court shall be shifted north so as to minimize the impact on residents of Park Way Subdivision. This change, shall be subject to staffs approval.
9. Maximum building height shall be 28 feet from the curb line to the peak of the roof.

Section 6. The following variance shall be granted as part of the approval of the Final Development Plan:

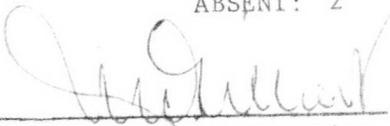
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2. Minimum roadways and right-of-ways to be granted as shown on the final plan and program.
3. Variance to allow sidewalks on one side only as shown on Park Court and Mountain View Court.

PASSED by the Council at its meeting on this 13 day of March, 1978, by the following votes:

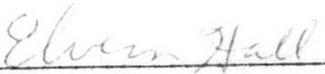
AYES: 6

NAYS: 0

ABSENT: 2


M. C. Gilbert-Recorder

APPROVED by the Mayor this 13 day of March, 1978.


Elvern Hall - Mayor

Findings of fact.
ADDITIONAL FINDINGS PRD

There is a public need for the request.

Public Need: The public need is best served in this instance by the location of these supportive community medical services near the hospital.

The need is best served by the proposed change as compared with other available property because this property is convenient to the hospital and will group needed health services in an area where they are accessible to the people rather than dispersing such services throughout the community.

The subject request ^{is in compliance with.} ~~satisfies the intent of~~ LCDC Goal #5,
Open Space.

An appropriate amount of the 1.15 acres of open space will be developed as landscaped areas around buildings and the parking lot.

The subject request ^{is in compliance with} ~~satisfies the intent of~~ LCDC Goal #12,
Transportation.

Both arterial and collector streets serve the vicinity. The plan has been designed to recognize and serve the needs of the community's residents. It includes special parking spaces for handicapped people and also has planned an area where such vehicles as the Senior Citizen bus can safely and conveniently load and unload passengers. Walkways are designed with ramps and crosswalks will be identified to ease access to all buildings.

The subject request is in compliance with LCDC Goal #9
Economy of the State.

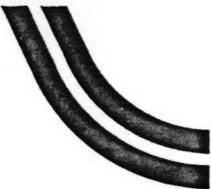
The development of clean, quiet, professional businesses is economically and environmentally beneficial to the economy of the community and the State

The subject request does not conflict with the
Newberg ^{Comp} Plan or the ^{zoning ordinance} Z₁₀.

Section 1 - ~~CR~~ C-R (Residential -
Commercial).

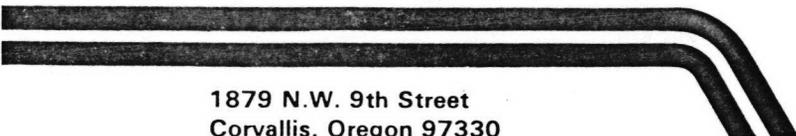
Section 2 -

Section 3 -



ling,
green &
associates,
inc.

Engineers & Land Surveyors



1879 N.W. 9th Street
Corvallis, Oregon 97330
(503) 757-8771

November 20, 1979

Mr. Ernie Heister
Director of Public Works
City of Newberg
Newberg, OR 97132

Dear Ernie:

Dr. Abbott has requested that we contact you concerning the permit fees for his "NEWBERG PROFESSIONAL CENTER".

Glenn put a tentative estimate together in December, 1978. The estimated value at that time for the sanitary sewer, storm drainage and water line was \$58,165.00.

Three "B"'s Construction has contracted to do this work for \$45,000.00. We feel that it is, therefore, appropriate to base the permit fees on the construction contract and hereby request the reduction.

I have included Glenn's original estimate for your files. I am sure that Dr. Abbott would supply a copy of his contract with 3-"B"'s Construction to provide further supporting data.

Please contact me if you have any questions.

Very truly yours,



Jack R. Burrell

/sw

Enclosure:

cc: Dr. Abbott ✓

December 22, 1978

Dr. David Abbott M.D.
1314 E. Sherman St.
Newberg, Oregon 97132

Dear Sir,

Cost estimates have been prepared for the development of the
Newberg Professional Center.

These costs also include the improvements necessary around the
pharmacy and your clinic.

The cost estimates are summarized below for your information.

1. Preliminary planning	\$ 4,000.00	
2. Final subdivision plat	1,800.00	
3. Sanitary Sewer	20,875.00	-
4. Storm Drainage	15,600.00	✓
5. Water	21,690.00	✓
6. Parking lot (paving, curbs, sidewalks, bumper stops, paint striping)	52,982.00	✓
7. Street lights	5,000.00	
8. Electrical ditching	4,050.00	
9. Fence	3,200.00	
10. Landscaping	9,000.00	
11. Engineering	14,228.00	
12. Contingencies	14,405.00	
13. City fees	1,500.00	
14. Park fund	5,400.00	
TOTAL	<u>\$173,730.00</u>	58,165

I would be glad to answer any questions you might have on this
estimate.

Very Truly Yours,

Glenn A. Ling
Ling, Green & Associates

THREE B'S CONSTRUCTION
606 Linda Way
NEWBERG, OREGON 97132

JOB ESTIMATE

538-2949 864-3351

PHONE

DATE

11-1-79

JOB NAME/LOCATION

TO Dr. ABBOTT # NEWBERG COAST,

NEW BERG PRO. CENTER

JOB DESCRIPTION:

> ALL UNDERGROUND IN PHASE ~~II~~ I
AS PER PLAN

BID \$25,000⁰⁰

THIS ESTIMATE IS FOR COMPLETING THE JOB AS DESCRIBED ABOVE. IT IS BASED ON OUR EVALUATION AND DOES NOT INCLUDE MATERIAL PRICE INCREASES OR ADDITIONAL LABOR AND MATERIALS WHICH MAY BE REQUIRED SHOULD UNFORESEEN PROBLEMS OR ADVERSE WEATHER CONDITIONS ARISE AFTER THE WORK HAS STARTED.

ESTIMATED
JOB COST

ESTIMATED
BY

Robert D. Brown

THREE B'S CONSTRUCTION
605 Linda Way
NEWBERG, OREGON 97132

JOB ESTIMATE

538-2949 864-3351

PHONE

DATE

11-1-79

JOB NAME/LOCATION

TO Dr. ABBOTT & NEWBERG CONST.

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ESTIMATED
JOB COST

ESTIMATED
BY

Arthur D. Benson

PERFORMANCE AGREEMENT

NEWBERG PROFESSIONAL CENTER
(a planned unit development)

WHEREAS, the Newberg City Council on February 6, 1979, approved a Planned Unit Development known as "Newberg Professional Center"; and

WHEREAS, the developer, David F. Abbott, has submitted plans and specifications for the development; and

WHEREAS, the Planning Department of the City of Newberg and the developer do hereby agree to the following terms and conditions in order to carry out the intent and purpose of this planned unit development;

Now, Therefore, the Parties agree to the following:

1. The Newberg Professional Center shall be built according to the plans and specifications approved by the City.
2. Any change to the plans and specifications shall first have to be approved by the City through proper procedures.
3. The landscaping and road construction as indicated on the plans and specifications shall be completed on the area referred to as Tract A of the Plat (the common area) up to a point referred to as "curve data point No. 22" by October 31, 1980 and before any building permits are issued for lots one through eight of the development.
4. The remaining landscaping and road improvement to the area referred to as Tract A on the plat shall be completed by October 31, 1981, and before any building permits are issued for the remaining lots.
5. Failure to complete the work specified in condition three and four within the time specified shall result in all work being seized within the development until such time as the conditions are met. All building permits issued are subject to this provision and the developer has the responsibility of giving notice of this provision to any persons building within the development. The provision of condition three and four as to when the building permits may be issued, may be altered by written consent as to each permit by the City Planner.

6. The structure to be constructed on Block two, lots 9 through 18 shall be built in phases, the phases shall be approved by the City Planner before issuance of any building permits for this area.

7. This agreement covers the Newberg Professional Center, a Planned Unit Development, located on Yamhill County Tax Lot No. 3217 CD 3200.

8. These conditions act as a covenant running with the land.

This agreement made and entered into this _____ day of _____, 19 .

Developer and Owner

The City of Newberg
City Planner of Newberg

Clay Moorhead

ORDINANCE NO. 1898

and
Bo
Passed 3/13/78
Sample

THE ORDINANCE AMENDING ORDINANCE NO. 1282 OF THE CITY OF NEWBERG RELATING TO THE ZONE REGULATIONS PASSED AND APPROVED MAY 8, 1961, AS AMENDED, BY AMENDING THE ZONING MAP REFERED TO IN SECTION 5 THEREOF, TO CHANGE THE ZONE OF A CERTAIN LOT FROM LOW DENSITY RESIDENTIAL TO PLANNED UNIT DEVELOPMENT AND ADOPTING THE FINAL DEVELOPMENT PLAN AND PROGRAM FOR THE PLANNED UNIT DEVELOPMENT.

WHEREAS, the applicants Mr. Ray Buckley and Mr. Joe Burgato have filed an application for a zone change on the Yamhill County Tax Lot No. 3207-2600 requesting the zoning of that lot be changed to "Planned Unit Development"; and

WHEREAS, the applicants have submitted a final development plan for that planned unit development which names the development as Buckley's Mountain View Park; and

WHEREAS, the Newberg Planning Commission held a public hearing to consider the zone change and the final development plan on February 21, 1978, and after due consideration does recommend to the Council that the zone change be allowed and that the final development plan be adopted; and

WHEREAS, the Planning Commission based this recommendation for approval upon the recommended findings of fact presented in the staff memorandum to that commission on pages 13 thru 15 with recommended conditions for approval as presented in the staff memorandum on page 15 with additional conditions as presented on page 4 of the proposed minutes of that meeting; and

WHEREAS, the Council has conducted a full evidentiary hearing at its Council Meeting on the 6th day of March, 1978.

NOW, THEREFORE THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Yamhill County Tax Lot No. 3207-2600 is presently zoned at low density residential (R-1).

Section 2. Ordinance No. 1282 as amended, is further amended to change certain zone boundaries on the zoning map referred to in Section 5 thereby changing the zone classification of the following described real property from Low Density Residential (R-1) to Planned Unit Development (P-D):

YAMHILL COUNTY TAX LOT NO. 3207-2600

Section 3. The final development plan and program for Buckley's Mountain View Park is hereby adopted by the Council.

Section 4. The above stated zone change and adoption of the final development plan and program are based upon the following findings of fact:

1. The proposal is consistent with the Comprehensive Plan.

Goal no. 3 under "Community Wide Goals and Objectives" on page 17 states, "Newberg should create the image of quality living environment." It further states that only development of high standards should be permitted in the community. This proposal contains provisions for high architectural standards and design requirements.

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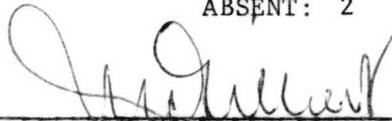
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AYES: 6

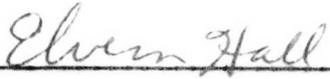
NAYS: 0

ABSENT: 2



M. C. Gilbert-Recorder

APPROVED by the Mayor this 13 day of March, 1978.



Elvern Hall - Mayor

THE AMERICAN INSTITUTE OF ARCHITECTS



AIA Document A101

Standard Form of Agreement Between
Owner and Contractor

where the basis of payment is a
STIPULATED SUM

1977 EDITION

THIS DOCUMENT HAS IMPORTANT LEGAL CONSEQUENCES; CONSULTATION WITH
AN ATTORNEY IS ENCOURAGED WITH RESPECT TO ITS COMPLETION OR MODIFICATION

Use only with the 1976 Edition of AIA Document A201, General Conditions of the Contract for Construction.

This document has been approved and endorsed by The Associated General Contractors of America.

AGREEMENT

made as of the ^{1st} day of ^{November} in the year of Nineteen
Hundred and ^{seventy eight}

BETWEEN the Owner:

David F. Abbott,
1314, East Sherman St,
Newberg, Oregon 97132

and the Contractor:

3 Bs Construction,
606, Linda Way, Newberg, Oregon 97132

The Project:

Newberg Professional Center,
Villa Road, Newberg 97132

The Architect: ^{Engineer:}

Living Green Associates,
1879, NW. 9th Street,
Corvallis, Oregon 97132

The Owner and the Contractor agree as set forth below.

Copyright 1915, 1918, 1925, 1947, 1951, 1958, 1961, 1963, 1967, 1974, © 1977 by the American Institute of Architects, 1735 New York Avenue, N.W., Washington, D. C. 20006. Reproduction of the material herein or substantial quotation of its provisions without permission of the AIA violates the copyright laws of the United States and will be subject to legal prosecution.

ARTICLE 1
THE CONTRACT DOCUMENTS

The Contract Documents consist of this Agreement, the Conditions of the Contract (General, Supplementary and other Conditions), the Drawings, the Specifications, all Addenda issued prior to and all Modifications issued after execution of this Agreement. These form the Contract, and all are as fully a part of the Contract as if attached to this Agreement or repeated herein. An enumeration of the Contract Documents appears in Article 7.

ARTICLE 2
THE WORK

The Contractor shall perform all the Work required by the Contract Documents for
(Here insert the caption descriptive of the Work as used on other Contract Documents.)

Supply all materials and labor for underground
work in the Newberg Professional Center -
except 1. Work included in separate contract with
Newberg Construction relating to the construction of medical Clinic
2. Underground electrical work.

ARTICLE 3
TIME OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

The Work to be performed under this Contract shall be commenced *within seven (7) days.*
and, subject to authorized adjustments, Substantial Completion shall be achieved not later than *April 15 1980*

(Here insert any special provisions for liquidated damages relating to failure to complete on time.)

ARTICLE 4
CONTRACT SUM

The Owner shall pay the Contractor in current funds for the performance of the Work, subject to additions and deductions by Change Order as provided in the Contract Documents, the Contract Sum of *Twenty Thousand*

6. *dollars (20,000⁰⁰)*

The Contract Sum is determined as follows:
(State here the base bid or other lump sum amount, accepted alternates, and unit prices, as applicable.)

Basic bid

ARTICLE 5
PROGRESS PAYMENTS

Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided in the Contract Documents for the period ending the _____ day of the month as follows:

Not later than _____ days following the end of the period covered by the Application for Payment _____ percent (_____ %) of the portion of the Contract Sum properly allocable to labor, materials and equipment incorporated in the Work and _____ percent (_____ %) of the portion of the Contract Sum properly allocable to materials and equipment suitably stored at the site or at some other location agreed upon in writing, for the period covered by the Application for Payment, less the aggregate of previous payments made by the Owner; and upon Substantial Completion of the entire Work, a sum sufficient to increase the total payments to _____ percent (_____ %) of the Contract Sum, less such amounts as the Architect shall determine for all incomplete Work and unsettled claims as provided in the Contract Documents.

(If not covered elsewhere in the Contract Documents, here insert any provision for limiting or reducing the amount retained after the Work reaches a certain stage of completion.)

Entire sum payable on completion.

Payments due and unpaid under the Contract Documents shall bear interest from the date payment is due at the rate entered below, or in the absence thereof, at the legal rate prevailing at the place of the Project.
(Here insert any rate of interest agreed upon.)

(Usury laws and requirements under the Federal Truth in Lending Act, similar state and local consumer credit laws and other regulations at the Owner's and Contractor's principal places of business, the location of the Project and elsewhere may affect the validity of this provision. Specific legal advice should be obtained with respect to deletion, modification, or other requirements such as written disclosures or waivers.)

ARTICLE 6
FINAL PAYMENT

Final payment, constituting the entire unpaid balance of the Contract Sum, shall be paid by the Owner to the Contractor when the Work has been completed, the Contract fully performed, and a final Certificate for Payment has been issued by the Architect.

ARTICLE 7
MISCELLANEOUS PROVISIONS

7.1 Terms used in this Agreement which are defined in the Conditions of the Contract shall have the meanings designated in those Conditions.

7.2 The Contract Documents, which constitute the entire agreement between the Owner and the Contractor, are listed in Article 1 and, except for Modifications issued after execution of this Agreement, are enumerated as follows:

(List below the Agreement, the Conditions of the Contract (General, Supplementary, and other Conditions), the Drawings, the Specifications, and any Addenda and accepted alternates, showing page or sheet numbers in all cases and dates where applicable.)

