

PLANNING COMMISSION AGENDA
SEPTEMBER 11, 1997
7 p.m. Regular Meeting
Newberg Public Library • 503 E. Hancock Street

- I. ROLL CALL**
- II. OPEN MEETING**
- III. STUDY SESSION: "Legal Issues" by Terry Mahr, City Attorney**
- IV. CONSENT CALENDAR**(items are considered routine and are not discussed unless requested by the commissioners)
1. Approval of August 14, 1997 Planning Commission Minutes
- V. COMMUNICATIONS FROM THE FLOOR** (5 minute maximum per person)
1. For items not listed on the agenda
- VI. QUASI-JUDICIAL PUBLIC HEARINGS** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission). "No new public hearings after 10 p.m. except by majority vote of the Planning Commissioners."
1. **APPLICANT:** Genesis Healthcare
REQUEST: Planned Unit Development and Design Review for Assisted Living Facility
LOCATION: North of Quail Drive, South of Foothills Drive
TAX LOT: 3207DA-105
FILE NO.: PUD-4-97 / DR-95-97
CRITERIA: NDC 10.32.030 and 10.28.050
ZONE: C-1/SP
RESOLUTION NO.: 97-79
- VII. LEGISLATIVE PUBLIC HEARINGS** (complete registration form to give testimony - 5 minute maximum per person, unless otherwise set by majority motion of the Planning Commission)
1. **APPLICANT:** City of Newberg
REQUEST: Text amendments to the Newberg Development Code relating to land division requirements
FILE NO.: G-25-97
CRITERIA: Newberg Development Code Section 10.20.030
RESOLUTION NO.: 97-73
 2. **APPLICANT:** City of Newberg
REQUEST: Text amendments to the Newberg Development Code relating to noticing requirements
FILE NO.: G-28-97
CRITERIA: Newberg Development Code Section 10.20.030
RESOLUTION NO.: 97-74
- VIII. OLD BUSINESS**
1. Status of Resolution 97-64, Text amendments relating to signs - tabled from July 10, 1997
 2. Status of Resolution 97-67, URA and Transportation grants
- IX. NEW BUSINESS**
1. Creekside PUD - modification of building design (PUD-3-97)
- X. STAFF AND COMMISSION REPORTS**
1. Update on Council items
 2. Other reports, letters, or correspondence
 3. Next Planning Commission Meeting, October 9, 1997
- XI. ADJOURN**

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COMMUNITY DEVELOPMENT OFFICE - 719 E. FIRST STREET
FOR COMMENTS OR QUESTIONS PLEASE STOP BY, OR CALL 537-1210

**QUASI-JUDICIAL
PUBLIC HEARING PROCESS
TESTIMONY AND EVIDENCE REQUIREMENTS**

ORS 197.763 requires certain statements to be made at the commencement of a public hearing.

- The applicable City and State zoning criteria must be listed. This means that we must advise you of the standards that must be satisfied by the applicant prior to our approval of an application. The Planning Staff will list the applicable criteria during his or her presentation of the staff report.
- Persons wishing to participate in this hearing must direct their testimony or the evidence toward the criteria stated by the Planner or other specific City or State criteria which you believe applies. You must tell us why the testimony or evidence relates to the criteria.
- Any issue which might be raised in an appeal of this case to the Land Use Board of Appeals (LUBA) must be raised at the local level prior to the City approving or denying the application. The law states that the issue must be raised in enough detail to afford the decision-maker and the parties an opportunity to respond. This part of the law is also known as the "raise it or waive it" requirement. If you do not bring it up now, you can't bring it up at LUBA.

TYPE III, QUASI-JUDICIAL PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS¹
2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION
3. STAFF REPORT
 - A. PROJECT SUMMARY AND RECOMMENDATION BY STAFF
 - B. STAFF SUMMARY OF LATE CORRESPONDENCE SUBJECT TO PLANNING COMMISSION REQUEST²
4. PUBLIC TESTIMONY (SEE "HOW TO TESTIFY")³
 - A. PROPONENTS (PRINCIPLE PROPONENT/S FIRST, THEN OTHERS OR UNDECIDED)
 - B. OPPONENTS AND UNDECIDED
 - C. PRINCIPAL PROPONENT REBUTTAL
5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE PLANNING COMMISSION DIRECTED THROUGH THE CHAIR
6. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS
7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)
8. FINAL COMMENTS FROM STAFF
9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT
10. ACTION BY THE PLANNING COMMISSION

NOTE: No new public hearings will be started after 10:00 p.m. (except by majority vote of the Commission).

¹ The Chair of the Planning Commission may set time limits on the public testimony portion of the hearing.

² ORS 197.763(3)(f) allows the City to establish procedures for submittal of evidence. The Planning Commission has established a period of one week prior to hearing for submittal of written evidence in order to be considered at the hearing. Written testimony received late will only be considered at the discretion of the Planning Commission.

³ Questions by those wishing to testify should be directed to the Chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

TYPE IV, LEGISLATIVE PUBLIC HEARING PROCEDURE

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS¹
2. CALL FOR ABSTENTIONS, CONFLICTS OF INTEREST AND OBJECTIONS TO JURISDICTION
3. STAFF REPORT
 - A. PROJECT SUMMARY AND RECOMMENDATION BY STAFF
 - B. STAFF SUMMARY OF LATE CORRESPONDENCE SUBJECT TO PLANNING COMMISSION REQUEST²
4. PUBLIC TESTIMONY (SEE "HOW TO TESTIFY" FORM)³
 - A. THE PLANNING COMMISSION CHAIR WILL CALL YOUR NAME WHEN IT'S YOUR TURN TO TESTIFY (NOTE: COMMISSIONERS MAY ASK QUESTIONS DURING THE TESTIMONY PERIOD, AT THE DISCRETION OF THE CHAIR)
5. STAFF SUMMARY OF WRITTEN TESTIMONY FROM REGISTRATION FORMS
6. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING (GAVEL)
7. FINAL COMMENTS FROM STAFF
8. DELIBERATION OF COMMISSION
9. ACTION BY THE PLANNING COMMISSION

NOTE: No new public hearings will be started after 10:00 p.m. (except by majority vote of the Commission).

¹ The Chair of the Planning Commission may set time limits on the public testimony portion of the hearing.

² ORS 197.763(3)(j) allows the City to establish procedures for submittal of evidence. The Planning Commission has established a period of one week prior to hearing for submittal of written evidence in order to be considered at the hearing. Written testimony received late will only be considered at the discretion of the Planning Commission.

³ Questions by those wishing to testify should be directed to the Chair during the PUBLIC TESTIMONY (Step 4) portion of the public hearing.

**PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, AUGUST 14, 1997 AT 7 P.M.**

DRAFT
SUBJECT TO REVISION

Subject to Approval at the September 11, 1997 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby Steve Hannum Lon Wall Richard Waldren, Chair

Planning Commission Members Absent:

Myrna Miller Jack Kriz Matson Haug

Staff Present:

Barbara Mingay, Planning Technician
Susan Napolitano, Recording Secretary

II. OPEN MEETING

Chair Richard Waldren opened the meeting at 7:05 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

III. CONSENT CALENDAR

1. Approval of July 10, 1997 Planning Commission Minutes.

Motion #1:	Commissioners Wall-Hannum voted to approve the consent calendar items, approving the minutes of the July 10, 1997 Planning Commission Meeting with correction to John Knight's title.
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Vote on Motion #1:	The Motion carried unanimously(4-0); Absent-3(Miller, Kriz, Haug)
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None

V. PUBLIC HEARING

PUBLIC HEARING (#1)

APPLICANT: Julie Want, C.P.A.

REQUEST: Zone change from R-2 to RP

LOCATION: 105 Parkview Drive

TAX LOT: 3220BB-04500

FILE NO: Z-11-97

CRITERIA: Newberg Development Code Section 10.20.030

RESOLUTION NO.: 97-78

OPEN FOR PUBLIC HEARING.

Chair Waldren entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact/conflict of interest: Commissioner Ashby indicated he works in the same field as the applicant; however, he did not feel that review of this application would benefit him in any

way financially. **Commissioner Hannum** noted his acquaintance with the applicant. **Commissioner Waldren** indicated he had visited the site as a possible purchase some time ago. After a brief discussion, commissioners concluded that they could review the application impartially.

Objections to jurisdiction: None

Staff Report: **Barbara Mingay, Planning Technician**, reviewed the staff report and indicated that staff was supportive of the proposal.

Preliminary Staff Recommendation: The preliminary staff recommendation was made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommended adoption of Planning Commission Resolution 97-78 .

Proponent:

Ms. Julie Want
P.O. Box 1029
Newberg, OR 97132

Ms. Want stated that her current office space is too small due to her expanding business. She has been looking for a larger office space for a year and a half. She assured the committee that the property in question had already undergone commercial upgrades, with adjustments to be made on the kitchen and some of the walls downstairs. Ms. Want said there was already ample parking and that she does not anticipate her business will generate a lot of traffic. She stated that she had spoken with the neighbors and has updated the landscaping. She requested Commission approval of the project, which would allow herself and Mr. Want to move their business to the new location.

Questions to Proponent: **Chair Waldren** asked the proponent if she knew the extent of the commercial upgrades. **Mr. and Mrs. Want, in response to Chair Waldren, stated that all the electrical wiring had been upgraded, the fire systems had been removed, and that there was conduit possibly put in at time of the last renovation.** Ms. Want described the improvements including ADA access.

Public Agency reports: None

Letters: None

Proponent/Opponent Rebuttal: None

Staff Recommendation: Approval of Resolution 97-78, recommending that City Council approve the zone change.

Hearing Closed.

Commission Deliberation:

Commissioner Wall stated that although he is ordinarily not in favor of zone changes, he does not have any objections to this resolution.

Commissioner Hannum stated that it seemed like reasonable use of the property.

Commissioner Ashby agreed that the resolution 97-78 met all criteria.

Motion #2:	Wall-Hannum moved to adopt Resolution 97-78, approving the zone change.
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Vote on Motion #2:	The motion carried (4-0)unanimously. Absent-3 (Miller, Kriz, Haug)
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PUBLIC HEARING (#2)
APPLICANT: City of Newberg
REQUEST: Text amendments to the Newberg Development Code relating to noticing requirements.
FILE NO.: G-28-97 **RESOLUTION NO.:** 97-74
CRITERIA: Newberg Development Code Section 10.20.030

Abstentions/ex-parte contact: None

Objections: None

Staff Report: **Barbara Mingay, Planning Technician**, reviewed the staff report. She briefly restated last month's discussion on the noticing requirements. She directed the commission to the staff report memorandum. She asked that the committee look over the information relating to noticing in other cities, and direct staff to assess what part(s) of the noticing requirements they liked or disliked.

Proponent: None

Opponent: None

Public Agency reports: None

Letters: None

Proponent/Opponent Rebuttal: None

Staff Recommendation: **Barbara Mingay, Planning Technician**, recommended that the committee look closely at the language of Tigard's and Oregon City's posting requirements. She felt if noticing requirements such as these were adopted that there would be more responsibility put on the applicant.

Commission Discussion: A general discussion ensued concerning the additional burden put on the applicant if they were required to post notices as well as hold pre-application meetings. After thoroughly discussing the pros and cons of a pre-meeting requirement, the commission came to the conclusion that future noticing ordinances should not include a pre-meeting requirement.

Motion #3:	Commissioners Hannum-Ashby moved to direct staff to include requirements that the applicant must mail notices to surrounding landowners, post the site, remove the notices at the conclusion of the hearing, and provide affidavit's of posting. In addition, ordinance language was to include a notation that if the applicant failed to comply with noticing requirements, the entire process could be invalidated; and to include the sign size and design as identified in Tigard's requirements.
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Vote on Motion #3:	The motion carried (4-0) unanimously. Absent-3(Miller, Kriz, Haug).
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**INFORMATION RECEIVED INTO THE RECORD
AT THE AUGUST 14, 1997 PLANNING COMMISSION MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE
ATTACHED TO THE MINUTES OF THE MEETING AND IN THE PROJECT FILE IT
PERTAINS TO.**

No items were submitted into the record

LABELS FROM THE 8/14/97
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY

Julie & Walter Want
P.O. Box 1029
Newberg, OR 97132

Z-11-97

PLANNING COMMISSION STAFF REPORT

September 11, 1997

PREPARED BY: City of Newberg Planning Staff *[Signature]*

APPLICANT: Genesis Healthcare

CONTACT: Pamela Vann, Westlake Consulting

OWNER: NSP Development, Inc

REQUEST: Planned Unit Development and Design Review for Assisted Living Facility

ZONING: C-1/SP

LOCATION: North of Quail Dr., South of Foothills Drive on N College Street

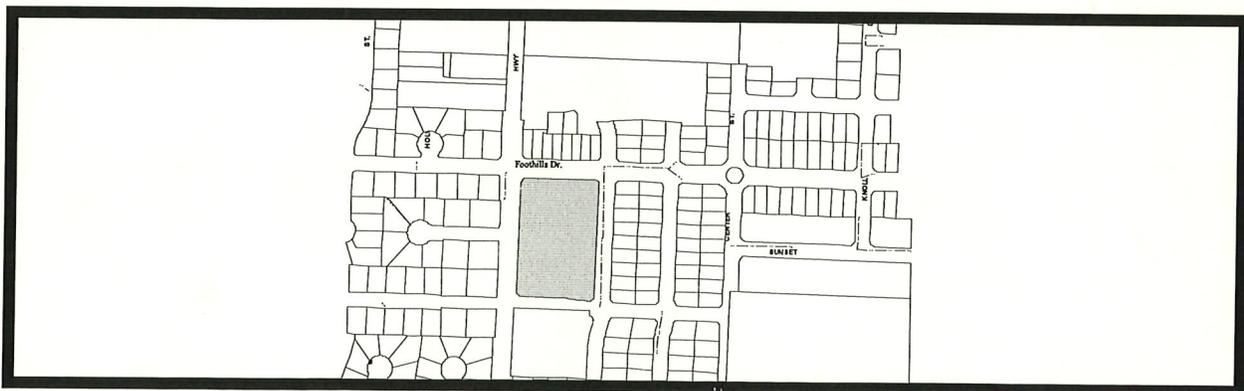
TAX LOT: 3207DA-105

FILE NO: PUD-4-97/DR-95-97

PLAN DESIGNATION: Commercial/Specific Plan

ATTACHMENTS:

- A-1. Reso. 97-79 for approval w/map & findings
- A-2. Reso. 97-79 for denial w/map & findings
- B. PUD-4-97/DR-95-97 Application - attached
- C. Zoning Map - attached
- D. Comprehensive Plan Map - attached
- E. Newberg Comprehensive Plan - by reference
- F. Newberg Development Code - by reference



Genesis Healthcare has requested that the PUD approval process and design review occur concurrently. The Planning staff has determined that the criteria contained in Section 10.32.030 and Section 10.28.050(2) of the Newberg Development Code apply to this proposal. The Planning Commission or other interested parties should direct their comments to the criteria listed or state why they feel other criteria may apply.

Criteria for Planned Unit Development Approval, Section 10.32.030

- (A) The proposed development is consistent with standards, plans, policies and ordinances adopted by the City; and
- (B) The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and
- (C) Public services and facilities are available to at least the same degree as they were in other similar locations in the City when developments were approved. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:
 - (a) Prior commitment of public funds and/or planning by the appropriate public agencies, or
 - (b) A commitment by the applicant to provide private services and facilities acceptable to the appropriate public agencies, or
 - (c) Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development.
- (D) The provisions and conditions of this Code have been met; and
- (E) Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and
- (F) There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and
- (G) Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and
- (H) Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.

Criteria for Design Review, Section 10.28.050(2)

- (A) **Design Compatibility:** The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.
- (B) **Parking and On-site Circulation:** Parking areas shall meet the requirements of 10.50.200. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in 10.50.200. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.
- (C) **Setbacks and General Requirements:** The proposal shall comply with 10.50.102 through 10.50.110 dealing with height restrictions and public access; and 10.50.120 through 10.50.147 dealing with setbacks, coverage, vision clearance, and yard requirements.
- (D) **Landscaping Requirements:** The proposal shall comply with 10.50.160 dealing with landscape requirements and landscape screening.
- (E) **Signs:** Signs shall comply with 10.50.180 dealing with signs.
- (F) **Manufactured Home, Mobile Home and RV Parks:** Manufactured home, mobile home, and recreational vehicle parks shall also comply with the standards listed in 10.52.300, in addition to the other criteria listed in this section.
- (G) **Zoning District Compliance:** The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in Chapter 10.40. Through this Site Review process, the Director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the Director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.
- (H) **Sub-District Compliance:** Properties located within sub-districts shall comply with the provisions of those sub-districts located in Chapter 10.44.
- (I) **Alternative Circulation, Roadway Frontage Improvements and Utility Improvements:** Where applicable, new developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with City street standards and the standards contained in the Transportation Plan. At the discretion of the City, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

- (J) Traffic Study Improvements: If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the Engineering Manager.

Request:

Planned Unit Development Approval and Design Review for Assisted Living Facility

Project Description:

The site is located on N. College Street. It contains approximately 3.35 acres and is generally flat. Residential homes, both attached and detached, surround the site. Highway 219, under the jurisdiction of ODOT and known as N. College Street, abuts the subject property to the west. Burlington Drive, a two lane street, borders the subject property to the east. Foothills Drive is located to the north, and Quail Drive is located to the south. The subject property takes access from Foothills Drive, a collector street with a 74' right-of-way, and Burlington Drive, a local street with a 60' right-of-way. Water service is available from Burlington Drive and Foothills Drive. Storm drainage is available via an existing catchbasin at the intersection of Quail Drive and Burlington Drive. Sanitary sewer service is available on Burlington Drive. Public access is provided via Foothills Drive and Burlington Drive.

Planned Development Process:

The Newberg Development Code (NDC), Section 10.32.020 requires that planned unit development applications be processed as a Type III land use procedure. The Type III Planned Unit Development application is a quasi-judicial hearing process which is heard and decided by the Planning Commission. The NDC states (refer to Section 10.08.040) that the decision of the Planning Commission is final unless the " decision is appealed or the decision is a recommendation to the City Council".

The Planned Development Process is intended to allow greater design flexibility than would normally be allowed under the current zoning standards. Typically a PD includes a series of trade-offs; the City would agree to reduce some of the zoning standards in exchange for additional design amenities. In this project, the applicant has requested modifications to the uses specifically permitted by the Code and to the required number of parking spaces.

PUDs are permitted outright in the C-1 district, whereas Group Care Facilities, the category which includes Assisted Living Facilities, are not. The applicant's opinion is that the ALF is more similar to a multifamily dwelling, which is permitted outright in the C-1 district, than it is to a nursing home.

Genesis will operate a shuttle van for residents, who will not be permitted to have personal automobiles at the ALF. Because of this, and because the commercial development will

be geared toward a neighborhood clientele, Genesis has asked for a reduction in required parking spaces.

In exchange for the modifications to the zoning standards, the applicant will be providing street and landscape improvements along Burlington Drive and Quail Drive, a significant amount of landscaping and open space, a consistent design theme for the development, and a small recreation area.

Issues:

- ▶ **Commercial Land Inventory:** Questions have been raised regarding the effects of this proposal on the neighborhood commercial land (C-1) inventory. The Planning Commission must determine whether or not the proposed use of the site will significantly impact the availability of this type of commercial land to the City and to the neighborhood.
- ▶ **Public Street Improvements:** If the proposal is approved, the applicant will be required to design and construct street improvements within and adjacent to the property on Quail Drive and Burlington Drive. Improvements will include curbs, separated sidewalks, landscaping and street trees. The improvements are included on the full-scale preliminary site plan which is included in your packet.
- ▶ **Pedestrian Improvements:** Although the applicant's traffic study indicates that vehicular traffic will not warrant a signal at the intersection of Foothills Drive and N. College Street, It also recommends that further study be made of pedestrian and bicycle traffic to determine if there is a need for a signal based on these warrants. The City's Engineering Department and the Police Department are also concerned that pedestrian and bicycle traffic will increase because of neighborhood commercial development and will warrant a signalized crossing. N. College Street is an arterial, and crossing it can be dangerous. The location of the commercial development at this intersection is likely to draw pedestrian traffic from the west side of N. College Street. As a condition of approval, the applicant will be required to conduct a study of pedestrian and bicycle traffic at the N. College Street and Foothills Drive intersection within one year of occupancy of the commercial buildings.
- ▶ **Recreation Space Area:** The applicants have shown a small seating area inside a larger open space adjacent to public streets in the northeast corner of the site. The applicants will be required to construct this seating area as a public amenity.

21-1-4-b

Preliminary Staff Recommendation:

The following recommendation is based on staff concern that only .75 acre of the 3.35 acre site will be available for commercial use.

- ▶ Staff recommends that the Planning Commission open the hearing, take testimony, and following testimony, continue the hearing.
- ▶ Staff recommends that the applicant be required to complete an analysis of the impact of this proposal on the inventory of Neighborhood Commercial land in the Northwest Newberg area.
- ▶ Staff recommends that the applicant be required to seek greater public involvement by holding one more neighborhood meeting to discuss public need for commercial land.

If the Planning Commission chooses not to continue the hearing as recommended by staff, there are two options available:

- Move to adopt Planning Commission Resolution 97-79 **to approve** (Attachment A-1) the proposal if there is a determination that the proposal does not significantly impact the Neighborhood Commercial land inventory.
- Move to adopt Planning Commission Resolution 97-79 **to deny** (Attachment A-2) the proposal if a determination is made that the proposal does significantly impact the Neighborhood Commercial land inventory and/or that the proposed use is not consistent with the Newberg Development Code.

ATTACHMENT A-1: RESOLUTION TO APPROVE PUD-4-97/DR-95-97

PLANNING COMMISSION RESOLUTION NO. 97-79

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL APPROVE FILE PUD-4-97/DR-95-97, PLANNED UNIT DEVELOPMENT AND DESIGN REVIEW FOR ASSISTED LIVING FACILITY FOR PROPERTY LOCATED NORTH OF QUAIL DR., SOUTH OF FOOTHILLS DRIVE ON COLLEGE, YAMHILL COUNTY TAX LOT 3207DA-105.

WHEREAS, On July 1, 1997, an application was submitted by Genesis Healthcare requesting Planned Unit Development and Design Review Approval for an assisted living facility to be located on property north of Quail Drive and south of Foothills Drive on N. College Street.

WHEREAS, On August 18, 1997, notice of this request was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 100 feet.

WHEREAS, Notice was published in the Graphic Newspaper on August 27, 1997, which was at least ten days prior to the public hearing before the Planning Commission scheduled for September 11, 1997; and on August 26, 1997 notice of the Planning Commission meeting was posted on the site and at four public places.

WHEREAS, On September 11, 1997, a hearing was held by the Newberg Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it approves a request for a Planned Unit Development and Design Review for the proposed assisted living facility. This approval is based on the staff report, findings, conditions, and testimony.

BE IT FURTHER RESOLVED that the Planning Commission adopts the following development standards for PUD-4-97/DR-95-97 to be known as Genesis Assisted Living Planned Development.

Lot Size:	3.35 acres
Street Access:	Foothills Drive and Burlington Drive
Front Setback:	No more than 20' for the commercial buildings
Height:	Two stories maximum
Parking:	A reduction in the number of required parking spaces is permitted with staff approval of the final total.

All standards not specifically listed shall be according to the Northwest Newberg Specific Plan and the C-1 zoning standards contained in the Newberg Development Code.

DATED this ____ day of _____, 1997.

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Planning Commission Secretary

Richard Waldren
Planning Commission Chair

Exhibits to be forwarded to Council as part of adoption ordinance:

Findings, Legal Description and Area Map

EXHIBIT A
PUD-4-97/DR-95-97

Planned Unit Development and Design Review for an Assisted Living Facility - North of Quail Dr. and South of Foothills Drive on N. College Street

I. Planned Unit Development Criteria, NDC 10.32.030

The proposal must meet the review criteria outlined in section 10.32.030 of the Newberg Development Code, which discusses preliminary plan consideration of PD applications.

Criteria (A) The proposed development is consistent with standards, plans, policies and ordinances adopted by the City; and

Finding: This development encourages independent living for senior citizens and provides commercial space for neighborhood-scale businesses. Living quarters, located to the southeast, are one bedroom apartments and studios. The commercial spaces are contained in two buildings at the northwest corner of the lot. A small public gathering area and open space has been included in the site design as an amenity for the surrounding neighborhood.

The proposed development has undergone rigorous review by the City planning staff, the developer's architect, engineers and consultants and the Oregon Department of Transportation (ODOT). The resulting proposal recognizes the standards, plans, and ordinances adopted by the City and ODOT.

Criteria (B) The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and

Finding: The proposed ALF facility is intended to be residential in nature, although it is much larger in scale than a typical residence. The ALF building is to remain at two stories, with a gable roof. The division of the structure into a central mass with two extending wings does serve to make it seem smaller in scale and more compatible with the surrounding neighborhood, although the structure will never completely blend in. The commercial buildings use traditional architectural details, such as shingles and paned windows, which are quite compatible with the surrounding residential homes.

The site layout with the commercial buildings fronting on the northwest corner of the lot and the ALF on the southeast corner serves to define the street

area, and is in keeping with the massing of the surrounding residences. Accommodating parking in two lots located in the center of the site is an important element of the design which will serve to maintain the residential character of the neighborhood by screening and minimizing large expanses of asphalt.

Recreation space for the residents is located on the southern portion of the lot. Public open space, aimed for use by the surrounding neighborhood as well as by residents, is located at the northeast corner of the lot, near the higher density attached residential homes.

Criteria (C) Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:

- (a) Public facility planning by the appropriate agencies, or
- (b) A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project, or
- (c) Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development.

Finding: Services and facilities are generally available to the site, since the vicinity is already developed. Separate water service to the commercial buildings has been proposed by the applicant. Existing public road rights-of way surround the site. The applicant has proposed frontage improvements along Burlington Drive and Quail Drive that will include a five foot wide sidewalk and six foot wide planting strip.

Regarding transportation, N. College Street (Highway 219) is developing as a multi-modal arterial street based on the State's Transportation Planning Rule. Improvements have already been made to the site's frontage along N. College Street.

The concern has been raised that although the commercial development proposed as part of this PUD may not attract enough vehicular traffic to warrant a turn signal, it may warrant a signalized pedestrian crossing. Both the Engineering Department and the Police Department are concerned about public safety at this intersection, which is already somewhat hazardous for pedestrians. The applicant's own traffic study recommended that further study of bicycle and pedestrian traffic at this intersection be made,

particularly as the Oak Knoll subdivision is built out. However, the commercial development is likely to attract more pedestrian and bicycle traffic to this crossing than the residential homes. There is already a large residential population nearby, likely to walk or bicycle to this development. Potential customers for the commercial development reside on the west side of N. College Street and are likely to use the College-Foothills intersection. In addition, Foothills Drive is a popular route for children walking to and from school. The commercial development is likely to attract these children, since no stores or markets currently exist in the area. As a condition for approval, the applicant will be required to conduct a study of pedestrian and bicycle traffic at the N. College Street - Foothills Drive intersection within one year after occupancy of the commercial buildings.

Regarding utilities, adequate sanitary sewer, water and electrical utilities are available. Storm drainage will be routed to an existing catchbasin at the intersection of Quail Drive and Burlington Drive. The catchbasin connects to an off-site regional retention facility which services the Fenway and Oak Knoll Subdivisions. Sanitary sewer for the entire site will connect to the existing sewer line located in Burlington Drive. Water service will be provided to the ALF structure from a line in Burlington Drive and to the commercial buildings from the existing line in Foothills Drive. The applicant has proposed this separation, and will be required to follow through with it in order to accommodate the differing water needs and billing of residential and commercial water use. Natural gas will be provided to the ALF structure from a line passing along the southeast corner of the site, at the intersection of Quail Drive and Burlington Drive. Gas will be provided to the commercial buildings from a line located on the south side of Foothills Drive. The applicant has proposed a fire hydrant along Burlington Drive. This and any other fire hydrants will be located as directed by the Fire Marshal.

Criteria (D) The provisions and conditions of this Code have been met; and

Finding: This request is in compliance with the provisions and conditions of the Newberg Development Code (NDC). All future development of the site must conform to the provisions and conditions of the NDC in order to obtain a valid development or building permit. The request will not alter the City's ability to enforce the provisions and conditions of the NDC on the subject property.

This proposal complies with the Newberg Development Code Section 10.32.020 formula for a PUD. This section of the Code states that density in a C-1 district will be as determined by the findings of the staff. According to the proposed floor plan, the ALF will contain 54 studio or efficiency units and 14 one bedroom units.

54 x studio units @ 12 points = 648
14 x 1-bedroom units @ 14 points = 196
Total points = 844
844 / 3.35 (Gross site acreage) = 251.94 density points

The density points for the applicant's proposal fall between the allowable density points for R-1 districts (175 points) and R-2 districts (310). This seems quite appropriate, since the site itself is located between R-1 and R-2 districts.

Criteria (E) Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and

Finding: The site has no significant features. It is relatively flat and well above the 100 year flood plain. Preliminary grading of the site was undertaken in the past. There are some existing street trees, which will be maintained. Erosion control measures during construction will meet the requirements of the Code.

Criteria (F) There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and

Finding: The applicant is proposing to connect to existing water and sewer lines in the adjacent right-of-way. Emergency vehicle access is provided by the driveways, which are a minimum of 24' in width. There are no public transportation facilities provided, although van service will be provided for residents of the ALF.

Criteria (G) Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and

Finding: There are no private outdoor recreation facilities provided for ALF residents. The applicant states that these are not included because of concerns about safety and physical harm. The applicant proposes instead controlled access points which have been designed to connect to on-site pedestrian walkways, outdoor areas, and public sidewalks. There is an outdoor patio accessible to ALF residents from the dining room. Forty-four percent of the site is proposed to be landscaped, including lawn areas with bench seating. A 300 square foot pedestrian plaza is proposed for the northeast corner of the site. The commercial buildings are surrounded by a covered arcade or porch.

Criteria (H) Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.

Finding: This development is significantly different from previous planned developments in Newberg. The proposed ALF facility is intended to provide an independent living environment for senior citizens. It is not a condominium or apartment complex, although it is in some ways similar to these.

The surrounding Oak Knoll subdivision is based on a neotraditional model of development. The proposed ALF and commercial development is quite different in nature from this type of residential development. However, the proposed site layout makes transitions to the surrounding neighborhood and maintains and strengthens the existing character by placing the structures near the streets, with parking behind the buildings and out of direct public view.

The building heights are in keeping with the surrounding neighborhood, and the exterior colors and materials are intended to be complementary to the surrounding residences. More than forty percent of the site is to be landscaped, providing plenty of green space both for ALF residents and the surrounding neighborhood.

II. Design Review Criteria, NDC 10.28.050(2)

The applicant is proposing to undergo Design Review concurrently with PUD approval., and must therefore also meet the Design Review criteria outlined in 10.28.050(2) of the Newberg Development Code.

Criteria (A) Design Compatibility: The proposed design review request incorporates an architectural design which is compatible with and/or superior to existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

Finding: The ALF structure is of a different in scale from other residential buildings in the immediate vicinity. However, the overall design will blend with the surrounding area by the use of landscaping, building materials, and buffering. The commercial structure is very compatible with existing structures, both in its scale and in its detailing.

Both structures have been designed to use materials reflective of the surrounding residential homes. The gable roofs and the color choices are very compatible. The site design includes more than forty percent of the site landscaped, providing green space for the neighborhood.

The signs proposed for the ALF and for the commercial building are fitting for a residential area. The applicant proposes using painted wooden signs which are unified in design, including color and size. The applicant will be required to comply with O.S.S.C. Chapter 11 requirements relating to accessibility. Exterior lights will be directed onto the site so as to not adversely affect the adjoining properties or the residents of the ALF.

Criteria (B) Parking and On-site Circulation: Parking areas shall meet the requirements of 10.50.200. Parking studies may be required to determine if adequate parking and circulation are provided for uses not specifically identified in 10.50.200. Provisions shall be made to provide efficient and adequate on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

Finding: Based on the Code's requirement of 1 space per 3 beds in a group care facility, 1 space per 75 sq ft for barber and beauty shops, and 1 space per 300 sq ft of gross floor area, 53 parking spaces are required; 45 parking spaces are proposed.

As part of the PUD application, the applicant has proposed that a reduction in required parking spaces be permitted. The Planning Commission supported this during a July 10 presentation of the Genesis ALF project. Based on the fact that ALF residents will not have their own cars on the site, and on the principal of neighborhood commercial use, this reduction in parking spaces will aid in meeting the City's transportation goals and in encouraging pedestrian and bicycle travel without causing undue congestion or crowding.

The proposed entrances and exits from Foothills Drive and Burlington Drive will function well because they are removed from N. College St., which is designated as an arterial. Interior circulation appears to be efficient, and the decision to divide the parking into two smaller areas rather than one large one is a sound one. This division minimizes the effects of the parking lots and makes the site more attractive.

- Criteria (C) Setbacks and General Requirements:** The proposal shall comply with 10.50.102 through 10.50.110 dealing with height restrictions and public access; and 10.50.120 through 10.50.147 dealing with setbacks, coverage, vision clearance, and yard requirements.
- Finding:** Following compliance with design review conditions, the proposed building expansion meets the height restrictions and public access requirements, setback, coverage, vision clearance and yard requirements of the Code.
- Criteria (D) Landscaping Requirements:** The proposal shall comply with 10.50.160 dealing with landscape requirements and landscape screening.
- Finding:** Following compliance with design review conditions, the landscape plan and parking lot complies with 10.50.160. All areas subject to the final design review plan and not otherwise improved are landscaped.
- Criteria (E) Signs:** Signs shall comply with 10.50.180 dealing with signs.
- Finding:** Following compliance with design review conditions, the proposed signs comply with 10.50.180.
- Criteria (F) Manufactured Home, Mobile Home and RV Parks:** Manufactured home, mobile home, and recreational vehicle parks shall also comply with the standards listed in 10.52.300, in addition to the other criteria listed in this section.
- Finding:** Not applicable - not a manufactured home, mobile home or RV park.
- Criteria (G) Zoning District Compliance:** The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in Chapter 10.40. Through this Site Review process, the Director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the Director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.
- Finding:** The site is zoned C-1/SP. A planned use development is an outright permitted use.
- Criteria (H) Sub-District Compliance:** Properties located within sub-districts shall comply with the provisions of those sub-districts located in Chapter 10.44.

Finding: The site is subject to the requirements of the Northwest Newberg Specific Plan. The proposal meets the standards listed under 10.44.317(1)(H): The commercial structure is within twenty feet of the Foothills Drive right-of way, a minimum 300 sq. ft. pedestrian seating area has been provided, and windows are proposed for all facades. The Specific Plan's street standards, street tree standards, and sign standards are met.

The standard for building orientation is met to a degree because connections have been provided. However, a few details of the landscape plan for around the commercial building conflict with the goal of the building orientation standard. The applicant's proposed use of Photinia x fraseri to separate the commercial structure from the street is discouraged because Photinia will grow into a tall hedge, effectively creating a wall where the Code specifies windows to welcome pedestrians. A shrub with a lower growth habit or another plant type would be in keeping with the Specific Plan's emphasis on providing welcoming pedestrian environments. In addition, the pedestrian connection to the intersection of Foothills Drive and N. College Street should be strengthened by being straightened and perhaps widened to provide the major pedestrian gateway to the commercial portion of the site.

A concern that was raised during the evaluation of this proposal was that the ALF might be taking away needed neighborhood commercial land. During the development of the Specific Plan, two sites were identified as potential commercial sites. The first was a 1.5 acre parcel located directly north of the subject site, on the other side of Foothills Drive. During approval of the Specific Plan, the second option was given commercial zoning instead. This second site is the Genesis site.

The originally proposed commercial area was 1.5 acres, which is less than half the size of the Genesis site. Genesis is proposing to devote approximately .75 acres to Commercial uses. The Specific Plan final report does not contain a methodology for arriving at a 1.5 acre size for the commercial site. However, in light of the original report, upon which the Specific Plan ordinance was based, the Genesis proposal is in keeping with the intent of the Northwest Newberg Specific Plan. The final report also noted that the Specific Plan's Steering Committee was eager to see open space developed in conjunction with neighborhood commercial development. The applicant's proposal dedicates approximately half the site for public open space and commercial development, or about 1.7 acres.

Criteria (I) Alternative Circulation, Roadway Frontage Improvements and Utility Improvements: Where applicable, new developments shall provide for

access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with City street standards and the standards contained in the Transportation Plan. At the discretion of the City, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

Finding: The subject property encompasses an entire block which is already surrounded by developed streets. There is no need for the applicant to provide access to adjacent properties. The applicant has included in the proposal provisions for improving the adjacent street frontages which are currently unimproved. In addition, the applicant has proposed two separate water hookups: one for the commercial buildings and one for the ALF. This separation is required in order to simplify billing for water use.

Criteria (J) Traffic Study Improvements: If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the Engineering Manager.

Finding: A Traffic Study was required. The study determined that the increase in vehicular traffic caused by the development would not warrant a signal at the intersection of Foothills Drive and N. College Street. However, the report brought up the need for further study in the future of pedestrian and bicycle traffic at this intersection. In addition, there is concern by both the Police Department and the Engineering Department that pedestrian use might warrant a signalized pedestrian crossing on Foothills Drive across N. College Street, particularly with the development of neighborhood-oriented commercial enterprises which draw foot and bicycle traffic from the surrounding neighborhoods. The applicant will be required to conduct a study of pedestrian and bicycle traffic at this intersection within one year of occupancy of the commercial buildings in order to determine if a signal is warranted. Following compliance with design review conditions, this criteria is satisfied.

CONDITIONS OF APPROVAL
Planned Unit Development
PUD-4-97/DR-95-97

1. **Reproducible Copy:** At the time of final plat application, a reproducible mylar copy of the final plat must be submitted to the Newberg Planning Division for review and approval. The plat must show all easements that are to remain on the property.

2. **Engineering and Utility Improvements:** All roadways, sewer, water, fire hydrants, utility easements, storm drainage and any other such uses found to be essential to the development of the planned unit development, shall be designed, constructed and installed to meet City improvement specifications and are subject to approval by the Engineering Manager. Utilities and streets must be designed by a licensed engineer. **No building permits will be issued until all required street and fire system improvements have been completed or have been completed to such a degree as to allow adequate fire protection, as determined by the Fire Marshal or Fire Chief.**

3. **Street Improvements/Dedications:**
 - a. **Private Street:** The access and utility easement serving all lots must be a minimum of 25 ft. in width with 25 feet of paving. Curbs are required to be provided on both sides of the easement. Adequate radius shall be provided to meet emergency vehicle access requirements as approved by the Fire Chief or Fire Marshal. This shall be shown on the final plan.

 - b. **Burlington Drive and Quail Drive Improvements:** Improvements required to be constructed by the developer along these Drives include half street improvements with a 6 foot wide landscaped strip and 5 foot wide concrete walk. The design for these streets shall be reviewed and approved by the Planning and Engineering Managers prior to issuance of building permits.

 - c. **Abutters Rights and Corner Lot Access:** Abutters rights for vehicular access shall be relinquished along College Street. Access rights shall be relinquished so that the driveways will be located on the private street away from intersections. This shall be shown on the final plan.

 - d. **Pedestrian and Bicycle Traffic:** The applicant must provide a study of pedestrian and bicycle traffic within one year of occupancy of the commercial building.

4. **Utilities:**

- a. **Utility Phasing:** At the time of final plan submittal, provide a composite utility plan showing all phases of development on one sheet at 1" = 100' scale.
 - b. **Sewers:** All sewers must be designed for location, depth, and capacity to serve the remainder of the drainage basin. Sewer mains must be located in streets wherever possible.
 - c. **Storm Sewers:** All storm sewers must be designed for location, depth and capacity to serve the remainder of the tributary area. The proposed storm sewer must connect to the existing system.
5. **Site Grading/Drainage:**
- a. **General Grading:** A grading plan for final grading and drainage of the building sites shall be provided prior to issuance of building permits. Once graded, builders may do the final shaping of the lots but will be limited in the amount of cutting or filling they may do on the site.
 - b. **Erosion Control Plan:** If over five acres, a DEQ permit and erosion control plan must be submitted and approved by the Engineering Manager as part of the development improvements. This site does not meet the DEQ threshold.
6. **Fire Protection:** Location of all fire hydrants shall be subject to approval by the Fire Chief or Fire Marshal. No building permits will be issued until all required street and fire system improvements have been completed or have been completed to such a degree as to allow adequate fire protection, as determined by the Fire Marshal.
7. **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of a mailbox cluster location. Confirmation of Postmaster approval must be provided to the Community Development Office prior to application for building permits.
8. **Landscape Plan and Improvements:** The Final Landscape Plan shall be submitted to the Planning Commission as a new business item for review and approval prior to final plat application. The Planning Commission approved plan shall be filed with the Planning Manager prior to issuance of grading permits.
- a. **Irrigation:** Underground irrigation systems are required throughout the development in both public and private areas.

- b. **Landscape Plan:** The final landscape plan shall be submitted for the entire site, including street trees and recreation areas for review and approval by the Planning Manager. The plan shall indicate plant species, tree caliper (2" minimum), and spacing. Street trees shall be located between the curb and the walk, except for cul-de-sac bulbs where the trees shall be located five (5) to ten (10) feet behind the walk. Street trees along College Street shall be located approximately twenty-five (25) to forty (40) feet on center; street trees along internal streets shall be located approximately 30 feet on center (excluding driveways).
 - d. **Fencing, Entryway, and Open Space Area:** The Final Landscape Plan shall include detailed drawings showing the entryway treatment, fencing, all common open space area landscaping and underground irrigation systems.
9. **Landscaping and Common Area Maintenance:** Maintenance of the property, including the required pedestrian seating area near Foothills Drive, shall be provided. Prior to issuing building permits, a maintenance agreement shall be prepared for review and approval by the Planning and Engineering Managers.
10. **Codes, Covenants & Restrictions:** If the applicant develops any CC&Rs, prior to approval of the final plat these shall be recorded. The CC & Rs are subject to review by the Planning Manager and Engineering Manager to ensure consistency with City Ordinances.
11. **Development Standards:** The following development standards apply to the site.
- | | |
|---------------------------|--|
| Street Access: | Min. 25 ft. |
| Front Setback: | Max. 20 ft. from N. College St. and Foothills Dr. |
| Height: | Meet R-2 standards |
| Building Coverage: | Max. 40% for entire site |
| Parking Coverage: | No max. |
| Parking: | Reduced number of parking spaces is permitted, subject to approval of Planning Manager |
| Private Street: | 25 ft. with a 25 ft. curb to curb dimension |

All standards not specifically listed shall be according to the Northwest Newberg Specific Plan and C-1 zoning standards contained in the Newberg Development Code.

12. **Revised Tentative Plan and Site Plan:** A revised tentative plan and site plan shall be submitted for review and approval by the Planning and Engineering Managers within 30 days of approval.

11-1-20

DEVELOPMENT NOTES:

- **ODOT Road Access Permit:** An ODOT approach road permit is required for any work within the highway right-of-way.
- **Phasing of Tentative Plan:** Refer to NDC 10.34.100 for phased subdivision extension standards.
- **Postal Service:** The applicant shall submit plans to the Newberg Postmaster for approval of a mailbox cluster location.
- **Garbage Service:** Confirmation must be provided from Newberg Garbage Service that the design and location of refuse disposal area is approved.
- **PGE:** PGE can provide electrical service to this project under terms of the current tariff which will involve developer expense and easements. Contact the Service & Design Supervisor, PGE at 463-4392.
- **GTE:** Developer/owner must coordinate trench/conduit requirements with GTE Engineering. Contact the Engineering Division, GTE Northwest at 620-5943.

CONDITIONS OF APPROVAL
Design Review
PUD-4-97/DR-95-97

1. **Final Site Plan:** At the time of building permit application, submit a site plan showing all roadways, sewer, water, fire hydrants, utility easements, storm drainage, revised site circulation, parking stall layouts, ADA accessible routes, and proposed landscape areas. Design, construction and installation must meet City improvement specifications and are subject to approval by the Engineering and Planning Managers.
 - ▶ **Water:** A separate water meter, as the applicant has proposed, must be provided for the commercial building in order to simplify billing.
 - ▶ **Sanitary Sewer:** Subject to approval by the Engineering Manager.
 - ▶ **Storm Sewer:** Subject to approval by the Engineering Manager.
 - ▶ **Catch basins:** Subject to approval by the Engineering Manager.
 - ▶ **Sidewalk:** Subject to approval by the Engineering Manager.

2. **Fire Requirements:** Prior to issuance of occupancy permits, the applicants must provide approved fire hydrants as required for minimum fire flow and a turn-around for emergency vehicles. The location and design must be submitted at the time of building permit application and is subject to review and approval by the Engineering Manager and Fire Chief.

3. **Disabled/ADA Requirements:** At the time of building permit application, the applicant will need to coordinate with the Building Division to comply with O.S.S.C. Chapter 11 requirements.

4. **Garbage:** Prior to issuance of building permits, confirmation must be provided from Newberg Garbage Service that the design and location of refuse disposal area is approved. The dumpster enclosure shall be located at least five (5') from the building and constructed of masonry block.

5. **Final Landscaping and Site Plan:** Prior to submittal of a building permit, provide a revised site and landscape plan, subject to review and approval by the Planning Manager, with the following additions:
 - ▶ Strengthening the emphasis of the pedestrian connection from the commercial development to the intersection of Foothills Drive and N. College Street by straightening and possibly widening the sidewalk.
 - ▶ Around the perimeter of the commercial building: selecting a different type of plant material or a shrub with a lower growth habit. The Photinia x fraseri proposed on the landscape plan will form a hedge, and is not compatible with requirements of the Northwest Newberg Specific Plan.

- ▶ All trees along N. College Street and Foothills Drive must have a minimum 2" caliper.
6. **Conditions of Approval:** These conditions of approval, with design review file number, shall be either written onto or "sticky-backed" onto the first page of the plans submitted for building permit. The permit will not be issued unless the final design review conditions are included in the submittal. **All conditions required through the design review process must be complete before final occupancy will be granted.**
 7. **Building Permit:** The applicant shall submit three (3) complete working drawing sets for building permit application before any construction. These shall include site plan, grading, elevations, utility plan, structural details, landscaping and method of irrigation, signs (if applicable), and any other information necessary to evaluate the site.

ATTACHMENT A-2: RESOLUTION TO DENY PUD-4-97/DR-95-97

V-1-24

PLANNING COMMISSION RESOLUTION NO. 97-79

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL DENY FILE PUD-4-97/DR-95-97, PLANNED UNIT DEVELOPMENT AND DESIGN REVIEW FOR ASSISTED LIVING FACILITY FOR PROPERTY LOCATED NORTH OF QUAIL DR., SOUTH OF FOOTHILLS DRIVE ON COLLEGE, YAMHILL COUNTY TAX LOT 3207DA-105.

WHEREAS, On July 1, 1997, an application was submitted by Genesis Healthcare requesting Planned Unit Development and Design Review Approval for an assisted living facility to be located on property north of Quail Drive and south of Foothills Drive on N. College Street.

WHEREAS, On August 18, 1997, notice of this request was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 100 feet.

WHEREAS, Notice was published in the Graphic Newspaper on August 27, 1997, which was at least ten days prior to the public hearing before the Planning Commission scheduled for September 11, 1997; and on August 26, 1997 notice of the Planning Commission meeting was posted on the site and at four public places.

WHEREAS, On September 11, 1997, a hearing was held by the Newberg Planning Commission.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it denies a request for a Planned Unit Development and Design Review for the proposed assisted living facility. This approval is based on the staff report, findings, conditions, and testimony.

DATED this ____ day of _____, 1997.

AYES:

NAYS:

ABSTAIN:

ABSENT:

ATTEST:

Planning Commission Secretary

Richard Waldren

Planning Commission Chair

Exhibits to be forwarded to Council as part of adoption ordinance:

Findings, Legal Description and Area Map

EXHIBIT A
PUD-4-97/DR-95-97

Planned Unit Development and Design Review for an Assisted Living Facility - North of Quail Dr. and South of Foothills Drive on N. College Street

I. Planned Unit Development Criteria, NDC 10.32.030

The proposal must meet the review criteria outlined in section 10.32.030 of the Newberg Development Code, which discusses preliminary plan consideration of PD applications.

Criteria (A) The proposed development is consistent with standards, plans, policies and ordinances adopted by the City; and

Finding: This development is not consistent with the standards, plans, policies, and ordinances adopted by the City. The site for the proposed project is designated for neighborhood commercial uses. While the applicants do propose including a commercial element as part of the development, they propose devoting only about one quarter of the site to neighborhood-scale businesses, with the remainder of the site primarily devoted to residential use.

Criteria (B) The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and

Finding: The proposed ALF facility is intended to be residential in nature, although it is much larger in scale than a typical residence. The ALF building is to remain at two stories, with a gable roof. The division of the structure into a central mass with two extending wings does serve to make it seem smaller in scale and more compatible with the surrounding neighborhood, although the structure will never completely blend in. The commercial buildings use traditional architectural details, such as shingles and paned windows, which are quite compatible with the surrounding residential homes.

The site layout with the commercial buildings fronting on the northwest corner of the lot and the ALF on the southeast corner serves to define the street area, and is in keeping with the massing of the surrounding residences. Accommodating parking in two lots located in the center of the site is an important element of the design which will serve to maintain the residential

character of the neighborhood by screening and minimizing large expanses of asphalt.

Recreation space for the residents is located on the southern portion of the lot. Public open space, aimed for use by the surrounding neighborhood as well as by residents, is located at the northeast corner of the lot, near the higher density attached residential homes.

- Criteria (C)** Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:
- (a) Public facility planning by the appropriate agencies, or
 - (b) A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project, or
 - (c) Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development.

Finding: Services and facilities are generally available to the site, since the vicinity is already developed. Separate water service to the commercial buildings has been proposed by the applicant. Existing public road rights-of way surround the site. The applicant has proposed frontage improvements along Burlington Drive and Quail Drive that will include a five foot wide sidewalk and six foot wide planting strip.

Regarding transportation, N. College Street (Highway 219) is developing as a multi-modal arterial street based on the State's Transportation Planning Rule. Improvements have already been made to the site's frontage along N. College Street.

A concern has been raised that although the commercial development proposed as part of this PUD may not attract enough vehicular traffic to warrant a turn signal, it may warrant signalized pedestrian crossings. Both the Engineering Department and the Police Department are concerned about public safety at this intersection, which is already somewhat hazardous for pedestrians. The commercial development is likely to attract more pedestrian and bicycle traffic to this crossing. There is a large residential population nearby, likely to walk to this development. In addition, Foothills Drive is a popular route for children walking to and from school. The

commercial development is likely to attract these children, since no stores or markets currently exist in the area.

Regarding utilities, adequate sanitary sewer, water and electrical utilities are available. Storm drainage will be routed to an existing catchbasin at the intersection of Quail Drive and Burlington Drive. The catchbasin connects to an off-site regional retention facility which services the Fenway and Oak Knoll Subdivisions. Sanitary sewer for the entire site will connect to the existing sewer line located in Burlington Drive. Water service will be provided to the ALF structure from a line in Burlington Drive and to the commercial buildings from the existing line in Foothills Drive. The applicant has proposed this separation, and will be required to follow through with it in order to accommodate the differing water needs and billing of residential and commercial water use. Natural gas will be provided to the ALF structure from a line passing along the southeast corner of the site, at the intersection of Quail Drive and Burlington Drive. Gas will be provided to the commercial buildings from a line located on the south side of Foothills Drive. The applicant has proposed a fire hydrant along Burlington Drive. This and any other fire hydrants will be located as directed by the Fire Marshal.

Criteria (D) The provisions and conditions of this Code have been met; and

Finding: This request does not comply with the provisions and conditions of the Newberg Development Code (NDC). The purpose of the C-1 district, as stated in 10.40.342, is "to create, preserve, and enhance areas of retail establishments serving frequently recurring needs in convenient locations, and is typically appropriate to small shopping clusters or integrated shopping centers located within residential neighborhoods". While planned unit developments are permitted within the C-1 district, the applicant has not proposed enough commercial use on the site to meet the district's purpose.

Criteria (E) Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and

Finding: The site has no significant features. It is relatively flat and well above the 100 year flood plain. Preliminary grading of the site was undertaken in the past. There are some existing street trees, which will be maintained. Erosion control measures during construction will meet the requirements of the Code.

Criteria (F) There will be adequate on-site provisions for utility services, emergency vehicular access, and, where appropriate, public transportation facilities; and

Finding: The applicant is proposing to connect to existing water and sewer lines in the adjacent right-of-way. Emergency vehicle access is provided by the driveways, which are a minimum of 24' in width. There are no public transportation facilities provided, although van service will be provided for residents of the ALF.

Criteria (G) Sufficient usable recreation facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and

Finding: There are no private outdoor recreation facilities provided for ALF residents. The applicant states that these are not included because of concerns about safety and physical harm. The applicant proposes instead controlled access points which have been designed to connect to on-site pedestrian walkways, outdoor areas, and public sidewalks. There is an outdoor patio accessible to ALF residents from the dining room. Forty-four percent of the site is proposed to be landscaped, including lawn areas with bench seating. A 300 square foot pedestrian plaza is proposed for the northeast corner of the site. The commercial buildings are surrounded by a covered arcade or porch.

Criteria (H) Proposed buildings, structures, and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy for residents of the development and surrounding properties.

Finding: This development is significantly different from previous planned developments in Newberg. The proposed ALF facility is intended to provide an independent living environment for senior citizens. It is not a condominium or apartment complex, although it is in some ways similar to these.

The surrounding Oak Knoll subdivision is based on a neotraditional model of development. The proposed ALF and commercial development is quite different in nature from this type of residential development. However, the proposed site layout makes transitions to the surrounding neighborhood and maintains and strengthens the existing character by placing the structures near the streets, with parking behind the buildings and out of direct public view.

The building heights are in keeping with the surrounding neighborhood, and the exterior colors and materials are intended to be complementary to the surrounding residences. More than forty percent of the site is to be landscaped, providing plenty of green space both for ALF residents and the surrounding neighborhood.

II. Design Review Criteria, NDC 10.28.050(2)

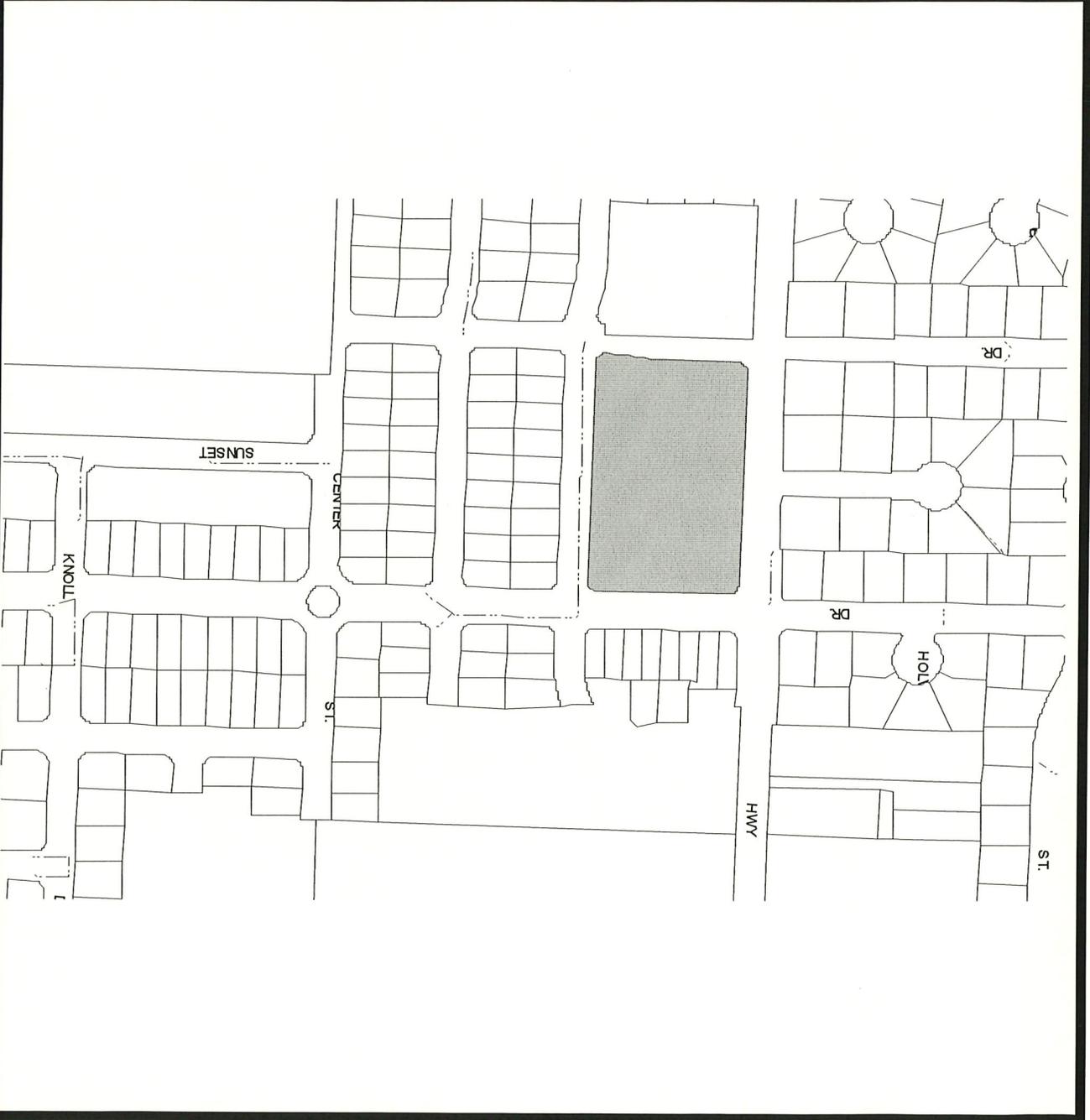
Review of the project's design is subject to Planned Unit Development approval. Because the proposal has not met the criteria for PUD approval, it cannot be reviewed for Design Review criteria compliance.

