

**CHEHALEM PARK AND RECREATION DISTRICT
BOARD OF DIRECTORS REGULAR MEETING
CHEHALEM ADMINISTRATION OFFICE**

**125 S. ELLIOTT ROAD
NEWBERG, OREGON**

April 22, 2021

6:00 P.M.

I. Call To Order

II. Roll Call

III. Approval of or Additions to the Agenda

IV. Approval of Consent Agenda

- A. Approve Minutes Regular Board Meeting March 25, 2021 & Budget Meeting April 6, 2021
- B. Approval of Bills Payable
- C. Approval of March Financials

V. Public Participation

- A. Yamhelas Westsider Trail
 - 1. Ben Van Dyke and Wendy Ellington
 - 2. Steve Wick
- B. Others not on Agenda

VI. Action Items/Committee Reports/Board Comments

- A. Intergovernmental Agreement Yamhill Co Department of Community Justice
- B. Discussion walking and bicycling trail on Newberg-Dundee Bypass
- C. Discussion of contracting for personnel services
- D. Appointment of Trail Advisory Committee
- E. Reports and Comments from Board Members

VII. Old Business

- A. Updates on Projects and Questions

VIII. From the Superintendent's Desk

- A. Financial Report and Questions
- B. Superintendent's Report
- C. Staff Reports

IX. Correspondence

- A. Citizens' Comments/Evaluations
- B. Miscellaneous Info
- Discussion of Personnel Matters (May go into Executive Session)

X. Adjournment

Next regular Board meeting is May 27, 2021.

To: Board of Directors
From: Superintendent
Date: April 19, 2021
Re: Background information for April 22, 2021 Board Meeting
Number corresponds to Agenda Item

II. ROLL CALL – We need 3 present for the meeting. Please call if you cannot attend. PLEASE REMEMBER MEETING AT THE DISTRICT OFFICE. YOU CAN CALL IN FOR MEETING. YOU CAN ATTEND REMOTELY, VIA ZOOM. Kat will send information needed for meeting

Please see page 4 for index for page numbers

III. APPROVAL OR ADDITIONS TO AGENDA – If you wish additions please give me a call.

IV. APPROVAL OF CONSENT AGENDA

A. Approval of Board Meeting Minutes – Please see pages (5-11) for Regular Meeting Minutes of March 25, 2021 & Budget Meeting Minutes of April 6, 2021.

RECOMMENDATION: Approval of Regular Board Meeting Minutes for March 25, 2021 & Budget Meeting Minutes for April 6, 2021.

B. Approval of Bills Payable - Bills Payable summary is on page (12) for review. I will have copies of all the bills payable for review at the meeting or you may call me for copy.

RECOMMENDATION: Approval of Bills Payable totaling \$401,270.86 General Fund, \$38,718.50 SDC Fund, \$0.00 Loan Service Fund, \$00.00 Capital Pool Construction and Loan Fund, \$59.20 Foundation.

C. Approval of March Financial – Copies of the Financials will be at the meeting to review. Please see page (13).

RECOMMENDATION: Approve March Financials

V. PUBLIC PARTICIPATION

A. Yamhelas Westsider Trail – Please see pages (14-79) for information.

B. Others not on agenda – We have no other request at this time.

VI. ACTION ITEMS/COMMITTEE REPORTS/BOARD COMMENTS.

A. Intergovernmental Agreement - Please see page (80-81) for information.

RECOMMENDATION; Authorize Superintendent to sign agreement

B. Discussion of Newberg Dundee Bypass Trail – Please see pages (82-92) for information.

C. Discussion of Personnel Services – This will bring Board up to date on efforts

D. Appointment of Trail Advisory Committee – This would be an appointed seven (7) member advisory committee to the Board on the development of trails.

E. Reports Comments from Board Members – Given at meeting.

VII. OLD BUSINESS

A. Update on Projects, Operation and Coronavirus Pandemic – Will discuss at meeting. Staff will be present to answer questions.

VIII. FROM THE SUPERINTENDENTS DESK

- A. Financial Report and Questions. The projected ending balance was higher for 2017-18 than 2016-17 in the general fund. We did not have to borrow for the 2017-18, 2018-19, and 2019-20 budget. It is projected we will not borrow for the 2020-21 budget. The current debt is for the golf course, property on the river, fitness center and pool bond. We are allowed about \$92,400,000.00 in debt. As of 6/30/2019 we have \$26,025,000 outstanding long term debt obligations. Revenue is down in SDC fees. We refinanced the loans for the golf course, property and combined them with the loan for the pool and fitness center. This was done to save money. Currently we have two loans and one bond. Please note the general fund in previous years had transferred the money to pay for debt to the Loan Service Fund. We are now paying debt out of the SDC fund.

GENERAL FUND SUMMARY

DESCRIPTION	AS OF 3/31/19-20	AS OF 3/31/20-21	DIFFERENCE
TOTAL EXPENDITURES	\$ 4,293,525.20	\$ 3,669,171.91	\$ < 624,353.29>
TOTAL OPERATION EX.	\$ 3,956,775.10	\$ 3,608,562.95	\$ < 348,212.15>
TOTAL CAP/AQ/DEV/TRS	\$ 336,750.10	\$ 60,608.96	\$ < 276,141.14>
TOTAL REVENUE	\$ 7,923,409.62	\$ 8,550,507.80	\$ 627,098.18
TOTAL TAXES	\$ 3,013,825.03	\$ 3,121,966.47	\$ 108,141.44
TOTAL FEES & CHARGES	\$ 2,368,430.80	\$ 1,907,022.32	\$ <461,408.48>
TOTAL OTHER REVENUE	\$ 635,994.15	\$ 226,378.84	\$ <409,615.31>
BEGINNING BALANCE	\$ 1,905,159.64	\$ 3,295,140.17	\$ 1,389,980.53
<u>BALANCE</u>	<u>\$ 3,629,884.42</u>	<u>\$ 4,881,335.89</u>	<u>\$ 1,251,451.47</u>

SDC FUND SUMMARY

DESCRIPTION	AS OF 3/31/19-20	AS OF 3/31/20-21	DIFFERENCE
BEGINNING BALANCE	\$ 2,336,308.35	\$ 2,048,280.51	\$ < 288,027.84>
INTEREST	\$ 33,158.92	\$ 9,267.42	\$ < 23,891.50>
CITY OF NEWBERG	\$ 962,550.13	\$ 468,386.10	\$ < 494,164.03>
CITY OF DUNDEE	\$ 55,738.48	\$ 24,241.24	\$ < 31,497.24>
COUNTY OF YAMHILL	\$ 127,094.36	\$ 104,828.10	\$ < 22,266.26>
TOTAL REVENUE	\$ 3,514,850.24	\$ 2,655,003.37	\$ < 859,846.87>
TOTAL EXPENDITURE	\$ 869,299.49	\$ 521,091.29	\$ < 348,208.20>
<u>BALANCE</u>	<u>\$ 2,645,550.75</u>	<u>\$ 2,133,912.08</u>	<u>\$ < 511,638.67></u>

Please note the operational cost in the General Fund was down, mostly due to no transfers for debt. The operational revenue was down due to the virus affecting programs. SDC Fund is down. Please remember the debt was to come out of SDC's for the 2020-21 budget and the 2021-22 budget.

- B. Superintendent Report – To be given at meeting.

- C. Staff Reports – Please see pages (93-106).

IX. CORRESPONDENCE

- A. Citizens Comments/Evaluations – Please see Pages (107-108)

- B. Miscellaneous Information – Please see pages (109-128).

X. ADJOURNMENT.

Next Regular Board Meeting May 27, 2021

INDEX

<u>DESCRIPTION</u>	PAGES
CONSENT AGENDA	
BOARD MINUTES	5 - 11
BILLS PAYABLE.....	12
FINANCIALS.....	13
PUBLIC PARTICIPATION	
YAMHELAS WESTSIDER TRAIL.....	14 - 79
ACTION ITEMS	
INTERGOVERNMENTAL AGREEMENT.....	80 - 81
DISCUSSION OF NEWBERG DUNDEE BYPASS TRAIL.	82 - 92
SUPERINTENDENTS DESK	
STAFF REPORTS.....,,	93 -106
CORRESPONDENCE	
CITIZEN COMMENTS/EVALUATIONS.....,,	107-108
MISCELLANEOUS INFORMATON.....	109-128

CHEHALEM PARK AND RECREATION DISTRICT
REGULAR BOARD MEETING
CPRD Administration Office
125 S. Elliott Road
March 25, 2021
MINUTES

I. Lisa Rogers called the meeting to order 6:00 p.m.

II. Roll Call

Board members:

Bart Rierson

Peter Siderius (on site)

Don Loving (on site)

Lisa Rogers (remotely)

(Reminder: Mike Ragsdale retired.)

CPRD Staff:

Don Clements, Superintendent

Casey Creighton, Basic Services Supervisor/Park and Facilities Supervisor

~~Julie Petersen, Special Services Supervisor/Recreation Supervisor~~

Public: (remotely)

Jen Yahn, Newberg High School Booster Club, Auction and Golf Chairperson

Jeanette Adlong, Dundee City Councilor

Rob Daykin, City of Dundee, City Administrator

Marci Gaibler, Meadow Ridge

Veronica Hinkes, Friends of the Yamhelas Westsider Trail

Wayne Weibke, Friends of Yamhelas Westsider Trail

"Anonymous Tax Payer"

III. Approval of or changes to agenda – add Newberg High School Booster Club to public participation.

Moved Pete Siderius

Second Don Loving

Passed unanimously

IV. Approval of consent agenda

a. Approval of minutes of regular Board meeting February 25, 2021 and Special Meeting March 4, 2021

b. Approval of bills payable

c. Approval of January financials (February financials are unavailable.)

Moved Pete Siderius

Second Bart Rierson

Passed unanimously

V. Public participation

- a. Jen Yahn requested sponsorship funding in the amount of \$6,500, to cover course costs for the Newberg High School Booster Annual Club Golf Scramble scheduled for Aug. 22, 2021 at Chehalem Glenn Golf Course. Background history from superintendent Don Clements and Don Loving, upon request from Lisa Rogers: Policy has been set that CPRD does not donate/waive tournament fees, because it would not be economically feasible; however, Clements said, we do give local organizations a discount, and he said he will work with Yahn on that. She expressed appreciation for the discount in the past. Yahn thanked the Board and exited.
- b. Jeanette Adlong, Dundee City Councilor, raised her (and council's) concern of potentially losing some of the property at Dundee-Billick Park, as Newberg School District is deciding whether/where to relocate Dundee Elementary School. Adlong said NSD is discussing selling the park land that the school building is on now (which NSD owns and can sell) and/or relocating the building where ballfields are now, and she said that city council does not want to reduce, divide, or otherwise lose any of the park property of Dundee-Billick Park (CPRD's lease is expired). Discussion included Dundee City Administrator Rob Daykin, who said that CPRD would be obligated to mitigate/replace any reduced park land and urged CPRD to research this obligation. Clements recalled history of the property and the terms of the original agreements. Rogers said this needs to be a discussion between the CPRD and NSD; Clements said he would contact NSD Superintendent Joe Morelock to schedule a meeting with him. Don Loving said that he would be glad to accompany Clements in that meeting if a Board member would be appropriate. Adlong and Daykin exited.

VI. Action items/committee reports/Board comments

- a. Yamhill Westsider Trail Discussion – As scheduled, Board-appointed representative Bart Rierison attended the March 18th work session of Yamhill County Commissioners, but was not called upon to participate in discussion of this proposed trail. However, Rierison was invited to submit a proposal by the end of the day for inclusion in the packet/agenda of the March 25th commission meeting (Page 14), which CPRD staff assisted him in so doing. Lisa Rogers represented the Board at the commissioners meeting this morning, after Pete Siderius had to leave. Discussion: Commissioners have not yet decided on a direction, but Siderius said from what he witnessed in the meeting today, they "wanted to dump it." Bart Rierison said it would be interesting to see whether ODOT might waive the repayment of the grant. Rogers said CPRD would have to conduct analysis in order to make a decision on what we would want to do, including completion and maintenance costs; Rierison said that analysis already exists and CPRD would just need to obtain

it. Discussion included possible options to establish trail, and if County would resume Land Use process. Board agreed to wait and see what commissioners decide to do.

Motion: Bart Rierson moved that Superintendent Clements work with County to get budgetary numbers to complete and maintain the trail and to find out from ODOT and OPRD to find out whether they would waive grant funding if CPRD were to take over Yamhelas Westsider Trail project.

Moved Bart Rierson

Second Peter Siderius

Aye Rogers, Rierson, Siderius

No Don Loving

Passed 3 - 1

- b. Discussion of Urban Renewal and City of Newberg

Motion: Peter Siderius moved that Board direct that Superintendent Clement go to City of Newberg and request more money for trail system on the riverfront under the Urban Renewal plan.

Moved Peter Siderius

Second Don Loving

Passed unanimously

- c. Discussion of appointment of interim Board member to complete term of Mike Ragsdale - two applicants: Molly Olson and Sandra Valentine.

Motion to table discussion from Don Loving, since there were 12 candidates, and this interim period would be brief.

Passed unanimously

- d. Discussion of personnel matters (Moved to end)

- e. Reports and comments from Board members

Peter Siderius – is retiring from Newberg School District.

Don Loving – said that Legislative session has been weird with videoconferencing, and hasn't heard anything that would be detrimental to park districts.

Bart Rierson – has been appointed in perpetuity to Willamette Riverkeeper Board of Directors.

Lisa Rogers – wants to see better relations with City of Newberg and Yamhill County; she had asked Don and Kat to set up meeting with Newberg city manager to help relationship between CPRD and City. Clements talked about Chehalem Valley Future Focus elected officials group and administrative committee.

VII. Old business/project updates

- a. COVID-related updates and staff reports:
Casey Creighton presented highlights from his department report (See packet).
Staff reports – Julie Petersen presented highlights from her department report. Multipurpose/soccer complex would be great to have.
Kat Ricker – update on trail grant application processes and reception team hiring and training efforts, in order to open aquatic and fitness center on weekends once more.

VIII. From the superintendent's desk

- a. Financial report – Clements said work continues on issues raised from the audit, and he plans next year to put out an RFP to consider a different firm.
- b. Superintendent's report – Automated payroll vendor update: Paychex
- c. Staff reports – (See above)

IX. Correspondence

- A. Citizen comments/evaluations – None
-

Discussion of personnel matters: Executive Session began 7:30 p.m. and ended 7:47 p.m.

- X. Adjournment** – Bart Rierson moved to adjourn 7:48 p.m.

Next regular meeting is scheduled for 6 p.m. Thursday, April 22, 2021.

Note: Budget Committee meeting is scheduled for 6 p.m. Tuesday, April 6, 2021.

Respectfully Submitted,

Kat Ricker, Public Information Director

MINUTES
Chehalem Park & Recreation District Budget Committee
Annual Budget Meeting
125 S. Elliott Road
Newberg, OR 97132
6:00 p.m. April 6, 2021

I. Meeting called to order by Lisa Rogers, 6:05 p.m.

A. Budget Committee Members

Present

Mike McBride - excused
Elizabeth Comfort - remotely
Elijah Dickson - remotely
Jim Talt
Andrew Yinger

B. Board of Directors

Present

Don Loving
Lisa Rogers - remotely
Pete Siderius
Bart Rierson - remotely
(Note: Mike Ragsdale has retired.)

C. CPRD Staff

Present (indicate if remote)

Don Clements
Casey Creighton
Julie Petersen

D. Public - None

II. Election of Budget Committee Officers

President: Lisa Rogers

Nomination: Elizabeth Comfort

Second: Elijah Dickson

Vice President: Elizabeth Comfort

Nomination: Don Loving

Second: Elijah Dickson

Secretary: Don Loving

Nomination: Pete Siderius

Second: Elizabeth Comfort

Motion to approve slate of officers

Motion: Bart Rierson

Second: Elizabeth Comfort

Approved unanimously

III. Motion to approve agenda and meeting dates

Motion: Elizabeth Comfort

Second: Pete Siderius

Passed unanimously

IV. Budget message delivered by Budget Officer

Budget Officer Don Clements reviewed the Budget Overview.

V. Discussion on budget

Lisa Rogers and Pete Siderius led discussion asking why some anticipated projects are not provided for as expected in the budget (bridge in Ewing Young Park was budgeted from last year; campground; Newberg-Dundee Bypass Trail). Don Clements responded that his strategy was that SDC funds would be used as matching funds in the event that grants would be awarded. Discussion continued over the value of this approach, versus budgeting for them without anticipating grants.

Siderius said he wants to move faster on projects, and he believes we have the funds to do so, and that we need to open up spaces such as the property off of Hwy. 219 to the public. Clements recommended that \$300,000 for the bridge be moved from Parks into General Fund in the 2021-22 budget. Siderius asked if there were any way to expedite visible development on campground.

Siderius asked Casey Creighton whether CPRD has enough man hours to handle all of the planned projects, or whether we have the need for a project manager; Creighton said the issue is that we are always waiting on something, and Julie Petersen added that much staff time had been spent on dealing with COVID this year. Siderius asked again if it would be a good time to budget a position for special projects. Clements said it would not speed the process up, just cost more money, and complicate things. Creighton said he could see the benefit of hiring a secretary. Clements said he would approve this as a part-time position if Creighton presented it.

Clements proposed the following: Make Planning and Studies \$82,240. Take the \$200,000 and keep Aquatic Equipment at \$207,500. We will shift the \$300,000 up to development of a bridge, keep the bottom line the same, and put "Development of a bridge at Ewing Young." The committee agreed to accept this.

Rogers emphasized that any projects which are not completed by the end of a budget year be moved to the following budget year.

Additional amendments to be edited on their pages and initialed, and/or approve as amended:

- Pgs. 4 & 5: Rogers cited that Resolution to approve the Budget appears \$12,500,602; Resolution approving the Appropriations appears \$12,500,603; Clements said '603 would be correct.

- Page 5: Talt cited Under Loan Service Fund should read \$941,525 for principal and interest; Capital Outlay should read \$37,125.
- Also noted were the three corrections which Clements had sent out in memo form earlier.

VI. Public input on budget – None present

VII. Motion to call for the question to begin approving the resolutions as presented.

Motion: Elizabeth Comfort

Second: Pete Siderius

Approved unanimously

VIII. Approval of proposed Budget and tax rate

- A.** Approval of Resolution Approving Levying Taxes at the rate of \$.9076 per \$1,000 of assessed value for operations for tax year 2021–22, with debt service in the amount of \$1,335,375.00 to be excluded from limitation.

Motion: Elizabeth Comfort

Second: Andrew Yinger

Approved unanimously

- B.** Approval of 2021–21 Budget as amended of \$12,500,603.00.

Motion: Bart Rierison

Second: Elizabeth Comfort

Passed with one descent: Don Loving voted “No” as a protest, because if the urgency shown to build this bridge had been shown for golf course clubhouse, it would have been completed by now, he said.

- C.** Approval of Resolution Making Appropriations for 2021–22 as amended, for a grand total of funds of \$12,500,603.00.

Motion: Elizabeth Comfort

Second: Andrew Yinger

Approved unanimously

Meeting adjourned at 7:30 p.m.

Submitted by Kat Ricker, Public Information Director

**ACCOUNTS PAYABLE AND PAYROLL
FROM FEBRUARY 25, 2021
UP TO APRIL 12, 2021**

<u>CHECK NUMBERS</u>	<u>AMOUNT</u>	<u>TYPE CHECKS</u>
124068-124095	\$ 47,433.53	ACCOUNTS PAYABLE
124096-124108 MISPRINT		
124109-124145	\$ 76,753.14	ACCOUNTS PAYABLE
124128-124132 MISPRINT		
124146-124180	\$ 107,308.45	ACCOUNTS PAYABLE
WIRE TRANSFER PAYROLL	\$ 142,358.51	PAYROLL
2006-2023	\$ 27,417.23	WIRE TRANSFER
123786 CHECK WAS <u>VOIDED</u>	\$ 2,167.50	ACCOUNTS PAYABLE
GRAND TOTAL	<u>\$ 401,270.86</u>	

BREAKOUT

<u>ACCOUNTS PAYABLE</u>	\$ 231,495.12
<u>PAYROLL</u>	\$ 142,358.51
<u>WIRE TRANSFER</u>	\$ 27,417.23

ACCOUNTS PAYABLE FOR SDC FUND

<u>CHECK NUMBERS</u>	<u>AMOUNT</u>	<u>TO WHOM</u>
174	\$ 3,500.00	WHITMAN CONSTRUCTION
175	\$ 35,218.50	SEA
GRAND TOTAL	<u>\$ 38,718.50</u>	

ACCOUNTS PYABLE FOR LOAN SERVICE FUND

<u>CHECK NUMBERS</u>	<u>AMOUNT</u>	<u>TO WHOM</u>
NO CHECKS	\$ 0.00	
GRAND TOTAL	<u>\$ 0.00</u>	

ACCOUNTS PAYABLE FOR CAPITAL POOL CONSTRUCTION & POOL BOND

<u>CHECK NUMBERS</u>	<u>AMOUNT</u>	<u>TO WHOM</u>
	\$ 00.00	
GRAND TOTAL	<u>\$ 00.00</u>	

BREAKOUT

<u>CAPITAL POOL CONST.</u>	\$ 00.00
<u>POOL BOND DEBT</u>	\$ 00.00

ACCOUNTS PAYABLE FOR FOUNDATION

<u>CHECK NUMBERS</u>	<u>AMOUNT</u>	<u>TO WHOM</u>
164	\$ 29.60	US BANK
165	\$ 29.60	US BANK
GRAND TOTAL	<u>\$ 59.20</u>	

**FINANCIAL OVERVIEW
GENERAL FUND SUMMARY**

DESCRIPTION	AS OF 3/31/19-20	AS OF 3/31/20-21	DIFFERENCE
Total Operational Expense	\$ 3,956,775.10	\$3,608,562.95	\$ < 348,212.15>
Total Capital Outlay & Transfers	\$ 336,750.10	\$ 60,608.96	\$ < 276,141.14>
GRAND TOTAL EXPENSES	\$ 4,293,525.20	\$3,669,171.91	\$ < 624,353.29>
Total Tax Revenue	\$ 3,013,825.03	\$3,121,966.47	\$ 108,141.44
Total Fees & Charges Revenue	\$ 2,368,430.80	\$1,907,022.32	\$ < 461,408.48>
Total Other Revenue	\$ 635,994.15	\$ 226,378.84	\$ < 409,615.31>
Beginning Balance	\$ 1,905,159.64	\$3,295,140.17	\$ 1,389,980.53
GRAND TOTAL REVENUE	\$ 7,923,409.62	\$8,550,507.80	\$ 627,098.18

SDC FUND SUMMARY

DESCRIPTION	AS OF 3/31/19-20	AS OF 3/31/20-21	DIFFERENCE
GRAND TOTAL EXPENSES	\$ 869,299.49	\$ 521,091.29	\$ <348,208.20>
TOTAL REVENUE	\$1,178,541.89	\$ 606,722.86	\$ <571,819.03>
BEGINNING BALANCE	\$2,336,308.35	\$2,048,280.51	\$ <288,027.84>
GRAND TOTAL REVENUE	\$3,514,850.24	\$2,655,003.37	\$ < 859,846.87>

LOAN SERVICE FUND SUMMARY

DESCRIPTION	AS OF 3/31/19-20	AS OF 3/31/20-21	DIFFERENCE
GRAND TOTAL EXPENSES	\$ 193,879.52	\$ 0.00	\$ <193,879.52>
REVENUE TRANSFERS	\$ 193,879.52	\$ 0.00	\$ <193,879.52>
INTREST	\$ 558.79	\$ 135.65	\$ < 423.14>
BEGINNING BALANCE	\$ 32,882.14	\$ 33,567.32	\$ 685.18
GRAND TOTAL REVENUE	\$ 227,320.45	\$ 33,702.97	\$ <193,617.48>

EQUIPMENT AND MAJOR MAINTENANCE FUND SUMMARY

DESCRIPTION	AS OF 3/31/19-20	AS OF 3/31/20-21	DIFFERENCE
GRAND TOTAL EXPENSES	\$ 0.00	\$ 0.00	\$ 0.00
TOTAL REVENUE	\$ 0.00	\$ 0.00	\$ 0.00
BEGINNING BALANCE	\$ 0.00	\$ 0.00	\$ 0.00
GRAND TOTAL REVENUE	\$ 0.00	\$ 0.00	\$ 0.00

CAPITAL PROJECT POOL FUND SUMMARY

DESCRIPTION	AS OF 3/31/19-20	AS OF 3/31/20-21	DIFFERENCE
GRAND TOTAL EXPENSES	\$ 65,197.28	\$ 0.00	\$ < 65,197.28>
GRAND TOTAL REVENUE	\$ 486,737.29	\$ 497,933.83	\$ 11,196.54

BOND LOAN SERVICE SUMMARY

DESCRIPTION	AS OF 3/30/19-20	AS OF 3/30/20-21	DIFFERENCE
GRAND TOTAL EXPENSES	\$ 339,387.72	\$ 326,987.56	\$ < 12,400.16>
GRAND TOTAL REVENUE	\$ 1,547,312.77	\$ 1,209,703.76	\$ <337,609.01>



**KELLINGTON
LAW GROUP, PC**

Wendie L. Kellington
P.O. Box 159
Lake Oswego Or
97034

Phone (503) 636-0069
Mobile (503) 804-0535
Facsimile (503) 636-0102
Email: wk@klgpc.com

April 12, 2021

Via Electronic Mail

Jim Van Dyke
John Van Dyke
Warren Ewing
Kris Weinbender
Chris Mattson,
Greg McCarthy
Harold A Kuehne

Jolene Kuehne
Lee Schrepel

Julie Van Dyke
Darren Sutherland
Jeff Bernards
Richard Cloepfil
Christy Cloepfil
Celine McCarthy
Ben Van Dyke
Farms, Inc
Mark Gaibler
Alice Patridge

Tom Hammer
Lester Sitton,
Cory Van Dyke
Fruithill, Inc.
Allen Sitton,
Bryan Schmidt
Kelsey Freese
Mike Freese
Kathy Sitton

Scott Bernards
Brian Coussens
Gordon Dromgoole
Brook Sitton
Rudis Lac, LLC
Maryalice Pfeiffer
Celine Mccarthy

Casey Van Dyke

John Wiser
Roxanne Coussens
Lynne Wiser
Mark Van Dyke
Velma Van Dyke
Eric Kuehne
Tim Pfeiffer

Chris Mattson

RE: Can the Yamhelas Trail Ever Meet Legal Tests?