Plans and grades by Ling Green Associates

All work to be supervised by and acceptable to

Ling Green + Associates

All staking for underground Work to be done by

Ling Green + Associates

This Agreement entered into as on the day and year first written above.

OWNER

CONTRACTOR

ling,
green &
associates,
inc.

Engineers & Land Surveyors

1879 N.W. 9th Street
Corvallis, Oregon 97330
(503) 757-8771

November 20, 1979

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Director of Public Works
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Please contact me if you have any questions.

Very truly yours,

Jack R. Burrell

Jack R. Burrell

/sw
Enclosure:
cc: Dr. Abbott

Looks O.K. as the Three "B's" is a family affair and works on low Profit Margin inspection can be based on \$45,000 East

December 22, 1978

Dr. David Abbott M.D.
1314 E. Sherman St.
Newberg, Oregon 97132

Dear Sir,

Cost estimates have been prepared for the development of the
Newberg Professional Center.

These costs also include the improvements necessary around the
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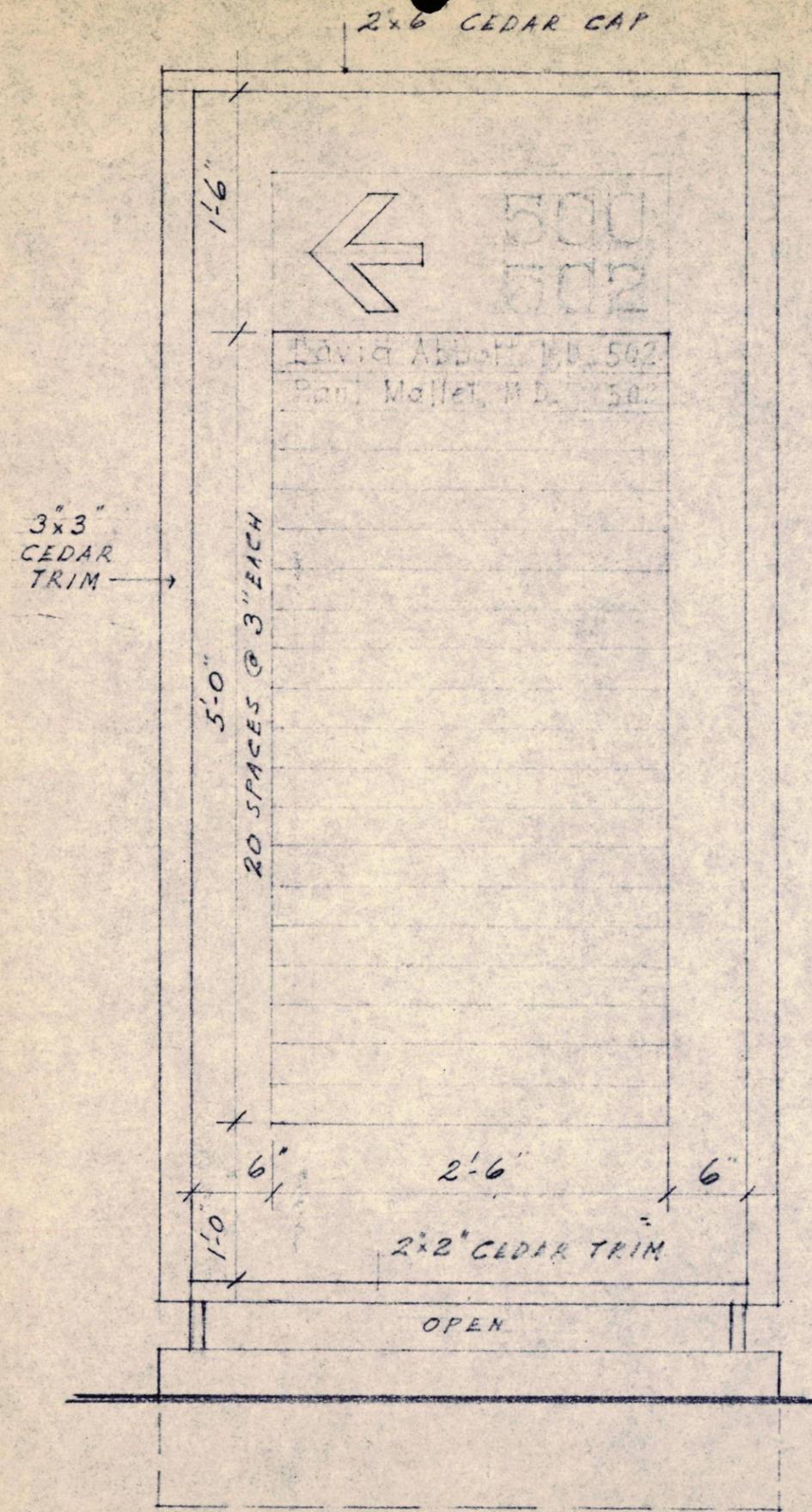
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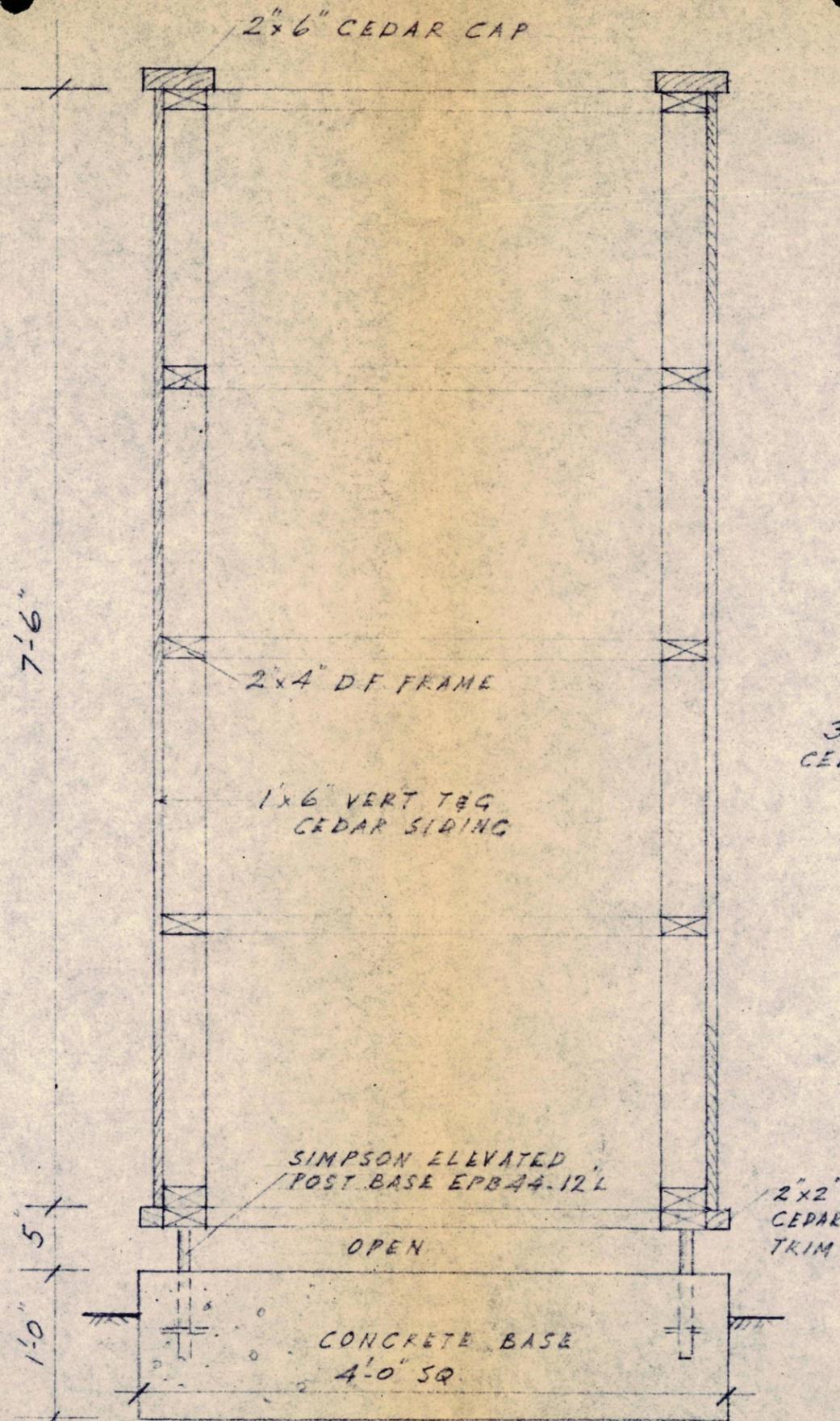
Very Truly Yours,

Glenn A. Ling
Ling, Green & Associates

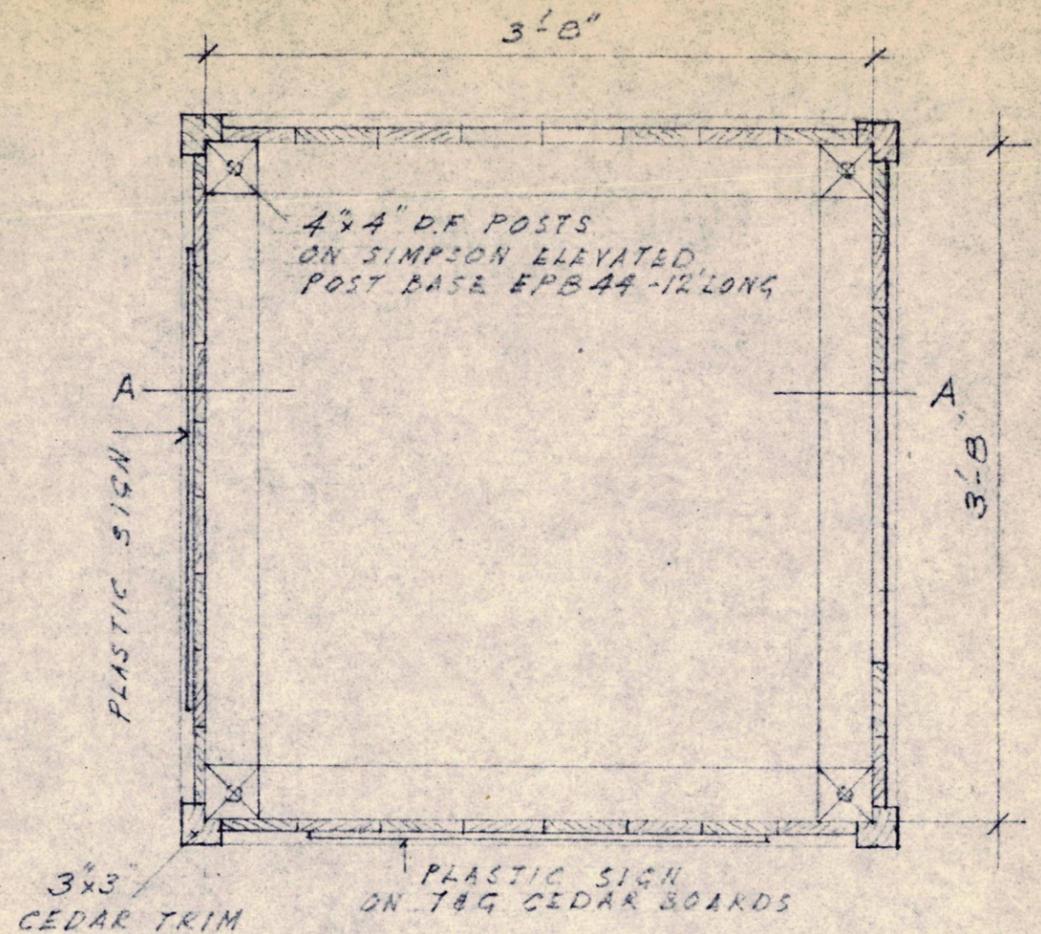


ELEVATION

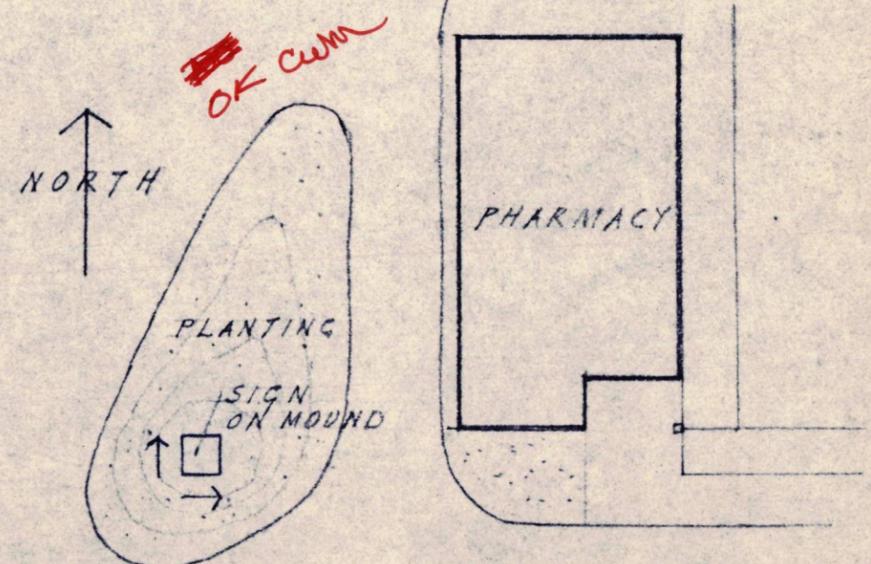
SCALE: 1"=1'-0"



SECTION A-A



PLAN 1"=1'-0"



SITE PLAN 1"=20'

DIRECTORY SIGN
NEWBERG PROFESSIONAL CENTER

538-1331

13 JANUARY 1981

file
ABBOTT
P.O.D.

(1978)

Newberg Professional Center (File PUD-1-78)

As of today, 12/8/78, we will need:

1. PUD final plan. ←
2. Zone change (from existing to P-D)
3. Granting of any variances.
4. Final plan is also preliminary subdivision plat and requires plat filing fee.

In a conversation with Dale Blanton today, this is what I gleaned.

Concurrent with presentation of final plan, must ask for a zone change. Fee for zone change was included in original application for P-D.

Notice of hearing should state "that the request is for a final plan approval for PUD and Zone Change from C-R to P-D."

Dale said we may want to add a disclaimer... "In its consideration of final plan, Planning Commission or City Council may allow variances....."

(in Staff Report??)

(see application herewith)

Albott PUD

Rec'd 12-8-78

- ① 8 sets Cor
- ② Appl. for Zone Change
(pd. for).
- ③ Appl. for S.D.
- ④ Appl. for Variance
- ⑤ Prot. Covenant

MEMO FROM . . .

DEB
DALE E. BLANTON

Date 11/15/78

TO: Building Department

RE: Dr. Abbott's Projects

file

1. Parking is sufficient to meet our ordinance requirements.
2. A P.U.D. has been applied for, and could have an impact upon these plans. I have discussed this with Dr. Abbott and Glen Ling (his engineer) and they are fully aware of the potential for conflict.

(3.) That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the vicinity of the property involved.

b. For Zoning Variances Only

(1.) Exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zone or vicinity which conditions are a result of lot size or shape, topography or other circumstances over which the applicant has no control.

(2.) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

(3.) The authorization of the variance shall not be materially detrimental to the purpose of this ordinance, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any city development plan or policy.

(4.) The variance requested is the minimum variance from the provisions and standards of this ordinance which will alleviate the hardship.

The undersigned understands that this application must be complete and accurate prior to consideration by the City of Newberg Planning Commission.



David F. Abbott, M.D.

Applicant

* Note: No variance can be issued for uses not permitted within the applicable zoning district.

ling,
green &
associates,
inc.

Engineers & Land Surveyors

1879 N.W. 9th Street
Corvallis, Oregon 97330
(503) 757-8771

December 5, 1978

NEWBERG PROFESSIONAL CENTER

APPLICATION FOR VARIANCES NECESSARY TO DEVELOP AN APPROVED PRELIMINARY PLAT

The Newberg Professional Center project has received approval of the preliminary subdivision plat for the Newberg Professional Center and a recommendation for a zone change from C-R Commercial/Residential to Planned Unit Development in November, 1978.

According to the Newberg Subdivision Ordinance and a memorandum written as a review by the Planning Director of the project proposal, variances will be required and can be granted concurrently with the approval of the final development plan.

Variances necessary to the project require permission to develop the Planned Unit Development without conformance to the standards for lot size and street frontages stipulated for either the C-R or R-2 zones which now regulate this property.