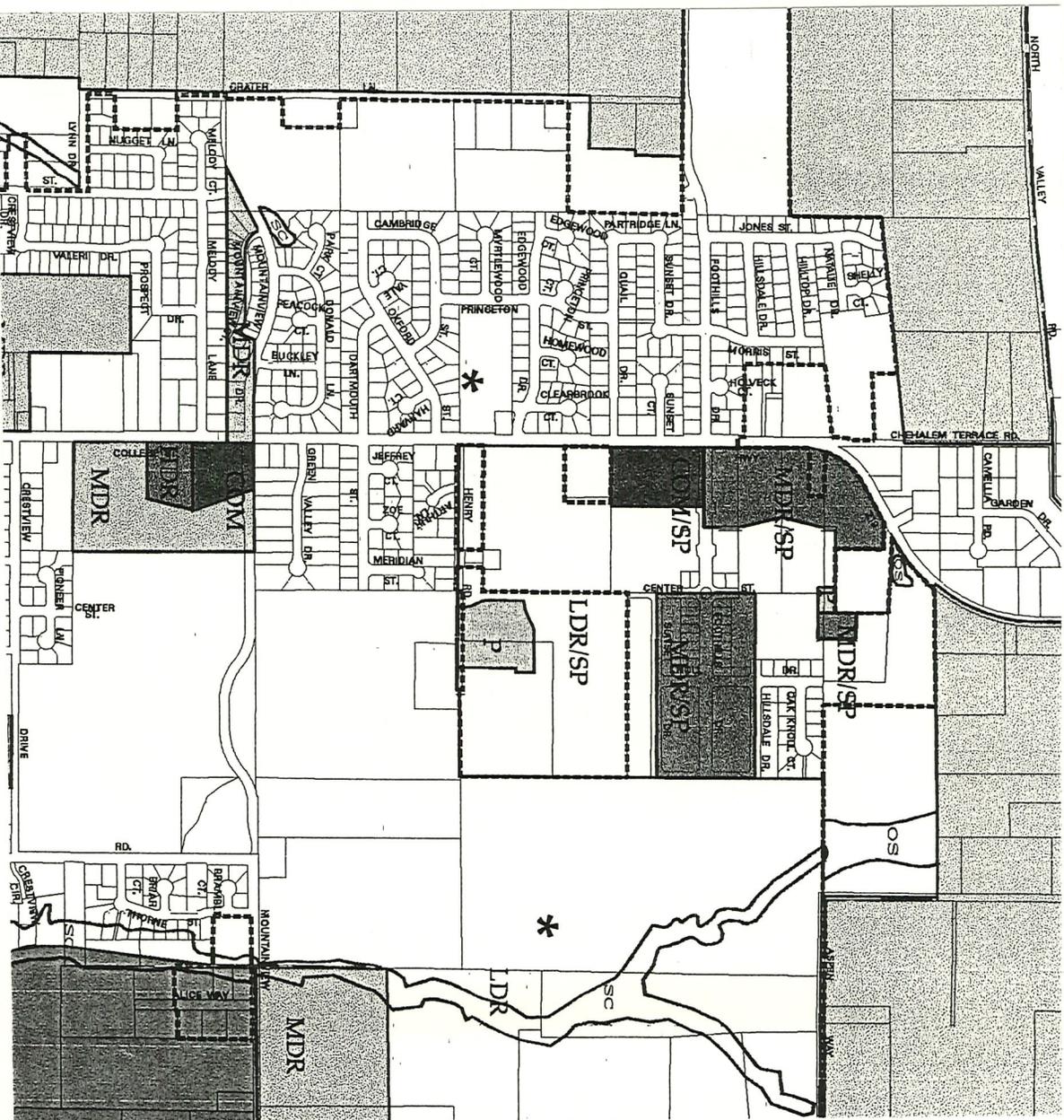
4-1-31

File: PUD-4-97/DR-95-97
Date: September 11, 1997

**EXHIBIT B
SITE MAP**

Tax Lot: 3207DA-105
Location: North of Quail
Dr., South of Foothills Drive
on N. College St.
Application By: Genesis
Healthcare





File: PUD-4-97/DR-95-97
Date: September 11, 1997

**ATTACHMENT D
 COMPREHENSIVE
 PLAN MAP**

Tax Lot: 3207DA-105
Location: North of Quail
 Dr., South of Foothills Drive
 on N. College St.
Application By: Genesis
 Healthcare

4-1-33

PLANNING COMMISSION STAFF REPORT

September 11, 1997

PREPARED BY: City of Newberg Planning Staff *AMM*
APPLICANT: City of Newberg
CONTACT: Barb Mingay, Planning Technician (537-1215)
REQUEST: Amendments to Newberg Development Code Sections 10.08, 10.10, 10.12, 10.14, and 10.34 relating to the land division process
FILE NO: File G-25-97

ATTACHMENTS: A. Reso. 97-73 w/findings and Exhibits to forward to Council

**Land Division Requirements
Amendments to Development Code Sections 10.08,
10.10, 10.12, 10.14 and 10.34.**

Criteria

The Planning staff has determined that the following criteria apply to the subject proposal. The Planning Commission or other interested parties should direct their comments to the criteria listed or state why they feel other criteria may apply.

Procedures for Comprehensive Plan Map and Zoning Map Amendments of Zoning Districts, Sub-districts and Land Use Regulations, Newberg Development Code, Section 10.20.030

The applicant must demonstrate compliance with the following criteria:

- (a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;
- (b) Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.

The Newberg City Council has the authority to make the final decision on this matter. The Planning Commission has an advisory role.

Request:

The City of Newberg requests amendments to Newberg Development Code Section 10.08, 10.10, 10.12, 10.14 and 10.34 dealing with Land Division processing.

Background and Discussion:

In December of 1996 the City Council approved several revisions to the Development Code. At that time, staff had presented revisions to the Land Division process that were later tabled. There was some reluctance by the City Council to amend the Land Division section since several of the City Council members were going to be replaced when the new Council was seated in January. In December of 1996 the Council had directed staff to return later with revisions and with the main focus on removing the hearings officer from the process.

The Code currently requires all land division appeals to go before a hearings officer rather than the Planning Commission. Subsequent appeals from the hearings officer would go into the court system (or LUBA).

At the July 10, 1997 Planning Commission meeting, Commissioners reviewed staff recommended amendments to the Development Code which would allow neighbors to request a public hearing during the noticing period, effectively converting the process from a Type II to a Type III. This would allow non-controversial projects to efficiently move forward but would give neighbors the opportunity to have a public hearing if they feel it is appropriate.

At the July 10, 1997 meeting, there was Planning Commission consensus to increase the noticing distance from 100 feet (as currently required) to 300 feet, to require Type II actions be advertised in a newspaper of general circulation, and to include language to allow anyone to request that a Type II decision be heard under the Type III process. The hearing was continued to the August 14, 1997 meeting, at which the Planning Commission again continued the hearing to the September 11, 1997 meeting.

Most of the proposed land division provisions have been included in Exhibit A of Resolution 97-73. Issues relating to noticing distance revisions have been addressed within Resolution 97-74, File G-28-97. If adopted, key points of the new process will include:

- o Type II application required for land division (partition and subdivision).
- o Applicants can request a Type III process instead of a Type II process.
- o Anyone can request a Planning Commission hearing during the notice period.
- o Appeals of Planning Commission decisions would go to City Council (no hearings officer).
- o Partitions and non-controversial projects are processed quickly and easily.
- o Subdivisions with Goal 5 Resources (ie: stream corridor) go directly to a Type III process.

Preliminary Staff Recommendation:

At this writing, the staff recommends the following motion:

- Move to adopt Planning Commission Resolution 97-73

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PLANNING COMMISSION RESOLUTION NO. 97-73

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG FORWARDING PROPOSED AMENDMENTS TO THE DEVELOPMENT CODE RELATED TO LAND DIVISION PROCESSING, SECTIONS 10.08, 10.10, 10.12, 10.14, and 10.34 (G-25-97).

WHEREAS, On June 12, 1997 the Planning Commission of the City of Newberg, initiated an application requesting development code text amendments relating to land division requirements.

WHEREAS, Notice was published in the Graphic Newspaper on June 25 and July 2, 1997, which is at least ten days prior to the public hearing before the Planning Commission on July 10, 1997.

WHEREAS, On July 10, 1997 a hearing was held by the Newberg Planning Commission and the Planning Commission considered all evidence, testimony, and findings submitted; closed the public testimony portion of the hearing; deliberated on the proposed ordinance; requested that staff bring back revisions to the proposed amendments; and the hearing was continued to the August 14, 1997 meeting.

WHEREAS, On August 14, 1997 the Planning Commission continued the hearing to the September 11, 1997 meeting.

WHEREAS, On September 11, 1997 the Planning Commission further deliberated on the proposed amendments.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it forwards the attached Exhibit "A" to the Council with a recommendation to approve the proposed changes in Development Code Sections 10.08, 10.10, 10.12, 10.14 and 10.34 relating to land division.

DATED this ____ day of _____, 1997.

AYES: **NAYS:** **ABSTAIN:** **ABSENT:**

ATTEST:

Planning Commission Secretary

Richard Waldren
Planning Commission Chair

Exhibits to be forwarded to Council:

Exhibit A: Development Code Text amendments
Exhibit B: Findings

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V11-1-4

Exhibit "A"

Note: the following is an "inter-lineated" version of the proposed changes to the Development Code dealing with Section 10.06, 10.08, 10.10, 10.14, and 10.34 which relate to land division procedures. Additions are shown in italics and deletions are shown in strike out.

10.06 DEFINITIONS

10.06.010 Definitions

Abut. Contiguous to; for example, two lots with a common property line.

Access. The place, means or way by which pedestrians or vehicles shall have safe, adequate and usable ingress and egress to a property, use or parking space.

Accessory building. Any detached subordinate building the use of which is incidental, appropriate, and subordinate to that of the main building and separated from the main building by at least five (5) feet. Buildings less than five (5) feet from the main building shall be considered to be attached to the main building.

Accessory use. A use incidental and accessory to the primary use of the lot or a building located on the same lot.

Access Way. A drive or roadway which provides vehicular access within a mobile home park.

Adjustment. A limited adjustment to provisions of this Code dealing with setbacks, spacing of trees, lot area, coverage, lot dimensions, parking, signs, and vision clearance (See also Variance).

Affected Party, Type I Applications. The person or party submitting the application.

Affected Party, Type II Application. The applicant, any party entitled to receive notice of the decision, anyone providing written comments within 14 days of the date of the notice, or anyone providing written comments prior to the decision.

~~Affected Party, Type II-A Application. The applicant, and anyone providing written comments within 14 days of the date of the notice.~~

Affected Party, Type III Application. The applicant, any party entitled to receive notice of the hearing, anyone providing written or oral comments at the hearing, anyone providing written comments prior to the close of the hearing, or any Planning Commissioner or City Council Member.

10.08 PROCEDURE TYPES AND DETERMINATION OF PROPER PROCEDURE

10.08.010 Procedures for Processing Development Permits

All development permits shall be classified as one of the following: Type I, Type II, ~~Type II-A~~, Type III, or Type IV procedures.

10.08.020 Type I Procedure - Administrative Decision

- (1) Type I development actions shall be decided by the Director without public notice or public hearing. Notice of a decision shall be provided to the applicant.
- (2) Type I actions include, but are not limited to:
 - (A) Design review permits for single family dwellings, duplexes, additions, accessory structures, or other additions specifically listed in 10.28.020 (1)(A).
 - (B) Home Occupation permits.
 - (C) Signs, not in conjunction with a new development or major remodel.
 - (D) Adjustments
 - (E) Processing final land division maps and plats.
 - (F) Determining compliance with the conditions of approval for a land use action processed under a Type II, ~~Type II-A~~, or Type III procedure.
- (3) A Type I decision may be appealed by an Affected Party, Type I in accordance with Chapter 10.12.
- (4) The Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Newberg Comprehensive Plan and this Code. The Director may add conditions to the permit to ensure compliance with all requirements of this Code, the Comprehensive Plan and other relevant policies and regulations.

10.08.030 Type II Procedure - *Except Subdivisions*

- (1) Type II development actions shall be decided by the Director.
- (2) Type II actions include, but are not limited to:
 - (A) Site Design Review.
 - (B) Variances.
 - (C) Manufactured Home Parks and Mobile Home Parks.

(D) *Partitions consisting of three or less new lots.*

- (3) The City shall provide notice pursuant to the requirements of Chapter 10.14.
- (4) The Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of this Code. The Director may add conditions to the permit to ensure compliance with all requirements of this Code.
- (5) Appeals may be made by an Affected Party, Type II in accordance with Chapter 10.12. All Type II development action appeals shall be heard and decided by the Planning Commission.
- (6) If the Director's decision is appealed as provided in subsection (5), the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in 10.08.040.
- (7) The decision of the Planning Commission on any appeal may be further appealed to the City Council by an Affected Party, Type III in accordance with Chapter 10.12 and shall be a review of the record supplemented by written or oral arguments relevant to the record presented by the parties.
- (8) An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedure.

10.08.035 ~~Type II-A Procedure - Land Division - Subdivisions~~

- (1) ~~Type II-A development actions~~ *subdivisions* shall be decided by the Director *unless a hearing is requested pursuant to 10.08.035(7)*. In order to qualify as a ~~Type II-A development action~~, *subdivision*, the applicant shall demonstrate that the following criteria have been satisfied:
 - (A) The land must be exclusively zoned for residential uses and be fully within the Urban Growth Boundary.
 - (B) The land is solely for purposes of residential use, including recreational or open space uses accessory to residential use.
 - (C) The land does not include areas which contain Goal 5 Resources which are mapped and designated in the Comprehensive Plan and land use regulations. These resources include but are not limited to open spaces, scenic and historic areas, and natural resources.
 - (D) The proposed land division complies with the minimum street connectivity standards specifically identified in 10.60.
 - (E) The proposed land division provides enough lots or parcels to allow building residential units at eighty (80) percent or more of the maximum net density permitted in the zoning designation on the site.
- (2) ~~Type II-A actions~~ *subdivisions* are limited to:

~~(A) Partitions.~~

~~(B)(A) Subdivisions meeting the criteria in 10.08.035 (1).~~

~~(C)(B) Future Street Plans filed in conjunction with a ~~partition or~~ subdivision.~~

- (3) The City shall provide notice pursuant to the requirements of Chapter 10.14.
- (4) The Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of this Code. The Director may add conditions to the permit to ensure compliance with all requirements of this Code.
- (5) Appeals may be made by an Affected Party, Type II-A in accordance with Chapter 10.12. All Type II-A development action- *subdivision* appeals shall be heard and decided by a ~~Hearings Officer~~: *the Planning Commission*.
- ~~(6) Decisions of the Hearings Officer may only be appealed to the Court of Appeals.~~
- ~~(7)(6)~~ (6) An applicant shall have the option to request, at the time the development permit application is submitted, that the proposal be reviewed under the Type III procedure.
- (7) *During the 14 day notice period provided in 10.14, anyone may request that a hearing be held before the Planning Commission. The Type II subdivision then becomes converted to a Type III process with the Planning Commission serving as the approval body rather than the Director. Requests to hold a hearing must be submitted in writing prior to the close of the noticing period and must include the following.*
 - (A) *The hearing fee, as set by resolution of the City Council.*
 - (B) *An identification of the item that a hearing is requested on (either by file number or general description), a statement indicating why the interested person seeking a hearing is an affected party, an identification of the issues that should be addressed, and a statement indicating why the decision should be made by the Planning Commission rather than the Director.*

10.08.040 Type III Procedure - Quasi-Judicial Hearing

- (1) All Type III decisions shall be heard and decided by the Planning Commission. The Planning Commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the City Council.
- (2) Type III actions include, but are not limited to:
 - (A) An appeal of a Type I or Type II decision. This action of the Planning Commission is a final decision unless appealed to the City Council.
 - (B) Future Street Plan, where the review is in conjunction with a Type III review of a

Subdivision or where the review is processed independently. This action is a final decision unless appealed.

- (C) Conditional Use Permits. This action is a final decision unless appealed.
 - (D) Planned Unit Developments. This action is a final decision unless appealed.
 - (E) Substantial change to the exterior appearance of a Historic Landmark. This action is final unless appealed.
 - (F) Establishment of a Historic Landmark. This is a final decision by the Planning Commission, unless appealed.
 - (G) Establishment of a Historic Landmark Subdistrict. This is a recommendation to the City Council.
 - (H) Comprehensive Plan Map Amendments. This action is a recommendation to the City Council.
 - (I) Zoning Map Amendments and designation of Sub-districts. This action is a recommendation to the City Council.
 - (J) Annexation. This action is a recommendation to City Council.
 - (K) Sign Program. This action is a final decision unless appealed.
 - (L) Subdivisions *that either* :
 - (A) Do not ~~meeting~~ *meet* the criteria in 10.08.035(1) or
 - (B) ~~Subdivisions subdivisions~~ *Subdivisions* proposed for Type III review by the applicant *or*
 - (C) *Subdivisions which are converted from a Type II to a Type III process pursuant to 10.08.035(7).*
- (3) Planning Commission Decisions and Recommendation Actions.
- (A) Planning Commission Decision. Development actions shall be decided by the Planning Commission for those land use actions that require a Type III procedure and do not require the adoption of an ordinance. The decision shall be made after public notice and a public hearing is held in accordance with the requirements of Chapter 10.10. A Type III decision may be appealed to the City Council by a Type III, Affected Party in accordance with Chapter 10.12
 - (B) Planning Commission Recommendation to City Council. Land use actions that would require the adoption of an ordinance shall be referred to the City Council by the Planning Commission together with the record and a recommendation. The recommendation shall be made after public notice and a public hearing is held in accordance with the

requirements of Chapter 10.10.

- (4) City Council Action. If a recommendation to the City Council is required, the matter shall be reviewed by the City Council as a New Hearing. The final decision on these actions is made by the City Council.
- (5) The City shall provide notice pursuant to Chapter 10.14.
- (6) The Hearing Body may attach certain conditions necessary to ensure compliance with this Code.
- (7) If the application is approved, the Director shall issue a building permit when the applicant has complied with all of the conditions and other requirements of this Code.

10.08.050 Type IV Procedure - Legislative

- (1) Type IV actions are legislative. The Planning Commission shall hold a public hearing and make a recommendation to the City Council. The City Council shall hold another public hearing and make a final decision.
- (2) Legislative actions include, but are not limited to:
 - (A) Amendments to the Newberg Comprehensive Plan text;
 - (B) Amendments to the Newberg Development Code;
 - (C) The creation of any land use regulation;
- (3) The public hearing before the Planning Commission shall be held in accordance with the requirements of this Code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to Chapter 10.14).
- (4) Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the Planning Commission shall make findings for each of the applicable criterion.
- (5) The City Council shall conduct a New Hearing pursuant to this Code. At the public hearing, the staff shall present the report of the Planning Commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the Planning Commission.
- (6) To the extent that a finding of fact is required, the City Council shall make a finding for each of the applicable criterion and in doing so may sustain or reverse a finding of the Planning Commission. In granting an approval, the City Council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the City Council determines that the conditions are necessary to fulfill the approval criteria.
- (7) The City Council's decision shall become final upon the effective date of the ordinance or resolution.

10.08.060 Legislative Enactments Not Restricted

Nothing in this Code shall limit the authority of the City Council to make changes to the Newberg Comprehensive Plan and/or implementing ordinances as part of an extensive revision of the Comprehensive Plan and/or implementing ordinances.

10.08.070 Determination of Proper Procedure Type

- (1) The Director shall determine the proper procedure for all development actions. If there is a question as to the appropriate type of procedure, the Director shall resolve it in favor of the higher procedure type number.
- (2) An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by this Code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to subsequent lower numbered procedure.

10.10 PROCESSING TYPE I - IV DEVELOPMENT ACTIONS

10.10.010 Development Permit Application

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

- (1) A completed development permit application form.
- (2) Proof that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has the consent of all owners of the affected property.
- (3) Other information required by this Code.
- (4) The applicable fees.

10.10.020 Submission and Acceptance of Applications for Limited Land Use Decisions and Land Use Decisions

- (1) A decision on a development permit application, including all local appeals, shall be completed within 120 days of the date the application is found to be complete. If the City fails to meet the 120 day time period, the applicant may file a writ of mandamus with the circuit court of Yamhill County to compel the City to issue the approval. The 120 day time period can be extended upon the request of the applicant. The 120 day time period only applies to decisions wholly within the authority of the City and does not apply to amendments to the Newberg Comprehensive Plan Text, adoption of land use regulations, or adoption of a new land use regulation that is forwarded

to the director of the Department of Land Conservation and Development.

- (2) Applications shall be submitted to the office of the Director. The date of submission shall be indicated on the material submitted. The Director shall determine whether the application is complete or incomplete. Acceptance of an application only represents an acceptance of the information for review. If the Director determines that the application is incomplete, the Director shall provide the applicant with a complete list of the information that needs to be submitted to complete the application. An applicant shall have 180 days to submit the necessary information to complete the application. If the Director fails to determine whether the application is complete or incomplete; or, if the applicant refuses in writing to submit additional information required by the Director, the application will be considered complete for review on the 31st day after the Director received the application. Resubmitted applications shall be subject to another 10 day completeness check. If the applicant does not submit the required information within the 180 day period and does not in writing refuse to do so, the Director shall make findings and issue a decision, according to the Type I procedure, that the application is denied based upon the lack of information necessary to complete the review.
- (3) If an applicant either (1) refuses in writing to submit the additional information requested by the Director or (2) submits the information but the Director determines that it is incomplete, the application will be considered complete on the 31st day after the Director received the application. The application shall then be processed in accordance with the provisions of this Code. However, the Planning Commission must make a finding that the application is in fact complete or the Planning Commission may either deny the application based on insufficient information or continue the hearing in order to allow the applicant time to provide the additional information that was requested.
- (4) When a development permit application is complete, the Director shall accept it and note the date of acceptance. The City's review of an application will be based on the applicable standards and criteria that were in effect at the time the application was first submitted.

10.10.025 — Submission and Acceptance of Applications for Land Divisions

- ~~(1) Within 21 days of receipt of an application for a Type II-A permit, the Director shall make a determination as to whether the application is complete. If no written determination is provided to the applicant within this time period, the application shall be deemed complete on the 22nd day after submittal. If the applicant is notified in writing of missing or incomplete information, the application shall be deemed complete either: (1) the day of receipt of all of the missing information in a complete form, or (2) the day of receipt of a written statement from the applicant which refuses to submit the requested information. The applicant shall have 180 days to submit the requested information. If the applicant does not submit required information within the 180 day period and does not in writing refuse to do so, the Director shall make findings and issue a decision, according to the Type I procedure, that the application is denied based upon the lack of information necessary to complete the review.~~
- ~~(2) The Director shall approve or deny the development permit for a Type II-A action within 63 days of accepting a complete permit application. After seven (7) days notice to the applicant, the Planning Commission may extend the 63-day time period based on a finding that an unexpected or extraordinary increase in applications makes action within the 63-day time period~~

~~impracticable. In no case shall the extension be to a date more than 120 days after the application was deemed complete. If the City fails to meet the 63-day or 120-day time period, the applicant may file a writ of mandamus with the circuit court of Yamhill County to compel the City to issue the approval. Any extensions requested by the applicant shall extend the 63-day and 120-day time periods.~~

- ~~(3) When a development permit application is complete, the Director shall accept it and note the date of acceptance. The City's review of an application will be based on the applicable standards and criteria that were in effect at the time the application was first submitted.~~

10.10.030 Responsibility of Director

The Director shall:

- (1) Determine the type of procedure to be used in accordance with the provisions of this Code.
- (2) Schedule development permit applications for review and/or hearing.
- (3) Provide notice for Type II, ~~H-A~~, III, and IV development permit applications.
- (4) Prepare minutes for Type III, and IV proceedings to include the decision on the matter heard and the reasons for the decision.
- (5) Mail a copy of the decision to those required by this Code to receive such information.

10.10.040 Referral of Development Permit Applications

Within five working days of accepting an application, the Director shall do the following:

- (1) On Type I procedures, the Director is only required to make referrals to the extent necessary to make a decision on the development permit.
- (2) On Type II, ~~Type H-A~~ and Type III procedures, the Director shall transmit a copy of the application, or appropriate parts of the application, to each affected agency and City department for review and comment, including those responsible for determining compliance with state and federal requirements. The affected agencies and City departments shall have 15 calendar days to comment. The referral agency or City department is presumed to have no comments if comments are not received within the specified time period. The Director shall grant an extension only if the application involves unusual circumstances. Any extension shall only be for a maximum of 15 additional days.
- (3) On Type IV procedures, the Director shall provide referrals in compliance with state law and as otherwise determined by the City.

10.10.050 Permit Decision - Type I

- (1) The Director shall approve or deny the development permit for Type I action within 60 days of accepting a complete permit application.
- (2) The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.
- (3) The Director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of the Newberg Comprehensive Plan and this Code.
- (4) The Director shall deny the permit application if required approvals are not granted or the application otherwise fails to comply with Code requirements.
- (5) The Director shall notify the applicant of the disposition of the application. The notice shall indicate that the decision is final unless appealed by the applicant. The notice shall describe the right of appeal pursuant Chapter 10.12.

10.10.060 Permit Decision - Type II

- (1) The Director shall approve or deny the development permit for a Type II action within 60 days of accepting a complete permit application, *unless it is a subdivision which has been converted to a Type III process pursuant to 10.08.035(7)*.
- (2) The Director shall provide notice pursuant to Chapter 10.14 together with a 14-day comment period for the submission of written comments prior to the decision.
- (3) The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.
- (4) The Director shall notify the applicant and others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Chapter 10.12. A decision on a Type II development shall take effect on the fifteenth day following the notice of a decision unless an appeal is filed pursuant to Chapter 10.12.
- (5) Approval or denial of a Type II development permit application shall be accompanied by written findings that explain the criteria, facts and justification for the decision.
- (6) The Director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of this Code. The Director may add conditions to the permit to ensure compliance with all requirements of this Code.
- (7) The Director shall deny the permit application if required approvals are not obtained or the application otherwise fails to comply with Code requirements.

611-1-14

- (8) Notice of approval or denial of a Type II decision shall be provided to the applicant, parties providing written testimony, or anyone requesting such notice. Notice shall include a description of the item, the decision, conditions that may have been added, and the rights of appeal.
- (9) Type II applications are required to be reviewed under the Type III procedures at the request of the applicant, *or the application is a subdivision which has been converted to a Type III process pursuant to 10.08.035(7)*, or through an appeal of the Director's decision. Type II development permit applications that require a Type III procedure must conclude the hearing procedure before a land use or construction permit application can be considered to be complete by the Director. Upon receiving a final decision by the hearing body on a Type III application, the subsequent review of a permit application may be reviewed by the Director as a Type I process.

~~10.10.070 — Permit Decision - Type II-A~~

- ~~(1) The Director shall provide notice pursuant to Chapter 10.14 together with a 14-day comment period for the submission of written comments prior to the decision.~~
- ~~(2) The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.~~
- ~~(3) The Director shall notify the applicant and others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Chapter 10.12. A decision on a Type II-A development shall take effect on the fifteenth calendar day following the notice of a decision unless an appeal is filed pursuant to Chapter 10.12.~~
- ~~(4) Approval or denial of a Type II-A development permit application shall be accompanied by written findings that explain the criteria, facts and justification for the decision.~~
- ~~(5) The Director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of this Code. The Director may add conditions to the permit to ensure compliance with all requirements of this code.~~
- ~~(6) The Director shall deny the permit application if required approvals are not obtained or the application otherwise fails to comply with Code requirements.~~
- ~~(7) Notice of approval or denial of a Type II-A decision shall be provided to the applicant, parties providing written testimony, anyone entitled to notice under Chapter 10.14, or anyone requesting such notice. Notice shall include a description of the item and the outcome of the decision.~~
- ~~(8) Type II-A applications are required to be reviewed under the Type III procedures at the request of the applicant. Type II-A development permit applications that require a Type III procedure must conclude the hearing procedure before a land use or construction permit application can be considered to be complete by the Director. Upon receiving a final decision by the hearing body on a Type III application, the subsequent review of a permit application may be reviewed by the Director as a Type I process.~~

10.10.080 Decision, Findings and Order - Type III and IV

- (1) Following the hearing for review of a development permit, the hearing body shall approve, conditionally approve, or deny the application. If the hearing is an appeal, the hearing body shall affirm, reverse, or remand the decision that is on appeal.
 - (2) The hearing body shall prepare written findings of fact and an order which shall include:
 - (A) A statement of the applicable criteria against which the proposal was tested.
 - (B) A statement of the facts that the hearing body found establishing compliance or noncompliance with each applicable criteria and assurance of compliance with applicable standards.
 - (C) The reasons for a conclusion to approve or deny.
 - (D) The decision to approve the proposed change with or without conditions; or, the decision to deny the proposed change.
 - (3) The Director shall notify the applicant and others entitled to notice of the disposition of the application. This shall include the applicant, anyone providing written testimony prior to the close of the hearing, anyone providing oral testimony at the hearing, or anyone requesting such notice. The notice shall include a description of the item, indicate the date that the decision will take effect and describe the right of appeal pursuant to Chapter 10.12.
-

10.12 APPEALS

10.12.010 Appeal Procedures

- (1) Type I. An appeal of a Type I decision by the Director may be appealed within 14 calendar days of the date of the decision by the Director. Appeals may be made only by an Affected Party, Type I (the person or party submitting the application). Appeals of a Type I application are processed as a Type III Procedure and proceed to the Planning Commission.
- (2) Type II. An appeal of a Type II decision by the Director may be appealed within 14 calendar days of the date of the decision. Appeals may be made only by an Affected Party, Type II (the applicant, any party entitled to receive notice of the decision, or anyone providing written comments within 14 calendar days prior to the date of the decision). Appeals of a Type II application are processed as a Type III Procedure and proceed to the Planning Commission.
- ~~(3) Type II-A. An appeal of a Type II-A decision by the Director may be appealed within 14 calendar days of the date of the decision. Appeals may be made only by an Affected Party, Type II-A (the applicant or anyone providing written comments within 14 calendar days prior to the date of the decision). Appeals of Type II-A applications are decided by a Hearings Officer. Subsequent appeals of the Hearings Officer's decision proceed to the Court of Appeals.~~

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- (3) Type III. An appeal of a Type III decision by the Planning Commission may be appealed within 14 calendar days of the notice of the decision. Appeals may be made only by an Affected Party, Type III.

10.12.020 Notice of Appeal, Type I, II, and III

- (1) An appeal for Type I, II, and III decisions shall include an identification of the decision sought to be reviewed, the date of the decision and shall be accompanied by a Notice of Appeal form provided by the Community Development Department. The Notice of Appeal shall be completed by the applicant and shall contain:
- (A) An identification of the decision sought to be reviewed, including the date of the decision.
 - (B) A statement of the interest of the person seeking review and that they were a party to the initial proceedings.
 - (C) A detailed statement of the specific grounds on which the appeal is filed.
- (2) Notice shall be filed with the Community Development Department together with the filing fee and deposit for transcript costs.

~~10.12.025 Notice of Appeal, Type II-A~~

- ~~(1) Appeals of Type II-A decisions shall be accompanied by a Notice of Appeal form provided by the Community Development Department. The Notice of Appeal shall be completed by the applicant and shall contain:~~
- ~~(A) An identification of the decision sought to be reviewed, including the date of the decision.~~
 - ~~(B) A statement of the interest of the person seeking review and that they were a party to the initial proceedings.~~
 - ~~(C) A detailed statement of the specific grounds on which the appeal is filed.~~
- ~~(2) Notice shall be filed with the Community Development Department together with the filing fee.~~
- ~~(3) Appeals shall be based solely on allegations:~~
- ~~(A) Of violation of the substantive provisions of the applicable land use regulations;~~
 - ~~(B) Of unconstitutionality of the decision;~~
 - ~~(C) That the application is not eligible for review as an expedited land division; or~~

~~(D) That the parties' substantive rights have been substantially prejudiced by an error in procedure by the local government.~~

10.12.030 Scope of Review

- (1) The initial appeal of a Type I or Type II decision shall be a New Hearing. Any second appeal to the City Council of a Type I or Type II decision shall be a Record Hearing. Appeal of a Type II decision must be based on the written comments raised prior to the expiration notice comment period pursuant to 10.14.030.
- (2) Type III actions that require an ordinance to be adopted in order to become effective shall be reviewed by the City Council as a New Hearing. The City Council shall receive the recommendation from the Planning Commission to the City Council on these actions. The action will not be considered final for the purpose of appeals, until a final decision is rendered by the City Council.
- (3) The scope of review for an appeal of a Type III decision that does not require the adoption of an ordinance shall be a Record Hearing.
- (4) The record shall include:
 - (A) A factual report prepared by the Director.
 - (B) All exhibits, material, pleadings, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the decision under review.
 - (C) The transcript of the hearing and a detailed summary of the evidence.

10.12.040 Review Body Decision on Appeal of a Type I, II, or III

- (1) Upon review, the review body may by order affirm, reverse, or modify in whole or in part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of a hearing body, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter to the hearing body for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.
- (2) The review body shall render its decision no later than 45 days after the filing of the request for review and shall file that decision with the Director within 10 days after it is rendered.
- (3) A party aggrieved by the final determination may appeal the decision to the Land Use Board of Appeals.

~~**10.12.045 Review Body Decision on Appeal of a Type II-A**~~

- ~~(1) Type II-A appeals are decided by a Hearings Officer. The Hearings Officer shall follow the procedure identified below.~~

- ~~(A) Within seven (7) days of being appointed to decide the appeal, the Hearings Officer shall notify the applicant and those entitled to notice under 10.14.020. or anyone providing written comments during the 14-day noticing period. The Hearings Officer shall advise them in the manner that they may participate in the appeal. A person or organization that provided written comments to the City but did not file an appeal may participate only with respect to the issues raised in the written comments submitted by that person or organization.~~
- ~~(B) The Hearings Officer shall use a procedure adopted by resolution of the City Council which provides a fair opportunity to present information and argument by the parties involved.~~
- ~~(C) The Hearings Officer may consider new information that was not previously part of the record.~~
- ~~(D) The Hearings Officer shall apply the criteria contained in Chapter 10.34.~~
- ~~(E) The Hearings Officer may (1) remand the application for consideration as a Type II or Type III application if it does not qualify as a Type II-A application, (2) approve the application with the same or new conditions, (3) or deny the application based on inability to meet the criteria contained in Chapter 10.34. The Hearings Officer may not remand the application back to the Planning Commission or the Director.~~
- ~~(F) The Hearings Officer shall issue a written decision within 42 days of the filing of an appeal.~~
- ~~(G) The Hearings Officer shall assess the cost of the appeal.~~

10.14 NOTICE

10.14.010 General

Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this chapter.

10.14.020 Mailed Notice

Mailed notice shall be provided as follows:

- (1) Type I Actions. No public notice is required because no public hearing is required.
- (2) Type II, ~~Type II-A~~ and Type III Actions. Public notice shall be provided to:
 - (A) The applicant; and
 - (B) Owners of property within 100 feet of the entire site for which the application is made.

The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the Director can provide an affidavit or other certification that such notice was deposited in the mail.

- (C) To the owner of a public use airport, subject to the provisions of O.R.S. 215.416 or 227.175.
- (3) The Director may provide notice to people other than those required in this section if the Director believes they are affected or otherwise represent an interest that may be affected by the proposed development. This includes, but is not limited to, neighborhood associations, other governmental agencies, or other parties the Director believes may be affected by the decision.
- (4) All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first.
- (5) The notice of a Type II, ~~H-A~~, and Type III development application shall be reasonably calculated to give actual notice and shall:
 - (A) Set forth the street address or other easily understood geographical reference to the subject property;
 - (B) List, by commonly used citation, the applicable criteria for the decision;
 - (C) Include the name and phone number of a local government contact person, the telephone number where additional information may be obtained and where information may be examined;
 - (D) Explain the nature of the application and the proposed use or uses which could be authorized;
 - (E) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.

10.14.030 Additional Notice Procedures of Type II and ~~Type H-A~~ Development Applications

In addition to the requirements of 10.14.020, mailed notice for development actions shall also contain the following:

- (1) Provide a 14-day period for the submission of written comments prior to the decision;
- (2) State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- (3) State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- (4) State the place, date and time that comments are due;

- (5) State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (1) above;
- (6) Briefly summarize the local decision-making process.
- (7) *Type II notice for subdivisions shall also include a description of how an interested party may request a public hearing before the Planning Commission.*

10.14.040 Additional Notice Procedures for Type III Quasi-Judicial Hearing

In addition to the requirements of 10.14.020, mailed notice for Type III development actions shall also contain the following:

- (1) State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final New Hearing on the proposal before the City. Such issues shall be raised with sufficient specificity so as to afford the hearing body, and the parties an adequate opportunity to respond to each issue;
- (2) State the date, time and location of the hearing;
- (3) State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;
- (4) Be mailed at least:
 - (A) Twenty days before the first New Hearing; or
 - (B) If two or more New Hearings are allowed, 10 days before the first New Hearing;
- (5) State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;
- (6) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

10.14.045 Additional Notice for Type III, Quasi-Judicial Hearings for Annexations

In addition to notice requirements in 10.14.020 and 10.14.040, annexations are required to be published each week for two consecutive weeks prior to the day of the first New Hearing before the City Council, in a newspaper of general circulation in the City, and shall also be noticed by posting notice of the hearing in four public places in the City for a like period.

10.14.050 Notice Procedures for Type IV Legislative Hearing

- (1) There is no requirement for mailed notice to property owners or posting of property.
- (2) Notice shall be provided to the Department of Land Conservation and Development as follows:

- (A) When LCDC goals apply. When the City determines that the statewide Land Conservation and Development goals do apply to a proposal to amend the Newberg Comprehensive Plan, this Code, or adoption of a new land use regulation, the proposal shall be forwarded to the director of the Department of Land Conservation and Development at least 45 days before the final hearing on adoption. The proposal shall contain the text and any supplemental information that the City believes is necessary to inform the director as to the effect of the proposal.
- (B) When emergency circumstances require expedited review. The City may submit an amendment or new regulation to the director of the Department of Land Conservation and Development with less than 45 days notice if the City determines that there are emergency circumstances requiring expedited review.
- (C) When LCDC goals do not apply. When the City determines that the statewide Land Conservation and Development goals do not apply to a proposal to amend the Newberg Comprehensive Plan, this Code, or adoption of a new land use regulation, notice to the director of the Department of Land Conservation and Development is not required.

10.14.060 Procedure for Posted Notice for Type III Procedures

Posted notice is required for all Type III procedures. The posted notice shall be posted at least along each street frontage in a conspicuous place within the area containing affected property under review. Posted notice for Type III decisions shall be posted at least ten (10) days before the first Planning Commission hearing on the item.

10.14.070 Procedure for Published Notice on Type III and Type IV Procedures (Except Annexations)

- (1) Notice shall be provided within a newspaper of general circulation within the City at least ten (10) days prior to the first public hearing on the action.
- (2) The notice shall reasonably describe:
 - (A) Type III proceedings. The proposed development permit request, location, file number, the name and phone number of a local government contact person and the location where information may be examined.
 - (B) Type IV proceedings. The nature of the proposed final action of an amendment to the Newberg Comprehensive Plan, Code or new land use regulation.
- (3) The notice shall include a statement that all interested persons may appear and provide testimony and that only those persons who participate either orally or in writing in the hearing proceedings leading to the adoption of the action may appeal the decision.
- (4) The notice shall state the place, date and time of the hearing.
- (5) See 10.14.045 for Type III Notice for Annexations.

10.34 LAND DIVISION PROCEDURES

10.34.010 Division of Land

No land may be divided without first obtaining a development permit.

- (1) No land may be divided prior to approval of a partition or subdivision in accordance with this Code.
- (2) A land division is processed by approving a tentative plan prior to approval of the final land division plat or map. Land divisions shall be processed under the Type II-~~A~~ procedure *unless a hearing is requested pursuant to 10.08.035(7)*. These procedures shall apply to the tentative plan approval. If there is compliance with the approved tentative plan requirements and conditions, the Director shall approve final plats and maps for land divisions as a Type I development permit.

10.34.020 Partition Requirements - Type II-A

The Director shall approve a partition of three parcels or less under a Type II-A procedure if the resulting parcels comply with the following approval criteria:

- (1) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the reasonable development of such remainder or adjoining land or access thereto.
- (2) The Partition complies with this Code and implementing ordinances and resolutions.
- (3) Either,
 - (A) Improvements as required by the City and this Code have been completed, and a certificate of fact has been filed with the Director; or
 - (B) A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the City has been filed with the Director in sufficient amount to insure the completion of all required improvements; or
 - (C) A petition for improvements has been properly executed by the partitioner who is effecting the partition and will be assessed for improvement.

10.34.030 Subdivision Requirements - Type II-A and Type III

The Director (Type II-A) or Planning Commission (Type III) shall approve a Subdivision of four (4) parcels or more under a Type II-A or Type III procedure if the resulting parcels comply with the following approval criteria:

- (1) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or adjoining land or access thereto.
- (2) The Subdivision complies with this Code including but not limited to Chapters 10.44, 10.50, and 10.60.
- (3) Either,
 - (A) Improvements as required by the City and this Code have been completed, and a certificate of fact has been filed with the Director; or
 - (B) A performance agreement (bond), or suitable substitute as agreed upon by the applicant and the City has been filed with the Director in sufficient amount to insure the completion of all required improvements; or
 - (C) A petition for improvements has been properly executed by the subdivider who is

effecting the subdivision and will be assessed for improvement.

A subdivision shall be processed under the Type II-A or Type III procedure. Notice shall be mailed to the applicant and those identified by this Code to receive notice.

10.34.040 Future Street Plan Required

- (1) A future street plan shall not be required for any portion of an area for which a proposed street layout has been established by either the Newberg Comprehensive Plan, its implementing ordinances, or a future street plan previously approved by a hearing body.
- (2) A future street plan is a conceptual plan in that its adoption does not establish a precise alignment. The plan shall demonstrate how access can be provided to adjoining parcels. The Director may require that a traffic analysis be required where access to the land division includes streets that are classified as a collector or greater functional classification status.
- (3) Except as provided in subsection (1), a future street plan shall be filed and reviewed as part of an application for a partition or subdivision.

10.34.050 Type III Future Street Plan

The City Council or Planning Commission may initiate a future street plan for any area which impacts traffic conditions inside the urban growth boundary, providing the street plan is given consideration through a Type III procedure.

10.34.060 Recording and Filing a Future Street Plan

Upon final approval, a future street plan shall be recorded with the County Recorder's Office as follows:

- (1) Evidence of recordation shall be provided to the Director by the applicant; or if there is no applicant, the Director shall record the Future Street Plan.
- (2) Filed by the Director in the future street plan index.

10.34.070 Revision of a Future Street Plan

An approved future street plan may be revised by the Director under a Type II-A procedure in conjunction with a land division application or by the Planning Commission under a Type III procedure. An approved future street plan may be revised by the City Council in conjunction with a revision of the Newberg Comprehensive Plan or implementing ordinances or resolutions.

10.34.080 Criteria for Approval of a Future Street Plan

- (1) Approval does not impede the future best use of the remainder of the property under the same ownership or adversely affect the safe and healthful development of such remainder or any adjoining land or access thereto; and
- (2) The future street plan complies with this Code and its implementing ordinances and resolutions.

- (3) Except as provided by the provisions of this Code, approval as stipulated herein does not relieve the applicant from other applicable provisions of Oregon Revised Statutes or contained elsewhere in this Code.
- (4) The future street plan shall adequately serve traffic with an origin in, and destination to, the area of the plan.
- (5) The future street plan shall provide for the logical extension of streets, to serve circulation, and access needs within a district or neighborhood.

10.34.090 Tentative Plan Expiration Date

Within one year following the effective date of the approval of a tentative land division plan, the final plat or final map shall be submitted to the Director and shall incorporate any condition or modification required by the tentative plan approval.

10.34.100 Extension of Partitions and Subdivisions

- (1) Partition Extension. The Director may, upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, grant a one time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the Director makes a finding that the circumstances have changed to a minor extent, through the Type II process the Director may add conditions to the Partition to bring the Partition into compliance with all current standards and ordinances and extend the expiration date for up to six months. If conditions have substantially changed the Director shall direct the applicant to refile the application for a new Partition.
- (2) Subdivision Extension. Upon written request of the applicant prior to the expiration of the approval and following the Type I procedure, the Director may grant a one time extension for an additional six months upon a written finding that the facts upon which the approval was based have not significantly changed. If the Director makes a finding that the circumstances have changed to a minor extent, through the Type II-A process, or Type III process, an extension may be granted. The Type II-A process shall be used if original approval was a Type II-A. The Type III process shall be used if the original approval was a Type III. The Director or Planning Commission may add conditions to the Subdivision to bring the Subdivision into compliance with all current standards and ordinances and extend the expiration date for up to six months. If conditions have substantially changed the Director shall direct the applicant to refile the application for a new Subdivision.
- (3) Phased Subdivisions. Each filing of a final plat (phase) shall extend the expiration of the tentative plan by 12 months from the date of its expiration or the date of the previously filed final plat, whichever is later. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through 10.34.100(2). The extension of a phase under 10.34.100(2) shall also extend any subsequent phases. The total number of extensions shall not extend the tentative plan more than 5 years from its approval.

10.34.110 Submission and Review of Final Plat or Final Partition Map

- (1) The final plat or final partition map shall be submitted to the Director for final approval. Through a Type I procedure, the Director shall determine whether the material conforms with the tentative plan approval requirements and with the applicable requirements of this Code. If the Director determines that the material does not conform, the applicant shall make corrections.
- (2) The Director shall determine that:
 - (A) Streets, roads, and alleys for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation of any such street or road and easements for public utilities.
 - (B) Streets and roads held for private use and indicated on the tentative plan of such subdivision or partition have been approved by the City.
 - (C) The proposal complies with this Code.
 - (D) The plat is in substantial conformity with the provisions of the tentative plan for the subdivision or partition, as approved.
 - (E) The plat contains a donation to the public of all common improvements, including but not limited to streets, roads, parks, sewage disposal and water supply systems.
 - (F) Explanations of all common improvements required as conditions of approval of the tentative plan of the subdivision or the partition have been accounted for and referenced on the plat.
 - (G) There will exist an adequate quantity and quality of water and an adequate sewage disposal system to support the proposed use of the land described in the plat.
 - (H) Either:
 - (a) Improvements as required by this Code or as a condition of tentative plan approval have been filed with the Director; or,
 - (b) A performance agreement (bond) or suitable substitute as agreed upon by the City and applicant has been filed with the Director in sufficient amount to insure the completion of all required improvements; or
 - (c) A petition for improvements has been properly executed by the applicant who is effecting the partition or subdivision and will be assessed for said improvements.
 - (I) Taxes, as well as public liens, assessments and fees, with respect to the subdivision area have been paid, or adequate guarantee has been provided assuring said taxes, liens, assessments and fees will be paid prior to recordation.
 - (J) The subdivider has entered into agreement with the City relating to completion of

improvements, payment of sewer and water hookup fees, inspection fees, public lands payments, monumentation or any other elements deemed relevant to the purpose of this or any other City ordinance, State statute or Federal law.

- (3) If the conditions set at the time of tentative land division approval are not fulfilled and the final plat or final map is not recorded by the tentative plan expiration date, the tentative land division approval is null and void.

10.34.120 Approval Signatures for Final Partition Map and Subdivision Plat

- (1) Approval of a final partition map, together with the effective date shall be noted in writing on the final map by the Director.
- (2) Approval of a final subdivision plat shall be acknowledged by including thereon the authorized signature of:
 - (A) The Director, whose signature shall certify that the final plat conforms to the conditions of tentative plan approval.
 - (B) The county assessor certifying that all taxes on the property have been paid or bonded for in accordance with state law.
 - (C) The County or City Surveyor, that the subdivision plat complies with applicable survey laws.
 - (D) The City recorder, whose signature shall certify that all liens on the property have been paid.
- (3) Deliver the approved subdivision plat to the office of the County Clerk for recording.
- (4) Return an exact copy of the recorded plat to the Director. The copy shall be made with permanent black india type ink or silver halide permanent photocopy on 3 millimeter polyester film.

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EXHIBIT "B"
FINDINGS OF FACT

Criterion: The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;

Response: The City Council finds that the proposed ordinance is consistent with and promotes the objectives of the Comprehensive Plan and the Development of the city by:

- (1) Fulfilling Oregon's Statewide Planning Goals through implementation of the City of Newberg Comprehensive Plan.
- (2) Maximizing citizen involvement in the annexation review process.
- (3) Establishing a process which provides an orderly and efficient transition from rural to urban land uses.
- (4) Developing a new process which provides decision makers with adequate information to analyze the impacts that an annexation would have on the City of Newberg.
- (5) Ensuring that an appropriate mix of land uses will be available for the City of Newberg to accommodate growth.

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

Response: Site specific property classifications are not affected by this ordinance and, therefore, this criterion is not applicable.

V11-1-30

PLANNING COMMISSION STAFF REPORT
September 11, 1997

PREPARED BY: City of Newberg Planning Staff *[Signature]*
APPLICANT: City of Newberg
CONTACT: Barb Mingay, Planning Technician (537-1215)
REQUEST: Amendments to Newberg Development Code Section 10.14 and related references dealing with noticing
FILE NO: File G-28-97

ATTACHMENTS:

A. Reso. 97-74 w/findings and Exhibits to forward to Council

**Noticing Requirements
Amendments to Development Code Sections 10.08,
10.10, and 10.14.**

Criteria

The Planning staff has determined that the following criteria apply to the subject proposal. The Planning Commission or other interested parties should direct their comments to the criteria listed or state why they feel other criteria may apply.

Procedures for Comprehensive Plan Map and Zoning Map Amendments of Zoning Districts, Sub-districts and Land Use Regulations, Newberg Development Code, Section 10.20.030

The applicant must demonstrate compliance with the following criteria:

- (a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;
- (b) Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.

The Newberg City Council has the authority to make the final decision on this matter. The Planning Commission has an advisory role.

Request:

The City of Newberg requests amendments to Newberg Development Code Section 10.14 and related sections dealing with noticing.

Background and Discussion:

At the June 12, 1997 meeting, the Planning Commission adopted Resolution 97-65 which initiated a hearing regarding amendments to the noticing provisions of the Development Code. At the July 10, 1997 public hearing (which was continued to August 14), there was Planning Commission consensus to increase the noticing distance from 100 feet (as currently required) to 300 feet. This would include both administrative permits (called Type II) and quasi-judicial permits (called Type III). Type IV permits (ie: Development Code or Comp. Plan text amendments) do not require direct noticing. Items affected are as follows:

1. Type II Design Review (which includes nearly all new construction),
2. Type II Variances,
3. Type II Land Division (partitions & subdivisions), and
4. Type III Use Permits, Rezoning, Annexations, and Comp. Plan Amendments plus some miscellaneous permits such as Historic Modifications.

At the August 14, 1997 meeting, the Planning Commission directed staff to include provisions requiring the applicants to post the site and to mail notices. All of these provisions have been included in Exhibit A of Resolution 97-74.

Preliminary Staff Recommendation:

The preliminary staff recommendation may be modified subsequent to the close of the public hearing. At this writing, the staff recommends the following motion:

- Move to adopt Planning Commission Resolution 97-74

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PLANNING COMMISSION RESOLUTION NO. 97-74

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG
FORWARDING PROPOSED AMENDMENTS TO THE DEVELOPMENT CODE RELATED TO
NOTICING (SECTIONS 10.08, 10.10, AND 10.14) FILE G-28-97.**

WHEREAS, On June 12, 1997 the Planning Commission of the City of Newberg, initiated an application requesting a comprehensive plan and development code text amendment relating to noticing requirements.

WHEREAS, Notice was published in the Graphic Newspaper on June 25 and July 2, 1997, which is at least ten days prior to the public hearing before the Planning Commission on July 10, 1997.

WHEREAS, On July 10, 1997 a hearing was held by the Newberg Planning Commission and the Planning Commission considered all evidence, testimony, and findings submitted; and the hearing was continued to the August 14, 1997 Planning Commission meeting.

WHEREAS, On August 14, 1997 the Planning Commission continued discussion of the proposal, testimony, and findings submitted; and directed staff to provide adoptable ordinance language; and the hearing was continued to the September 11, 1997 Planning Commission meeting.

WHEREAS, On September 11, 1997 the Planning Commission considered all evidence, testimony, and findings submitted; closed the public testimony portion of the hearing; and deliberated on the proposed ordinance.

NOW THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Newberg that it forwards the attached Exhibit "A" to the Council with a recommendation to approve the proposed changes in Development Code Sections 10.08, 10.10, and 10. 10.14 relating to noticing.

DATED this ___ day of _____, 1997.

AYES: **NAYS:** **ABSTAIN:** **ABSENT:**

ATTEST:

Planning Commission Secretary

Richard Waldren
Planning Commission Chair

Exhibits to be forwarded to Council:

Exhibit A: Development Code Text amendments

Exhibit B: Findings

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Exhibit "A"

Note: The following is an "inter-lineated" version of the proposed changes to the Development Code dealing with Section 10.14, which relates to noticing, and portions of Sections 10.08 and 10.10 containing references to Section 10.14. *Additions are shown in italics and deletions are shown in strike out.*

10.14 NOTICE

10.14.010 General

Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this chapter.