Dear All:

Many of you have expressed concern that Yamhill County representatives are saying that after years of litigation in which the county lost every time, they "prevailed on most farm impacts." You tell me they say there is very little left to do to establish the Yamhelas Trail. You say these people excoriate the current Board for stopping the trail effort and ending more public money being poured into it for master planning or whatever. You ask whether there is any reasonable basis to believe that the YWT could be approved. The answer is no, it is my very strong opinion that the YWT in the old rail bed bisecting working farms, can never be approved. This must be the conclusion of anyone who pays attention to the evidence and reads the four LUBA opinions on the topic. The fact that LUBA remanded rather than reversed is meaningless. LUBA awarded nearly \$50,000 in attorney fees because the county positions were devoid of any legal merit. That does not happen very often: the county was that out of line. At this point, the county's chances of prevailing on the trail are about as good as prevailing upon tomatoes to grow on the moon.

To meet the farm impacts test, the county must prove that the YWT will not significantly change accepted farming practices. It is now settled that under federal law, the status change from an abandoned rail right of way to a public recreational trail, triggers prohibitions on farmers' use of essential pesticides. The obvious impossibility of meeting the farm impacts test then, boils down to a simple syllogism: (1) the YWT cannot be approved if it causes a significant change in farm practices, (2) the YWT causes a significant change to the farm practice of spraying pesticides by causing a federal law driven status change making whole categories of spray prohibited around it; (3) therefore, the YWT cannot be approved. There are other serious problems that plague the YWT, but this one is an easy to understand, clear cut example.

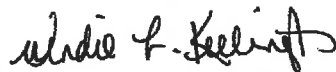
Trail advocates and an army of legal professionals on seemingly unlimited budgets largely of the public's money, over a period of more than three years, tried to develop the case

that the YWT met legal tests. Each time they failed. It is not that they were incompetent or there is some magic bullet that could result in approval. It is that the YWT is unlawful as a matter of law and can never be approved. Their problem now is they refuse to accept the evidence and law that makes that conclusion clear. It strikes me that at this point to continue to try to get the YWT through, is the definition of insanity. The current Board made the wholly rational decision to stop spending public money on an impossible, divisive adventure. I note that the Connect VI grant expressly contemplates cancellation if the "project" does not meet state or local laws.

The most recent tactics to try to get the YWT through show that its advocates seem to understand the YWT cannot be approved. For example, when it became evident that the YWT could not be approved under clear evidence of serious problems from farm, fire and other professionals, the county tried smearing the credibility of those experts to say they did not know what they were talking about and there were no impacts to worry about. That did not go over well at LUBA, nor would it reasonably be expected to. When they kept losing, the county tried simply building the trail with grant money the county was well-aware could only be used for the YWT Stag Hollow Bridge but telling LUBA the whopper that the bridge was really a fire road or a maintenance bridge. LUBA found that argument so ridiculous that no reasonable lawyer would make it and awarded the petitioners (who were forced to challenge such nonsense to protect their farms), attorney fees.

The simple reality is this: the county accepted \$1+ million in grant money from ODOT earmarked exclusively for the YWT/YWT Stag Hollow Bridge. The county accepted that money and the restrictive grant terms that went with it, before having any idea if the YWT could ever be approved and started spending the YWT ODOT grant even after it was evident that approval was at the very best a big gamble. It was always apparent there was unease with the elected Commissioners ultimately responsible for these expenditures. When a majority of the Board of Commissioners voted against the YWT in May 2018, high level staff successfully badgered Commissioner Olsen over several hours to get him to change his vote. Commissioner Starrett warned over and over again that the county should not spend the grant before land use approval was secured; she did not share the idea that the county was rolling in money to pay the grant back. As the advocates got bolder or perhaps more desperate, they decided to just start YWT construction under an elaborate ruse that construction of the YWT, using YWT earmarked money, was really something else. In the end, the county's entire fortunes rested on the argument that the expenditure of earmarked YWT public grant money was for improvements that the grant did not allow the money to be spent on. LUBA had no trouble holding that county position to be an "unreasonable, post hoc argument" and "presented without probable cause to believe that it was well-founded ***." Nothing suggests that the YWT's legal fortunes are improving. Those who claim otherwise have lost their objectivity.

Very truly yours,



Wendie L. Kellington

WLK:wlk

CC: Mary Anne Cooper, Samantha Bayer, Oregon Farm Bureau

Wendie Kellington

Subject: RE: Yamhelas Trail

From: Carrie Martin <martinc@co.yamhill.or.us>
Sent: Thursday, June 18, 2020 5:34 PM
To: BLAIR Andrew <Andrew.BLAIR@odot.state.or.us>; GILBERT Cecelia <Cecelia.GILBERT@odot.state.or.us>
Subject: Fw: Yamhelas Trail

Fyi

Carrie Martin
Yamhill County
Grants & Special Projects
martinc@co.yamhill.or.us
503-474-4991 (o)
971-241-1007 (m)

From: HAVIG Erik M <Erik.M.HAVIG@odot.state.or.us>
Sent: Thursday, June 18, 2020 5:12 PM
To: Carrie Martin <martinc@co.yamhill.or.us>
Cc: Zeigler Samuel B (Samuel.B.Zeigler@doi.state.or.us) <Samuel.B.Zeigler@doi.state.or.us>; BROWN Cooper H <Cooper.H.BROWN@odot.state.or.us>
Subject: Yamhelas Trail

[This email originated outside of Yamhill County]

Dear Ms. Martin,

I understand that Yamhill County Chair Casey Kulla spoke with ODOT Director Strickler this morning. Based on that conversation, I wanted to provide more information on our amendment proposal and clarify ODOT's rationale for moving in this direction.

ODOT's Position

To date, the County's effort to obtain land use approvals for the development of the Yamhelas Westsider Trail (the "Trail") and the Stag Hollow Creek bridge (the "Bridge") have together triggered no less than four appeals to the state Land Use Board of Appeals (LUBA) since 2018. While the County prevailed in one of these appeals, in all of the others LUBA remanded the County's land use decision to the County for further proceedings. And in the most recent LUBA proceeding, LUBA went further and stayed construction of the Bridge pending the outcome of that appeal. LUBA ultimately ruled in that proceeding that the County commenced the Bridge's construction without the necessary conditional use permit. In short, over the last three years LUBA has time and again repudiated the County's efforts to

obtain the necessary land use approvals for the Trail and the Bridge. And we fully anticipate more LUBA appeals and hence more delays going forward.

The LUBA proceedings demonstrate the County's ongoing inability to successfully manage its own land-use approval process for the Bridge and the Trail of which it is a part. Given this demonstrated inability, ODOT is concerned that (i) the Project's successful completion—namely, the opening of the Bridge to the public as part of the Trail—is highly questionable if not improbable and (ii) the Project will not produce results commensurate with ODOT's further expenditure of limited Connect Oregon funds.

ODOT takes its responsibility of being good stewards of public dollars very seriously and, for this reason and the reasons listed above, the department offers the following proposal. If the county decides not to accept this proposal, ODOT will terminate the grant agreement.

ODOT's Proposal

The county will set forth a timeline for opening the subject 2.78-mile segment of the trail to the public. Since the land-use approval process is at the county level, we're asking the county to set a reasonable date for the completion of the trail and subsequent opening to the public, by which time if said opening does not occur ODOT will have the right to recover all grant funds received by the county. This date of opening and potential recovery of funds will be amended into the current grant agreement.

Timeline for Decision

To allow adequate time for your commission to consider this amendment, we are asking for an agreement in principal to this amendment approach no later than 5pm next Friday (June 26, 2020) and a formal commission approval of this amendment no later than 5pm July 3, 2020.

April 19, 2021

Sent Via Email

RE: Yamhelas Trail Cannot Meet Land Use Laws

Dear Board Members:

It has come to our attention that the Chehalem Park & Recreation District (CPRD) has been encouraged to purchase an abandoned railroad right of way purchased by Yamhill County via quit claim deed. This right of way has been the keystone to a highly controversial pedestrian trail project commonly referred to as the Yamhelas Westsider Trail (YWT). To ensure the CPRD Board of Directors had the necessary information to meet its fiduciary responsibilities, we wanted to explain to you why this trail does not and cannot satisfy Oregon's land use laws and any effort to purchase and revive the trail is imprudent and reckless.

To be clear, the proposed YWT cannot be approved as a pedestrian or recreation trail – regardless of what you may hear from trail advocates – including county staff. For over three years, the County has attempted to approve the trail ignoring critical evidence demonstrating that it will impact neighboring farms. At each stage, despite County Counsel's best efforts, the County has failed to meet its legal obligations. Those obligations will not change, and neither will the results.

We have repeatedly warned the County that proceeding on the trail, especially the ill-advised and illegal bridge construction, would subject county taxpayers to unnecessary liability. As a result of continuing to pursue the trail against our advice, the County taxpayers are now on the hook for a LUBA attorney fee award and a demand for repayment from ODOT. Both result from the kind of hubris and disregard for local farmers and the law.

For your reference, we have included a letter from our legal counsel clearly articulating the legal requirements designed to ensure family farms are protected and the inability of trail advocates to meet those requirements. We have also included an email from ODOT that clearly questions the County's ability, even through their own land use processes, to complete the trail.

In short, the YWT cannot and do not meet the farm impacts test. They did not meet the test in 2018, 2019, 2020, certainly not in 2021 and not ever. We will continue to fight for our rights and we will continue to prevail. With that in mind, we recommend that CPRD continue to do good work for the Newberg Community and reject proposals to pick up the YWT pieces the county has left behind.

Sincerely,

Lee & Linda Schrepel
Ben & Kass VanDyke

Allen N Sitton
Celine & Greg McCarthy
Chris Mattson
Tom Hammer
John & Lynda VanDyke
Jim & Julie VanDyke
Casey VanDyke
Cory VanDyke
Scott Bernards
Carrie O'Brien
Justin & Beth Carden
Alice Partridge
Brian & Roxanne Coussens
Allen C Sitton
Mark Schrepel
Bryan Schmidt
Gordon Dromgoole
Kathleen L Sitton
Paul & Brynn Kuehne
John & Lynne Wiser

Subject: FW: Yamhelas Trail & farming
Date: Friday, April 16, 2021 at 2:56:06 PM Pacific Daylight Time
From: steve wick
To: Kat Ricker
Attachments: image001.jpg, image005.png, image006.jpg, image002.png, VCTC Santa Paula Branch Line Study - Final.pdf, FW: Gramoxone SL 2.0.eml, 20200625110708146.pdf

to correct email address.....

From: steve wick [mailto:stevencarol.wick@gmail.com]
Sent: Friday, April 16, 2021 2:27 PM
To: krickter@cprdnewberg.org
Cc: 'Wayne Wiebke'; 'Ken Wright'; 'Veronica Haley Hinkes'
Subject: Yamhelas Trail & farming

Kat

My name is Steve Wick. I am a board member of the Friends of the Yamhelas Westsider Trail, and a member of Oregon Equestrian Trails, Yamhill Valley chapter.

My wife and I own Chehalem Mountain Farms, a small farming operation in Yamhill County. We have been personally growing and harvesting filberts/hazelnuts in Yamhill County since 1992 (over 28 years) on our 60 acre farm. We have also farmed wheat, vetch, oats, hay, Christmas Trees, and ornamental plants, on this farm, or on the farm my wife and I purchased in Washington County in the mid-eighties. My brothers and I recently sold our 160 acre family tree farm, which we co-managed for years.

Based on our experience we see NO REASON why the Yamhelas trail cannot co-exist beside the farms in Yamhill County!

I worked with Yamhill County Council to fight the "un-truths" put forth by Ben Van Dyke, et al, and his attorney in Yamhill County's fight with LUBA.

Below is some of the comments that I supplied regarding filbert/hazelnut orchards.

In the Stay granted by LUBA on June 19 2020 they concluded, in one of their arguments, that Ben Van Dyke would suffer "*Irreparable Injury*" because he would be "*hindered or prohibited from spraying the herbicides and pesticides required to protect his crop.*"

(It should be noted that the proposed Yamhelas Westsider trail right-of-way is approximately 60 feet wide, with the trail itself being 12 feet wide. That means that there is a 24 feet buffer on either side of the trail that Ben Van Dyke, and others, say is not sufficient to mitigate spray drift.)

LUBA also stated *"Van Dyke explained that filbert trees should live 75 years or more and that, if he was unable to spray his filbert trees, those trees could die due to Eastern Filbert Blight. Given the long-lived nature of the filbert trees and the potential for protracted crop and yield loss if spraying cannot occur, we conclude that the injury Van Dyke specified is not and injury that could be adequately compensated in money damages."*

They also concluded that Van Dyke could lose his food safety certification if litter and debris from the construction site enter his hazelnut orchard.

These conclusions, and the following assumptions;

A. that Van Dyke must be able to spray his trees for Eastern Filbert Blight; *"If I am unable to spray as required, I risk my trees dying of Eastern Filbert Blight that could result in the loss of all crops on a tree that should last 75 plus years."*

B. that Van Dyke, and others, would be unable to spray during trail construction (or during trail use)

C. that Van Dyke uses the herbicide sprays Gramoxone and Parazone (Paraquat), which state *"do not use around...recreational parks...."*

D. that Van Dyke would lose his food safety certification if litter and debris enter his orchard from trail construction (or trail use)

...can be totally mitigated with a few simple actions.

-
A. Spraying for Eastern Filbert Blight. This is not necessary for Van Dyke's trees. Van Dyke has previously stated that his trees are two years old; *"Our hazelnuts were planted in 2018, and our second year trees,...."*. BUT; **All the new filbert varieties are "blight resistant"**.

OSU wrote the bible on hazelnuts. No one in the world has the experience and knowledge that they possess regarding the entire hazelnut spectrum. They update info yearly for growers. The Pest Management Guide, Pacific Northwest Plant disease, Insect, and Weed management handbooks constitute our bible. We refer to these and their other hazelnut publications and missives yearly for the most up-to-date guidance. Shawn Mehlenbacher has been working on EFB (Eastern Filbert Blight) for over 30 years, and his breeding programs, and the spraying programs developed by Professor Jay Pscheidt, have enabled our industry to survive.

New trees only have to be sprayed the first spring after planting, and only if they are adjacent to a heavily infected orchard. OSU has documented this in their 2020 Pest Management Guide for Hazelnuts. See p17: *"Cultivars such as Jefferson or McDonald, with the single dominant gene for resistance only, need protection the first spring after planting, when located near heavily infected orchards."* <https://catalog.extension.oregonstate.edu/em8328/html>

Per OSU's Pacific NW Handbook; *"Dorris", 'Jefferson', 'McDonald', 'PollyO', 'Santiam', 'Wepster', and 'Yamhill' are highly resistant with the single dominant-resistance gene from 'Gasaway'."* <https://pnwhandbooks.org/plantdisease/host-disease/hazelnut-corylus-avellana-eastern-filbert-blight>

-
-

B. Spraying chemicals next to the trail poses no problem, if the trail is shut down when the spraying must be done. This is simple to do. Other trails do this! The farmers and trail owners coordinate operations. Spraying chemicals in filbert orchards usually occurs less than a dozen times during the year, but young orchards could require more, and non-common diseases or pests would increase the number of spray occurrences required.



In 2015 a study was done of many trails (see attached Santa Paula Branch Line Study) That study specifically addressed farming and how the impacts to farming were dealt with on trails throughout farming acreages. Below you will see some excerpts from that study. It should be noted that many of the trails just shut down while the farmer sprays his fields.

San Pasqual Valley Trail: Ca. • Specific fencing was designed for the trail, modified from the park department's standard lodgepole fencing. Chicken wire inserts were added approximately one foot from the ground to allow wildlife to pass through;

- Gates allow sections of the trail to be closed;
- Signage installed to alert the trail-users of trail closure for spraying and to stay on the trail;
- Farmers can dictate trail closure (within reason, i.e., preferably not on weekends) for maintenance and crop spraying. This protocol was developed and approved by the County Farm Bureau, County Farm Advisor's Office, and the affected farmers

Feedback from Involved Parties

- Shawna Anderson: There have been no reported incidents of theft, vandalism, or liability issues to this date.
- Many farmers who were initially opposed to the trail now support it.
- An agreement was made early after the SDRP JPA listened to the concerns of the farmers and created specific design and management plans to create a mutually beneficial relationship between the trail and

agricultural industry.

Cowel-Purisima Coastal Trail • Stout fencing

- Large gates to accommodate cattle and equipment passage while trail is closed
- Gates to close trail during spraying and operations
- Information and regulatory signs
- Maintained by volunteer docents
- Farmer has ability to close gates for maintenance

Feedback from Involved Parties

- Paul Ringgold: The ability to work as a team, such as on a section where bluff erosion was impacting the trail, is key to success.
- POST recently asked whether there were any security issues that would benefit from additional gates and was told that there were none.
- POST hasn't received any negative comments from owner John Giusti, or Giusti's agricultural tenant on the southern half of the property, Bob Marsh.
- John Guisti reported 8/25/14 that the trail project "has not interfered with his operation at all, and he considers it a successful project." The fence is very important.

Obern Trail, Ca. • Little to no physical barrier in most places. Oleander hedges and chainlink fence.

- Each farmer decides on fencing – not installed by the County.
- High levels of use create a self-policing scenario.
- The trail is lit throughout, at all hours.

Feedback from Involved Parties

- Matthew Dobberteen: In over ten years managing trails for Santa Barbara County, I have never received a complaint about the Obern Trail. Our trails that run near agriculture are never the trails we have problems with. The only issue is every few years we may get some graffiti on a retaining wall. "A bike path will make theft harder, not easier, by bringing light, attention, people, eyes to the trail." "If someone wanted to steal from a farm, they'd find a place where no one could see them; not a trail with steady use."
- John Givens: No significant impacts from the trail. Occasionally homeless pass through and there is minor vandalism, but it has not been serious enough to involve the County or other authorities. Trail users don't cut through the farm property

Cedar Valley Trail, Ia.

- Fencing with gates;
- Reinforced crossing to accommodate equipment;
- Easement allowing farm equipment access;
- Signage to warn trail users of crossing farm vehicles.

Feedback from Involved Parties

- Joyce Squires: She and her husband were initially opposed to the trail, with concern about trespassing,

but this has not been an issue;

- Generally the trail has been very positive, she and her family use it;

West County Trail, Ca. • Farmers put A-frame signs on their property stating when spraying will occur.

- Spraying generally limited to early morning, before most trail users are present.
- Aerial spraying not conducted near the trail.
- Some vineyard owners have built connections between their properties and the trail.
- "No Trespassing" signs have been installed by some vineyard owners.
- The County patrols the trail and regularly talks with neighbors.

Feedback from Involved Parties

- Kenneth Tam: The County conducted a record of survey and title search, then reached out individually to agricultural land owners and operators who appeared to be using the railroad ROW without the legal right to do so and requested they provide documentation that they were using the ROW legally. None were able to provide documentation. There was a blueberry farmer using the railroad ROW to access his crops. The farmer has since opened a stand along the trail to sell blueberries and blueberry ice cream. The main concerns voiced during the planning stages included the potential for crime and trespass.

Most spraying is done early in the morning. All spraying must be done with as little wind as possible. At the very worst case, the minimum notice that a farmer could provide would be 24 hours, but generally he would be able to schedule spraying a few days prior and/or schedule a tentative window weeks in advance. An example of this would be the spraying that I just did in my filbert orchard the first week of July for Filbert Worm. The orchard had to be monitored for several weeks for filbert moths. When the level got to a certain point, I had only a few days to get my first air blast spray applied. I consulted weather forecasts for rain, and then looked at the wind forecasts, and found that I could spray immediately. (Wind forecasts are extremely accurate, and with aps like "Windy", can be used to forecast flow and speeds, hour by hour, quite a few days ahead of time.) The spray I used was effective for two to three weeks, and then a second application was required if filbert moths were still present.

To make it a win-win for both the farmer and trail users, the farmer can schedule the trail shutdown for only the very short time he needs to spray the edges of his field, adjacent to the trail. Then he can open up the trail, and continue spraying the balance of his fields.

Foliar sprays (sprays that must cover all the leaves of the tree) require the most setback, since they are accomplished thru "air blast " sprays that force the spray up and over the tops of the trees. Examples of these sprays are the pesticides and fungicides that must be sprayed to minimize pests or diseases.

Two rows of trees are sprayed at the same time while the spray operator drives down the aisle. The spray operator can also shut down either side of the air blast sprayer, allowing him to spray the outside edge of a row, and not spray neighboring properties. If a farmer wanted to be positively safe, he could simply power blast spray the first 8 rows, on the edge of the trail, while the trail was closed, and then open up the trail. (filbert trees are generally planted in rows 18 to 20 feet wide).



Herbicides used to control weeds, grasses and for eliminating suckers, are applied on the ground, or on the very bottom/base of trees using booms, while driving down the aisle between two rows of trees. Herbicides must be selectively sprayed; the spray must be kept on the ground or the base of the tree. They cannot be allowed to drift, even to the foliage above the weeds or suckers! If they reach the foliage they can damage or kill the tree. The label on Gramoxone states the following:

Restrictions

- Do not allow spray to contact green stems (except suckers), fruit or foliage.

https://www.syngenta-us.com/current-label/gramoxone_sl_2.0

[label/gramoxone_sl_2.0](https://www.syngenta-us.com/current-label/gramoxone_sl_2.0)

It would be quite easy to spray a couple of the outside rows (36 to 40 feet) from the edge of the trail Right of Way, and then open up the trail while he sprayed the balance of his field. And, since the spray operator was adjacent to the trail ROW when he was spraying the outside rows, it would be very easy

for him to monitor the ROW to ensure that no one was on it during his spray operation.



Van Dyke stated that he "must be able to spray his orchid for filbertworm, which can destroy an entire crop, from June through September" But spraying equipment cannot enter an orchard after Labor Day, since the nuts start falling to the orchard floor, and anyone driving equipment on the orchard floor could damage the nuts.