1. There are special circumstances or conditions affecting the property that are not common to all property in the area:

The proposed planned unit development will include medical and dental offices and support services. A clinic and a pharmacy are already approved for building permits. There will be a total of 18 lots which are to be in individual ownerships. These lots are not uniform in size.

The proposed plan includes an interior roadway to provide for adequate traffic circulation within the development. Walkways and parking areas have been found appropriate to serve the needs of the people who will be using the facilities.

This use, on this site, is compatible with the hospital and offers convenient medical and dental services within comfortable distance to residential areas.

2. The variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner and extra-ordinary hardship would result from strict compliance with these regulations because of the special circumstances or conditions affecting the property.

The Newberg Zoning Ordinance requirements for the C-R zone - particularly Sections 17B, 17-C, 17-D, and 17-F, are not compatible with the needs of the approved preliminary plan.

The planned development is proposed for offices, a clinic, and a pharmacy. It does include an adequate amount of street, sidewalks and parking facilities to serve the public. It also provides an adequate amount of landscaped area which is not located where it can serve as setback; it does serve to beautify and separate the buildings and soften the professional office building area.

Without the variance from the lot size and setback requirements as well as the street frontage regulation, this planned development will not be allowed to efficiently utilize this site.

It is necessary that this development, as approved, be granted the requested variances in order that the proposed offices, clinic and pharmacy can be accommodated; the traffic circulation, parking and other considerations including open space and landscaping have been designed according to approved standards and as conditioned by the Newberg Planning staff, Planning Commission and City Council.

3. The granting of the variance will not be detrimental to the public health safety and welfare or injurious to other property in the vicinity of the property involved.

The granting of the variance will, in fact, be beneficial to the public health, safety and welfare by providing medical and dental offices and in a convenient location within the community.

Neighboring properties are residential and commercial uses. This property will serve to separate those uses in a compatible manner. It will also increase the community health services available near the hospital and provide a needed service to residents of the general area.

ling,
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inc.

Engineers & Land Surveyors

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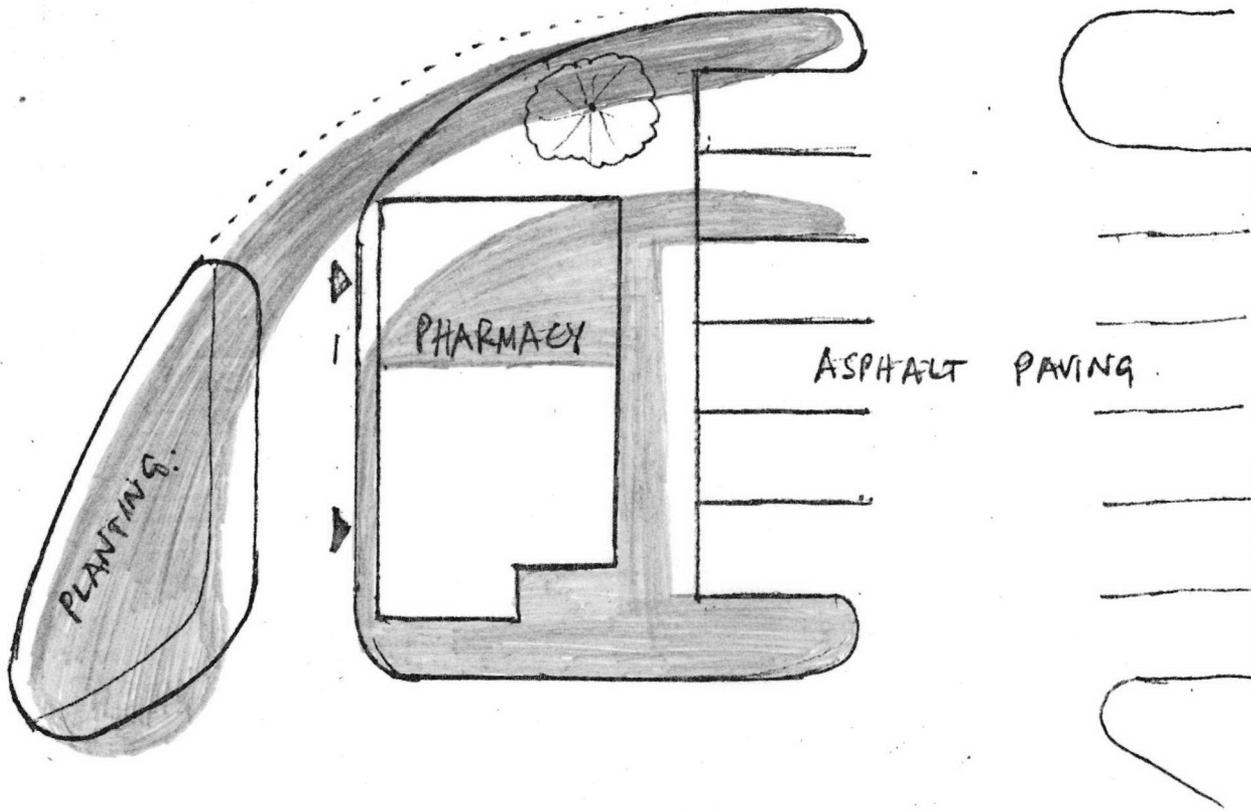
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DAVID F. ABBOTT, M.D., P.C.
PHYSICIAN AND SURGEON
1314 E. SHERMAN STREET
NEWBERG, OREGON 97132

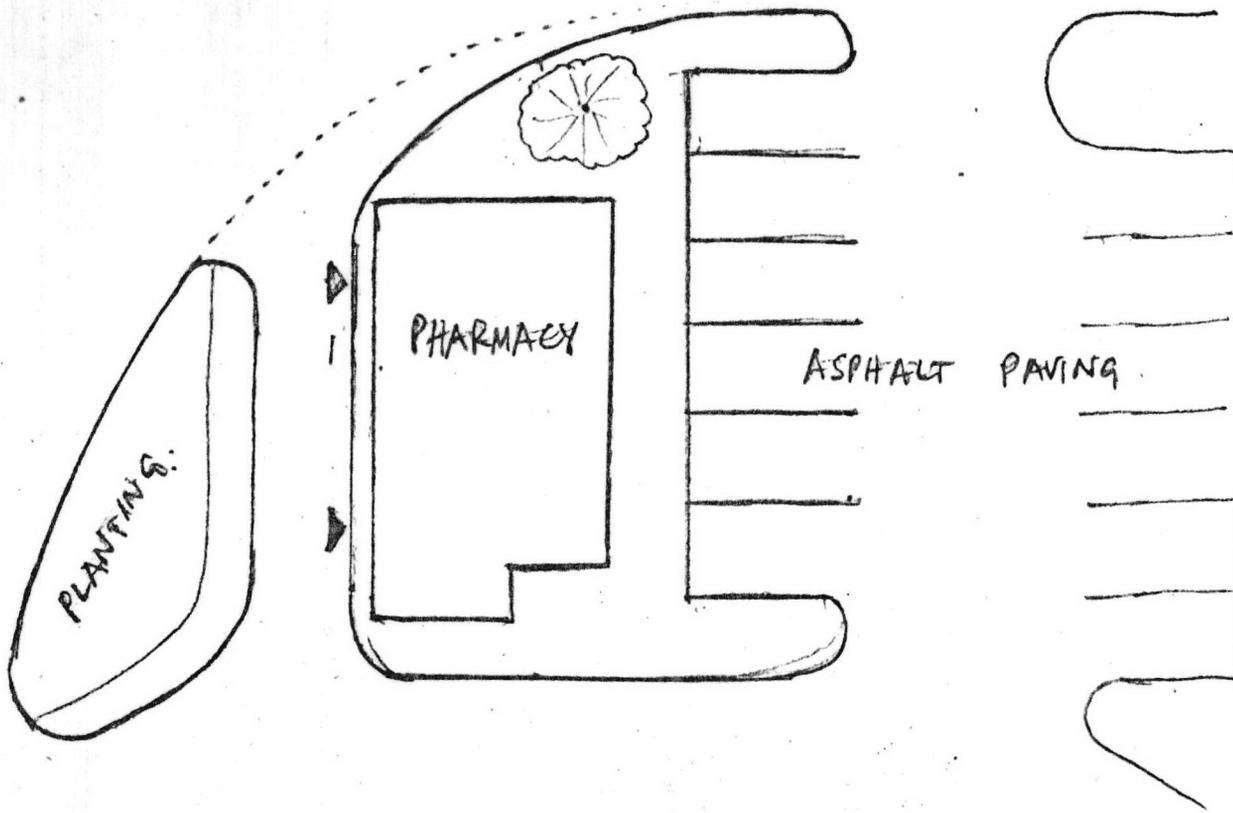
538-7331



SEE 10-3-44P

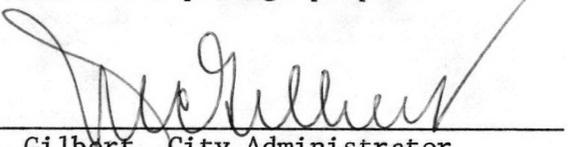
DAVID F. ABBOTT, M.D., P.C.
PHYSICIAN AND SURGEON
1314 E. SHERMAN STREET
NEWBERG, OREGON 97132

538-7331



CERTIFICATION

I, M. C. GILBERT, City Administrator for the City of Newberg, Oregon, do hereby certify that the attached Notice of Public Hearing was mailed to the following property owners as shown on the Assessor's Records of Yamhill County, by United States mail, postage prepaid on date below.


M. C. Gilbert, City Administrator

January 9, 1979
(Date)

C.C. & Agnes C. Peterson, c/o J. & S. Garland (C.R. Moe), 7104 S.E. 17, Portland, OR
Dale V. & Muriel Boucher, c/o Johnson & Robbins, 1805 Portland Rd., Newberg, OR
C.C. & Agnes C. Peterson, c/o David F. & Hilary Abbott (Moe), 7104 S.E.17, Portland, OR

Charles K. & Indetta G. Shaw, 1819 Portland Rd., Newberg, OR
Dorothy C. Hamphill, 400 N. Villa Rd., Newberg, OR
Theodore R. & Jerry Young, 1109 East 9th, Albany, OR 97321
Dale F. & Muriel C. Boacher, c/o Johnson & Robbins, 1805 Portland Rd., Newberg, OR
Gary & Phyllis Whelchel, Lor-Con Corp., 3451 River Rd. N., Salem, OR 97303
Richard R. & Norma Crete, 302 Villa Rd., Newberg, OR
Robert G. & Marcena Monroe, 303 Alderway, Portland, OR 97205
Marle E. Heinzman, c/o Commercial Bank, P. O. Box 391, Newberg, OR
John P. & Joan L. Lamirande, c/o Taco Time Int'l Inc., 1633 High St., Eugene, OR
97401

John D. & Janet L. Lyda, 607 Villa Rd., Newberg, OR
Rodney & Sharyl Buxton, 519 Villa Rd., Newberg, OR
John F. & Bonnie Newman, 517 Villa Rd., Newberg, OR
Wm. A. & Lola O. Wright, 515 Villa Rd., Newberg, OR
Warren C. & Anne M. Craig, c/o George Fox College, 414 N. Meridian, Newberg, OR
George Fox College, N. Meridian, Newberg, OR
Stanley D. Kern, 309 S.W. Red Hills Drive, Dundee, OR 97115
Gerald J. & Joan M. Peters, 608 N. Villa Rd., Newberg, OR
John F. & Anna Miller, 606 Villa Rd., Newberg, OR
George & Edith Gordon, c/o Ben Franklin S. & L--119119-1, 517 S.W. Stark St.,
Portland, OR 97204

John C. & Janet Anne Nybakke, 1803 Laurel Dr., Newberg, OR
Herbert J. & Ella Gueldner, 1805 Laurel Dr., Newberg, OR
John H. & Patricia McGhehey, 605 Holly Dr., Newberg, OR
John J. & Edith Plews, 712 Wyooski, Newberg, OR
Marvin R. & W. Grace Pitts, 604 Holly Dr., Newberg, OR
Chauncey & Rachel Gettman, 602 Holly Dr., Newberg, OR
Sandra Wilkins & Albert & Katherine LaJoie, 603 Linda Way, Newberg, OR
Marilyn R. Bixby, 604 Linda Way, Newberg, OR
Wayne & Sherrie G. Frost, 602 Linda Way, Newberg, OR
Ruben E. & Clarice Weisshaar, 600 Linda Way, Newberg, OR
Marjorie J. Steifbold, 1906 Laurel Dr., Newberg, OR
Craig S. & Margaretta Banning, c/o First Federal S.&L., P. O. Box 239, McMinnville,
Laurance A. & M.C. Rickert, P.O. Box 228, Newberg, OR OR 97128
Steven E. & Rosemary Watt, c/o U.S. Nat'l Bank, P.O. Box 71, Newberg, OR
Adolf R. & Marjorie Anderson, 1806 Laurel Dr., Newberg, OR
John L. & Lois M. Ward, 1804 Laurel Dr., Newberg, OR
Elbert V. & Alma J. Swayze, 514 Villa Rd., Newberg, OR
Egan G. & Elsie Dunham, 510 Villa Rd., Newberg, OR

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Final Development Plan & Program, Zone Change

Applicant: David F. Abbott, M.D.

Request: A zone change from the underlying zone of C-R to the Planned Unit Development (P-D) zone.

Location: East side of Villa Rd. across from Newberg Community Hospital.

Tax Lot #: part of lot 6 County Survey 2266, SW $\frac{1}{2}$ Sec. 17 T3S, R2W WM - Parcel 2

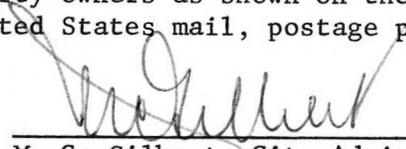
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M. C. Gilbert
City Recorder

✓ * Changes date of City Council

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January 2, 1979

(Date)

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Dale V. & Muriel Boucher, c/o Johnson & Robbins, 1805 Portland Rd., Newberg, OR
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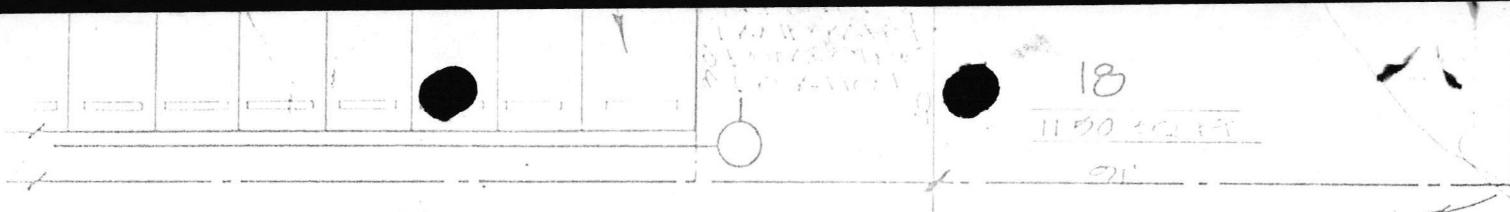
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Location: East side of Villa Rd. across from Newberg Community Hospital.