10.14.020 Mailed Notice

Mailed notice shall be provided as follows:

- (1) Type I Actions. No public notice is required because no public hearing is required.
- (2) Type II, Type II-A and Type III Actions. *The applicant shall provide p*Public notice ~~shall be provided~~ to:
 - (A) The ~~applicant~~ *owner of the site for which the application is made*; and
 - (B) Owners of property within ~~100~~ *300* feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll. For purposes of review, this requirement shall be deemed met when the ~~Director~~ *applicant* can provide an affidavit or other certification that such notice was deposited in the mail.
 - (C) To the owner of a public use airport, subject to the provisions of O.R.S. 215.416 or 227.175.
- (3) The Director may *request that the applicant* provide notice to people other than those required in this section if the Director believes they are affected or otherwise represent an interest that may be affected by the proposed development. This includes, but is not limited to, neighborhood associations, other governmental agencies, or other parties the Director believes may be affected by the decision.
- ~~(4) All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first.~~
- (4) *The Director shall provide the applicant with the following information regarding the mailing of notice:*

- (A) *The latest date by which the notice must be mailed;*
 - (B) *An affidavit of mailing (to be signed and returned) certifying that the notice was mailed, acknowledging that a failure to mail the notice in a timely manner constitutes an agreement by the applicant to defer the one hundred twenty day (120) day process limit and acknowledging that failure to mail will result in the automatic postponement of a decision on the application; and*
 - (C) *A sample notice.*
- (5) The notice of a Type II, II-A, and Type III development application shall be reasonably calculated to give actual notice and shall:
- (A) Set forth the street address or other easily understood geographical reference to the subject property;
 - (B) List, by commonly used citation, the applicable criteria for the decision;
 - (C) Include the name and phone number of a local government contact person, the telephone number where additional information may be obtained and where information may be examined;
 - (D) Explain the nature of the application and the proposed use or uses which could be authorized;
 - (E) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.
- (6) *Prior to mailing or posting any notice required by Section 10.40.020, the applicant shall submit a copy of the notice to the Director for review.*
- (7) *The applicant shall mail the notice for Type II and IIA actions at least fourteen (14) days before a decision is rendered. The applicant shall file with the Director an affidavit of mailing as identified in 10.14.020 (4) within two business days after notice is mailed.*
- (8) *The applicant shall mail the notice for Type III actions at least twenty (20) days before the first New Hearing, or if two or more New Hearings are allowed, ten (10) days before the first New Hearing. The applicant shall file with the Director an affidavit of mailing as identified in 10.14.020 (4) within two business days after notice is mailed.*
- (9) *All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. An affidavit of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the affidavit.*

(10) *Failure to mail the notice and affirm that the mailing was completed in conformance with the Code shall result in:*

- (A) *Postponement of a decision until the mailing requirements have been met; or*
- (B) *Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or*
- (C) *The entire process being invalidated; or*
- (D) *Denial of the application.*

10.14.030 Additional Notice Requirements Procedures of Type II and Type II-A Development Applications

In addition to the requirements of 10.14.020, mailed notice for development actions shall also contain the following:

- (1) Provide a 14-day period for the submission of written comments prior to the decision;
- (2) State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- (3) State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- (4) State the place, date and time that comments are due;
- (5) State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (1) above;
- (6) Briefly summarize the local decision-making process.

10.14.040 Additional Notice Requirements Procedures for Type III Quasi-Judicial Hearing

In addition to the requirements of 10.14.020, mailed notice for Type III development actions shall also contain the following:

- (1) State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final New Hearing on the proposal before the City. Such issues shall be raised with sufficient specificity so as to afford the hearing body, and the parties an adequate opportunity to respond to each issue;
- (2) State the date, time and location of the hearing;
- (3) State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;

~~(4) Be mailed at least:~~

~~(A) Twenty days before the first New Hearing; or~~

~~(B) If two or more New Hearings are allowed, 10 days before the first New Hearing;~~

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

(65) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings.

10.14.045 Additional Notice for Type III, Quasi-Judicial Hearings for Annexations

In addition to notice requirements in 10.14.020 and 10.14.040, annexations are required to be published each week for two consecutive weeks prior to the day of the first New Hearing before the City Council, in a newspaper of general circulation in the City, and shall also be noticed by posting notice of the hearing in four public places in the City for a like period.

10.14.050 Notice Procedures for Type IV Legislative Hearing

- (1) There is no requirement for mailed notice to property owners or posting of property.
- (2) Notice shall be provided to the Department of Land Conservation and Development as follows:
 - (A) When LCDC goals apply. When the City determines that the statewide Land Conservation and Development goals do apply to a proposal to amend the Newberg Comprehensive Plan, this Code, or adoption of a new land use regulation, the proposal shall be forwarded to the director of the Department of Land Conservation and Development at least 45 days before the final hearing on adoption. The proposal shall contain the text and any supplemental information that the City believes is necessary to inform the director as to the effect of the proposal.
 - (B) When emergency circumstances require expedited review. The City may submit an amendment or new regulation to the director of the Department of Land Conservation and Development with less than 45 days notice if the City determines that there are emergency circumstances requiring expedited review.
 - (C) When LCDC goals do not apply. When the City determines that the statewide Land Conservation and Development goals do not apply to a proposal to amend the Newberg Comprehensive Plan, this Code, or adoption of a new land use regulation, notice to the director of the Department of Land Conservation and Development is not required.

10.14.060 Procedure for Posted Notice for Type II, IIA and III Procedures

- (1) Posted notice is required for all Type II, IIA and III procedures. The posted notice shall be posted ~~at least along each street frontage in a conspicuous place within the area containing affected property under review.~~ Posted notice for Type III decisions shall be posted at least ten

~~(10) days before the first Planning Commission hearing on the item, on the subject property by the applicant.~~

- (2) Notice Information Provided By City. The Director shall provide the applicant with the following information regarding the posting of notice:
 - (A) The number of notices required;
 - (B) The latest date by which the notice must be posted;
 - (C) An affidavit of posting (to be signed and returned) certifying that the notice was posted on site, acknowledging that a failure to post the notice in a timely manner constitutes an agreement by the applicant to defer the one hundred twenty day (120) day process limit and acknowledging that failure to post will result in the automatic postponement of a decision on the application; and,
 - (D) A sample notice.
- (3) Prior to posting any notice required by this Section, the applicant shall submit a copy of the notice to the Director for review.
- (3) Size, Number and Location Requirements. A waterproof notice which measures a minimum of two feet by three feet shall be placed on each frontage of the site. If a frontage is over six hundred (600) feet long, a notice is required for each six hundred (600) feet, or fraction thereof. If possible, notices shall be posted within ten (10) feet of a street lot line and shall be visible to pedestrians and motorists in clear view from a public right-of-way. Notices shall not be posted in a public right-of-way or on trees.
- (4) Contents of Notice. The posted notice shall only contain the following information: planning action number, brief description of the proposal, phone number and address for contact at the Newberg Community Development Department.
- (5) Standards and Timing, Type II and IIA Actions. The applicant shall post the notice at least fourteen (14) days before a decision is rendered. The applicant shall file with the Director an affidavit of posting as identified in 10.14.060 (2) within two business days after notice is posted.
- (6) Standards and Timing, Type III Actions. The applicant shall post the notice at least ten (10) days before the first scheduled hearing. The applicant shall file with the Director an affidavit of posting as identified in 10.14.060(2) within two business days after notice is posted.
- (7) Removal of Notice. The applicant shall not remove the notice before the final decision. All posted notice shall be removed by the applicant within ten (10) days following the date of the final decision on the request.
- (8) Failure to Post Notice. The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the applicant to post a notice and affirm that the posting was completed in conformance with the Code shall result in:

- (A) *Postponement of a decision until the mailing requirements have been met; or*
- (B) *Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or*
- (C) *The entire process being invalidated; or*
- (D) *Denial of the application.*

10.14.070 Procedure for Published Notice on Type III and Type IV Procedures (Except Annexations)

- (1) Notice shall be provided within a newspaper of general circulation within the City at least ten (10) days prior to the first public hearing on the action.
- (2) The notice shall reasonably describe:
 - (A) Type III proceedings. The proposed development permit request, location, file number, the name and phone number of a local government contact person and the location where information may be examined.
 - (B) Type IV proceedings. The nature of the proposed final action of an amendment to the Newberg Comprehensive Plan, Code or new land use regulation.
- (3) The notice shall include a statement that all interested persons may appear and provide testimony and that only those persons who participate either orally or in writing in the hearing proceedings leading to the adoption of the action may appeal the decision.
- (4) The notice shall state the place, date and time of the hearing.
- (5) See 10.14.045 for Type III Notice for Annexations.

10.08.030 Type II Procedure

- (1) Type II development actions shall be decided by the Director.
- (2) Type II actions include, but are not limited to:
 - (A) Site Design Review.
 - (B) Variances.
 - (C) Manufactured Home Parks and Mobile Home Parks.
- (3) The ~~City~~ *applicant* shall provide notice pursuant to the requirements of Chapter 10.14.

- (4) The Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of this Code. The Director may add conditions to the permit to ensure compliance with all requirements of this Code.
- (5) Appeals may be made by an Affected Party, Type II in accordance with Chapter 10.12. All Type II development action appeals shall be heard and decided by the Planning Commission.
- (6) If the Director's decision is appealed as provided in subsection (5), the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in 10.08.040.
- (7) The decision of the Planning Commission on any appeal may be further appealed to the City Council by an Affected Party, Type III in accordance with Chapter 10.12 and shall be a review of the record supplemented by written or oral arguments relevant to the record presented by the parties.
- (8) An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedure.

10.08.035 Type II-A Procedure - Land Division

- (1) Type II-A development actions shall be decided by the Director. In order to qualify as a Type II-A development action, the applicant shall demonstrate that the following criteria have been satisfied:
 - (A) The land must be exclusively zoned for residential uses and be fully within the Urban Growth Boundary.
 - (B) The land is solely for purposes of residential use, including recreational or open space uses accessory to residential use.
 - (C) The land does not include areas which contain Goal 5 Resources which are mapped and designated in the Comprehensive Plan and land use regulations. These resources include but are not limited to open spaces, scenic and historic areas, and natural resources.
 - (D) The proposed land division complies with the minimum street connectivity standards specifically identified in 10.60.
 - (E) The proposed land division provides enough lots or parcels to allow building residential units at eighty (80) percent or more of the maximum net density permitted in the zoning designation on the site.
- (2) Type II-A actions are limited to:
 - (A) Partitions.
 - (B) Subdivisions meeting the criteria in 10.08.035 (1).

- (C) Future Street Plans filed in conjunction with a partition or subdivision.
- (3) The ~~City~~ *applicant* shall provide notice pursuant to the requirements of Chapter 10.14.
- (4) The Director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of this Code. The Director may add conditions to the permit to ensure compliance with all requirements of this Code.
- (5) Appeals may be made by an Affected Party, Type II-A in accordance with Chapter 10.12. All Type II-A development action appeals shall be heard and decided by a Hearings Officer.
- (6) Decisions of the Hearings Officer may only be appealed to the Court of Appeals.
- (7) An applicant shall have the option to request, at the time the development permit application is submitted, that the proposal be reviewed under the Type III procedure.

10.08.040 Type III Procedure - Quasi-Judicial Hearing

- (1) All Type III decisions shall be heard and decided by the Planning Commission. The Planning Commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the City Council.
- (2) Type III actions include, but are not limited to:
 - (A) An appeal of a Type I or Type II decision. This action of the Planning Commission is a final decision unless appealed to the City Council.
 - (B) Future Street Plan, where the review is in conjunction with a Type III review of a Subdivision or where the review is processed independently. This action is a final decision unless appealed.
 - (C) Conditional Use Permits. This action is a final decision unless appealed.
 - (D) Planned Unit Developments. This action is a final decision unless appealed.
 - (E) Substantial change to the exterior appearance of a Historic Landmark. This action is final unless appealed.
 - (F) Establishment of a Historic Landmark. This is a final decision by the Planning Commission, unless appealed.
 - (G) Establishment of a Historic Landmark Subdistrict. This is a recommendation to the City Council.
 - (H) Comprehensive Plan Map Amendments. This action is a recommendation to the City Council.

- (I) Zoning Map Amendments and designation of Sub-districts. This action is a recommendation to the City Council.
 - (J) Annexation. This action is a recommendation to City Council.
 - (K) Sign Program. This action is a final decision unless appealed.
 - (L) Subdivisions not meeting the criteria in 10.08.035(1) or subdivisions proposed for Type III review by the applicant.
- (3) Planning Commission Decisions and Recommendation Actions.
- (A) Planning Commission Decision. Development actions shall be decided by the Planning Commission for those land use actions that require a Type III procedure and do not require the adoption of an ordinance. The decision shall be made after public notice and a public hearing is held in accordance with the requirements of Chapter 10.10. A Type III decision may be appealed to the City Council by a Type III, Affected Party in accordance with Chapter 10.12
 - (B) Planning Commission Recommendation to City Council. Land use actions that would require the adoption of an ordinance shall be referred to the City Council by the Planning Commission together with the record and a recommendation. The recommendation shall be made after public notice and a public hearing is held in accordance with the requirements of Chapter 10.10.
- (4) City Council Action. If a recommendation to the City Council is required, the matter shall be reviewed by the City Council as a New Hearing. The final decision on these actions is made by the City Council.
- (5) The ~~City~~ *applicant* shall provide notice pursuant to Chapter 10.14.
- (6) The Hearing Body may attach certain conditions necessary to ensure compliance with this Code.
- (7) If the application is approved, the Director shall issue a building permit when the applicant has complied with all of the conditions and other requirements of this Code.

10.10.030 Responsibility of Director

The Director shall:

- (1) Determine the type of procedure to be used in accordance with the provisions of this Code.
- (2) Schedule development permit applications for review and/or hearing.
- (3) Provide notice for Type II, II-A, III, and IV development permit applications *pursuant to*

Chapter 10.14.

- (4) Prepare minutes for Type III, and IV proceedings to include the decision on the matter heard and the reasons for the decision.
- (5) Mail a copy of the decision to those required by this Code to receive such information.

10.10.060 Permit Decision - Type II

- (1) The Director shall approve or deny the development permit for a Type II action within 60 days of accepting a complete permit application.
- (2) The ~~Director~~ *applicant* shall provide notice pursuant to Chapter 10.14 together with a 14-day comment period for the submission of written comments prior to the decision.
- (3) The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.
- (4) The Director shall notify the applicant and others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Chapter 10.12. A decision on a Type II development shall take effect on the fifteenth day following the notice of a decision unless an appeal is filed pursuant to Chapter 10.12.
- (5) Approval or denial of a Type II development permit application shall be accompanied by written findings that explain the criteria, facts and justification for the decision.
- (6) The Director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of this Code. The Director may add conditions to the permit to ensure compliance with all requirements of this Code.
- (7) The Director shall deny the permit application if required approvals are not obtained or the application otherwise fails to comply with Code requirements.
- (8) Notice of approval or denial of a Type II decision shall be provided to the applicant, parties providing written testimony, or anyone requesting such notice. Notice shall include a description of the item, the decision, conditions that may have been added, and the rights of appeal.
- (9) Type II applications are required to be reviewed under the Type III procedures at the request of the applicant or through an appeal of the Director's decision. Type II development permit applications that require a Type III procedure must conclude the hearing procedure before a land use or construction permit application can be considered to be complete by the Director. Upon receiving a final decision by the hearing body on a Type III application, the subsequent review of a permit application may be reviewed by the Director as a Type I process.

10.10.070 Permit Decision - Type II-A

- (1) The ~~Director~~ *applicant* shall provide notice pursuant to Chapter 10.14 together with a 14-day comment period for the submission of written comments prior to the decision.
- (2) The decision of the Director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.
- (3) The Director shall notify the applicant and others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the right of appeal pursuant to Chapter 10.12. A decision on a Type II-A development shall take effect on the fifteenth calendar day following the notice of a decision unless an appeal is filed pursuant to Chapter 10.12.
- (4) Approval or denial of a Type II-A development permit application shall be accompanied by written findings that explain the criteria, facts and justification for the decision.
- (5) The Director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of this Code. The Director may add conditions to the permit to ensure compliance with all requirements of this code.
- (6) The Director shall deny the permit application if required approvals are not obtained or the application otherwise fails to comply with Code requirements.
- (7) Notice of approval or denial of a Type II-A decision shall be provided to the applicant, parties providing written testimony, anyone entitled to notice under Chapter 10.14, or anyone requesting such notice. Notice shall include a description of the item and the outcome of the decision.
- (8) Type II-A applications are required to be reviewed under the Type III procedures at the request of the applicant. Type II-A development permit applications that require a Type III procedure must conclude the hearing procedure before a land use or construction permit application can be considered to be complete by the Director. Upon receiving a final decision by the hearing body on a Type III application, the subsequent review of a permit application may be reviewed by the Director as a Type I process.

EXHIBIT "B"
FINDINGS OF FACT

Criterion: The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;

Response: The City Council finds that the proposed ordinance is consistent with and promotes the objectives of the Comprehensive Plan and the Development of the city by:

- (1) Fulfilling Oregon's Statewide Planning Goals through implementation of the City of Newberg Comprehensive Plan.
- (2) Maximizing citizen involvement in the annexation review process.
- (3) Establishing a process which provides an orderly and efficient transition from rural to urban land uses.
- (4) Developing a new process which provides decision makers with adequate information to analyze the impacts that an annexation would have on the City of Newberg.
- (5) Ensuring that an appropriate mix of land uses will be available for the City of Newberg to accommodate growth.

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

Response: Site specific property classifications are not affected by this ordinance and, therefore, this criterion is not applicable.

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Memorandum

To: Planning Commission *Rmm*
From: City of Newberg Planning Staff
Date: September 11, 1997
Subject: Creekside PUD - modification of building design (PUD-3-97)

Request:

The applicant, Ron Manning, of Manning Construction Co., has requested a minor amendment to the housing mix within Creekside PUD. Information relating to the request is attached.

Background and Discussion:

As proposed, no density changes will occur, 10 ft. setback requirements between structures can be met, lot coverage requirements can be met, and the style of structures will remain unchanged. The housing mix will change in that the applicant is proposing 10 detached units in place of 10 attached units (5 structures). Staff concluded that this kind of a revision should be reviewed by the Planning Commission.

Recommendation:

Staff recommends approval of the proposal, by motion of the Planning Commission.

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1X-1-1

**MANNING
CONSTRUCTION CO.**

2310 Chehalem Drive
Newberg, OR 97132

Bus: 503-538-1627
Fax: 503-538-0893

August 19, 1997

City of Newberg
Planning Dept.
414 E. 1st Street
Newberg, OR 97132



RE: Request For Amendment of 10 lots in the
Creekside Planned Unit Development

Dear Planning Department,

I am making a formal request that Lots 24 through 27 and Lots 37 through 42 in the Creekside Planned Unit Development be modified to allow detached Single Family Residences with a minimum of 2,400 square feet as opposed to attached Common Wall Residences with the same minimum square footage. We can still meet Development Code requirements and Comprehensive Plan requirements by this development technique. It is our intention to build the same plans as were originally proposed. The units that will be built on the lots are the same units that were initially approved with the Creekside Planned Unit Development (See Exhibits 1 and 2). The units as they would appear detached are demonstrated (See Exhibit 3).

The benefit of this amendment remains consistent with the desire to allow entry level housing while providing a quality lifestyle. Due to our ever changing market it is becoming evident that the Common Wall Unit design is not a desirable home purchase even in an affordable market. It is apparent that the Northwest rural population specifically in our community prefers a detached style of living regardless of the lot size. The consensus of the buyers at this point in time concludes that a degree of privacy is essential and Common Wall Units do not generate that sense of seclusion as favorably as detached units. The buying market demands in this area demonstrate that Detached Single Family Units can not be imitated and attempts to alter the standards will not be readily accepted by home buyers.

ix-1-2

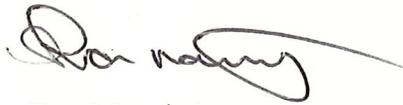
**MANNING
CONSTRUCTION CO.**

2310 Chehalem Drive
Newberg, OR 97132

Bus: 503-538-1627
Fax: 503-538-0893

The basis for this request is to address the market trends while maintaining concern for our communities livability and development requirements. Your consideration of this matter is greatly appreciated.

Sincerely,

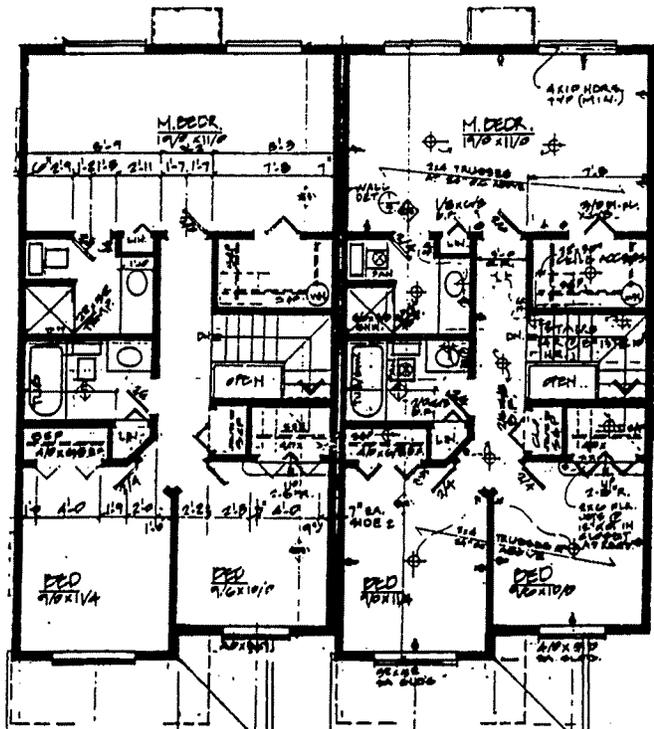


Ron Manning,
Owner

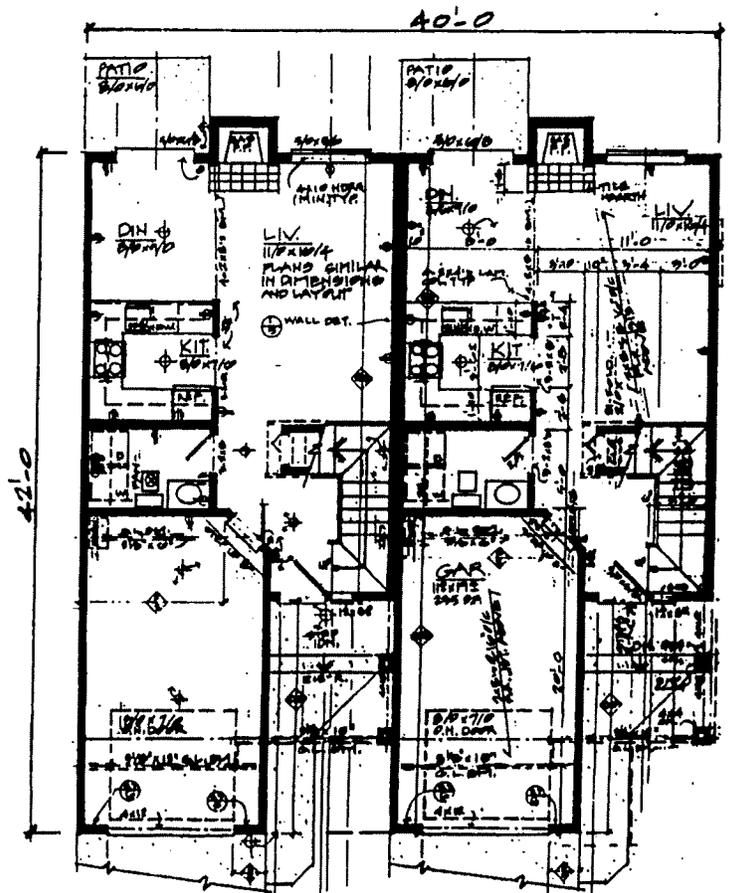
EXHIBIT 1



FRONT ELEV.



UPPER FLOOR PLAN



LOWER FLOOR PLAN

PLAN NO. D301

PRICE CODE (See list)

Home size:	1197	Sq. Ft.
Main floor:	493	Sq. Ft.
Upper floor:	704	Sq. Ft.
Garage:	235	Sq. Ft.
Foundation:		

Framing: Walls: 2x6 Roof: TRUSS

TO ORDER: CONSTRUCTION PLANS and BLUEPRINTS CALL: 1-503-246-3022

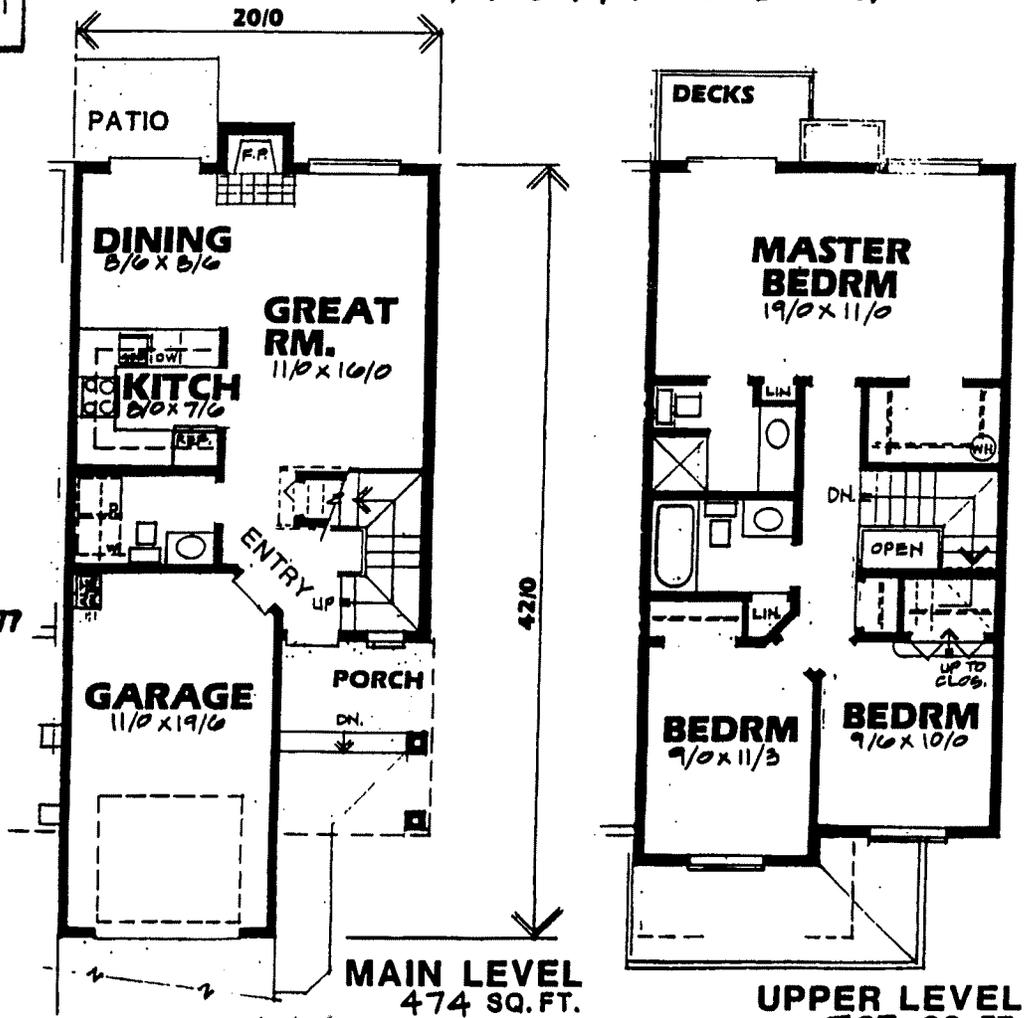
When ordering plans ask about "plan changes" to meet all your needs. We change our plans from the foundation to roof. **"WE DESIGN FOR YOU"**. These designs are copyrighted and the reuse, or reproduction by any mean of these idea., designs, and or drafted works, without the express written permission from L.M. BRUINER & ASSOC. INC., an Oregon corporation is strictly prohibited by law under the FEDERAL COPYRIGHT ACT TITLE XV



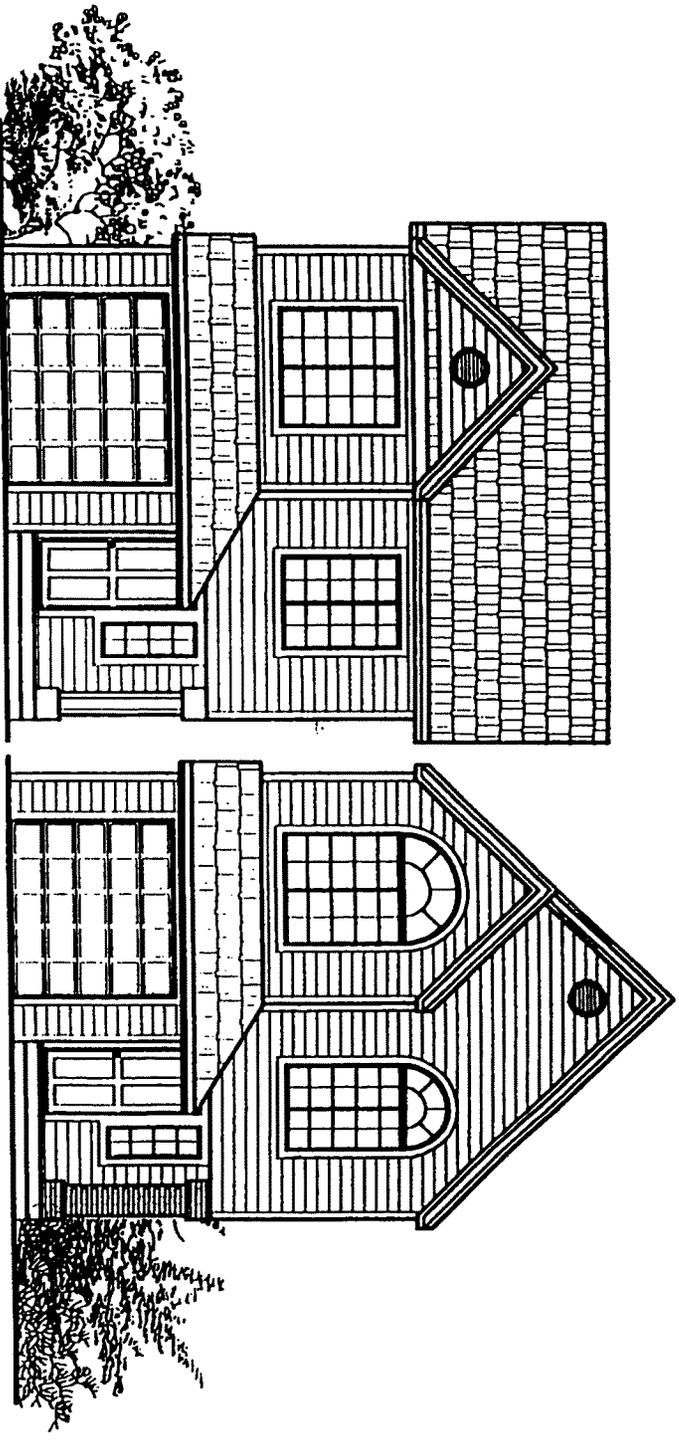
PLAN NO. D-319
1181 SQ. FT.

FRONT ELEV.

L.M. BRUINIER & ASSOC. INC.
1304 S.W. BERTHA BLVD
PORTLAND, OR 97219
1 246-3022 FAX (503) 246-7677



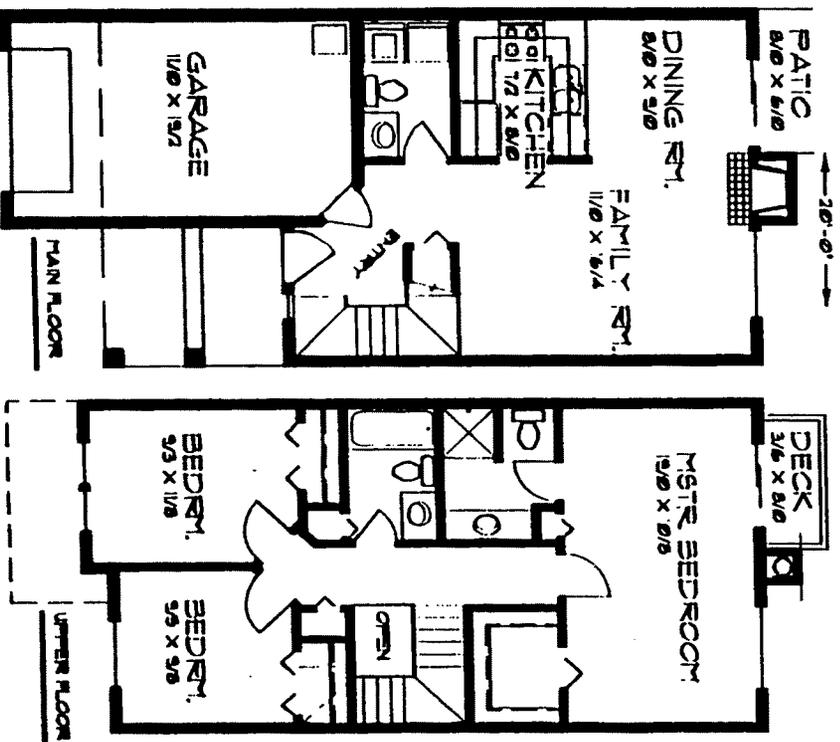
ROWHOUSE STYLED DUPLEXES



PLAN D-361

PLAN D-319

42'-0"



SQUARE FOOTAGE
MAIN 494 SQ. FT.
UPPER 697 SQ. FT.
TOTAL 1191 SQ. FT.

TO ORDER CONSTRUCTION PLANS & BLUEPRINTS CALL 1-503-246-3022
I. M. BRUNIER & ASSOC. INC. designers A.I.B.D.
We warrant our plans from the foundation to roof. "WE DESIGN FOR YOU"

2014

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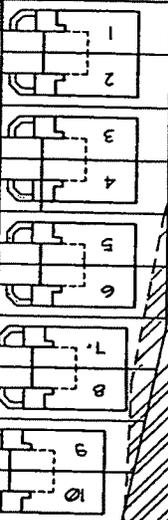


TRACT 'A'

TL. 2200

TL. 2100

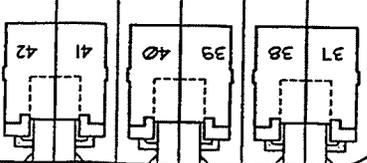
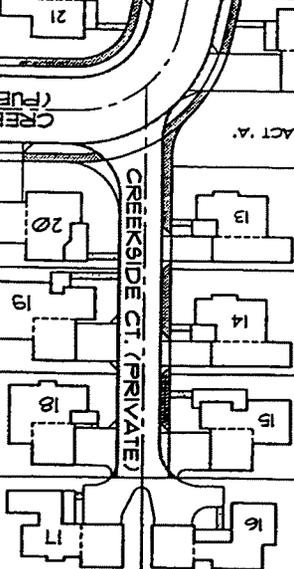
TRACT 'A'



CREEKSIDE LANE (PUBLIC STREET)

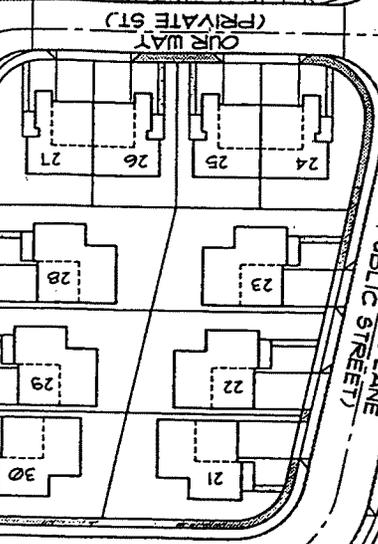
TRACT 'A'

CREEKSIDE CT. (PRIVATE)



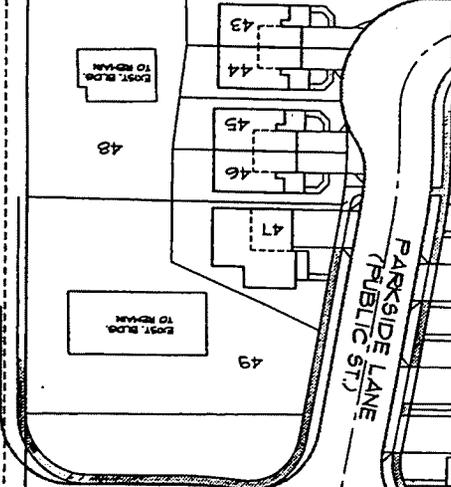
TL. 2300

OUR WAY (PRIVATE ST)



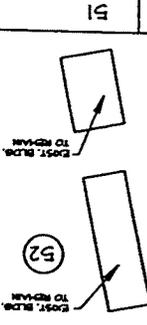
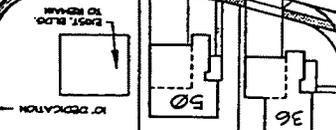
CREEKSIDE LANE (PUBLIC STREET)

PARKSIDE LANE (PUBLIC ST.)



East Block to remain

East Block to remain



(B2)

East Block to remain

MAIN STREET

TL. 800

TL. 700

52-LOT SUBDIVISION
 TM 3-2-BAC
 TL's 1100, 1000, 1000, 1000, 1, 2000

CONCEPTUAL SITE PLAN

DATE: 08/11/14
 DRAWN BY: J. L. JONES
 CHECKED BY: J. L. JONES

NON-PLANNED
 2100 CHERYL DR
 WILSON, OR 97150
 TEL: (503) 538-9571

V2-57

family detached residential development, does not require the services of an architect. (see letter included as part of Attachment B). The design team is currently made up of employees of Land Development Consultants, Inc., a planning, engineering and surveying team located in Hillsboro, OR, which employs planners certified in Oregon, and licensed surveyors and engineers in the State of Oregon. A certified surveyor, engineer and planner will sign a cover sheet endorsing the review of the designated members of the design team.

- (9) Modification of certain regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this Code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this Code and those regulations. Departures from the hearing authority upon a finding by the Engineering Director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this Code.**

The applicant is proposing the following modifications to code requirements:

Lot Sizes:	Average lot size - 6,300 sq. ft. Courtyard cluster homes - 3,255 sq. ft. Single family detached - 4,000 - 13,000 sq. ft. Single family attached - 2,000 sq. ft.
Lot Frontage:	25 ft. min.
Lot Depth:	Courtyard cluster and detached single family - average lot depth 2.5:1 Single family attached - 2:1 (lots 24-27), 2.6:1 (lots 37-42), 3.2:1 (lots 1-10)
Front Setback:	15 ft. min. - 20 ft. max.
Side yard Setback:	Courtyard cluster homes - varies from 2 ft. min. one side to 10 ft. min. other side; Single-family attached and detached - 5 ft. min.
Rear yard Setback	15 ft. min.
Height:	2 1/2 story max.
Lot Coverage:	30% for courtyard cluster homes and detached single-family residential; 50% for attached single-family residential
Parking:	2 spaces per lot min.
Public Street:	50 ft. ROW
Private Street:	30 ft. easement with 24.5 ft. paved surface, 6 in. curb on both sides, 3.5 ft. sidewalk on one side, and

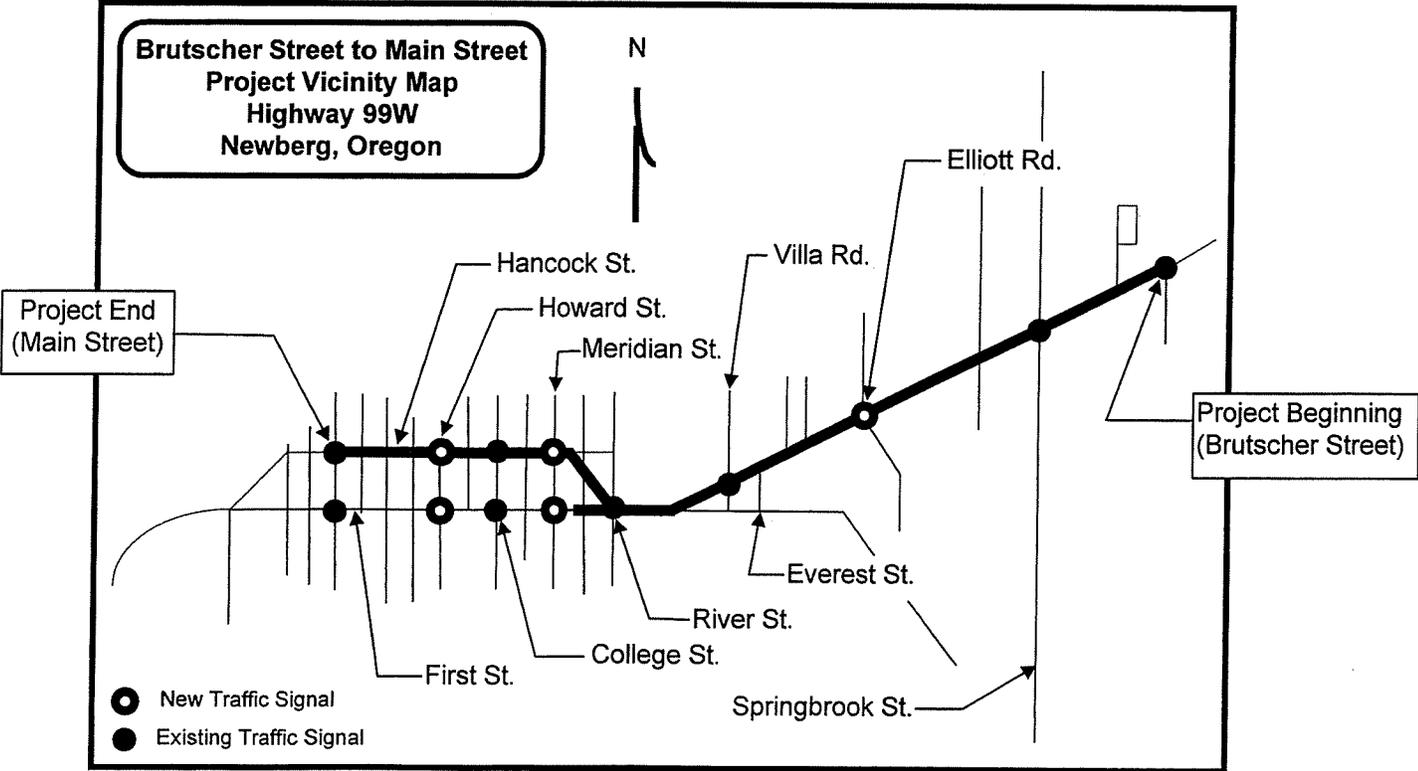
DISTRIBUTED TO

PLANNING

COMMISSIONERS

YAMHILL COUNTY, OREGON
CITY OF NEWBERG

PACIFIC HIGHWAY WEST (ORE 99W)
BRUTSCHER STREET TO MAIN STREET
DECISION STATEMENT
JULY 1997



**BRUTSCHER STREET TO MAIN STREET
PACIFIC HIGHWAY WEST
YAMHILL COUNTY
CITY OF NEWBERG**

Key # 07022 (Brutscher Street to Everest Street)
Key # 05602 (Everest Street to Main Street)
Key # 09270 (Newberg Signals)

DECISION STATEMENT

OREGON DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
CITY OF NEWBERG



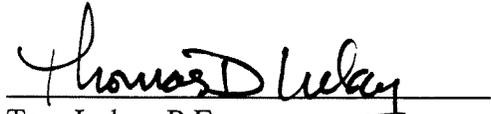
Mark Shippen
Project Leader, ODOT

7-25-97
DATE



Gary Johnson, P.E.
Region 2 Manager, ODOT

7-31-97
DATE



Tom Lulay, P.E.
Technical Services Managing Engineer, ODOT

7/31/97
DATE



Duane Cole
City Manager, City of Newberg

July 29, 1997
DATE

BRUTSCHER STREET TO MAIN STREET

Pacific Highway West

Yamhill County

City of Newberg

Key # 07022 (Brutscher Street to Everest Street)

Key # 05602 (Everest Street to Main Street)

Key # 09270 (Newberg Signals)

DECISION STATEMENT

Project Team

Mark Shippen	Project Leader, ODOT
Duane Cole	City Manager, City of Newberg
Ron Clay	Construction Project Manager, ODOT
Don Jordan	District 3 Maintenance Manager, ODOT
Tom Martin	Region 2 Right-of-Way, ODOT
John deTar	Region 2 Planning, ODOT
Candace Jochim	Environmental Services, ODOT
Elmer Wooldridge	Roadway Engineering, ODOT

The Oregon Department of Transportation (ODOT) Project Team Policy grants the Project Team the authority to make decisions regarding the design of this project. All decisions made by the Project Team are consensus-based decisions. The Project Team met frequently to discuss and decide on the design of the project, as described in this Decision Statement.

Citizens & Technical Advisory Committees

In March of 1995, two committees were formed from local Newberg citizens, to help advise ODOT on the design of the project, particularly to give the Project Team feedback on the Access Management alternatives for the section from Brutscher Street to River Street. The following citizens were invited to participate on these committees:

Citizens Advisory Committee (CAC)

Glen Vergets	Local businessman
Curt Walker	Local businessman
Mike Olberding	Local businessman
Dean Werth	Local businessman
Jim Snell	Local businessman
Fred Casey	Local businessman
Rob Molzahn	Local businessman
Loren Berg	Local businessman
Gloria Bevan	Newberg Chamber of Commerce
Nadine Windsor	Local citizen
Sam Farmer	George Fox College

Technical Advisory Committee (TAC)

Larry Anderson	Newberg Engineering Manager
Michael Sherman	Newberg Fire Chief
Paul Frankenburger	Newberg School District
Roger Worrall	Newberg Planning Commission
Jack Kriz	Newberg Planning Commission

Meetings of the Citizens Advisory Committee (CAC) and Technical Advisory Committee (TAC) were held on the following dates:

March 29, 1995	first CAC meeting
March 31, 1995	first TAC meeting
May 3, 1995	combined CAC & TAC meeting
July 12, 1995	combined CAC & TAC meeting
August 23, 1995	combined CAC & TAC meeting
October 11, 1995	combined CAC & TAC meeting
March 6, 1996	combined CAC, TAC & Project Team meeting
January 16, 1997	combined CAC, TAC & Project Team meeting

Public Involvement Process

In an effort to involve the larger Newberg community in the development of this project, the following presentations, open house meetings and other public outreach efforts were undertaken:

August 6, 1992	Public Information meeting in Newberg
September 8, 1992	Newberg City Council presentation & resolution (No. 92-1724)
April 25, 1995	Public Open House meeting in Newberg
June 1, 1995	Stakeholders Workshop in Newberg
August 1995	Public information bulletin # 1 is sent out
October 9, 1995	Newberg Chamber of Commerce presentation
October 16, 1995	Newberg City Council presentation
October 26, 1995	Public Open House meeting in Newberg
November 1, 1995	Public Open House meeting in Newberg
February 1996	Public Opinion Survey sent out to Newberg residents
June 17, 1996	Newberg City Council presentation
July 8, 1996	Newberg Traffic Safety Commission presentation
August 1996	Public information bulletin # 2 is sent out
December 12, 1996	ODOT Public Hearing and Open House in Newberg
January 21, 1997	Newberg City Council Public Hearing & resolution (No. 97-2026)
April 10, 1997	Newberg Planning Commission presentation

An Environmental Assessment (EA) was published for public review on November 25, 1996. Written comments on the alternatives presented in the Environmental Assessment were collected during the official public comment period following publication of the EA (November 25, 1996 to December 27, 1996). Written and verbal comments were recorded during the ODOT Public Hearing on December 12, 1996. A total of about 82 people gave written or verbal testimony on the project during the official public comment period and at the ODOT Public Hearing (to receive a copy of the ODOT record of public comments call Mark Shippen at (503) 986-2679).

Public comments were received by the Newberg City Council at a City Council hearing on January 21, 1997. The City Council passed a Resolution (No. 97-2026) supporting most elements of the project, with some recommendations for specific alternatives and changes.

Following the ODOT Public Hearing and the Newberg City Council Public Hearing, the Project Team met three times, in January, February and April of 1997, to discuss and come to consensus on the decision(s) described in this document. Three Newberg citizens - Glen Vergets (owner of Newberg Hardware and Citizens Advisory Committee member), Myrna Miller (Newberg Planning Commissioner) and Bob Andrews (Newberg Traffic Safety Commissioner) attended each of these meetings as members of the Technical Resource Team, to observe the decision process and give feedback to the Project Team during the discussions leading up to these decisions. Duane Cole, Newberg City Manager, was a voting member of the Project Team during the decision process.

Description of Selected Alternative

The Build Alternative presented in the Brutscher Street to Main Street Environmental Assessment (EA) was selected by the Project Team over the No-Build Alternative. Several modifications have been made to the alternatives presented in the EA to address public comments (see the attached maps for more details on what will be built). The final Build Alternative that was selected by the Project Team took into account public comments received by ODOT and the Newberg City Council's Resolution (No. 97-2026), while keeping in mind the Purpose and Need for the project, as discussed in pages 6-9 of the EA. The project described in this Decision Statement combines the 3 units (Units A, B & C) described in the EA and all the options are modified somewhat from what was presented in the EA.

Based on the decisions of the Project Team, the Brutscher Street to Main Street project will:

- Replace the existing pavement, curbs and storm sewer system on Highway 99W from Everest Street to Main Street (on Hancock Street but not on First Street).
- Resurface Highway 99W from Brutscher Street to Everest Street (possibly replace the pavement in the outside travel lanes in this section), replace the curbs and upgrade or replace the existing storm sewer system in this section.
- Widen Highway 99W to provide a third 12 foot (3.6 meter) wide westbound travel lane between Villa Road and Main Street, and to provide a new 6 foot (1.8 meter) wide westbound bike lane on the north side of Hancock Street. On-street parking will be removed from the north side of Hancock Street to provide room for the additional travel lane and bike lane with a minimum amount of additional right-of-way along Hancock Street, to reduce impacts to adjacent properties. On-street parking will be retained on the south side of Hancock Street. ODOT will provide funding to the City of Newberg to replace lost on-street parking with off-street parking (via a Cooperative Improvement Agreement between ODOT and the City of Newberg, to be prepared later), at location(s) to be determined by the City.
- Straighten the 'S' curve at River Street, while providing a signalized pedestrian crossing of Highway 99W at River Street. The northbound River Street to westbound 99W left turn movement will be allowed with the new, modified version of the "Option 1" realignment.

- Construct a raised (possibly landscaped) median between Brutscher Street and Springbrook Street and between Villa Road and River Street to improve safety and provide a more aesthetically pleasing entryway into Newberg.
- Retain the existing 16 foot (4.8 meter) wide continuous two-way left turn lane between Springbrook Street and Villa Road, with the following modifications:

Replace the existing concrete traffic separator (“snake”) on Highway 99W west of Springbrook Street with a new 2 foot (0.6 meter) wide concrete traffic separator.

Install additional 2 foot (0.6 meter) wide concrete traffic separators on Highway 99W at signalized intersections, to prohibit left turns in or out of driveways across that minimum portion of the left turn lane that is required for peak-hour left turn storage (east of Villa Road and east and west of Elliott Street).

- Move, combine or close some existing driveways to improve safety. Final driveway locations and widths will be determined by negotiations with each property owner during right-of-way acquisition.
- Add new traffic signals at Elliott Street and Highway 99W, Meridian Street (on First Street and on Hancock Street) and Howard Street (on First Street and on Hancock Street).
- Replace or upgrade all existing traffic signals. Interconnect and synchronize all new and existing traffic signals to reduce backups at signalized intersections and improve traffic flow while controlling speeds to keep traffic moving closer to posted speed limits.
- Signalized crossings for pedestrians and local traffic across both First Street and Hancock Street will be available at River Street, Meridian Street, College Street, Howard Street and Main Street.
- Build new concrete sidewalks on both sides of Highway 99W
 - 6 feet (1.8 meter) wide from Brutscher Street to River Street
 - 7 feet (2.1 meter) wide from River Street to Main Street (on Hancock Street).

The width of sidewalks on Hancock Street will be variable, depending on the proximity of buildings that are adjacent to the existing right-of-way line. No buildings will be removed along Hancock Street for the purpose of constructing 7 foot wide sidewalks. In some locations the sidewalk on Hancock Street will be only 5 feet wide, where buildings are very close to the existing highway right-of-way line.
- Widen to provide 6 foot (1.8 meter) paved shoulders on both sides of Highway 99W from Brutscher Street to River Street (for automobile safety and to provide room for bicycles).
- Build pedestrian “bulbouts” (sidewalk and curb extensions) at street corners on both sides of First Street and on the south side of Hancock Street. This will reduce the distance pedestrians must walk to get across First Street and Hancock Street.

- Restripe First Street, from Main Street to River Street, to provide a 5 foot (1.5 meter) wide bike lane for eastbound bicyclists, adjacent to the parking on the south side of First Street.
- Add additional left and right turn lanes, new 5 foot (1.5 meter) wide paved shoulders/bike lanes and new 6 foot (1.8 meter) wide sidewalks to Villa Road near Highway 99W.
- Add additional left and right turn lanes, new 5 foot (1.5 meter) wide paved shoulders/bike lanes and new 6 foot (1.8 meter) wide sidewalks to Springbrook Street near Highway 99W.
- Provide larger radius curbs for trucks to turn right more easily off Hancock Street onto College Street (Hillsboro-Silverton Highway) and Main Street (Yamhill-Newberg Highway).
- The existing 6 foot x 6 foot (1.8 meter x 1.8 meter) box culvert at Hess Creek will be replaced with a new, slightly longer and larger 8 foot x 8 foot (2.4 meter x 2.4 meter) reinforced concrete box culvert, to accommodate the widening for the additional westbound travel lane, paved shoulders and sidewalks. The new box culvert will provide adequate capacity for flood conditions, so that floodway elevations upstream of the culvert are not raised any higher than current flood elevations as established by the Federal Emergency Management Agency (FEMA). The new box culvert will also be designed to better facilitate fish passage in Hess Creek under Highway 99W.

The proposed highway improvement project now consists of three separately funded projects on the Pacific Highway West (Ore 99W): Brutscher Street to Everest Street (Milepost 21.78 to 22.80), Everest Street to Main Street (Milepost 22.80 to 23.76) and the Newberg Signals project.

The Newberg Signals project is a new project in the 1998-2001 Statewide Transportation Improvement Program (STIP), and consists of installing three new traffic signals (at Elliott Road and 99W, Howard Street and Hancock Street, and Howard Street and First Street), construction of pedestrian "bulbouts" (curb and sidewalk extensions) at street corners on First Street, and restriping First Street to provide an eastbound bicycle lane. The Newberg Signals project is planned for construction in the summer of 1998.

The Brutscher Street to Everest Street and Everest Street to Main Street projects are currently planned to be combined into one construction project (Brutscher Street to Main Street), now scheduled to start construction in the summer of 1999, and will take two or three years to build.

Rationale for the Selection and Changes

Raised Median

The alternative which generated the most public comments was the proposal to install a raised, non-traversable median between Brutscher Street and River Street. This was proposed by ODOT as a way to reduce conflicts involving left turn movements in and out of the many driveways along the highway in this section. Most business owners opposed the raised median, saying that it would restrict access for their customers and for trucks, and therefore reduce business volumes.

In response to these concerns, the Project Team adopted a compromise alternative, which was recommended by the Newberg City Council Resolution (No. 97-2026).

The project will install a raised (possibly landscaped) median in the following sections of the project - between Brutscher Street and Springbrook Street, and from Villa Road to River Street. U-turns for automobiles and small delivery vans will be allowed at Brutscher Street, Springbrook Street, Villa Road and Elliott Road. U-turns will not be disallowed without prior notice and consultation with the City of Newberg.

Concrete Traffic Separators

The existing concrete traffic separator along the left turn lane just west of Springbrook Street will be replaced with a new 2 foot (0.6 meter) wide concrete traffic separator, approximately the same length as the existing one. This traffic separator was installed as part of ODOT's requirements for the new BP gas station to obtain access to the highway at this location.

In order to protect the function of the signalized intersections on this project, the Project Team has decided to install additional 2 foot (0.6 meter) wide concrete traffic separators along the left side of the center turn lane for the minimum distance necessary to prohibit left turns in or out of driveways across the storage area needed for peak hour left turns. The new traffic separators will be installed on Highway 99W just east of Villa Road and east and west of Elliott Street. The Project Team agreed that it is important to protect the function of these signalized intersections, since most turning movements occur at these locations. U-turns for automobiles and small delivery vans will be allowed at Villa Road, Elliott Road, Springbrook Street and Brutscher Street. U-turns will not be disallowed without prior notice and consultation with the City of Newberg.

Driveway Changes

The other access issue which produced significant public comment was driveway changes, including closing, combining or moving some driveways to reduce vehicle conflicts and improve traffic flow on the highway. Most business owners expressed opposition to any changes in their existing driveways, saying that closing or combining driveways would cause problems for their customers to get in and out of their businesses. However, many properties along this section currently have several driveways, spaced very close together in some cases. In other cases, driveways are located very close to city street intersections, which can create conflicts between vehicles making turns in or out of driveways and vehicles turning in or out of the adjacent street.