"Blank nuts fall before good nuts. After blanks have fallen and just before good nuts begin to drop (usually at the end of August), it might be desirable to do a final flailing and floating to fill small depressions in the ground."

<https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em9079.pdf>

'Hazelnuts begin to drop to the ground during the month of September. Prior to nut drop, the orchard floor is made level and smooth, and weeds are flail-mowed to facilitate harvest. Harvest generally occurs during October and is usually a two-step operation.'

<https://catalog.extension.oregonstate.edu/sites/catalog/files/project/pdf/em9223.pdf>

C. Van Dyke also noted that he stocks and sprays the chemicals Gramoxone and Parazone (Paraquat). Paraquat is a very dangerous chemical. It is so dangerous that the EPA has changed the packaging containers to a new "closed system", and mandated Paraquat specific special training, and the training must be re-newed every three years. <https://www.epa.gov/pesticide-worker-safety/paraquat-dichloride-training-certified-applicators>

<http://wssroc.agron.ntu.edu.tw/note/Paraquat.pdf>

"Paraquat is the most highly acutely toxic herbicide to be marketed over the last 60 years. Yet it is one of the most widely used herbicides in the world, and in most countries where it is registered, it can be used without restriction. It is used on more than 100 crops in about 100 countries. Gramoxone, manufactured by Syngenta,

is the most common trade name for paraquat, but the herbicide is also sold under many different names by many different manufacturers. China is now the world's largest manufacturer of paraquat, producing more than 100,000 tonnes per year. Paraquat has been banned, or use disallowed, in 32 countries. Many international organisations, such as Rainforest Alliance, Fairtrade, Forest Stewardship Council, and food giants like Dole have voluntarily banned it from their production systems. Paraquat is highly acutely toxic and enters the body mainly by swallowing, or through damaged skin, but may also be inhaled. Thousands of deaths have occurred from ingestion (often suicide) or dermal exposure (mainly occupational) to paraquat.

Paraquat is corrosive to the skin and once the skin is damaged it is easily absorbed into the body. One farmer died after just 3.5 hours spraying diluted paraquat with a leaking knapsack. Others have died from spilling the concentrate on their skin. Thousands more have suffered severe acute and chronic effects from occupational use. It represents a severe public health problem in many countries despite the fact that paraquat is considered safe by its manufacturers, who believe they have no responsibility for the suicides. Yet experience has shown that where paraquat is banned or restricted deaths from suicides drop dramatically."

The Gramoxone and Parazone (Paraquat) that Van Dyke has in stock have the old labels that state : "Do not use around home gardens, schools, recreational parks, golf courses or playgrounds."

But the labels on both products were updated by December of 2019, and the nebulous statement "around" was taken off the new labels:

<https://www.syngenta-us.com/herbicides/gramoxone-sl-2.0>

"DIRECTIONS FOR USE

RESTRICTED USE PESTICIDE

It is a violation of Federal Law to use this product in a manner inconsistent with its labeling.

Do not apply this product in a way that will contact workers or other persons, either directly or through drift. Only protected handlers may be in the area during application. For any requirements specific

c to your State or Tribe,

consult the agency responsible for pesticide regulation.

NEVER USE THIS PRODUCT IN RESIDENTIAL OR PUBLIC RECREATIONAL SETTINGS (E.G., HOMES, HOME GARDENS, SCHOOLS, RECREATIONAL PARKS, GOLF COURSES, AND/OR PLAYGROUNDS"

A check with the manufacturers revealed that the chemical did not change....only the label changed. (see attached (FW: Gramoxone SL 2.0 email)

Parazone 3SL updated their label in Dec of 2019 to say the same thing.

https://www3.epa.gov/pesticides/chem_search/ppls/005481-00615-20191230.pdf

But no matter what the new label states, federal law says that you MUST follow the instructions on the container that you are using. (again, read Gramoxone SL 2.0 email)

The simple solution is to purchase some of the new label Gramoxone or Parazone and use the new chemical on the edges of his field, then continue to use the old material on the inside. It seems ridiculous to do this, since the chemical in the old label containers, and the chemical in the new label containers, is exactly the same, but the law is the law. And, per Ben Van Dyke, "since the chemical does not have an expiration date" either chemical can be used for future sucker or weed spraying.

Another option is to use one or more of the other less lethal herbicides, (that readily mix with Gramoxone or Parazone) to spray the edges. Spray the edges with Aim(carfentrazone) and/or Rely (glufosinate), or a mix of Aim and Rely, or just spray with Saber (2,4-D), and then re-fill the spray tank with Gramoxone or Parazone (Paraquat) and do the balance of the orchard.

.. contact herbicides e.g. glyphosate, glufosinate (Rely), and **paraquat (Gramoxone/Parazone)** may be tank mixed with AIM (carfentrazone) EC for broader spectrum weed control ...

<http://www.cdms.net/ldat/ld5L1010.pdf>

Rely (Glufosinate) or a combination of Rely and Aim are good options for young trees that are fully barked over and robust. Rely lasts a little longer than just Aim by itself and is a good combination for strip spraying as it controls both small grasses and broadleaves. Rely works best when temperatures are warm. Contact only so coverage is important.

Gramoxone (Paraquat) is an inexpensive option for older trees, especially when you are also wanting to do a strip spray or full floor spray. A restricted product that has human health risks when used inappropriately, this chemistry isn't for everyone. Contact only so coverage is important.

as per the Hazelnut Growers of Oregon; <https://www.hazelnut.com/spring-sucker-control/>

D. Loss of Food Safety Certification. Van Dyke stated that *"Construction workers have already littered the area with lunch bags and other detritus have found the way to our farm that we have had to clean up. This causes food safety issues. In that regard, we are strictly regulated by the USDA and any litter on our farms, risks losing food safety certifications that are necessary for the marketability of our brand as well as to maintain our certifications."*

Mr. Van Dyke shared a document from Cascade Foods of Albany Oregon, titled *"food safety requirements for delivered product to Cascade Foods"*. (dated April 16, 2020, see attached) In this document Cascade Foods stated;
" Cascade Foods LLC requires that growers adhere to the Good Agricultural Practices manual set by the Hazelnut Industry office". (see attached pdf 202006251).

But nowhere in the Good Agricultural Practices manual is there any reference to a farm losing food safety certification because of litter.

<http://oregonhazelnuts.org/wordpress/wp-content/uploads/2016/05/Haz-GAP-8-12-13.pdf>

It DOES say that the orchards must be constantly cleaned and inspected prior to harvest. This is a critical time. Of course, cleanliness during the year is important, but a clean orchard just before the nuts drop to the floor is strategically important.

Throughout the summer the orchard floor is repeatedly cleaned and leveled by use of drags and/or flail mowers. All debris is eliminated as the floor is pummeled by the repeated passes of the flail mower. Clouds of dust are sometimes seen as the floor is cleaned and manicured over and over. This goes on until the nuts start to fall at the end of August. Now the falling nuts are contained on a clean and pristine orchard floor. Prior to harvest in September/October the operator often inspects the orchard for debris, and removes any. The sweeper and harvester cannot function effectively if there is debris on the orchard floor.

The GAP manual that Mr. Van Dyke has agreed to follow states: *"....orchard floors are cleaned throughout the summer to assure a smooth clean orchard floor during harvest. Of utmost importance to all growers is the need to deliver hazelnuts to the dryer or processor as clean as possible. The Hazelnut lends itself to inherent food safety simply because it is encased in a solid hard shell. It falls to*

the ground mostly free of the husk, which is a vegetative bract rather than a surgery attraction for microbes. Harvest also lends itself to ensuring safe product. In addition, the product delivered to the washer/dryer or the processor is not ready to eat. It will go through a wash process before it is dried. Growers are committed to employing practices to keep the risk of pathogen contamination as low as possible. As the nuts move to processors and packers more safeguards are in place to ensure safe products leave the plants."

Litter is NOT a game stopper...it is a item that is constantly evaluated and addressed.

Cascade Food goes on to say; *"The following are a few of the recommendations outlined in the manual; "Grower must participate in traceability. Growers receive a delivery ticket for each load taken to a wash/dryer operator or processor. This ticket corresponds to a specific orchard; Should a food borne pathogen be identified that lot cannot be used for food and will be discarded"*.

But the statement; *"Should a food borne pathogen be identified that lot cannot be used for food and will be discarded"* is NOT in the Good Agricultural Manual, and is far from the truth.

In 2017 Salmonella was found in Hazelnuts sold by the Schmidt farm of McMinnville. But the food safety people of the Oregon Department of Agriculture were not worried: "Wholesalers have steps in place that kill any Salmonella on the hazelnuts they handle before the nuts reach consumers," said Stephanie Page, the agriculture department's director of food safety and animal services, in the public warning. "To date, we have no indication there were any issues with this part of the process."

<https://www.foodsafetynews.com/2017/01/salmonella-outbreak-traced-to-hazelnuts-from-oregon-farm/>

In fact the GAP manual repeatedly states that orchards must be inspected, (H1 pg 6); *A preharvest assessment is made in the orchard. Risks and possible sources of crop contamination are noted and assessed.* and (H7 pg 6) states; *"In case of product contamination....., product is separated and disposed of separately"* Nowhere does it state that a farmers complete crop will be discarded if contamination is found in one area.

One thing that I had not previously discussed was the fact that there is a thriving **organic** filbert industry in Oregon, which makes 25% more \$\$\$ on their nut sales then we do using horrible chemicals. They don't use any of the noxious chemicals! If they can maintain a successful business without noxious chemicals, why will Ben loose thousands of dollars if he does not spray his edges?
<http://organicfarmermag.com/2020/01/growing-practices-at-the-oldest-us-organic-hazelnut-orchard/>

Taking the organic leap was difficult, but worth it—not only for Jim's conscience and the good of the earth, but also monetarily. He was able to mark up his organic nuts about 25 percent over conventional-farmed nuts.

Jim said. But gradually, he struck a balance with nature. In 1997, Meridian Orchards was certified organic

In managing the suckers, David said it's easiest to hit them with an organic herbicide when they're less than eight inches tall. Another grower in the crowd said he uses a side cutter on his mower

For weed control they tried Supress and then Homeplate, "which is easier to work with," said David about the latter

"Some growers using conventional farming methods think it's impossible to grow hazelnuts organically," Mary said

A trail and farming are not mutually exclusive! A trail is an opportunity for the farmer to display his skills and to educate the public. And the Yamhelas Trail is an opportunity for the Yamhill Valley to provide a safe mode of transpiration for future generations. No one will suffer "irreparable injury" during its construction or future use. Farmers can still spray their fields. Litter/and or unwanted people, etc. can be controlled by fencing and signage. All it takes is for farmers and trail supporters to sit down and mutually work together to develop a solution that enables us to develop a wonderful asset.

CASCADE FOODS LLC

**38471 Groshong Rd NE
Albany OR 97321
(541) 924-1477**

April 16, 2020

Food safety requirements for Ben VanDyke Farms for delivered product to Cascade Foods

To Whom It May Concern,

Cascade Foods LLC is an Oregon based hazelnut processor with a lengthy history of compliance with all Federal and State food safety regulations. Cascade Foods LLC operates under the Federal Drug Administration regulations and uses a HACCP based quality system that is audited by a third party following the Global Food Safety Initiative Standards. Under these standards, Cascade Foods LLC maintains many pre-requisite food safety programs such as Good Manufacturing Practices, pest and chemical control, sanitation processes, employee training, product traceability and recall programs. Cascade Foods LLC also uses quality control programs to ensure that all products are manufactured to meet established specifications.

Cascade Foods LLC requires that growers adhere to the Good Agricultural Practices manual set forth by the Hazelnut Industry office. The following are a few of the recommendations outlined in the manual:

- Runoff from septic, lagoons, or municipal or commercial sewage treatment facilities are kept out of orchards as prescribed by the Department of Environmental Quality. Crop production areas are observed for the presence or signs of wild or domestic animals during routine work in the orchards. If raw (domestic or wild) manure is applied, it is applied a minimum of nine months prior to harvest. Use of municipal biosolids, whether Class A or B, is applied as prescribed by the Department of Environmental Quality. Untreated sludge is not approved by the DEQ.
- The number, condition and placement of field sanitation units comply with Division 4/J: 437-004 1110 Field Sanitation for Hand Labor Work and the requirements of the Oregon Department of Environmental Quality. Toilet facilities must be available. Field sanitation units are located in a location that minimizes the potential risk for product contamination and are directly accessible for servicing.
- Grower must participate in a traceability. Growers receive a delivery ticket for each load taken to a wash/dryer operator or a processor. This ticket corresponds to a specific orchard. Should a foodborne pathogen be identified that lot cannot be used for food and will be discarded.

Product is free from foreign material. Trash in field and/or in delivered product poses a food safety liability. Trash can carry vectors that can cause foodborne pathogens.

Food safety and quality is the number one priority for Cascade Foods LLC. We must supply our customers with the best quality product, free from foodborne pathogens. At Cascade Foods LLC, we believe this starts at the grower level and continues through the entire processing system.

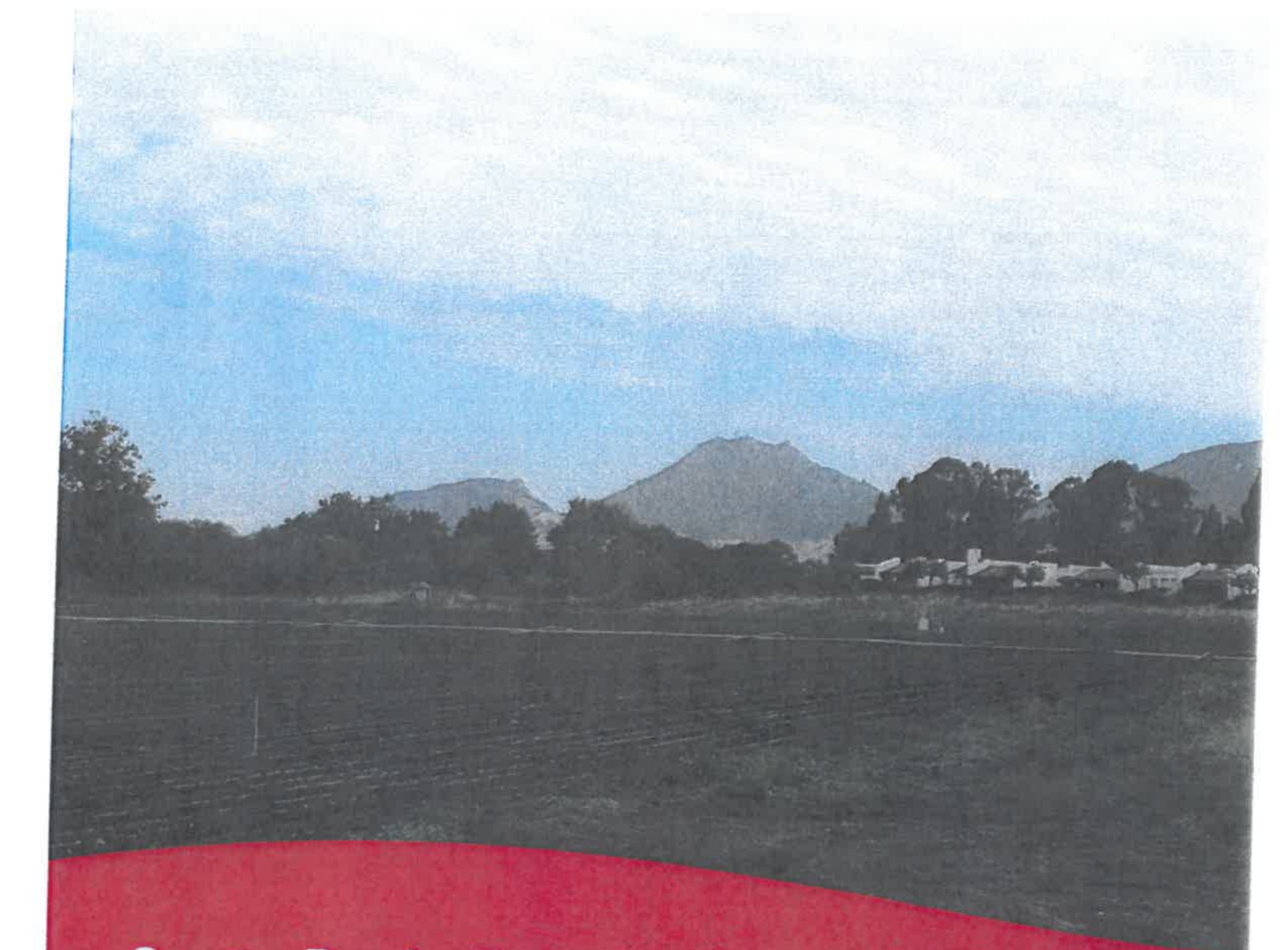
Sincerely,

A handwritten signature in dark ink, appearing to read "Greg Riches", with a vertical line extending from the end of the signature.

Greg Riches

CEO

Cascade Foods LLC



Santa Paula Branch Line Recreational Trail Compatibility Survey

April, 2015



Table of Contents

1 Introduction	2
2 Background & Context	3
3 Summary of Findings	4
3.1 Design and Management Strategies	4
3.2 Indemnification.....	5
3.3 National Trail Inventory	6
3.4 Literature Review.....	9
4 Detailed Trail Information	11
4.1 San Pasqual Valley Agricultural Trail, San Diego County, CA.....	11
4.2 Fred Meijer Heartland Trail, Montcalm County, MI.....	15
4.3 Cowell-Purissima Coastal Trail, San Mateo County, CA.....	18
4.4 Bob Jones Bike Trail, San Luis Obispo County, CA.....	21
4.5 Obern Trail, Santa Barbara County, CA.....	24
4.6 Musketawa Trail, Ottawa and Muskegon Counties, MI.....	27
4.7 Cedar Valley Nature Trail, Linn County, IA.....	30
4.8 Lake Wobegon Trail, Stearns County, MN.....	33
4.9 West County and Joe Rodota Trails, Sonoma County, CA.....	36
5 Other Trails.....	39
6 Appendix A – San Dieguito River Valley JPA Indemnification Resolution	44
7 Appendix B – Monterey Bay Sanctuary Scenic Trail Network Master Plan EIR Mitigation Monitoring and Reporting Program	46

1 INTRODUCTION

This report is an inventory and analysis of existing trails in agricultural settings, with a focus on trails that are most comparable to the context of the Santa Paula Branch Line (SPBL) in Ventura County. The objective was to find trails that have been successfully implemented and are currently operating in active agricultural areas similar to the proposed SPBL trail, and identify the challenges they faced and the factors that made them successful. Significant effort was made to contact the agricultural owner/operators adjacent to the trail in regard to their experience and perspective, as well as that of the trail owner/operator. While this study was conducted specifically for the SPBL, the findings are applicable to other areas where trails may traverse agricultural properties.

Criteria for comparable examples included:

1. Trail corridors that pass through active agricultural areas; particularly high-value row crops and orchards;
2. Paved trails that have a range and level of use comparable to what is envisioned for the SPBL;
3. Trails in California or those with a comparable agricultural/environmental setting;
4. Trails for which detailed information could be obtained for the trail owner/operator, and if possible from the adjacent agricultural owner(s)/operators;
5. Presence of or history of rail use near the trail corridor.

Over thirty trails were identified matching the first criteria, as listed in Section 3.3. Of those, nine trails with the greatest similarity to the SPBL have been selected for detailed profiles in Section 4. Information gathered for the remaining trails is presented in Section 5.

In addition to the trail research and case studies, a review of technical literature and guidelines related to trails in agricultural settings was performed. The most relevant literature, themes, and findings are summarized in Section 3.4.

2 BACKGROUND & CONTEXT

Stretching 32 miles from Highway 101 in the west to the Los Angeles County line in the east, the Santa Paula Branch Line (SPBL) rail corridor passes through the cities of Santa Paula and Fillmore as well as active agricultural areas. While 29 miles of track remain in active use, the future use of the corridor is to be determined. The Ventura County Transportation Commission (VCTC) purchased the corridor in 1995 from the Southern Pacific Transportation Company and manages the corridor with the potential to develop freight, commuter rail, utilities, and/or recreational trails and parks. The right-of-way averages 100 feet wide, but varies in places from 30 to 250 feet wide.

In the year 2000, VCTC adopted the Santa Paula Branch Line Recreational Trail Master Plan and certified the Santa Paula Branch Line Recreational Trail Master Plan Environmental Impact Report (EIR). The SPBL Recreational Trail Master Plan provides design guidelines, preliminary engineering, and a preferred alignment for the trail, traversing the cities of Ventura, Santa Paula, Fillmore, the community of Piru, and agricultural areas in unincorporated Ventura County. To date, three trail segments have been constructed in Santa Paula, Fillmore, and Piru. In response to significant concerns and protest from agricultural interests, trail construction in the agricultural areas of the unincorporated County was prohibited by a 15-year agreement between VCTC, the County, and property owners adjacent to the SPBL. This agreement expires in February 2015.

The rail corridor is owned in fee by VCTC. Along much of the SPBL, agricultural operations line both the north and south sides of the VCTC right-of-way and in some areas encroach onto the 100-foot right-of-way, pursuant to existing lease agreements between VCTC and the agricultural operators. Many agricultural crossings are legally entitled; of these, some are location-specific while others are generally or vaguely located. Some farmers are traveling on the right-of-way laterally without the legal right to do so. Agricultural uses along the SPBL change in response to market demand and crop viability. Currently, the adjacent properties generally include row crops and orchards (e.g., avocados and lemons).

In 2013, the County prepared engineering plans and an EIR addendum for its Piru Commuter Bicycle Path Phase III Project, which proposed construction and operation for an approximately 1-mile segment of the larger SPBL Recreation Trail in the Piru area. The project was met with significant opposition from agricultural interests, including the Farm Bureau; the Ventura County Coalition of Labor, Agriculture and Business; and the County Agricultural Commissioner. Concerns expressed by agricultural landowners and interests included vandalism, litter, increased liability, trespassing, the potential loss of the ability to cross the SPBL corridor, and the potential loss of existing farmland to buffers between recreational and agricultural uses.

As the 15-year agreement between VCTC, the County, and property owners adjacent to the SPBL approaches its end, new strategies are sought to address the relationship between agricultural and recreational interests, in the hope that the constructed portions of trail along the SPBL can be joined into a continuous whole reaching the coast. This report investigates trails that have been implemented in active agricultural areas, and reviews how they affected agricultural operations and food production. Outreach methods, negotiations between interested parties, trail and buffer design, and trail management policies and strategies are evaluated for their success or failure in balancing the needs of all stakeholders.

3 SUMMARY OF FINDINGS

Trails and active agriculture areas can and do exist in harmony, as demonstrated by examples from across the United States, including a wide range of use levels, trail surfaces, and management policies. The following strategies have been essential to the success of trails in agricultural areas:

- Indemnification of farmers against liability from trail use (in California there are existing statutes that provide strong protections);
- Fencing to clearly delineate trail and agricultural areas and provide barriers;
- Policies and agreements that give farmers the ability to close portions of the trail when agricultural operations would otherwise be limited by or hazardous to trail users;
- Controlled crossings that allow farm equipment to reach both sides of the trail, where necessary;
- Signage to alert trail users to the presence of active agricultural operations and instructing users to stay on the trail;
- Maintaining and observing the trail at a level to minimize vandalism and encourage a self-policing environment.

3.1 Design and Management Strategies

The most common thread in successful trail planning and management in agricultural settings has been one-on-one cooperation between trail operators and adjacent farmers and landowners. By developing these individual relationships, trail managers are able to accommodate concerns of farmers that are specific to the land features, crops, operations and machinery required for unimpeded farming. While farm bureaus and other agricultural representative bodies have, as a matter of policy, opposed recreational uses adjacent to farmland, individual farmers adjacent to the trails analyzed in this study have reported very little, if any, conflict with trail operations, trail users, or have had their farming operations hampered by adjacent trails. Illegal dumping, when it has been documented, has been the responsibility of the trail operator to clean up, and the presence of the trail removes the farm operator's responsibility. Concerns of trespassing, theft, and vandalism have not been supported by evidence.