Tax Lot #: part of lot 6 County Survey 2266, SW $\frac{1}{2}$ Sec. 17 T3S, R2W WM - Parcel 2

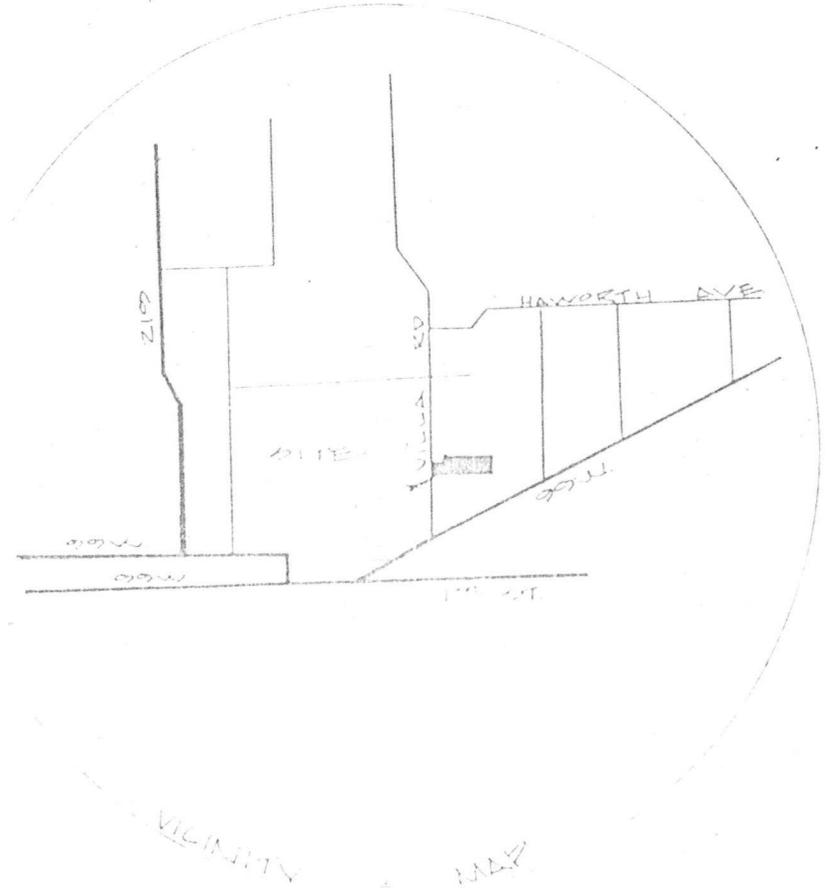
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M. C. Gilbert
City Recorder



18
1150 10 19
91'

INDIAN PROPERTY
2011 V. COMPANY



28,
22
24 20
ENT
COMMON
BACK
WALL

WALL
24 20
22
28 28

ling
green
E: associates

NEWBERG PROFESSIONAL CENTER
NEWBERG, OREGON

SCALE: 1" = 20'
PROJECT NO. 75-103

DATE: 12-8-72

1879 NW NORTH ST
CORVALLIS, OREGON
(503) 757-8771

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M. C. Gilbert
City Recorder

✓ * Changes date of City Council

1/9/79 Note: The above notice was sent, as certified, correcting date of City Council.

Alm

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M. C. Gilbert
City Recorder

✓ * Changes date of City Council

115

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M. C. Gilbert
City Recorder

✓ * Changes date of City Council

NOTICE OF A PUBLIC HEARING

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Community Hospital.

Tax Lot #: part of Lot 6 County Survey 2266, SW $\frac{1}{2}$ Sec. 17
T3S, R2W WM - Parcel 2

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M. C. Gilbert
City Recorder

Publish: January 25, 1979 and February 1, 1979

Delivered 1-12-79 11:30 a.m.

NOTICE OF A PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City Council of the City of Newberg will hold a Public Hearing on ~~Monday~~ ^{Tuesday}, February ~~5, 6~~ 1979, beginning at 7:30 P.M. in the Council Chambers, City Hall, Newberg, Oregon to consider the following:

Final Development Plan & Program, Zone Change
Applicant: David F. Abbott, M.D.
Request: A zone change from the underlying zone of
C-R to the Planned Unit Development (P-D) zone.
Location: East side of Villa Rd. across from Newberg
Community Hospital.
Tax Lot #: part of lot 6 County Survey 2266, SW $\frac{1}{2}$ Sec. 17
T3S, R2W WM - Parcel 2

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M. C. Gilbert
City Recorder

Publish: January 25, 1979 and February 1, 1979

* Changed by phone with Graphic 1-9-79mm

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M. C. Gilbert
City Recorder

Publish: January 4 and 11, 1979

CITY OF NEWBERG

414 EAST FIRST STREET

TELEPHONE 538 9411

NEWBERG, OREGON 97132

Date: December 29, 1978

To: *Mr. Gilbert*

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to January 10, 1979. Planning Commission consideration of the above item will be on January 16, 1979 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

Applicant: David F. Abbott, M.D.
Request: Final Development Plan & Program and Zone Change from the underlying zone of C-R to the Planned Unit Development (PD) zone.
Location: East side of Villa Rd. across from Newberg Comm. Hospital
Tax Lot: Part of Lot 6 County Survey 2266, SW $\frac{1}{2}$ Sec. 17, T3S, R2W WM, Parcel 2.

Planning Department

- We have reviewed the application and find no conflict with our department.
- We have reviewed the application and request additional time to respond. Our comments will be submitted by _____.
- We have reviewed the application and have the following comments:
(Use extra pages as needed)

*Storm drainage - back part of property?
Is Ingress/Egress adequate?
Landscaping - East boundary?*

[Signature]

Individual Responding

CITY OF NEWBERG

414 EAST FIRST STREET

TELEPHONE 548-9411

NEWBERG, OREGON 97131

Date: December 29, 1978

To: *Engineering*

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to January 10, 1979. Planning Commission consideration of the above item will be on January 16, 1979 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

Applicant: David F. Abbott, M.D.
Request: Final Development Plan & Program and Zone Change from the underlying zone of C-R to the Planned Unit Development (PD) zone.
Location: East side of Villa Rd. across from Newberg Comm. Hospital
Tax Lot: Part of Lot 6 County Survey 2266, SW $\frac{1}{2}$ Sec. 17, T3S, R2W WM, Parcel 2.

Planning Department

- We have reviewed the application and find no conflict with our department.
- We have reviewed the application and request additional time to respond. Our comments will be submitted by _____.
- We have reviewed the application and have the following comments:
(Use extra pages as needed)

sewer & water available
Storm sewer availability questionable

John J. Rainey
Individual Responding

CITY OF NEWBERG

414 EAST FIRST STREET

TELEPHONE 528-9431

NEWBERG, OREGON 97132

Date: December 29, 1978

To: *Fire Dept.*

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to January 10, 1979. Planning Commission consideration of the above item will be on January 16, 1979 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

Applicant: David F. Abbott, M.D.
Request: Final Development Plan & Program and Zone Change from the underlying zone of C-R to the Planned Unit Development (PD) zone.
Location: East side of Villa Rd. across from Newberg Comm. Hospital
Tax Lot: Part of Lot 6 County Survey 2266, SW 1/2 Sec. 17, T3S, R2W WM, Parcel 2.

Planning Department

- We have reviewed the application and find no conflict with our department.
- We have reviewed the application and request additional time to respond. Our comments will be submitted by _____.
- We have reviewed the application and have the following comments:
(Use extra pages as needed) *OK*

John Parke

Individual Responding

CITY OF NEWBERG

414 EAST FIRST STREET

TELEPHONE 528-9421

NEWBERG, OREGON 97132

Date: December 29, 1978

To: *Police Dept.*

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to January 10, 1979. Planning Commission consideration of the above item will be on January 16, 1979 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

Applicant: David F. Abbott, M.D.
Request: Final Development Plan & Program and Zone Change from the underlying zone of C-R to the Planned Unit Development (PD) zone.
Location: East side of Villa Rd. across from Newberg Comm. Hospital
Tax Lot: Part of Lot 6 County Survey 2266, SW $\frac{1}{2}$ Sec. 17, T3S, R2W WM, Parcel 2.

Planning Department

- We have reviewed the application and find no conflict with our department.
- We have reviewed the application and request additional time to respond. Our comments will be submitted by _____.
- We have reviewed the application and have the following comments:
(Use extra pages as needed)

J. A. Harp

Individual Responding

CITY OF NEWBERG

414 EAST FIRST STREET

TELEPHONE 538-9421

NEWBERG, OREGON 97132

Date: December 29, 1978

To: *Staff*

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to January 10, 1979. Planning Commission consideration of the above item will be on January 16, 1979 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

Applicant: David F. Abbott, M.D.
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Planning Department

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- We have reviewed the application and request additional time to respond. Our comments will be submitted by _____.
- We have reviewed the application and have the following comments:
(Use extra pages as needed)

Individual Responding

8. What type of Security or Bond will be provided for improvements?

9. Estimated Completion Date?

The undersigned understands that this application must be complete and accurate, before the plat will be accepted for consideration by the City of Newberg Planning Commission. In addition, the plat must substantially conform to all standards, regulations and procedures officially adopted by the City of Newberg.

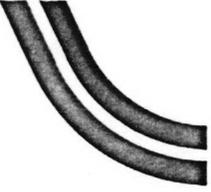


David F. Abbott, M.D.

Applicant

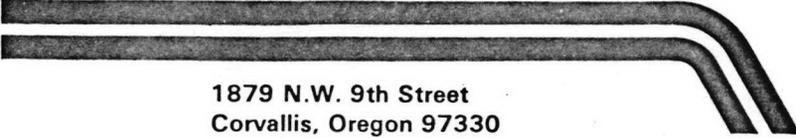
AGENT: Ling, Green and Associates, Inc.

* Note: Attached herewith is a checklist for preliminary plats, and an outline of the Planned Unit Development Procedure.



ling,
green &
associates,
inc.

Engineers & Land Surveyors



1879 N.W. 9th Street
Corvallis, Oregon 97330
(503) 757-8771

November 28, 1978

NARRATIVE

to accompany a

NEWBERG PROFESSIONAL CENTER FINAL PLAN

The Newberg Planning Commission has approved the preliminary plan for the Newberg Professional Center at their regular meeting on November 21, 1978. It was further recommended that the existing commercial/residential C-R zone be changed to Planned Unit Development for the project. The Comprehensive Plan designation is for commercial use and is compatible with the intention of this project.

Therefore, the submittal of the final plan for the Newberg Professional Center does include this request for the zone change to PUD. The following information is provided in support of this request.

Public Need: The public need is best served in this instance by the location of these supportive community medical services near the hospital. The PUD designation will allow some diversity in the arrangement of buildings and in the design of the projects internal pedestrian and motor vehicle circulation pattern. It will allow a better use of the available space by making it possible to utilize the lot size variances and street frontages acceptable under the Planned Development regulations.

The need is best served by the proposed change as compared with other available property because this property is convenient to the hospital and will group needed health services in an area where they are accessible to the people rather than dispersing such services throughout the community.

Compliance with Statewide Goals and Guidelines:

1. Land Use

The Newberg Professional Center will provide the highest and best use for this available vacant land by locating related medical and dental services near the hospital. It also creates a transitional zone between commercial uses and low density residential uses which now neighbor the property. The planning Commission has approved the preliminary plan for this development and found that the site contains adequate area for the proposed planned development zoning.

2. Open Space

An appropriate amount of the 1.15 acres of open space will be developed as landscaped areas around buildings and the parking lot.

3. Air, Water and Land Resources Quality

The location of this project near the hospital and within the residential areas of the community will, through the implementation of the planned unit development guidelines, further reflect the community desire for a quality environment and a healthy economy consist with State goals.

4. Transportation

Both arterial and collector streets serve the vicinity. The plan has been designed to recognize and serve the needs of the community's residents. It includes special parking spaces for handicapped people and also has planned an area where such vehicles as the Senior Citizen bus can safely and conveniently load and unload passengers. Walkways are designed with ramps and crosswalks will be identified to ease access to all buildings.

5. State Economy

The development of clean, quiet, professional businesses is economically and environmentally beneficial to the economy of the community and the State.

6. Energy Conservation

By locating these medical facilities within the community near other health services, the need for residents to travel to other communities for these services is lessened and energy is conserved. The community is directly benefitted by becoming more self-sufficient and the residents are conveniently and efficiently served.

7. Public Facilities and Services

Public facilities and services are available and of a capacity to serve the project.

8. Urbanization

The proposed site is within the city limits, uses vacant land, and is appropriately near the hospital. This medical-dental facility will provide a needed element that will increase the livability of this community.

This proposal is in compliance with the Newberg Comprehensive Plan which identifies the site for commercial uses; therefore, the request for a zone change to Planned Unit Development to implement this project is justified.

Newberg Professional Center Final Plan

Timeline for Project

Building permits have been issued for the Pharmacy and Clinic under standard permit and zoning requirements.

To that extent, the project is already underway. Those facilities are included within the adopted preliminary plan and will remain in the final plan. Additional phases of the project will begin in 1979 and it is expected that the project will be completed within three to five years.

PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
NEWBERG PROFESSIONAL CENTER, NEWBERG, OREGON

David F. Abbott, M.D., the owner of all lands within the platted subdivision known as the Newberg Professional Center, Yamhill County, Oregon, declares that all of the land within the Newberg Professional Center is subject to the following protective covenants, conditions and restrictions:

PARTY WALLS

1. General Rules of Law Apply. Each wall constructed on or immediately adjacent to the dividing line between platted lots shall be a party wall. The general rules of law relating to party walls shall apply to the party walls in this subdivision except where those general rules are inconsistent with these protective covenants, conditions and restrictions.

2. Repair and Maintenance. The cost of reasonable repair and maintenance of each party wall shall be shared equally by the owners whose lots abut the wall.

3. Destruction. If a party wall is destroyed or damaged by fire or other casualty, an owner who has used the wall may restore it, and if another owner thereafter makes use of the wall, that other owner shall contribute to the cost of restoration in proportion to the use without prejudice, however, to the right of either owner to call for a larger contribution from the other under any rule of law regarding liability for negligent or willful acts or omissions. An owner who by negligent or willful act has caused the party wall to be exposed to the elements shall bear the entire cost of furnishing the necessary protection against the elements.

4. Contribution. The right of an owner to contribution from another owner and the obligation of an owner to contribute to another owner shall be appurtenant to the land and shall pass to successors in title.

5. Arbitration. Any dispute concerning a party wall which the owners are unable to settle shall be arbitrated. Each of the owners shall choose one arbitrator and the two arbitrators so chosen shall choose a third arbitrator, and the decision of a majority of the arbitrators shall be binding upon both parties.

EXTERIOR MAINTENANCE

6. Each lot owner is responsible for exterior maintenance upon all improvements constructed upon the lot. All exterior colors and

textures shall be aesthetically compatible and reasonably consistent with colors and textures of all other improvements in Newberg Professional Center. In the event of disagreement between owners concerning reasonable maintenance, aesthetic compatibility or reasonable consistency of colors and textures, each owner involved in the dispute shall appoint an appraiser. If the number of appraisers so appointed is an even number, then all of the appraisers so appointed shall appoint one additional appraiser, and the decision of a majority of the appraisers shall be binding upon all parties.

USE RESTRICTIONS

7. Purpose. The Newberg Professional Center is intended to provide space for the location of medical and dental offices and related support services. To assure this intent is carried out, it is advisable that space in this project be available only for the following purposes.

- a. Clinic and medical offices;
- b. Dental offices;
- c. Medical or dental laboratories;
- d. X-ray facility;
- e. Pharmacy;
- f. Opticians/Dispensing outlet for optical needs;
- g. Medical/dental research offices;
- h. Retail/rental outlets for equipment and supplies necessary for out-patient or handicapped patient care;
- i. Physical Therapy

8. Signs. No signs shall be displayed upon a lot except one professional sign indicating the business carried on upon the lot complying with the City of Newberg sign code applicable to such a use if the use were located in an R-2 zone or the equivalent. In addition one sign upon a lot may advertise that lot for sale, lease or rent, and such a sign shall comply with applicable provisions of the City of Newberg sign code.

9. Waste. No part of a lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or any other waste. No rubbish, trash, garbage or any other waste shall be kept or maintained on any lot except in a sanitary closed container. No dump box, garbage can or other waste container shall be kept on a lot in a place exposed to view from the common areas. No incinerator shall be kept or used on any lot.

10. Cleanliness and Good Order. The owner of each lot is responsible for maintaining the owner's lot in a clean and orderly condition. No noxious or offensive or unsightly condition shall be permitted on any lot. No condition which is an annoyance or nuisance to the use of any other lot shall be allowed.

COMMON AREAS

11. Purposes. The common areas of Newberg Professional Center as shown in the recorded plat are dedicated to the common use of all lots in the Newberg Professional Center for traffic flow, automobile parking, beautification, essential services, safety and convenience of all lot owners and their tenants, clients, customers and business invitees.

12. Decisions. Each lot owner is entitled to participate in decisions concerning development, maintenance, insurance and use of the common areas. A decision by the owners of a majority of lots shall be binding upon all owners.

13. Expense. The owner of each lot is obligated to pay one eighteenth (1/18) of any expense for the development, maintenance, insurance or use of the common areas approved by the owners of a majority of lots in the Newberg Professional Center. Such payment shall be made promptly. The owner of each lot has a cause of action against the owner of any other lot who fails to pay promptly an expense so approved together with reasonable attorneys fees and court costs incurred in enforcing and collecting such contribution.