Pacific Highway West (Ore 99W) is a statewide highway, which provides safe, convenient access from one part of the state to another, as well as direct property access. The Project Team is well aware that many properties have no alternative access other than direct access to Highway 99W. No properties without alternative access will be denied direct access to the highway, where it is safe to provide access. But one goal of the project remains to reduce the total number of driveways on the highway, and to space out the remaining driveways farther apart, where possible, to improve safety by reducing vehicle conflicts and to help preserve the traffic-carrying capacity of the highway. The final locations and widths of driveways will be determined through negotiation with each individual property owner, during right-of-way acquisition.

The City of Newberg will be working with the Thriftway shopping center to align the driveway into the shopping center with Haworth Street on Springbrook Road, as a separate project.

Adding a third westbound travel lane from Villa Road to Main Street

Addition of a third westbound travel lane to Highway 99W between Villa Road and Main Street will be part of the project. This feature is intended to help alleviate traffic congestion in this section of the project, which is a significant concern to many of those who commented on the project throughout its development. The major controversial issues related to construction of the third travel lane are removal of on-street parking on the north side of Hancock Street and providing adequate opportunities for pedestrians and local traffic to cross the wider roadway.

ODOT has pledged to provide the City of Newberg with funding (via a Cooperative Improvement Agreement between ODOT and the City, to be prepared later) to help replace the on-street parking that must be removed from the north side of Hancock Street with new off-street parking lot(s), at locations to be determined by the City. The project will include installation of new traffic signals at Meridian Street and at Howard Street (on both First Street and Hancock Street). These additional signals will provide better and safer pedestrian crossing opportunities, with signalized intersections spaced every two blocks through most of downtown Newberg (except from Howard Street to Main Street, which is four blocks). ODOT will also construct pedestrian "bulbouts" on street corners on both sides of First Street (from Main Street to Center Street) and on the south side of Hancock Street (from Main Street to Meridian Street), which will shorten the distance pedestrians must walk to get across both First Street and Hancock Street.

Modified "Option 1" realignment at River Street

The overwhelming majority of public comments received were in favor of realigning the corner at River Street using the "Option 1" alternative for Unit B, as presented in the Environmental Assessment. However, the "Option 1" realignment, as presented in the EA, did not provide for a signalized pedestrian crossing of Highway 99W at River Street, and would force traffic headed north on River Street to make a detour to access westbound 99W via Second Street and Meridian Street.

The Project Team decided to proceed with a modified version of the (Unit B) "Option 1" realignment, which provides for a signalized pedestrian crossing of 99W while also allowing vehicles to make the northbound River Street to westbound 99W left turn movement. This modification will stop westbound 99W traffic at River Street to allow both pedestrian crossings and the left turn from River Street to westbound 99W. Preliminary traffic analysis shows that this new modified version of the "Option 1" realignment will not significantly decrease the level of service (LOS) over what was expected in the future with the original "Option 1" realignment as shown in the EA. In addition, this new modified realignment will not force trucks on River Street to negotiate the 90 degree corner at Second Street and Meridian Street, which is not at present designed to accommodate truck turning movements.

Disposition of Other Major Issues

Variations for parking and landscaping requirements

Many business owners have complained that the highway widening will leave them in non-compliance with Newberg City code on the number of parking spaces, square feet of landscaping, signs and setbacks that are required for each property. It has been pointed out that some businesses already have fewer than the minimum required number of parking spaces, landscaping or setbacks at this time. It is the intention of ODOT and the City of Newberg to make reasonable provisions as part of the project to assist businesses in maintaining compliance with local codes for parking and landscaping, where possible. Where it is physically impossible to maintain compliance because of the highway widening, the City of Newberg will grant variances on a case-by-case basis, or provide other options for property owners in order to mitigate the impacts on signs, landscaping, parking and setbacks.

Provisions for improved transit service (bus stops)

The Chehalem Valley Senior Citizens Council (CVSCC) and the Community Action Agency of Yamhill County (YAMCO) both submitted comment letters requesting that ODOT consider constructing bus turnouts with pedestrian shelters at specific locations within the project limits. While ODOT is supportive of such facilities, it is thought that it would be best to encourage the local agencies to develop bus stops for the Fred Meyer and Thriftway shopping centers off the main highway. Widening to construct bus turnouts along the highway itself would require removing additional private parking, landscaping and business signs, and would force passengers to walk through large parking lots to get to the stores and back. The City of Newberg, CVSCC and YAMCO are encouraged to work with the Thriftway and Fred Meyer shopping centers to develop bus stops that are close to the stores, so that senior citizens, who are the major users of the local transit service(s), do not have to walk long distances from the highway through large busy parking lots to get to the stores. An example of a transit bus stop within a shopping center parking lot is the Lancaster Mall bus stop in Salem, or the transit station at the Washington Square shopping center in Portland, where passengers are dropped off and picked up fairly close to the mall. A more convenient bus stop at Naps could be developed very simply if the City would place a "No Parking" sign near the existing bus stop sign.

Landscaping, Street Trees, Street Furniture and Illumination

Some comments were received that ODOT should consider providing street trees, landscaping, pedestrian street furniture and illumination as part of the project, especially in the downtown area, along Hancock Street. Adding these amenities requires more room and would therefore require purchase of additional right-of-way. In every portion of the project, there is minimal room between the highway and buildings, parking lots and other improvements. Given the overwhelming testimony from business owners, who expressed a great deal of concern about how much of their parking and landscaping would be removed to widen the highway shoulders and sidewalks, the Project Team elected not to include street trees, planter strips or other amenities which would require additional right-of-way beyond the minimum needed for the project. The Newberg City Council voted against additional widening to provide planter strips along Highway 99W in Resolution No. 97-2026.

The Project Team did decide to provide wider, 7 foot (2.1 meter) sidewalks on both sides of Hancock Street, where this does not require removal of buildings (in some areas along Hancock Street, where existing buildings are adjacent to the existing right-of-way line, the new sidewalks will be only 5 feet (1.5 meters) wide). It is possible for some street trees (with iron grates), street furniture and luminaire poles to be installed in the new sidewalk to be built along Hancock Street, while still meeting minimum ADA (Americans with Disabilities Act) requirements for sidewalk clearances. The City of Newberg will take the lead role in deciding what, if any, street trees, street furniture and luminaires to install along Hancock Street, and the City will provide the funding to pay for purchasing and installing these specific items.

ODOT does not, as a general policy, pay for illumination on highways within urban areas – this is the responsibility of the local city. Some ODOT-owned luminaires in this section will be replaced, and illumination will be provided at signalized intersections, which is ODOT policy.

Project Cost and Impacts

The total cost of the project is about \$ 11.3 million, including the cost of preliminary engineering, purchase of right-of-way and construction. About 115 properties will be affected by right-of-way acquisition. About 5.5 acres (2.23 hectares) of right-of-way (including both fee right-of-way and slope/utility easements) will be needed. Three buildings must be relocated (2 houses and 1 business building).

Estimated Construction Timing

Part of the project (the two new signals at Howard Street & First Street and Howard Street & Hancock Street, the new Elliott Street signal and the pedestrian bulbouts and restriping on First Street) will be built in the summer of 1998.

The rest of the construction is scheduled to start in the summer of 1999 and will take two to three years to build. Most construction will occur in the summer months, when the weather is dry and warm enough for paving. The construction contractor will be required to keep an adequate number of lanes open for traffic during peak hours of the day and during weekends and holidays, and will maintain connections for driveways during construction.

Questions or Comments?

If there are questions or comments about the decisions made regarding the Brutscher Street to Main Street project, please contact Mark Shippen, Project Leader, at (503) 986-2679, or send written comments or questions to the following address:

Oregon Department of Transportation
Region 2
2960 State Street
Salem OR 97310

*Distributed to Commission
via packet for 9/11/97 mtg.*

ORDINANCE NO. 97-2472

AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE TEXT TO COMPLY WITH THE RECENTLY APPROVED ANNEXATION INITIATIVE.

RECITALS:

1. On April 7, 1997, the Newberg City Council initiated an application to amend the Development Code related to annexation processing (NDC 10.36).
2. Notice was published in the Graphic Newspaper on March 29, 1997, which is at least ten days prior to the public hearing before the Planning Commission on April 10, 1997.
3. On April 10, 1997, a hearing was held by the Newberg Planning Commission, considered testimony from various individuals, and the Planning Commission continued the hearing to May 8, 1997, leaving the public testimony portion of the hearing open for further input.
4. On April 23, 1997 an additional notice of the proposed hearing before the Planning Commission on May 8, 1997 was published in the Graphic Newspaper at the direction of the Planning Commission.
5. On May 8, 1997 a hearing was held by the Newberg Planning Commission and the Planning Commission considered all evidence, testimony and findings submitted; closed the public testimony portion of the hearing; deliberated on the proposed ordinance; and were unable to make a recommendation on the proposal.
6. On May 8, 1997 the Planning Commission approved a recommendation to forward the entire ordinance, and all background information to the City Council for further deliberation.
7. Notice was published in the Graphic Newspaper May 21, 1997, which was at least 10 days prior to the City Council hearing on June 2, 1997; and on May 21, 1997 notice of the City Council hearing was posted at four public places.
8. After proper notice, on June 2, 1997 at the hour of 7:00 PM in the Newberg Public Library Meeting Room, the City Council held a Public Hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; directed staff to meet with a sub-committee appointed by the mayor and continued the item to July 7, 1997.

9. The sub-committee met twice (June 11, 1997 and June 27, 1997) and recommends passage of this Ordinance.
10. After proper notice, on July 7, 1997 at the hour of 7:00 PM in the Newberg Public Library Meeting Room, the City Council held a Public Hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWBERG AS FOLLOWS:

Section 1. The City Council finds that the development code text amendment are governed by Section 10.20.030 of the Newberg Development Code.

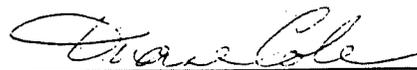
Section 2. The City Council repeals Section 10.36 of the Newberg Development Code and completely replaces it with the revised section 10.36 as shown in Exhibit "A" and by this reference incorporated into this ordinance.

Section 3. This decision is based on the findings of fact, Exhibit "B", which are attached hereto and incorporated herein by reference.

Section 4. The Index, Table of Contents and cross references in the Development Code shall be updated to reflect the newly adopted Section 10.36 (Exhibit "A"). The index, table of contents and cross-references in the Development Code shall be approved as to form and content by the City Attorney.

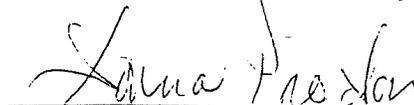
ADOPTED by the Newberg City Council this 7th day of July, 1997, by the following votes:

AYES: 5 NAYS: 2 ABSTAIN: 0 ABSENT: 0



Duane Cole - City Recorder

ATTEST by the Mayor this 10 day of July, 1997.



Donna Proctor, Mayor

Attachments:
Exhibit A. Development Code Text Language
Exhibit B. Findings

Exhibit "A" of Ordinance 97-2472

Section 10.36 of the Newberg Development Code relating to Annexations is completely revised and replaced by the following language:

10.36 Annexation

10.36.010 Statement of Purpose

The City of Newberg finds that annexation is the first step to converting future urbanizable lands to urbanizable land within the Newberg Urban Growth Boundary, and that as such it is an important part of the process of providing timely and orderly urban development. The City also recognizes that the development of lands at an urban density must include the provision of an adequate level of required urban services such as sewer, water, and roads. Policies and procedures adopted in this ordinance are intended to carry out the directives of the citizens of Newberg and the Newberg Comprehensive Plan, and to insure that annexation of lands to the City is incorporated into the process of providing a timely and orderly conversion of lands to urban uses. The City Charter requires that, unless otherwise mandated by state law, annexation may only be approved by a majority of those voting.

10.36.020 Conditions for Annexation

The following conditions must be met prior to or concurrent with City processing of any annexation request:

- (1) The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.
- (2) The subject site must be contiguous to the existing City limits.

10.36.030 Criteria

The following criteria shall apply to all annexation requests:

- (1) The proposed use for the site complies with the Newberg Comprehensive Plan and with the designation on the Newberg Comprehensive Plan Map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg Comprehensive Plan.
- (2) An adequate level of urban services must be available, or made available, within three years time of annexation. An adequate level of urban services shall be defined as:
 - (A) Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg Comprehensive Plan for provision of these services.
 - (B) Roads with an adequate design capacity for the proposed use and projected future-uses. Where construction of the road is not deemed necessary within the three-year time period,

the City shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The City shall also consider public costs for improvement and the ability of the City to provide for those costs.

- (3) Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.
- (4) The burden for providing the findings for 10.36.030 (1), (2), and (3) is placed upon the applicant.

10.36.040 Annexation Procedures

All annexation requests approved by the City Council shall be referred to the voters in accordance with the requirements of this ordinance and ORS 222.

- (1) Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even numbered years. Applications for annexation shall be filed with the Planning Division before 5 p.m. on the second Thursday of November for a ballot election in May and before 5 p.m. on the second Thursday of May for a ballot election in November. Filing of an annexation application and having the application deemed complete does not obligate the City to place the annexation question before the voters at any particular election. This paragraph does not obligate the City to process an annexation application within any time frame not required by ordinance or state statute.
- (2) Notice of the annexation election shall be published in a newspaper of general circulation in the City not more than 30 days nor less than 20 days prior to the date of the election. Such notice shall take the form of a minimum one-quarter page layout, which includes a map of the property to be annexed and unbiased information regarding the annexation.
- (3) The City shall cause the property under consideration for annexation to be posted with a minimum of one sign not less than sixteen (16) square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation. The sign shall be removed by the applicant within ten (10) days following the election day.
- (4) The applicant, subject to City approval, shall arrange and pay for all of the costs associated with the election, the ad in the newspaper, and posting of the notice.
- (5) The application shall be processed in accordance with the Type III processing procedures outlined in this Code.
- (6) Should the City Council approve the annexation request, the matter shall be placed before the voters of the City at the following election:

- (A) The biennial primary or general elections which are held in May and November of even numbered years, or
 - (B) The next available election.
- (7) The decision to set the annexation for an election shall be at the discretion of the City Council and shall be approved by resolution. If the City schedules the annexation election for an election other than the biennial primary or general election, the agreement of the applicant or owner of the property must be obtained. All costs associated with placing the matter on the ballot shall be paid for by the applicant or owner of the property being annexed.
- (8) The City Council may deny an application based upon its legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative act separate and apart from the quasi-judicial decision.
- (9) Should this annexation request be approved by a majority vote of the electorate of the City of Newberg at the election date as identified by resolution of the City Council, the property shall be annexed and the following events shall occur:
- (A) The property shall be ordered and declared annexed and withdrawn from the Newberg Rural Fire Protection District.
 - (B) The territory will be changed from a County zone to a City zoning designation as indicated in 10.36.090. The "Newberg, Oregon Zoning Map" shall be amended to indicate this change.
 - (C) The Recorder of the City of Newberg is directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of the following documents:
 - (a) A copy of the approved ordinance.
 - (b) A map identifying the location of said territory.

10.36.050 Application Requirements

Applications for annexation shall be made on forms provided by the Planning Division and include the following material:

- (1) Written consent to the annexation signed by the requisite number of affected property owners, electors, or both to conduct an election within the area to be annexed, as provided by state law.
- (2) Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.

- (3) Vicinity map and map of the area to be annexed including adjacent City territory.
- (4) General land use plan indicating types and intensities of proposed development, transportation corridors (including pedestrian and vehicular corridors), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and adjoining development.
- (5) Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced.
- (6) Annexation fees, as set by City Council resolution.
- (7) Statement outlining method and source of financing to provide additional public facilities.
- (8) Comprehensive narrative of potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller sub community or neighborhood of which it will become a part and proposed actions to mitigate such effects.
- (9) Concurrent with application for annexation, the property may be assigned one of the following methods for development plan review:
 - (A) A planned unit development approved through a Type III procedure.
 - (B) A development agreement approved by the City Council.
 - (C) A contract annexation as provided for in the State Statutes. Development plans must be approved and an annexation contract must be signed by the City Council in order to use the contract annexation process.

10.36.060 Health Hazard Annexation

The City shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the City to provide necessary services. Annexation of areas constituting a health hazard are not subject to voter approval.

10.36.070 Island Annexation

The following policies are adopted for island annexations:

- (1) The City shall attempt to not create islands of unincorporated territory within the corporate limits of the City. If such an island is created, the City Council may set a time for a public hearing for the purpose of determining if the annexation should be submitted to the voters. The hearing shall be conducted in accordance with the policies and procedures contained in this ordinance.
- (2) Written notice to property owners will be made prior to annexation to allow for property owner

responses. Failure to receive notice shall not in any way invalidate the annexation procedure that may be subsequently undertaken by the City.

- (3) Annexation of an island shall be by ordinance, subject to approval by the voting majority.

10.36.080 Comprehensive Plan and Zoning Designations.

- (1) The Comprehensive Plan Map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg Comprehensive Plan. A redesignation of the Comprehensive Plan Map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg Comprehensive Plan.
- (2) Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg Comprehensive Plan Map designation. The corresponding designations are shown in the table below. The procedures and criteria of 10.20.030 shall not be required.

Comprehensive Plan Classification	Appropriate Zoning Classification
OS	Any Zoning Classification
LDR	R-1
MDR	R-2
HDR	R-3
COM	C-1, C-2, or C-3 as determined by the Director
MIX	C-2, M-1, or M-2 as determined by the Director
IND	M-1, M-2, or M-3
PQ	Any Zoning Classification
P/PP	Any Zoning Classification

- (3) If a zoning classification is requested by the applicant for other than that described in subsection (2) above, the criteria of 10.20.030 shall apply. This application shall be submitted concurrently with the Annexation application.
- (4) In the event that the annexation request is denied, the zone change request shall also be denied.

10.36.90 Coordination

Annexation requests shall be coordinated with affected public and private agencies, including, but not

limited to, Yamhill County, Newberg School District , Northwest Natural Gas, Portland General Electric, and, where appropriate, various state agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final City action to allow for reviews and recommendations to be incorporated into the City records.

10.36.100 Annexation of Non-conforming Uses

When a non-conforming use, as described in Chapter 10.22 is annexed into the City, the applicant shall provide a schedule for the removal of the non-conforming use for the Planning Commission and City Council. At time of approval of the annexation, the City Council may add conditions to ensure the removal of the non-conforming use during a reasonable time period. The time period may vary from one (1) year to (10) years at the discretion of the City Council.

**EXHIBIT "B" of Ordinance 2472
FINDINGS OF FACT**

Criterion: The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;

Response: The City Council finds that the proposed ordinance is consistent with and promotes the objectives of the Comprehensive Plan and the Development of the city by:

- (1) Fulfilling Oregon's Statewide Planning Goals through implementation of the City of Newberg Comprehensive Plan.
- (2) Maximizing citizen involvement in the annexation review process.
- (3) Establishing a process which provides an orderly and efficient transition from rural to urban land uses.
- (4) Developing a new process which provides decision makers with adequate information to analyze the impacts that an annexation would have on the City of Newberg.
- (5) Ensuring that an appropriate mix of land uses will be available for the City of Newberg to accommodate growth.

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

Response: Site specific property classifications are not affected by this ordinance and, therefore, this criterion is not applicable.



WESTLAKE

CONSULTANTS INC.

MEMORANDUM

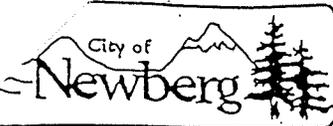
ENGINEERING ♦ SURVEYING ♦ PLANNING

Phone: 503 684-0652

DATE: August 26, 1997
TO: Clay Moorhead, Interim Acting Planning Manager,
City of Newberg
FROM: Kevin Snyder
RE: Combined Development Review and Approval
Process for Genesis Healthcare, Inc.'s Proposed
Assisted Living Facility/Commercial Marketplace
CC: Rick Miller, Genesis Healthcare, Inc.
Pamela Vann, Westlake Consultants, Inc.

Per a request from Loren Schmitt, City of Newberg Community Development Office, please accept this memorandum as an official reiteration of our request, on behalf of Genesis Healthcare, Inc., to combine the Type III Planned Unit Development and Type II Site Design Review process for the proposed Assisted Living Facility/Commercial Marketplace development proposed by our client. The site location is north of Quail Drive, south of Foothills Drive, west of North College Street (Highway 219) and east of Burlington Drive in the northwest section of the City of Newberg, Oregon. Specifically, we are requesting that the City of Newberg Planning Commission, in the scheduled public hearing on September 11, 1997, hear and decide on both development application types.

Please contact me at (503) 684-0652 if you have any questions or require additional information.



TYPE III APPLICATION
(QUASI-JUDICIAL REVIEW)

FILE #: _____ APPLICATION FEE: _____
DATE: _____ RECEIPT#: _____

OFFICE
USE ONLY

PES - PLEASE CHECK ONE:

- Conditional Use Permit
- Annexation
- Zoning Amendment (site specific)
- Comprehensive Plan Amendment (site specific)
- Planned Unit Development
- Historic Landmark Modification
- Establishment of a Historic Landmark
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Genesis Healthcare, Inc.
 ADDRESS: 220 East Hereford, Gladstone, Oregon 97027
 PHONE: 503-656-0393 MOBILE: _____ FAX: 503-656-5251
 OWNER (if different from above): NSP Development, Inc. PHONE: 503-242-3625
 ADDRESS: 4380 SW Macadam, Ste. 295, Portland, OR 97201; PO Box 6059, Portland, OR 97228
 ENGINEER/SURVEYOR: Westlake Consultants, Inc. PHONE: 503-684-0652
 ADDRESS: 15115 S.W. Sequoia Parkway, Ste.150, Tigard, Oregon 97224

GENERAL INFORMATION:

PROJECT NAME: Genesis Assisted Living Facility PROJECT LOCATION: north of Quail Drive; south of Foothills Drive; west of Burlingto
 PROJECT DESCRIPTION/USE: Mixed-use Assisted Living Facility with residential/commercial Dr uses
 MAP/TAX LOT NO. (i.e. 3200AB-400): 3207DA-105 ZONE: C-1 SITE SIZE: 3.35 SQ. FT. ACRE:
 ZONING PLAN DESIGNATION: Commercial Land Use TOPOGRAPHY: flat; rough-graded
 PRESENT USE: vacant
 SURROUNDING USES:
 NORTH: Residential SOUTH: Residential
 EAST: Residential WEST: Residential; State Highway

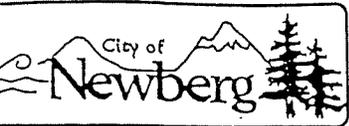
SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

- General Checklist: Fees Noticing Information Title Report Criteria Response Owner Signature/Letter of Consent
- Conditional Use Checklist: Site Plan Landscape Plan Drives/Parking/Circulation Buffering/Screening
- Signs/Graphics: Exterior Lighting Trash/Refuse Storage Roadways/Utilities Traffic Study
- Annexation/Zoning/Comprehensive Plan Amendment Checklist: Site Plan Map & Legal Description Dedications Easements
- Annexation Consent Form
- Planned Unit Development Checklist: Site Plan Landscape Plan Existing Features/Natural Landscape
- Drives/Parking/Circulation Buffering/Screening Signs/Graphics Roadways/Utilities Traffic Study
- Historic Landmark Establishment/Modification Checklist: Historical Information Site Plan Architectural Drawings
- Existing Features/Natural Landscape

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

[Signature] Date 7/1/97
 Applicant Signature
Rice
 Applicant Name

[Signature] Date 7/1/97
 Owner Signature
Alen Brenneke
 Print Name



TYPE II APPLICATION
(LIMITED LAND USE DECISION)

FILE #: _____ APPLICATION FEE: _____
DATE: _____ RECEIPT#: _____

OFFICE
USE ONLY

PLEASE CHECK ONE:

- Design Review (includes Mobile/Manufactured Home Parks)
- Variances
- Other: (Explain) _____

APPLICANT INFORMATION:

APPLICANT: Genesis Healthcare, Inc.
ADDRESS: 220 East Hereford, Gladstone, Oregon 97027
PHONE: 503-656-0393 MOBILE: _____ FAX: 503-656-5251
OWNER (if different from above): NSP Development, Inc. PHONE: 503-242-3625
ADDRESS: 4380 SW Macadam, Ste. 295, Portland, OR 97201; PO Box 6059, Portland, OR 97228
ENGINEER/SURVEYOR: Westlake Consultants, Inc. PHONE: 503-684-0652
ADDRESS: 15115 S.W. Sequoia Parkway, Ste. 150, Tigard, Oregon 97224

GENERAL INFORMATION:

PROJECT NAME: Genesis Assisted Living Facility PROJECT LOCATION: north of Quail Drive; south of Foothills Drive; west of Burlingame
PROJECT DESCRIPTION/USE: Mixed-use Assisted Living Facility with residential/commercial uses
TAX LOT NO. (i.e. 3200AB-400): 3207DA-105 ZONE: C-1 SITE SIZE: 3.35 SQ. FT. ACRE:
ZONING PLAN DESIGNATION: Commercial Land Use TOPOGRAPHY: flat; rough-graded
CURRENT USE: vacant
SURROUNDING USES:
NORTH: Residential SOUTH: Residential
EAST: Residential WEST: Residential; State Highway

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

- General Checklist: Fees Noticing Information Title Report Criteria Response Owner Signature/Letter of Consent
- Design Review Checklist: Site Development Plan (10 reduced, 2 full sized) Site Analysis Diagram Architectural Drawings
- Landscape Plan Special Needs for Handicapped Existing Features/Natural Landscape Drives/Parking/Circulation
- Drainage Buffering/Screening Signs/Graphics Exterior Lighting Trash/Refuse Storage
- Roadways/Utilities Traffic Study
- Permit Checklist: Site Plan Landscape Plan Signs/Graphics

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

[Signature] 7/1/97
Applicant Signature Date
Rick Miller
Print Name

[Signature] 7/1/97
Owner Signature Date
D. Paul Brenneke
Print Name

Attachments: General Information, Criteria, Noticing Procedures, Fee Schedule, Checklist

McMinnville Office
 P.O. Box 1239
 445 Third Street
 McMinnville, OR 97128
 (503) 472-4627
 (503) 538-8354
 FAX (503) 472-4432

Northwest Title Company

Newberg Office
 P.O. Box 746
 601 E. Hancock
 Newberg, OR 97132
 (503) 538-7361
 FAX (503) 538-0723

SUBDIVISION GUARANTEE FIRST AMERICAN TITLE INSURANCE COMPANY OF OREGON

GUARANTEES

The Oregon Real Estate Commissioner, and any County or City within which said subdivision or proposed subdivision is located:

That, according to the public records which impart constructive notice of matters affecting title to the premises hereinafter referred to, we find:

That the last deed of records runs to:

MART M. STORM and PACIFIC AMERICAN PROPERTY
 EXCHANGE CORPORATION,
 an Oregon Corporation,
 an estate in fee simple as tenants in common;

We also find the following apparent encumbrances, which includes "Blanket Encumbrances" as defined by ORS 92.305 (1), and also easements, restrictive covenants and rights of way within a period of ten years prior to the effective date hereof:

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of roads or highways.
2. Residential driveway access from Foothills Drive is prohibited. Commercial driveway access from Foothills Drive is subject to approval from the Community Development Department.
3. Subdivision Compliance Agreement, including the terms and provisions thereof, between the City of Newberg and NSP Development, Inc., recorded December 26, 1996 as Instrument No. 199621034, Deed and Mortgage Records.
4. Conditions, Covenants and Restrictions, including the terms and provisions thereof, as set forth in document recorded October 31, 1995 as Instrument No. 199514666, Deed and Mortgage Records.
5. Said Covenants and Restrictions contain, among other things, provisions for assessments by Oak Knoll Homeowners Association.
6. Trust Deed, including the terms and provisions thereof, given by A. Paul Brenneke and Mart M. Storm as trustor, to Northwest Title Insurance Company as trustee, and Cupertino National Bank as Custodian for the Allison Rubinstein IRA as beneficiary, dated August 12, 1996, recorded August 13, 1996, as Instrument No. 199613348, Deed and Mortgage Records, to secure the payment of \$200,000.00.
7. Trust Deed, including the terms and provisions thereof, given by A. Paul Brenneke as trustor, to Northwest Title Company as trustee, and Daniel E. Casey as beneficiary, dated March 16, 1997, recorded March 27, 1997, as instrument no. 199704813, Deed and Mortgage Records, to secure the payment of \$240,000.00.

NOTE: Taxes, 1996-97: PAID PRIOR TO PLAT.

We have also searched our General Index for judgments and State and Federal liens against the grantees named above and find:

NONE

The premises are in Yamhill County, and are described as follows:

Tract A, OAK KNOIL NO. 3, a subdivision in the City of Newberg,
Yamhill County, State of Oregon.

This is not a legal report issued preliminary to the issuance of a title insurance policy. Our search is limited to the time specified in this guarantee and the use hereof is intended as an informational report only, to be used in conjunction with the development of real property. Liability hereunder is limited to an aggregate sum of not to exceed \$1,000.00.

Dated: June 26, 1996, at 8:00 A.M.
Order No.: 64856

NORTHWEST TITLE COMPANY


Finis D. Carter

FDC/dk/akw

NOTE: ORS 92.305 (1) reads as follows:

"Blanket encumbrance" means a trust deed or mortgage or any other lien or encumbrance, mechanic's lien or otherwise, securing or evidencing the payment of money and affecting more than one interest in subdivided or series partitioned land, or an agreement affecting more than one such lot, parcel or interest by which the subdivider, series partitioner or developer holds such subdivision or series partition under an option, contract to sell or trust agreement.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That A. Paul Brenneke

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by PACIFIC AMERICAN PROPERTY EXCHANGE CORPORATION, AN OREGON CORPORATION hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in YAMHILL County, State of Oregon, described as follows, to-wit:

Tract A, OAK KNOLL NO. 3, a subdivision in the City of Newberg, Yamhill County, State of Oregon.

* exceptions continued:

from Foothills Drive is subject to approval from the Community Development, Department.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances Covenants, conditions, restrictions and easements of record; Rights of the public in and to any portion described lying within the boundaries of roads and highways; Residential driveway access from Foothills Drive is prohibited. Commercial driveway access* and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$... exchange of like kind property. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.010.)

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 11th day of April, 1997. if a corporate grantor, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Signature of A. Paul Brenneke

A. Paul Brenneke

STATE OF OREGON, County of Washington ss. This instrument was acknowledged before me on April 11th, 1997 by A. Paul Brenneke This instrument was acknowledged before me on 19... by as of



Signature of Notary Public for Oregon, My commission expires 9-19-00

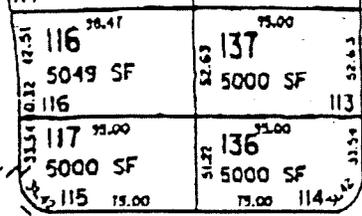
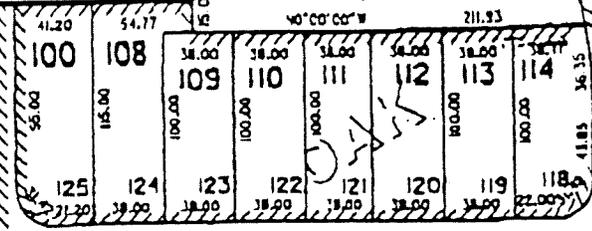
Form with fields for Grantor's Name and Address, Grantee's Name and Address, and contact information for Pacific American Property Exchange.

Recorded in Yamhill County, Oregon CHARLES STERN, COUNTY CLERK 35.00 199705877 11:35am 04/15/97 031 046084 09 05 000200 1 0 008 1 5.00 10.00 20.00 0.00 0.00 0.00

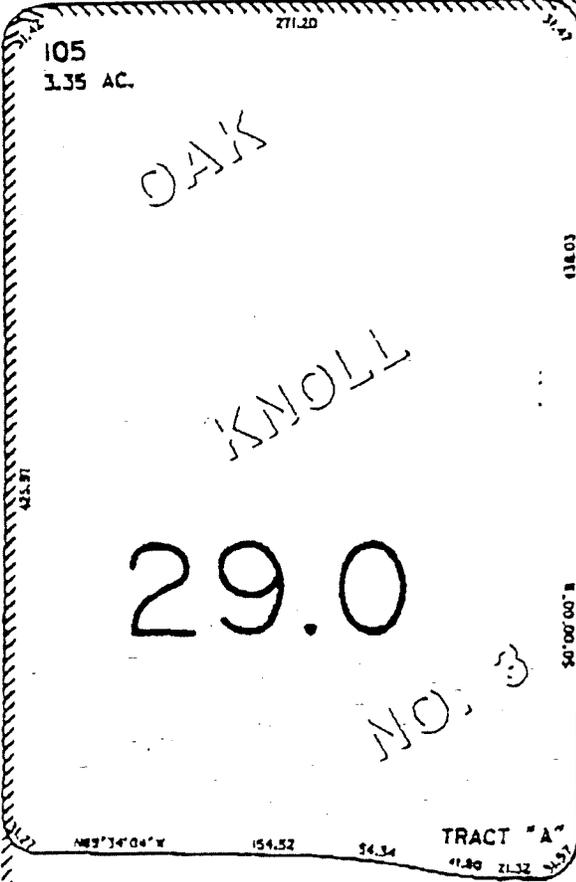
Record of Deeds of said County. Witness my hand and seal of County affixed. By Deputy.

NORTHWEST TITLE COMPANY

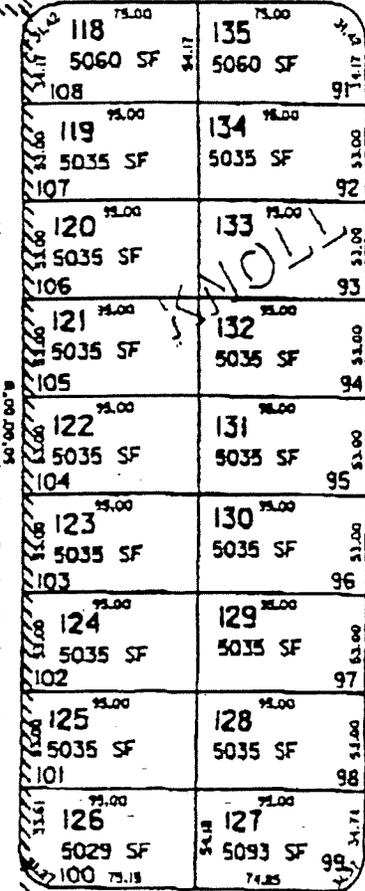
4-15-97



FOOTHILLS

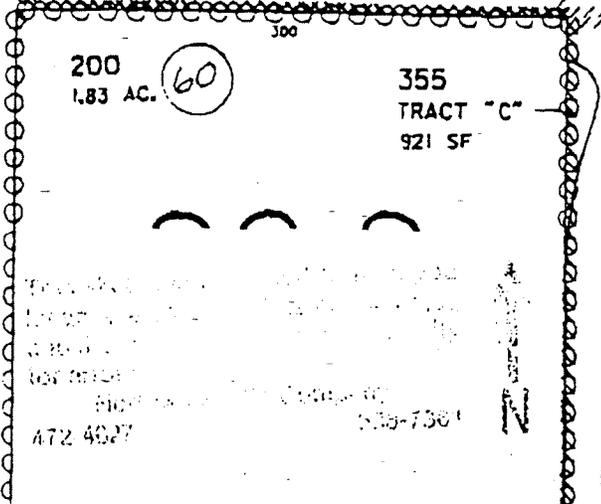


BURLINGTON DR

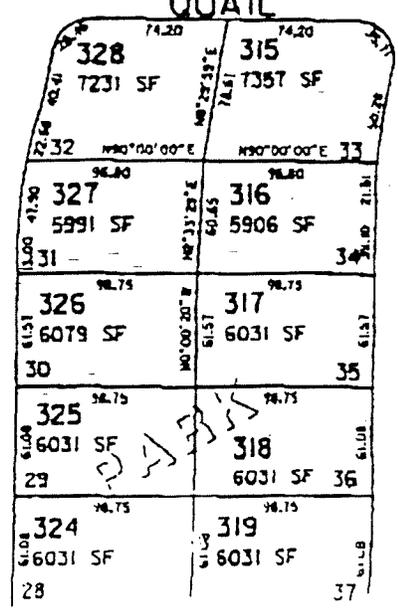


(OSH 219)

HIGHWAY



DR

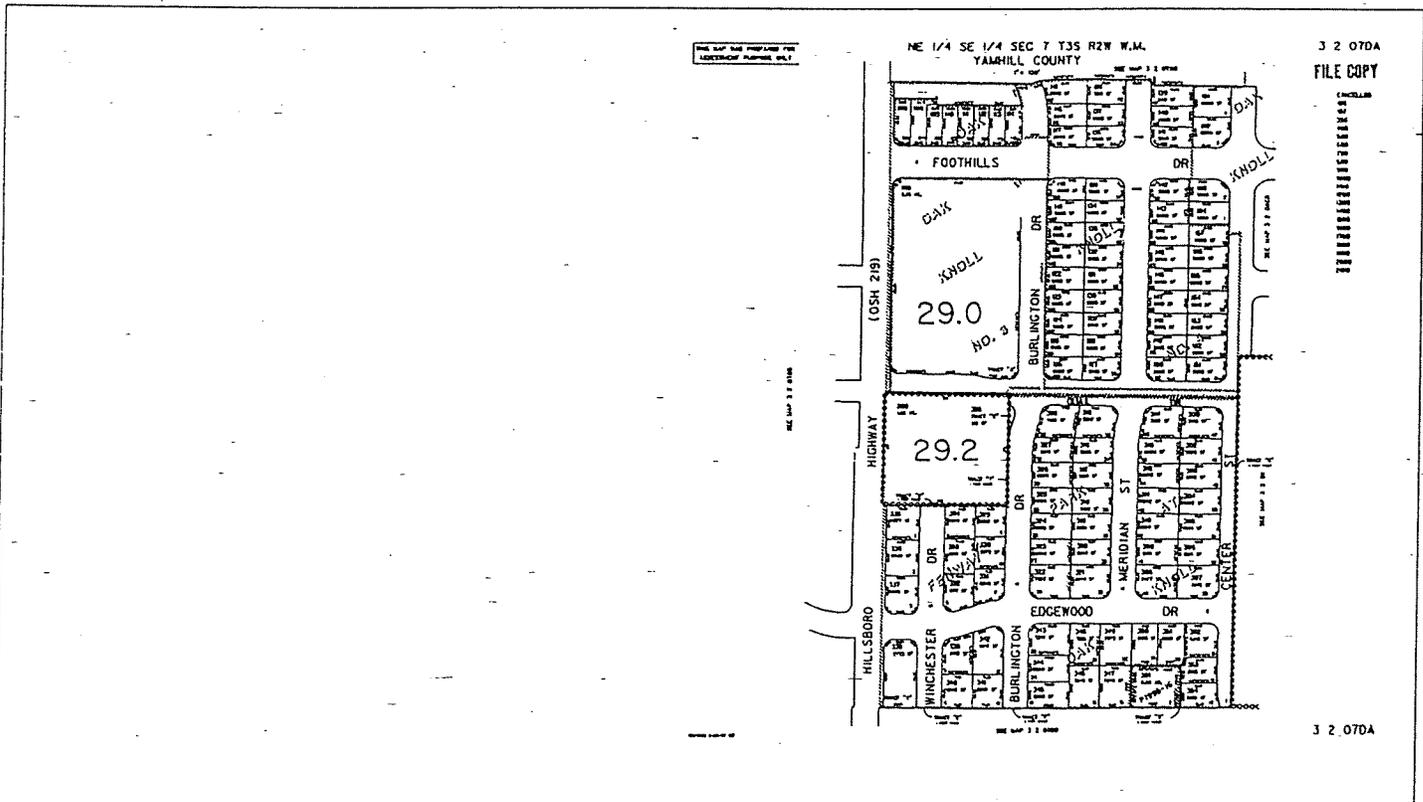


AN ST

Parcel : R3207DA 00105
 Ref Parcel # : 501958
 Owner : Pacific American Property Exchange Corpo
 CoOwner :
 Site : *No Site Address*
 Mail : 900 SW 5th Ave Portland Or 97204
 Xfered : 04/14/97 Doc # : 5877
 Price : Deed : Warranty
 Pr Xfer : Pr Doc# :
 PrPrice :
 Use : 200 Commercial
 Zoning : 20 NO SIGNIFICANCE
 Legal : TRACT "A" OAK KNOLL NO. 3
 R : 02W T : 03S S : 07 Q : SE QQ : NE
 SpclDist :
 Census : Tract : Block :

Total : \$300,800
 Land : \$300,800
 Struct :
 %Imprvd :
 Exempt :
 Levy Rt :
 96-97 Tax : \$4,532.60
 Tax :
 Tax :
Phone
 Owner :
 Tenant :
 Thomas :
 Q : SE QQ : NE

Bedrooms :	Bldg SqFt :	Lot Acres :	4.00
Bathrooms :	Living SF :	Lot SqFt :	174,240
Fire Place :	1st FlrSF :	Foundation :	
Fire Place 2 :	2nd FlrSF :	Wall Matl :	
Heat/AC :	2nd+FlrSF :	Roof Matl :	
Heat/AC 2 :	Cellar SF :	Roof Shape :	
Dishwasher :	BsmtTotalSF :	Floor Cover :	
Hood/Fan :	Garage SF :	Floor Base :	
Microwave :	Garage Type :	Year Built :	
Grbg Disp :			



= METROSCAN PROPERTY REPORT =

Yamhill (OR)

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*****  
* Date :06/30/97 Prepared By :NICOLE MOONEY *  
* Time :7:54:29 Prepared For:LYNN *  
* Report Type :FARM.RPW Company : *  
* Sort Type :PARCEL Address : *  
* Parcels Printed :32 City/ST/Zip : *  
*****
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*****  
* Search Parameters *  
*****
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Reference Parcel Number...32
R3207DA 00100
R3207DA 00108 thru R3207DA 00138

-----: MetroScan / Yamhill :-----		RefPar#	:024191
Parcel	:R3207DA 00100	Xfered	:01/16/97
Owner	:Raintree Development Co	Price	:
Site	:3300 N College St Newberg 97132	TotAssd	:\$287,769
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:713 C4
Use	:401 Tract	Phone	:503-639-3339
Census	:Tract:301.00 Block:2	BldgSF:	Ac:2.47
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	:506956
Parcel	:R3207DA 00108	Xfered	:01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	:503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	:506959
Parcel	:R3207DA 00109	Xfered	:01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	:503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	:506962
Parcel	:R3207DA 00110	Xfered	:01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	:503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	:506965
Parcel	:R3207DA 00111	Xfered	:01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	:503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	:506968
Parcel	:R3207DA 00112	Xfered	:01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	:503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	:506971
Parcel	:R3207DA 00113	Xfered	:01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	:503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	:506974
Parcel	:R3207DA 00114	Xfered	:01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	:503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		

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-----: MetroScan / Yamhill :-----*
Parcel :R3207DA 00115 RefPar# :506977
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:
*-----: MetroScan / Yamhill :-----*
Parcel :R3207DA 00116 RefPar# :506980
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:
*-----: MetroScan / Yamhill :-----*
Parcel :R3207DA 00117 RefPar# :506983
Owner :Wark Development Inc Xfered :05/13/97
Site :*No Site Address* Price :$42,500
Mail :16505 SE 1st St # A #440 Vancouver Wa 98684 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:
*-----: MetroScan / Yamhill :-----*
Parcel :R3207DA 00118 RefPar# :506986
Owner :Wark Development Inc Xfered :04/09/97
Site :*No Site Address* Price :$42,500
Mail :16505 SE 1st St # A #440 Vancouver Wa 98684 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:
*-----: MetroScan / Yamhill :-----*
Parcel :R3207DA 00119 RefPar# :506989
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:
*-----: MetroScan / Yamhill :-----*
Parcel :R3207DA 00120 RefPar# :506992
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:
*-----: MetroScan / Yamhill :-----*
Parcel :R3207DA 00121 RefPar# :506995
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:
*-----: MetroScan / Yamhill :-----*
Parcel :R3207DA 00122 RefPar# :506998
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:

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-----: MetroScan / Yamhill :-----		RefPar#	: 507001
Parcel	:R3207DA 00123	Xfered	: 01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	: 503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	: 507004
Parcel	:R3207DA 00124	Xfered	: 01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	: 503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	: 507007
Parcel	:R3207DA 00125	Xfered	: 01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	: 503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	: 507010
Parcel	:R3207DA 00126	Xfered	: 01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	: 503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	: 507013
Parcel	:R3207DA 00127	Xfered	: 01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	: 503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	: 507016
Parcel	:R3207DA 00128	Xfered	: 01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	: 503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	: 507019
Parcel	:R3207DA 00129	Xfered	: 01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	: 503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar#	: 507022
Parcel	:R3207DA 00130	Xfered	: 01/16/97
Owner	:Raintree Development Co	Price	:
Site	:*No Site Address*	TotAssd	:
Mail	:16850 SW Upper Boones Ferry Rd # Tigard Or 9722	Thomas	:
Use	:401 Tract	Phone	: 503-639-3339
Census	:Tract: Block:	BldgSF:	Ac:
Bedrm:	Bth: YB: Heat/AC:		

MetroScan / Yamhill

Parcel :R3207DA 00131 RefPar# :507025
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:

MetroScan / Yamhill

Parcel :R3207DA 00132 RefPar# :507028
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:

MetroScan / Yamhill

Parcel :R3207DA 00133 RefPar# :507031
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:

MetroScan / Yamhill

Parcel :R3207DA 00134 RefPar# :507034
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:

MetroScan / Yamhill

Parcel :R3207DA 00135 RefPar# :507037
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:

MetroScan / Yamhill

Parcel :R3207DA 00136 RefPar# :507040
Owner :Willcuts Michael R;Dba Willcuts Construc Xfered :05/20/97
Site :*No Site Address* Price :\$42,500
Mail :300 Myrtlewood Ct Newberg Or 97132 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:

MetroScan / Yamhill

Parcel :R3207DA 00137 RefPar# :507043
Owner :Raintree Development Co Xfered :01/16/97
Site :*No Site Address* Price :
Mail :16850 SW Upper Boones Ferry Rd # Tigard Or 9722 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :503-639-3339
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:

MetroScan / Yamhill

Parcel :R3207DA 00138 RefPar# :507046
Owner :Kohl Inc Xfered :01/23/97
Site :*No Site Address* Price :\$42,500
Mail :PO Box 145 Wilsonville Or 97070 TotAssd :
Use :401 Tract Thomas :
Census :Tract: Block: Phone :
Bedrm: Bth: YB: Heat/AC: BldgSF: Ac:

= METROSCAN PROPERTY REPORT =

Yamhill (OR)

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*****  
Date           :06/30/97           Prepared By :NICOLE MOONEY      *  
Time          :7:45:02           Prepared For:LYNN              *  
Report Type   :FARM.RPW           Company      :WESTLAKE CONSULTANTS   *  
Sort Type     :PARCEL             Address      :                      *  
Parcels Printed :33              City/ST/Zip :                      *  
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*****  
*           Search Parameters       *  
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RADIUS SEARCH

-----: MetroScan / Yamhill -----*		RefPar# : 375524
Parcel : R3207AC 01000	Owner : Baker Daniel D & Jane E	Xfered : 12/04/92
Site : 609 Foothills Dr Newberg 97132	Use : 101 Residential	Price :
Mail : 609 Foothills Dr Newberg Or 97132	Census : Tract:301.00 Block:1	TotAssd : \$107,241
Bedrm:3 Bth:2.00 YB:1980 Heat/AC:Forced Air		Thomas : 713 C4
		Phone :
		BldgSF:1,197 Ac:
-----: MetroScan / Yamhill -----		RefPar# : 375533
Parcel : R3207AC 01100	Owner : Walker Sharon K Trustee For	Xfered : 06/07/91
Site : 605 Foothills Dr Newberg 97132	Use : 101 Residential	Price :
Mail : 29500 NE Benjamin Rd Newberg Or 97132	Census : Tract:301.00 Block:1	TotAssd : \$122,674
Bedrm:3 Bth:2.00 YB:1980 Heat/AC:Forced Air		Thomas : 713 C4
		Phone :
		BldgSF:1,336 Ac:
-----: MetroScan / Yamhill -----		RefPar# : 375542
Parcel : R3207AC 01200	Owner : Olesen Donald & Sue A	Xfered : 10/31/80
Site : 511 Holveck Ct Newberg 97132	Use : 101 Residential	Price : \$59,900
Mail : 511 Holveck Ct Newberg Or 97132	Census : Tract:301.00 Block:1	TotAssd : \$115,370
Bedrm:3 Bth:2.00 YB:1980 Heat/AC:Forced Air		Thomas : 713 C4
		Phone :
		BldgSF:1,248 Ac:
-----: MetroScan / Yamhill -----		RefPar# : 375551
Parcel : R3207AC 01300	Owner : Shivvers David L & Cheryl V	Xfered : 09/16/94
Site : 509 Holveck Ct Newberg 97132	Use : 101 Residential	Price : \$119,000
Mail : 509 Holveck Ct Newberg Or 97132	Census : Tract:301.00 Block:1	TotAssd : \$135,699
Bedrm:3 Bth:2.00 YB:1980 Heat/AC:Forced Air		Thomas : 713 C4
		Phone :
		BldgSF:1,728 Ac:
-----: MetroScan / Yamhill -----		RefPar# : 375560
Parcel : R3207AC 01400	Owner : Keller Gregory M & Valerie L	Xfered : 10/04/95
Site : 507 Holveck Ct Newberg 97132	Use : 101 Residential	Price : \$155,000
Mail : 507 Holveck Ct Newberg Or 97132	Census : Tract:301.00 Block:1	TotAssd : \$148,865
Bedrm:3 Bth:2.50 YB:1980 Heat/AC:Forced Air		Thomas : 713 C4
		Phone :
		BldgSF:2,400 Ac:
-----: MetroScan / Yamhill -----		RefPar# : 375579
Parcel : R3207AC 01500	Owner : Tudor Homes Inc	Xfered : 06/02/81
Site : 505 Holveck Ct Newberg 97132	Use : 101 Residential	Price : \$65,000
Mail : 13050 Forest Meadows Way Lake Oswego Or 97034	Census : Tract:301.00 Block:1	TotAssd : \$139,237
Bedrm:3 Bth:2.00 YB:1980 Heat/AC:Forced Air		Thomas : 713 C4
		Phone :
		BldgSF:2,400 Ac:
-----: MetroScan / Yamhill -----		RefPar# : 375588
Parcel : R3207AC 01600	Owner : Nehring Milo O & E Pauline	Xfered : 01/31/85
Site : 501 E Foothills Dr Newberg 97132	Use : 101 Residential	Price : \$43,500
Mail : 501 E Foothills Dr Newberg Or 97132	Census : Tract:301.00 Block:1	TotAssd : \$119,572
Bedrm:3 Bth:2.00 YB:1980 Heat/AC:Forced Air		Thomas : 713 C4
		Phone :
		BldgSF:1,208 Ac:
-----: MetroScan / Yamhill -----		RefPar# : 375828
Parcel : R3207AC 04100	Owner : Wright Donovan & Marilyn M	Xfered : 04/02/83
Site : 500 Foothills Dr Newberg 97132	Use : 101 Residential	Price : \$75,500
Mail : 500 Foothills Dr Newberg Or 97132	Census : Tract:301.00 Block:1	TotAssd : \$139,304
Bedrm:3 Bth:1.50 YB:1982 Heat/AC:Frcd Air\cool		Thomas : 713 C4
		Phone : 503-538-8413
		BldgSF:1,344 Ac:

-----: MetroScan / Yamhill :-----		RefPar# : 375837
Parcel : R3207AC 04200		Xfered : 10/09/92
Owner : Hanke Frederick J & Judith A		Price :
Site : 508 Foothills Dr Newberg 97132		TotAssd : \$130,621
Mail : 508 Foothills Dr Newberg Or 97132		Thomas : 713 C4
Use : 101 Residential		Phone :
Census : Tract:301.00 Block:1		BldgSF:1,344 Ac:
Bedrm:3 Bth:2.00 YB:1981 Heat/AC:Forced Air		
-----: MetroScan / Yamhill :-----		RefPar# : 375846
Parcel : R3207AC 04300		Xfered : 09/01/81
Owner : Rickert Robert E & Linda R		Price : \$75,500
Site : 600 Foothills Dr Newberg 97132		TotAssd : \$149,873
Mail : 600 Foothills Dr Newberg Or 97132		Thomas : 713 C4
Use : 101 Residential		Phone : 503-538-0217
Census : Tract:301.00 Block:1		BldgSF:2,399 Ac:
Bedrm:3 Bth:2.50 YB:1981 Heat/AC:Forced Air		
-----: MetroScan / Yamhill :-----		RefPar# : 375855
Parcel : R3207AC 04400		Xfered : 10/01/86
Owner : Chapman Pamela S		Price :
Site : 604 Foothills Dr Newberg 97132		TotAssd : \$124,695
Mail : PO Box 978 Newberg Or 97132		Thomas : 713 C4
Use : 101 Residential		Phone :
Census : Tract:301.00 Block:1		BldgSF:1,266 Ac:
Bedrm:3 Bth:2.00 YB:1981 Heat/AC:Forced Air		
-----: MetroScan / Yamhill :-----		RefPar# : 375864
Parcel : R3207AC 04500		Xfered : 05/01/84
Owner : Posey Richard G & Jacqueline P		Price : \$66,000
Site : 608 Foothills Dr Newberg 97132		TotAssd : \$143,179
Mail : 608 Foothills Dr Newberg Or 97132		Thomas : 713 C4
Use : 101 Residential		Phone : 503-538-7048
Census : Tract:301.00 Block:1		BldgSF:2,609 Ac:
Bedrm:3 Bth:2.00 YB:1982 Heat/AC:Forced Air		
-----: MetroScan / Yamhill :-----		RefPar# : 024191
Parcel : R3207DA 00100		Xfered : 01/16/97
Owner : Raintree Development Co		Price :
Site : 3300 N College St Newberg 97132		TotAssd : \$287,769
Mail : 16850 SW Upper Boones Ferry Rd # Tigard Or 97224		Thomas : 713 C4
Use : 401 Tract		Phone : 503-639-3339
Census : Tract:301.00 Block:2		BldgSF: Ac:2.47
Bedrm: Bth: YB: Heat/AC:		
-----: MetroScan / Yamhill :-----		RefPar# : 478511
Parcel : R3207DB 00101		Xfered : 06/14/96
Owner : Biever-Lauder Lori A		Price :
Site : 601 Sunset Ct Newberg 97132		TotAssd : \$138,284
Mail : 601 Sunset Ct Newberg Or 97132		Thomas : 713 C4
Use : 101 Residential		Phone :
Census : Tract:301.00 Block:1		BldgSF:1,416 Ac:
Bedrm:3 Bth:2.00 YB:1990 Heat/AC:Forced Air		
-----: MetroScan / Yamhill :-----		RefPar# : 478520
Parcel : R3207DB 00102		Xfered : 05/31/94
Owner : Noragon James H & Lea R		Price : \$128,500
Site : 507 Sunset Ct Newberg 97132		TotAssd : \$152,185
Mail : 507 Sunset Ct Newberg Or 97132		Thomas : 713 C4
Use : 101 Residential		Phone :
Census : Tract:301.00 Block:1		BldgSF:1,535 Ac:
Bedrm:3 Bth:2.50 YB:1990 Heat/AC:Forced Air		
-----: MetroScan / Yamhill :-----		RefPar# : 478539
Parcel : R3207DB 00103		Xfered : 08/05/91
Owner : Thouvenel David L & Judith A		Price : \$91,950
Site : 501 Sunset Ct Newberg 97132		TotAssd : \$144,206
Mail : 501 Sunset Ct Newberg Or 97132		Thomas : 713 C4
Use : 101 Residential		Phone :
Census : Tract:301.00 Block:1		BldgSF:1,464 Ac:
Bedrm:3 Bth:2.00 YB:1990 Heat/AC:Forced Air		

-----: **MetroScan / Yamhill** :-----*

Parcel :R3207DB 00127
 Owner :Baysinger Ken
 Site :500 Sunset Ct Newberg 97132
 Mail :PO Box 691 Newberg Or 97132
 Use :101 Residential
 Census :Tract:301.00 Block:1
 Bedrm:3 Bth:2.00 YB:1990 Heat/AC:Forced Air