Of all documented management practices, one of the most common is the ability to close the trail, or portions thereof, to allow agricultural operations such as spraying to occur without the danger of affecting trail users. Design measures that have helped minimize conflict include fencing and/or planted buffers between trails and crops, and the design and maintenance of regular trail crossings and gates for farmers.

The topic of trails through agricultural areas deserves additional ongoing study. As evidenced in this report, existing studies of trails, policies, and guidelines to address the interactions of recreation with farms are scarce. This study attempts to bring some of the strategies already in place in trails throughout the nation into an organized collection, while highlighting the most effective management techniques, design elements, and outreach methods. Of utmost importance is that trail planners and operators make direct contact with adjacent farmers and landowners and allow flexibility in trail design and management to meet the individual needs of affected stakeholders.

3.2 Indemnification

The California Government Code includes protections for landowners and facility operators from legal claims by recreational users. Counties and trail operators have, in some cases, chosen to implement specific policies to further indemnify trail-adjacent farmers and landowners from liability for any harm that may come to trail users. Applicable California codes and a selection of county and operator-specific policies are reproduced below.

California Government Code § 831.4 provides protection to public entities and easement grantors from liability to users of recreational trails, regardless of trail surface:

831.4. A public entity, public employee, or a grantor of a public easement to a public entity for any of the following purposes, is not liable for an injury caused by a condition of: (a) Any unpaved road which provides access to fishing, hunting, camping, hiking, riding, including animal and all types of vehicular riding, water sports, recreational or scenic areas and which is not a (1) city street or highway or (2) county, state or federal highway or (3) public street or highway of a joint highway district, boulevard district, bridge and highway district or similar district formed for the improvement or building of public streets or highways. (b) Any trail used for the above purposes. (c) Any paved trail, walkway, path, or sidewalk on an easement of way which has been granted to a public entity, which easement provides access to any unimproved property, so long as such public entity shall reasonably attempt to provide adequate warnings of the existence of any condition of the paved trail, walkway, path, or sidewalk which constitutes a hazard to health or safety. Warnings required by this subdivision shall only be required where pathways are paved, and such requirement shall not be construed to be a standard of care for any unpaved pathways or roads.

(California Government Code Section 831.4. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=00001-01000&file=830-831.8>)

Further, California Civil Code § 846 specifically indemnifies private land owners against liability for any recreational users entering their property:

846. An owner of any estate or any other interest in real property, whether possessory or nonpossessory, owes no duty of care to keep the premises safe for entry or use by others for any recreational purpose or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purpose, except as provided in this section.

A "recreational purpose," as used in this section, includes such activities as fishing, hunting, camping, water sports, hiking, spelunking, sport parachuting, riding, including animal riding, snowmobiling, and all other types of vehicular riding, rock collecting, sightseeing, picnicking, nature study, nature contacting, recreational gardening, gleaning, hang gliding, winter sports, and viewing or enjoying historical, archaeological, scenic, natural, or scientific sites.

An owner of any estate or any other interest in real property, whether possessory or nonpossessory, who gives permission to another for entry or use for the above purpose upon the premises does not thereby (a) extend any assurance that the premises are safe for such purpose, or (b) constitute the person to whom permission has been granted the legal status of an invitee or licensee to whom a duty of care is owed, or (c) assume responsibility for or incur liability for any injury to person or property caused by any act of such person to whom permission has been granted except as provided in this section.

This section does not limit the liability which otherwise exists (a) for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or (b) for injury suffered in any case where permission to enter for the above purpose was granted for a consideration other than the consideration, if any, paid to said landowner by the state, or where consideration has been received from others for the same purpose; or (c) to any persons who are expressly invited rather than merely permitted to come upon the premises by the landowner.

Nothing in this section creates a duty of care or ground of liability for injury to person or property.

(California Civil Code Section 846. <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=civ&group=00001-01000&file=840-848>)

San Diego County Ordinance Number 9233 (the "Trail Defense and Indemnification Ordinance") provides a similar indemnification agreement, but specifically for owners of parcels containing or adjacent to recreational trails. Specific indemnification language from the ordinance is below:

Sec. 812.103. INDEMNITY. The County of San Diego will defend and indemnify an owner of a parcel of land as described in this chapter, from all claims, demands or liability for injury to person or property that occurs on the trail, or incidental to use of the trail, when used for any recreational purpose, excluding injury occurring in any of the following circumstances:

- a) The owner's willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity;
- b) Where permission for recreational use was granted for a consideration other than the benefit received at the time of dedication;
- c) Where the person suffering injury was expressly invited by the owner to use the trail for a recreational purpose rather than merely permitted to use it;
- d) Where the person suffering injury is a member of the owner's household.

(San Diego County Ordinance Number 9233. <http://www.sandiegocounty.gov/cob/ordinances/ord9233.pdf>)

Also in San Diego County, the San Dieguito Joint Powers Authority (JPA), operator of the San Pasqual Valley Agricultural Trail (see page 11), passed a resolution to specifically indemnify farmers adjacent to the trail against claims from trail users. The JPA carries insurance to assist in the legal defense of suits brought against land owners, and also assists with legal counsel. This resolution, as applied to the Mule Creek Trail (with a similar agricultural adjacency) appears in Appendix A.

In areas with active agricultural operations, adequate signage alerting trail users to farming activities and equipment should be installed to alert users to the possibility of hazardous conditions.

3.3 National Trail Inventory

In order to identify trails that are most applicable to the SPBL, a nationwide inventory was completed of trails that pass through or adjacent to active agricultural lands. Data was gathered for each of these trails and used to determine which trails were most comparable to the SPBL. Trails included in this national inventory are shown in Table 1. From this list the most pertinent nine examples were selected for more detailed case studies. Information on the remaining trails is provided in Section 5.

Table 1 – National Trail Inventory – Trails in Agricultural Settings

NAME OF PROJECT	STATE	COUNTY	CITY
Arundell Barranca Bike Path	CA	Ventura	Unincorporated
Bob Jones Pathway	CA	San Luis Obispo	Avila Beach
Catskill Scenic Trail	NY	Delaware, Schoharie	
Cedar Valley Nature Trail	IA	Linn	
Conewago Recreational Trail	PA	Lebanon, Lancaster	
Cowell-Purisima Coastal Trail	CA	San Mateo	South of Half Moon Bay
Fred Meijer Heartland Trail	MI	Montcalm	Edmore, MI
Goleta Bicycle Route	CA	Santa Barbara	
Hanover Trolley Trail	PA	York	
Harlem Valley Rail Trail	NY	Dutchess, Columbia	
Hart-Montague Trail	MI	Muskegon and Oceana	
Hennepin Canal Parkway	IL	Bureau, Henry, Whiteside	
Ice Age Trail	WI	Statewide	
Joe Rodota Trail	CA	Sonoma	Santa Rosa to Sebastopol
John Wayne Pioneer Trail	WA	King, Kittitas	
Lake Wobegon Trail	MN	Stearns	
Lakelands Trail	MI	Ingham, Livingston, and Washtenaw	
Latah Trail	ID	Latah	Moscow
Macomb Orchard Trail	MI	Macomb	
Mokelumne Coast to Crest Trail	CA	Alameda, Calaveras, Contra Costa, Tuolumne	

NAME OF PROJECT	STATE	COUNTY	CITY
Monterey Bay Scenic Sanctuary Trail	CA	Santa Cruz	3 miles east of Santa Cruz
Mullet Hall Equestrian Trail System	SC	Charleston	
Musketawa Trail	MI	Ottawa, Muskegon	
Norwottuck Rail-Trail	MA	Hampshire	Belchertown, Northampton
Oak Creek Trail	NE	Butler, Saunders	
Obern Trail (Atascadero Bike trail)	CA	Santa Barbara	
Ohlone Rail Trail	CA	Santa Cruz	
Raccoon River Valley Trail	IA	Dallas	
Row River Trail	OR	Lane	
Russell Boulevard Bike Path	CA	Yolo, Solano	Between Davis and Winters
San Pasqual Valley Agricultural Trail/ Mule Hill Historic Trail	CA	San Diego	San Diego
Sauk Rail Trail	IA	Carroll, Sac	Carroll, Lake View
Slippery Elm Trail	OH	Wood	
South Prong Rocky River Greenway (SE Greenway, Davidson Greenway)	NC	Mecklenburg	Davidson
Stavich Bike Trail	PA/OH	Mahoning (OH), Lawrence (PA)	
Ventura River Trail (Ojai Valley Trail Extension)	CA	Ventura	Ventura
West County Trail	CA	Sonoma	

3.4 Literature Review

A search and review of related literature highlights the need for research of this kind. The vast majority of existing research on the combination of recreational and agricultural uses involves either low-intensity grazing land or the establishment of agritourism. While agritourism can provide benefits to both farmers and trail users, it presents a very different situation to the SPBL, where agricultural operations are large scale and intensive. The literature summarized in Table 2 addresses trails in agricultural settings in a general way, or agritourism in a way that provides guidelines applicable to trails in agricultural areas.

Table 2 - Literature Review Summary

TITLE	GEOGRAPHICAL REGION	AUTHOR/ AGENCY/ PUBLICATION	YEAR PUBLISHED	NOTES/DESCRIPTION
Trails through Agriculture Areas	British Columbia	British Columbia Ministry of Agriculture	2005	A guidebook, brochure, and series of pictures to address conflict between trail users and agriculture. Directed at user education.
A Guide to Using and Developing Trails in Farm and Ranch Areas	British Columbia	British Columbia Ministry of Agriculture and Lands	2005	The guide contains suggestions and recommendations for people who are directly involved in the planning, design, development and maintenance of trails that go through agricultural lands.
Land Trusts and the Choice to Conserve Land with Full Ownership or Conservation Easements	United States	Dominic P. Parker	2004	Conservation easements, descriptions, examples where owners adjacent to easements have built fences, maintained trails.

TITLE	GEOGRAPHICAL REGION	AUTHOR/ AGENCY/ PUBLICATION	YEAR PUBLISHED	NOTES/DESCRIPTION
Recreation, tourism and the farmer	England/Wales	Michael Dower	1973	Details common concerns and conflicts. Encourages farmers to embrace tourism, provide services for visitors. Recommends the development of information similar to the materials in British Columbia.
Governing recreational activities in Ireland: a partnerships approach to sustainable tourism	Ireland	Thomas van Rensburg	2006	
Protecting and managing private farmland and public greenways in the urban fringe	Hartford, CT	Robert L. Ryan	2004	Bring recreation and conservation organizations together with local farmers in greenway planning decisions.
Rail-Trails and Community Sentiment	United States	RTC	1998	General strategies for reducing conflict
Ag Respect	Napa Valley, CA	Napa Valley Vine Trail Coalition	Online, ongoing	Media campaign created by the Napa Valley Vine Trail Coalition in partnership with the Napa County Farm Bureau and Napa County Regional Park and Open Space District, to promote awareness among recreational users visiting agricultural areas.

4 DETAILED TRAIL INFORMATION

The following section provides nine trails that were found to be most applicable to the SPBL. A general summary of each trail's context and history is provided, along with details on the trail's physical characteristics; specific design features to accommodate agriculture; and management strategies essential to the trail's operation in an agricultural setting. Where possible, contact information for and feedback from trail and agricultural operators is supplied.

4.1 San Pasqual Valley Agricultural Trail, San Diego County, CA

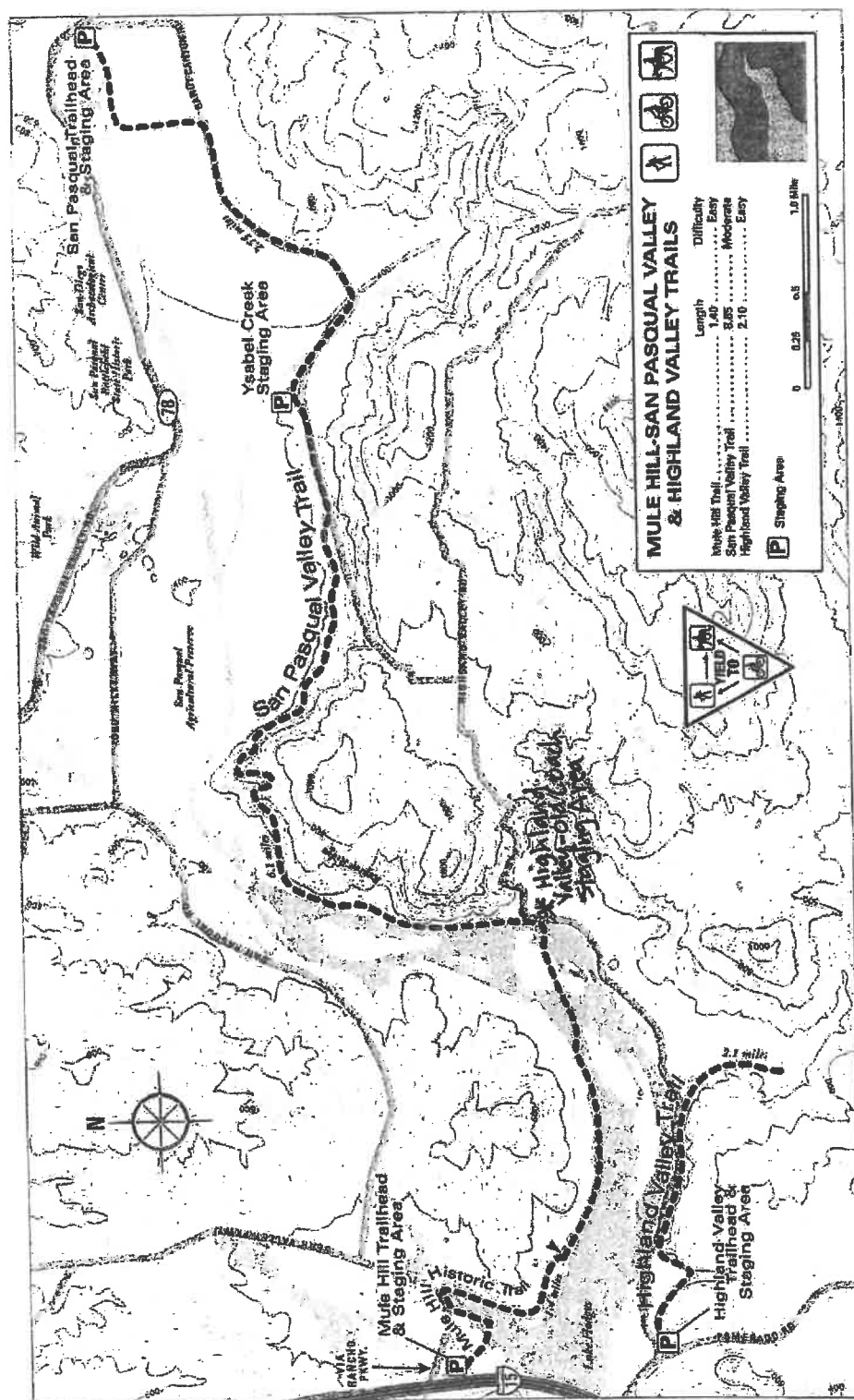
Summary

The San Pasqual Valley Agricultural Trail (SPVAT) was opened in June 1, 2002. The trail goes through an agricultural preserve owned by the City of San Diego, which leases the land to private farmers. During the planning phase of the trail, significant resistance was presented by local farmers and the San Diego Farm Bureau, primarily out of fear of theft and vandalism. The trail follows the edges of farm properties; farmers occasionally need to bring equipment across the trail.

(continued on next page)

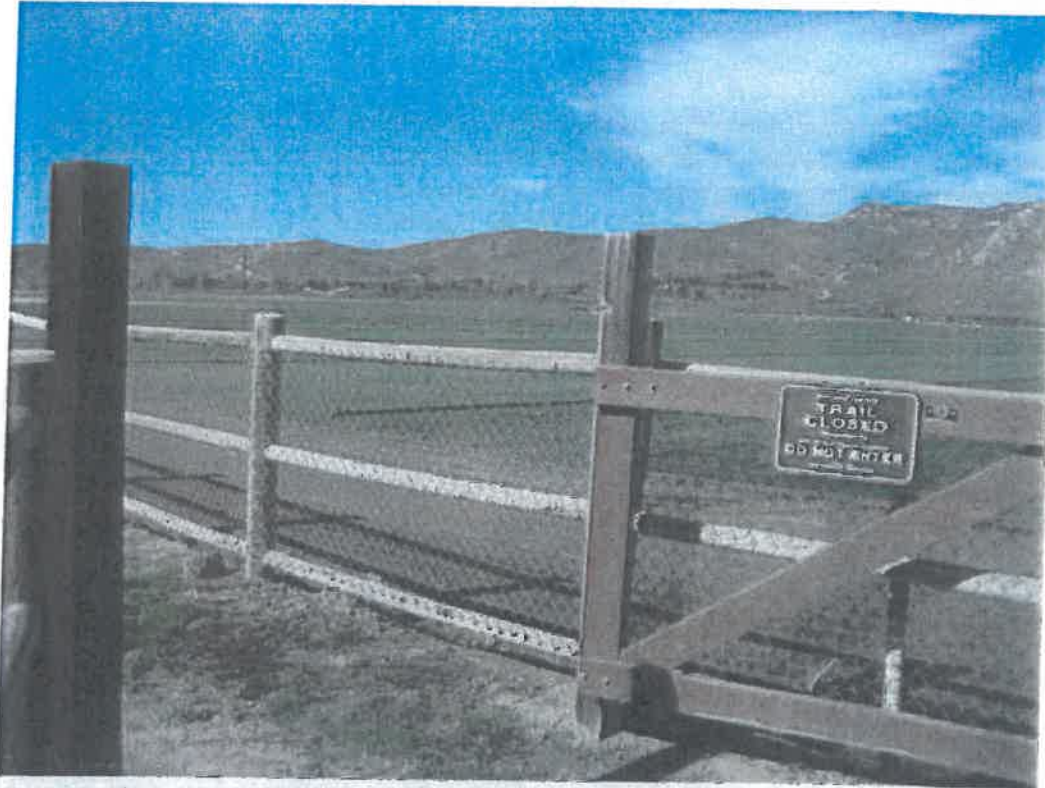
Trail Features	Specific Design and Management Measures		
<p>Trail operator: San Dieguito River Park Joint Powers Authority (SDRP JPA)</p> <p>Length: 8.75 miles</p> <p>Trail width: 12' overall. 4' in oak grove areas, 6-8' in other constrained areas.</p> <p>ROW/Corridor width: Varies; generally 20'</p> <p>Trail surface: Unpaved native surface</p>	<ul style="list-style-type: none"> • Specific fencing was designed for the trail, modified from the park department's standard lodgepole fencing. Chicken wire inserts were added approximately one foot from the ground to allow wildlife to pass through; • Gates allow sections of the trail to be closed; • Signage installed to alert the trail-users of trail closure for spraying and to stay on the trail; • Farmers can dictate trail closure (within reason, i.e., preferably not on weekends) for maintenance and crop spraying. This protocol was developed and approved by the County Farm Bureau, County Farm Advisor's Office, and the affected farmers; • The SDRP JPA chose to indemnify the farmers against liability issues relating to those using the trail. 		
<p>Trail use: Equestrian, hiking, and biking</p> <p>Type of crops and operations: Orange groves, avocados, asparagus, squash, ornamental flowers, and row crops</p> <p>Trail owner/operator contact information: Shawna Anderson, San Dieguito River Park, 858-674-2275 x13, shawna@sdrp.org</p> <p>Agricultural operator contact information: Matt Witman, Witman Ranch</p>	<th data-bbox="570 758 1468 842">Feedback from Involved Parties</th> <td data-bbox="570 842 1468 1701"> <ul style="list-style-type: none"> • Shawna Anderson: There have been no reported incidents of theft, vandalism, or liability issues to this date. • Many farmers who were initially opposed to the trail now support it. • An agreement was made early after the SDRP JPA listened to the concerns of the farmers and created specific design and management plans to create a mutually beneficial relationship between the trail and agricultural industry. • One segment required the removal of orange trees to make space for the trail. The owner of the trees was compensated for the value of the trees and their future crop value. • Matt Witman: Citrus farmer, primarily orange groves, some organic farming; • Heavily involved in the early planning process. Primary concerns were trespassing and litter from the trail contaminating crops and affecting farm inspections; • Indemnification of farmers was "a dealbreaker" – the farmers and farm bureau would have never supported the trail without it; • Trespassing has not been a major problem overall, there was one instance where a bicycle race took place on the trail, and one of the racers got lost and strayed onto the farm and a pack of racers followed. No damage was done but it was not an ideal scenario; • Chainlink fencing is important, as it provides a better psychological barrier for trail users than lodgepole, and also keeps dogs off the farm; • If he could do it all over again, he would have pushed for more stringent trash cleanup requirements from the trail operator. </td>	Feedback from Involved Parties	<ul style="list-style-type: none"> • Shawna Anderson: There have been no reported incidents of theft, vandalism, or liability issues to this date. • Many farmers who were initially opposed to the trail now support it. • An agreement was made early after the SDRP JPA listened to the concerns of the farmers and created specific design and management plans to create a mutually beneficial relationship between the trail and agricultural industry. • One segment required the removal of orange trees to make space for the trail. The owner of the trees was compensated for the value of the trees and their future crop value. • Matt Witman: Citrus farmer, primarily orange groves, some organic farming; • Heavily involved in the early planning process. Primary concerns were trespassing and litter from the trail contaminating crops and affecting farm inspections; • Indemnification of farmers was "a dealbreaker" – the farmers and farm bureau would have never supported the trail without it; • Trespassing has not been a major problem overall, there was one instance where a bicycle race took place on the trail, and one of the racers got lost and strayed onto the farm and a pack of racers followed. No damage was done but it was not an ideal scenario; • Chainlink fencing is important, as it provides a better psychological barrier for trail users than lodgepole, and also keeps dogs off the farm; • If he could do it all over again, he would have pushed for more stringent trash cleanup requirements from the trail operator.

Trail Map



Source: http://www.sdrp.org/images/mule_hill_trailmap.jpg

Project Photos



Source: <http://www.jsdrv.org/photosRVViews.html> (friends of San Diego River Valley



Source: <http://jamescoffeestudios.smugmug.com/San-Dieguito-River-Park/Hikes/Valley/20090228-Ysabel-Creek-to-1>

4.2 Fred Meijer Heartland Trail, Montcalm County, MI

Summary

In 1994 Fred Meijer and other donors funded the purchase of the abandoned rail line and its transformation into a recreation trail. Paving was begun with grants from ISTE, DALMAC, and many generous private donations. Concerns from farmers included trespassing fears and restricted access to land on both sides of the trail. Other than agriculture, hunters also opposed the trail as it was used for hunting prior to development. During the trails development there were multiple outreach events between the trail developers and the public. Two hearings were held and there were petitions both for and opposing the trail. While an agreement with all adjacent farmers could not be reached, the trail was constructed with overall public support. All trail funding is from private donations and trail memberships.

Trail Features	Specific Design and Management Measures
<p>Trail operator: Friends of the Fred Meijer Heartland Trail</p> <p>Length: 41 miles</p> <p>Trail width: 10' with 2' shoulders; 14' total</p> <p>ROW/Corridor width: 50' on each side of center line</p> <p>Trail surface: Paved asphalt</p>	<ul style="list-style-type: none"> • Bollards were put in place on the trail to limit vehicular use and dumping. All keyed the same with emergency responders having access to keys. • Gates installed to allow farmers to cross. • MI state law indemnifies farmers for injury to trail users. • When trail was constructed, a wide apron was installed to allow combines and semis to cross. • Signs posted to warn users to watch for farm equipment crossing.
<p>Trail use: Bikers, walkers, roller blade enthusiasts and joggers</p> <p>Type of crops and operations: Potatoes, soy, hops, corn, beans, hay, wheat, alfalfa, oats</p> <p>Owner/operator contact information: Don Stearns, President, 989-235-6170 dkstearns@centurylink.net</p> <p>Agricultural owner/operators: Ned Welder; Jan Pearl (property owner, leases to a farmer); Robert Spencer</p>	<h3 data-bbox="727 993 1187 1035">Feedback from Involved Parties</h3> <ul style="list-style-type: none"> • Don Stearns: No reports of trespassing onto farmland. Occasionally farmers have encroached into the trail buffer, spraying the trail (4 incidents in 20 years) and snowmobiles entering the trail and causing accidents have been reported. Ray Christensen, a corn farmer, was ruled against in federal court and had to pay damages for cutting down trees in the buffer within the trail's right-of-way. • Ned Welder: no problems with the trail. He walks along the trail to check on his crops. • Jan Pearl: very concerned about trespassing before the trail was built, but have had no problems with the trail or trail users. She said she was uncomfortable with change but is now a trail user and sees it as a very positive thing for the community • Robert Spencer: has generally experienced no problems with the trail. One issue was a deer hunter using the trail. Another is that potato farms nearby spray from the air and there has been concern about drift.