GENERAL PROVISIONS

14. Duration. These covenants, conditions and restrictions run with the land and inure to the benefit of each lot in Newberg Professional Center for a term of 25 years from the date of recording of this declaration, after which time these covenants, conditions and restrictions shall be extended and renewed automatically for successive periods of 10 years unless the owners of 75% of the lots in the Newberg Professional Center vote to revise or terminate these covenants, conditions and restrictions. Within the initial 25 year term, no covenant, condition or restriction shall be amended except by an instrument signed and acknowledged by all of the owners of all of the lots in the Newberg Professional Center.

15. Enforcement. Any owner of any lot in the Newberg Professional Center may enforce any covenant, condition or restriction by an action at law or a suit in equity against any other owner. In such suit or action the party prevailing shall be entitled to reimbursement of all reasonable expenses of enforcement including but not limited to attorneys fees and court costs.

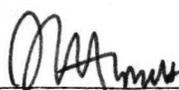
16. Divided Ownerships. If more than one person has an ownership interest in a lot, then any of such owners may exercise all of the rights of the owner of that lot under these covenants, conditions and restrictions except that in the event of disagreement between the respective owners of interests in the same lot the majority shall prevail.

17. Owners Association. If the owners of 3/4 of the lots in the Newberg Professional Center incorporate an owners association, then that owners association may exercise and enforce the rights and obligations of the individual owners, but if the incorporated owners association fails or refuses to act, the owner of each lot retains the right to enforce these covenants, conditions and restrictions.

18. Severability. If any of these covenants, conditions and restrictions or any part thereof is declared to be invalid by a court of competent jurisdiction, the judgement or decree of the court shall not impliedly affect the enforceability of the remainder of these covenants, conditions and restriction.

19. No Reversion. The declarant for himself, his heirs and assigns retains no right of reversion or re-entry on account of any alleged breach of any of these covenants, conditions and restrictions.

DATED Dec 8th, 1978.



DAVID F. ABBOTT, M.D.

STATE OF OREGON)
) SS
COUNTY OF YAMHILL)

On December 8, 1978, before me appeared
DAVID F. ABBOTT, M.D. who executed the foregoing Declaration and acknowledged
to me that he did so freely and voluntarily.

Patricia A. Council
NOTARY PUBLIC FOR OREGON

My commission expires: 9-4-80

Papers

Underneath apply to

PUD-1-78

Papers

On top apply to

5-7-78

M. C. GILBERT

Date 12/4-78

Re: Newberg Professional Center - PUD

1. Final Plat ~~must be submitted this week if to go to Planning Commission on 12/19.~~
2. Advertise of public hearing must be sent to Graphic by 12/11.
3. Planning Commission will act on final development plan and approve petition for zone change to conform to final development plan.

Sue at Ling-Green ^{was} advised of the above today.

MCG

Excerpt 10-21-78 Planning Commission
Staff Report

Agenda Item 5B

Newberg Professional Center P.U.D.

Preliminary Plan and Program *JAB ZONE CHANGE*

FINAL

Facts

1. Comprehensive Plan designation - Commercial.
2. Zoning and Land use - The parcel is zoned CR, Residential/Commercial and is currently vacant. Building permits have been issued for the Pharmacy and Clinic under standard permit and Zoning requirements.
3. Public Facilities and Services - Sewer and Water are available. Access is to Villa Road.
4. Other information - This request falls under the 5-acre minimum and, therefore, requires a finding by the commission that the area has "adequate" land to develop a P.U.D.

The primary reason for doing a P.U.D. is the ability to divide land into small parcels for sale without a full 60' street right-of-way.

Analysis of request

The site does contain adequate area for the development of this type of P.U.D. The proximity to the hospital coupled with a need for medical facilities further support this application.

The development shown could be accomplished without benefit of the P.U.D. procedures. However, lots could not be sold under normal development methods.

Variances from lot sizes and street frontages can be granted in the P.U.D. final plan adoption, making this P.U.D. acceptable.

The proposal will have a traffic impact upon Villa Road. The intensity of this impact is difficult to predict, but is not expected to be excessive. Other public facilities appear to be adequate at this time.

Recommendation

Staff recommends the following:

1. Make a finding that the site contains adequate area for the contemplated Planned Unit Development.
2. Adopt, in principle, the preliminary plan and program. *JAB ZONE CHANGE*

FINAL

ling,
green &
associates,
inc.

Engineers & Land Surveyors

1879 N.W. 9th Street
Corvallis, Oregon 97330
(503) 757-8771

October 18, 1978

PRELIMINARY PLAN NARRATIVE

SUBJECT: Newberg Professional Center
Villa Road, Newberg, Oregon

TAX LOT: Parcel 2 of Lot 6
Yamhill County Survey
2266

APPLICANT: David F. Abbott, M.D.
1314 E. Sherman Street
Newberg, Oregon 97132

SURVEYOR AND ENGINEER:
Ling, Green & Assoc, Inc.
1879 NW 9th Street
Corvallis, OR 97330

AREA: 2.16 acres

PRESENT ZONE: R-1 Low Density Residential

PRESENT USE: Vacant

REQUEST: Planned Unit Development with a C-R Zone for professional
medical offices and pharmacy.

The proposed development will provide attractively sited and designed medically-oriented professional office units and a pharmacy conveniently and appropriately situated as a transition area between residential and commercial activities. The land north of the proposed development is low density residential. The land south of the site is commercial.

The Planned Unit Development is, with an underlying C-R zone, considered the most suitable land use designation for the project. This allows the employment of innovative design for the siting of units, open space, circulation pattern, landscaping and buffering. It also provides the opportunity for the development of conditions which will protect the community and guide the developer and property owners.

The project is in compliance with the Zoning regulations and the Comprehensive Plan of the City of Newberg.

The medical services provided by the project will benefit the growing population of the Newberg area while adding to the community's economic stability. The site is easily accessible to residents.

The development is proposed for vacant land near the hospital and urban services are readily available to the site. No economic burden will be placed upon the City of Newberg by this project. The provision of additional medical services in Newberg will enhance the livability of the area.

The Comprehensive Plan Commercial Land Use Distribution policies recommend that non-retail uses be encouraged "...to locate around the Central Business District. This would include such uses as office space, medical and dental facilities...".

STATEWIDE PLANNING GOALS. The following Statewide Planning Goals are applicable to this development.

a. Urbanization

The proposed site is within the city limits, near the downtown area, with urban services readily available. It provides a needed service to the citizens of Newberg.

b. Open Space

An appropriate amount of the 1.15 acres of open space will be developed as landscaped areas around buildings and the parking lot.

c. Transportation

Both arterial and collector streets serve the vicinity.

d. State Economy

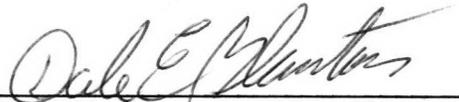
The development of clean, professional activities is economically and environmentally beneficial to the economy of the state.

e. Energy Conservation

By making medical facilities available to the residents of the area, the need to travel to other communities for these services is lessened and energy is conserved. The Newberg business community and residents of the city are directly benefitted.

CERTIFICATION

I, DALE BLANTON, City Planner for the City of Newberg, Oregon, do hereby certify that the attached copy of applicant's statement and original plan were sent by U. S. mail, postage prepaid, and/or hand delivered as noted below.


Dale E. Blanton, City Planner

October 25, 1978

Superintendent of Public Works (hand delivered)
Building Official (hand delivered)
Fire Chief (hand delivered)
County Planning Dept., Attn: Jake Paul (mailed)
Newberg School District: Attn: Gerald Post

CITY OF NEWBERG

414 EAST FIRST STREET

TELEPHONE 538-9421

NEWBERG, OREGON 97132

Date: October 25, 1978

To:

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to November 8, 1978. Planning Commission consideration of the above item will be on November 21, 1978 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

Applicant: David F. Abbott, M.D.
Request: Planned Unit Development
Newberg Professional Center (preliminary plan)

Location: Villa Road, Newberg, Oregon
Tax Lot: part of lot 6 County Survey 2266 SW $\frac{1}{2}$ Sec. 17 T35, R2W WM (parcel 2)
Dale E. Blanton
City Planner

- We have reviewed the application and find no conflict with our department.
- We have reviewed the application and request additional time to respond. Our comments will be submitted by _____.
- We have reviewed the application and have the following comments:
(Use extra pages as needed)

Individual Responding

CITY OF NEWBERG

414 EAST FIRST STREET

TELEPHONE 578-9421

NEWBERG, OREGON 97132

Date: October 25, 1978

To: Superintendent of Public Works

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to November 8, 1978. Planning Commission consideration of the above item will be on November 21, 1978 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

Applicant: David F. Abbott, M.D.

Request: Planned Unit Development
Newberg Professional Center (preliminary plan)

Location: Villa Road, Newberg, Oregon

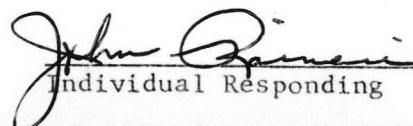
Tax Lot: part of lot 6 County Survey 2266 SW $\frac{1}{2}$ Sec. 17 T35, R2W WM (parcel 2)
Dale E. Blanton
City Planner

- We have reviewed the application and find no conflict with our department.
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- We have reviewed the application and have the following comments:
(Use extra pages as needed)

1. PROPOSED SANITARY SEWER EXTENSION

IT WOULD APPEAR THAT THIS PARTICULAR SANITARY SEWER HAS BEEN EXTENDED TO ITS LIMIT (NO PLANS SHOWING GRADES AND PROPOSED EXTENSION)

2. BY PRELIMINARY DEVELOPMENT PLAN IT APPEARS THAT LOT CAN BE DRAINED TO VILLA ROAD


Individual Responding

CITY OF NEWBERG

414 EAST FIRST STREET

TELEPHONE 538-9421

NEWBERG, OR 97132

Date: October 25, 1978

To: Fire Chief

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to November 8, 1978. Planning Commission consideration of the above item will be on November 21, 1978 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

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Request: Planned Unit Development
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Dale E. Blanton
City Planner

We have reviewed the application and find no conflict with our department.

We have reviewed the application and request additional time to respond. Our comments will be submitted by _____.

We have reviewed the application and have the following comments:
(Use extra pages as needed)

John Paula
Individual Responding

CITY OF NEWBERG

RECEIVED
OCT 26 1978

414 EAST FIRST STREET

TELEPHONE 337-1401

NEWBERG, OREGON

Date: October 25, 1978

Attn: Gerald Post
To: Newberg School District

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to November 8, 1978. Planning Commission consideration of the above item will be on November 21, 1978 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

Applicant: David F. Abbott, M.D.
Request: Planned Unit Development
Newberg Professional Center (preliminary plan)

Location: Villa Road, Newberg, Oregon
Tax Lot: part of lot 6 County Survey 2266 SW $\frac{1}{2}$ Sec. 17 T35, R2W WM (parcel 2)
Dale E. Blanton
City Planner

- We have reviewed the application and find no conflict with our department.
- We have reviewed the application and request additional time to respond. Our comments will be submitted by _____.
- We have reviewed the application and have the following comments:
(Use extra pages as needed)

Gerald Post
Individual Responding

CITY OF NEWBERG

414 EAST FIRST STREET

TELEPHONE 538-9421

NEWBERG, OREGON 97132

Date: October 25, 1978

To: Building Official

Please find enclosed, material for your information and comment. Any recommendation you wish to make should be returned to the City of Newberg Planning Department prior to November 8, 1978. Planning Commission consideration of the above item will be on November 21, 1978 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, OR.

Applicant: David F. Abbott, M.D.
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Newberg Professional Center (preliminary plan)

Location: Villa Road, Newberg, Oregon
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Dale E. Blanton
City Planner

- We have reviewed the application and find no conflict with our department.
- We have reviewed the application and request additional time to respond. Our comments will be submitted by _____.
- We have reviewed the application and have the following comments:
(Use extra pages as needed)

- ① STORM Drainage is missing & must be Included. all parking Drains & Root Downspouts Taken to Storm Drain in Villa marked ~~X~~
- ② Fire HYDRANT must be on 6" min Line.

Bob Weisenbach
Individual Responding

SUBDIVISION OR

PLANNED UNIT

DEVELOPMENT

POD-1-78

Fee: \$225.00

Date: 10-19-78

Receipt #: 5341

APPLICANT: David F. Abbott, M.D. PHONE 538-7331

ADDRESS: 1314 East Sherman Street - Newberg, OR 97132

OWNER: Same
(If different from above)

DATE: 10-19-78

SUBDIVISION NAME: Newberg Professional Center

LOCATION: Villa Road

TAX LOT #: part of lot 6 County Survey 2266 SW 1/2 Sec. 17 T35, R2W WM (parcel 2)

SURVEYOR OR ENGINEER: Ling, Green and Associates, Inc.

ADDRESS: 1879 N.W. 9th Street, Corvallis, Oregon

PHONE: 757-8771

GENERAL INFORMATION

Zoning C-R Comprehensive Plan Commercial

1. Acreage 2.16

2. Lots 18 plus common areas Dwelling Units none

3. Density 8.49 overall/3.9 per acre

4. Estimated Feet of New Streets.

5. Estimated feet of new water lines.

6. Estimated feet of new sewer lines.

7. Estimated feet of new storm drainage.

PRELIMINARY PLAT

Scale: 1" = 100' (if over 100 acres 1" - 200')

Information:

- x 1. Name.
- x 2. Date, Northpoint & Scale.
- x 3. Identification stating map is a preliminary plat.
- x 4. Location of Subdivision with a tie to the City coordinate system and a description sufficient to define the boundaries of the proposed tract.
- x 5. Names & addresses of -
 - a. Owner
 - b. Subdivider
 - c. Engineer or Surveyor

EXISTING

- x 6. Location, width and names of all existing or platted streets within or adjacent to the tract, together with easements, railroad right-of-way, and other important features such as section lines and corners, city boundary lines & monuments.
- x 7. Contour lines related to U.S.G.S. datum with the following minimum intervals:
 - a. 1' for slopes less than 5 per cent.
 - b. 2' for slopes between 5 & 10 per cent.
 - c. 5" for slopes greater than 10 per cent.
- x 8. Location of at least one temporary bench mark.
- x 9. Location & direction of all water courses and areas subject to flooding.
- x 10. Existing uses of property, including location of all existing structures to remain after platting.
- x 11. Location within the subdivision and adjoining property, of streets, existing sewers, water mains, culverts, drain pipes and electric lines proposed to service the property to be subdivided.
- x 12. Zoning on and adjacent to the tract.

PROPOSED

- x 13. Streets - location width, names & approx. grades. Relationship of all streets to any projected streets as shown on any development plan adopted by the Planning Commission, or if there is no complete development plan, as suggested by the superintendent of Public Works to assure adequate area traffic circulation.
- x 14. Easements.
- x 15. Lots - lot & block numbers & minimum size.
- x 16. Sites, if any allocated for purposes other than single-family dwellings.
- x 17. Where the plat contains only part of the tract owned or controlled by the subdividers, the Planning Commission may require a sketch of a tentative layout for streets in the unsubdivided portion.

- x 18. Following submitted separately unless possible to include on plat map.
- a. Vicinity map - w/existing conditions, and unsubdivided land ownerships adjacent to the proposed subdivision showing how proposed streets may be extended to connect to existing streets.
 - b. Proposed deed restrictions.
 - c. Improvements to be requested of the City and approximate time such requests will be made.
 - d. Improvements to be made by the developer & approximate time such improvements are to be completed. Details shall be sufficient to allow checking for compliance with ordinances and state laws. If impractical, detailed information can be submitted 30 days prior to requesting final plat approval.

PLANNED UNIT DEVELOPMENT PROCEDURE

1. Discuss General Guidelines with staff.
2. Develop Plan and Program for review -
 - A. Facilities Review with staff.
 - B. Planning Commission approval and recommended changes to Preliminary Plan and Program.
3. Final Development Plan and Program -
(6-month time limit)
Accompanied by Zone Change Application.
 - A. Public Hearing - Publication (15-5 days)
Planning Commission Recommendation
 1. Approve
 2. Continue
 3. Deny
 - B. Public Hearing-Publication (5-15 days)
City Council -
 1. refer to P.C. with recommendation
 2. reject - (No renewal for one year)
 3. approve
4. Filing of Final Plan & Program.
5. Recording Notice with property owner of Re-zoning. (County Clerk Notified)
6. Filing of subdivision plat for approval of Planning Commission.
Can be done in contemporaneous manner with Final Plan & Program.
7. If no building permits have been issued within one year of the date of final approval, it shall be terminated and the zone change automatically repealed.