RefPar# :478771
 Xfered :10/06/95
 Price :\$126,000
 TotAssd :\$130,908
 Thomas :713 C4
 Phone :
 BldgSF:1,214 Ac:

*-----: **MetroScan / Yamhill** :-----*

Parcel :R3207DB 00128
 Owner :Hygelund Noel J & Pamela J
 Site :508 Sunset Ct Newberg 97132
 Mail :508 Sunset Ct Newberg Or 97132
 Use :101 Residential
 Census :Tract:301.00 Block:1
 Bedrm:3 Bth:2.00 YB:1990 Heat/AC:Frcd Air\cool

RefPar# :478780
 Xfered :03/02/90
 Price :\$17,000
 TotAssd :\$128,839
 Thomas :713 C4
 Phone :
 BldgSF:1,352 Ac:

*-----: **MetroScan / Yamhill** :-----*

Parcel :R3207DB 00129
 Owner :Yell Randy L
 Site :600 Sunset Ct Newberg 97132
 Mail :600 Sunset Ct Newberg Or 97132
 Use :101 Residential
 Census :Tract:301.00 Block:1
 Bedrm:3 Bth:2.00 YB:1990 Heat/AC:Forced Air

RefPar# :478799
 Xfered :04/22/96
 Price :
 TotAssd :\$126,324
 Thomas :713 C4
 Phone :
 BldgSF:1,396 Ac:

*-----: **MetroScan / Yamhill** :-----*

Parcel :R3207DB 00200
 Owner :Browne Edwin H & Esther L
 Site :609 Sunset Ct Newberg 97132
 Mail :609 Sunset Ct Newberg Or 97132
 Use :101 Residential
 Census :Tract:301.00 Block:1
 Bedrm:3 Bth:2.00 YB:1963 Heat/AC:Ceiling

RefPar# :024235
 Xfered :05/02/87
 Price :
 TotAssd :\$101,140
 Thomas :713 C4
 Phone :503-538-4875
 BldgSF:1,288 Ac:

*-----: **MetroScan / Yamhill** :-----*

Parcel :R3207DB 00300
 Owner :Barry Charles E & Carmen M Trustees For
 Site :613 Sunset Ct Newberg 97132
 Mail :31686 Isle Royal Dr Laguna Niguel Ca 92677
 Use :101 Residential
 Census :Tract:301.00 Block:1
 Bedrm:3 Bth:1.50 YB:1963 Heat/AC:Baseboard

RefPar# :024226
 Xfered :11/25/96
 Price :
 TotAssd :\$120,864
 Thomas :713 C4
 Phone :
 BldgSF:1,296 Ac:

*-----: **MetroScan / Yamhill** :-----*

Parcel :R3207DB 00400
 Owner :Burnett Richard A & Ardith
 Site :608 Sunset Ct Newberg 97132
 Mail :608 Sunset Ct Newberg Or 97132
 Use :101 Residential
 Census :Tract:301.00 Block:1
 Bedrm:3 Bth:1.00 YB:1965 Heat/AC:Baseboard

RefPar# :024351
 Xfered :
 Price :
 TotAssd :\$103,422
 Thomas :713 C4
 Phone :503-538-5957
 BldgSF:1,280 Ac:

*-----: **MetroScan / Yamhill** :-----*

Parcel :R3207DB 00500
 Owner :Conrad John A & Pauline A
 Site :612 Sunset Ct Newberg 97132
 Mail :612 Sunset Ct Newberg Or 97132
 Use :101 Residential
 Census :Tract:301.00 Block:1
 Bedrm:3 Bth:1.00 YB:1957 Heat/AC:Baseboard

RefPar# :024342
 Xfered :08/06/93
 Price :\$90,000
 TotAssd :\$112,556
 Thomas :713 C4
 Phone :503-538-2829
 BldgSF:1,104 Ac:

*-----: **MetroScan / Yamhill** :-----*

Parcel :R3207DB 02000
 Owner :Weeks Katherine Y
 Site :501 Quail Dr Newberg 97132
 Mail :501 Quail Dr Newberg Or 97132
 Use :101 Residential
 Census :Tract:301.00 Block:1
 Bedrm:3 Bth:1.50 YB:1980 Heat/AC:Forced Air

RefPar# :372910
 Xfered :08/30/95
 Price :\$109,000
 TotAssd :\$112,493
 Thomas :713 C4
 Phone :
 BldgSF:1,051 Ac:

-----: MetroScan / Yamhill :-----		RefPar# : 372929
Parcel :R3207DB 02100	Owner :Winfield Kevin D;West Laurie M	Xfered :04/03/97
Site :509 Quail Dr Newberg 97132	Use :101 Residential	Price :
Mail :509 Quail Dr Newberg Or 97132	Census :Tract:301.00 Block:1	TotAssd :\$115,851
Bedrm:3 Bth:2.00 YB:1980 Heat/AC:Forced Air		Thomas :713 C4
		Phone :
		BldgSF:1,182 Ac:
-----: MetroScan / Yamhill :-----		RefPar# : 372938
Parcel :R3207DB 02200	Owner :Mercer Robert G & Verla	Xfered :12/10/92
Site :601 Quail Dr Newberg 97132	Use :101 Residential	Price :\$87,000
Mail :601 Quail Dr Newberg Or 97132	Census :Tract:301.00 Block:1	TotAssd :\$119,767
Bedrm:3 Bth:2.00 YB:1980 Heat/AC:Forced Air		Thomas :713 C4
		Phone :503-537-0609
		BldgSF:1,308 Ac:
-----: MetroScan / Yamhill :-----		RefPar# : 024388
Parcel :R3207DB 02300	Owner :Parker George G & Jacquie R	Xfered :03/01/88
Site :605 Quail Dr Newberg 97132	Use :101 Residential	Price :\$55,850
Mail :605 Quail Dr Newberg Or 97132	Census :Tract:301.00 Block:1	TotAssd :\$119,162
Bedrm:3 Bth:2.00 YB:1985 Heat/AC:Forced Air		Thomas :713 C4
		Phone :503-538-7417
		BldgSF:1,263 Ac:
-----: MetroScan / Yamhill :-----		RefPar# : 024397
Parcel :R3207DB 02400	Owner :Senecaut Bradley D & Kathi	Xfered :
Site :3109 N College St Newberg 97132	Use :101 Residential	Price :
Mail :13705 NE Haps Ln Newberg Or 97132	Census :Tract:301.00 Block:1	TotAssd :\$98,212
Bedrm:3 Bth:1.00 YB:1956 Heat/AC:Forced Air		Thomas :713 C4
		Phone :503-538-4977
		BldgSF:1,148 Ac:
-----: MetroScan / Yamhill :-----		RefPar# : 372769
Parcel :R3207DB 02500	Owner :Vanvickle Augusta Trustee For	Xfered :08/30/95
Site :3101 N College St Newberg 97132	Use :101 Residential	Price :
Mail :3101 N College St Newberg Or 97132	Census :Tract:301.00 Block:1	TotAssd :\$98,713
Bedrm:2 Bth:1.50 YB:1960 Heat/AC:Ceiling		Thomas :713 C4
		Phone :503-538-2410
		BldgSF:936 Ac:
-----: MetroScan / Yamhill :-----		RefPar# : 024324
Parcel :R3207DB 02600	Owner :Miller Ronald E & Jini D	Xfered :09/29/93
Site :604 Quail Dr Newberg 97132	Use :101 Residential	Price :
Mail :604 Quail Dr Newberg Or 97132	Census :Tract:301.00 Block:1	TotAssd :\$132,787
Bedrm:3 Bth:2.00 YB:1980 Heat/AC:Forced Air		Thomas :713 C4
		Phone :503-538-1878
		BldgSF:1,416 Ac:
-----: MetroScan / Yamhill :-----		RefPar# : 372947
Parcel :R3207DB 02700	Owner :Costa Richard A & Debra S	Xfered :12/14/94
Site :600 Quail Dr Newberg 97132	Use :101 Residential	Price :
Mail :600 Quail Dr Newberg Or 97132	Census :Tract:301.00 Block:1	TotAssd :\$125,048
Bedrm:3 Bth:1.50 YB:1980 Heat/AC:Forced Air		Thomas :713 C4
		Phone :503-538-6196
		BldgSF:2,034 Ac:
-----: MetroScan / Yamhill :-----		RefPar# : 372956
Parcel :R3207DB 02800	Owner :Danielson Jeffrey L & Heather L	Xfered :06/16/93
Site :508 Quail Dr Newberg 97132	Use :101 Residential	Price :\$83,500
Mail :508 Quail Dr Newberg Or 97132	Census :Tract:301.00 Block:1	TotAssd :\$115,476
Bedrm:3 Bth:1.00 YB:1984 Heat/AC:Forced Air		Thomas :713 C4
		Phone :503-538-5554
		BldgSF:1,236 Ac:

MetroScan / Yamhill

Parcel :R3207DB 02900
Owner :Brubaker Timothy J & Lorie A
Site :500 Quail Dr Newberg 97132
Mail :500 Quail Dr Newberg Or 97132
Use :101 Residential
Census :Tract:301.00 Block:1
Bedrm:3 Bth:2.00 YB:1981 Heat/AC:Forced Air

RefPar# :372965
Xfered :08/30/95
Price :\$135,000
TotAssd :\$137,972
Thomas :713 C4
Phone :
BldgSF:2,250 Ac:

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

NE 1/4 SE 1/4 SEC 7 T3S R2W W.M.
YAMHILL COUNTY

Exhibit B

3 2 07DA

FILE COPY

- CANCELLED
- 106
- 107
- 356
- 400
- 500
- 600
- 700
- 800
- 900
- 1000
- 1100
- 1200
- 1300
- 1400
- 1500
- 1600
- 1700
- 1800
- 1900
- 2000
- 2100

SEE MAP J 2 07DB



SEE MAP J 2 08CB

SEE MAP J 2 08

(OSH 219)

HIGHWAY

HILLSBORO

FOOTHILLS

SITE

29.0

29.2

BURLINGTON DR

EDGEMOOD DR

MERIDIAN ST

WINCHESTER

BURLINGTON

DR

DR

CENTER ST

SEE MAP J 2 07AD



WESTLAKE

CONSULTANTS INC.

GENESIS HEALTHCARE, INC.

Assisted Living Facility

&

Commercial Marketplace

TYPE III DEVELOPMENT APPLICATION:

PLANNED UNIT DEVELOPMENT

TYPE II DEVELOPMENT APPLICATION:

SITE DESIGN REVIEW

City of Newberg, Oregon

July, 1997

ENGINEERING • SURVEYING • PLANNING

Genesis Healthcare, Inc.
**Assisted Living Facility/Commercial
Marketplace**

**Planned Unit Development and
Site Design Review Application**



Prepared For:

Genesis Healthcare, Inc.
220 East Hereford
Gladstone, Oregon 97027

Prepared By:

Westlake Consultants, Inc.
15115 SW Sequoia Parkway, Suite 150
Tigard, Oregon 97224

July 24, 1997

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DATA SHEET

APPLICANT: Genesis Healthcare, Inc.
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Gladstone, Oregon 97027
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Phone: (503) 656-0393
Fax: (503) 656-3251

PROPERTY OWNER (S): NSP Development, Inc.
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Portland, Oregon 97228
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Phone: (503) 242-3625
Fax: (503) 321-2677

DESIGN TEAM COORDINATOR (S): Pamela Vann
Westlake Consultants, Inc.
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Tigard, Oregon 97224
Phone: (503) 684-0652
Fax: (503) 624-0157

Patrick Bickler, Architect
1312 Mill Street, SE
Salem, Oregon 97301-6351
Phone: (503) 588-7046
Fax: (503) 316-0455

PROPERTY DESCRIPTION: SE 1/4, Section 7, T3S, R2W, T.L. 105

SITE SIZE: 3.35 acres

CURRENT ZONING DESIGNATION: C-1: Neighborhood Commercial

CURRENT COMPREHENSIVE PLAN DESIGNATION: Commercial Land Use (COM)

PROPOSAL: Planned Unit Development Approval
Site Design Review Approval

PROJECT OVERVIEW

BACKGROUND

Genesis Healthcare, Inc. has proposed the development of a combined mixed residential-commercial planned unit development consisting of an Assisted Living Facility and a neighborhood-oriented commercial center on a commercially zoned parcel of land within the jurisdictional boundaries of the City of Newberg. Genesis Healthcare, Inc.'s pre-development analysis of the feasibility of the subject site has included demographic analysis of the City of Newberg's market potential for an ALF use, and a number of informal and formal discussions with City of Newberg Community Development staff including an initial presentation before the City of Newberg Planning Commission On April 10, 1997. In addition, on June 2, 1997, an Genesis Healthcare, Inc. and Westlake Consultants, Inc., its authorized representative, made an informal presentation on the proposed ALF to the Newberg City Council during its regular meeting. One of the primary purposes of this presentation was to receive Council guidance on the most appropriate and efficient City planning process for the review and approval of the proposed project. The Newberg City Council publicly noted that the City's Planned Unit Development process was the most appropriate and efficient procedure and also publicly indicated support for the proposed ALF development within the City of Newberg and passed a resolution directing staff to work with Genesis Healthcare, Inc. to identify and implement a development approval process that is within the land use approval process to bring the ALF to the City. On July 10, 1997, Westlake Consultants, Inc. conducted an informal presentation before the City of Newberg Planning Commission for the Commission's input and guidance on the planning and design of the site. Key issues identified by the Commission at this meeting included a significant reduction in the amount of on-site parking, maintenance of on-site open space/passive recreational areas, and a neighborhood orientation and character for the proposed on-site commercial uses. On July 14, 1997, Genesis Healthcare, Inc. and Westlake Consultants, Inc. hosted a neighborhood meeting at the Chehalem Senior Center. Meeting notices were sent to property owners within 100-feet of the subject site (37 identified property owners were notified) and meeting notices were transmitted to the Chehalem Senior Center and the City of Newberg Community Development office for posting. Four citizens attended the meeting. Key issues identified by the citizens included traffic, types of commercial uses and overall character and design of the proposed development.

On July 1, 1997, Westlake Consultants, Inc., on behalf of Genesis Healthcare, Inc., submitted Type II and Type III applications for Site Design Review and Planned Unit Development approvals for a proposed Assisted Living Facility within

the jurisdictional boundaries of the City of Newberg. The application package consisted of a completed and signed Type III Planned Unit Development application form, a completed and signed Type II Site Design Review application form, an executive summary of the proposed project, a title report for the subject property, a 100-foot notice area mailing list and stamped envelopes and a preliminary site plan. In the cover letter for the application package, Westlake Consultants, Inc. noted that the submittal of the application package was intended to formally initiate the land use application process; that a combined Type II and Type III review and approval process was being sought; and that remaining application submittal items required by the City of Newberg Zoning Code would be provided following the informal presentation before the City of Newberg Planning Commission on July 10 and the neighborhood meeting on July 14.

PROJECT DESCRIPTION

Genesis Healthcare, Inc. (hereafter referred to as the applicant) proposes the development of a combined commercial-residential Planned Unit Development on the subject site. Specifically, the applicant proposes the on-site development of a two-story 48,114 square foot Assisted Living Facility (ALF) comprised of 68 units, a 5,666 square foot commercial retail structure, a 2,883 square foot commercial retail structure and 48,638 square feet of circulation driveways and parking areas consisting of 45 on-site 9 feet x 18 feet parking spaces. In addition, the applicant is also proposing 63,308 square feet of on-site landscaped open space consisting of two approximately 1,500 square foot areas of designated ALF resident outdoor living space with bench seating and grass landscaping, on-site paved pedestrian walkways on-site passive recreation areas (i.e. grass landscaped areas) and trees, shrubs and groundcover placed throughout the site both to engender a high aesthetic quality and buffer elements of the proposed use (i.e. trash enclosure areas) from the surrounding residential land uses.

ASSISTED LIVING FACILITY CONCEPT

An Assisted Living Facility (ALF) is intended to provide an alternative living arrangement for senior citizens that differs from standard group care facilities. Its basis premise is that residents should be afforded a high level of independence and choice in how they live. The facility is structured through its physical design and an emphasis on a "social" model of caring to accommodate a variety of senior citizen service needs. It is not, however, a "nursing home". As residents' assisted living needs increase, the facility is intended to provide an increased level of service to satisfy these needs.

Residents at the ALF will be provided with private apartments which will include private kitchens, bedrooms, bathrooms and living areas. The applicant has conducted an analysis of other assisted living facilities which indicate that many

residents of these facilities become long-term inhabitants. As long-term members of the community, it is anticipated that they will take an active interest in the surrounding area's quality of life and thus, assist in promoting a greater sense of community between all neighbors of the area.

COMMERCIAL RETAIL USES

The planning and design of on-site commercial uses began with the initial concept of providing these uses within the proposed ALF structure. In consultation with the City of Newberg Community Development staff, the City of Newberg Planning Commission and the City of Newberg City Council, the applicant and its consultants identified the potential for limited neighborhood utility of these commercial uses within the ALF structure. The current site plan, therefore, proposes two separate on-site neighborhood commercial retail buildings (hereafter referred to as the Oak Knoll Marketplace) located in the northwest corner of the site adjacent to the intersection of Foothills Drive and North College Street which within 20-feet of the Foothills Drive right-of-way as required by Section 10.44.317.1.H.a of the City of Newberg Development Code which states that "Commercial structures shall be setback no further than twenty feet from the Foothills Drive right-of-way....". In addition, a beauty shop proposed to be located on the ground-floor of the ALF will be neighborhood accessible via a covered pedestrian entry fronting on Burlington Drive. No other neighborhood commercial uses are proposed to be located within the ALF.

The neighborhood commercial retail uses are intended to serve both the residents of the facility and the surrounding neighborhood. These uses will provide immediate access to common neighborhood commercial retail uses for the facility and neighborhood residents. They will reduce the need for these residents to travel long distances for retail goods and services reducing potential increased vehicular impacts to the surrounding street system's circulation flow and capacity. Potential neighborhood commercial uses which could be located in the Oak Knoll Marketplace include a convenience store, a US Postal Service annex or mailing convenience center, a dry-cleaner, a video store and / or a coffee/espresso shop. All proposed commercial retail uses will be in conformance with Section 10.44.344 of the City of Newberg Development Code which identifies permitted uses within the Neighborhood Commercial (C-1) zoning district.

SITE DESCRIPTION

The subject site is approximately 3.35 acres in size. It is located in the northwestern portion of the City of Newberg and is within the City's municipal limits. It is located north of Quail Drive, south of Foothills Drive, east of North College Street (State Route 219) and west of Burlington Drive. The site is located in the southeast quarter-section of Section 7, Township 3 South and Range 2

West, Willamette Meridian and is identified as Tax Lot 105. The subject site is generally flat and has been rough graded in preparation for future development. On-site drainage currently flows to the southeast corner of the site. In addition, street improvements surrounding the subject site have occurred.

LAND USE DESIGNATIONS AND EXISTING USES

The subject site is zoned Neighborhood Commercial (C-1) with a Specific Plan overlay designation for its inclusion in the *Northwest Newberg Specific Plan*. The existing zoning designations for the abutting properties are identified as:

<i>North:</i>	Medium Density Residential (R-2) with Specific Plan Sub-District Overlay
<i>South:</i>	No Designation; Low Density Residential (R-1) with Specific Plan Sub-District Overlay
<i>East:</i>	Low Density Residential (R-1) with Specific Plan Sub-District Overlay
<i>West:</i>	Low-Density Residential (R-1)

The comprehensive plan designation for the subject site is Commercial Land Use (COM). existing comprehensive plan designations for the abutting properties are identified as:

<i>North:</i>	Residential Land Use
<i>South:</i>	Residential Land Use
<i>East:</i>	Residential Land Use
<i>West:</i>	Residential Land Use

The subject site is currently surrounded on all sides by paved road right-of-way. The abutting property to the north is part of the Oak Knoll Subdivision and is currently being developed for residential duplex use. The abutting property to the east of the site is also part of the Oak Knoll Subdivision and is currently being developed for single-family detached residential use. The abutting property to the south is currently vacant. The abutting property to the west is existing single-family detached residential uses.

COMPLIANCE WITH C-1 NEIGHBORHOOD COMMERCIAL DISTRICT CRITERIA

SECTION 10.40.340: C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

The combined residential-commercial Planned Unit Development consisting of an Assisted Living Facility and the Oak Knoll Marketplace are proposed to be developed on a parcel in the City of Newberg with a C-1, Neighborhood Commercial District zoning designation. Section 10.40.340 of the City of Newberg Development Code identifies permitted and conditional uses which are allowed in this zoning designation. Other policies and criteria directly applicable to the C-1 zone are identified in other sections of the City of Newberg Zoning Code. Because these policies and criteria directly relate to the proposed development, they will be identified and discussed in this section of the narrative. The following identifies the applicable criteria from Section 10.32 and other pertinent sections of the City of Newberg Zoning Code and provides associated findings and conclusions indicating compliance with these criteria.

SECTION 10.40.344: PERMITTED USES

In the C-1 Neighborhood Commercial District, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this Code:

- *Accessory buildings and uses normal and incidental to the buildings and uses permitted in 10.40.344 through 10.40.346.*
- *Ambulance service (satellite facility only, excluding central dispatch and maintenance functions)/*
- *Bakeries (retail only)*
- *Banks*
- *Barber and beauty shops.*
- *Bed and Breakfast establishments (2 or fewer guest sleeping rooms).*
- *Bicycle shops.*
- *Book stores.*
- *Car washes, coin operated.*
- *Chapels.*
- *Christmas tree sales (outdoor sales) in accordance with 10.52.400*
- *Churches; subject to the following conditions:*
 - A. *Dedications and improvements of public streets*
 - B. *Conveyance or dedication of public utility easements as determined by the City.*
- *Clinics.*
- *Confectionery stores with fountains (no drive-ins or walk-ups).*

- Dairy product stores (retail only).
- Day nurseries.
- Delicatessen stores.
- Dry cleaners, coin operated.
- Fireworks sales (outdoor sales) from June 24 to July 6.
- Florist shops.
- Gift shops.
- Grocery stores or markets.
- Group care homes.
- Laundromats, hand laundries, and self-service laundries.
- Meat markets.
- Offices for the following:
 - A. Accountants.
 - B. Attorneys.
 - C. Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the State to practice the healing arts.
 - D. Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.
 - E. Insurance brokers.
 - F. Lumber brokers.
 - G. Real estate brokers.
 - H. Savings and loans.
 - I. Stockbrokers.
 - J. Telephone answering services.
- Open Space.
- Plant nurseries.
- Pharmacy or drug stores.
- Planned unit developments.
- Post offices.
- Public and semi-public buildings essential to the physical and economic welfare of an area such as fire stations, substations and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.
- Public or private parking areas.
- Restaurants, except drive-through.
- Service stations.
- Shoe repair shops.
- Small animal clinics.
- Studios for the following:
 - A. Interior decorators.
 - B. Photographers.

C. Artists.

- *Tailor or dressmaking shops.*
- *Telephone and telegraph exchanges.*
- *Variety shops.*
- *Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.*

Response:

The commercial marketplace is intended to be a neighborhood oriented use and is proposed to provide commercial uses which are permitted in this section of the Code. Such uses could include a commercial market, coffee/espresso shop, video store and a post office facility. All commercial uses are intended to be developed by the applicant as permitted uses within the C-1 Neighborhood Commercial District.

Section 10.32.020.7.A.d identifies that "dwellings, single, manufactured and multiple family" are buildings and uses permitted in the R-1, R-2, R-3 and RP zoning districts. Section 10.32.020.7.A.d identifies permitted buildings and uses in the C-1 zoning district to include "when proposed as a combination residential-commercial planned unit development; uses and buildings as listed in A) above and those listed as permitted outright or conditionally in the use district wherein the development will be located. The proposed project will be processed as a Planned Unit Development which is a permitted use in the C-1 zoning district. Because the concept of an ALF is a relatively new land use, the City of Newberg Development does not address in great detail its use allowability. The Planned Unit Development section of the Code is a flexible tool that can be used when a particular land use is not specifically or adequately addressed by sections of the Code, but is similar in nature to those uses already identified.

An Assisted Living Facility is not identified as a permitted use in this Code section. Section 10.06.010 (Definitions) of the City of Newberg identifies an Assisted Living Facility as a group care facility. Specifically this portion of the code states " Assisted living facilities shall be considered group care facilities> Group care facilities are defined in the Code as "An institution that maintains facilities for rendering board and domiciliary care for compensation to physically, mentally or socially disabled persons or delinquent or dependent persons....Group care facilities provide care for six (6) or more individuals." While the applicant does not argue with the fact that an ALF is not specifically identified as a permitted (nor as a conditional use) use within the C-1 zoning district, the applicant, nevertheless believes that there is flexibility in Section 10.40.344 of the Code which would allow for the development of the ALF. This

flexibility is identified in the last bullet item under the list of permitted uses in Section 10.40.344 which states "Any other buildings or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section."

The proposed ALF is a residential facility in nature, but also provides commercially oriented uses such as a pharmacy and beauty shop which are intended to be primarily serviced by the residents of the facility. The proposed ALF is similar in its function to the surrounding residential uses which consists of duplexes immediately north of the site and single family detached residences on all other sides. The proposed ALF is intended to provide a private and independent living environment for senior citizens, who by the very fact of their age and potential physical mobility limitations inhabit and create a lower intensity environment than the surrounding residential uses and permitted and conditional commercial land uses. The proposed ALF is thus semi-congregate in nature providing a range of living styles for its residents but having an overall intent of allowing residents to "age in place" similar to what they might do if they were occupying the surrounding residential structures. While there may be concerns about compatibility with the surrounding residential uses because of the semi-congregate nature of the ALF, this ALF does not promote a different or detrimental effect on the adjoining neighborhood areas because in terms of functionally, it is highly similar to the existing and proposed surrounding residential uses. The development of larger scale commercial uses on the other hand, it could be argued, would have a more significant impact on the surrounding residential uses because of issues of traffic, noise, light and glare, and potential incompatibility in commercial operating hours with the surrounding residential uses. The proposed ALF, on the other hand, has been designed to fit into the normal function and flow of the neighborhood, and the intensity of its development will have a lower impact by the very type and character of its residents.

A traffic analysis conducted by Lancaster Engineering, a professional transportation engineering firm, for the proposed development indicates that the proposed ALF will not cause significant traffic generation. Lancaster Engineering identified that the proposed ALF will generate 11 out of the projected 137 PM Peak Hour Trips or .08 of all projected trips. This minor traffic generation further supports the applicant's contention that the proposed ALF will be supportive of and complimentary to the surrounding residential uses than would other larger scale permitted or conditional uses. It is arguable and is in fact supported by Lancaster Engineering, Inc. that the development of permitted and conditional uses on the subject site would have a higher detrimental impact on the site. The development of the proposed ALF will, in fact, off-set potential increased traffic

impacts to the surrounding neighborhoods by increased commercial usage of the site.

The scale and size of the proposed ALF has been noted as a concern by the City of Newberg Community Development staff. While it is clear that as a single structure, the proposed ALF will be larger in terms of square footage than the surrounding residential homes, the overall design of the facility is intended to duplicate and enhance these homes. The proposed ALF will be similar in height to the surrounding residential homes with a building height of two stories which is in conformance with the height requirement for the surrounding R-1 and R-2 zoning districts which is identified in Section 10.50.105.1 of the Code as two and one-half stories or 30 feet, whichever is lesser. In addition, the exterior color scheme of the proposed ALF will be similar to the surrounding residential homes incorporating earth tones. Further, it should be noted that the building will be constructed with lap siding and architectural asphalt shingle siding, all of which are intended to mimic and support the siding and roof styles of the surrounding residential homes.

In terms of building mass, the proposed ALF has been designed to have a core central area and two leg extensions. This design facilitates a more residential nature for the proposed ALF, and allows the ALF to maintain height, design and mass consistency with the surrounding residential uses. This design is intended to break up the visual impact of the building by spreading it out horizontally versus building it up vertically. The overall effect is a building which blends into the surrounding residential uses, rather than standing out or above these uses because of a significant height and mass difference between it and the surrounding homes.

Regarding density, the proposed ALF will provide 68 units. In order to adequately address the actual density of the ALF, the area for the commercial marketplace and associated land uses (approximately .75 of an acre) must be deducted. The remaining site area is approximately 2.5 acres for the proposed ALF and associated land uses. The estimated density per acre for this development would be approximately 27 people per acre. However, in terms of the impact of density, the proposed ALF does not share many of the characteristics of higher density development. For example, the residents of the facility will be an older population, many between the ages of 70 and 80, with limited mobility and reduced lifestyle activity. In addition, as determined by Lancaster Engineering, the proposed ALF will generate minimal traffic. For example, Lancaster Engineering estimates that the proposed ALF will generate .08 percent of the anticipated p.m. peak hour trips associated with the entire development proposal. In addition, the design of the proposed ALF is not characteristic of higher density development in that it has been designed to be representative of and integrate with the surrounding residential homes. This

design imparts both a perception and an actuality of a lower intensity development. Because the proposed ALF is intended to be lower intensity in nature, it will not be detrimental to the surrounding residential uses.

It should be noted that the applicant is pursuing the development of the subject site as a Planned Unit Development which is identified as a permitted use within the C-1 Neighborhood Commercial District. The applicant realizes that because the subject is commercially zoned, and is located within the boundaries of the Northwest Newberg Specific Plan area, there is significant amount of interest on the part of the City that this site is developed for maximum development usability and community benefit. It is because of these reasons that the applicant has worked in partnership with the City of Newberg to identify a process which will facilitate a significant level of City involvement and oversight into the development of the site, and which will provide the applicant and the City the ability to be creative and flexible in the development of the site for the realization of common and specific goals and interests.

Because the applicant has shown that the proposed ALF will be similar to the permitted uses listed in Section 10.40.344, and will not have any detrimental impact on the adjoining neighborhoods, this criterion is met.

SECTION 10.40.346: BUILDINGS AND USES PERMITTED CONDITIONALLY

In addition to the buildings and uses permitted conditionally, listed in 10.30.050, the Planning Commission may grant a conditional use permit for any of the following buildings or uses in accordance with a Type III procedure:

- *Bed and breakfast establishments with more than two guest sleeping rooms.*

Response:

A bed and breakfast establishment is not proposed to be developed on the subject nor are the conditional uses identified in Section 10.30.050 proposed for development on the subject site.

An assisted living facility is not identified as a conditional use within this section of the Code. The applicant is proposing the development of the site as a Planned Unit Development. Please refer to the detailed discussion under Justification for Allowance of Assisted Living Facility for reasons why the proposed ALF should be allowed.

Because neither the proposed ALF nor the commercial marketplace uses are identified as conditional uses within this section, this criterion is met.

COMPLIANCE WITH THE NORTHWEST NEWBERG SPECIFIC PLAN

SECTION 10.44.317: SPECIFIC PLAN DEVELOPMENT STANDARDS

THE NORTHWEST NEWBERG SPECIFIC PLAN

A Specific Plan (SP) sub-district designation has been applied to the subject site's zoning designation of C-1 Neighborhood Commercial District. The subject site is located within the Northwest Newberg Specific Plan sub-district whose plan was produced in August 1994 and has been adopted into the City of Newberg Development Code by reference. The following identifies the applicable criteria from Section 10.44.317 and provides associated findings and conclusions indicating compliance with these criteria.

SECTION 10.44.317.1.B: PERMITTED AND CONDITIONAL USES

The permitted and conditional uses allowed under the "SP" subdistrict shall be the same as those uses permitted in the base zoning districts. An exception to this is the commercial zone which may be located on either side (north or south) of the extension of Foothills Drive. Such commercial area must be located in one node of not more than 5 acres in size and not split by a public street. This alternative is indicated in Appendix B of the Northwest Newberg Specific Plan.

Response:

SECTION 10.44.317.1.C: STREET AND PEDESTRIAN PATHWAY STANDARDS

Street and pedestrian pathway standards are as follows:

	ROW	Paved Surface
Local Street	60'	32'
Collector Street	74'	36'
Pedestrian Connection	16'	6'

Five foot bikelanes shall be provided along collector streets. Five foot sidewalks shall be provided along local and collector streets. A six foot wide planter strip shall separate the sidewalk and the local street. A twelve foot wide planter strip shall separate the sidewalk and the collector street. Local streets shall be designed as through-streets. Cul-de-sacs shall be used only if a through street cannot be developed. The regulations for collector street standards may be waived when in the judgment of the Director waiving of the standards are warranted based on traffic volume, reduced speed, type of usage and access limitations, pursuant to the City of Newberg Transportation System Plan.

Response:

A five foot bikelane currently exists on both sides of Foothills Drive and was installed in association with the development of the adjacent Oak Knoll subdivision. An existing five foot public sidewalk and an existing twelve foot planter strip are also located along the south side of Foothills Drive adjacent to the subject site. An existing five foot sidewalk and six foot planter strip is located along North College Street. A five foot sidewalk and six foot planter strip are proposed to be constructed along Quail Drive and Burlington Drive in association with the development of the subject site.

Because the sidewalk and planter strip improvements have been made already or will be made in association with the development of the subject site, the subcriteria of this section have been met.

SECTION 10.44.317.1.D.D: COMMERCIAL AND INSTITUTIONAL SETBACKS

Except as set forth in subsection (g) below, setbacks for commercial and institutional use shall be set by the base zone or as otherwise required in this Code..

Response:

As indicated on Sheet 2: Schematic Design/Site Plan, 10 foot or greater front yard setbacks are planned on all sides of the subject development site. These yards are proposed to be landscaped as indicated on Sheet L1: Landscape Plan. The applicant will maintain these landscaped setbacks to provide a neat and highly aesthetic landscape feature.

Because 10 feet front yard setbacks have been planned on all sides of the site and will be maintained by the applicant, this criterion is met.

SECTION 10.44.317.1.E: STREET TREES

Street trees shall be required along all streets. One tree shall be required for every 40 feet of street frontage or fraction thereof, e.g., a lot with 50 feet of frontage will provide two street trees; a lot with 100 feet of frontage will provide three street trees. Trees shall be provided in accordance with the list of trees included in the specific plan. Trees shall have a minimum of 1 1/2 inch or 1 3/4 inch caliper tree trunk and shall be balled and burlapped or boxed.

Response:

As evidenced on Sheet L1: Landscape Plan, all street trees to provided are planned to be 40 feet on center or fraction thereof. Tree trunks are 1 1/2 inch caliper tree trunk and will be balled and burlapped.

Because the applicant will meet the spacing, tree trunk caliper, and packaging requirements of this section, this criterion is met.

SECTION 10.44.317.1.G: BUILDING ORIENTATION

All development shall be oriented to a local or collector street. Orientation shall be achieved by the provision of an entry door fronting upon the street with a direct sidewalk connection from the door to the public sidewalk.

Response:

The proposed ALF has been designed in a "boomerang" format with two primary arm extensions of a center base. Entry doors have been located on both ends of the arm extension and connected to the public sidewalk via on-site private pedestrian walkways. In addition, the center of the building is also connected to the surrounding public sidewalk system via on-site private pedestrian walkways which connect to access doors on the front and rear of the center.

Regarding the commercial marketplace two on-site private pedestrian walkways are proposed to connect to the public sidewalk system along North College Avenue. One of these walkways will provide access into the covered open area between the two proposed marketplace structures. An on-site private pedestrian walkway is proposed to connect with the marketplace site along Foothills Drive. The provision of other interconnected on-site pedestrian walkways and painted crosswalks also facilitates the orientation of the buildings to the surrounding street system.

Because the applicant's site plan indicates a high degree of building orientation to the surrounding street network, this criterion is met.

SECTION 10.44.317.1.H: COMMERCIAL STANDARDS

In addition to site review standards, the following standards shall apply to commercial development.

- a) *Commercial structures shall be setback no further than twenty feet from the Foothills Drive right-of-way. This setback area shall not be used for any type of vehicular access or parking.*
- b) *A minimum of a 300 square foot plaza or pedestrian seating area at the intersection of Foothills Drive and the adjacent north-south local street shall be provided.*
- c) *All walls adjacent to and visible from the public right-of-way shall include windows. An exception to this standard may be granted by the Community Development Director if the wall is screened.*

Response:

The proposed commercial marketplace is located in the northwest corner of the site and, as evidenced on Sheet 2: Schematic Design/Site Plan, is located no further than 20 feet from the Foothills Drive right-of-way. The setback area will not be used for any type of vehicular access or parking.

A minimum 300 foot pedestrian seating area with pergola benches and a planter is proposed to be located in the northeast corner of the site and is setback approximately 75 feet from the Foothills Drive and Burlington Drive intersection.

As evidenced on Sheets 5 and 6, all walls adjacent to and visible from the public right-of-way surrounding the subject site are designed with windows.

Because the commercial structure meets the maximum setback requirement, the applicant has provided a 300 feet pedestrian area, and windows are proposed for building walls, the subcriteria of this section are met.

SECTION 10.44.317.1.I: SIGN STANDARDS

Free standing signs shall not exceed five feet in height, 30 square feet in area and one per street frontage. Wall and window signs shall not exceed one square foot per lineal foot of wall. Roof signs are prohibited. Projecting fin signs shall not exceed 20 square feet in size.

Response:

Sign location and details are identified on Sheet 2: Schematic Design/Site Plan and Sheet 6: Schematic Design Elevations for Oak Knoll Marketplace. The two free-standing signs are proposed to be 3 feet, 6 inches tall and 6 feet wide which satisfies the maximum height requirement of five feet and also the maximum area requirement of less than 30 feet. One sign is proposed along the College Street/Quail Drive intersection. The other sign is proposed to be located along Foothills Drive.

Because the applicant has located one sign per street frontage, has met the maximum area requirement and has produced a sign detail sheet indicating potential color, font type and size, this criterion is satisfied.

COMPLIANCE WITH PLANNED UNIT DEVELOPMENT CRITERIA

SECTION 10.32: PLANNED UNIT DEVELOPMENTS

The applicant requests Type III approval of its Assisted Living Facility and the Oak Knoll Marketplace as a combined residential-commercial mixed-use Planned Unit Development. Section 10.32 of the City of Newberg Development Code identifies policies and criteria which a proposed Planned Unit Development must be shown to comply with or be able to comply with in order to be approved. The following identifies the applicable criteria from Section 10.32 and provides associated findings and conclusions indicating compliance with these criteria.

SECTION 10.32.020.1

Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.

Response:

The subject site is currently owned by NSP Development, Inc. Genesis Healthcare, Inc. has entered into an earnest money agreement with NSP Development, Inc. to purchase the subject site. Genesis Healthcare, Inc. is identified as the applicant and NSP Development, Inc. as the owner, on the City of Newberg Type III Planned Unit Development and Type II Site Design Review applications.

SECTION 10.32.020.2

Processing steps - Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:

- A. Step One - Preliminary plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities, create an attractive, safe, efficient and stable environment, and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.*
- B. Step Two - Final plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.*

Response:

A Planned Unit Development application in combination with a Site Design Review application was initially submitted on July 1, 1997. This combined application is identified as Step One in the Planned Unit Development approval process. This narrative in conjunction with a revised site plan, a site analysis plan, architectural elevations, a landscape plan, a utility/grading plan and a traffic study are being submitted to supplement and complete the initial July 1, 1997 application. A public hearing is required before the City of Newberg Planning Commission at which the Commission will consider both the Type III and Type II development approval requests.

Because the applicant has submitted a Type III application and in addition, a Type II application, and is submitting additional information in support of that application to make it complete as well as participating in a public hearing before the City of Newberg Planning Commission, this criterion is met.

SECTION 10.32.020.3

Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with City standards, policies and ordinances.

Response:

There is no phasing proposed with this proposed project.

Because there is no phasing proposed with this project, this criterion is met.

SECTION 10.32.020.4

Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step, or in the absence of a specific schedule, within one year of such approval. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approval expires. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all

phases void that are not yet finally approved or upon which construction has begun.

Response:

It is the applicant's intent to submit immediately for final plan approval following preliminary plan approval to complete the two-step process required for planned unit development approval. It is also the applicant's intent to submit for building permit approval following final planned unit development plan approval.

Because it is the applicant's intent to submit for final plan approval and building permit approval in the Code allotted timeframes, this criterion is met.

SECTION 10.32.020.6

Density. Except as provided in 10.20.040 relating to sub-districts, dwelling unit density provisions for residential planned unit developments shall be as follows:

A. Maximum Density. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

<u>District</u>	<u>Maximum Density per Gross Acre</u>
R-1	175 density points as calculated below.
R-2	310 density points as calculated below.
R-3	640 density points as calculated below.
RP	310 density points as calculated below.
C-1	As per required findings.
C-2	As per required findings.
C-3	As per required findings.

Density point calculations in the following table are correlated to dwellings based on the number of bedrooms which for these purposes is defined as enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other sleeping rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom.

Density Point Table

<u>Dwelling Type</u>	<u>Density Points</u>
Studio and efficiency	12
One bedroom	14
Two bedroom	21
Three bedroom	28

Four or more bedrooms 35

- B. Approved density. The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.*
- C. Easement calculations. Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.*
- D. Dedications. Density calculations may include areas dedicated to the public for recreation or open space.*
- E. Cumulative density. When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.*

Response:

Regarding density, the proposed ALF will provide 68 units. In order to adequately address the actual density of the ALF, the area for the commercial marketplace and associated land uses (approximately .75 of an acre) must be deducted. The remaining site area is approximately 2.5 acres for the proposed ALF and associated land uses. The estimated density per acre for this development would be approximately 27 people per acre. However, in terms of the impact of density, the proposed ALF does not share many of the characteristics of higher density development. For example, the residents of the facility will be an older population, many between the ages of 70 and 80, with limited mobility and reduced lifestyle activity. In addition, as determined by Lancaster Engineering, the proposed ALF will generate minimal traffic. For example, Lancaster Engineering estimates that the proposed ALF will generate .08 percent of the anticipated p.m. peak hour trips associated with the entire development proposal. In addition, the design of the proposed ALF is not characteristic of higher density development in that it has been designed to be representative of and integrate with the surrounding residential homes. This design imparts both a perception and an actuality of a lower intensity development.

Because the proposed ALF is intended to be lower intensity in nature, it will not be detrimental to the surrounding residential uses and this criterion has been met.

SECTION 10.32.020.7

Buildings and Uses Permitted. Buildings and uses in planned unit development are permitted as follows:

- A. *R-2, R-3 and R-P zones:*
- a) *Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.*
 - b) *Accessory buildings and uses.*
 - c) *Duplexes.*
 - d) *Dwellings, single, manufactured, and multiple family.*
 - e) *Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.*
- B. *C-1, C-2 and C-3 zones:*
- a) *When proposed as a combination residential-commercial planned unit development; uses and buildings listed in A) above and those listed as permitted outright or conditionally in the use district wherein the development will be located.*
 - b) *When proposed as a residential or commercial planned unit development; uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.*
- C. *M-1, M-2 and M-3 Zones: Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.*

Response:

The applicant proposes the development of a combination residential-commercial planned unit development. A planned unit development is a permitted use within the C-1 Neighborhood Commercial zoning designation.

The proposed ALF has been shown to be "any other building or use determined to be similar to those listed in this section [C-1 Neighborhood Commercial District]." By providing substantive evidence that the ALF is a permitted use, the applicant has satisfied that portion of Section 10.32.020.7.B.a which states "uses and buildings listed above and those listed as permitted outright or conditionally in the use district wherein the development will be located."

The applicants, the design team coordinators and other professional authorized representatives have engaged to this point in a substantial dialogue regarding the allowability of the proposed ALF. At a June 17, 1997 meeting between John Knight, former City of Newberg Planning Manager, and Pamela Vann and Kevin Snyder, Westlake Consultants, Inc., a common understanding on the allowability of the proposed ALF was reached - i.e. that it was permitted through the City's Planned Unit Development process.

This section of the Code does not provide exclusionary language such "all of the above". Rather, the language appears to be a shopping list". If it was the City's intent to only allow uses identified as permitted for residential planned unit developments or to only allow those uses permitted outright or conditionally in the use district, there would be no basis for describing other options for permitted uses as appears in the statement "when proposed as a combination residential-commercial planned unit development."

Because the applicant has shown that the ALF is a permitted use because it is similar to those listed in Section 1040.340, the applicant has meet the subcriteria of this particular section.

SECTION 10.32.020.8

Professional coordinator and design team. Professional coordinators and design teams shall comply with the following:

- A. *Services. A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall insure that the required plans are prepared. Plans and services provided for the City and between the applicant and the coordinator shall include:*
- a) *Preliminary design.*
 - b) *Design development.*
 - c) *Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and,*
 - d) *Administration of the construction contract, including, but not limited to inspection and verification of compliance with approved plans.*
- B. *Address and attendance. The coordinator or his professional representative shall maintain an Oregon address, unless this requirement is waived by the Director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.*
- C. *Design team designation. Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional to prepare appropriate plans. Each team member must be licensed to practice his or her profession in the State of Oregon.*
- D. *Design team participation and waiver. Unless waived by the Director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plan at all three steps.*
- E. *Design team change. Written notice of any change in design team personnel must be submitted to the Director within three working days of changes.*

F. *Plan Certification. Certification of the services of the professionals responsible for particular shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.*

Response:

Pamela Vann, Westlake Consultants, a professional planner and a landscape architect by training and Patrick Bickler, an architect licensed to practice in the State of Oregon are co-coordinators on the proposed project. Ms. Vann or Mr. Bickler or their authorized professional representatives both maintain personal and professional addresses in the State of Oregon. Ms. Vann or Mr. Bickler or their authorized professional representatives have attended or will attend all public meetings at which the proposed planned unit development is discussed. The design team consists of Patrick Bickler, AIA, Architect, Pamela Vann, Westlake Consultants, Inc., John Husman (Council of Landscape Architects Registration Board [CLARB] #445), and Dave Morris, P.E., Endex Engineering. This design team has and will participate in all three steps of the preparation of the plan. The Director of Community Development will be informed of any change in the composition of this design team. A dated cover sheet is being submitted with this narrative bearing the signatures of all the design team members indicating their comprehensive review of all related plans for the planned unit development application.

Because the applicant has assembled a design team per the City of Newberg requirements and this team is acting in conformance with City related design team requirements, this criterion is met.

SECTION 10.32.020.9

Modification of certain regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this Code may be modified by the hearing authority, provided the proposed development will be in accordance with purposes of this Code and those regulations. Departures from the hearing authority upon a finding by the Engineering Director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this Code.

Response:

The applicant is requesting a reduction in the required number of total parking spaces from 51 spaces to 45 spaces in recognition of the neighborhood character and orientation of the development and to meet the City of Newberg Planning Commission from the July 10, 1997 informal presentation to reduce the amount of on-site parking. A six space reduction in the required number of parking spaces is not significant in nature and will assist in promoting alternative forms of travel, i.e. pedestrian and bicycle to the site by the surrounding neighborhoods. There will be no hazards to vehicular or pedestrian traffic caused by a reduction in the amount of required parking spaces because such a reduction will reduce the amount of vehicle usage of the surrounding street system.

Because the opportunity for modification is available to the occupant, and the applicant has shown that the requested parking space reduction will not be hazardous, this criterion is met.

SECTION 10.32.020.10

Lot coverage. Maximum permitted lot and parking area coverage as provided in this Code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.

Response:

The subject site is zoned C-1 Neighborhood Commercial District and per Section 10.50.147.2, there is no limit on lot coverage and parking area coverage.

Because there is no limit on lot coverage and parking area coverage, this criterion is satisfied.

SECTION 10.32.020.11

Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plan (See Fig. 8 and the definition of "Sun Exposure Plane"). The hearing authority may further modify heights to:

- A. *Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.*
- B. *Protect lines of sight and scenic vistas.*
- C. *Enable the project to satisfy required findings for approval.*

Response:

The three on-site structures are proposed to be one-story (commercial marketplace) and two stories (ALF) which is in conformance with the maximum height requirement for the C-1 zone identified as two and one-half stories or 30

feet, whichever is the lesser in Section 10.50.105.2.A. Where applicable, the on-site buildings will be constructed in the sun exposure plane.

Because the on-site buildings do not exceed the height limitation and where applicable, will be constructed within the sun exposure plane, these subcriteria are met.

SECTION 10.32.020.12

Dedication, improvement and maintenance of public thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:

- A. *Streets and walkways. Including, but not limited to those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in 10.50.130, pertaining to Special Setback requirements to Planned Right-of-ways, shall be required.*
- B. *Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.*

Response:

The applicant proposes to construct and dedicate a five foot sidewalk and six foot planter strip along Quail Drive and Burlington Drive. There are existing sidewalks and planter strips along Foothills Drive and North College Street.

The applicant is not proposing any easements for the orderly extension of public utilities and bicycle and pedestrian access because the subject site is surrounded on all four sides by public road right-of-way.

Because the applicant will construct and dedicate required streets and walkways and there are no easements required, these subcriteria are met.

SECTION 10.32.020.13

Underground utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.

Response:

All proposed on-site utilities will be undergrounded in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.

Because all utilities will be undergrounded, this criterion is met.

SECTION 10.32.020.14

Usable outdoor living area. All dwelling units shall be served by outdoor living area as defined in the Code. Unless waived by the hearing authority, the outdoor living area must equal at least ten percent of the gross floor of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor

living space may be offered for dedication to the City, in fee or easement, to be incorporated in a City approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.

Response:

The applicant proposed to provide approximately 3,00 square feet of outdoor living space, as identified on Sheet L1: Landscape Plan, specifically designed for use by residents of the ALF. Because of concerns for physical harm and safety for the senior citizen residents of the ALF, the facility has not been designed to facilitate unlimited access to outside areas, but rather there exist controlled access points to oversee residential ingress and egress and provide general assistance and emergency services where needed.

Because the proposed ALF will meet the intent of the outdoor living area requirement by providing a designated outdoor living area for specific ALF resident use, this criterion is met.

SECTION 10.32.020.15

Site modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.

Response:

Pending final plan approval, and unless in receipt of City of Newberg authorization to act, the applicant will not alter the existing on-site vegetation, topography and other natural features of the subject site.

Because the applicant will not alter the existing features of the subject site prior to final plan approval unless specifically authorized by the City of Newberg to do so, this criterion is met.

SECTION 10.32.020.16

Completion of required landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by condition of approval, the Director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.

Response:

The applicant will either installed all required landscaping prior to the issuance of occupancy permits or submit to the City of Newberg a performance bond of a sufficient amount and time to assure timely completion as determined by the Director.

Because the applicant will either install the required landscaping prior to occupancy permits or provide a performance bond, this criterion is met.

SECTION 10.32.030: PRELIMINARY PLAN CONSIDERATION - STEP ONE

SECTION 10.32.030.1

Pre-application conference. Prior to filing an application for preliminary plan consideration, the applicant or coordinator may request through the Director a pre-application conference to discuss the feasibility of the proposed planned unit development and determine the processing requirements.

Response:

As indicated in the Code, a pre-application may be held at the request of the applicant or the coordinator. The applicant and its consultants have, over the last few months, engaged in several meetings with City of Newberg Community Development staff, have informally presented to the City of Newberg Planning Commission twice and have presented before the City of Newberg City Council. The intent of the pre-application conference - to discuss the feasibility of the proposed planned unit development and determine the processing requirements - has occurred through these meetings, and thus, a de facto pre-application conference has occurred.

SECTION 10.320.030.2

Application. An application with the required fee, for preliminary plan approval shall be made by the owner of the affected property, or the owner's authorized agent, on a form prescribed by and submitted to the Director. Applications, accompanied by such additional copies as requested by the Director for purposes of referral, shall contain or have attached sufficient information as prescribed by the Director to allow processing and review in accordance with these regulations.

Response:

A completed and signed application for a Type III Planned Unit Development approval and a completed and signed application for a Type II Site Design Review approval were originally submitted on July 1, 1997. In addition, an executive summary of the proposed project, a 100 foot mailing notice list and mailing labels, preliminary title report, and preliminary site plan were also submitted. This narrative in conjunction with a revised site plan, a site analysis plan, architectural elevations, a landscape plan, a utility/grading plan and a traffic study are being submitted to supplement and complete the initial July 1, 1997 application.

SECTION 10.320.030.3

Type III Review and Decision Criteria. Preliminary Plan consideration shall be reviewed through the Type III procedure. Decisions shall include review and recognition of the potential impact of the entire development, and preliminary approval shall include written affirmative findings that:

- A. *The proposed development is consistent with standards, plans, policies, and ordinances adopted by the City; and,*
- B. *The proposed development's general design and character, including but not limited to anticipated building locations, bulk and height, location and distribution of recreation space, parking, roads, access, and other uses, will be reasonably compatible with appropriate development of abutting properties and the surrounding neighborhood; and,*
- C. *Public services and facilities are available to serve the proposed development. If such public services and facilities are not at present available, an affirmative finding may be made under this criterion if the evidence indicates that the public services and facilities will be available prior to need by reason of:*
 - a) *Public facility planning by the appropriate agencies, or*
 - b) *A commitment by the applicant to provide private services and facilities adequate to accommodate the projected demands of the project, or*
 - c) *Commitment by the applicant to provide for offsetting all added public costs or early commitment of public funds made necessary by the development.*
- D. *The provisions of this code have been met;*
- E. *Proposed buildings, roads, and other uses are designed and sited to ensure preservation of features, and other unique or worthwhile natural features and to prevent soil erosion or flood hazard; and*
- F. *There will be adequate on-site provisions for utility services, emergency vehicular access, and where appropriate, public transportation facilities; and,*
- G. *Sufficient usable recreational facilities, outdoor living area, open space, and parking areas will be conveniently and safely accessible for use by residents of the proposed development; and*

H. *Proposed buildings, structures and uses will be arranged, designed, and constructed so as to take into consideration the surrounding area in terms of access, building scale, bulk, design, setbacks, heights, coverage, landscaping and screening, and to assure reasonable privacy from residents of the development and surrounding properties.*

Response:

Regarding Item A, this narrative has addressed applicable standards, plans policies and ordinances for the proposed development and has identified that the project has complied or will comply with all requirements.

Because the applicant has addressed applicable standards, plans, policies and ordinances in this written narrative, this subcriterion is met.

Regarding Item B and Item H, the proposed ALF is a residential facility in nature, but also provides commercially oriented uses such as a pharmacy and beauty shop which are intended to be primarily serviced by the residents of the facility. The proposed ALF is similar in its function to the surrounding residential uses which consists of duplexes immediately north of the site and single family detached residences on all other sides. The proposed ALF is intended to provide a private and independent living environment for senior citizens, who by the very fact of their age and potential physical mobility limitations inhabit and create a lower intensity environment than the surrounding residential uses and permitted and conditional commercial land uses. The proposed ALF is thus semi-congregate in nature providing a range of living styles for its residents but having an overall intent of allowing residents to "age in place" similar to what they might do if they were occupying the surrounding residential structures. While there may be concerns about compatibility with the surrounding residential uses because of the semi-congregate nature of the ALF, this ALF does not promote a different or detrimental effect on the adjoining neighborhood areas because in terms of functionally, it is highly similar to the existing and proposed surrounding residential uses. The development of larger scale commercial uses on the other hand, it could be argued, would have a more significant impact on the surrounding residential uses because of issues of traffic, noise, light and glare, and potential incompatibility in commercial operating hours with the surrounding residential uses. The proposed ALF, on the other hand, has been designed to fit into the normal function and flow of the neighborhood, and the intensity of its development will have a lower impact by the very type and character of its residents.

A traffic analysis conducted by Lancaster Engineering, a professional transportation engineering firm, for the proposed development indicates that the proposed ALF will not cause significant traffic generation. Lancaster Engineering

identified that the proposed ALF will generate 11 out of the projected 137 PM Peak Hour Trips or .08 of all projected trips. This minor traffic generation further supports the applicant's contention that the proposed ALF will be supportive of and complimentary to the surrounding residential uses than would other larger scale permitted or conditional uses. It is arguable and is in fact supported by Lancaster Engineering, Inc. that the development of permitted and conditional uses on the subject site would have a higher detrimental impact on the site. The development of the proposed ALF will, in fact, off-set potential increased traffic impacts to the surrounding neighborhoods by increased commercial usage of the site.