<http://www.montcalm.org/trail/FrontPage%20Stuff/trail/images/Map-All2.jpg>



Project Photos



http://trailsmichigan.com/trailpage.php?nr=69_Fred-Meijer-Heartland-Trail-Entire-Trail



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<http://vanscyoc.net/blog/archives/841-Fred-Meijer-Heartland-Trail-Michigan.html>

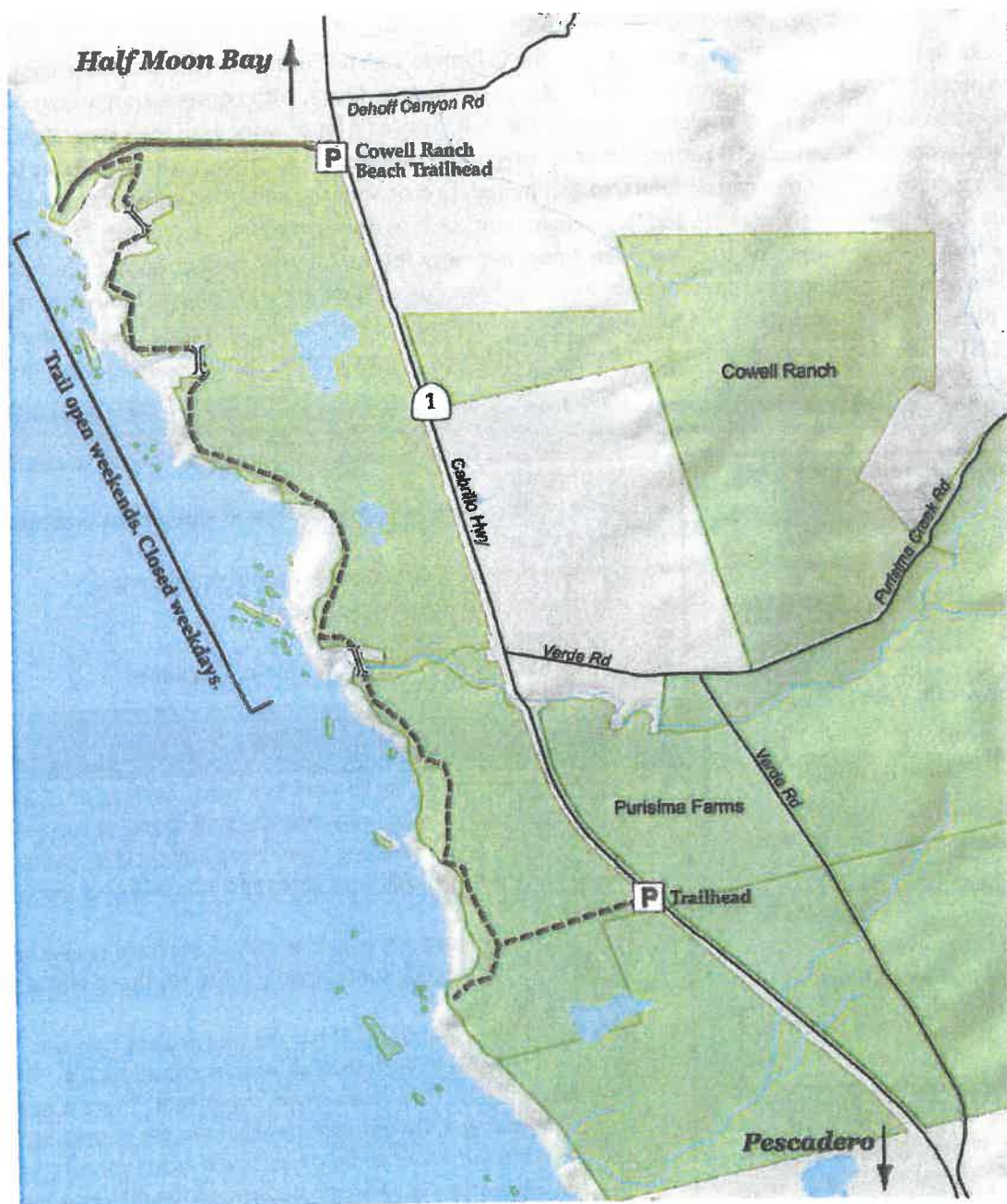
4.3 Cowell-Purissima Coastal Trail, San Mateo County, CA

Summary

The Peninsula Open Space Trust (POST), working with the California Coastal Conservancy, a state agency, bought the land to protect it from development, and later sold it to the farmer, Giusti, with conservation and trail easements in place. The design and implementation of the trail involved a lot of work with the owner/farmer to make the trail work in the agricultural setting; stout fencing; information and regulatory signs; trail gates the farmer has a right to close, within certain limits, to accommodate crop spraying and other operations; and special wide double gates to allow cattle and large equipment, such as disking tractors, to cross the trail while simultaneously closing the trail. The trail was open 7 days per week for the 1st year, except for month-long periods when it was closed on weekdays for field spraying. Then due to State parks closure of the north leg of the access due to budget constraints, the trail was closed weekdays and is currently only open weekends and holidays. POST uses volunteer docents for patrol and a local landscape restoration company for maintenance.

Trail Features	Specific Design and Management Measures
<p>Trail operator: Peninsula Open Space Trust</p> <p>Length: 3.6 miles</p> <p>Trail width: 6 to 12 feet, depending on topography</p> <p>ROW/Corridor width: Varies; 20' minimum</p> <p>Trail surface: Unpaved, base rock surface</p> <p>Trail use: Hikers, bicyclists, handicap accessible at most parts, no dogs or horses due to food safety concerns with adjacent farm fields</p> <p>Type of crops and operations: Artichokes, Brussels sprouts, field crops, grazing</p> <p>Owner/operator contact information: Paul Ringgold, Vice President, Land Stewardship, Phone: (650) 854-7696 pringgold@openspacetrust.org</p> <p>Agricultural owner/operator: John Giusti, Giusti Farms, LTD. 650.726.9221.</p>	<ul style="list-style-type: none">• Stout fencing• Large gates to accommodate cattle and equipment passage while trail is closed• Gates to close trail during spraying and operations• Information and regulatory signs• Maintained by volunteer docents• Farmer has ability to close gates for maintenance
	Feedback from Involved Parties
	<ul style="list-style-type: none">• Paul Ringgold: The ability to work as a team, such as on a section where bluff erosion was impacting the trail, is key to success.• POST recently asked whether there were any security issues that would benefit from additional gates and was told that there were none.• POST hasn't received any negative comments from owner John Giusti, or Giusti's agricultural tenant on the southern half of the property, Bob Marsh.• John Giusti reported 8/25/14 that the trail project "has not interfered with his operation at all, and he considers it a successful project." The fence is very important. There is never anybody crossing it, though sometimes there are people on the trail when it is supposed to be closed (such as for spraying - often runners. The project is a success because of the planning that took his concerns into consideration, and made it more of a partnership. The information about spraying and the allowance for closure was important.

Trail Map



- New Cowell-Purisima Trail
- Trail
- Protected Land
- Bridge

Cowell Ranch Beach to Purisima Creek

This portion of the trail is open weekends year round. Closed weekdays.

Source: http://www.openspacetrust.org/images/Cowell_Purisima_Trail.pdf

Project Photos



<http://www.wisdomportal.com/CowellRanchBeach/219-TrailheadToBeach.jpg>



http://peninsulaopenspacetrust.files.wordpress.com/2014/08/cowell-purisimatrail-open_4562_cpaolovesia11.jpg

4.4 Bob Jones Bike Trail, San Luis Obispo County, CA

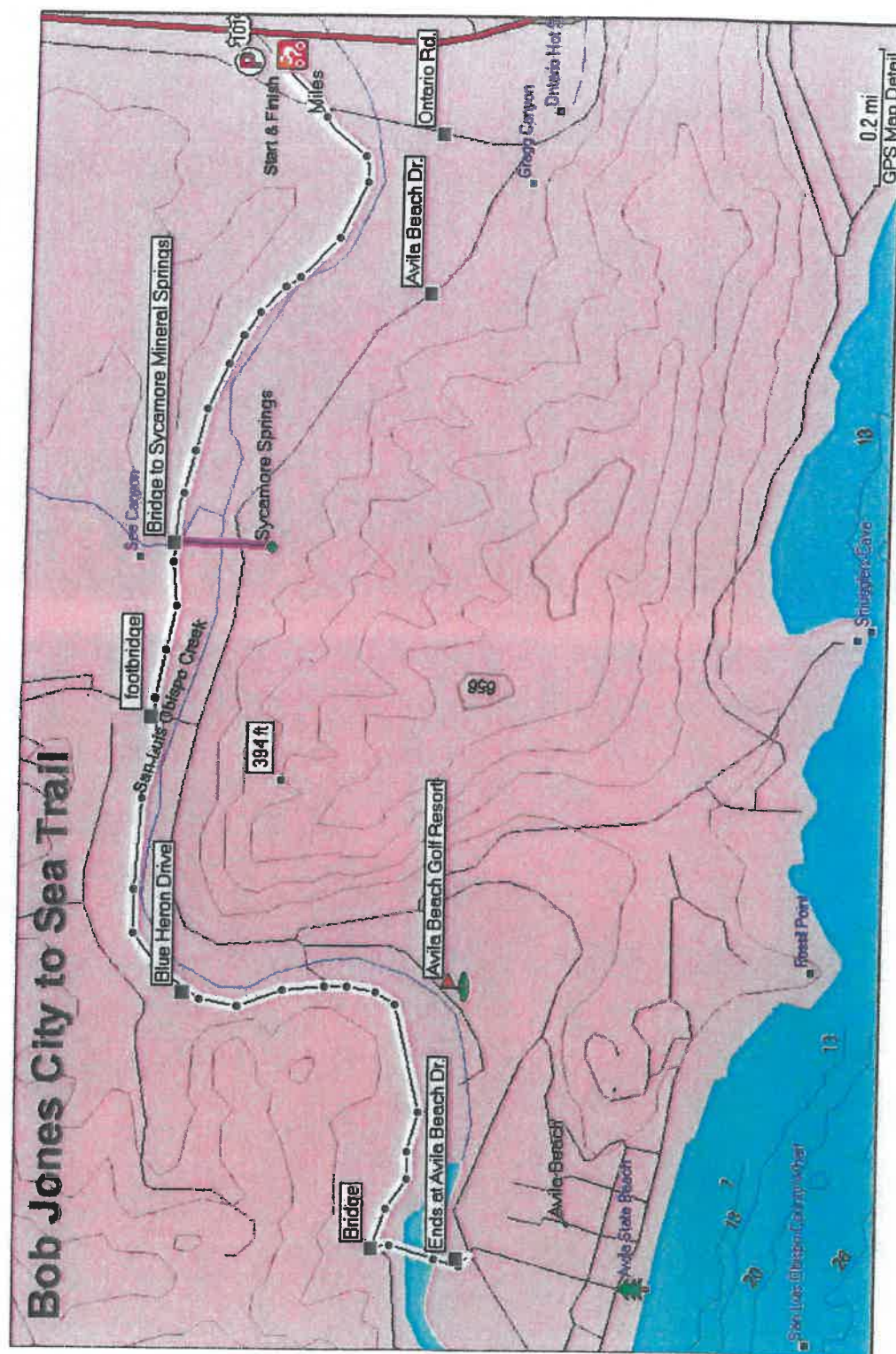
Summary

Previously Avila Beach Trail and the Bob Jones City to Sea Bike Trail. It follows the Pacific Coast Railroad right-of-way along the San Luis Obispo Creek to Avila Beach. The trail is being built on easements that are either purchased from or donated by landowners. The existing trail is adjacent to a creek, SLO golf course, and an apple orchard.

The new segment of the trail will be adjacent to more agriculture. Draft EIR is currently underway, and a second public workshop for the EIR is expected to be conducted in late October 2014. Extensive coordination with landowners for this phase. Concerns have been raised about access and interference with farm equipment. With federal funding, negotiations on acquisitions can't begin until EIR complete.

Trail Features	Specific Design and Management Measures
<p>Trail operator: San Luis Obispo County Parks</p> <p>Length: 3 miles</p> <p>Trail width: Up to 10', narrower as topography demands</p> <p>ROW/Corridor width:</p> <p>Trail surface: Paved</p> <p>Trail use: Bicycle and pedestrian</p> <p>Type of crops and operations: Apple orchards</p> <p>Owner/operator contact information: Shaun Cooper, Senior Park Planner (805) 781-4388 secooper@co.slo.ca.us</p>	<ul style="list-style-type: none"> Fencing and other barriers are being considered for future portions of the trail. Portions of the trail have been routed around specific parcels to reduce conflict. In one circumstance, the route was adjusted to pass around a farm. The route originally followed farm frontage roads, but was moved to the back of properties instead.
	<h3>Feedback from Involved Parties</h3> <ul style="list-style-type: none"> Shaun Cooper: Trail generally borders agriculture on one side only, with a creek or highway on the other. The trail is generally on the edges of properties, where it's adjacent to either the creek or 101, so it's not interfering much with operations. The trail overall, being placed on easements, doesn't claim a great deal of property. It's taking a small overall percentage of property that it passes through.

Trail Map



Source: <http://hikesin.com/wp-content/uploads/2012/07/Bob-Jones-City-to-Sea-Trail.jpg>

Project Photos



Source: <http://connectslocounty.org/2013/04/02/bob-jones-octagon-barn-connection-workshop-2/>



Photo simulation of proposed new segment of trail. Source: Bob Jones Pathway Draft EIR
<http://www.slocounty.ca.gov/planning/environmental/EnvironmentalNotices/bobjonespathway.htm>

4.5 Obern Trail, Santa Barbara County, CA

Summary

This trail was first proposed 1967, when housing developments and drainage creeks were being constructed in the area. George and Vie Obern lobbied for the creation of trails along these creeks, and the trail was named after them in 2004 (it was previously called the Atascadero Trail).

The surrounding agriculture includes some of the most productive in the county - it's in the flight path of the airport, not under threat from development, so there is heavy investment in irrigation, greenhouses, and equipment. The stretch from Patterson to Goleta Beach passes through high value crops.

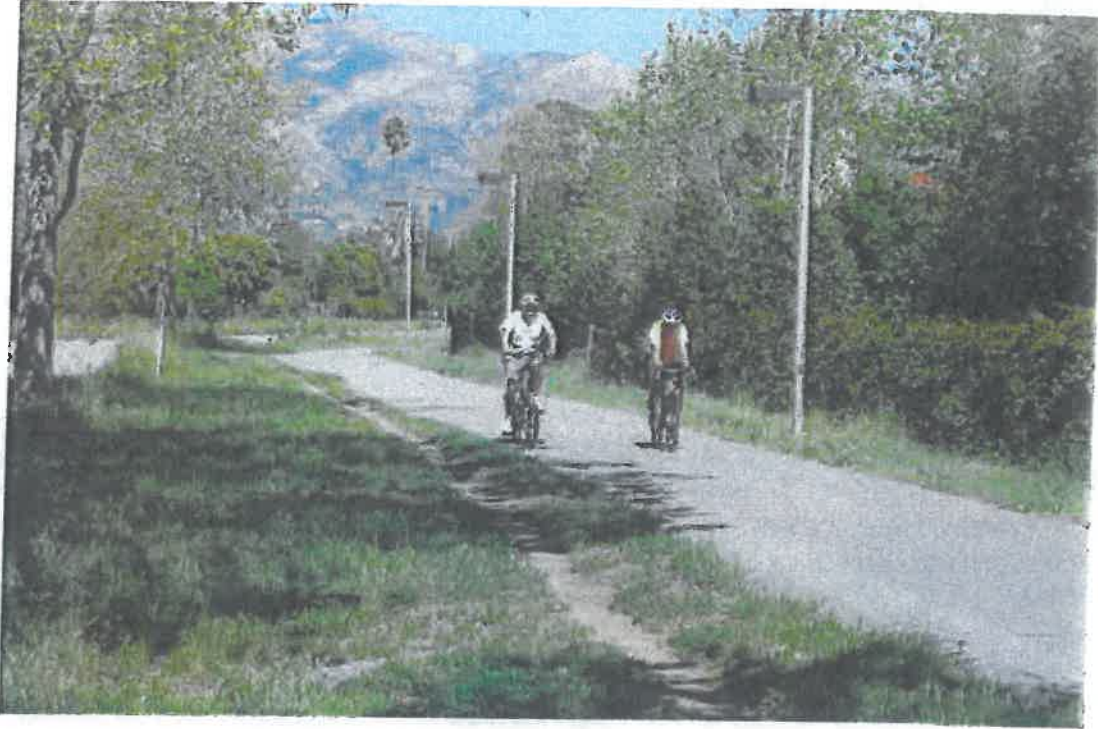
Trail Features	Specific Design and Management Measures
Trail operator: Santa Barbara County Length: 3.5 Miles Trail width: 10' ROW/Corridor width: Varies, most often 20' Trail surface: Paved Trail use: Recreational and commuter cycling Level of use: High: thousands of users daily Type of crops and operations: Strawberries, tomatoes, nurseries, greenhouses, row crops, and orchards. Owner/operator contact information: Matthew Dobberteen, Alternative Transportation Manager, Santa Barbara County Department of Public Works 805-568-3576 Agricultural owner/operator: John Givens john.givens1@verizon.net - 805-964-4477	<ul style="list-style-type: none">• Little to no physical barrier in most places. Oleander hedges and chainlink fence.• Each farmer decides on fencing – not installed by the County.• High levels of use create a self-policing scenario.• The trail is lit throughout, at all hours. Feedback from Involved Parties <ul style="list-style-type: none">• Matthew Dobberteen: In over ten years managing trails for Santa Barbara County, I have never received a complaint about the Obern Trail. Our trails that run near agriculture are never the trails we have problems with. The only issue is every few years we may get some graffiti on a retaining wall. "A bike path will make theft harder, not easier, by bringing light, attention, people, eyes to the trail." "If someone wanted to steal from a farm, they'd find a place where no one could see them, not a trail with steady use."• John Givens: No significant impacts from the trail. Occasionally homeless pass through and there is minor vandalism, but it has not been serious enough to involve the County or other authorities. Trail users don't cut through the farm property.

Trail Map

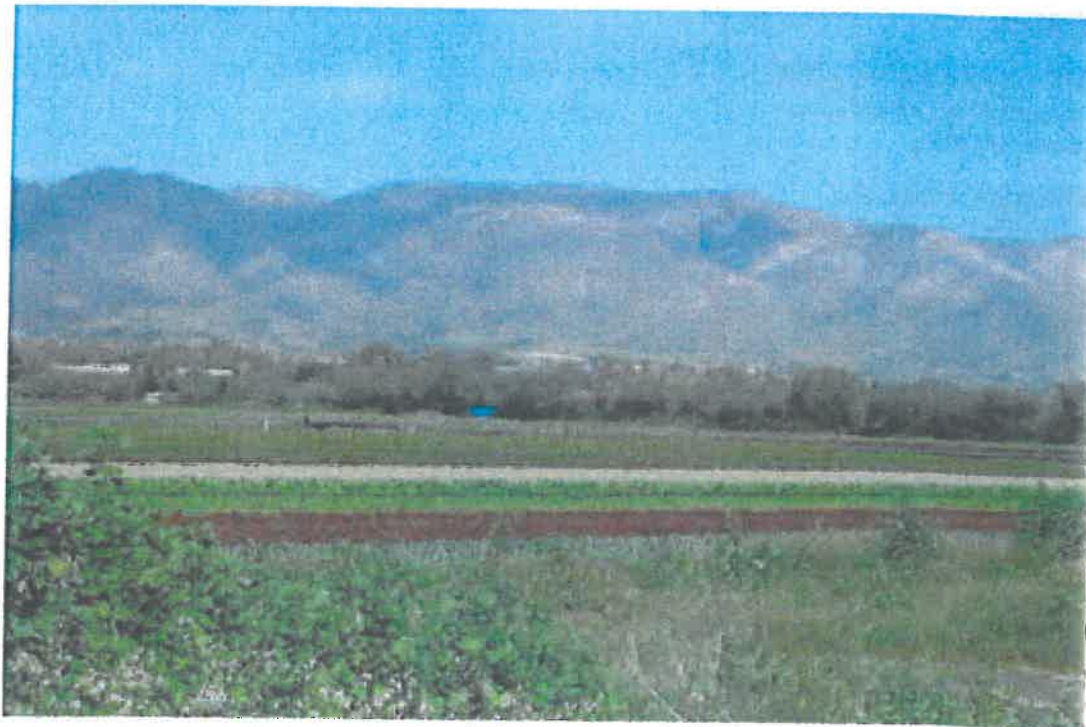


Source: <http://www.traillink.com>

Project Photos



Source: <http://www.edhat.com/site/tidbit.cfm?nid=52049>



Source: <http://www.edhat.com/site/tidbit.cfm?nid=52049>

4.6 Musketawa Trail, Ottawa and Muskegon Counties, MI

Summary

This trail was converted from an unused railroad corridor that ran between Marne and Muskegon. It links with other trails in a statewide network. Public meetings were held from 1990-1992. A trail advisory board was formed, made up of representatives from Muskegon and Ottawa Counties from different user groups and local residents.

The first mile of trail was paved in Ravenna in 1997. The following year the eastern half between Marne and Ravenna was completed. The west end will eventually connect to the Hart-Montague Trail and the east end will be extended into Grand Rapids to connect with the White Pine Trail, Kent Trails and Paul Henry-Thornapple Trail.

Trail Features	Specific Design and Management Measures
Trail operator: Michigan Department of Natural Resources/Friends of the Musketawa Trail Length: 25 miles Trail width: 12', 4-8' gravel shoulder ROW/Corridor width: Trail surface: Asphalt Trail use: Multi-use: bicycling, equestrian, snowmobiling, pedestrian, roller/inline skating, cross-country skiing Type of crops and operations: Hay, blueberries, cucumber, corn, possible fruit orchards Owner/operator contact information: Wes Lomax, Michigan Department of Natural Resources, (231) 821-0553	<ul style="list-style-type: none"> Chainlink or wire fencing.
	Feedback from Involved Parties <ul style="list-style-type: none"> Wes Lomax: Conflicts with farmers during the planning phase were resolved early on; no conflicts or issues reported since.