8. What type of Security or Bond will be provided for improvements?

9. Estimated Completion Date?

The undersigned understands that this application must be complete and accurate, before the plat will be accepted for consideration by the City of Newberg Planning Commission. In addition, the plat must substantially conform to all standards, regulations and procedures officially adopted by the City of Newberg.

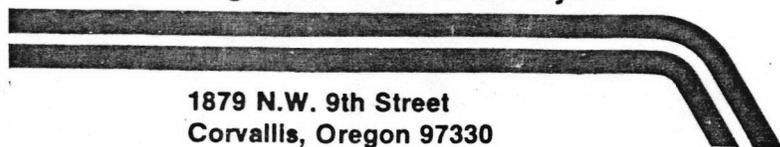
Applicant

* Note: Attached herewith is a checklist for preliminary plats, and an outline of the Planned Unit Development Procedure.



ling,
green &
associates,
inc.

Engineers & Land Surveyors



1879 N.W. 9th Street
Corvallis, Oregon 97330
(503) 757-8771

October 18, 1978

PRELIMINARY PLAN NARRATIVE

SUBJECT: Newberg Professional Center TAX LOT: Parcel 2 of Lot 6
Villa Road, Newberg, Oregon Yamhill County Survey
2266

APPLICANT: David F. Abbott, M.D. SURVEYOR AND ENGINEER:
1314 E. Sherman Street Ling, Green & Assoc, Inc.
Newberg, Oregon 97132 1879 NW 9th Street
Corvallis, OR 97330

AREA: 2.16 acres

PRESENT ZONE: R-1 Low Density Residential PRESENT USE: Vacant

REQUEST: Planned Unit Development with a C-R Zone for professional
medical offices and pharmacy.

The proposed development will provide attractively sited and designed medically oriented professional office units and a pharmacy conveniently and appropriately situated as a transition area between residential and commercial activities. The land north of the proposed development is low density residential. The land south of the site is commercial.

The Planned Unit Development is, with an underlying C-R zone, considered the most suitable land use designation for the project. This allows the employment of innovative design for the siting of units, open space, circulation pattern, landscaping and buffering. It also provides the opportunity for the development of conditions which will protect the community and guide the developer and property owners.

The project is in compliance with the Zoning regulations and the Comprehensive Plan of the City of Newberg.

The medical services provided by the project will benefit the growing population of the Newberg area while adding to the community's economic stability. The site is easily accessible to residents.

The development is proposed for vacant land near the hospital and urban services are readily available to the site. No economic burden will be placed upon the City of Newberg by this project. The provision of additional medical services in Newberg will enhance the livability of the area.

The Comprehensive Plan Commercial Land Use Distribution policies recommend that non-retail uses be encouraged "...to locate around the Central Business District. This would include such uses as office space, medical and dental facilities..."

STATEWIDE PLANNING GOALS. The following Statewide Planning Goals are applicable to this development.

a. Urbanization

The proposed site is within the city limits, near the downtown area, with urban services readily available. It provides a needed service to the citizens of Newberg.

b. Open Space

An appropriate amount of the 1.15 acres of open space will be developed as landscaped areas around buildings and the parking lot.

c. Transportation

Both arterial and collector streets serve the vicinity.

d. State Economy

The development of clean, professional activities is economically and environmentally beneficial to the economy of the state.

e. Energy Conservation

By making medical facilities available to the residents of the area, the need to travel to other communities for these services is lessened and energy is conserved. The Newberg business community and residents of the city are directly benefitted.

ATTACHMENT: Application for a Planned Unit Development
Newberg Professional Center
David Abbott, M.D.

PRELIMINARY PLAN

A. Applicant's market analysis of the proposed use.

To be provided by applicant.

B. Financial information and reports indicating owner's ability in the sole judgment of the Planning Commission to carry out the proposed development.

To be provided by applicant.

C. Proposed ownership pattern.

It is proposed that each building will be separately owned and maintained and that the remaining open space will be developed and maintained by protective covenants, conditions and restrictions. (See attachment):

D. Operation and maintenance proposal

See protective covenants, conditions and restrictions.

E. Waste disposal facilities.

City sewer facilities are available to the site. Screened and landscaped dumpster sites are provided on the plan.

F. Lighting

Security street lighting is as indicated on the plan.

G. City services and community facilities

City water and sanitary sewers are available to the site.

Public transportation - areas have been identified for the accommodation of vehicles such as the senior citizen bus and taxi cabs. Ramps for easy access of handicapped people have been provided; crosswalks painted for safety.

Fire protection - a fire hydrant is located on the plan near Unit #2.

H. Names and addresses of the proposed design team for preparation of the final plan and program together with their qualifications.

Glenn A. Ling, P.E.

Paul E. Green, P.E.

Ling, Green and Associates, Inc.
1879 N.W. 9th Street
Corvallis, Oregon 97330

PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
NEWBERG PROFESSIONAL CENTER, NEWBERG, OREGON

David F. Abbott, M.D., the owner of all lands within the platted subdivision known as the Newberg Professional Center, Yamhill County, Oregon, declares that all of the land within the Newberg Professional Center is subject to the following protective covenants, conditions and restrictions:

PARTY WALLS

1. General Rules of Law Apply. Each wall constructed on or immediately adjacent to the dividing line between platted lots shall be a party wall. The general rules of law relating to party walls shall apply to the party walls in this subdivision except where those general rules are inconsistent with these protective covenants, conditions and restrictions.

2. Repair and Maintenance. The cost of reasonable repair and maintenance of each party wall shall be shared equally by the owners whose lots abut the wall.

3. Destruction. If a party wall is destroyed or damaged by fire or other casualty, an owner who has used the wall may restore it, and if another owner thereafter makes use of the wall, that other owner shall contribute to the cost of restoration in proportion to the use without prejudice, however, to the right of either owner to call for a larger contribution from the other under any rule of law regarding liability for negligent or willful acts or omissions. An owner who by negligent or willful act has caused the party wall to be exposed to the elements shall bear the entire cost of furnishing the necessary protection against the elements.

4. Contribution. The right of an owner to contribution from another owner and the obligation of an owner to contribute to another owner shall be appurtenant to the land and shall pass to successors in title.

5. Arbitration. Any dispute concerning a party wall which the owners are unable to settle shall be arbitrated. Each of the owners shall choose one arbitrator and the two arbitrators so chosen shall choose a third arbitrator, and the decision of a majority of the arbitrators shall be binding upon both parties.

EXTERIOR MAINTENANCE

6. Each lot owner is responsible for exterior maintenance upon all improvements constructed upon the lot. All exterior colors and

textures shall be aesthetically compatible and reasonably consistent with colors and textures of all other improvements in Newberg Professional Center. In the event of disagreement between owners concerning reasonable maintenance, aesthetic compatibility or reasonable consistency of colors and textures, each owner involved in the dispute shall appoint an appraiser. If the number of appraisers so appointed is an even number, then all of the appraisers so appointed shall appoint one additional appraiser, and the decision of a majority of the appraisers shall be binding upon all parties.

USE RESTRICTIONS

7. Signs. No signs shall be displayed upon a lot except one professional sign indicating the business carried on upon the lot complying with the City of Newberg sign code applicable to such a use if the use were located in an R-2 zone or the equivalent. In addition one sign upon a lot may advertise that lot for sale, lease or rent, and such a sign shall comply with applicable provisions of the City of Newberg sign code.

8. Waste. No part of a lot shall be used or maintained as a dumping ground for rubbish, trash, garbage or any other waste. No rubbish, trash, garbage or any other waste shall be kept or maintained on any lot except in a sanitary closed container. No dump box, garbage can or other waste container shall be kept on a lot in a place exposed to view from the common areas. No incinerator shall be kept or used on any lot.

9. Cleanliness and Good Order. The owner of each lot is responsible for maintaining the owner's lot in a clean and orderly condition. No noxious or offensive or unsightly condition shall be permitted on any lot. No condition which is an annoyance or nuisance to the use of any other lot shall be allowed.

COMMON AREAS

10. Purposes. The common areas of Newberg Professional Center as shown in the recorded plat are dedicated to the common use of all lots in the Newberg Professional Center for traffic flow, automobile parking, beautification, essential services, safety and convenience of all lot owners and their tenants, clients, customers and business invitees.

11. Decisions. Each lot owner is entitled to participate in decisions concerning development, maintenance, insurance and use of the common areas. A decision by the owners of a majority of lots shall be binding upon all owners.

12. Expense. The owner of each lot is obligated to pay one eighteenth (1/18) of any expense for the development, maintenance, insurance or use of the common areas approved by the owners of a majority of lots in the Newberg Professional Center. Such payment shall be made promptly. The owner of each lot has a cause of action against the owner of any other lot who fails to pay promptly an expense so approved together with reasonable attorneys fees and court costs incurred in enforcing and collecting such contribution.

GENERAL PROVISIONS

13. Duration. These covenants, conditions and restrictions run with the land and inure to the benefit of each lot in Newberg Professional Center for a term of 25 years from the date of recording of this declaration, after which time these covenants, conditions and restrictions shall be extended and renewed automatically for successive periods of 10 years unless the owners of 75% of the lots in the Newberg Professional Center vote to revise or terminate these covenants, conditions and restrictions. Within the initial 25 year term, no covenant, condition or restriction shall be amended except by an instrument signed and acknowledged by all of the owners of all of the lots in the Newberg Professional Center.

14. Enforcement. Any owner of any lot in the Newberg Professional Center may enforce any covenant, condition or restriction by an action at law or a suit in equity against any other owner. In such suit or action the party prevailing shall be entitled to reimbursement of all reasonable expenses of enforcement including but not limited to attorneys fees and court costs.

15. Divided Ownerships. If more than one person has an ownership interest in a lot, then any of such owners may exercise all of the rights of the owner of that lot under these covenants, conditions and restrictions except that in the event of disagreement between the respective owners of interests in the same lot the majority shall prevail.

16. Owners Association. If the owners of 3/4 of the lots in the Newberg Professional Center incorporate an owners association, then that owners association may exercise and enforce the rights and obligations of the individual owners, but if the incorporated owners association fails or refuses to act, the owner of each lot retains the right to enforce these covenants, conditions and restrictions.

17. Severability. If any of these covenants, conditions and restrictions or any part thereof is declared to be invalid by a court of competent jurisdiction, the judgement or decree of the court shall not impliedly affect the enforceability of the remainder of these covenants, conditions and restriction.

18. No Reversion. The declarant for himself, his heirs and assigns retains no right of reversion or re-entry on account of any alleged breach of any of these covenants, conditions and restrictions.

DATED _____, 1978.

DAVID F. ABBOTT, M.D.

STATE OF OREGON)
) SS
COUNTY OF YAMHILL)

On _____, 1978, before me appeared
DAVID F. ABBOTT, M.D. who executed the foregoing Declaration and acknowledged
to me that he did so freely and voluntarily.

NOTARY PUBLIC FOR OREGON

My commission expires: _____

DAVID F. ABBOTT, M.D., P.C.
PHYSICIAN AND SURGEON
1314 E. SHERMAN STREET
NEWBERG, OREGON 97132

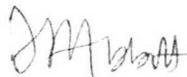
538-7331

October 19, 1978

NEWBERG PROFESSIONAL CENTER
VILLA ROAD
NEWBERG, OREGON 97132

There is a great shortage of physicians in Newberg. One of the reasons for this is the lack of available office space. Research among physicians who have expressed interest in practicing in Newberg has indicated that the majority prefer to own their own offices and the land on which the offices stand. It is, therefore, proposed to develop Newberg Professional Center as a planned unit development. This will allow individual physicians to erect their own buildings, do their own interior design with the exterior design conforming to the other buildings and the needs of the planned unit development.

The proceeds generated from the sale of the sites will be more than sufficient to allow adequate financing of the communally owned roads, landscaping, parking and utilities.

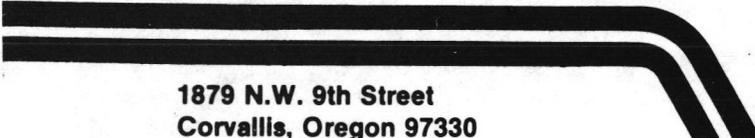


DAVID F. ABBOTT



ling,
green &
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Engineers & Land Surveyors



1879 N.W. 9th Street
Corvallis, Oregon 97330
(503) 757-8771

October 23, 1978

Mr. Dale E. Blanton, City Planner
414 E. First Street
Newberg, Oregon 97132

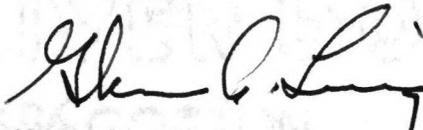
Dear Dale:

It has come to our attention that an error exists in the narrative prepared for Dr. Abbott's preliminary plan for a Planned Unit Development.

The error occurred on page 2 of the narrative. We are forwarding replacement pages (8) which we hope you will use to correct the narratives we have submitted.

Thank you for your help in this matter.

Yours truly,



Glenn A. Ling
LING, GREEN & ASSOCIATES

pm

Enclosures

The Comprehensive Plan Commercial Land Use Distribution policies recommend that non-retail uses be encouraged "...to locate around the Central Business District. This would include such uses as office space, medical and dental facilities..."

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b. Open Space

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DAVID F. ABBOTT, M.D., P.C.
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1314 E. SHERMAN STREET
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—
538-7331

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October 18, 1978

PRELIMINARY PLAN NARRATIVE

SUBJECT: Newberg Professional Center
Villa Road, Newberg, Oregon

TAX LOT: Parcel 2 of Lot 6
Yamhill County Survey
2266

APPLICANT: David F. Abbott, M.D.
1314 E. Sherman Street
Newberg, Oregon 97132

SURVEYOR AND ENGINEER:
Ling, Green & Assoc, Inc.
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AREA: 2.16 acres

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PRESENT USE: Vacant

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Newberg Professional Center
David Abbott, M.D.

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To be provided by applicant.

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- D. Operation and maintenance proposal

See protective covenants, conditions and restrictions.

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- H. Names and addresses of the proposed design team for preparation of the final plan and program together with their qualifications.

Glenn A. Ling, P.E.
Paul E. Green, P.E.

Ling, Green and Associates, Inc.
1879 N.W. 9th Street
Corvallis, Oregon 97330

PROTECTIVE COVENANTS, CONDITIONS AND RESTRICTIONS
FOR
NEWBERG PROFESSIONAL CENTER, NEWBERG, OREGON

David F. Abbott, M.D., the owner of all lands within the platted subdivision known as the Newberg Professional Center, Yamhill County, Oregon, declares that all of the land within the Newberg Professional Center is subject to the following protective covenants, conditions and restrictions:

PARTY WALLS

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USE RESTRICTIONS

7. Signs. No signs shall be displayed upon a lot except one professional sign indicating the business carried on upon the lot complying with the City of Newberg sign code applicable to such a use if the use were located in an R-2 zone or the equivalent. In addition one sign upon a lot may advertise that lot for sale, lease or rent, and such a sign shall comply with applicable provisions of the City of Newberg sign code.

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11. Decisions. Each lot owner is entitled to participate in decisions concerning development, maintenance, insurance and use of the common areas. A decision by the owners of a majority of lots shall be binding upon all owners.

12. Expense. The owner of each lot is obligated to pay one eighteenth (1/18) of any expense for the development, maintenance, insurance or use of the common areas approved by the owners of a majority of lots in the Newberg Professional Center. Such payment shall be made promptly. The owner of each lot has a cause of action against the owner of any other lot who fails to pay promptly an expense so approved together with reasonable attorneys fees and court costs incurred in enforcing and collecting such contribution.

GENERAL PROVISIONS

13. Duration. These covenants, conditions and restrictions run with the land and inure to the benefit of each lot in Newberg Professional Center for a term of 25 years from the date of recording of this declaration, after which time these covenants, conditions and restrictions shall be extended and renewed automatically for successive periods of 10 years unless the owners of 75% of the lots in the Newberg Professional Center vote to revise or terminate these covenants, conditions and restrictions. Within the initial 25 year term, no covenant, condition or restriction shall be amended except by an instrument signed and acknowledged by all of the owners of all of the lots in the Newberg Professional Center.