The scale and size of the proposed ALF has been noted as a concern by the City of Newberg Community Development staff. While it is clear that as a single structure, the proposed ALF will be larger in terms of square footage than the surrounding residential homes, the overall design of the facility is intended to duplicate and enhance these homes. The proposed ALF will be similar in height to the surrounding residential homes with a building height of two stories which is in conformance with the height requirement for the surrounding R-1 and R-2 zoning districts which is identified in Section 10.50.105.1 of the Code as two and one-half stories or 30 feet, whichever is lesser. In addition, the exterior color scheme of the proposed ALF will be similar to the surrounding residential homes incorporating earth tones. Further, it should be noted that the building will be constructed with lap siding and architectural asphalt shingle siding, all of which are intended to mimic and support the siding and roof styles of the surrounding residential homes.

In terms of building mass, the proposed ALF has been designed to have a core central area and two leg extensions. This design facilitates a more residential nature for the proposed ALF, and allows the ALF to maintain height, design and mass consistency with the surrounding residential uses. This design is intended to break up the visual impact of the building by spreading it out horizontally versus building it up vertically. The overall effect is a building which blends into the surrounding residential uses, rather than standing out or above these uses because of a significant height and mass difference between it and the surrounding homes.

Regarding density, the proposed ALF will provide 68 units. In order to adequately address the actual density of the ALF, the area for the commercial marketplace and associated land uses (approximately .75 of an acre) must be deducted. The remaining site area is approximately 2.5 acres for the proposed ALF and associated land uses. The estimated density per acre for this development would be approximately 27 people per acre. However, in terms of the impact of density, the proposed ALF does not share many of the characteristics of higher density development. For example, the residents of the

facility will be an older population, many between the ages of 70 and 80, with limited mobility and reduced lifestyle activity. In addition, as determined by Lancaster Engineering, the proposed ALF will generate minimal traffic. For example, Lancaster Engineering estimates that the proposed ALF will generate .08 percent of the anticipated p.m. peak hour trips associated with the entire development proposal. In addition, the design of the proposed ALF is not characteristic of higher density development in that it has been designed to be representative of and integrate with the surrounding residential homes. This design imparts both a perception and an actuality of a lower intensity development. Because the proposed ALF is intended to be lower intensity in nature, it will not be detrimental to the surrounding residential uses.

It should be noted that the applicant is pursuing the development of the subject site as a Planned Unit Development which is identified as a permitted use within the C-1 Neighborhood Commercial District. The applicant realizes that because the subject is commercially zoned, and is located within the boundaries of the Northwest Newberg Specific Plan area, there is significant amount of interest on the part of the City that this site is developed for maximum development usability and community benefit. It is because of these reasons that the applicant has worked in partnership with the City of Newberg to identify a process which will facilitate a significant level of City involvement and oversight into the development of the site, and which will provide the applicant and the City the ability to be creative and flexible in the development of the site for the realization of common and specific goals and interests.

Because the applicant has shown that the proposed development will be reasonably compatible with the surrounding development and has taken into consideration the surrounding area, these two subcriteria are met.

Regarding Item C, public services and facilities such as water, sewer, and stormwater exist adjacent to the site and can be extended to service the site. The site is surrounded on all sides by existing public road right-of-way. Frontage improvements have been made along the portions of the site that front on Foothills Drive and North College Street. Frontage improvements along Burlington Drive and Quail Drive are proposed in association with the proposed project and will consist of a five foot sidewalk and a six foot planter strip as required by Section 10.44.317.C of the City of Newberg Development Code. An existing eight inch water line is located in Burlington Drive. A lateral connection from this existing line into the site is proposed and will provide domestic water service, fire sprinkler service and will service a proposed new fire hydrant along Burlington Drive. No backflow prevention is proposed for the domestic water system. Separate domestic water service for the two commercial retail buildings in the northwest corner of the site will be provided from an existing water line in Foothills Drive. No fire sprinkler services are proposed, however, they could be provided at future date. An existing eight inch sanitary

sewer line is located in Burlington Drive. All sanitary sewer service for the three on-site structures will laterally connect to this existing line. Storm drainage from the proposed development is proposed to be routed to an existing catch-basin in the southeast corner of the site at the intersection of Quail Drive and Burlington Drive. This catch basin connects to an off-site regional retention facility which services the Fenway and Oak Knoll subdivisions. Stormwater run-off from on-site parking lots, roofs and landscaped areas will be collected in on-site catch basins and area drains for routing to the existing catch basin in the southeast corner of the site. An existing two-inch natural gas line is located on the southeast corner of the site at the intersection of Quail Drive and Burlington Drive. The proposed ALF will receive natural gas service from this existing line. An existing two-inch natural gas line is also located on the south side of Foothills Drive which will provide service to the proposed commercial marketplace buildings.

Because public services and facilities exist adjacent to the site and can service the site, this criterion is met.

Regarding Item B, this written narrative has identified and discussed all applicable provisions of the City of Newberg Development Code including the C-1 zoning district standards, the Planned Unit Development Standards. The Northwest Newberg Specific Plan Area standards, and the Site Design Review standards. The applicant has provide substantive information indicating how these provisions have been complied with or will be complied with.

Because the applicant has addressed all applicable provisions of the City of Newberg Development Code and shown compliance with or the ability to comply with these standards. This subcriterion is, therefore, met.

Regarding Item E, proposed on-site buildings, access drives, and other uses have been designed to be of low intensity and will incorporate into the existing and future land uses surrounding it. There are no unique or worthwhile features which would be removed as a result of this project. The site has limited grade and is relatively flat which results in no soil erosion or flood hazard. This existing condition will not be significant modified by the proposed development as indicated on the attached grading plan.

Because the project is intended to be low intensity in nature, and will not have no significant impact in terms of soil erosion, flood hazard or loss of natural features, this criterion is met.

Regarding Item F, the applicant is proposing to connect to existing water and sewer lines in the adjacent road right-of-way. Emergency vehicular acces has been provided through the design of minimum 24 feet wide aisle drive areas which will permit on-site emergency vehicle access.

Because the proposed project will be provided with on-site utility service and emergency vehicle access has been planned, this subcriterion is met.

Regarding Item G, approximately 44 percent of the site's gross acreage is proposed to be landscaped. This will include grass lawn areas and bench seating for passive recreational usage. In addition, a 300 foot pedestrian plaza is proposed to be located in the northeast corner of the site. Sheet L1: Landscape Plan also designates two areas on the front portion of the ALF facility as designated outdoor living areas for residents of the ALF. Because of issues of safety and physical harm, the proposed ALF will not have direct access patios or balconies. Rather, there are controlled ingress and egress access points which will connect to an on-site looped pedestrian walkway system. On-site parking will be provided in convenient locations for users of the ALF and the commercial marketplace. The applicant is requesting a reduction in the required number of parking spaces in recognition of the neighborhood orientation and character of the proposed development.

Because the proposed development has made provisions for sufficient usable outdoor recreation facilities, outdoor living areas, open space and convenient parking spaces, this criterion has been met.

COMPLIANCE WITH THE SITE DESIGN REVIEW CRITERIA

Section 10.28 of the City of Newberg Development Code identifies policies and criteria which a proposed Planned Unit Development must be shown to comply with or be able to comply with in order to be approved. The following identifies the applicable criteria from Section 10.28 and provides associated findings and conclusions indicating compliance with these criteria.

DESIGN COMPATIBILITY

The proposed ALF will be a typical five - one hour rated wood-framed structure with lap siding and architectural asphalt siding. The lap siding and architectural asphalt shingle siding are intended to mimic and support the siding and roof styles of the surrounding residential homes. A covered drop-off area or porte-cochere will be provided at the main entrance. The proposed ALF is a residential facility in nature, but also provides commercially oriented uses such as a pharmacy and beauty shop which are intended to be primarily serviced by the residents of the facility. The proposed ALF is similar in its function to the surrounding residential uses which consists of duplexes immediately north of the site and single family detached residences on all other sides. The proposed ALF is intended to provide a private and independent living environment for senior citizens, who by the very fact of their age and potential physical mobility limitations inhabit and create a lower intensity environment than the surrounding residential uses and permitted and conditional commercial land uses. The proposed ALF is thus semi-congregate in nature providing a range of living styles for its residents but having an overall intent of allowing residents to "age in place" similar to what they might do if they were occupying the surrounding residential structures. While there may be concerns about compatibility with the surrounding residential uses because of the semi-congregate nature of the ALF, this ALF does not promote a different or detrimental effect on the adjoining neighborhood areas because in terms of functionally, it is highly similar existing and proposed surrounding residential uses. The development of larger scale commercial uses on the other hand, it could be argued, would have a more significant impact on the surrounding residential uses because of issues of traffic, noise, light and glare, and potential incompatibility in commercial operating hours with the surrounding residential uses. The proposed ALF, on the other hand, has been designed to fit into the normal function and flow of the neighborhood, and the intensity of its development will have a lower impact by the very type and character of its residents.

Regarding the proposed commercial marketplace, two one-story buildings are proposed and will be encircled with a large covered verandah which will provide protection for patrons of the commercial uses against the natural elements and will facilitate changing shadow lines along the structural facades. The exterior of the marketplace is proposed

to have split-face concrete masonry units for texture and permanence. The marketplace roof has been designed with the same slope of the proposed ALF structure for consistency and with respect to the surrounding residential development roof lines.

A traffic analysis conducted by Lancaster Engineering, a professional transportation engineering firm, for the proposed development indicates that the proposed ALF will not cause significant traffic generation. Lancaster Engineering identified that the proposed ALF will generate 11 out of the projected 137 PM Peak Hour Trips or .08 of all projected trips. This minor traffic generation further supports the applicant's contention that the proposed ALF will be supportive of and complimentary to the surrounding residential uses than would other larger scale permitted or conditional uses. It is arguable and is in fact supported by Lancaster Engineering, Inc. that the development of permitted and conditional uses on the subject site would have a higher detrimental impact on the site. The development of the proposed ALF will, in fact, off-set potential increased traffic impacts to the surrounding neighborhoods by increased commercial usage of the site.

The scale and size of the proposed ALF has been noted as a concern by the City of Newberg Community Development staff. While it is clear that as a single structure, the proposed ALF will be larger in terms of square footage than the surrounding residential homes, the overall design of the facility is intended to duplicate and enhance these homes. The proposed ALF will be similar in height to the surrounding residential homes with a building height of two stories which is in conformance with the height requirement for the surrounding R-1 and R-2 zoning districts which is identified in Section 10.50.105.1 of the Code as two and one-half stories or 30 feet, whichever is lesser. In addition, the exterior color scheme of the proposed ALF will be similar to the surrounding residential homes incorporating earth tones.

In terms of building mass, the proposed ALF has been designed to have a core central area and two leg extensions. This design facilitates a more residential nature for the proposed ALF, and allows the ALF to maintain height, design and mass consistency with the surrounding residential uses. This design is intended to break up the visual impact of the building by spreading it out horizontally versus building it up vertically. The overall effect is a building which blends into the surrounding residential uses, rather than standing out or above these uses because of a significant height and mass difference between it and the surrounding homes.

It should be noted that the applicant is pursuing the development of the subject site as a Planned Unit Development which is identified as a permitted use within the C-1 Neighborhood Commercial District. The applicant realizes that because the subject is commercially zoned, and is located within the boundaries of the Northwest Newberg Specific Plan area, there is significant amount of interest on the part of the City that this site is developed for maximum development usability and community benefit. It is because of these reasons that the applicant has worked in partnership with the City of Newberg to identify a process which will facilitate a significant level of City involvement

site is developed for maximum development usability and community benefit. It is because of these reasons that the applicant has worked in partnership with the City of Newberg to identify a process which will facilitate a significant level of City involvement and oversight into the development of the site, and which will provide the applicant and the City the ability to be creative and flexible in the development of the site for the realization of common and specific goals and interests.

Because the applicant has shown that the proposed ALF will be similar to the permitted uses listed in Section 10.40.344, and will not have any detrimental impact on the adjoining neighborhoods, this criterion is met.

PARKING AND ON-SITE CIRCULATION

SECTION 10.50.205.2: PARKING SPACES REQUIRED - INSTITUTIONAL TYPES

- | | |
|---|------------------------------|
| D. <i>Retail establishments, except as otherwise except as otherwise specified herein</i> | <i>1 for each three beds</i> |
|---|------------------------------|

Response:

The ALF is proposed to have 68 units which will be studio or one-bedroom for single individuals or couples. One bed per unit is proposed. The required number of parking spaces per the institutional type categorization for this land use would be approximately 23 surface parking spaces. The proposed square footage of the beauty shop is The applicant proposes to reduce the number of required parking spaces for the ALF to 20 parking spaces. The reduction in the required number of parking spaces is feasible through the Planned Unit Development application for the entire project per Section 10.32.020.9 and is justified based on the following:

- No residents of the ALF will have their own private automobiles available to them on-site.
- The primary use for the ALF-related parking spaces will be for employee and visitor parking. Peak staffing periods will be composed of ten employees. Non-peak staffing periods will range between five and ten employees.
- At the July 10, 1997 informal presentation to the City of Newberg Planning Commission, the Commission requested a reduction in the number of parking spaces below the required number of parking spaces based on limited ALF automobile usage and to encourage pedestrian and other modes of travel to the on-site commercial uses by the surrounding residential neighborhoods.

- Twenty parking spaces represents 87 percent of the required number of parking spaces and is a minimal reduction in the required number of parking spaces.

Because the applicant will be providing parking in substantial conformance with the City of Newberg parking requirements, and has satisfactorily demonstrated that a three space reduction in the amount of required parking will not have significant detrimental impact, the subcriteria of this section have been met.

SECTION 10.50.205.3: PARKING SPACES REQUIRED - COMMERCIAL TYPES

- | | | |
|-----|--|--|
| 8. | <i>Retail establishments, except as otherwise except as otherwise specified herein</i> | <i>1 for each 300 square feet of gross floor area</i> |
| 9. | <i>Barber and beauty shops</i> | <i>1 for each 75 square feet of gross floor area</i> |
| 10. | <i>Bowling alleys</i> | <i>6 for each bowling lane</i> |
| 11. | <i>Pharmacies</i> | <i>1 for each 150 square feet of gross floor area</i> |
| 12. | <i>Retail stores handling bulky merchandise, household furniture, or appliance repair</i> | <i>1 for each 600 square feet of gross floor area</i> |
| 13. | <i>Office buildings, business and professional offices</i> | <i>1 for every 400 square feet of gross floor area</i> |
| 14. | <i>Establishments or enterprises of recreational or entertainment nature</i> | |
| | a) <i>Spectator type, e.g. auditoriums, assembly halls, theaters, stadiums, places of assembly</i> | <i>1 parking space for each 4 seats</i> |
| | b) <i>Participating type, e.g. skating rinks, dance halls</i> | <i>1 each for 75 square feet of gross floor area</i> |
| | c) <i>Establishment for the sales and consumption on the premises of food and beverages with a drive-up window</i> | <i>1 each for 75 square feet of gross floor area</i> |
| | d) <i>Establishment for the sale and consumption on the premises of food and beverages without a drive-up window</i> | <i>1 each for 100 square feet of gross floor area</i> |

Response:

such 2 parking spaces would be required. As noted in the discussion on parking spaces for the ALF structure, the applicant is proposing 20 parking spaces (23 spaces would be required for the ALF use and two spaces would be required for the beauty shop for a total of 25 spaces). The provision of 20 parking spaces represents 80 percent of the required combined parking space requirement for the ALF use and the beauty shop. In addition, the beauty shop is proposed to have covered exterior access on Burlington Drive which is intended to promote surrounding neighborhood pedestrian use.

The proposed commercial marketplace will be 8,499 square feet, and per Section 10.50.205.03.A., it would require 28 parking spaces. The applicant proposes 25 parking spaces for the proposed commercial marketplace based on the which is 89 percent of the required number of parking spaces. The reduction in the required number of parking spaces is feasible through the Planned Unit Development application for the entire project per Section 10.32.020.9 and is justified because:

- The reduction in the number of parking spaces is not a significant reduction from the required number of parking spaces and will adequately serve the users of the commercial marketplace.
- A substantial number of the users of the commercial marketplace are anticipated to be from the surrounding residential areas. A reduction in the parking spaces to be provided will promote pedestrian and other modes of travel to these commercial uses.

A minimum reduction in the required parking has been requested by the applicant. This reduction is feasible through the Planned Unit Development approval being sought by the applicant, was supported by the Planning Commission in a July 10, 1997 presentation on the project, and is appropriate for the neighborhood orientation and character of the project. The subcriteria of this section are therefore satisfied.

SECTION 10.50.2010: COMMON FACILITIES FOR MIXED USES

1. *In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities shall not be considered as providing parking facilities for any other uses except as provided below.*
2. *Joint use of parking facilities. The Director may, upon application, authorize the joint use of parking facilities as required by said uses and any other parking facility, provided that:*

- A. *The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.*
- B. *The parking facility for which joint use is proposed is no further than 400 feet from the building or uses required to have provided parking.*
- C. *The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Attorney as to form and content. Such instrument, when approved as conforming to the provisions of the ordinance shall be recorded in the office of the county recorder and copies thereof filed with the Director.*

Response:

As previously indicated the required number of parking spaces for all on-site uses would be 51 parking spaces. The applicant is proposing to provide 45 parking spaces which represents 88 percent of the required number of parking spaces. The applicant is not proposing joint parking facility usage between the on-site uses.

Because the applicant has provided substantive information in support of the requested reduction in the required number of parking spaces for a mixed use development, and is not proposing joint on-site parking, these subcriteria are satisfied.

SECTION 10.50.212: PARKING AREA AND SERVICE IMPROVEMENTS

All public or private parking areas, outdoor vehicle sales areas and service drives shall be improved according to the following:

1. *All parking and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the Director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.*
2. *All parking areas, except those required in conjunction with a single-family or two family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.*
3. *All parking areas, including service drives, except those required in conjunction with single family or two family dwellings shall be screened in accordance with 10.50.160 (2).*

4. *Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.*
5. *All service drives and parking areas shall be substantially marked and comply with 10.50.215.*
6. *Parking areas for residential uses, except those required in conjunction with a single family or two family dwelling, shall not be located in a required yard.*
7. *A reduction in size of the parking stall may be allowed for up to a maximum of 30% of the total number of spaces to allow for compact cars. For high turn-over uses, such as convenience stores or fast-food restaurants, at the discretion of the Director, all stalls will be required to be full-sized.*

Response:

All proposed on-site parking spaces will be in compliance with the subcriteria of this section. Parking and surface drives shall be surfaced with asphaltic concrete or Portland cement concrete or some other hard surface material. As indicated on Sheet 3: Preliminary Site Utility and Grading Plan, on-site grading has been proposed to drain stormwater to the southeast corner of the site into a catchbasin for transportation to an off-site regional retention facility which services the Fenway and Oak Knoll subdivisions. Bumpers will be provided for all parking spaces. All parking areas shall be screened in conformance with 10.50.160(2) as evidenced on Sheet L1: Landscape Plan. Parking lot lighting will be directed towards on-site parking for maximum lighting and safety and will not impact the adjacent residential uses. All service drives and parking areas will be marked and will be in compliance with Section 10.50.215. No parking areas for on-site residential uses are proposed in a required yard. No compact parking spaces are proposed.

Because the applicant will improve the parking and service drive areas in conformance with Code requirements, these subcriteria are met.

SECTION 10.50.217: OFF-STREET LOADING

Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

1. *The following standards shall be used in establishing the minimum number of berths required:*

<i>Gross Floor Area of the Building in Square Feet</i>	<i>Number of Berths</i>
<i>Up to 10,000</i>	<i>1</i>
<i>10,000 and over</i>	<i>2</i>

2. *A loading berth shall contain a space 10 feet wide and 35 feet long, and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed the dimensions, the required lengths of these berths shall be increased.*

Response:

Regarding the ALF structure, two back-to-back loading berths are proposed in conjunction with proposed on-site parking spaces. These loading berths are identified by hash marks on Sheet 2: Schematic Design/Site Plan and are labeled on this plan as "Dual Use Area: Loading Zone During Designated Hours, Unrestricted Parking During All Other Times." The area of these berths is in conformance with the code requirements. An alternative loading berth, if the two primary berths are unavailable for some reason, is proposed to be located as on-site pull-out area adjacent to Quail Drive on the south end of the site. The primary use of this pull-out, however, is for trash pick-up.

One loading berth is proposed for the commercial marketplace and will be located immediately east of Marketplace Building #1 as indicated on Sheet 2" Schematic Design/Site Plan. It is in conformance with the stated area requirements in the Code.

Because the applicant has provided the required number of loading berths, the subcriteria of this section have been met.

SECTION 10.50.220: GENERAL PROVISIONS; OFF-STREET LOADING

The following provisions shall apply to off-street loading facilities:

1. *The provision and maintenance of off-street loading space is a continual obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as an off-street loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of loading space required by this Code. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this Code to begin or maintain such altered use until such time as the increased off-street loading requirements are met.*

2. *Owners of two or more buildings may agree to utilize jointly the same loading spaces when the hours of operation do not form overlap; provided, that satisfactory legal evidence is presented to the City Attorney in the form of deeds, leases, or contracts to establish the joint use.*
3. *A plan drawn to scale, indicating how the off-street loading requirements are to be fulfilled, shall accompany an application for a building permit.*
4. *Design requirements for loading areas:*
 - A. *Areas used for the standing and maneuvering of vehicles shall have durable and dustless surfaces of asphaltic concrete or Portland cement concrete, maintained adequately for all weather use and so drained to avoid flow of water across the sidewalks.*
 - B. *Loading areas adjacent to residential zones designed to minimize disturbance of residents.*
 - C. *Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.*
 - D. *Access aisles shall be of sufficient width for all vehicular turning and maneuvering.*
 - E. *Vision clearance standards as identified in 10.50.132 shall apply.*

Response:

All standards identified in this section have been met or will be met by the applicant. It should be noted that the applicant is requesting dual use of an area adjacent to the employee/service entrance of the ALF located southwest of the main entrance to the ALF building for loading and parking purposes. This dual use is necessary because of the creative site design intended to enhance the neighborhood compatibility of the project, and because of the need to minimize potential impacts to surrounding residential uses.

There are no joint loading spaces proposed for the site. Sheet 2: Schematic Design/Site Plan indicates compliance with City of Newberg off-street loading requirements is being submitted.

This plan or a similar plan will be submitted in association with the building permit application.

On-site off-street loading areas shall be designed with a hard surface, will be maintained adequately for all weather use and will be drained to avoid any flow of water across the proposed on-site public and private sidewalks.

Because of the applicant's desire to minimize potential impacts to surrounding residential uses from off-street loading activities, loading berths are proposed to be set back from the surrounding street network. As previously noted, an alternative loading berth pullout area is proposed to be on-site but adjacent to

the Quail Drive paved right-of-way. It is anticipated, however, that use of this berth will be infrequent.

Access aisles are proposed to be 24 feet wide or greater which is conformance with the stated requirements in Section 10.50.215 of the City of Newberg Development Code.

The applicant is not proposing any loading berths within the vision clearance areas identified on Sheet 2: Schematic Design/Site Plan.

Because the applicant has met or will meet all subcriteria of Section 10.50.220, these criteria are satisfied.

SETBACKS AND GENERAL REQUIREMENTS

SECTION 10.50.105.2: BUILDING HEIGHT LIMITATIONS-COMMERCIAL AND INDUSTRIAL

In the C-1 district no main building or accessory building shall exceed 2 1/2 stories or 30 feet in height, whichever is the lesser.

Response:

The ALF structure is proposed to be two stories in height. The two Oak Knoll Marketplace structures are proposed to be single-stories structures.

Because the proposed structures do not exceed the building height limitation, this criterion is met.

SECTION 10.50.107: BUILDING HEIGHT EXCEPTIONS

Roof structures and architectural features. For the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylight, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas, steeples and similar structures may be erected above the height limits prescribed in this Code, provided that no roof structure, feature, or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Provided, further, that no roof structure or architectural feature shall be erected more than eighteen feet above the height of the main building whether such structure is attached or free-standing.

Response:

An approximately 20 foot tall flagpole is proposed to be located in proximity to the front door of the ALF facility. Heating, air condition and ventilation equipment (HVAC) is proposed to be located on the roof of the proposed ALF and shielded

from view by roof wells. The HVAC equipment for the commercial marketplace will be located on surface compound pads adjacent to the building.

SECTION 10.50.122.2.A: COMMERCIAL FRONT YARD SETBACK

All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.

Response:

As indicated on Sheet 2: Schematic Design/Site Plan, 10 foot or greater front yard setbacks are planned on all sides of the subject development site. These yards are proposed to be landscaped as indicated on Sheet L1: Landscape Plan. The applicant will maintain these landscaped setbacks to provide a neat and highly aesthetic landscape feature.

Because 10 feet front yard setbacks have been planned on all sides of the site and will be maintained by the applicant, this criterion is met.

SECTION 10.50.132: VISION CLEARANCE SETBACK

The following vision clearance standards shall apply in all zones:

1. *At the intersection of two streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of fifty (50) feet in length.*
2. *At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of twenty-five (25) feet in length. For purposes of this section, private streets serving more than six (6) units shall not be considered private drives and shall be subject to the requirements of 10.40.132(1) where they intersect a public street.*
3. *Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.*

Response:

As indicated on Sheet 2: Schematic Design/Site Plan, vision clearance areas have been identified for all four corners of the site. These areas are approximately 50 feet by 50 feet in size.

There are two private access drives intersecting with public streets identified on Sheet 2: Schematic Design/Site Plan. These drives intersect with Foothills Drive and Burlington Drive respectively. Vision clearance triangles at these two locations have been established on each side of the access drives and conform to the minimum leg length requirement of 25 feet.

All identified vision clearance areas will be kept free of all visual obstructions between two and one-half feet to nine feet above the curb line. It should be noted, however, that an existing street light is located within the northeast vision triangle area fronting on Foothills Drive, and is not proposed for removal or relocation. Curbs are proposed at both access drive locations.

Because vision clearance areas have been established on the site at its four corners and key access points, and these areas will be kept free of obstructions, the subcriteria of this section have been met.

SECTION 10.50.135.5.A: YARD EXCEPTIONS AND PERMITTED INTRUSIONS INTO REQUIRED YARD SETBACKS - PARKING AND SERVICE DRIVES

In any district, service drives or accessways providing ingress and egress shall be permitted, together with appropriate traffic control devices in any required yard.

Response:

There are two private access drives intersecting with public streets identified on Sheet 2: Schematic Design/Site Plan. These drives intersect with Foothills Drive and Burlington Drive respectively and are located within the required front yard setback. Painted directional arrows on the paved driveway surface are proposed as traffic control devices to direct traffic and minimize impacts on the functionality of the public street system.

Because ingress and egress points have been identified and designed with traffic control devices, this criterion is met.

SECTION 10.50.135.5.C: YARD EXCEPTIONS AND PERMITTED INTRUSIONS INTO REQUIRED YARD SETBACKS - PARKING AND SERVICE DRIVES

In any commercial or industrial district, except C-1 and M-1, public or private parking areas or parking spaces shall be permitted in any required yard (See 10.50.125)..

Response:

In conformance with this criteria and as indicated on Sheet 2: Schematic Design/Site Plan, public or private parking spaces are not proposed to be located in any required yard.

Because there are no public or private parking spaces proposed to be located within any required yard, this criterion is met.

LANDSCAPING REQUIREMENTS**SECTION 10.50.160.2: REQUIRED LANDSCAPED AREA**

8. *A minimum of 15% of the lot area shall be landscaped; provided however, that computation of this minimum may include areas landscaped under Subpart (C) of this subsection. Development in the C-3 (Central Business District) zoning district is exempt from the landscape requirement of this section.*
9. *All areas subject to the final design review plan and otherwise improved shall be landscaped.*
10. *The following landscape requirements shall apply to the parking and loading areas:*
 - a) *A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.*
 - b) *A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least 5 feet in interior width. See (c) and (d) below for material to plant within landscaped strips.*
 - c) *A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on an average, and a combination of shrubs and ground cover or lawn.*
 - d) *A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawns and shrubs, or lawns and trees and shrubs).*
 - e) *Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.*
 - f) *Landscaped areas in a parking lot, service drive or loading area shall have an interior width of not less than five (5) feet.*
 - g) *All multi-family, institutional, commercial or industrial parking areas, service drives, or loading zones, which abut a residential district shall be enclosed with a seventy-five (75) percent opaque, site obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the*

required minimum screening requirement within twelve (12) months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.

h) An island of landscaped area shall be located to separate blocks of parking spaces. No more than seven (7) parking spaces may be grouped together without an island separation unless otherwise approved by the Director based on the following alternative standards:

- (1) Provision of a continuous landscaped strip, with a five (5) foot minimum width, which runs perpendicular to the row of parking spaces (Fig. 13).
- (2) Provision of a four (4) by four (4) foot tree planting landscape islands, spaced no more than fifty (50) feet apart on average, within areas proposed for back to back parking (Fig. 14)

11. *Trees, Shrubs and Ground Covers.* The species of street trees required under this section shall conform to those authorized by the City Council through resolution. The Director shall have responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the City Council.

- a) Arterial and minor street arterial streets shall have spacing of approximately 50 feet on center. These trees shall have a minimum two (2) inch caliper tree trunk or stalk at a measurement of two (2) feet up from the base and shall be balled and burlapped or boxed.
- b) Collector and local street trees shall be spaced approximately 35-40 feet on center. These trees shall have a minimum of an 1 1/2 inch or 1 3/4 inch tree trunk or stalk and shall be balled and burlapped or boxed.
- c) Accent trees. Accent trees are trees such as flowering cherry, flowering plum, crabapple, Hawthorne and the like. These trees shall have a minimum 1 1/2 inch caliper tree trunk or stalk and shall be at least 8-10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25-30 feet on center.
- d) All broad leafed evergreen shrubs and deciduous shrubs shall have a minimum height of 12-15 inches and shall be balled and burlapped or come from a 2 gallon can. Gallon can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for

the variety, 3-8 feet,, and shall be identified on the landscape planting plan.

- e) *Ground cover plant material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, Hypericum, etc. shall be one of the following sizes in specified spacing for that size: Gallon Cans = 3 feet on center; 4 inch containers = 2 feet on center; 2 1/4 inch containers = 18 inches on center; Rooted Cutting = 12 inches on center.*
- 12. *Automatic undergrounded irrigation systems shall be provided for all areas required to be planted by this section. The Director shall retain the flexibility to allow a combination of irrigated and non-irrigated areas. Landscaping material used within non-irrigated areas must consist of drought resistant varieties. Provision must be made for alternative irrigation during the first year after initial installment to provide sufficient moisture for plant establishment.*
- 13. *Required landscaping shall be continuously maintained.*
- 14. *Maximum heights of tree species shall be considered when planting under overhead utility lines.*

Response:

The applicant proposes 63,309 square feet of landscaped area which is approximately 44 percent of the total site area.

A total of 45 parking are proposed. Each of these parking spaces over 10 has a defined landscaped area totaling no less than 25 square feet per parking space.

A parking area located south of Marketplace Building #2 is adjacent to the west property line of the site, and is separated from the property line by a 12 foot landscaped strip.

Landscaped areas in the on-site parking areas and service drives have an interior width of five feet or more.

A landscaped island has been provided every seven parking spaces where appropriate and as indicated on Sheet 2: Schematic Design/Site Plan and Sheet L1: Landscape Plan.

As indicated on Sheet L1: Landscape Plan, the size and type requirements as identified by the Code have been met. Please note that the spacing requirements identified in this section of the code for street trees are superseded by the street tree spacing requirement of the Northwest Newberg Specific Plan.

An automatic underground sprinkler system will be provided in association with the improvement of the site (refer to General Notes on Sheet L1: Landscape Plan). This system will service the entire site landscape. It will be serviced by domestic water service and protected by a double-check backflow preventer.

Because the landscaping requirements of the Code have been met or will be met by the applicant, the subcriteria of this section have been met.

SECTION 10.50.160.3: INSTALLATION OF LANDSCAPING

All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110% of the cost of the landscaping as determined by the Director is filed with the City, insuring such installation within six (6) months of occupancy. "Security" - Cash, certified check, time certificates of deposit, assignment of savings account, bond or other such assurance of completion as shall meet with the approval of the City Attorney shall satisfy the security requirements. If the installation of landscaping is not completed within the six (6) month period, or within an extension of time authorized by the Director, the security may be used by the City to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the City shall be returned to the applicant.

Response:

The applicant will either installed all required landscaping prior to the issuance of occupancy permits or submit to the City of Newberg a security equal to 110% of the cost of the landscaping as determined by the Director. The applicant will coordinate directly with the City of Newberg Community Development staff on the provision of the required security if and when it is determined to be necessary.

Because the applicant will either install the required landscaping prior to occupancy permits or provide the City of Newberg with a security equal to 110% of the cost of the landscaping, this criterion is met.

SIGNS

SECTION 10.50.182: FREE STANDING SIGNS AND BUILDING MOUNTED SIGNS IN INDUSTRIAL OR COMMERCIAL DISTRICTS

A sign or advertisement may be on a building or erected on a free-standing frame, mast or pole that identifies or directs attention to a product, place, activity, person or business and is subject to the following requirements:

8. *Signs shall be permitted in all commercial and industrial zoning districts.*

9. *No more than one free-standing sign per street frontage shall be allowed plus no more than one building mounted sign per elevation.*
10. *Height and setback of free-standing signs shall conform to the following requirements:*
 - A. *No part of a free-standing sign may be closer than three (3) feet to a public sidewalk. In areas where there are no sidewalks, no part of a free-standing sign may be closer than seven (7) feet to the travel way of a public street.*
 - B. *Signs shall conform to the following height and setback requirements. Signs regulated by this section are not subject to the setback requirements of 10.50.120 or the projecting building features portion, 10.50.135 of this Code.*
 - a) *Signs up to three (3) feet in height, used only for directional purposes may be constructed anywhere on the property.*
 - b) *Signs taller than three (3) feet up to six (6) feet shall be setback at least five (5) from any property line.*
 - c) *Signs taller than six (6) feet up to eight (8) feet shall be setback at least ten (10) feet from any front property line and five (5) feet from any interior property line.*
 - d) *Signs in excess of eight (8) feet up to fifteen (15) feet shall be setback at least fifteen (15) feet from any front property line and five (5) feet from any interior property line.*
 - e) *Signs in excess of fifteen (15) feet up to twenty (20) feet shall be setback at least twenty (20) feet from any front property line and five (5) feet from any interior property line.*
 - f) *No signs in excess of twenty (20) feet, may be constructed within the City.*
11. *The area of all sign faces shall not exceed one square foot of face area for each lineal foot of street frontage, not to exceed 100 square feet per side, except by 10.50.183.*
12. *A back-to-back sign, i.e. a single structure with two faces, shall be considered one sign structure.*
13. *No free-standing sign shall have lights which cause a distraction to motorists.*
14. *All signs shall comply with the vision clearance requirements of 10.50.132.*
15. *Building mounted signs may not be attached to or extended above the roof line of the building.*

Response:

It should be noted that the applicant is required to and will comply with sign standards identified in Section 10.44.317.1.I: Sign Standards which identifies specific standards (refer to the portion of this document entitled Compliance with

The Northwest Newberg Specific Plan for a more detailed description) for developments proposed within the boundaries of the Northwest Newberg Specific Plan area. These standards, in general, exceed the sign standards of this section.

It should be noted that all proposed signs are located outside of the identified vision clearance areas as identified on Sheet 2: Schematic Design/Site Plan.

Tenant signs are proposed to be hung from the base of the fascia in the Oak Knoll Marketplace. No signs are proposed to be attached to or extended above the roof line of the building.

Because the applicant will comply with the sign standards identified in the section of the City of Newberg Development Code which exceed the sign requirements of this section, has not located any signs in the required vision clearance areas, and its tenant signage will not attach to or extend beyond the roof line of the proposed marketplace, the criteria of this section are met.

MANUFACTURED HOME, MOBILE HOME, AND RV PARKS

This is not applicable to this development since manufactured homes, mobile homes and RV parks are not proposed to be developed on the site.

ZONING DISTRICT COMPLIANCE

Please refer to the portion of this document entitled Compliance with C-1 Neighborhood Commercial District for a detailed discussion of zoning district compliance.

SUB-DISTRICT COMPLIANCE

Please refer to the portion of this document entitled Compliance with the Northwest Newberg Specific Plan for a detailed discussion of sub-district compliance.

ALTERNATIVE CIRCULATION, ROADWAY FRONTAGE IMPROVEMENTS AND UTILITY IMPROVEMENTS

The site is surrounded on all sides by existing public road right-of-way. Frontage improvements have been made along the portions of the site that front on Foothills Drive and North College Street. Frontage improvements along Burlington Drive and Quail Drive are proposed in association with the proposed project and will consist of a

five foot sidewalk and a six foot planter strip as required by Section 10.44.317.C of the City of Newberg Development Code.

An existing eight inch water line is located in Burlington Drive. A lateral connection from this existing line into the site is proposed and will provide domestic water service, fire sprinkler service and will service a proposed new fire hydrant along Burlington Drive. No backflow prevention is proposed for the domestic water system. Separate domestic water service for the two commercial retail buildings in the northwest corner of the site will be provided from an existing water line in Foothills Drive. No fire sprinkler services are proposed, however, they could be provided at future date.

An existing eight inch sanitary sewer line is located in Burlington Drive. All sanitary sewer service for the three on-site structures will laterally connect to this existing line.

Storm drainage from the proposed development is proposed to be routed to an existing catch-basin in the southeast corner of the site at the intersection of Quail Drive and Burlington Drive. This catch basin connects to an off-site regional retention facility which services the Fenway and Oak Knoll subdivisions. Stormwater run-off from on-site parking lots, roofs and landscaped areas will be collected in on-site catch basins and area drains for routing to the existing catch basin in the southeast corner of the site.

An existing two-inch natural gas line is located on the southeast corner of the site at the intersection of Quail Drive and Burlington Drive. The proposed ALF will receive natural gas service from this existing line. An existing two-inch natural gas line is also located on the south side of Foothills Drive which will provide service to the proposed commercial marketplace buildings.

TRAFFIC STUDY IMPROVEMENTS

A traffic study for the proposed project was conducted by Lancaster Engineering in July 1997 and is attached to this document as an appendix. Lancaster Engineering evaluated the proposed development on the basis of trip generation, trip distribution and operational analysis. In summary, Lancaster Engineering, Inc. found that:

1. The proposed ALF and commercial marketplace are expected to generate a total of 137 trips during the evening peak hour. Of these trips, 69 are estimated to be entering trips and 68 are estimated to be exiting trips. The proposed ALF is expected to generate 11 of the total 137 trips with the remainder being generated by the proposed retail building.
2. The intersection of Foothills Drive and North College Street is currently operating at Level of Service (LOS) A in the evening peak hour. With the

addition of the anticipate traffic from the Oak Knoll subdivision at full build-out and traffic from the proposed mixed use residential-commercial planned unit development the LOS is expected to degrade to LOS B during the evening peak hour.

3. The intersection of Quail Drive and North College Street is currently operating at LOS A during the evening peak hour. With the addition of the anticipate traffic from the Oak Knoll subdivision at full build-out and traffic from the proposed mixed use residential-commercial planned unit development the LOS is expected to remain at LOS A during the evening peak hour.
4. None of the three traffic signal warrants studied were satisfied during the evening peak hour for full build-out of the Oak Knoll subdivision and the proposed mixed use residential-commercial planned unit development. Although none of the warrants were met, the need for a traffic signal or other means of traffic control should be addressed as the Oak Knoll subdivision is completed based on pedestrian and bicycle traffic crossing North College Street.
5. A northbound right-turn/deceleration lane is not recommended on North College Street at its intersection with Foothills Drive.

CONCLUSION

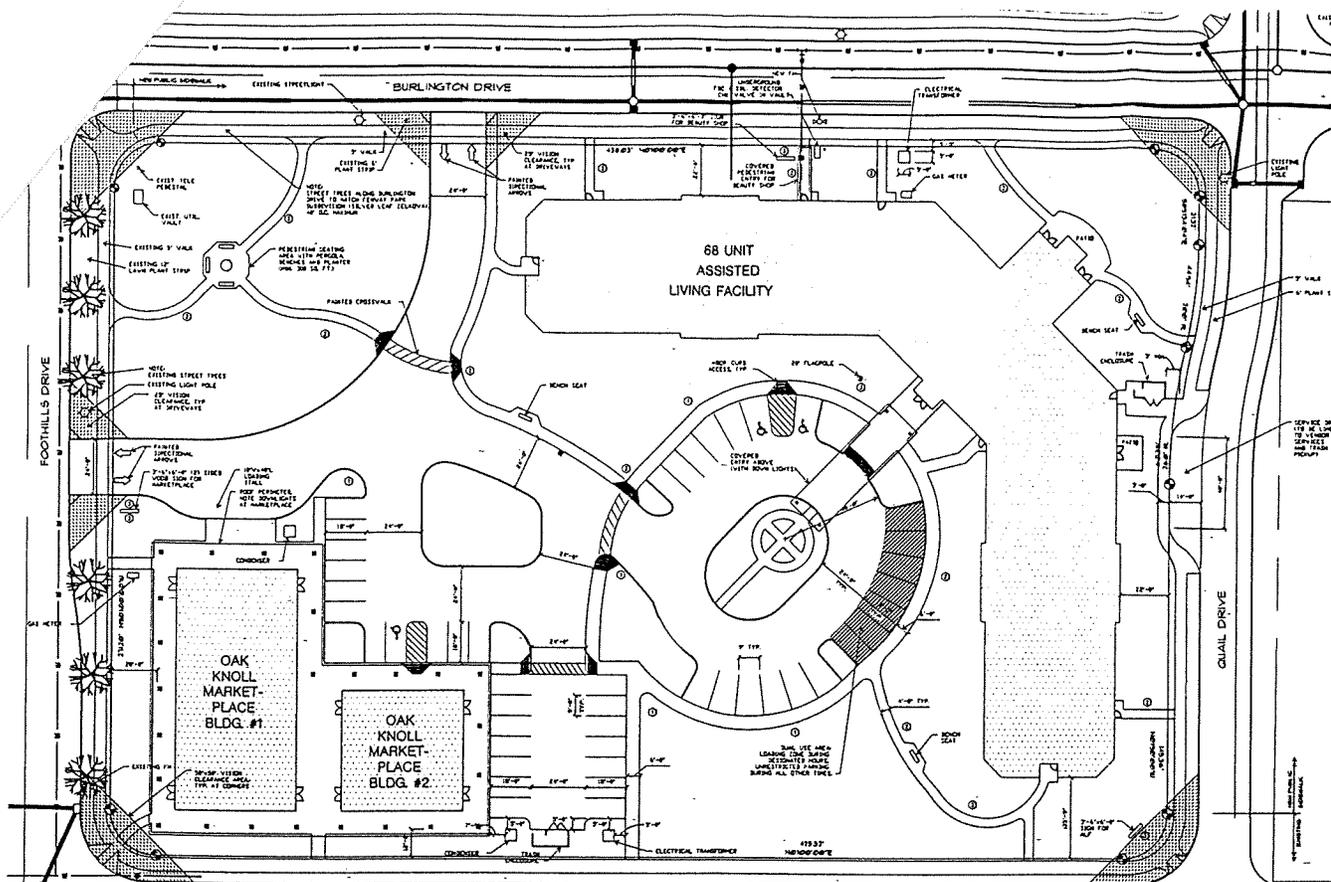
Genesis Healthcare, Inc. proposes the on-site development of a two-story 48,114 square foot Assisted Living Facility (ALF) comprised of 68 units, a 5,666 square foot commercial retail structure, a 2,883 square foot commercial retail structure and 48,638 square feet of circulation driveways and parking areas consisting of 45 on-site 9 feet x 18 feet parking spaces. In addition, the applicant is also proposing 63,308 square feet of on-site landscaped open space consisting of two approximately 1,500 square feet areas of designated ALF resident outdoor living space with bench seating and grass landscaping, on-site paved pedestrian walkways on-site passive recreation areas (i.e. grass landscaped areas) and trees, shrubs and groundcover placed throughout the site both to engender a high aesthetic quality and buffer elements of the proposed use (i.e. trash enclosure areas) from the surrounding residential land uses.

Genesis Healthcare, Inc is requesting Preliminary Planned Unit Development approval and Site Design Review approval for the proposed Planned Unit Development. Genesis Healthcare, Inc. has complied or will comply with all relevant policies and standards of the City of Newberg Zoning Code in the planning, design and implementation of the Planned Unit Development. By

complying with or showing the ability to comply with these policies and standards, the proposed Planned Unit Development also conforms with the City of Newberg Comprehensive Plan.

APPENDIX A

REDUCED PRELIMINARY PLANS



PROJECT
 ALP FOR
 OREGON HEALTHCARE



PROJECT NO.:
 578
 DRAWN BY:
 JCB
 CHECKED BY:
 SHEET TITLE:
 SCHEMATIC
 DESIGN
 SITE PLAN
 FOR PLD
 APPROVAL
 DATE: 1/22/97
 REVISIONS:

N. COLLEGE STREET
 STATE ROUTE 219



SITE PLAN
 NEWBERG, OREGON
 SCALE: 1" = 20'

- LEGEND
- 1 PARKING LOT AND DRIVEWAY LIGHT, 8' POLE
 - 2 PATH LIGHT
 - 3 UPLIGHT

GENERAL NOTES:
 1. PROPERTY BOUNDARIES AND EASEMENTS DERIVED FROM OAK KNOLL DEVELOPMENT 2016 - 2018 RECORDS.
 2. ALL SITE FEATURES TO BE ACCORDING TO PERSONS WITH DISABILITIES ACT AND AMENDMENTS FOR PERSONS WITH DISABILITIES ACT.
 3. FOR USE OF MARKET PLACE, THE USE MARKET PLACE EXTERIOR TELEVISION SHOOTING SET.
 4. MARKET PLACE FLOOR PLAN TO BE PER LOCAL APPROVING AGENCIES.
 5. ALL VIEWS WITHIN THE SITE BOUNDARIES ARE PRIVATELY OWNED AND MAINTAINED. THIS PUBLIC USE PRIVATE USE IS INTENDED.
 6. SEE LANDSCAPE PLAN FOR DESIGNATED RESIDENT OUTDOOR LIVING SPACE.

BUILDING

ALP
 OAK KNOLL MARKETPLACE
 BLDG. #1
 BLDG. #2

142M SF
 148M SF
 288M SF

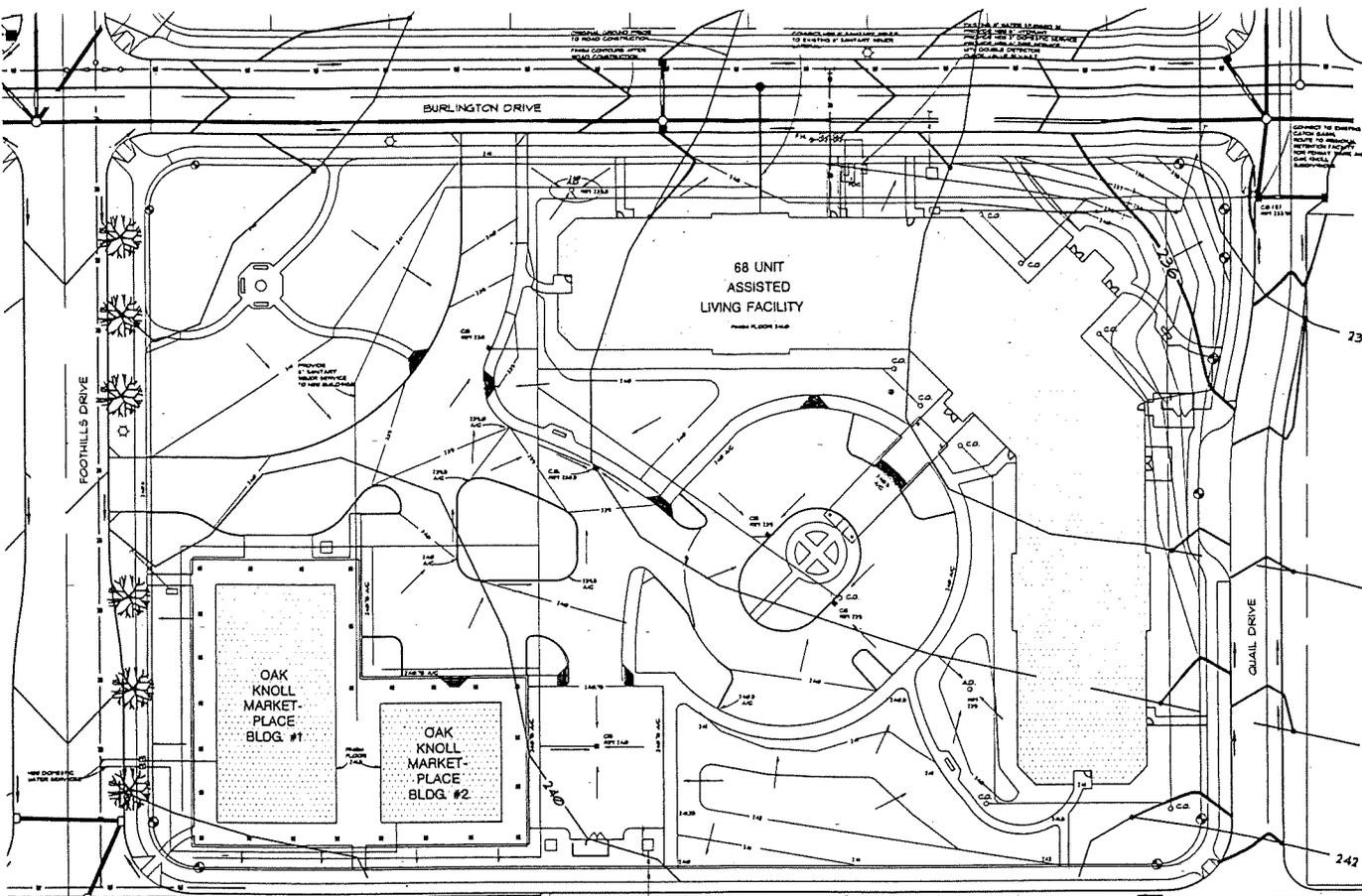
SITE

ZONE: G1 - PLD PROPOSED
 BUILDING COVERAGE:
 ALP 252M SF
 MARKETPLACE 148M SF
 PARKING AND DRIVEWAY 142M SF
 LANDSCAPED OPEN 625M SF
 TOTAL SITE AREA 144.33 AC

EASING
 ALP
 MARKETPLACE

30 STALLS
 26 STALLS

SHEET 2
 OF 6



PROJECT
 ALP FOR
 OREGON HEALTHCARE
 NEWBERG
 OREGON

ARCHITECT
 PATRICK
 BICKLER
 1313 MILL STREET
 SALEM, OR 97301-4214
 TEL. (503) 588-1700

PROJECT NO. :
 576
 DRAWN :
 JCB
 CHECKED :
 242
 PRELIMINARY
 SITE UTILITY AND
 GRADING PLAN
 DATE : 1/22/97
 REVISIONS

N. COLLEGE STREET
 STATE ROUTE 219
 GRADING AND SITE UTILITY PLAN
 NEWBERG, OREGON
 SCALE 1" = 20'-0"

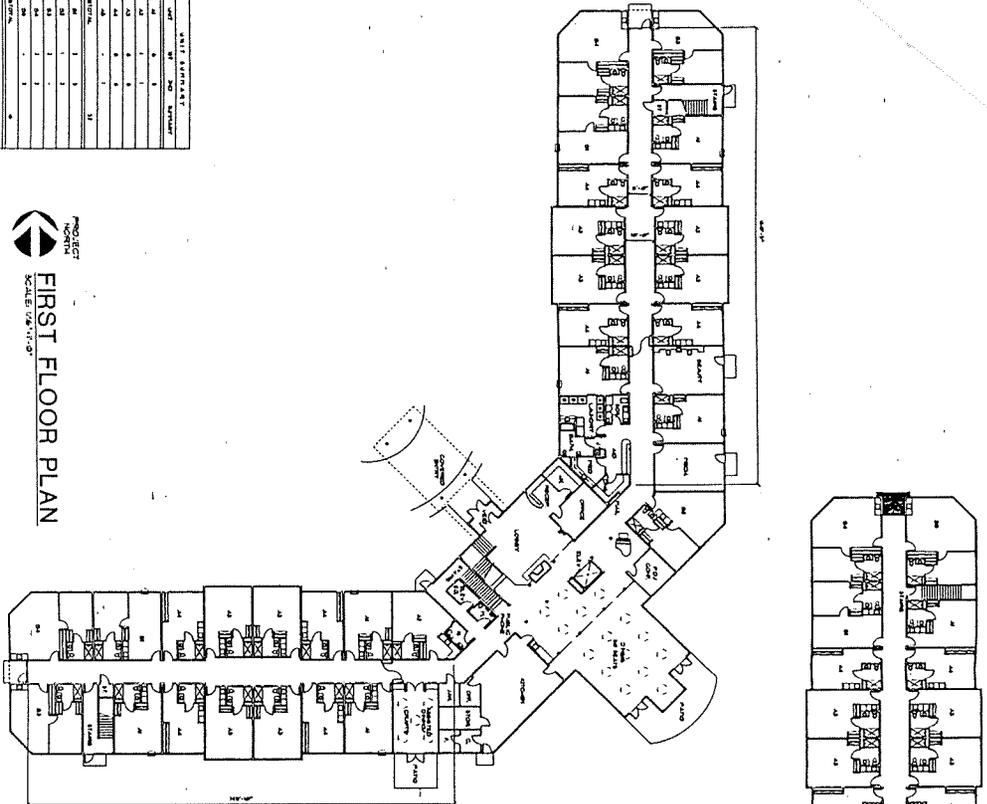
LEGEND					
W	WATER - GENERAL	RD	ROOF DRAIN	RV	FIRE INVENT ELEVATION
WS	WATER - FIRE SERVICE	CO	CLEAN OUT	AG	TOP OF ASPHALT ELEVATION
DW	WATER - DOMESTIC	CB	CATCH BASIN	TC	TOP OF CONCRETE ELEVATION
WR	WATER - REGULATION	DS	DOWNSPOUT	RY	RIP ELEVATION
SB	SANITARY SEWER	AV	FIRE UTILITY	---TS---	ORIGINAL CONTOUR
SD	STORM DRAIN	GV	GATE VALVE	---	NEW CONTOUR

SHEET : 3
 OF : 6

SHEET REVISIONS			
NO.	DATE	BY	DESCRIPTION
01	11/11/10	MM	ISSUED FOR PERMIT
02	11/11/10	MM	ISSUED FOR PERMIT
03	11/11/10	MM	ISSUED FOR PERMIT
04	11/11/10	MM	ISSUED FOR PERMIT
05	11/11/10	MM	ISSUED FOR PERMIT
06	11/11/10	MM	ISSUED FOR PERMIT
07	11/11/10	MM	ISSUED FOR PERMIT
08	11/11/10	MM	ISSUED FOR PERMIT
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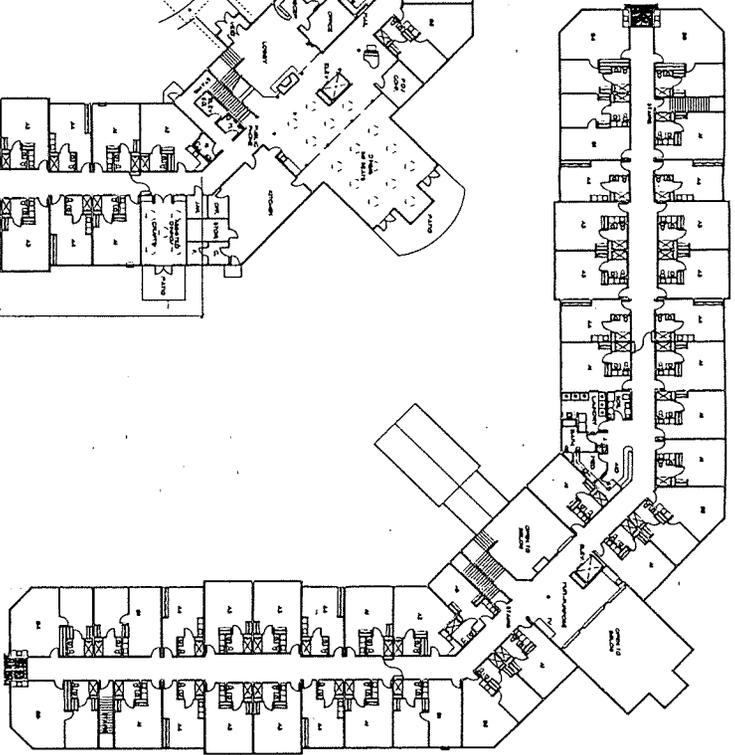
PROJECT NORTH
SCALE: 1/8" = 1'-0"

FIRST FLOOR PLAN



PROJECT NORTH
SCALE: 1/8" = 1'-0"

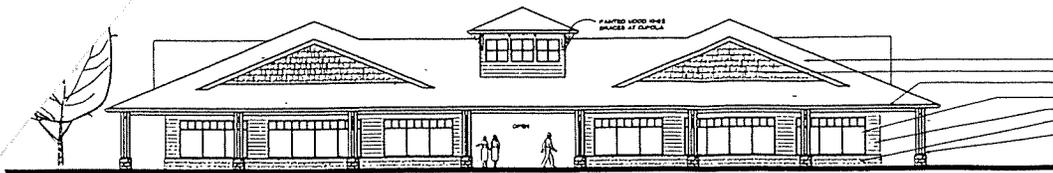
SECOND FLOOR PLAN



PROJECT ARCHITECT
ARCHITECT
1515 N. HILL STREET
PHOENIX, AZ 85008

PROJECT: _____
 CLIENT: _____
 ADDRESS: _____
 SHEET NO.: _____

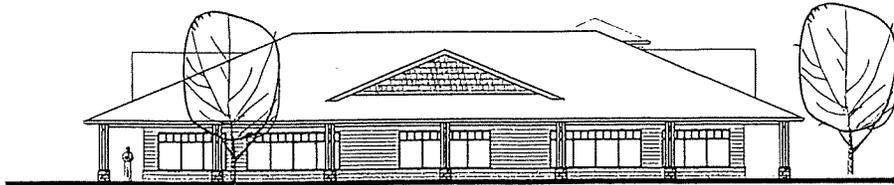
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 DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 SHEET TITLE: _____
 SCALING: _____
 DESIGNER: _____
 APPROVED: _____
 DATE: 11/27/10
 SHEET NO.: 1
 OF 1



WEST ELEVATION

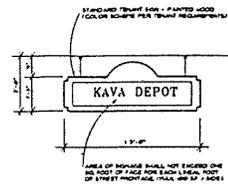
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- MATERIAL LIST**
- PERMANENT ANIMAL DAMAGE ROOFING
 - PAINTED WOOD SHINGLE AT DORMER ENDS
 - PAINTED PLYWOOD SHEATHING ON EXTERIOR
 - PAINTED 1/2" LAMINATED GLASS SYSTEM
 - PAINTED 1/2" LAMINATED GLASS SYSTEM
 - GRAY SPLIT FACED CONCRETE FINISHY BLOCKS
 - PAINTED STEEL POSTS COLUINS ON CONCRETE BASE



NORTH ELEVATION

SCALE: 1/8" = 1'-0"



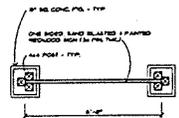
TENANT SIGN

SCALE: 1/8" = 1'-0"



EAST ELEVATION

SCALE: 1/8" = 1'-0"



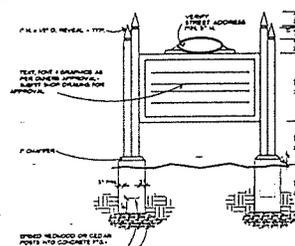
BUILDING SIGN

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"



BUILDING SIGN

SCALE: 1/8" = 1'-0"

NOTE: SIGNING SIGN TO BE WHITE WITH BACKGROUND TO MATCH APPLICABLE SIGNING BOARD COLOR

PROJECT: _____
 FILE FOR: _____
 GENERAL HEALTHCARE
 HEYBERG, OREGON

ARCHITECT
PATRICK BICKLER
 1313 MILL STREET
 SEASIDE, OR 97138
 PH. (503) 584-7018

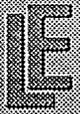
PROJECT NO.: _____
 8718
 DRAWN: _____
 CHECKED: _____

SHEET TITLE:
 SCHEMATIC
 DESIGN
 ELEVATIONS FOR
 KAVA DEPOT
 MARKET PLACE
 DATE: 7/22/97
 REVISIONS:

SHEET: 5
 OF: 8

APPENDIX B

TRAFFIC STUDY

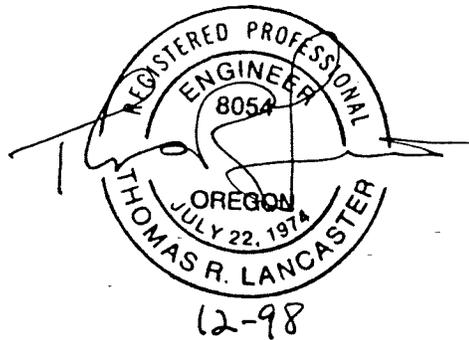


LANCASTER ENGINEERING
Traffic Studies • Planning • Safety

GENESIS HEALTHCARE NEWBERG

Traffic Impact Study

Newberg, Oregon



Prepared By

TOM R. LANCASTER, P.E.