Trail Map

Source: http://musketawa.mwswebsites.com/uploads/newsletters/MusketawaTrail_VLS-1.pdf

Project Photos



Source: <http://www.railstotrails.org/news/recurringfeatures/trailmonth/archives/0107.html>



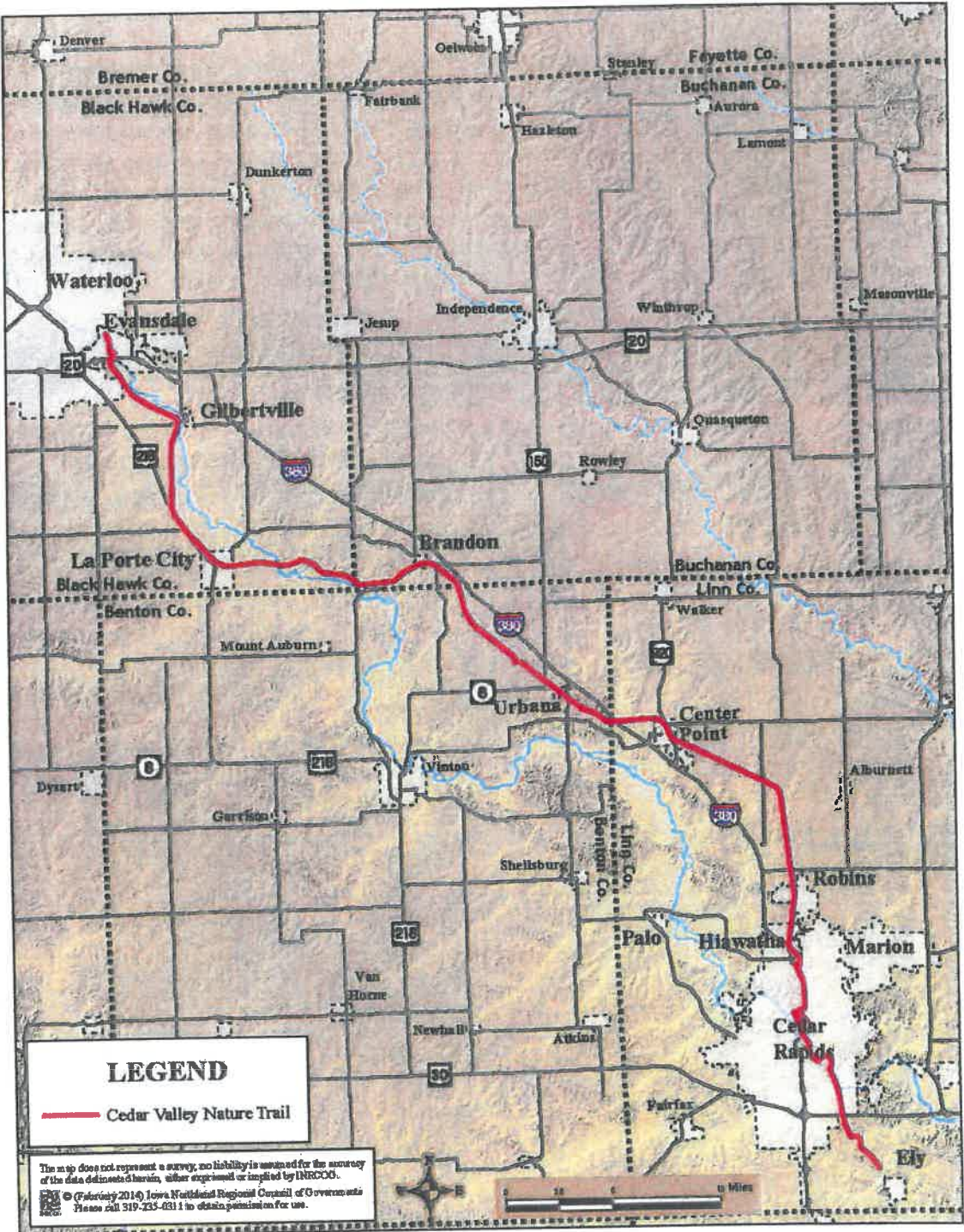
Source: http://trailsmichigan.com/trailpage.php?nr=79_Musketawa-Trail

4.7 Cedar Valley Nature Trail, Linn County, IA

Summary

Building this trail was a battle, with concerns ranging from trespassing and robbery to general safety for women and children. The trail bisects agricultural properties, so design measures to avoid conflicts were planned. Other issues such as trees along the trail sometimes prevented sunlight from reaching crops. Farmers have been helpful in allowing access to bridges from property. Many farmers and their families have been seen using this trail, while some are still upset due to feelings that the land should be their own. Rural towns and elected officials have become supportive of the trail, touting economic development benefits, connecting of the trail to local business. The trail abuts 3/4 miles of K&J Squires Farms, and bisects portions of their property. They have an easement allowing their equipment to cross the trail and access their fields.

Trail Features	Specific Design and Management Measures
Trail operator: Linn County Conservation Board Length: 52 miles Trail width: 12' ROW/Corridor width: 100' ROW Trail surface: Paved asphalt, crushed stone Trail use: Pedestrian and bicycles Type of crops and operations: Corn, dry beans, hay, wheat Owner/operator contact information: Dennis Goemaat, Deputy Director, Linn County Conservation Board, Iowa Agricultural owner/operator: Joyce Squires, K&J Squires Farms Inc.	<ul style="list-style-type: none">• Fencing with gates;• Reinforced crossing to accommodate equipment;• Easement allowing farm equipment access;• Signage to warn trail users of crossing farm vehicles.
	Feedback from Involved Parties
	<ul style="list-style-type: none">• Joyce Squires: She and her husband were initially opposed to the trail, with concern about trespassing, but this has not been an issue;• Generally the trail has been very positive, she and her family use it;• Only problem they have is that occasionally a trail user will not pay attention to the signs and will cut in front of farm equipment on the trail.



Trail Map

Source: <http://www.co.black-hawk.ia.us/conservation/Publications/maps/CVNT%20Map.pdf>

Project Photos



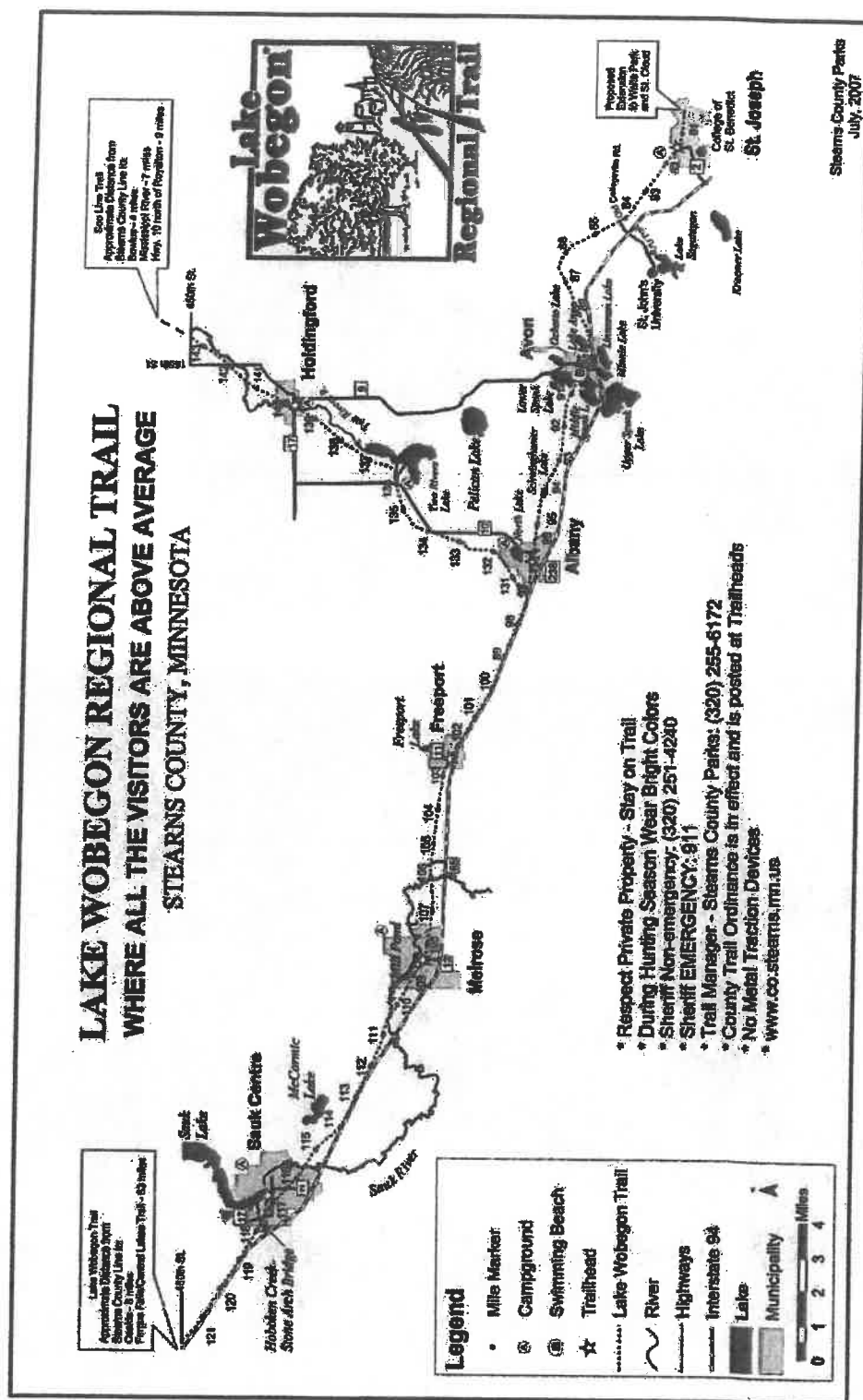
Source: Rails to Trails Conservancy

4.8 Lake Wobegon Trail, Stearns County, MN

Summary

Built on a Burlington Northern Railroad corridor, this rail-trail passes the towns of Osakis, St. Joseph, and Albany in Stearns and Todd Counties. The trail opened in 1998 with significant concerns about safety. In 2000-2001 landowners convinced commissioners to build fencing. Farmland is on both sides of the trail. There are generally no gates aside from grazing areas. During the initial phase of development, there was no opposition. During the second phase issues arose when the agricultural commissioner told farmers they would get the underlying property land back for free after the railroad left. There were significant concerns about trespassing, and some portions include a fence of 3-strand barbed wire for livestock and property demarcation. Opposition is now mostly gone, there have been a few people that have expressed concern about spraying for weeds on the trail that might impact crops.

Trail Features	Specific Design and Management Measures
Trail operator: Stearns County Parks Length: 62 mi Trail width: 10' ROW/Corridor width: 100' Trail surface: Asphalt, crushed stone, gravel Trail use: Bicyclists, cross-country skiers, snowmobilers, pedestrians Level of use: High on weekends; 100,000-150,000 users measured from April to October 2014 Type of crops and operations: Corn and soybeans Owner/operator contact information: Pete Theismann, Park Director Stearns County Parks, MN; 320-255-6172 parks dept. Lake Wobegon Trail	<ul style="list-style-type: none"> • Yield signs at crossing • Gates where livestock are present • 3 strand wire fence • 40' buffer through most of the corridor • Weekly trail maintenance • Local police are invited to patrol the trail • Trail crossings are minimized. Maintained where existing before the trail, but if new crossings are requested another must be closed
	Feedback from Involved Parties
	<ul style="list-style-type: none"> • Pete Theismann: Few problems have occurred, more issues are due to encroachment • Erosion with sand covering trails due to trees being cut down by farmers. • No problems reported with agricultural spraying, trespassing or littering from the public. • The trail is far more popular relative to the concerns that have been raised.



Project Photos



Source: Rails to Trails Conservancy



Source: Barry Weber - <http://lwtrails.com/>

4.9 West County and Joe Rodota Trails, Sonoma County, CA

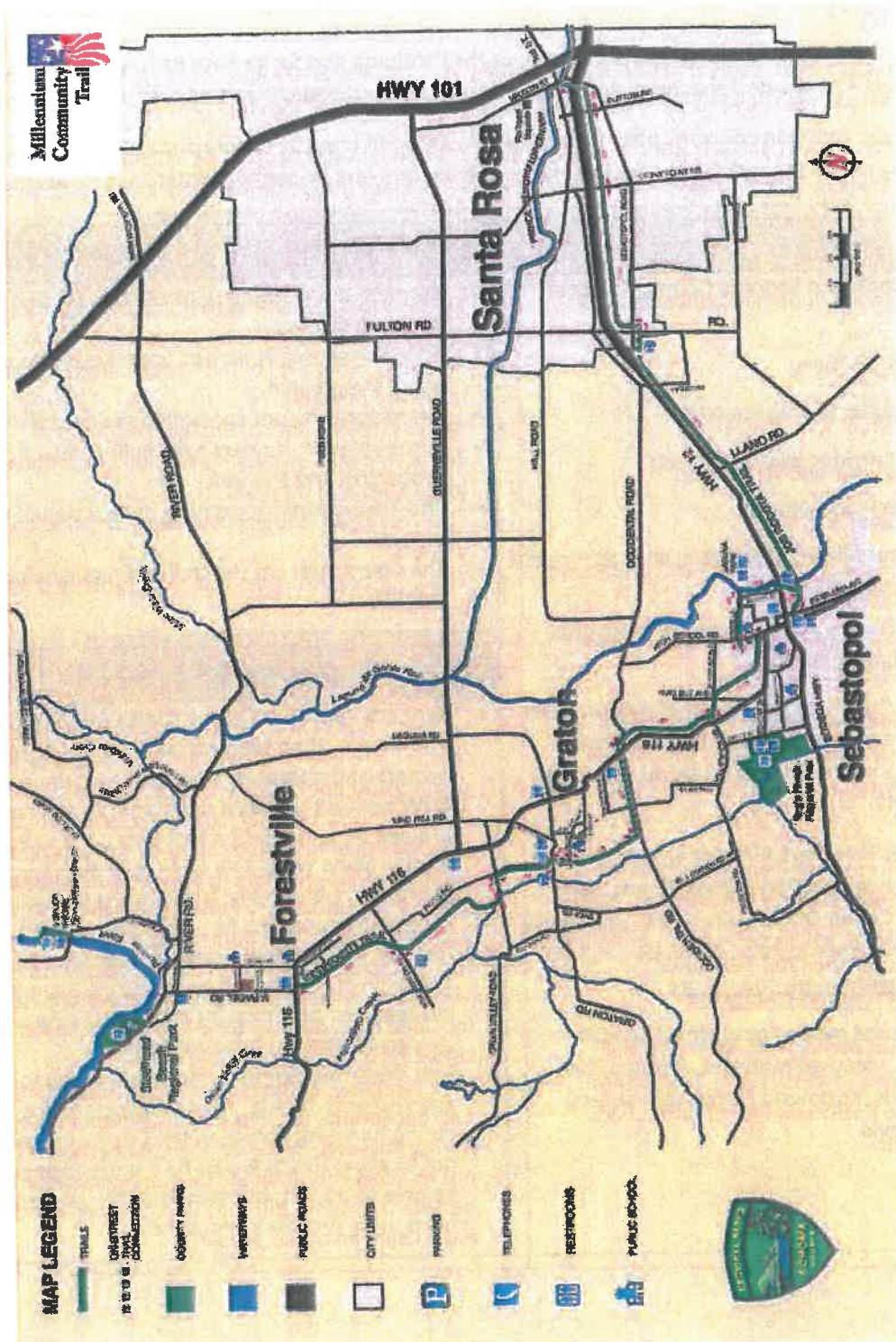
Summary

These trails are built along land that was once the Petaluma and Santa Rosa Railway, a line that linked Petaluma and Santa Rosa with Sebastopol and Forestville. An unpaved equestrian trail runs parallel to the paved trail.

The most common concerns prior to construction included impacts to spraying activities, crop loss, dogs, and turning radius for agricultural equipment. Vineyards have less frequent maintenance needs than row crops.

Trail Features	Specific Design and Management Measures
<p>Trail operator: Sonoma County Regional Parks</p> <p>Length: 14 miles</p> <p>Trail width: 8' with shoulders</p> <p>ROW/Corridor width: 40' – 60'</p> <p>Trail surface: Asphalt</p> <p>Trail use: Mix of pedestrians and cyclists with limited equestrian use.</p> <p>Type of crops and operations: Vineyards, hay, blueberries</p> <p>Owner/operator contact information: Bert Whitaker (Maintenance and Operations Chief), Sonoma County Regional Parks. 707-565-2041</p> <p>Kenneth Tam, Park Planner II, Sonoma County Regional Parks Department, 2300 County Center Drive, Suite 120A, Santa Rosa, Ca 95403 Phone: 707-565-3348 ken.tam@sonoma-county.org</p> <p>Agricultural owner/operators: Kendall Jackson, vineyard manager, Russian River Vineyards. Kozlowski Farms, Jam sellers. Daryl Davis.</p>	<ul style="list-style-type: none">• Farmers put A-frame signs on their property stating when spraying will occur.• Spraying generally limited to early morning, before most trail users are present.• Aerial spraying not conducted near the trail.• Some vineyard owners have built connections between their properties and the trail.• "No Trespassing" signs have been installed by some vineyard owners.• The County patrols the trail and regularly talks with neighbors.
	Feedback from Involved Parties
	<ul style="list-style-type: none">• Kenneth Tam: The County conducted a record of survey and title search, then reached out individually to agricultural land owners and operators who appeared to be using the railroad ROW without the legal right to do so and requested they provide documentation that they were using the ROW legally. None were able to provide documentation. There was a blueberry farmer using the railroad ROW to access his crops. The farmer has since opened a stand along the trail to sell blueberries and blueberry ice cream. The main concerns voiced during the planning stages included the potential for crime and trespass. These concerns have not been realized.• Bert Whitaker: Some farmers have asked for temporary encroachments (e.g., to run equipment across the trail during harvest); however, the County has taken the stance not to allow this. It would be more convenient for farmers to be able to do this, but they find they can get the access the need using just their properties.

Trail Map



Source: http://parks.sonomacounty.ca.gov/uploadedFiles/Parks/Get_Outdoors/Parks/westcountyand%20joerodota_map_2012.pdf

Project Photos



Source: Rails to Trails Conservancy



Source: Rails to Trails Conservancy

5 OTHER TRAILS

The following trails were identified as potential candidates for further study, but did not meet as many criteria as the trails detailed in the previous section. The following trails all feature agricultural adjacencies, but are presented in summary form here due to inability to contact operators, inapplicable agriculture types, lower levels of use, lower levels of trail development and operations, and geographical distance from Ventura County. Lessons to be learned from these trails reinforce information gathered for the focus trails, and the following trails can provide additional guidance for trail planning and conflict mitigation, particularly regarding interactions between individual farmers and trail operators.

JOHN WAYNE PIONEER TRAIL

King and Kittitas Counties, WA

This is a gravel trail over an old rail bed that features bicycling and equestrian activities. It is owned and operated by Washington State Parks and Lake Easton State Park and was established in 2002. Between Beverly and the Columbia National Wildlife Refuge the trail passes through Crab Creek Wildlife area. About 110 acres of WDFW land on the east end is leased for farming. The major crops in the eastern and northern Crab Creek Sub basin are cereal grains. Agriculture within the irrigation project is more diverse and crops include alfalfa, wheat, corn, potatoes, various tree fruits and many different seed crops. Vineyards and pulp farms have begun to appear recently. The trail is part of Iron Horse State Park - 240 miles total. John Wayne Pioneer Trail is one of 4 or 5 total. The majority of the trails run through agriculture. They operate a "good neighbor policy" with the farmers - crossings are established, and many (70%) were grandfathered in from when the railroad operated. There is usually no fee for farmers to cross. Most farmers own land on both sides of the trail. When the trail was established there was heavy opposition, primarily to return the land to farmers, since rail was removed. Since establishment, most requests from farmers have been able to be addressed (85%) - crossings and access. The state is developing new policy now to handle this interaction. Complaints are usually regarding dumping - people break the gates and leave car bodies or other large junk on the ROW - farmers usually call just because they don't want to look at it. No issues of break-in to farmland.

The trail is unpaved, and farming operations are mainly grains. The trail itself is within a state park.

There were extensive meetings with farmers, and crossing agreements were put in place. Requests from farmers are handled on an individual basis, and are almost always related to crossings.

Trail operator and contact information: Steve Hahn, Property Management Program Manager, Washington State Parks.

MULLET HALL EQUESTRIAN TRAIL SYSTEM

Charleston County, SC

Soil trail used by pedestrians and equestrians. It is owned and operated by Charleston County Park & Rec and was established in 2005. The trails meander throughout the historic fields of the former Mullet Hall Plantation and the system boasts a swamp, active farm fields, deep forest, and meadows. The trail does go through and is adjacent to active farming of one farmer who usually grows grain. There was no conflict during the development of the trail, as the trail director and farmer had a close relationship.

No conflict between uses due to unique land ownership scenario. Soil Surface.

CONEWAGO RECREATIONAL TRAIL (Connects To Lebanon Valley Rail-Trail)

Lebanon and Lancaster County, PA

A crushed rock/compacted surface trail that accommodates cyclists, equestrians, and pedestrians, the trail is owned and operated by Lancaster County Department of Parks and Recreation-Lebanon Valley Rails-to Trails, Inc. It was established in 2004. Agriculture includes horse farms specifically mentioned along trail, and possibly corn, soybean, alfalfa grown in the watershed area in proximity to the trail, but no specifics of crops interacting with the trail. The majority of the Conewago Creek watershed is in agricultural production (approximately 53%) with many of the main stem and tributary floodplains actively pastured or cultivated for crop production. There is private farmland along the trail, but contact had no information about it. Mainly pasture adjacent to the trail.

OAK CREEK TRAIL

Butler and Saunders County, NE

A crushed limestone trail for bicycling, equestrian activities, walking, roller/inline skating, cross country skiing, and snowshoeing, the trail is owned and operated by Lower Platte South and was established in 2007. Resources state that "the route continues through natural prairie, open farmland and oak woodlands until the trail reaches its endpoint at the trailhead in the town of Valparaiso." Contact with the operator's office confirmed fields are corn, soybeans and other grains, but no orchards. No reports of conflicts with the farmers in the area.

ICE AGE TRAIL

Statewide, WI

Ice Age Trail Alliance owns and operates this trail, which passes through farmland. Approximately 650 miles of trails, most of which is through agricultural lands. Multiple agreements are made with farmers, worked out one at a time. There are all kinds of agriculture, but more crops than grazing. Portions of the trail are rail-trail. Some issues include very narrow corridors left by farmers and also many areas are on farmers' land. The trail operators have brought landowners together to fill gaps in the trail and have worked with each farmer to ensure farms remain viable. They have also purchased easements, going well with farmers. Farmers sometimes disliked the trail and were upset at the lack of ability to drive the length of the rail line, which was not legal prior to the trail's development, but crossings were provided to alleviate the conflicts. An example was given of a farmer whose land was acquired with an easement and had to modify his practices somewhat, but it worked out. There was also a band of landowners who wanted to buy out a portion of rail line so trail couldn't go in, which went to court and the landowners lost. Ice Age has an elaborate planning process that takes many years that includes a lot of community outreach in order to slowly build support. It is, for most of the trail's distance, a narrow footpath, rather than a heavy-use paved trail.

Individual agreements were arranged with farmers and communities, formed over decades. Many stories about these agreements are available from the trail operator.

Operator contact: Kevin Thusius, Director of Land Conservation (800) 227-0046 - kevin@iceagetrail.org

HANOVER TROLLEY TRAIL

York County, PA

Owned and operated by York County Rail Trail Authority. Portions of the trail were constructed in 2008, while others were scheduled for 2013, but have not yet been constructed. There was opposition from farm operators during the feasibility study for the non-constructed portions.

STAVICH BIKE TRAIL

Mahoning (OH) & Lawrence (PA) Counties, PA and OH

An asphalt paved greenway and rail trail that is owned and operated by Lowellville Hillsville Charitable Foundation and Lawrence County Tourism. It was established in 2003. While there are agricultural fields in the area, they do not directly come in contact with trail itself.

MACOMB ORCHARD TRAIL

Macomb County, MI

This trail was built on former orchard land. Current agricultural adjacencies are minimal, and the trail is inside a park.

LATAH TRAIL

Moscow, ID

This trail is owned and operated by Latah Trail Foundation. It passes near, but not directly adjacent to agricultural areas, and does not conflict with them.

ROW RIVER TRAIL

Lane County, OR

Asphalt paved equestrian, fitness, and mountain bike trail. The trail is also considered a nature trail, rail trail, and urban trail. It is owned and operated by the Eugene Bureau of Land Management and was established in 2005. It passes through "pastoral farms" but these are historical farmhouses, not active agricultural production areas.

MONTEREY BAY SCENIC SANCTUARY TRAIL

Santa Cruz County, 3 miles east of Santa Cruz, CA

This is an unpaved beach path that approaches row crops. A short stretch of the trail approaches farmland. Despite this limited agricultural interaction, the trail's master plan EIR includes detailed mitigation measures for trails passing near farmland. These measures are included in Appendix B.

HENNEPIN CANAL PARKWAY

Bureau, Henry & Whiteside Counties, IL

This trail is partially paved and partially natural surface, and is used by cyclists, equestrians, snowmobiles, pedestrians, and cross-country skiers. It is operated by the Illinois Department of Natural Resources and established in 2004. It passes through "rolling farmland," that consists predominantly of grazing land.

HARLEM VALLEY RAIL TRAIL

Dutchess and Columbia Counties, NY

This trail is paved, and used by bicyclists, pedestrians, roller/inline skaters, cross-country skiers, and snowshoers. It is operated by the Harlem Valley Rail Trail Association. The trail passes dairy farms and grazing land. Adjacent agriculture is grazing and dairy production.