14. Enforcement. Any owner of any lot in the Newberg Professional Center may enforce any covenant, condition or restriction by an action at law or a suit in equity against any other owner. In such suit or action the party prevailing shall be entitled to reimbursement of all reasonable expenses of enforcement including but not limited to attorneys fees and court costs.

15. Divided Ownerships. If more than one person has an ownership interest in a lot, then any of such owners may exercise all of the rights of the owner of that lot under these covenants, conditions and restrictions except that in the event of disagreement between the respective owners of interests in the same lot the majority shall prevail.

16. Owners Association. If the owners of 3/4 of the lots in the Newberg Professional Center incorporate an owners association, then that owners association may exercise and enforce the rights and obligations of the individual owners, but if the incorporated owners association fails or refuses to act, the owner of each lot retains the right to enforce these covenants, conditions and restrictions.

17. Severability. If any of these covenants, conditions and restrictions or any part thereof is declared to be invalid by a court of competent jurisdiction, the judgement or decree of the court shall not impliedly affect the enforceability of the remainder of these covenants, conditions and restriction.

18. No Reversion. The declarant for himself, his heirs and assigns retains no right of reversion or re-entry on account of any alleged breach of any of these covenants, conditions and restrictions.

DATED _____, 1978.

DAVID F. ABBOTT, M.D.

STATE OF OREGON)
) SS
COUNTY OF YAMHILL)

On _____, 1978, before me appeared
DAVID F. ABBOTT, M.D. who executed the foregoing Declaration and acknowledged
to me that he did so freely and voluntarily.

NOTARY PUBLIC FOR OREGON

My commission expires: _____

DAVID F. ABBOTT, M.D., P.C.
PHYSICIAN AND SURGEON
1314 E. SHERMAN STREET
NEWBERG, OREGON 97132

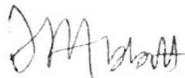
538-7331

October 19, 1978

NEWBERG PROFESSIONAL CENTER
VILLA ROAD
NEWBERG, OREGON 97132

There is a great shortage of physicians in Newberg. One of the reasons for this is the lack of available office space. Research among physicians who have expressed interest in practicing in Newberg has indicated that the majority prefer to own their own offices and the land on which the offices stand. It is, therefore, proposed to develop Newberg Professional Center as a planned unit development. This will allow individual physicians to erect their own buildings, do their own interior design with the exterior design conforming to the other buildings and the needs of the planned unit development.

The proceeds generated from the sale of the sites will be more than sufficient to allow adequate financing of the communally owned roads, landscaping, parking and utilities.



DAVID F. ABBOTT

PERFORMANCE AGREEMENT

NEWBERG PROFESSIONAL CENTER
(a planned unit development)

Hamhill County Tax lot No 3217 CD 3200

WHEREAS, the Newberg City Council on February 6, 1979, approved a Planned Unit Development known as "Newberg Professional Center"; and

WHEREAS, the developer ^{*And owner*} David F. Abbott, has submitted plans and specifications for the development; and

WHEREAS, the Planning Department of the City of Newberg and the developer do hereby agree to the following terms and conditions in order to carry out the intent and purpose of this planned unit development;

Now, Therefore, the Parties agree to the following:

1. The Newberg Professional Center shall be built according to the plans and specifications approved by the City.
2. Any change to the plans and specifications shall first have to be approved by the City through proper procedures.
3. The landscaping and road construction as indicated on the plans and specifications shall be completed on the area referred to as Tract A of the Plat (the common area) up to a point referred to as "curve data point No. 22" by October 31, 1980 and before any building permits are issued for lots one through eight of the development.
4. The remaining landscaping and road improvement to the area referred to as Tract A on the plat shall be completed by October 31, 1981, and before any building permits are issued for the remaining lots.
5. Failure to complete the work specified in condition three and four within the time specified shall result in all work being ~~seized~~ *seized* within the development until such time as the conditions are met. All building permits issued are subject to this provision and the developer has the responsibility of giving notice of this provision to any persons building within the development. The provision of condition three and four as to when the building permits may be issued, may be altered by written consent as to each permit by the City ~~Planner~~ *ENGINEER*

6. The structure to be constructed on Block two, lots 9 through 18 shall be built in phases, the phases shall be approved by the City Planner before issuance of any building permits for this area.

7. This agreement covers the Newberg Professional Center, a Planned Unit Development, located on Yamhill County Tax Lot No. 3217 CD 3200.

8. These conditions act as a covenant running with the land.

This agreement made and entered into this _____ day of _____, 19 .

The conditions specified in this agreement shall act as covenant and restrictions running with the land and are fully enforceable against the owner, his heirs and successors.

Developer and Owner

The City of Newberg
City Planner of Newberg

~~Robert~~ David Abbot

Clay Moorhead

Hilary

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(a planned unit development)

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4. The remaining landscaping and road improvement to the area referred to as Tract A on the plat shall be completed by October 31, 1981, and before any building permits are issued for the remaining lots.
5. Failure to complete the work specified in condition three and four within the time specified shall result in all work being seized within the development until such time as the conditions are met. All building permits issued are subject to this provision and the developer has the responsibility of giving notice of this provision to any persons building within the development. The provision of condition three and four as to when the building permits may be issued, may be altered by written consent as to each permit by the City Planner.

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This agreement made and entered into this _____ day of _____, 19 .

Developer and Owner

The City of Newberg
City Planner of Newberg

Clay Moorhead

NEWBERG PROFESSIONAL CENTER

A SUBDIVISION IN THE SW 1/4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN

YAMHILL COUNTY, OREGON MAY, 1979

SURVEYOR'S CERTIFICATE

STATE OF OREGON } s.s.
COUNTY OF BENTON }

I, JACK R. BURRELL, REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, HEREBY DEPOSE AND SAY THAT DURING THE MONTH OF MAY, 1979 I DID ACCURATELY SURVEY, SUBDIVIDE AND PLAT INTO LOTS AND TRACTS THE LANDS REPRESENTED ON THE ATTACHED MAP OF "NEWBERG PROFESSIONAL CENTER" THE BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A 2" x 36" GALVANIZED IRON PIPE SET 6" BELOW THE SURFACE OF THE GROUND THAT IS S. 00°09'47"E. 2244.35 FEET FROM THE NORTHEAST CORNER OF THE DANIEL D. DESKINS DONATION LAND CLAIM NO. 54 IN TOWNSHIP 3 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON SAID POINT BEING ON THE EASTERLY RIGHT-OF-WAY OF VILLA ROAD (40 FOOT RIGHT-OF-WAY); THENCE N. 00°21'00"E. ALONG SAID EASTERLY RIGHT-OF-WAY LINE OF VILLA ROAD 40.00 FEET; THENCE S. 89°45'01"E. LEAVING SAID EASTERLY RIGHT-OF-WAY LINE 130.60 FEET; THENCE ALONG THE ARC OF A 98.00 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS N. 22°37'28"E. 38.53 FEET) A DISTANCE OF 38.78 FEET; THENCE N. 33°57'41"E. 14.71 FEET; THENCE ALONG THE ARC OF A 60.04 FOOT RADIUS CURVE TO THE RIGHT (LONG CHORD BEARS N. 62°05'20"E. 56.61 FEET) A DISTANCE OF 58.95 FEET; THENCE S. 89°47'00"E. 114.58 FEET; THENCE N. 00°30'05"E. 95.38 FEET; THENCE S. 89°46'04"E. 323.21 FEET; THENCE S. 00°14'00"W. 210.12 FEET; THENCE N. 89°45'01"W. 641.68 FEET TO THE POINT OF BEGINNING. SAID TRACT OF LAND CONTAINING 2.1400 ACRES, MORE OR LESS.

I FURTHER DEPOSE AND SAY THAT THE ATTACHED MAP IS A TRUE AND CORRECT REPRESENTATION OF THE LOTS AND TRACTS AS STAKED ON THE GROUND WITH 5/8" x 30" IRON RODS AT ALL EXTERIOR BOUNDARY LINE CHANGES OF DIRECTION, UNLESS OTHERWISE NOTED

SUBSCRIBED AND SWORN TO BEFORE ME THIS 10th DAY OF May, 1979.

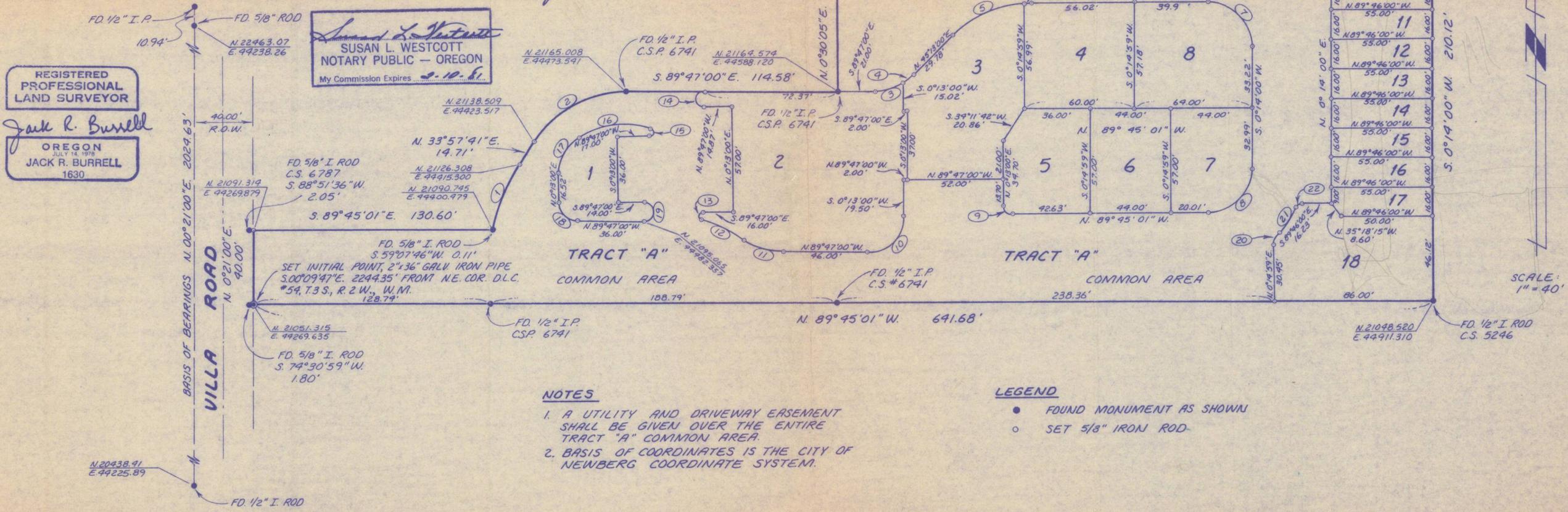
I hereby certify that this tracing is an exact copy of the original plat.

Jack R. Burrell

CURVE DATA

	Δ	RAD.	ARC	CHORD BEARING & DIST.
1.	22°40'23"	98.00'	38.78'	N. 22°37'28"E. 38.53'
2.	56°15'19"	60.04'	58.95'	N. 62°05'20"E. 56.61'
3.	30°00'00"	30.00'	15.71'	N. 75°13'00"E. 15.53'
4.	15°00'00"	30.00'	7.85'	N. 52°43'00"E. 7.83'
5.	91°10'11"	60.00'	43.11'	N. 65°48'06"E. 42.19'
6.	3°48'31"	60.00'	3.99'	N. 88°17'27"E. 3.99'
7.	90°02'18"	24.00'	37.72'	S. 44°47'09"E. 33.95'
8.	90°00'58"	24.00'	37.71'	S. 45°14'29"W. 33.95'
9.	89°58'01"	5.00'	7.85'	N. 44°46'01"W. 7.07'
10.	90°00'00"	20.00'	31.42'	S. 45°13'00"W. 28.28'
11.	39°30'14"	38.00'	22.88'	N. 72°31'53"W. 22.54'
12.	22°50'07"	62.00'	24.71'	N. 66°41'50"W. 24.55'
13.	168°19'54"	3.00'	8.81'	N. 06°03'03"E. 5.97'
14.	180°00'00"	4.13'	12.96'	S. 00°13'00"W. 8.25'
15.	160°20'20"	2.00'	5.60'	S. 10°02'50"W. 3.94'
16.	51°59'23"	45.00'	40.83'	N. 83°52'58"E. 39.95'
17.	57°40'16"	22.50'	22.65'	N. 29°03'08"E. 21.70'
18.	90°00'00"	10.00'	15.71'	N. 44°47'00"W. 14.14'
19.	180°00'00"	5.00'	15.71'	N. 00°13'00"E. 10.00'
20.	42°04'23"	10.00'	7.34'	S. 21°17'10"W. 7.18'
21.	18°16'27"	52.00'	16.59'	S. 33°11'18"W. 16.52'
22.	66°10'56"	3.50'	4.04'	S. 57°08'32"W. 3.82'
23.	90°00'00"	3.50'	5.50'	S. 44°46'04"E. 4.95'

John
FOR YOUR REVIEW
CARY



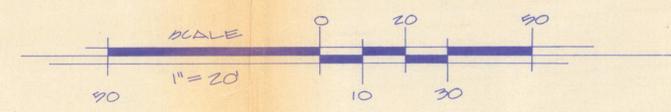
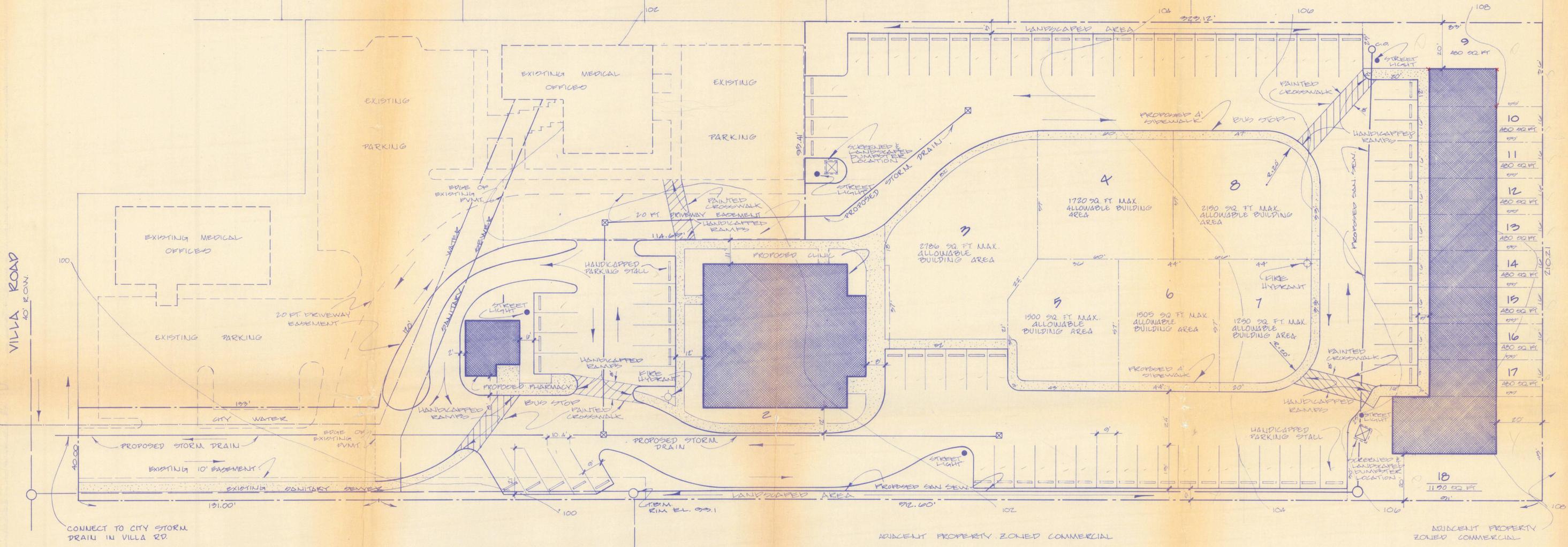
Susan L. Westcott
SUSAN L. WESTCOTT
NOTARY PUBLIC - OREGON
My Commission Expires 2-10-81

REGISTERED PROFESSIONAL LAND SURVEYOR
Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630

- NOTES**
1. A UTILITY AND DRIVEWAY EASEMENT SHALL BE GIVEN OVER THE ENTIRE TRACT "A" COMMON AREA.
 2. BASIS OF COORDINATES IS THE CITY OF NEWBERG COORDINATE SYSTEM.

- LEGEND**
- FOUND MONUMENT AS SHOWN
 - SET 5/8" IRON ROD

VILLA HOMES SUBD.