TODD E. MOBLEY, E.I.T.

July, 1997

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Trip Generation 9

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Summary 22

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INTRODUCTION

A mixed-use residential and commercial development consisting of a 68-unit assisted living facility comprising 48,114 square feet and an 8,500 square foot commercial building has been proposed for construction between Foothills Drive and Quail Drive east of College Street in the City of Newberg, Oregon.

The purpose of this study is to assess the traffic impact of the proposed development on the nearby street system and to recommend any required mitigative measures. The analysis will include level of service calculations and traffic signal warrants.

Detailed information on level of service, traffic counts, trip generation calculations, and level of service calculations is included in the appendix to this report.

LOCATION DESCRIPTION

The 3.35-acre site is located on the east side of College Street between Foothills Drive and Quail Drive, west of Burlington Drive in the City of Newberg, Oregon. The site is proposed to be developed with a 48,114 square foot, 68-unit assisted living facility and an 8,500 square foot retail building consisting of potential uses such as, a video store, an espresso store, and a convenience store. An area map showing the site location is on page six, and a vicinity map showing the existing lane configurations at the study area intersections is shown on page seven.

The study area includes the intersections of Foothills Drive and Quail Drive with College Street. The site is proposed to have two full access driveways, one on Foothills Drive and another on Burlington Drive. A copy of the site plan is included in the appendix to the report.

College Street is under the jurisdiction of the Oregon Department of Transportation (ODOT) and is also known as Highway 219 or the Hillsboro - Silverton Highway. In the project vicinity it is a two-lane section, 50 feet in width with two bike lanes, two through lanes in each direction, and a continuous center turn lane. North of the intersection at Foothills Drive, College Street tapers to a two-lane section. Curbs and sidewalks are in place on the east side of the roadway and the posted speed is 45 mph. Immediately south of the study intersections the speed zone changes to 40 mph.

Foothills Drive is a two-lane roadway that is 36 feet in width with curbs, sidewalks, and bike lanes on both sides of the street. The section widens to three lanes on the eastern leg of its four-legged, unsignalized intersection with College Street to accommodate an exclusive left-turn lane. There is no posted speed on Foothills Drive.

Quail Drive is a two-lane street that also forms a four-legged, unsignalized intersection with College Street. On the east leg of the intersection, Quail Drive is only 22 feet in width and is posted as a fire lane. There is no posted speed limit on Quail Drive.

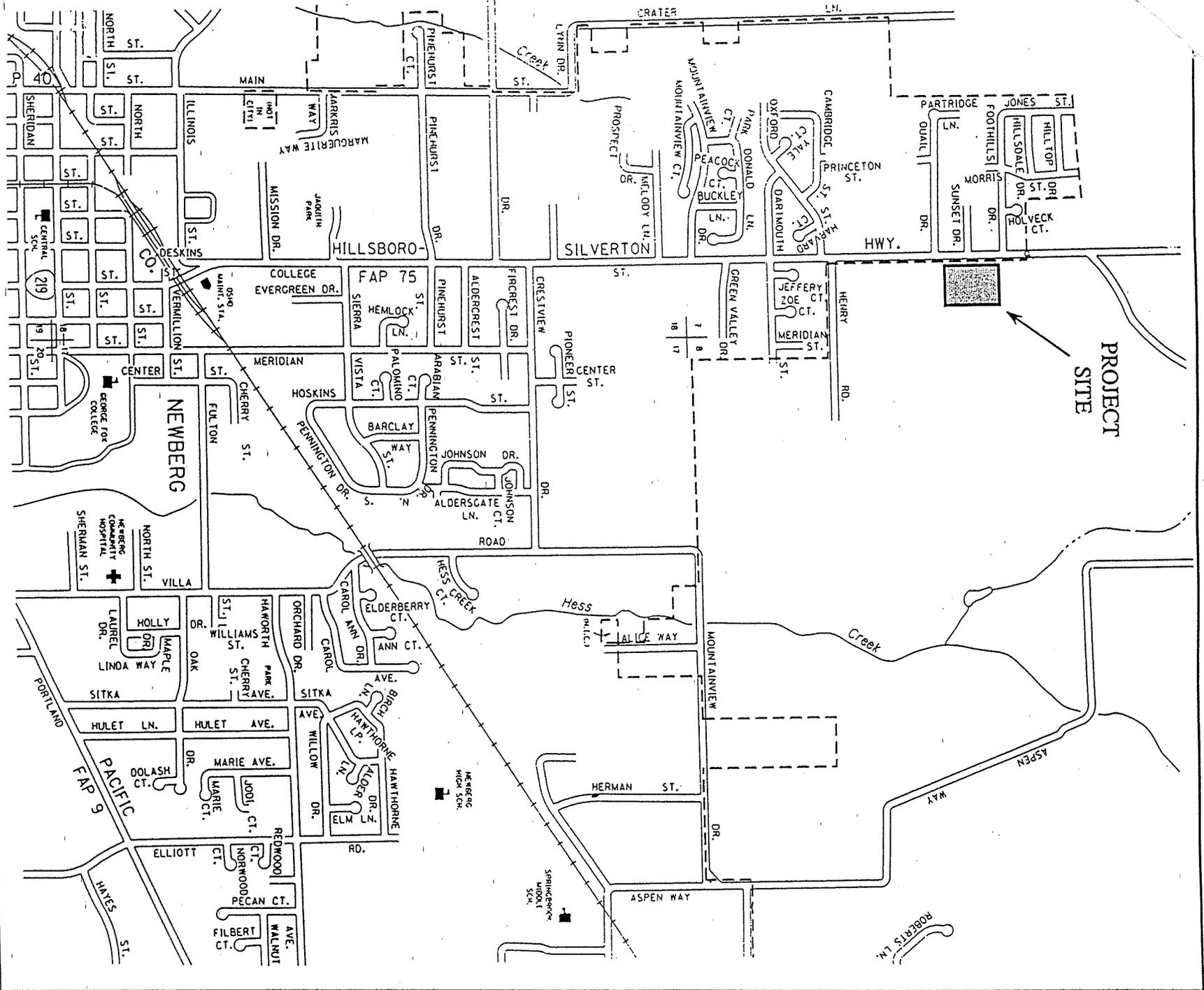
Burlington Drive is a two-lane street 32 feet in width that borders the proposed site to the east. No analysis will be done for intersections on Burlington since low traf-

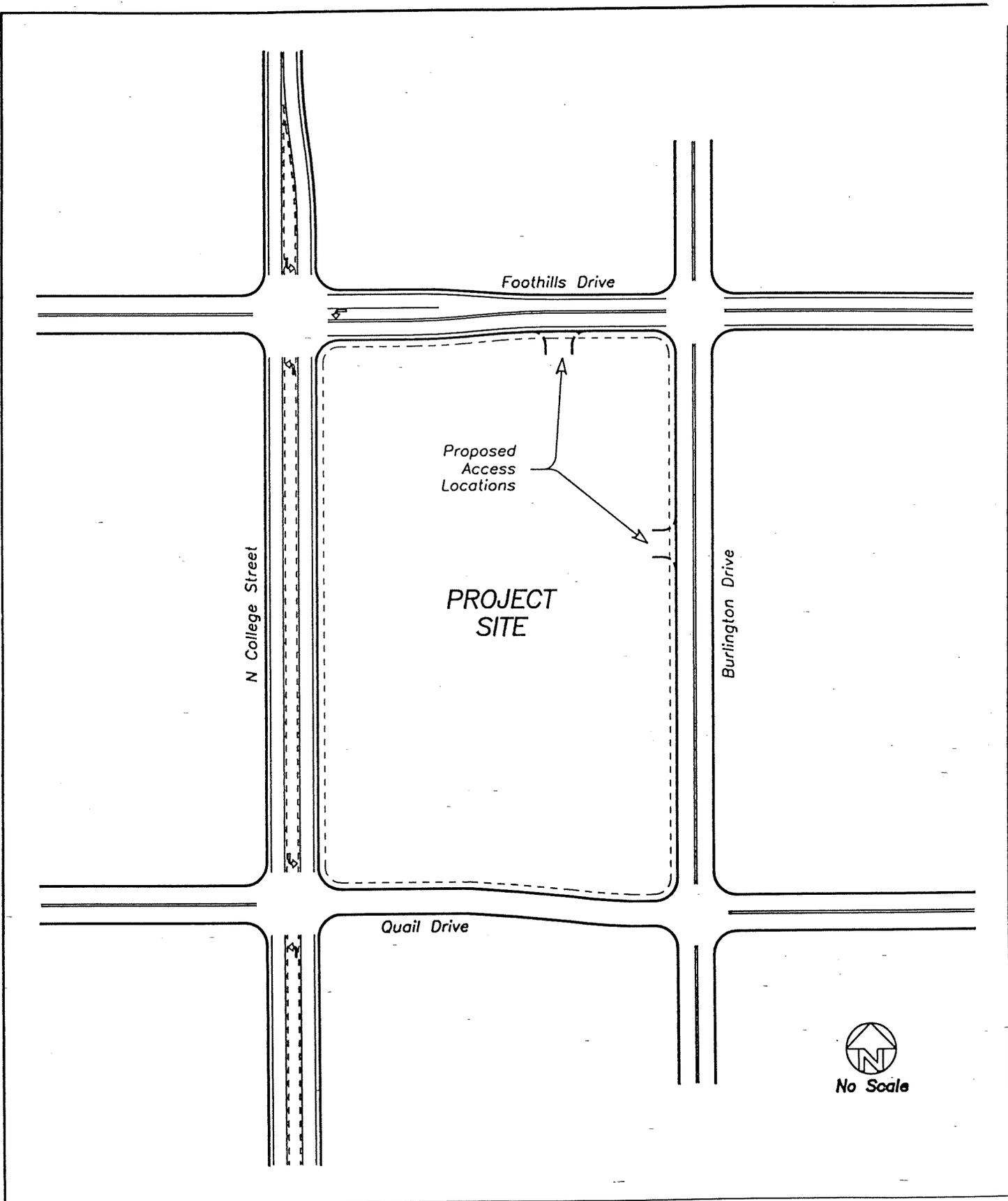


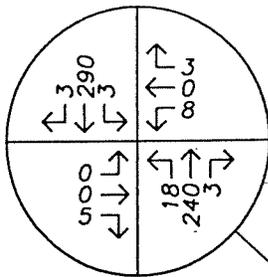
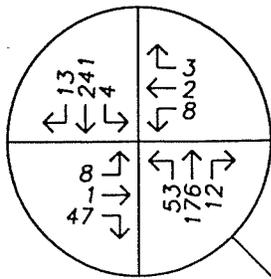
fic volumes are expected, however the development is proposed to take access onto this street.

The site is not served by any transit service.

Manual turning movement counts were made at the intersections of Foothills Drive and Quail Drive at College Street in July 1997, from 4:00 to 6:00 PM. The peak hour for the study area was approximately 5:00 to 6:00 PM. The volumes for the evening peak hour are shown in the traffic flow diagram on page 8. Since the development is not expected to generate a significant amount of traffic during the morning peak hour, an analysis was not done for this period.







N College Street

Foothills Drive

PROJECT SITE

Burlington Drive

Quail Drive



TRAFFIC VOLUMES
Existing Conditions
PM Peak Hour

TRIP GENERATION

To estimate the number of trips that will be generated by the proposed development, trip rates from *TRIP GENERATION*, Fifth Edition, published by the Institute of Transportation Engineers (ITE), were used. The trip rates used were for land-use code 820, *Shopping Center*, based on the gross floor area, and land-use code 252, *Congregate Care Facility*, based on the number of occupied dwelling units. Trip rates were used for congregate care facilities since this land use is very similar to the proposed assisted living facility.

Because part of the development will be a retail land use, a portion of the driveway traffic volumes will be pass-by or diverted linked trips. Pass-by trips are trips that leave the adjacent roadway to patronize a land use and continue in their original direction of travel. The number of pass-by trips was assumed to be 30% of the total trips generated by the shopping center. This percentage was derived based on pass-by trip data given in Table VII-1 of the *TRIP GENERATION* manual. The equation given for "Shopping Center Pass-By Trips" (page I-30) in the manual was not used since it is derived based on data from shopping centers of a much larger size than the proposed development, and the equation yields unreasonable results.

The trip generation calculations indicate that there will be an estimated total of 137 total trips generated by the completed development during the evening peak hour. Of these, 69 will be entering and 68 will be exiting the site. The proposed assisted living facility is expected to generate 11 of the total 137 trips with the remainder being generated by the proposed retail building.

Since the retail development is expected to draw the majority of its customers from the surrounding North Newberg residential areas, a portion of the generated trips will be pedestrian traffic from the Oak Knoll subdivision that is currently under construction to the north and east of the proposed development. Because of the high number of homes in the immediate vicinity of the project site, a 10 percent reduction was made in the new trips generated by the shopping center to account for pedestrian trips.

A summary of the trip generation calculations is shown in the following table. Detailed trip generation calculations are included in the appendix to this report.

TRIP GENERATION SUMMARY

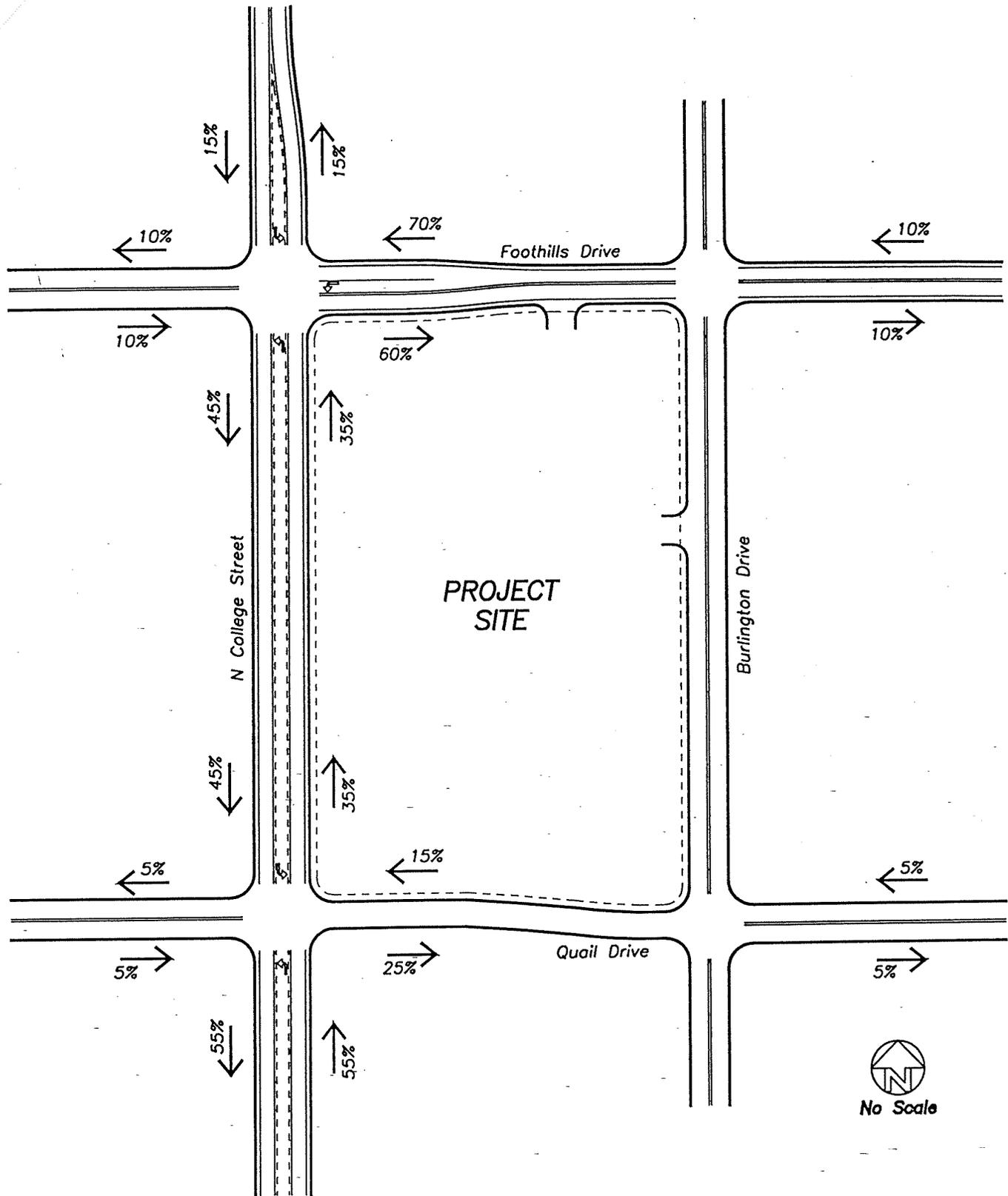
Genesis Healthcare Newberg

<i>PM Peak Hour</i>	Entering Trips	Exiting Trips	Total Trips
Assisted Living Facility Site Trips	6	5	11
Shopping Center New Site Trips	48	48	96
Reduction for Pedestrian Trips - 10%	<5>	<5>	<10>
Subtotal	49	48	97
Shopping Center Pass-By Trips - 30%	20	20	40
Total Site Trips	69	68	137

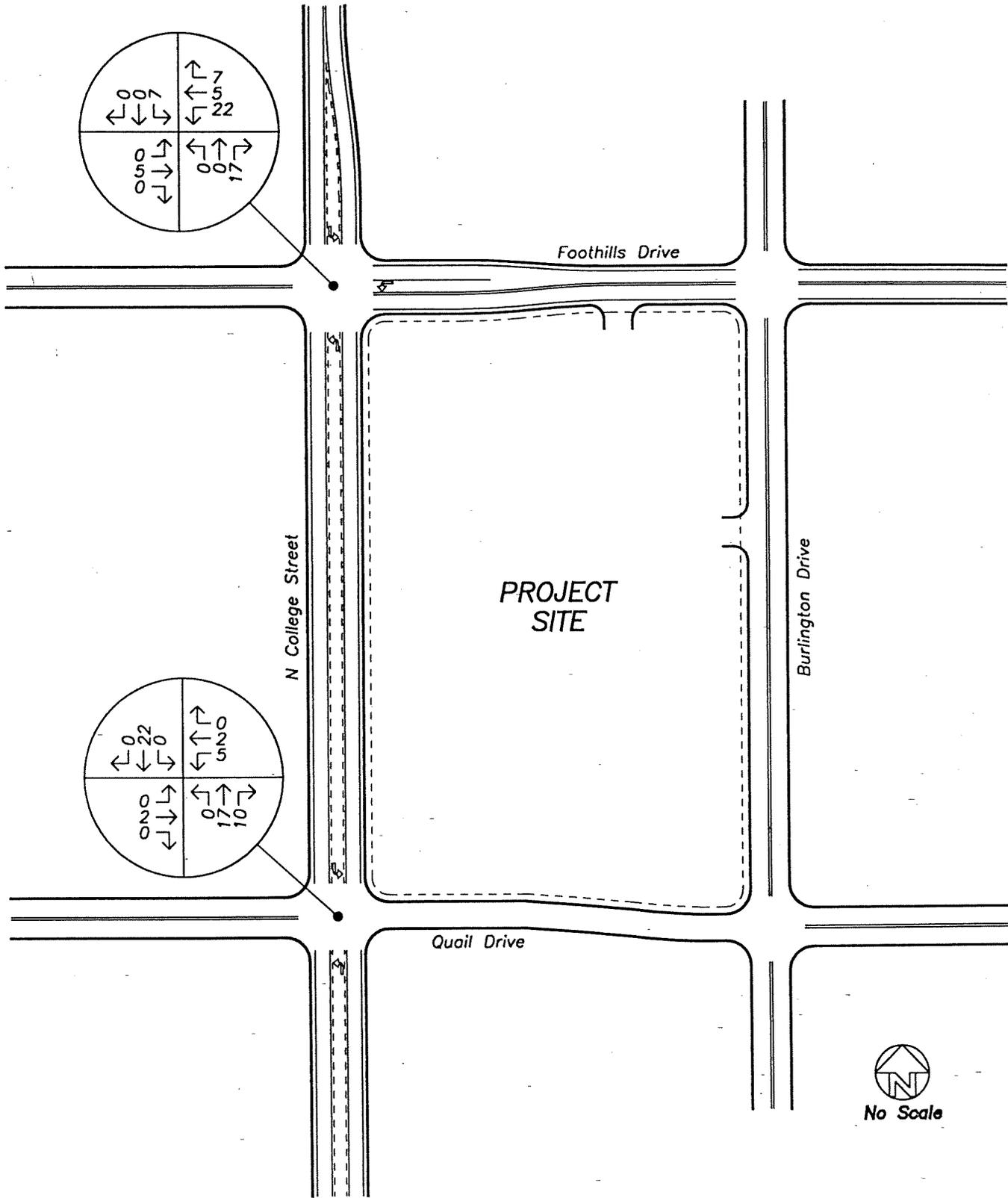
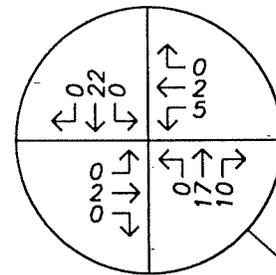
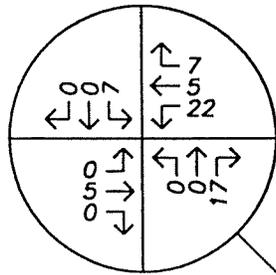
TRIP DISTRIBUTION

The directional distribution of the new trips generated by the proposed development was estimated from the nature of the land use and the distribution of nearby population areas in relation to the site. Since the development is expected to draw customers from the surrounding residential areas, the sizes and locations of such areas were considered when estimating the trip distribution. Pass-by trips from the retail portion of the development are expected to be in proportion to the existing through traffic passing the site.

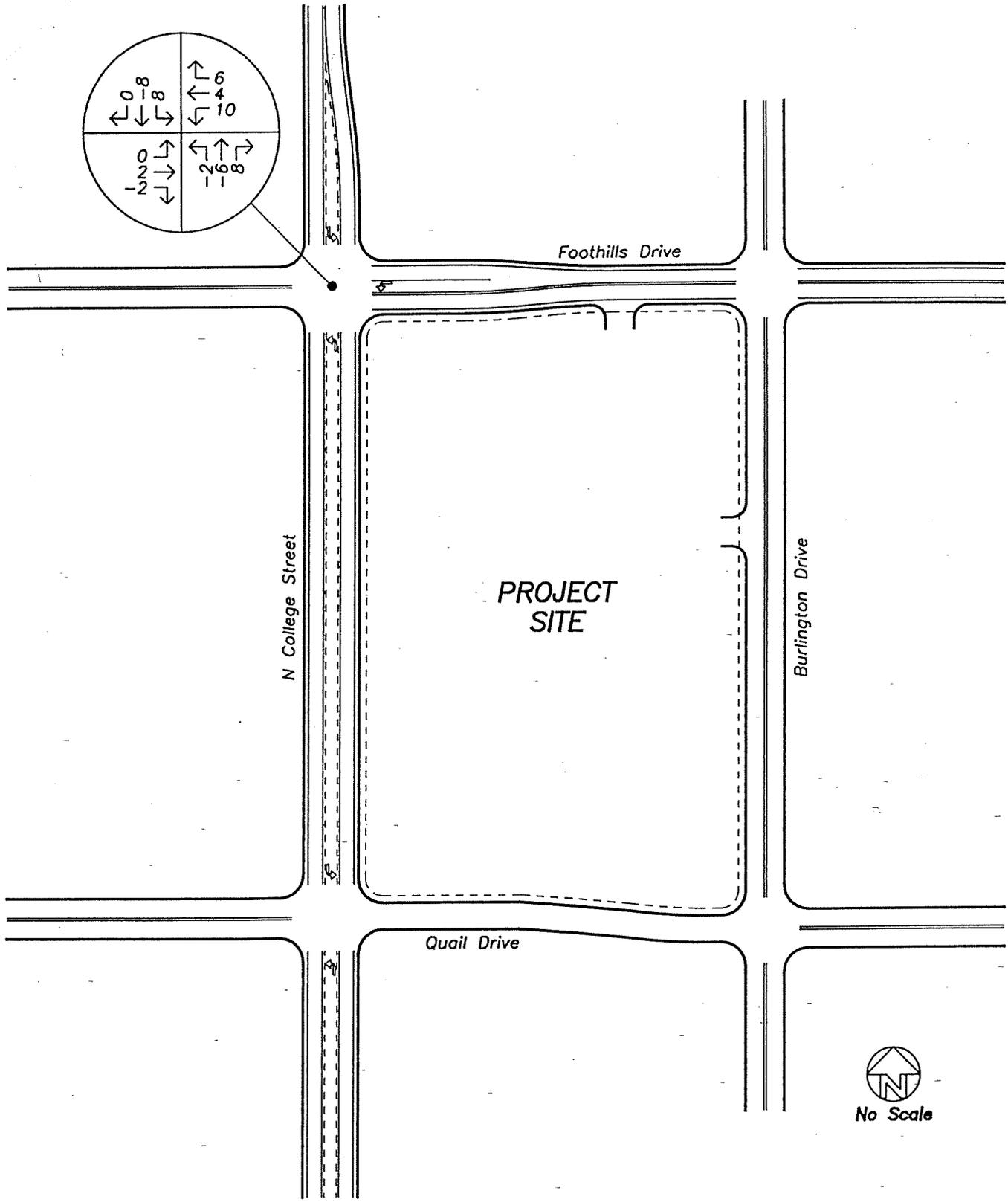
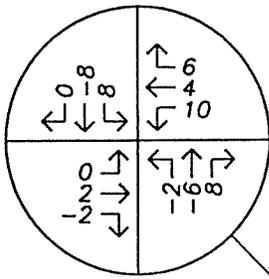
The traffic flow diagram on page 12 shows the distribution of the projected new site trips for the proposed development for the evening peak hour. The diagram on page 13 shows the assignment of the new site trips for the proposed development, and the diagram on page 14 shows the pass-by trips at the study intersections. Negative values in the diagram represent vehicles that would normally be passing the site, but have decided to visit the development. This turning movement takes vehicles away from the through-traffic stream and moves them to the project driveway.



SITE TRIP DISTRIBUTION
 Inbound & Outbound Percentages
 PM Peak Hour



No Scale

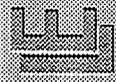
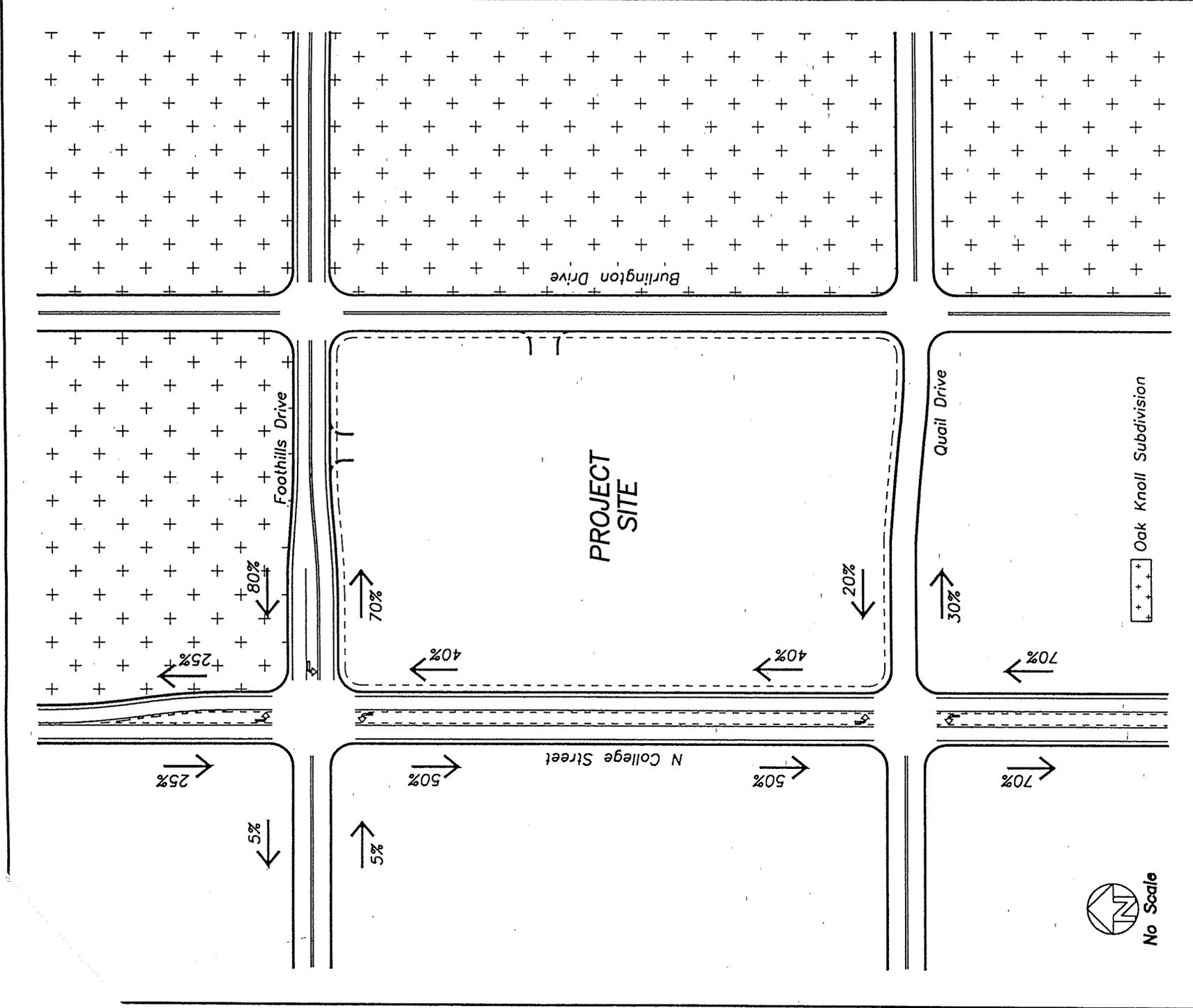


OPERATIONAL ANALYSIS

Other Approved Development

The site of the proposed commercial/residential development is bounded to the north and east by Oak Knoll, a large residential subdivision that is currently under construction. The subdivision will include 173 single-family homes at full build-out, eight of which will be common-wall housing. At the time the traffic counts were taken for the study area intersection, approximately 55 of the lots were built and occupied. Trip generation rates for the remaining 118 units were taken from *TRIP GENERATION*, Fifth Edition, published by the Institute of Transportation Engineers (ITE). The trip rates used were for land-use code 210, *Single-Family Detached Housing*, based on the number of dwelling units. The remaining lots in the subdivision are expected to generate 119 trips in the evening peak hour, 76 of which will be entering and 43 exiting. Trips from these additional units were distributed through the study area intersections in the same pattern as the existing traffic volumes from the homes that are currently occupied.

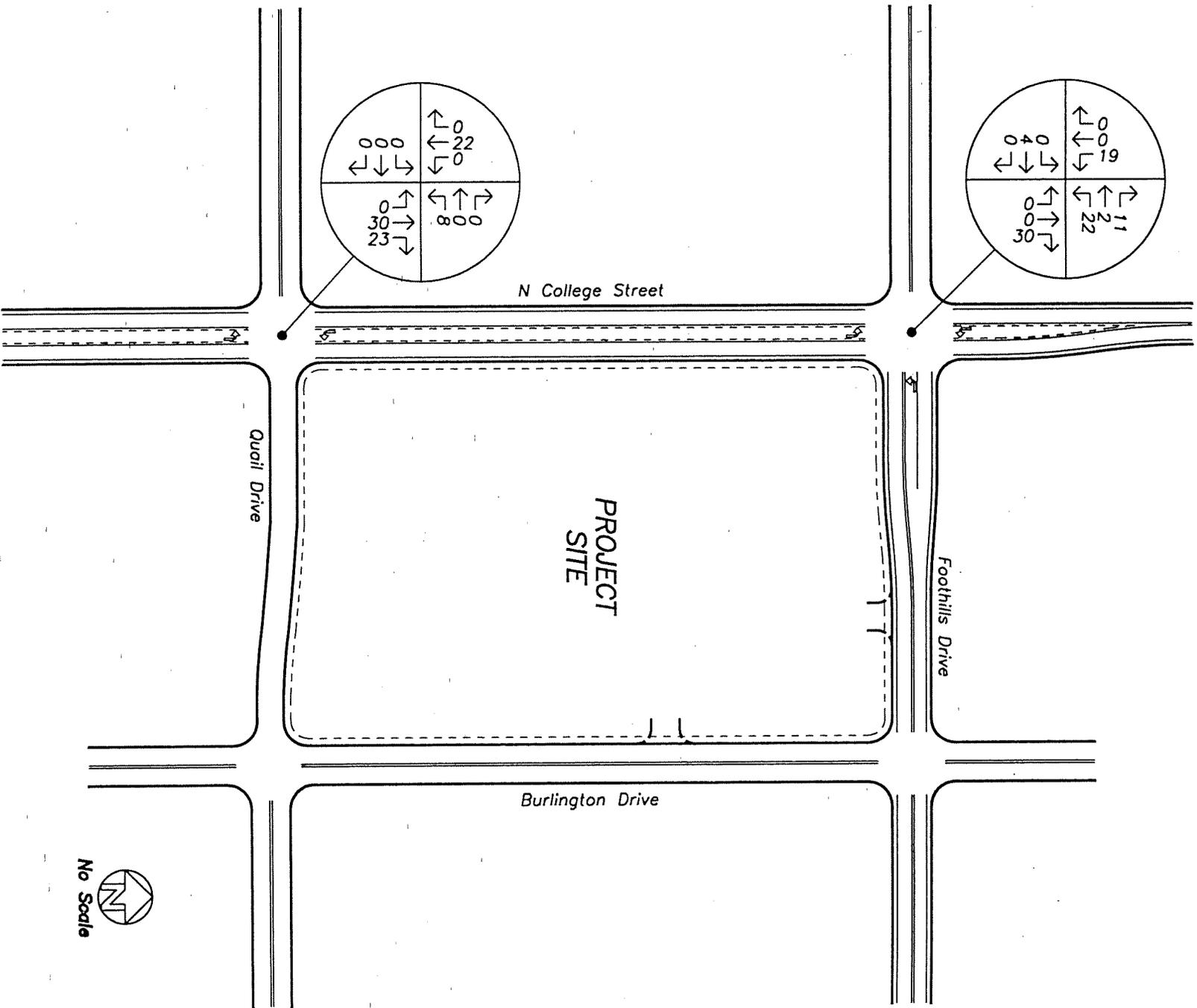
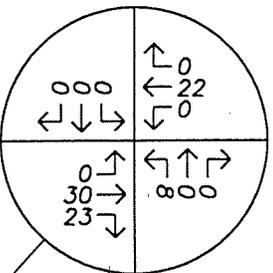
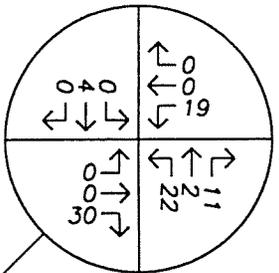
The distribution of the expected site trips from the Oak Knoll subdivision is shown on page 16, and the assignment of these site trips is shown on page 17. The total of existing traffic volumes, other development traffic, and site trips from the proposed development is shown on page 18.



LANCASTER ENGINEERING

OTHER DEVELOPMENT SITE TRIP DISTRIBUTION
 Inbound & Outbound Percentages

PM Peak Hour



N College Street

Foothills Drive

PROJECT
SITE

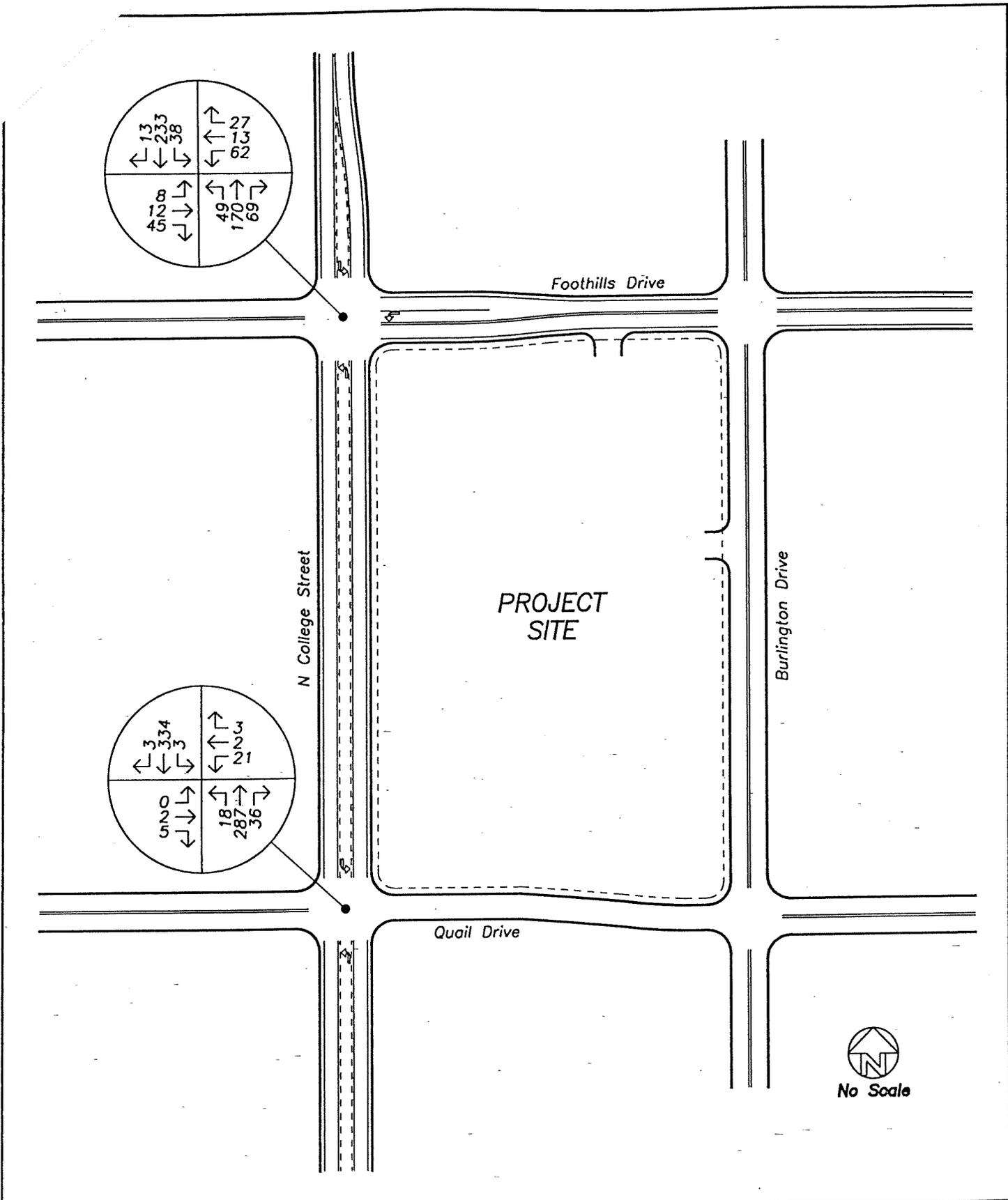
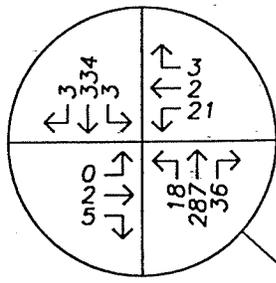
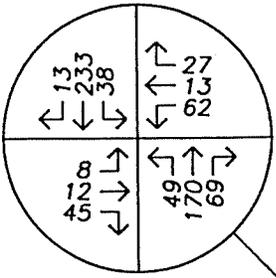
Burlington Drive

Quail Drive



No Scale

TRIP ASSIGNMENT
Other Development Site Trips
PM Peak Hour



LANCASTER ENGINEERING

TRAFFIC VOLUMES
 Existing + Other Development + Site Trips
 PM Peak Hour

genesis9.dwg

Capacity Analysis

To determine the level of service at the study area intersections, a capacity analysis was conducted. The level of service can range from A, which indicates very little or no delay, to level F, which indicates a high degree of congestion and delay. The analysis was made for the evening peak hour for existing conditions and the total of existing traffic volumes, other development traffic, and site-generated traffic from the proposed development.

The study area intersections were analyzed using the unsignalized intersection software *UNSIG10*, developed by the Oregon Department of Transportation.

The results of the capacity analysis show that the intersection of Foothills Drive at College Street is currently operating at level of service A in the evening peak hour. With the addition of traffic from the Oak Knoll subdivision at full build-out and traffic from the proposed residential/commercial development, level of service is expected to degrade to B during the evening peak hour.

Capacity analysis results show that the intersection of Quail Drive at College Street is currently operating at level of service A during the evening peak hour. With the addition of traffic from the Oak Knoll subdivision and from the proposed development, level of service is expected to remain at A during the evening peak hour.

The results of the capacity analysis, along with the Levels of Service (LOS) and available reserve are shown in the following table. Available reserve is a measure of capacity showing the number of vehicles that could be added to the minor approach at an unsignalized intersection before level of service F is reached. Tables showing the relationships between available reserve and level of service are included in the appendix to this report.

It is understood that the traffic counts were taken during the neighboring schools' summer vacation and that traffic volumes could be higher when school is in session, particularly with respect to bus traffic. Because of the high levels of service of the intersections in the study area, the added loading from school traffic could easily be accommodated from an intersection capacity standpoint. Safety issues such as an increase in pedestrian and bicycle traffic crossing the intersection are discussed in the following section titled *Traffic Signal Warrants*.

LEVEL OF SERVICE SUMMARY

Genesis Healthcare Newberg

	PM Peak Hour	
	<u>LOS</u>	<u>Reserve</u>
<i>College Street at Foothills Drive</i>		
Existing Conditions	A	467
Existing + Oak Knoll + Site Trips	B	384
<i>College Street at Quail Drive</i>		
Existing Conditions	A	483
Existing + Oak Knoll + Site Trips	A	406

LOS = Level of Service

Reserve = Reserve Capacity in vehicles per hour

Traffic Signal Warrants

A traffic signal warrant comparison was made to determine if a traffic signal would be warranted at the unsignalized intersections of Foothills Drive and Quail Drive at College Street. The *Minimum Vehicular Volume Warrant*, the *Interruption of Continuous Traffic Warrant*, and the *Peak Hour Warrant* from the *MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES*, published by the Federal Highway Administration, were examined. Seventy percent of the standard warrants were used since the posted speed on College Street is greater than 40 mph.

None of the three signal warrants studied were satisfied based on vehicle traffic through the intersection at full build-out of the Oak Knoll subdivision and the proposed development. The nearby schools on the west side of College Street are expected to attract large amounts of pedestrian and bicycle traffic from students going to and from school, much of which may come from developments east of College Street. Although warrants were not met based on vehicular traffic, the need for a traffic signal or other means of traffic control based on pedestrian and bicycle volumes should be considered during build-out of the Oak Knoll subdivision.

Right-Turn/Deceleration Lane

At the request of ODOT, the need for a right-turn/deceleration lane on College Street at Foothills Drive was analyzed. There are no nationally recognized warrants for the need for right-turn or deceleration lanes and the recommendation for such facilities is based on the judgment of the engineer for each case.

A general guideline is that a right-turn lane should be considered when right-turn volumes exceed 60 to 100 vehicles per hour. As shown on page 18, the expected right-turning volume is 69 vehicles during the evening peak hour. The delay to traffic entering from the side street can be reduced because the turn lane clearly separates the right-turning traffic from the conflicting through traffic. In this case, the level of service for traffic on Foothills Drive is already very good. Although the 60 vehicle per hour guideline is exceeded, a right-turn lane is not recommended because of the good level of service for traffic on Foothills Drive. However, a turn lane might be beneficial in the future if traffic volumes on College Street increase to the point where the LOS is marginal or traffic signal warrants are met.

SUMMARY

1. The proposed assisted living facility and retail building are expected to generate a total of 137 trips during the evening peak hour. Of these, 69 will be entering and 68 will be exiting the site. The proposed assisted living facility is expected to generate 11 of the total 137 trips with the remainder being generated by the proposed retail building.
2. The intersection of Foothills Drive at College Street is currently operating at level of service A in the evening peak hour. With the addition of traffic from the Oak Knoll subdivision at full build-out and traffic from the proposed residential/commercial development, level of service is expected to degrade to B during the evening peak hour.
3. The intersection of Quail Drive at College Street is currently operating at level of service A during the evening peak hour. With the addition of traffic from the Oak Knoll subdivision and from the proposed development, level of service is expected to remain at A during the evening peak hour.
4. None of the three traffic signal warrants studied were satisfied during the evening peak hour for full build-out of the Oak Knoll subdivision and the proposed development. Although none of these warrants were met, the need for a traffic signal or other means of traffic control should be addressed as the Oak Knoll subdivision is completed based on pedestrian and bicycle traffic crossing College Street.
5. A northbound right-turn/deceleration lane is not recommended on College Street at Foothills Drive.

APPENDIX

LEVEL OF SERVICE

Level of service is used to describe the quality of traffic flow. Levels of service A to C are considered good, and rural roads are usually designed for level of service C. Urban streets and signalized intersections are typically designed for level of service D. Level of service E is considered to be the limit of acceptable delay. For unsignalized intersections, level of service E is generally considered acceptable. Here is a more complete description of levels of service:

Level of service A: Very low delay at intersections, with all traffic signal cycles clearing and no vehicles waiting through more than one signal cycle. On highways, low volume and high speeds, with speeds not restricted by other vehicles.

Level of service B: Operating speeds beginning to be affected by other traffic; short traffic delays at intersections. Higher average intersection delay than for level of service A resulting from more vehicles stopping.

Level of service C: Operating speeds and maneuverability closely controlled by other traffic; higher delays at intersections than for level of service B due to a significant number of vehicles stopping. Not all signal cycles clear the waiting vehicles. This is the recommended design standard for rural highways.

Level of service D: Tolerable operating speeds; long traffic delays occur at intersections. The influence of congestion is noticeable. At traffic signals many vehicles stop, and the proportion of vehicles not stopping declines. The number of signal cycle failures, for which vehicles must wait through more than one signal cycle, are noticeable. This is typically the design level for urban signalized intersections.

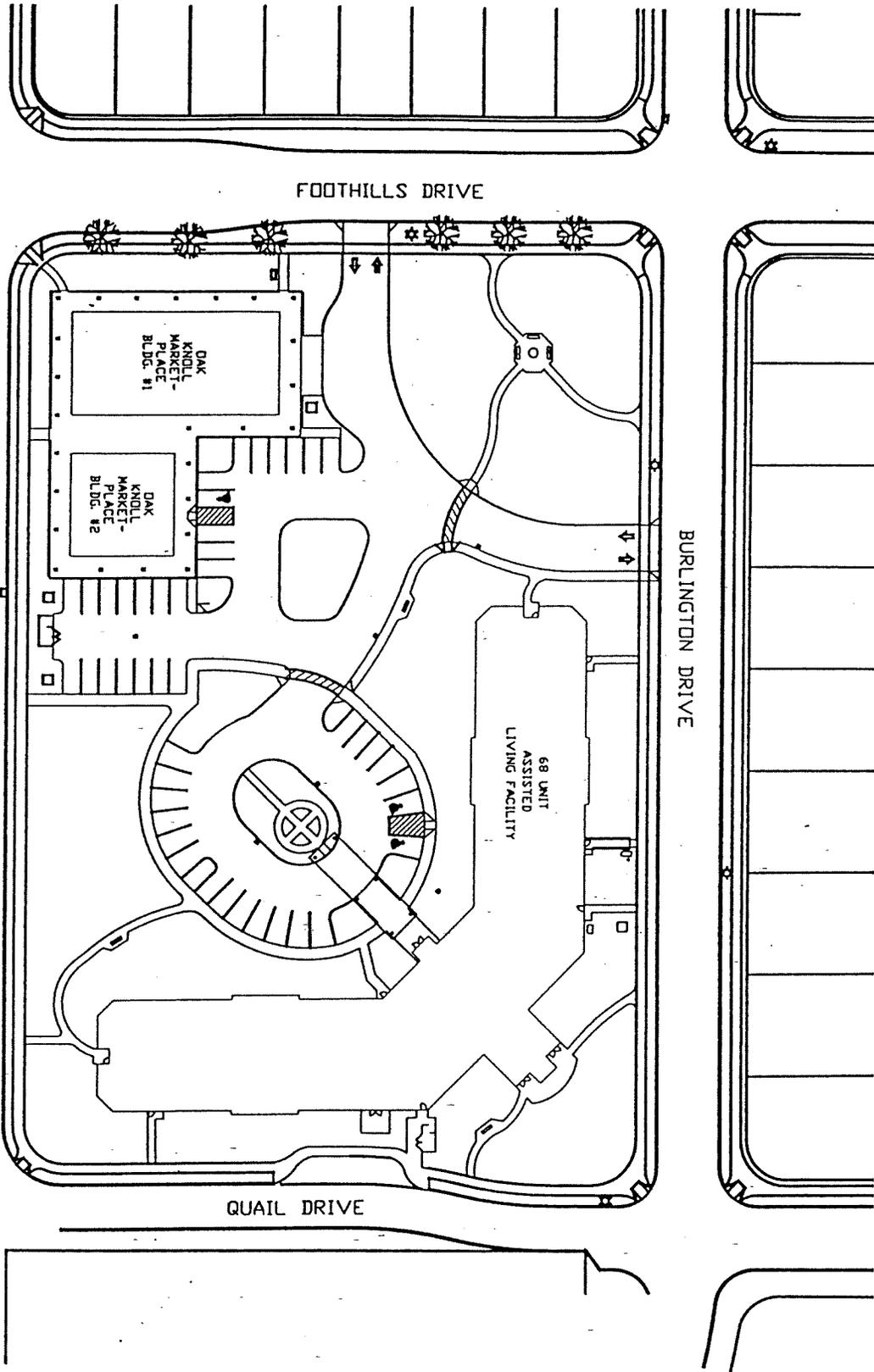
Level of service E: Restricted speeds, very long traffic delays at traffic signals, and traffic volumes near capacity. Flow is unstable so that any interruption, no matter how minor, will cause queues to form and service to deteriorate to level of service F. Traffic signal cycle failures are frequent occurrences. For unsignalized intersections, level of service E or better is generally considered acceptable.

Level of service F: Extreme delays, resulting in long queues which may interfere with other traffic movements. There may be stoppages of long duration, and speeds may drop to zero. There may be frequent signal cycle failures. Level of service F will typically result when vehicle arrival rates are greater than capacity. It is considered unacceptable by most drivers.