ARUNDELL BARRANCA BIKE PATH

Ventura County, Unincorporated, CA

Established prior to 1999, this trail is a paved bicycle and walking trail that passes row crops. It follows a drainage channel, and is only minimally adjacent to crops.

VENTURA RIVER TRAIL (Ojai Valley Trail Extension)

Ventura County, Ventura, CA

Also called Ventura River Parkway Trail, this paved bicycle, equestrian and pedestrian trail has a short segment (1/4 mile long) that runs along row crops.

RUSSELL BOULEVARD BIKE PATH

Yolo and Solano Counties, unincorporated; between Davis and Winters, CA

This paved bicycle and pedestrian trail passes row crops, horse pastures, and nut tree orchards. Directly adjacent agriculture is predominantly pasture land.

RACCOON RIVER VALLEY TRAIL

Dallas County, IA

This trail is operated by the Dallas County Conservation Board, Guthrie County, and Greene County, and covers 88 miles, some of which is adjacent to farmland growing corn and soybeans. The trail surface is asphalt and concrete, with unpaved segments. Trail users include bicyclists, inline skaters, snowmobiles, pedestrians, and cross-country skiers. It receives approximately 125,000 visitors per year. Major concerns during development on this trail were trespassing and occasional snowmobile activities. This never became an issue. There has been a close working relationship between the trail and adjacent landowners, which has resulted in 99% cooperation, with the occasional encroachment on the trail by farmers. Fencing, maintained by the Conservation Board, is in place for grazing livestock. Enhanced crossings were installed for farm equipment, with signs indicating trail users to yield to farm equipment.

LAKELANDS TRAIL

Ingham, Livingston, and Washtenaw Counties, MI

The only opposition to the trail was an onion farmer. Other adjacent farmers, with orchards and soybean crops, did not express concern. The Michigan Department of Natural Resources worked with Michigan State University to address concerns. The trail is 26 miles long, with a surface that varies between asphalt, ballast, and crushed stone.

HART-MONTAGUE TRAIL

Muskegon and Oceana Counties, MI

An asphalt rail-trail that passes orchards and soybean crops, this trail runs for 22.7 miles, and is managed by Michigan Trails and Greenways.

CATSKILL SCENIC TRAIL

Delaware County, NY

This rail-trail opened in 1997, is 26 miles long, with cinder, crushed stone, and natural surfaces. It sees heavy equestrian use. Barbed wire fencing separates the trail from adjacent cornfields. User groups include cross-country skiers, horseback riders, bicyclists, snowmobilers, pedestrians. Primary crops include feed corn and livestock. The trail is occasionally used to move livestock between fields. Dan Riordan, Executive Director of the Catskill Revitalization Corporation, the trail management agency, reports that farmers do cross trail with tractors and ride along the trail for short distances, and this has not been a problem. There have been no trespassing issues on farms.

NORWOTTUCK RAIL TRAIL

Hampshire County, MA

This rail-trail is 14.9 miles long and has an asphalt surface. Corn fields are adjacent to portions of the trail. Bob Clark, of the Massachusetts Department of Conservation and Recreation, reports minimal trespassing issues. Occasionally local youth cut through farms to reach the nearby mall.

6 APPENDIX A – SAN DIEGUITO RIVER VALLEY JPA INDEMNIFICATION RESOLUTION

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN DIEGUITO RIVER VALLEY REGIONAL OPEN SPACE PARK JOINT POWERS AUTHORITY ADOPTING DESIGN INDEMNITY RE MULE HILL TRAIL

WHEREAS, the San Dieguito River Valley Regional Open Space Park Joint Powers Authority ("JPA") is applying for a Site Development Permit ("Permit") from the City of San Diego for the construction of a 9.4 mile trail (the Trail) in the San Pasqual-Lake Hodges Community Planning Area which is a portion of the Trail; and

WHEREAS, conditions 21 through 23 of the City of San Diego ("City") Permit, impose certain design criteria for the design and construction of the Trail; and

WHEREAS, the JPA desires to design and construct portions of the Trail contrary to the normally applicable City requirements for setback and separation from the roadway, and such deviations from the normal design standards have been approved by the City conditioned on the JPA providing the City with design immunity; and

WHEREAS, the City and the affected leaseholders have requested indemnity for any expenses associated with a lawsuit brought against them by any person as a result of the design and construction of the Trail; and

WHEREAS, on June 16, 2000, the Board of Directors of the JPA adopted Resolution No. R00-7 agreeing to provide indemnification to the City and its agricultural leaseholders adjacent to the Trail as set forth in said Resolution, for any expenses associated with a lawsuit brought against them by a Trail user that may occur despite the broad array of statutory immunities; and

WHEREAS, the JPA desires to further indemnify the City and its affected leaseholders for any expenses associated with a lawsuit brought against them by any person as a result of the design and construction of the Trail as set forth in the Resolution.

THEREFORE BE IT RESOLVED THAT, in exchange for approval of the alternative design and construction of the Trail, the JPA shall provide the following additional indemnity and insurance coverage:

1.1 The JPA shall defend, indemnify, protect, and hold harmless the City, its agents, officers and employees, from and against all claims, demands, causes of action, liability or loss

asserted or established for damages or injuries to any person or property arising out of the design, construction and maintenance of the Trail. Claims, demands, causes of action, liability or loss that arise from, are connected with, or are caused or claimed to be caused by the acts or omissions of the JPA, the JPA's agents, officers and employees with respect to the design, construction and maintenance of the Trail are covered. Also covered are the claims, demands, causes of action, liability or loss arising from, connected with, caused by, or claimed to be caused by the active or passive negligent acts or omissions of the City, its agents, officers, or employees which may be in combination with the negligence of the JPA, its employees, agents or officers, or any third party. The JPA's duty to defend, indemnify, protect and hold harmless shall not include any claims or liabilities arising from the established sole negligence or sole willful misconduct of the City, its agents, officers or employees.

1.2 The JPA further agrees that the indemnification agreement referred to in Section 1.1 and the duty to defend the City require the JPA to pay any costs the City incurs that are associated with enforcing the indemnification provision, and defending any claims arising from the design, construction and maintenance of the Trail. If the City chooses, as its own election, to conduct its own defense, participate in its own defense or obtain independent legal counsel in defense of any claim related to work provided under this Agreement, the JPA agrees to pay the reasonable value of attorneys' fees and all of the City's reasonable costs to the extent covered by the JPA's insurance.

2. The JPA shall maintain a policy of public liability and property damage insurance, in which the City is named as an additional insured and secured in an amount of not less than \$5 million.

3. All provisions of the indemnification agreement adopted by Resolution No. R00-7 remain in effect, except for #4, provided that the claimant/employee, agent, invitee or relative of the indemnified party was injured or damaged as a result of the alternative design, construction, or maintenance.

PASSED AND ADOPTED this _____ day of _____, 2001, by the following vote: _____ AYES; _____ NOES; _____ ABSENT; _____ ABSTAINED

CHAIR, SAN DIEGUITO RIVER VALLEY
REGIONAL OPEN SPACE PARK JPA BOARD
OF DIRECTORS

ATTEST:

CLERK, SAN DIEGUITO RIVER VALLEY
REGIONAL OPEN SPACE PARK JPA BOARD
OF DIRECTORS

7 APPENDIX B – MONTEREY BAY SANCTUARY SCENIC TRAIL NETWORK MASTER PLAN EIR MITIGATION MONITORING AND REPORTING PROGRAM

Mitigation Measure/Condition of Approval	Action Required	When Monitoring to Occur	Monitoring Frequency	Responsible Agency or Party
AGRICULTURAL RESOURCES				
AG-1(a) Placement of Fencing: Placement of fencing shall be located in a manner which minimizes impacts related to accessibility to farmland and use of farming equipment (e.g., allowing turning radius area for farm equipment).	Review construction plans	During plans, specifications, and estimates for each segment	Once for each segment	Implementing Entity and/or RTC
AG-3(a) Notice of Agricultural Activities. The following information shall be added to the proposed notices on on-going agricultural activities: <ul style="list-style-type: none"> Trail users are advised to stay on the trail and be alert to operating machinery and equipment near the trail. Trail users are required to use restroom facilities in consideration of food hygiene issues on adjacent agricultural lands. Where dogs are not prohibited, trail users are required to clean up after their dogs and prevent trespass by dogs on adjacent agricultural properties in consideration of food hygiene issues on adjacent agricultural lands. The legal ramifications for trespassing on adjacent properties. The legal ramification for trespassing or being on the trail after it is closed. 	Install signs along trail	Prior to trail opening	Once for each segment	Implementing Entity and/or RTC
AG-3(b) Landscaping Coordination. For segments adjacent to agricultural operations in the northern and Watsonville reaches, any ornamental plant material used along the trail shall be comprised of native and indigenous species. The selected plant palette shall be reviewed by the Agricultural Commissioner's office prior to approval of landscape plans. Any plant material which may host pests destructive to agriculture shall be prohibited.	Review landscaping plans	During plans, specifications, and estimates for each segment	Once for each segment	Implementing Entity and/or RTC, Agricultural Commissioner
AG-3(c) Chemical Spraying Impact Reduction Options. On a case-by-case basis, the RTC and/or implementing entity for segments adjacent to agricultural operations shall work with the Agricultural Commissioner's office and adjacent farmers to reduce impacts to trail users from agricultural spraying, including pesticides. Non-buffer options shall be considered, including the use of alternative methods of pest and weed control and/or an agreement that farmers notify the Agricultural Commissioner's office or Trail Manager in advance of proposed agricultural spraying within 100 feet of the trail. This would allow the Agricultural Commissioner's office, in accordance with existing requirements, to inform the RTC and/or implementing or managing entity of all spraying within 100 feet of the trail so that appropriate action can be taken (e.g., posting notices or closure of that segment of the trail).	Coordinate with Agricultural Commissioner's office and adjacent farmers to consider non-buffer spraying reduction options	As needed	As needed	Implementing Entity and/or RTC, Agricultural Commissioner

Document source: <http://www.sccrtc.org/wp-content/uploads/2013/05/MBST-MMRP-Final.pdf>

**AMENDMENT NO. 1 TO
INTERGOVERNMENTAL AGREEMENT FOR SERVICES
(Department of Community Justice and Chehalem Parks & Recreation District)**

THIS AMENDMENT NO. 1 ("Amendment #1") shall be made effective as of July 1, 2019 by and between **Yamhill County**, a political subdivision of the State of Oregon, acting by and through its Department of Community Justice ("DCJ") and **Chehalem Parks and Recreation District** ("CPRD") 125 Elliott Road, Newberg, Oregon 97132, Tax ID 930562211

RECITALS

A. DCJ and CPRD are parties to that certain contract dated September 16, 2015 (the "Underlying Contract"), pursuant to which DCJ provides CPRD with landscaping services with the use of county inmate work crews under the supervision of DCJ. The Underlying Contract is memorialized in Yamhill County records as Board Order 15-374.

B. DCJ and CPRD now desire to modify the Underlying Contract upon the terms and conditions more particularly set forth herein below.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein below and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Section 2 of the Underlying Contract is hereby amended to reflect that DCJ will now be providing services on a 6 day a week coverage schedule, working the equivalent of six ten hour shifts per week, one 10 hour shift per day.

The balance of Section 2 remains unchanged.

2. Section 3 of the Underlying Contract is hereby amended to increase the monthly fee to \$11,000 per month beginning July 1, 2019 through June 30, 2020 and, unless otherwise terminated as provided herein, to increase the fee to \$14,500 per month beginning July 1, 2020 through June 30, 2021. The not to exceed amount of \$90,000 is hereby deleted.

The balance of Section 3 remains unchanged.

3. Ratification. Except as otherwise expressly modified by the terms of this Amendment #1, the Underlying Contract shall remain unchanged and continue in full force and effect. All terms, covenants and conditions of the Underlying Contract not expressly modified herein are hereby confirmed and ratified and remain in full force and effect, and constitute valid and binding obligations of DCJ and CPRD enforceable according to the terms thereof.

4. Authority. DCJ and CPRD and each of the persons executing this Amendment #1 on behalf of DCJ and CPRD hereby covenants and warrants that: (i) such party has full right and authority to enter into this Amendment #1 and has taken all action required to authorize such party (and each person executing this Amendment #1 on behalf of such party) to enter into this Amendment #1, and (ii) the person signing on behalf of such party is authorized to do so on behalf of such entity.

5. Binding Effect. All of the covenants contained in this Amendment #1 shall be binding upon and shall inure to the benefit of the parties hereto and their respective heirs, legal representatives and permitted successors and assigns.

6. Counterparts. This Amendment #1 may be executed in multiple counterparts, each of which shall be an original, but all of which shall constitute one and the same Amendment #1.

7. Recitals. The foregoing recitals are intended to be a material part of this Amendment #1 and are incorporated herein by this reference.

IN WITNESS WHEREOF, the parties have executed this Amendment #1 on the dates set forth adjacent to their signatures below.

**CHEHALEM PARKS AND
RECREATION DISTRICT**

Don Clements, Superintendent
Date: _____

Tax ID: 930562211

APPROVED AS TO FORM:

By: _____
CHRISTIAN BOENISCH, County Counsel

**YAMHILL COUNTY
BOARD OF COMMISSIONERS**

Mary Starrett, Chair
Date: _____

**DEPARTMENT OF COMMUNITY
JUSTICE**

By: _____
JESSICA BEACH,
Community Justice Director



503-537-2909
fax 503-538-9669
125 South Elliott Road
Newberg, OR 97132
cprdnewberg.org

April 5, 2021

Dear Neighbor:

CPRD is working with City of Newberg and Yamhill Parkway Committee on a proposed walking and bicycling trail that continues earlier coordination between CPRD and ODOT on the Newberg-Dundee Bypass. The goal of this work is to provide a safe pedestrian and bicycling connection between Newberg and Dundee. A funding opportunity has come up, and we would like to have your input and ask that you provide your responses to the project by April 14th.

Attached is a conceptual drawing map of the proposed trail. Most of the trail would fall in ODOT right-of-way, and a short portion is adjacent to private property.

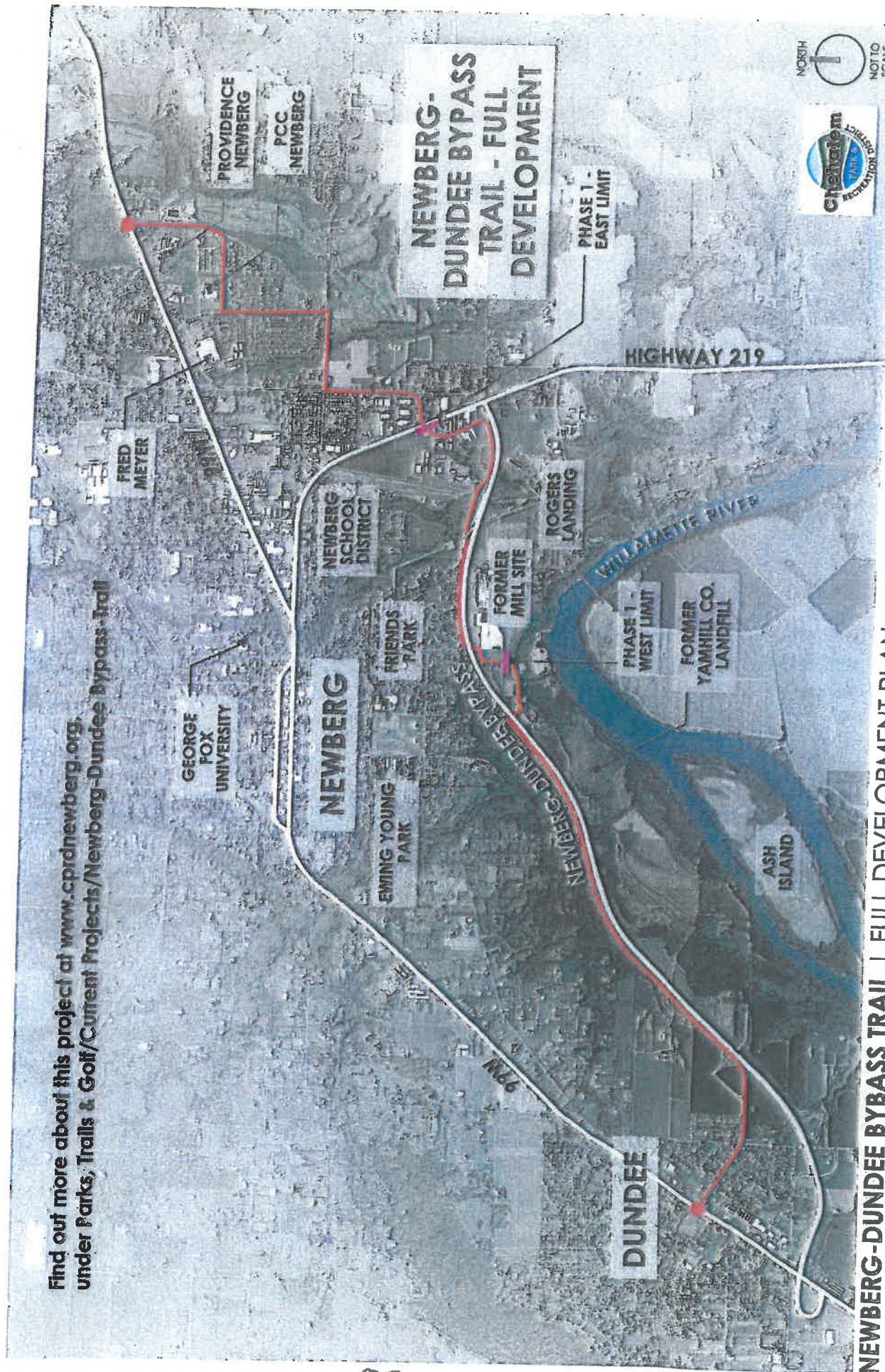
We would like to know if this project is something that you are fine with, have questions about, or have concerns about. We would very much appreciate your participation in this discussion. Please take a moment and fill out the brief questionnaire below. You may return it to us by mail, email or in person. You are welcome to contact our office by phone (971.832.4222) or email (kricker@cprdnewberg.org) if you have questions or would like assistance submitting your responses.

Thank you for your time.

Sincerely,

Kat Ricker, Public Information Director

Find out more about this project at www.cpridnewberg.org.
under Parks, Trails & Golf/Current Projects/Newberg-Dundee Bypass Trail



NEWBERG-DUNDEE BYPASS TRAIL | FULL DEVELOPMENT PLAN

Dear Neighbor:

CPRD began the planning for the Chehalem Heritage Trail network over ten years ago. We will be doing more outreach as time goes on. Please visit our website for more details on the project.

About the project

Total Cost: \$2,600,200.00

The proposed Newberg-Dundee Bypass Trail has been developing through years of discussions between municipal agencies from local to state levels, as well as community partners, and the foundational work of Yamhill County Parkway Committee. This trail would run from Industrial Parkway, beneath and parallel to the bypass near Wynooski St., and across a new footbridge which would be built over Hess Creek. This trail will connect residential areas to key destinations commercial, employment, and institutional destinations including: Fred Meyer, PCC Newberg and Providence Newberg as well as connections to existing and proposed parks, opening opportunities for recreation and home-to-work and home-to-school routes. The goal is to create a safe and attractive community path that will improve livability by linking South Newberg to the Springbrook area. The net result will be a functional and attractive path over three miles long.

The proposed community path will be practical and cost effective, safe, attractive, and will have minimal environmental impacts. It will serve as a connection point for commuting between communities. Completion of the full development will provide a safe and attractive, and primarily physically separated path, connection between Newberg and Dundee.

Safety enhancement - This project is needed to provide a safe east-west connection for pedestrians and bicyclists over Hess Creek canyon. Phase 1 will safely connect Newberg residents to schools, employment centers, civic areas and parks.

Bicyclists - The Phase 1 Newberg-Dundee Bypass Trail (NDBT) will provide a much-needed multiuse community path connecting Newberg residents with schools (Edwards Elementary School, PCC Newberg), employment centers (Newberg SD, Providence Newberg, Fred Meyer, others); civic areas and parks.

The project has been endorsed by Yamhill County Parkway Committee, City of Newberg, Yamhill County Commissioner Casey Kulla, Tualatin Valley Fire & Rescue, Friends of Yamhelas-Westsider Trail, and Taste of Newberg.



503-537-2909
fax 503-538-9669
125 South Elliott Road
Newberg, OR 97132
cprdnewberg.org

Questionnaire on Proposed Newberg-Dundee Bypass Trail

*Please submit to Kat Ricker, CPRD Public Information Director, by April 14th.
Use the enclosed self-addressed stamped envelope, or scan and email to kricker@cprdnewberg.org.
Phone us with questions at 971.832.4222.*

Name _____

Address _____

Date _____

I have reviewed the conceptual plan for the proposed Newberg-Dundee Bypass Trail, and

___ A. It seems fine to me at this time.

___ B. I have questions about it.

___ C. I have concerns about it.

Comments and questions are welcome.



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Phone us with questions at 971.832.4222.

Name Kay and Tom Edwards

Address P.O. Box 455 Dundee Oregon

Date _____

I have reviewed the conceptual plan for the proposed Newberg-Dundee Bypass Trail, and

☐ A. It seems fine to me at this time.

☐ B. I have questions about it.

☒ C. I have concerns about it.

Comments and questions are welcome.



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Phone us with questions at 971.832.4222.

Name Juni Jones

Address _____

Date April 10, 2021

I have reviewed the conceptual plan for the proposed Newberg-Dundee Bypass Trail, and

☐ A. It seems fine to me at this time.

☒ B. I have questions about it.

☐ C. I have concerns about it.

Comments and questions are welcome.

How will you keep homeless from making
camps along the area? Similar to the
problems with the Springwater Corridor
in Portland. Safe for users & welcome
would be a concern



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Phone us with questions at 971.832.4222.

Name CRAIG H. PUBOLS

Address 2075 N.W. HIGH HEAVEN RD., McMinnville, Or. 97128

Date APRIL 11, 2021

I have reviewed the conceptual plan for the proposed Newberg-Dundee Bypass Trail, and

☐ A. It seems fine to me at this time.

☐ B. I have questions about it.

☒ C. I have concerns about it.

Comments and questions are welcome.

I OWN A RENTAL HOUSE AT 1100 E. 11TH ST. NEWBERG,
RIGHT BESIDE THE PROPOSED TRAIL. I AM OPPOSED TO
THIS PLAN BECAUSE I BELIEVE IT WILL EVENTUALLY BECOME
A HOMELESS CAMP JUST LIKE THE PUBLIC LANDS IN
PORTLAND.

88



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Questionnaire on Proposed Newberg-Dundee Bypass Trail

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Use the enclosed self-addressed stamped envelope, or scan and email to kricker@cprdnewberg.org.
Phone us with questions at 971.832.4222.*

Name Mark Thomas

Address 23555 NE Highway 240, Newberg 97132

Date 4/10/21

I have reviewed the conceptual plan for the proposed Newberg-Dundee Bypass Trail, and

☒ A. It seems fine to me at this time.

☐ B. I have questions about it.

☐ C. I have concerns about it.

Comments and questions are welcome.



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Phone us with questions at 971.832.4222.

Name Debby Dieckman

Address 1401 E. 11th St. Newberg

Date 4-11-2021

I have reviewed the conceptual plan for the proposed Newberg-Dundee Bypass Trail, and

☒ A. It seems fine to me at this time.

☐ B. I have questions about it.

☐ C. I have concerns about it.

Comments and questions are welcome.

Sounds like a great idea! We really need safer, and more walking trails.



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Please submit to Kat Ricker, CPRD Public Information Director, by April-14th.

Use the enclosed self-addressed stamped envelope, or scan and email to kricker@cprdnewberg.org.

Phone us with questions at 971.832.4222.

Name Steve Gronli

Address 1145 Industrial Pkwy, Newberg 97132

Date 4/13/21

I have reviewed the conceptual plan for the proposed Newberg-Dundee Bypass Trail, and

☒ A. It seems fine to me at this time.

☐ B. I have questions about it.

☐ C. I have concerns about it.

Comments and questions are welcome.



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Please submit to Kat Ricker, CPRD Public Information Director, by April 14th.