TENTATIVE PLAT &
FINAL DEVELOPEMENT PLAN
OF
NEWBERG PROFESSIONAL CENTER

INDEX OF DRAWINGS

- SHEET ONE**
DEVELOPEMENT PLAN
TENTATIVE PLAT
- SHEET TWO**
MAP OF COMMON AREAS
- SHEET THREE**
LANDSCAPE PLAN
- SHEET FOUR**
BUILDING SKETCHES

OWNER: DAVID K. ABBOTT M.D.
NEWBERG, OREGON
ENGINEER: LING, GREEN & ASSOC. INC.
CORVALLIS, OREGON
OCT. 1978

PART OF LOT 6 COUNTY SURVEY 2240
SW 1/2 SEC. 17, T3S, R2W WM
YAMHILL COUNTY, ORE.

EXISTING USE VACANT
PROPOSED USE MEDICAL OFFICES
EXISTING ZONE C-R
PROPOSED ZONE PD-CR
SITE AREA 2.16 ACRES

MINIMUM SETBACKS 20' FROM PARKING & DRIVEWAYS
10' FROM INTERNAL PROPERTY LINES
20' FROM PROPERTY LINE.

SECURITY LIGHTING IN LOTS 3 THRU 8 TO BE
PART OF LANDSCAPE PLAN

TOTAL MAX. BUILDING AREA 21,401 SQ. FT.
TOTAL PARKING SPACES 83 SPACES
PARKING RATIO PROPOSED 298 SQ. FT. / SPACE

ABOVE AREAS INCLUDE PHARMACY & CLINIC

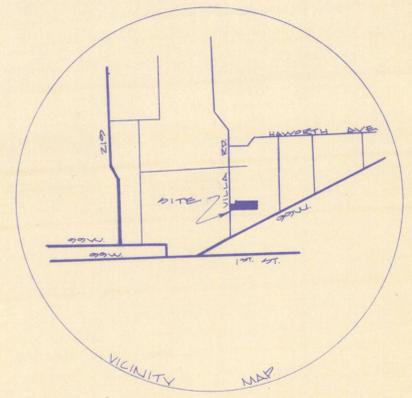
MIN. LOT SIZE 880 SQ. FT.

OVERALL DENSITY = 8.49 UNITS/ACRE

TOTAL OPEN AREA = 1.15 ACRES

NOTE:
SIDE LOT LINES BETWEEN LOTS 4 & 8,
LOTS 5 & 6 AND LOTS 6 & 7 MAY BE
ZERO LOT LINE CONSTRUCTION ZERO
LOT LINE CONSTRUCTION SHALL BE
DEFINED AS BUILDINGS ON ADJACENT
LOTS SHALL BE CONNECTED BY COMMON
WALL CONSTRUCTION. TEN FOOT SETBACK
BY EACH ADJACENT LOT ALSO ALLOWABLE
AS ALTERNATE DEVELOPEMENT.

NOTE:
SANITARY SEWER AND WATER SERVICE SHALL
BE CONSTRUCTED TO THE CITY OF NEWBERG
STANDARDS AND MAINTAINED BY THE
CITY OF NEWBERG. EASEMENTS WILL
BE PROVIDED AS REQUIRED FOR ALL UTILITIES.

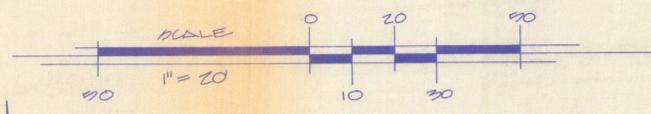
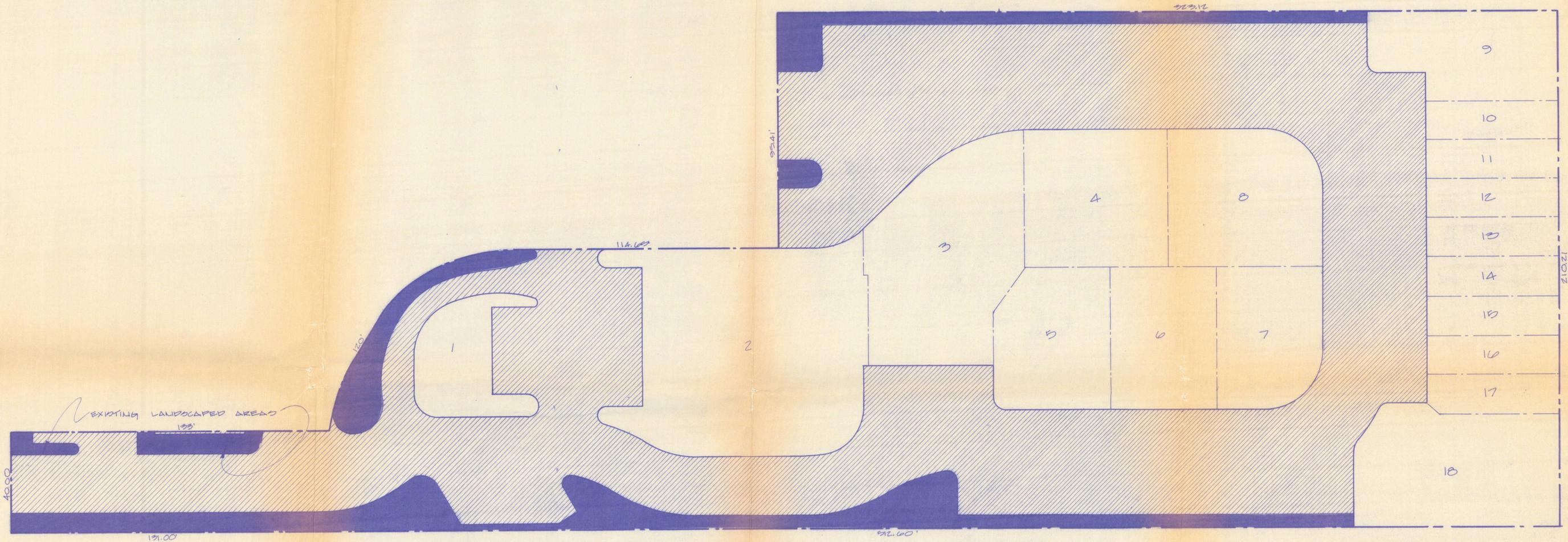


ling
green
& associates

NEWBERG PROFESSIONAL CENTER
NEWBERG, OREGON

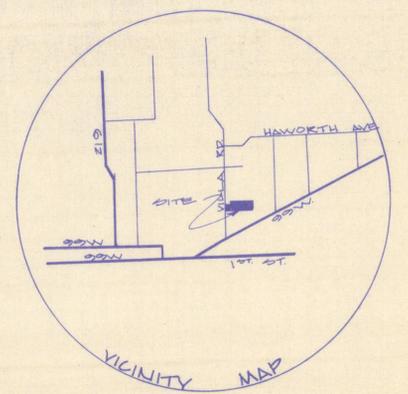
SCALE 1" = 20' DRAWN BY
PROJECT NO. 78-103 12-8-78

1879 NW NINTH ST. (503) 757-8771 CORVALLIS, OREGON

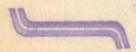


-  COMMON PARKING AREA
-  COMMON LANDSCAPED AREA

TOTAL COMMON AREA = 1.15 A.



ling
green
& associates

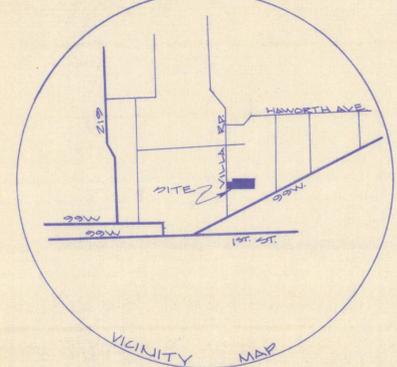
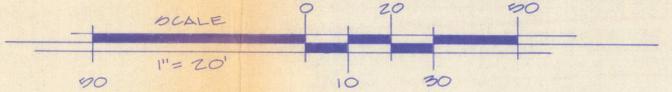
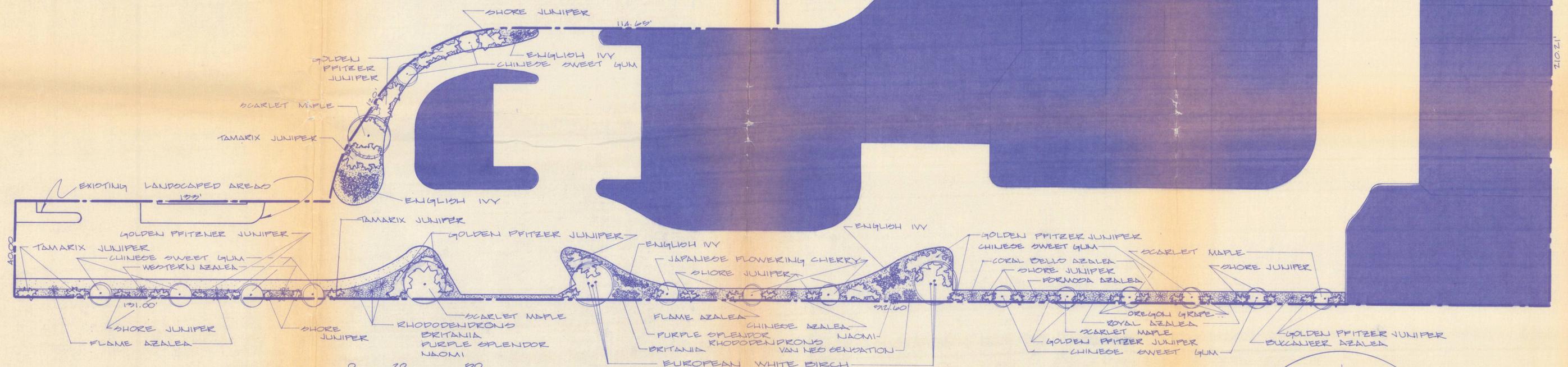
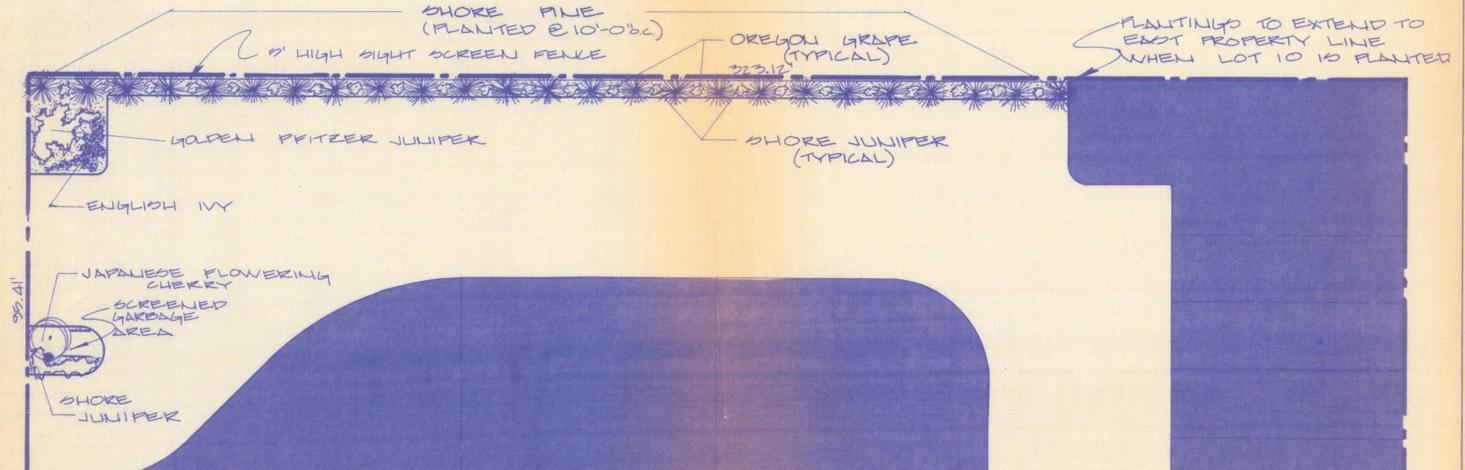


NEWBERG PROFESSIONAL CENTER
NEWBERG, OREGON
MAP OF COMMON AREAS
SCALE: 1" = 20'
PROJECT NO. 78-103
DRW. JW
12-8-70
SHEET 2

1879 NW NINTH ST (503) 757-8771 CORVALLIS, OREGON



PLAN VIEW: 9' HIGH SIGHT SCREEN FENCE
SCALE 1/2" = 1'-0"



LANDSCAPED AREAS SHOWN ARE IN COMMON OWNERSHIP

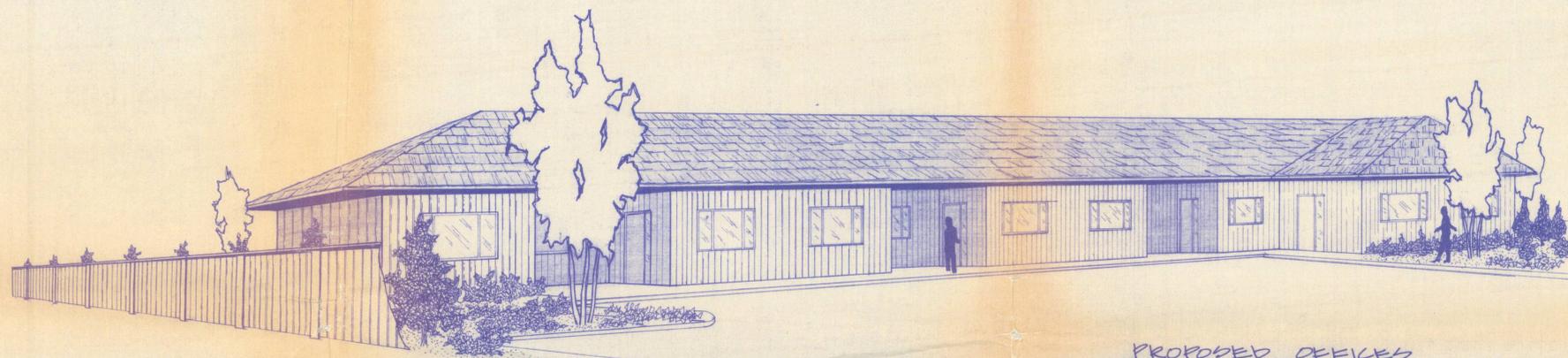
ALL LANDSCAPING MATERIALS ARE SUBJECT TO AVAILABILITY, AND MAY BE SUBSTITUTED FOR WITH A SIMILAR TYPE PLANTING.

LANDSCAPE PLAN FOR THESE AREAS ARE TO BE SUBMITTED WHEN BUILDING PERMITS ARE APPLIED FOR.

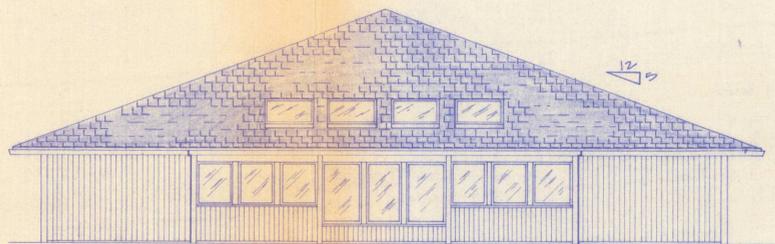


ling green & associates

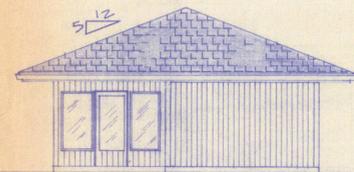
NEWBERG PROFESSIONAL CENTER
NEWBERG, OREGON
LANDSCAPE PLAN
DES. JW
PROJECT NO. 70-103
SCALE: 1" = 20'
DRN. JW
12-0-75
SHEET 3
879 NW NINTH ST
CORVALLIS, OREGON



PROPOSED OFFICES



PROPOSED CLINIC



PROPOSED PHARMACY



NEWBERG PROFESSIONAL CENTER

NEWBERG, OREGON

LANDING SKETCHES
DES: J.W.
PROJECT NO. 78-103 SHEET 4
SCALE 1/8"=1'-0"
DATE 10/9/78
PEN: J.S.S.

879 NW NINTH ST. (503) 757-8771 CORVALLIS, OREGON