*LEVEL OF SERVICE CRITERIA
FOR UNSIGNALIZED INTERSECTIONS*

LEVEL OF SERVICE	RESERVE CAPACITY (Cars per Hour)
A	> 400
B	300-399
C	200-299
D	100-199
E	0-99
F	< 0

N. COLLEGE STREET
STATE ROUTE 219



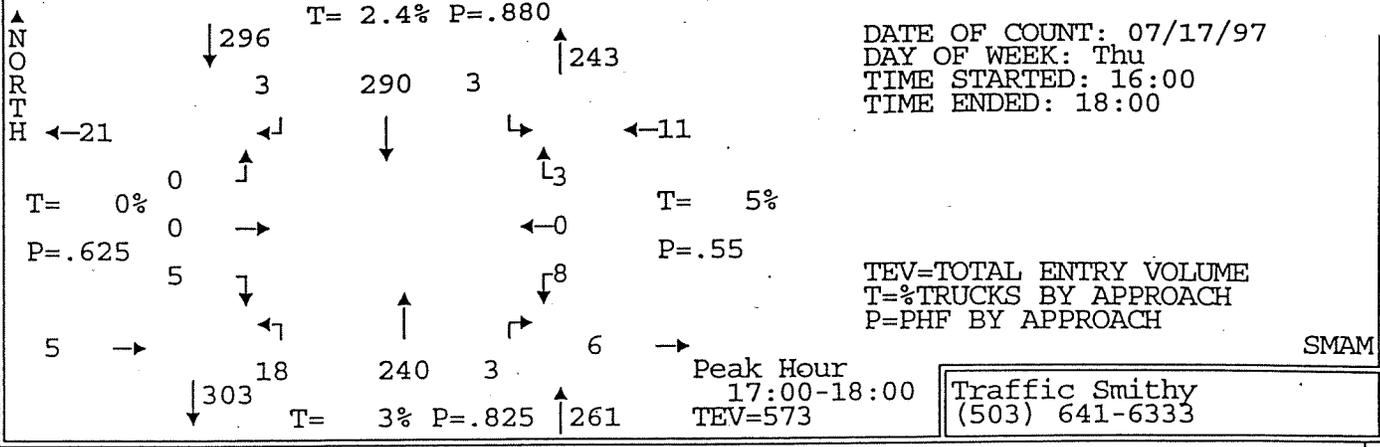
LANCASTER ENGINEERING

SITE PLAN



INTERSECTION TURN MOVEMENT COUNT SUMMARY REPORT
COLLEGE STREET AT QUAIL DRIVE

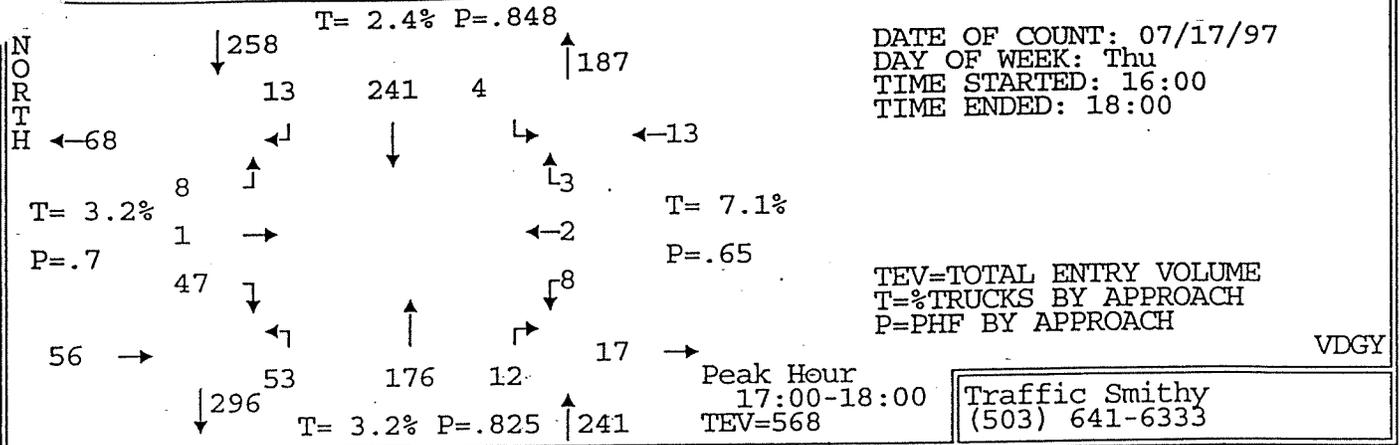
13823



TIME PERIOD FROM - TO	EAST BOUND			SOUTH BOUND			NORTH BOUND			WEST BOUND			ALL
	↓	→	↑	←	↓	↘	←	↑	↗	↓	←	↖	
16:00-16:05	0	0	0	0	15	1	0	22	0	1	0	0	39
16:05-16:10	0	0	0	0	31	0	0	26	0	0	0	0	57
16:10-16:15	1	0	0	0	21	0	2	16	0	1	0	0	41
16:15-16:20	0	0	0	0	11	0	0	17	0	0	0	0	28
16:20-16:25	1	0	1	0	19	0	1	10	2	0	0	0	34
16:25-16:30	0	0	0	0	24	0	1	14	0	0	0	1	40
16:30-16:35	0	0	0	0	15	0	0	11	0	2	0	0	28
16:35-16:40	1	0	0	1	34	0	1	19	0	0	0	0	56
16:40-16:45	1	0	0	0	20	0	0	14	1	0	0	0	36
16:45-16:50	1	0	0	0	20	0	0	10	0	1	0	0	32
16:50-16:55	1	0	0	0	27	0	0	20	0	2	0	0	50
16:55-17:00	1	0	0	0	17	0	0	17	0	1	0	0	36
17:00-17:05	0	0	0	1	18	0	3	12	0	1	0	0	35
17:05-17:10	2	0	0	0	30	0	0	25	0	2	0	0	59
17:10-17:15	0	0	0	1	21	0	1	14	0	0	0	0	37
17:15-17:20	0	0	0	1	24	1	2	18	0	2	0	0	48
17:20-17:25	1	0	0	0	31	1	2	18	1	1	0	1	56
17:25-17:30	0	0	0	0	15	0	2	22	2	1	0	0	42
17:30-17:35	0	0	0	0	16	1	2	19	0	1	0	1	40
17:35-17:40	0	0	0	0	37	0	1	31	0	0	0	0	69
17:40-17:45	1	0	0	0	22	0	1	17	0	0	0	1	42
17:45-17:50	0	0	0	0	25	0	0	21	0	0	0	0	46
17:50-17:55	0	0	0	0	30	0	1	20	0	0	0	0	51
17:55-18:00	1	0	0	0	21	0	3	23	0	0	0	0	48
Total Survey	12	0	1	4	544	4	23	436	6	16	0	4	1050
PHF	.63	0	0	.38	.86	.38	.75	.83	.25	.5	0	.38	.912
% Trucks	0	0	0	0	2.4	0	0	2.8	33.3	6.3	0	0	2.7
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Peds	0	0	0	0	3	0	0	0	0	0	0	0	0
Hourly Totals													
16:00-17:00	7	0	1	1	254	1	5	196	3	8	0	1	477
16:15-17:15	8	0	1	3	256	0	7	183	3	9	0	1	471
16:30-17:30	8	0	0	4	272	2	11	200	4	13	0	1	515
16:45-17:45	7	0	0	3	278	3	14	223	3	12	0	3	546
17:00-18:00	5	0	0	3	290	3	18	240	3	8	0	3	573

INTERSECTION TURN MOVEMENT COUNT SUMMARY REPORT
COLLEGE STREET AT FOOTHILLS DRIVE (NEWBERG)

13821



TIME PERIOD FROM - TO	EAST BOUND			SOUTH BOUND			NORTH BOUND			WEST BOUND			ALL
	↓	→	↑	←	↓	↘	←	↑	↗	↓	←	↖	
16:00-16:05	5	0	1	1	12	2	5	9	0	2	0	0	37
16:05-16:10	2	0	0	0	21	0	2	20	3	1	1	0	50
16:10-16:15	2	0	1	4	14	0	7	12	1	0	1	0	42
16:15-16:20	4	0	0	1	14	1	6	11	1	0	1	0	39
16:20-16:25	4	0	3	0	15	0	5	7	2	0	0	0	36
16:25-16:30	6	1	0	2	14	0	1	11	0	1	0	0	36
16:30-16:35	1	0	1	0	18	1	2	12	0	0	0	0	35
16:35-16:40	1	0	0	2	30	0	2	8	1	1	0	0	45
16:40-16:45	2	0	0	0	18	1	8	10	1	1	1	0	42
16:45-16:50	1	0	0	1	21	3	3	9	0	1	0	0	39
16:50-16:55	1	0	0	1	20	0	6	12	0	2	1	0	43
16:55-17:00	0	0	1	1	19	2	2	10	3	0	0	1	39
17:00-17:05	6	0	0	1	11	0	4	8	3	1	0	0	34
17:05-17:10	5	0	0	0	18	0	6	13	3	0	0	1	46
17:10-17:15	3	0	1	0	23	0	2	9	1	1	1	0	41
17:15-17:20	1	0	1	2	21	1	1	19	0	2	0	0	48
17:20-17:25	5	0	0	1	21	0	4	15	0	0	0	0	46
17:25-17:30	4	0	2	0	23	1	6	17	0	1	0	0	54
17:30-17:35	2	0	0	2	13	0	6	10	0	0	0	1	34
17:35-17:40	2	0	0	2	26	0	8	22	0	0	0	0	60
17:40-17:45	3	0	1	2	27	0	5	18	1	1	1	0	59
17:45-17:50	6	0	2	2	17	0	4	14	1	2	0	0	48
17:50-17:55	4	0	1	0	23	2	4	15	1	0	0	1	51
17:55-18:00	6	1	0	1	18	0	3	16	2	0	0	0	47

Total Survey	76	2	15	26	457	14	102	307	24	17	7	4	1051
PHF	.73	.25	.5	.54	.86	.5	.66	.81	.43	.67	.5	.75	.850
% Trucks	3.9	0	0	3.8	2.4	0	2.9	3.3	4.2	11.8	0	0	2.9
Stopped Buses	0	0	0	0	0	0	0	0	0	0	0	0	0
Peds	0	0	0	0	1	0	0	0	0	0	0	0	0

Hourly Totals													
16:00-17:00	29	1	7	13	216	10	49	131	12	9	5	1	483
16:15-17:15	34	1	6	9	221	8	47	120	15	8	4	2	475
16:30-17:30	30	0	6	9	243	9	46	142	12	10	3	2	512
16:45-17:45	33	0	6	13	243	7	53	162	11	9	3	3	543
17:00-18:00	47	1	8	13	241	4	53	176	12	8	2	3	568

TRIP GENERATION CALCULATIONS

Land Use: Shopping Center
Land Use Code: 820
Variable: 1000 Sq Ft Gross Leasable Area
Variable Value: 8.5

AM PEAK HOUR

Trip Rate: $Ln(T) = 0.589Ln(X) + 2.378$

	Enter	Exit	Total
Directional Distribution	0.63	0.37	
Trip Ends	24	14	38

PM PEAK HOUR

Trip Rate: $Ln(T) = 0.637Ln(X) + 3.553$

	Enter	Exit	Total
Directional Distribution	0.5	0.5	
Trip Ends	68	68	136

WEEKDAY

Trip Rate: $Ln(T) = 0.625Ln(X) + 5.985$

	Enter	Exit	Total
Directional Distribution	0.5	0.5	
Trip Ends	757	757	1514

SUNDAY

Trip Rate: $Ln(T) = 0.498Ln(X) + 6.212$

	Enter	Exit	Total
Directional Distribution	0.5	0.5	
Trip Ends	724	724	1448

TRIP GENERATION CALCULATIONS

Land Use: Congregate Care Facility
Land Use Code: 252
Variable: Occupied Dwelling Units
Variable Value: 68

AM PEAK HOUR

Trip Rate: 0.06

	Enter	Exit	Total
Directional Distribution	0.61	0.39	
Trip Ends	2	2	4

PM PEAK HOUR

Trip Rate: 0.17

	Enter	Exit	Total
Directional Distribution	0.56	0.44	
Trip Ends	6	5	12

Source: TRIP GENERATION, Fifth Edition

TRIP GENERATION CALCULATIONS

Land Use: Single-Family Detached Housing
Land Use Code: 210
Variable: Dwelling Units
Variable Value: 118

AM PEAK HOUR

Trip Rate: 0.74

	Enter	Exit	Total
Directional Distribution	0.26	0.74	
Trip Ends	23	65	87

PM PEAK HOUR

Trip Rate: 1.01

	Enter	Exit	Total
Directional Distribution	0.64	0.36	
Trip Ends	76	43	119

WEEKDAY

Trip Rate: 9.55

	Enter	Exit	Total
Directional Distribution	0.5	0.5	
Trip Ends	563	563	1127

SUNDAY

Trip Rate: 8.78

	Enter	Exit	Total
Directional Distribution	0.5	0.5	
Trip Ends	518	518	1036

TRAFFIC SIGNAL WARRANT CALCULATIONS

Major Street: College Street

Minor Street: Foothills Drive

Existing + Oak Knoll + Site Trips, PM Peak Hour

Number of Lanes for Moving Traffic on Each Approach:		ADT on Major St. (total of both approaches)		ADT on Minor St. (higher-volume approach)	
Major St.	Minor St.	100%	70%	100%	70%
<u>WARRANT 1</u>		<u>Warrants</u>	<u>Warrants</u>	<u>Warrants</u>	<u>Warrants</u>
1	1	8,850	6,200	2,650	1,850
2 or more	1	10,600	7,400	2,650	1,850
2 or more	2 or more	10,600	7,400	3,550	2,500
1	2 or more	8,850	6,200	3,550	2,500
<u>WARRANT 2</u>					
1	1	13,300	9,300	1,350	950
2 or more	1	15,900	11,100	1,350	950
2 or more	2 or more	15,900	11,100	1,750	1,250
1	2 or more	13,300	9,300	1,750	1,250

Note: ADT volumes assume 8th highest hour is 5.6% of the daily volume

Warrant Used

	100 percent of standard warrants used
X	70 percent of standard warrants used due to 85th percentile speed in excess of 40 mph or isolated community with population less than 10,000.

	Number of Lanes	Approach Volumes	Minimum Volumes	Is Signal Warrant Met?
<i>Warrant 1: Minimum Vehicular Volume</i>				
Major Street	2	5,720	7,400	
Minor Street	2	1,020	2,500	No
<i>Warrant 2: Interruption of Continuous Traffic</i>				
Major Street	2	5,720	11,100	
Minor Street	2	1,020	1,250	No
<i>Warrant 11: Peak Hour Warrant</i>				
Major Street	2	572		
Minor Street	2	102	190	No

TRAFFIC SIGNAL WARRANT CALCULATIONS

Major Street: College Street

Minor Street: Quail Drive

Existing + Oak Knoll + Site Trips, PM Peak Hour

Number of Lanes for Moving Traffic on Each Approach:		ADT on Major St. (total of both approaches)		ADT on Minor St. (higher-volume approach)	
Major St.	Minor St.	100%	70%	100%	70%
<u>WARRANT 1</u>		<u>Warrants</u>	<u>Warrants</u>	<u>Warrants</u>	<u>Warrants</u>
1	1	8,850	6,200	2,650	1,850
2 or more	1	10,600	7,400	2,650	1,850
2 or more	2 or more	10,600	7,400	3,550	2,500
1	2 or more	8,850	6,200	3,550	2,500
<u>WARRANT 2</u>					
1	1	13,300	9,300	1,350	950
2 or more	1	15,900	11,100	1,350	950
2 or more	2 or more	15,900	11,100	1,750	1,250
1	2 or more	13,300	9,300	1,750	1,250

Note: ADT volumes assume 8th highest hour is 5.6% of the daily volume

Warrant Used

	100 percent of standard warrants used
X	70 percent of standard warrants used due to 85th percentile speed in excess of 40 mph or isolated community with population less than 10,000.

	Number of Lanes	Approach Volumes	Minimum Volumes	Is Signal Warrant Met?
<i>Warrant 1: Minimum Vehicular Volume</i>				
Major Street	2	6,810	7,400	No
Minor Street	1	260	1,850	No
<i>Warrant 2: Interruption of Continuous Traffic</i>				
Major Street	2	6,810	11,100	No
Minor Street	1	260	950	No
<i>Warrant 11: Peak Hour Warrant</i>				
Major Street	2	681		No
Minor Street	1	26	150	No

UNSIGNALIZED INTERSECTION CAPACITY CALCULATION FORM
4-WAY INTERSECTION

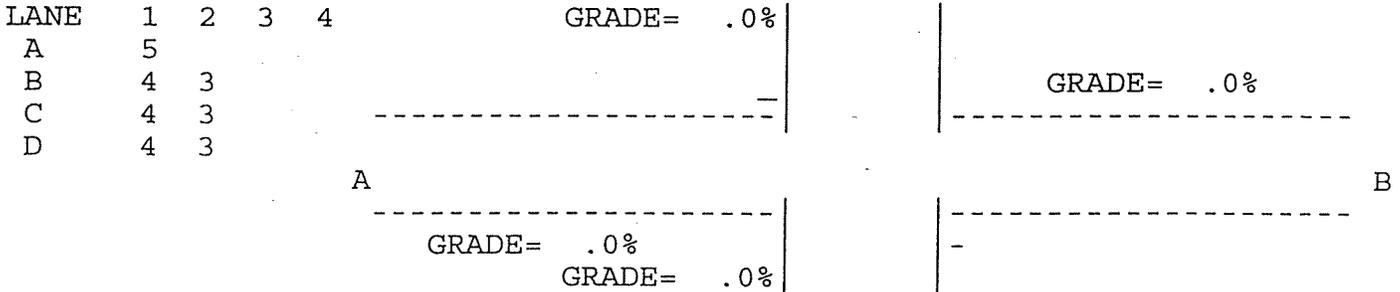
7/18/1997 13:39: 8

FILE NAME: newex1

CITY: NEWBERG
INTERSECTION: COLLEGE ST @ FOOTHILLS DR
ALTERNATE: EXISTING CONDITIONS
COUNT: PM PEAK HOUR
LOCATION PLAN:

ANALYST: TODD E. MOBLEY
METRO SIZE: 20,000 TO 100,000
TYPE OF CONTROL: STOP

APPROACH CODES ARE



SPEED: 45 MPH
RESTRICTED SIGHT CODE IS 1
MINOR STREET ADJUSTMENTS -
ACCELERATION LANE? NO
CURB RADIUS OR TURN ANGLE? NO

APPR	A			B			C			D		
MOVE	AL	AT	AR	BL	BT	BR	CL	CT	CR	DL	DT	DR
VOL	8	1	47	8	2	3	53	176	12	4	241	13
PCH	9			9			58	194	13	4	265	14
LANES		1			2			2			2	

STEP 1 RIGHT TURN FROM C/D

CONFLICTING FLOWS = MH =	CR	DR
CRITICAL GAP = TG =	24.	2. VPH
POTENTIAL CAPACITY = M1 =	5.5	5.5 SECS
DEMAND =	1076.	1103. PCH
CAPACITY USED =	13	14 PCH
IMPEDANCE FACTOR =	1.208	1.269 %
	.993	.992

SHARED LANE - SEE STEP 3

NO SHARED LANE - RESERVE =	0.	0. PCH
DELAY & LOS =	N/A	N/A

STEP 2 - LEFT TURNS FROM B/A

CONFLICTING FLOWS = MH =	BL	AL
CRITICAL GAP = TG =	48.	5. VPH
POTENTIAL CAPACITY = M2 =	5.0	5.0 SECS
DEMAND =	1146.	1196. PCH
CAPACITY USED =	9	9 PCH
IMPEDANCE FACTOR =	.79	.75 %
AVAILABLE RESERVE =	.995	.996
DELAY & LOS =	1137.	1187. PCH
	A	A

STEP 3	THRU MOVEMENT FROM C/D	CT	DT
	CONFLICTING FLOWS = MT =	46.	68. VPH
	CRITICAL GAP = TG =	6.5	6.5 SECS
	POTENTIAL CAPACITY = MN3 =	876.	853. PCH
	IMPEDANCE ADJUSTMENT = M3 =	868.	845. PCH
	DEMAND =	194	265 PCH
	CAPACITY USED =	22.14	31.07 %
	IMPEDANCE FACTOR = P3 =	.838	.764

NO SHARED LANE		
AVAILABLE RESERVE=	0.	0. PCH
DELAY & LOS =	N/A	N/A

SHARED LANE WITH LEFT TURN - SEE STEP 4

SHARED LANE DEMAND =	207	279 PCH
POTENTIAL CAPACITY = M13 =	879.	855. PCH
AVAILABLE RESERVE =	672.	576. PCH
DELAY & LOS =	A	A

STEP 4 -	LEFT TURN FROM C/D	CL	DL
	CONFLICTING FLOWS = MH =	300.	256. VPH
	CRITICAL GAP = TG =	6.0	6.0 SECS
	POTENTIAL CAPACITY = MN =	699.	740. PCH
	ADJUST FOR IMPEDANCE:	525.	610. PCH

NO SHARED LANE DEMAND =	58	4 PCH
AVAILABLE RESERVE =	467.	606. PCH
DELAY & LOS =	A	A

WITH LEFT & THRU		
SHARED LANE DEMAND =	0	0 PCH
CAPACITY OF SHARED LANE =	0.	0. PCH
AVAILABLE RESERVE =	0.	0. PCH
DELAY & LOS =	N/A	N/A

WITH LEFT, THRU, & RIGHT		
SHARED LANE DEMAND =	0	0 PCH
CAPACITY OF SHARED LANE =	0.	0. PCH
AVAILABLE RESERVE =	0.	0. PCH
DELAY & LOS =	N/A	N/A

LOS C VOLUMES:
VEHICLES PER HOUR

FOR LEG C
860.

FOR LEG D
1110.

UNSIGNALIZED INTERSECTION CAPACITY CALCULATION FORM
4-WAY INTERSECTION

7/18/1997 14: 4:42

FILE NAME: NEWBGST1

CITY: NEWBERG

ANALYST: TODD E. MOBLEY

INTERSECTION: COLLEGE ST @ FOOTHILLS DR

ALTERNATE: BACKGROUND + SITE TR

METRO SIZE: 20,000 TO 100,000

COUNT: PM PEAK HOUR

TYPE OF CONTROL: STOP

LOCATION PLAN:

APPROACH CODES ARE

LANE	1	2	3	4
A	5			
B	4	3		
C	4	3		
D	4	3		

GRADE= .0%

D

GRADE= .0%

A

GRADE= .0%

GRADE= .0%

C

B

SPEED: 45 MPH

RESTRICTED SIGHT CODE IS 1

MINOR STREET ADJUSTMENTS -

ACCELERATION LANE? NO

CURB RADIUS OR TURN ANGLE? NO

APPR	A			B			C			D		
MOVE	AL	AT	AR	BL	BT	BR	CL	CT	CR	DL	DT	DR
VOL	8	12	45	62	13	27	49	170	69	38	233	13
PCH	9			68			54	187	76	42	256	14
LANES			1			2			2			2

STEP 1	RIGHT TURN FROM C/D	CR	DR
	CONFLICTING FLOWS = MH =	23.	14. VPH
	CRITICAL GAP = TG =	5.5	5.5 SECS
	POTENTIAL CAPACITY = M1 =	1078.	1088. PCH
	DEMAND =	76	14 PCH
	CAPACITY USED =	7.053	1.286 %
	IMPEDANCE FACTOR =	.952	.992

SHARED LANE - SEE STEP 3

NO SHARED LANE - RESERVE =	0.	0. PCH
DELAY & LOS =	N/A	N/A

STEP 2 - LEFT TURNS FROM B/A	BL	AL
CONFLICTING FLOWS = MH =	57.	40. VPH
CRITICAL GAP = TG =	5.0	5.0 SECS
POTENTIAL CAPACITY = M2 =	1136.	1155. PCH
DEMAND =	68	9 PCH
CAPACITY USED =	5.99	.78 %
IMPEDANCE FACTOR =	.960	.996
AVAILABLE RESERVE =	1068.	1146. PCH
DELAY & LOS =	A	A

STEP 3	THRU MOVEMENT FROM C/D	CT	DT
	CONFLICTING FLOWS = MT =	145.	154. VPH
	CRITICAL GAP = TG =	6.5	6.5 SECS
	POTENTIAL CAPACITY = MN3 =	775.	766. PCH
	IMPEDANCE ADJUSTMENT = M3 =	741.	732. PCH
	DEMAND =	187	256 PCH
	CAPACITY USED =	24.13	33.41 %
	IMPEDANCE FACTOR = P3 =	.822	.743
	NO SHARED LANE		
	AVAILABLE RESERVE=	0.	0. PCH
	DELAY & LOS =	N/A	N/A
	SHARED LANE WITH LEFT TURN - SEE	STEP 4	
	SHARED LANE DEMAND =	263	270 PCH
	POTENTIAL CAPACITY = M13 =	814.	745. PCH
	AVAILABLE RESERVE =	551.	475. PCH
	DELAY & LOS =	A	A

STEP 4 -	LEFT TURN FROM C/D	CL	DL
	CONFLICTING FLOWS = MH =	391.	393. VPH
	CRITICAL GAP = TG =	6.0	6.0 SECS
	POTENTIAL CAPACITY = MN =	621.	620. PCH
	ADJUST FOR IMPEDANCE:	438.	463. PCH
	NO SHARED LANE DEMAND =	54	42 PCH
	AVAILABLE RESERVE =	384.	421. PCH
	DELAY & LOS =	B	A
	WITH LEFT & THRU		
	SHARED LANE DEMAND =	0	0 PCH
	CAPACITY OF SHARED LANE =	0.	0. PCH
	AVAILABLE RESERVE =	0.	0. PCH
	DELAY & LOS =	N/A	N/A
	WITH LEFT, THRU, & RIGHT		
	SHARED LANE DEMAND =	0	0 PCH
	CAPACITY OF SHARED LANE =	0.	0. PCH
	AVAILABLE RESERVE =	0.	0. PCH
	DELAY & LOS =	N/A	N/A

LOS C VOLUMES:
VEHICLES PER HOUR

FOR LEG C
865.

FOR LEG D
984.

UNSIGNALIZED INTERSECTION CAPACITY CALCULATION FORM
4-WAY INTERSECTION

7/18/1997 13:42:35

FILE NAME: newex2

CITY: NEWBWEG
INTERSECTION: COLLEGE ST @ QUAIL DR
ALTERNATE: EXISTING CONDITIONS
COUNT: PM PEAK HOUR
LOCATION PLAN:

ANALYST: TODD E. MOBLEY

METRO SIZE: 20,000 TO 100,000
TYPE OF CONTROL: STOP

APPROACH CODES ARE

LANE	1	2	3	4	GRADE=	.0%
A	5					
B	5					
C	4	3				
D	4	3				

D

GRADE= .0%

A

GRADE= .0%
GRADE= .0%

B

C

SPEED: 45 MPH
RESTRICTED SIGHT CODE IS 1
MINOR STREET ADJUSTMENTS -
ACCELERATION LANE? NO
CURB RADIUS OR TURN ANGLE? NO

APPR	A			B			C			D		
MOVE	AL	AT	AR	BL	BT	BR	CL	CT	CR	DL	DT	DR
VOL	0	0	5	8	0	3	18	240	3	3	290	3
PCH	0			9			20	264	3	3	319	3
LANES		1			1			2			2	

STEP 1 RIGHT TURN FROM C/D

	CR	DR
CONFLICTING FLOWS = MH =	3.	2. VPH
CRITICAL GAP = TG =	5.5	5.5 SECS
POTENTIAL CAPACITY = M1 =	1102.	1103. PCH
DEMAND =	3	3 PCH
CAPACITY USED =	.272	.272 %
IMPEDANCE FACTOR =	.999	.999

SHARED LANE - SEE STEP 3

NO SHARED LANE - RESERVE =	0.	0. PCH
DELAY & LOS =	N/A	N/A

STEP 2 - LEFT TURNS FROM B/A

	BL	AL
CONFLICTING FLOWS = MH =	5.	0. VPH
CRITICAL GAP = TG =	5.0	5.0 SECS
POTENTIAL CAPACITY = M2 =	1196.	1199. PCH
DEMAND =	9	0 PCH
CAPACITY USED =	.75	.00 %
IMPEDANCE FACTOR =	.996	1.001
AVAILABLE RESERVE =	1187.	0. PCH
DELAY & LOS =	A	N/A

STEP 3	THRU MOVEMENT FROM C/D	CT	DT
	CONFLICTING FLOWS = MT =	14.	15. VPH
	CRITICAL GAP = TG =	6.5	6.5 SECS
	POTENTIAL CAPACITY = MN3 =	911.	910. PCH
	IMPEDANCE ADJUSTMENT = M3 =	908.	906. PCH
	DEMAND =	264	319 PCH
	CAPACITY USED =	28.98	35.06 %
	IMPEDANCE FACTOR = P3 =	.781	.729
	NO SHARED LANE		
	AVAILABLE RESERVE=	0.	0. PCH
	DELAY & LOS =	N/A	N/A
	SHARED LANE WITH LEFT TURN - SEE	STEP 4	
	SHARED LANE DEMAND =	267	322 PCH
	POTENTIAL CAPACITY = M13 =	909.	908. PCH
	AVAILABLE RESERVE =	642.	586. PCH
	DELAY & LOS =	A	A

STEP 4 -	LEFT TURN FROM C/D	CL	DL
	CONFLICTING FLOWS = MH =	307.	258. VPH
	CRITICAL GAP = TG =	6.0	6.0 SECS
	POTENTIAL CAPACITY = MN =	693.	738. PCH
	ADJUST FOR IMPEDANCE:	503.	574. PCH
	NO SHARED LANE DEMAND =	20	3 PCH
	AVAILABLE RESERVE =	483.	571. PCH
	DELAY & LOS =	A	A
	WITH LEFT & THRU		
	SHARED LANE DEMAND =	0	0 PCH
	CAPACITY OF SHARED LANE =	0.	0. PCH
	AVAILABLE RESERVE =	0.	0. PCH
	DELAY & LOS =	N/A	N/A
	WITH LEFT, THRU, & RIGHT		
	SHARED LANE DEMAND =	0	0 PCH
	CAPACITY OF SHARED LANE =	0.	0. PCH
	AVAILABLE RESERVE =	0.	0. PCH
	DELAY & LOS =	N/A	N/A

LOS C VOLUMES:	FOR LEG C	FOR LEG D
VEHICLES PER HOUR	979.	1213.

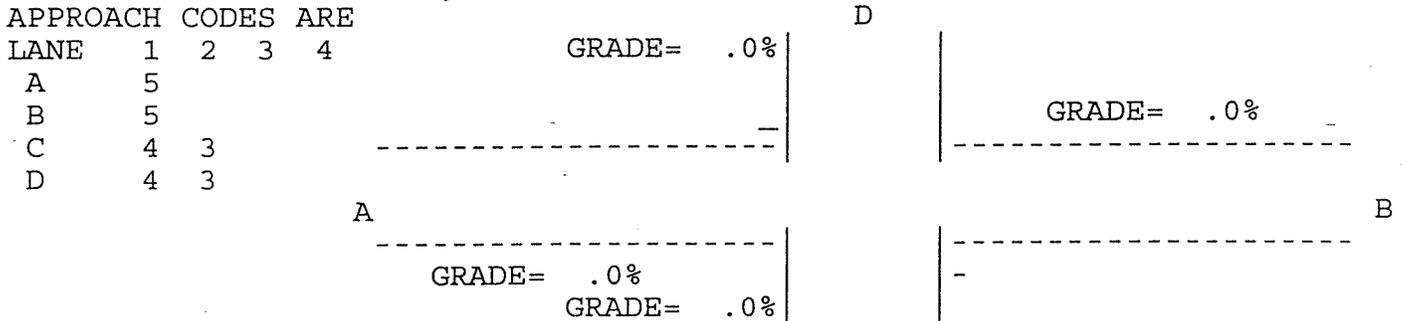
UNSIGNALIZED INTERSECTION CAPACITY CALCULATION FORM
4-WAY INTERSECTION

7/18/1997 14: 7: 5

FILE NAME: NEWBGST2

CITY: NEWBERG
INTERSECTION: COLLEGE ST @ QUAIL DR
ALTERNATE: BACKGROUND + SITE TR
COUNT: PM PEAK HOUR
LOCATION PLAN:

ANALYST: TODD E. MOBLEY
METRO SIZE: 20,000 TO 100,000
TYPE OF CONTROL: STOP



SPEED: 45 MPH
RESTRICTED SIGHT CODE IS 1
MINOR STREET ADJUSTMENTS -
ACCELERATION LANE? NO
CURB RADIUS OR TURN ANGLE? NO

APPR	A			B			C			D		
MOVE	AL	AT	AR	BL	BT	BR	CL	CT	CR	DL	DT	DR
VOL	0	2	5	21	2	3	18	287	36	3	334	3
PCH	0			23			20	316	40	3	367	3
LANES		1			1			2			2	

STEP 1 RIGHT TURN FROM C/D

CONFLICTING FLOWS = MH =	CR	DR
CRITICAL GAP = TG =	3.	2. VPH
POTENTIAL CAPACITY = M1 =	5.5	5.5 SECS
DEMAND =	1102.	1103. PCH
CAPACITY USED =	40	3 PCH
IMPEDANCE FACTOR =	3.630	.272 %
	.976	.999

SHARED LANE - SEE STEP 3

NO SHARED LANE - RESERVE =	0.	0. PCH
DELAY & LOS =	N/A	N/A

STEP 2 - LEFT TURNS FROM B/A

CONFLICTING FLOWS = MH =	BL	AL
CRITICAL GAP = TG =	7.	0. VPH
POTENTIAL CAPACITY = M2 =	5.0	5.0 SECS
DEMAND =	1194.	1196. PCH
CAPACITY USED =	23	0 PCH
IMPEDANCE FACTOR =	1.93	.00 %
AVAILABLE RESERVE =	.988	1.001
DELAY & LOS =	1171.	0. PCH
	A	N/A

STEP 3	THRU MOVEMENT FROM C/D	CT	DT
	CONFLICTING FLOWS = MT =	31.	32. VPH
	CRITICAL GAP = TG =	6.5	6.5 SECS
	POTENTIAL CAPACITY = MN3 =	892.	891. PCH
	IMPEDANCE ADJUSTMENT = M3 =	882.	881. PCH
	DEMAND =	316	367 PCH
	CAPACITY USED =	35.41	41.18 %
	IMPEDANCE FACTOR = P3 =	.726	.673
	NO SHARED LANE		
	AVAILABLE RESERVE =	0.	0. PCH
	DELAY & LOS =	N/A	N/A
	SHARED LANE WITH LEFT TURN - SEE	STEP 4	
	SHARED LANE DEMAND =	356	370 PCH
	POTENTIAL CAPACITY = M13 =	902.	882. PCH
	AVAILABLE RESERVE =	546.	512. PCH
	DELAY & LOS =	A	A

STEP 4 -	LEFT TURN FROM C/D	CL	DL
	CONFLICTING FLOWS = MH =	368.	355. VPH
	CRITICAL GAP = TG =	6.0	6.0 SECS
	POTENTIAL CAPACITY = MN =	640.	651. PCH
	ADJUST FOR IMPEDANCE:	426.	456. PCH
	NO SHARED LANE DEMAND =	20	3 PCH
	AVAILABLE RESERVE =	406.	453. PCH
	DELAY & LOS =	A	A
	WITH LEFT & THRU		
	SHARED LANE DEMAND =	0	0 PCH
	CAPACITY OF SHARED LANE =	0.	0. PCH
	AVAILABLE RESERVE =	0.	0. PCH
	DELAY & LOS =	N/A	N/A
	WITH LEFT, THRU, & RIGHT		
	SHARED LANE DEMAND =	0	0 PCH
	CAPACITY OF SHARED LANE =	0.	0. PCH
	AVAILABLE RESERVE =	0.	0. PCH
	DELAY & LOS =	N/A	N/A

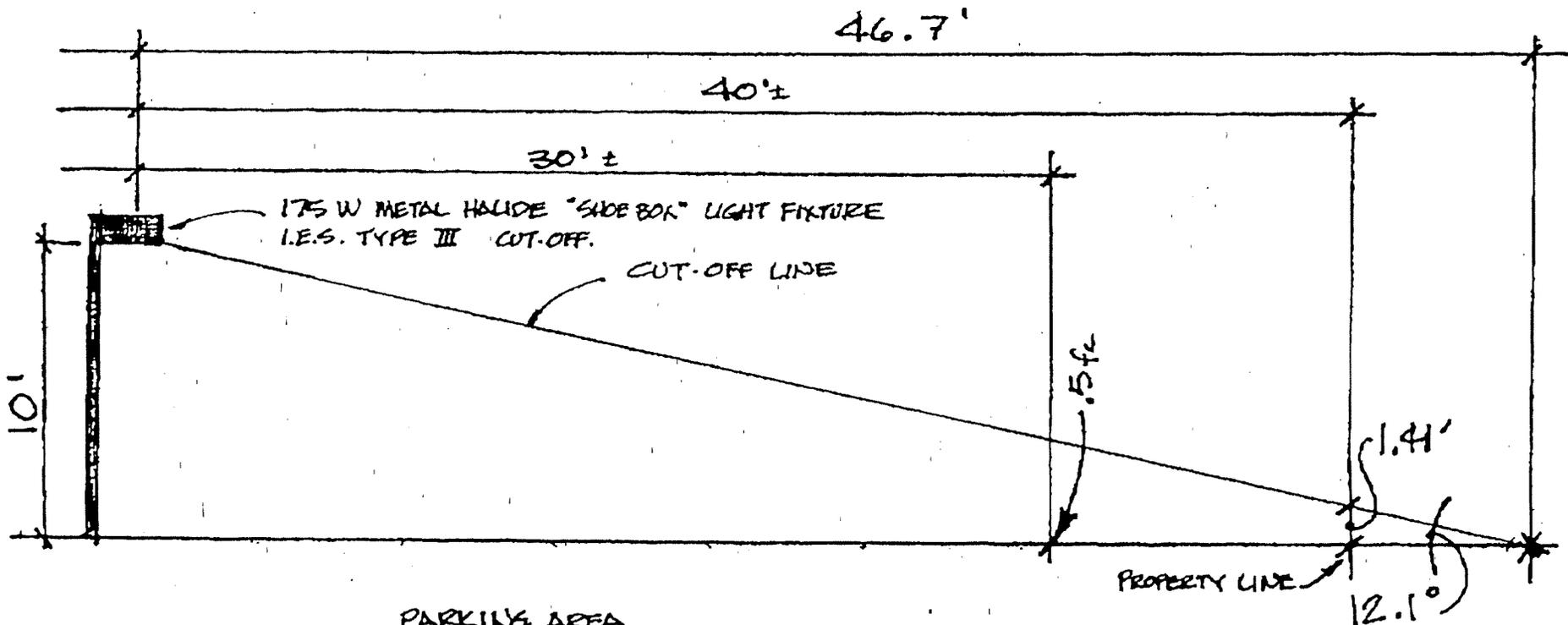
LOS C VOLUMES:
VEHICLES PER HOUR

FOR LEG C
1020.

FOR LEG D
1213.

APPENDIX C

LIGHTING DETAIL SHEETS



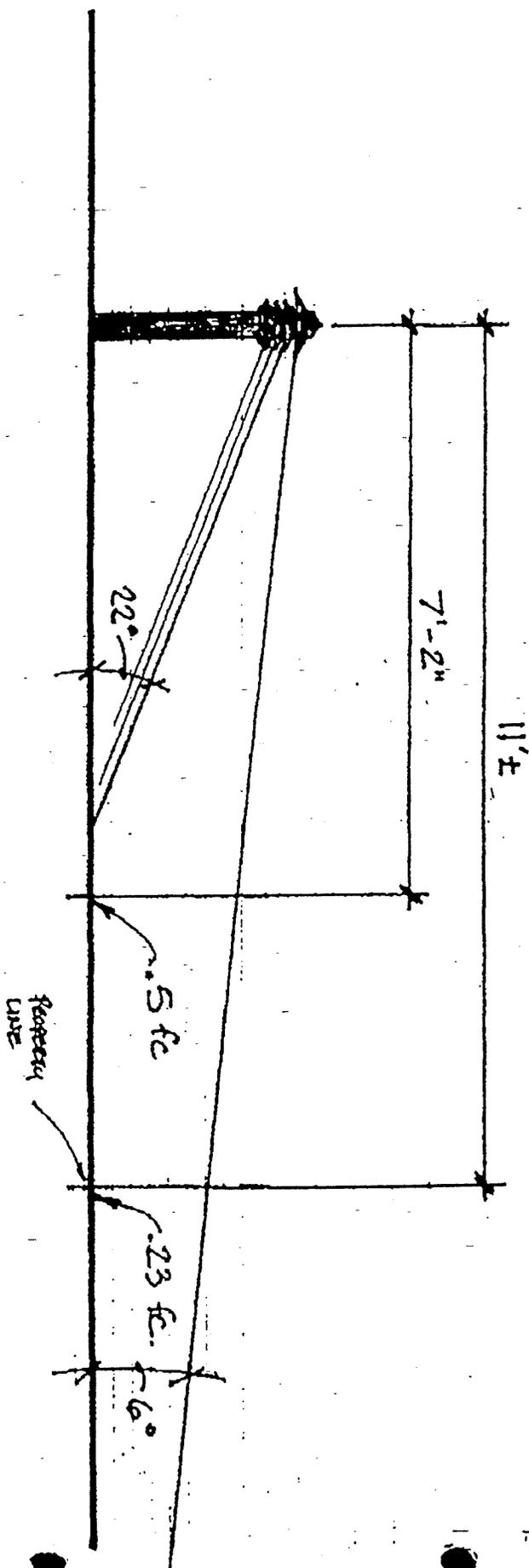
"S"

PARKING AREA

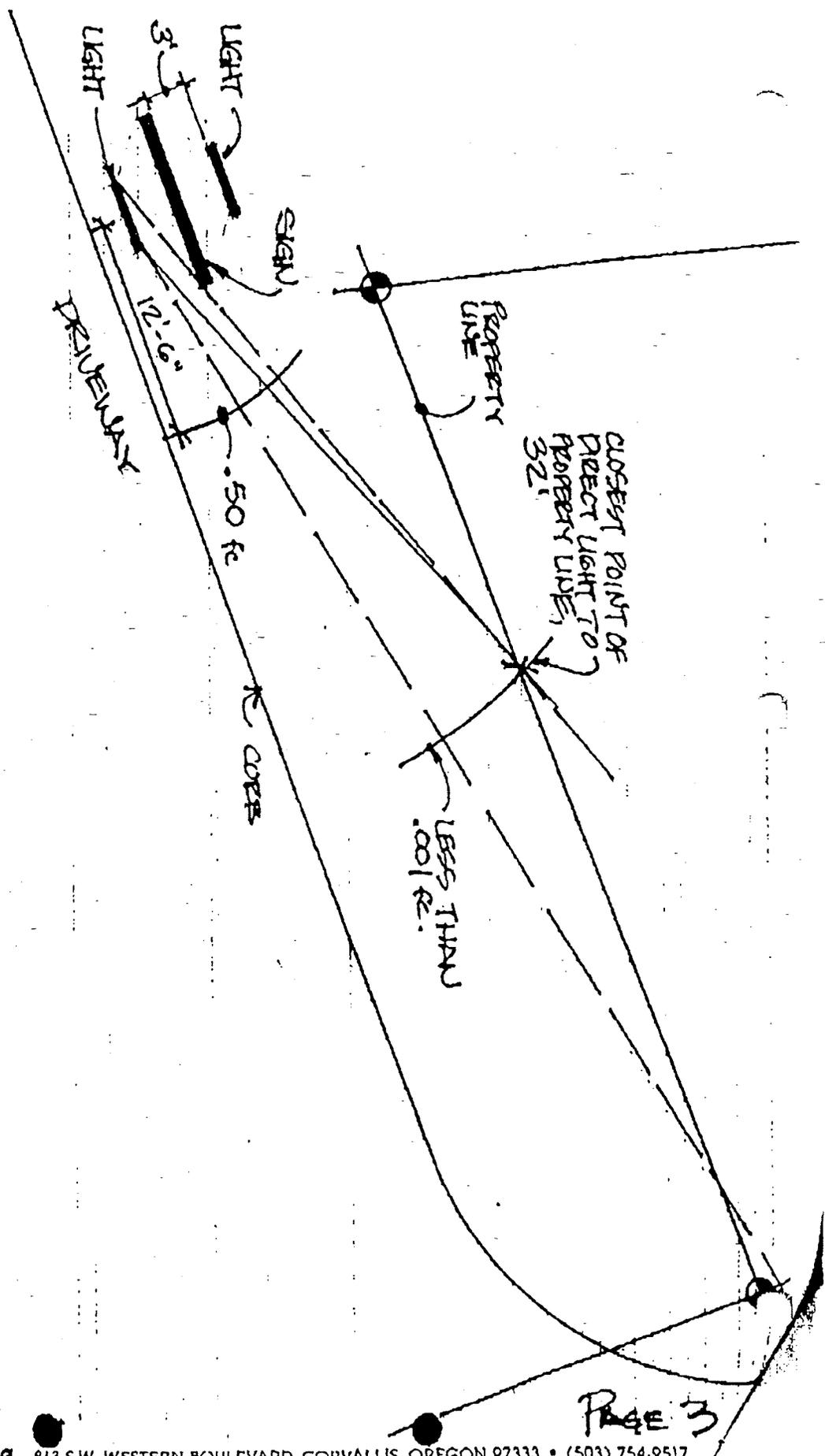
LIGHTING "CUT-OFF" ELEVATION

NTS.

BOARD PATH LIGHT.
LIGHTING "CUT-OFF" ELEVATION:
NTS



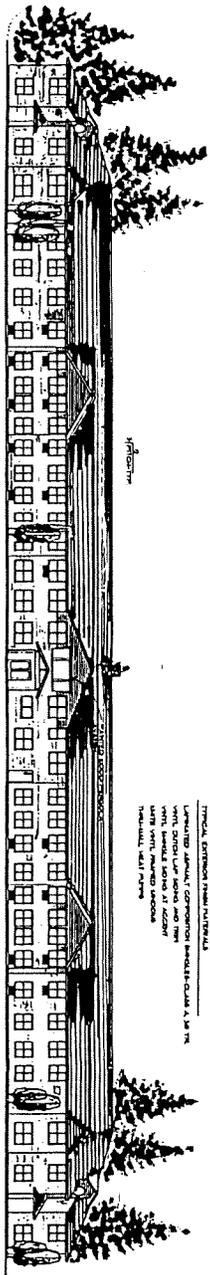
11" U" SIGN LIGHTING "CUT-OFF" PLAN
 N.T.S



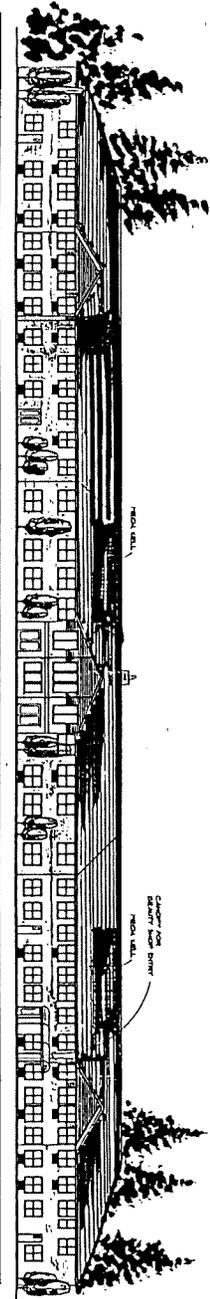
APPENDIX D

COLORED ELEVATIONS

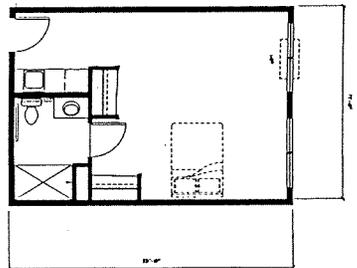
SPECIAL EXTERIOR STAIR MATERIALS
 UNLESS NOTED OTHERWISE, EXTERIOR STAIRS SHALL BE
 CONCRETE WITH STAINLESS STEEL HANDRAILS AND
 FINISH. UNLESS NOTED OTHERWISE, EXTERIOR STAIRS
 SHALL BE FINISHED WITH POLISHED CONCRETE
 UNLESS NOTED OTHERWISE.



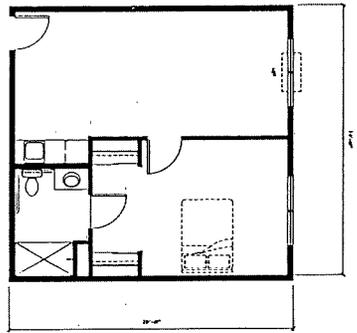
NORTHWEST ELEVATION



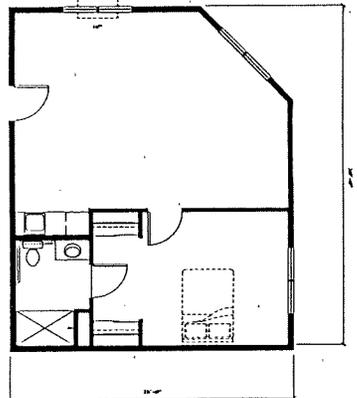
SOUTHEAST ELEVATION



UNIT A-1



UNIT B-1

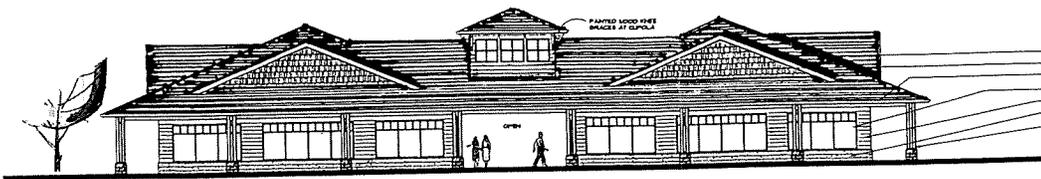


UNIT B-4



PROJECT: _____
 ALL FOR MATING: _____
 DRAWING NO.: _____
 DATE: _____

PROJECT NO.: _____
 DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 SHEET TITLE: _____
 ARCHITECT: _____
 DESIGN: _____
 ELEVATIONS AND _____
 AND PLANS _____
 DATE: _____ 4/28/24
 DRAWING NO.: _____
 SHEET: _____ OF _____



WEST ELEVATION

SCALE: 1/8" = 1'-0"

MATERIAL LIST

- FRAGOLARE APPOINT BRICKLE ROOFING
- PAINTED WOOD SHINGLES AT DORMER ENDS
- PAINTED PANDA BOARD AND GUTTER S11781
- PAINTED PANDA BOARD AND GUTTER S11781
- PAINTED PANDA BOARD AND GUTTER S11781
- PAINTED 2" LAP WOOD SHINGLES
- GRAY SPILT FACED CONCRETE FULCRUM BLOCKS
- PAINTED STEEL POST COLUPE ON CHU DAME

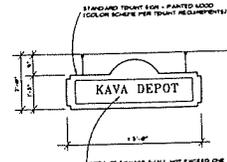
DATE: 11/19/17
 DRAWN BY: THE ARCHITECT FIRM OF ARCHITECTS

PROJECT: _____
 ALF FOR _____
 GENESIS HEALTHCARE
 HEWBERG, OREGON

ARCHITECT
 PATRICK
 BICKLER
 1313 MILL STREET
 SALEM, OR 97301-2333
 PH: (503) 588-7048

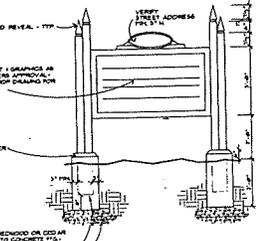
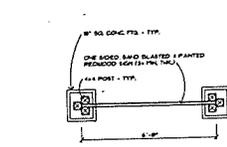
PROJECT NO.: _____
 9718
 DRAWN: _____
 CHECKED: _____
 SHEET TITLE:
 SCHEMATIC
 DESIGN
 ELEVATIONS FOR
 OAK KNOLL
 MARKET PLACE
 DATE: 7/22/17
 REVISIONS:

SHEET: 6
 OF: 6



TENANT SIGN

SCALE: 1/6" = 1'-0"



BUILDING SIGN

SCALE: 1/8" = 1'-0"

NOTE:
 BUILDING SIGN TO BE WHITE WITH BLUE BACKGROUND
 TO MATCH APPLICABLE SIGNAGE COLOR

NORTH ELEVATION

SCALE: 1/8" = 1'-0"

EAST ELEVATION

SCALE: 1/8" = 1'-0"

SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

9/97 PKTS -

Planning Commission mailing labels
F:\planning\wp5files\plan\pc-mail.lbl
9/97 **The following receive complete packets:**

Jack Kriz
602A N. Main
Newberg OR 97132

Myrna Miller
501 E. Illinois #1
Newberg, OR 97132

Richard Waldren
3600 Madrona Drive
Newberg OR 97132

Matson Haug
1524 Hess Creek Court
Newberg OR 97132

Steve Hannum
3816 Vittoria Way
Newberg, OR 97132,

Lon Wall
625 N. Morton
Newberg, OR 97132

Stephen E. Ashby
600 S. Willamette Street
Newberg, OR 97132

Mayor of Newberg
Donna Proctor
(3 HOLE PUNCH)

Newberg Graphic
POB 110
Newberg OR 97132

Fire Department
Michael Sherman

Police Department
Bob Tardiff

City Manager
Duane Cole
(3 HOLE PUNCH)

Legal Department
Terry Mahr

Library
Counter Copy

City Hall
Counter Copy

Community Development
Counter Copy

Community Development Director
Mike Soderquist

3 hole punch

Planning Division Manager
John Knight

Planning Technician
Barb Mingay

Community Development Office
Manager - Darla Baldoni

planning committee meeting file
(for taking minutes)

**the remaining are sent agendas and
public hearing process only**

8 copies for the city council members
(to Becky for mail out in Friday
Packets) **3 - hole punch**
& minutes

Building Division Manager
Mike Hailey

Engineering Division Manager
Larry Anderson

KLYC
POB 1099
McMinnville OR 97128

Yamhill County Planning Dept.
5th & Evans
McMinnville OR 97128

Newberg Human Resources
Center
408 E. Third
Newberg OR 97132

Chamber of Commerce
115 N. Washington
Newberg OR 97132

Barrie
Homebuilders Assoc.
15555 SW Bangy Road #301
Lake Oswego OR 97035

Attn: Donna Lee Guffey
Star Kay Publications
11500 NE 76th St. #A3-55
Vancouver WA 98662-3901

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Beaverton OR 97005

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Newberg OR 97132

Sonja Haugen/Austin Ind.
PO Box 111
Newberg OR 97132

Sid Friedman
31909 N.E. Corral Creek Road
Newberg OR 97132

Cheri Mathison/Newberg Garbage
P.O. Box 990
Newberg OR 97132

Alan Steiger
Adec
POB 111
Newberg OR 97132

Dean Werth
4709 E. Fernwood Rd.
Newberg OR 97132

Curt Walker
Pacific Empire Builders
POB 498
Newberg OR 97132

Roger Grahn
23287 LaSalle Lane
Sherwood, OR 97140

Dave Nielsen
2925 Eric Couort N.W.
Salem, OR 97304

Blane Hansen
201 Melody Lane
Newberg, Oregon 97132

Finance Department

Barry Babin
1904 West Lake Loop
Newberg, OR 97132

Library
please post until

City Hall
please post until

Community Development
please post until

Fire Department
Please post until

Scheduled Meetings Notebook

Rob Molzahn
Cornerstone Group
P.O. Box 565
Newberg, OR 97132

George Fox University
Sam Farmer
414 N. Meridian Street #6098
Newberg, OR 97132

Leslie Lewis
9805 Hendricks
Carlton, OR 97111

News Register
Attn: Nicole
POB 727
611 NE Third Street
Mcminnville, OR 97128

to applicant mail a copy and put a copy in the applicant file: agenda & their individual staff report. (10/96 deleted TCI - no longer taping mtg)
f:\planning\wp5files\plan\pccmail.tbl

the following are for applicants, send agenda and their individual staff report. (for any continued hearings from last meeting - attach minutes from last mtg)
re-do these each month - here on

Pamela Vann (PUD-4-97/DR-95)
Westlake Consulting
15115 S.W. Sequoia Parkway
Suite 1510
Tigard, OR 97224

Genesis Healthcare PUD-4-97/DR-95
220 East Hereford
Gladstone, OR 97027

AUD-3-97
Ron Manning
2310 Chehalis Dr.
Newberg OR 97132