Use the enclosed self-addressed stamped envelope, or scan and email to kricker@cprdnewberg.org.

Phone us with questions at 971.832.4222.

Name Ed Bartholemey

Address 1150 Industrial Parkway Newberg
mailing: 18485 SW Gcholls Ferry Rd Beaverton, OR 97007

Date 4/14/21

I have reviewed the conceptual plan for the proposed Newberg-Dundee Bypass Trail, and

☐ A. It seems fine to me at this time.

☐ B. I have questions about it.

☒ C. I have concerns about it. - we have concerns about mixing pedestrians with industrial uses. There is substantial truck traffic & other

Comments and questions are welcome. equipment often used in this area.
This could create a safety hazard for
Pedestrians

Parks Activity Report, March/April 2021

Scout House Repairs

Roof repairs complete. PGE has installed the new meter base. Electrical work complete. completion in 1 week.

Crabtree park

We have been working with Page Knudsen, Yamhill County with a culvert repair on Knudsen lane at the entrance to the Park. We have come to find that there is no legal easement for the use of the shared driveway owned by Knudsen Vineyards. Page has had her Lawyer draft an easement for the shared access of the property and we are working on engineering and replacing the Culvert at the entrance to Knudsen Lane. It is according to ODF&W a fish bearing stream and the culvert has to comply with the regulations- increase culvert size and mirror existing streambed. I accepted the AKS Engineering Proposal as the Culvert Replacement Project engineers. They have completed the topographic survey and will be preparing the ODFW fish passage exemption requests over the next few weeks. The OFWD exemption would allow us to replace the culvert 'in-kind' rather than constructing a new fish culvert. If the exemption is not accepted further engineering and streambed reparations will have to occur

Aquatic and Fitness Center, Cultural Center

We had some troubles with the automated filtering system and it resulted in a pool closure(water clarity issues) and had to shut down the comp pool for 1.5 days. We have resolved the issues, everything is well with the pools and operating as intended. we are still having HVAC issues and are trying to resolve.

Edwards School Playground

Playground Equipment has been installed will be pouring footings Tuesday April 20 with Chips to be installed the following week. Slight delay from the Ice storm and resulting cleanup. We have been working with the School district, and the Edwards Playground Committee to accomplish this.

Development

Kat and Paul Agrimus have been working on a Grant to fund the Hess Creek crossing on the Newberg/Dundee bypass trail. It was discussed at the Newberg City Club meeting and we were invited by Mary Starrett to present to the Yamhill County Commission February 4th. Rick Rogers asked the Newberg City Council for their support of the project at the Newberg City Council meeting January 19th. We asked for funds to help with our required match. While the Council Approved the letter of support for CPRD Grant application to Connect Oregon to build the trail bridge, they did not commit any funding at this time. We have presented to Yamhill County Commissioners the result was that Mary and Lindsay were not in favor of a letter of support and the Commissioners voted 2 to 1 No. Casey did provide his own letter of support earlier in the process. We have not recieved the Grant but are # 1 on the contingency list if

anymore funding becomes available. We had a Sander development team meeting after the last Board meeting to discuss changes before submitting for land use approval from the city of Dundee. SEA has met with the City of Dundee Planner and is currently working on some revisions to submit to the planning committee and County at the end of the month. Don and I met with Rob Daykin to share the proposed design ideas that of removing the "Amphitheater" and providing a "viewing Terrace" with a water feature of some kind. We also discussed improvements to 5TH St. and showing the easement on Greystone Place but not actually construction of the roadway in preparation for a development agreement. The Dundee Parks Board met March 3rd and I informed them of the changes to the Sander plan and they were fully in support of the proposal. I will share more as I receive updates.

Parks

We have been busy preparing fields for a busy spring (soccer, baseball, lacrosse) and 'camps' are starting up. We continue with Edwards Playground in our spare time.

Chehalem Glenn

Golf Course is doing well. Play is steady day to day. Roof skins for the Event tent from Rainier Industries have been installed with side panels to be installed next week. Aeration of greens and tees was completed Wednesday March 24 and open for play again on the 25th, fairway aeration will be completed over the next Month. We had a trailer and Gator stolen from the Golf course on March 30th. We will have to replace. They are insured.

Parks Summary

Month of: March/April 2021

Park Name	Hours worked
Armory	12.00
Billick/Dundee	30.00
CAFC	122.00
Cultural Center	24.00
Chehalem Valley M.S	8.00
College	6.00
Community Center	10.00
Crabtree	24.00
Crater Ballfields	44.00
Dundee Park	6.00
Dundee River Park	0.00
Elliott Road	10.00
Ewing Young	36.00
Falcon Crest Park	6.00
Fortune Park	4.00
Friends Park	10.00
Tom Gail Park	12.00
Gladys Park	2.00
Chehalem Glenn G.C.	60.00
Herbert Hoover Park	16.00
Jaquith Park	32.00
Jaquith Ball Fields	40.00
Memorial/Scout House	6.00
Mountainview	4.00
Oak Knoll Park	2.00
Oaks Park	6.00
Other District Land	16.00
Pre-School	20.00
Pride Gas	6.00
Renne Fields	8.00
Riley Park	122.00
Rotary Park	4.00
Sander Park	4.00
Schaad Park	2.00
Scott Leavitt Park	4.00
Senior Center	24.00
Spring Meadow	8.00
Waste Mngt	6.00
vacation/holiday/sick/comp	96.00
Wilsonville Property	8.00
Youth Building	6.00
<u>Total</u>	866.00

95

Aquatic & Fitness Center

- Yamhill County moved to moderate risk March 12 and was downgraded two weeks later to low risk
- This allows us to have more people in any given air space.

Fitness Center

- Sports courts, weight room, Skytrack and cardio equipment remain open for use on a drop-in basis
- Drop-in studio classes include: Barre Fusion, Zumba, and Low Impact Aerobics.
- Yoga classes available by reservation.

Aquatic Center

- Aquatic Wing Recap
 - Comp pool opened February 8
 - Leisure pool opened March 8
- Programs by reservation:
 - Lap swim continues in the comp pool
 - Shallow X, Deep X and Aqua Zumba
 - Classes begin second week of March
 - Lazy River and Leisure Lap swim
 - This program houses limited numbers due to COVID
 - Public Swim
 - Returned in time for spring break
 - Increase attendance to a max of 70
 - Well attended!
- Programs by drop-in:
 - Leisure lap and fitness swim
 - Senior & Disabilities Swim
 - Toddler Time
- Programs by registration:
 - Small group and private swim lessons return to the line-up for the first time since fall
 - Moderate attendance number for spring break (39)
 - Lifeguard Training
 - We had 5 successful candidates go through our spring break program
 - Spring swim lessons began March 30 & April 2
 - Small group and private lessons
 - Two formats offered
 - Tu/Th for six 30-minute lessons (3 weeks)
 - Fri for four 45-minute lessons (4 weeks)
 - Cost = \$66/\$76

Memberships

- Sales were low in March
- Membership sales the first part of April begin to pick-up with reminder calls from our receptionist team

Program Development & Registration

- Spring swim lesson registration is open
- Spring weekend schedule is under development
 - Hoping to open on weekends about May 1
- Summer program and scheduling are under development

Clubs/Teams

- Spring team practices began March 29 for
 - Chehalem Swim Team
 - Newberg High School Water Polo
- GFU Season completed
 - GFU swim team finished up their season on April 3
 - They hosted three very successful dual swim meets
 - March 6, March 20, and March 27
 - GFU installed cameras for live streaming of their events

Aquatic & Fitness Center Staff

- Additional staff were on boarded when the leisure pool re-opened
- Spring training (part two) took place on Saturday and Sunday March 6 and 7
- With the staff attrition we experienced over the last 6 months we hired four new lifeguards March 1

Special Events

- None

Management Projects

- Our biggest project for the month was getting the leisure pool up and running after being closed for 15+ weeks; closely monitoring all activities in the leisure pool
- Prepping summer staff training and onboarding
- We assisted the reception desk during busy periods

Financial Reports

Reports have been prepared as a separate document

Respectfully Submitted by,
Tara Franks, Coordinator
Chehalem Aquatic & Fitness Center

[illegible]98

Activity Financial Report - March 2021		Department - Aquatics 451					
COVID-19 - Facility Open							
REVENUE		Mar 20	Mar '21	Yr to Date '19/20	Yr to Date '20/21	Year End 18/19	Year End 19/20
Aquatics - 451:							
451.003 Youth Fitness							
451.004 Gray & Golden							
451.006 Group Fitness (Studio)	\$130.00			\$1,335.00	\$212.00	\$124.00	\$1,379.00
451.007/291 Water Exercise	\$126.00		\$98.50	\$399.00	\$187.50		\$430.00
451.008 Weight Training	\$190.50		\$126.00	\$3,582.00	\$882.00	\$7,766.50	\$3,624.00
451.011 Private Swim Lessons	\$1,703.00			\$22,492.00	\$2,386.00	\$13,641.00	\$22,848.50
451.012 Optum Fitness Advantage*	\$5,416.50		\$17.00	\$34,852.00	\$5,403.80	\$61,166.69	\$35,393.00
451.013 Water Safety	\$2,288.00		\$420.00	\$14,336.00	\$4,316.00	\$5,585.00	\$15,892.00
	\$1,285.00		\$675.00	\$4,675.35	\$3,285.00	\$2,789.82	\$5,375.35
451.014 SilverSneakers - Tivty*	\$583.50			\$3,526.00	\$1,512.28	\$1,842.50	\$4,291.00
451.015 Silver&Fit - ASH*	\$6,606.00		\$3,711.00	\$51,162.00	\$18,052.50	\$22,578.00	\$59,067.02
451.016 Water Polo	\$441.00		\$1,469.50	\$16,357.20	\$4,740.00	\$21,433.46	\$16,357.20
451.017 GFU	\$7,500.00			\$35,162.25	\$14,608.00	\$39,484.00	\$39,072.25
451.018 Newberg High School						\$81.00	
451.019 School Districts						\$4,301.00	
451.020 Locker Income	\$812.00			\$812.00			\$812.00
451.021 Locker Rental							
451.023 Pool Rental	\$2,373.00			\$18,541.00	\$51,009.49	\$33.00	\$19,431.00
451.024 Classroom Rental	\$121.25			\$9,062.26	\$150.00	\$20,347.70	\$7,501.01
451.025 Sauna/Spa	\$276.00			\$4,757.10		\$6,412.90	\$4,757.10
451.026 Special Events				\$100.00		\$80.00	\$100.00
451.027 Repasses				\$25.00		\$150.00	
451.061 Vending						\$1,140.48	
451.200 Aquatics Misc						\$200.00	
451.280 Sales	\$317.00		\$261.00	\$5,832.50	\$1,492.49	\$7,065.00	\$6,024.49
451.281 CST/CVA	\$33.00			\$10,855.95	\$20,132.25	\$15,430.00	\$10,855.95
451.282 Swim Lessons	\$10,003.35		\$2,744.50	\$100,307.71	\$23,879.50	\$151,807.90	\$102,088.91
451.283 Lap Swim	\$586.00		\$728.00	\$12,481.75	\$21,458.50	\$16,778.42	\$15,525.25
451.284 Public Swim	\$3,235.25		\$1,794.00	\$85,396.00	\$20,024.50	\$151,618.64	\$85,411.00
451.285 Equipment Rental							
451.286 Membership Sales	\$33,505.10		\$9,059.50	\$265,787.20	\$79,258.40	\$231,824.64	\$284,774.00
451.287 Weight Room	\$751.00		\$994.00	\$13,280.50	\$6,030.59	\$7,481.00	\$14,545.50
451.289 Punch Cards - General	\$2,990.00		\$581.00	\$30,900.51	\$12,240.00	\$29,174.90	\$32,136.51
451.290 Gift Certificates							
451.292 Preschool Swim Lessons							
451.294 SUP Yoga/Fencing				\$13,512.20			\$13,512.20
451.296 Patio Rental	\$6.50		\$1,165.00	\$3,999.75	\$1,165.00	\$640.00	\$3,999.75
451.293/425 Basketball Court	\$963.50		\$96.50	\$11,472.75	\$1,518.50	\$3,868.30	\$11,663.75
451.285/426 Pickleball Court	\$98.00			\$1,429.05	\$26.00	\$485.50	\$1,429.05
451.021/427 Volleyball Court	\$42.00			\$403.00		\$214.00	\$403.00
451.428 SlyTrack				\$6.50		\$14.00	\$6.50
451.429 Fencing	\$392.50			\$662.50			\$890.30
451.666 CC Fees	\$145.34			\$640.32	\$120.00		\$555.31
TOTAL AQUATIC REVENUE	\$82,629.61		\$23,940.50	\$776,963.71	\$293,850.30	\$837,860.35	\$819,066.28
							\$965,590.00

Activity Financial Report - March 2021				Department - Aquatics 451				
COVID-19 - Facility Open								
EXPENDITURES	Mar 20	Mar 21	Yr to Date '19/20	Yr to Date '20/21	Year End 18/19	Year End 19/20	Est June 2021	
Aquatics - 451:								
Personnel Services								
Aquatic Supervisor	\$1,532.50	\$1,533.44	\$13,563.91	\$13,486.75	\$17,209.44	\$18,161.41	\$19,166.00	
Admin Coordinator 451.110032						\$503.70		
Secretary I	\$2,891.32		\$19,233.01		\$18,760.83	\$27,906.97		
Secretary II			\$21,614.91		\$30,126.77	\$21,614.91		
Aquatic Coordinator	\$3,761.50	\$3,761.48	\$32,965.17	\$36,603.24	\$42,098.37	\$44,146.56	\$47,066.00	
Aquatics Specialist	\$3,090.66	\$3,090.66	\$27,217.07	\$30,062.94	\$34,510.41	\$35,985.33	\$38,722.00	
Guards	\$12,021.13	\$8,063.78	\$142,218.44	\$70,309.87	\$181,090.90	\$146,903.66	\$178,471.00	
Cashiers	\$7,669.85		\$59,478.01	\$57,179.60	\$57,179.60	\$62,866.10		
Instructors	\$4,908.49	\$197.51	\$44,750.03	\$12,817.93	\$58,787.83	\$45,056.24	\$67,429.00	
Coaches			\$725.34		\$1,143.07	\$725.34	\$1,710.00	
Group Fitness Instructors	\$1,251.20	\$151.72	\$10,186.66	\$5,850.26	\$503.63	\$10,725.12	\$18,638.00	
Personal Trainer	\$204.00	\$19.13	\$866.75	\$929.17		\$866.75	\$2,750.00	
FC Monitor	\$0.00	\$853.40	\$69.52	\$25,332.29		\$5,211.29	\$12,012.00	
Lead Guard				\$3,557.75			\$36,039.00	
Total Personnel Services	\$37,330.65	\$17,671.12	\$372,888.82	\$198,950.20	\$441,410.85	\$420,673.38	\$422,003.00	
Materials & Services:								
Office Supplies	\$602.76	\$2,273.33	\$4,172.19	\$3,717.67	\$4,229.19	\$4,524.37	\$5,510.00	
Postage Supplies	\$49.95	\$4.95	\$215.10	\$89.10	\$278.84	\$273.40	\$4,450.00	
Program Supplies	\$1,417.98	\$143.00	\$11,738.98	\$10,850.58	\$11,688.40	\$12,627.25	\$15,000.00	
Small Tools				\$75.86				
Chemical & Agricultural Supplies	\$2,449.29	\$3,891.33	\$21,775.09	\$20,659.47	\$28,883.48	\$26,447.01	\$29,900.00	
Store Supplies	\$298.21		\$3,099.92	\$1,306.70	\$6,572.47	\$3,099.92	\$7,500.00	
Classifieds			\$57.25			\$57.25	\$625.00	
Brochure					\$386.09		\$1,450.00	
Flyers	\$98.98	\$112.10	\$1,046.29	\$487.13	\$1,241.25	\$1,318.30	\$4,850.00	
Professional Dues	\$36.70	\$586.65	\$3,268.28	\$3,645.83	\$4,289.68	\$3,487.28	\$3,810.00	
Conference/Workshops		\$300.00	\$902.50	\$179.04	\$1,178.67	\$902.50	\$1,200.00	
Staff Mileage			\$251.10	\$10.26	\$176.75	\$270.28	\$350.00	
Staff Expenses		\$21.14	\$663.53	\$1,388.81	\$1,114.86	\$673.69	\$1,000.00	
Utilities:								
Electricity	\$22,497.01	\$14,568.84	\$188,001.06	\$163,025.06	\$245,129.42	\$232,937.77	\$257,816.00	
Natural Gas	\$1,200.17	\$5,783.37	\$8,032.78	\$24,547.68	\$33,649.02	\$12,494.45	\$24,516.00	
Water/Sewer	\$3,813.07	\$2,206.27	\$36,547.27	\$30,536.92	\$37,750.63	\$48,717.38	\$54,783.00	
Telephone	\$326.60	\$428.07	\$3,097.13	\$2,789.59	\$4,156.44	\$4,089.38	\$3,780.00	
Fees (activene/bank/cc)	\$5,482.75	\$2,135.81	\$46,906.05	\$18,161.99	\$48,912.30	\$50,894.60	\$37,910.00	
Internet & Communication		\$1,315.21	\$366.67	\$1,350.21		\$393.94	\$712.00	
Data Storage & Backup							\$38.00	
Video & Online Photography	\$19.08	\$19.08	\$95.41	\$171.72		\$133.57	\$237.00	
Online Advertising			\$82.91			\$82.91	\$262.00	
Ground Main/Repairs					\$2,574.40			
Program Contracts 451.380.003	\$3,659.25		\$12,505.53	\$652.03	\$7,623.76	\$13,531.53	\$22,000.00	
Insurance Services			\$37,819.66	\$37,674.92	\$48,439.49	\$37,819.66	\$33,766.00	
Refunds			\$167.00	\$1,089.00	\$131.00	\$6,200.76	\$450.00	
Total Materials & Services	\$41,951.80	\$70,483.71	\$380,811.70	\$322,409.57	\$488,406.14	\$460,977.20	\$511,915.00	
TOTAL AQUATIC EXPENDITURES	\$79,282.45	\$88,154.83	\$753,700.52	\$521,359.77	\$929,816.99	\$881,650.58	\$933,918.00	



Adult Sports

April 2021 Activity Report, Department 452

Department 452 Participation Tracking		March 2021	
Activity	Participants	Participant Hours	
Total	00	00	
Department 452 Financial Tracking		March 2021	
Supervisory Staff Expense	300		
Administrative Staff Expense	160		
Part Time Staff Expense	00		
Material Expense	5725		
Total Expense	6185		
Program Revenue	4730		
Net	(1455)		
Cost Per Participant	00		
Cost Per Participant Hour	00		

Department 452 – Adult Sports

There were no adult sports activities scheduled during the month of February.

Registration has opened for Men's league softball.

The Camellia Run registration closed at the end of March

We are expecting 40% turnout for the Cam run.



Youth Sports

April 2021 Activity Report, Department [453](#)

Department 453 Participation Tracking	March 2021	
Activity	Participants	Participant Hours
Basketball Academy	110	150
Youth Lacrosse	50	500
Totals	160	650

Department 453 Financial Tracking	March 2021	
Supervisory Staff Expense	5240	
Administrative Staff Expense	3140	
Part Time Staff Expense	50	
Program/Materials Expense	10335	
Total Expense	18765	
Program Revenue	18750	
Net	(15)	
Cost Per Participant	(.09)	
Cost Per Participant Hour	(.02)	

Department 453 – Youth Sports

The Basketball Academy will finish its 6 week run on April 2.

Our new Spring Soccer program closed registration in March 28 with 530 registered participants.

The youth lacrosse program finally received approval from the State of Oregon. We have 50 registered players who began practicing in March

March 2021 Activity Report

455 Care	March 2021	Fiscal Year To Date
Supervisory Staff	638.94	5616.54
Recreation Coordinator		
Care Director	2260.21	
Care Technician	0	
Part Time Staff Expense	22689.92	
Fringe		
program Expense	7181.82	
Utilities Expense		
Total Expense		
Program Revenue	26,636.17	219,075.49
Rental Revenue	0	0
Net		

474 Pre School	March 2021	Fiscal Year To Date
Supervisory Staff	0	0
Admin Staff Expense	2293.28	0
Pre School Instructor	0	
Fringe	361.02	
program Expense		
Utilities Expense	1621.50	
Total Expense	0	
Program Revenue	1,756	23,101.48
Rental Revenue	0	0
Net		

Care

Total enrollment at our Mable Rush Elementary Care Site stands at 79 registered participants and we average 45 students a day in attendance.

Total enrollment in Pre-K Care site stands at 13 registered participants and we average 9 participants in attendance a day.

Bonne Benedict Preschool

Total enrollment in our 3 year old preschool class stands at 7 students.

Total enrollment in our 4 year old preschool class stands at 12 students.

School Year Care 2020-2021

We were notified March 1st that public grade schools would be transitioning away from Distance Learning into Hybrid Learning. This transition would begin for Kindergarteners on March 15th and would include all grade school students on March 29th. Mabel Rush Elem was still able to guarantee the spaces that we have been using. We have a system in place for transporting students from our Care Sites to each grade school and from each grade school back to our Care Sites.

This was a significant transition which spurred both enrollment and additional enrollments in a very short period of time. In order to adapt to the time participant shifts, we will be opening up an additional room for child care beginning May 3rd.

Summer Preschool

IN order to help overcome some of the developmental hurdles presented by Covid 19, we have decided to run a Kindergarten Readiness program this summer. We plan to start this course in June. For the time being we will accept 12 students in this program with the intention of opening up a second class if we get more than 5 students on the wait list.

Respectfully submitted by Matt Compton
Recreation and Care Coordinator

March 2021 Activity Report Department
 454 Recreation,
 456 Senior Center,
 457 Community School

454 Recreation	March-21	Fiscal year
Supervisory Staff Expense	638.94	5,616.58
Recreation Coordinator		11314.40
Part Time Staff Expense	640.48	3417.73
Fringe	1786.97	9496.67
program Expense	3920.82	
Utilities Expense	0	
Total Expense		
Program Revenue	3545.35	20,896.71
Rental Revenue	0	0
Net		
456 Senior Center	March-21	Fiscal year
Recreation Coordinator	319.46	3656.82
Senior Center Specialist	2,425.02	24,913.82
Part Time Staff Expense	0	0
Fringe	406.24	
program Expense		
Utilities Expense	43841.62	
Total Expense	46,992.34	
Program Revenue	4150	30464
Rental Revenue		
Net		
457 Community School	Mar-21	Fiscal year
Supervisory Staff Expense	8630.60	7202.10
Admin Staff Expense	0	0
Part Time Staff Expense	0	0
Fringe		
program Expense		
Utilities Expense	2251.75	0
Total Expense	3146.21	15393.02
Program Revenue	0	0
Rental Revenue	0	0
Net		

Notes:

Senior Center:

All senior center programing has been put on hold/canceled since Mid March with exception of Meals on Wheels and some of our service clinics. Polly's volunteer crew has been wonderfully consistent during this time. The center is open to the public in limited capacity. Everyone is required to wear a mask.

The Newberg Wednesday Market

Registration for the upcoming Wednesday Market opened in Jan 2021. Currently we have 43 vendors registered. Roughly 30 more than we had registered at this time last year.

Plans for the Dundee Friday Night Market are underway. CPRD has submitted permit requests to hold that event at the Sander Estate. 13 vendors have registered so far. A little smaller then what we had hoped but by comparison, last year's Wednesday Market only had 13 vendors registered at this time last year. That market averaged 36 vendors each week.

The Dundee Easter Egg Hung.

Despite having every reason to cancel this Easter egg hunt, the DCC and the Dundee Fire Department each decided to hold a version of this community event. CPRD, DCC, and Dundee Fire volunteers coordinated an Easter egg hunt delivery. About 150 families registered to have our Volunteer group deliver eggs in their yards the Saturday prior to Easter. This is the second year we have ran this version of the Easter egg hunt. Unfortunately, we were not able to do the same in Newberg.

Respectfully submitted by Matt Compton.
 Recreation and Care Coordinator

YTD through March													
	FY2011	FY2012	FY2013	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019	FY2020	FY2021	FY21 v FY20	% Diff
Dry Days	6030	12063	12069	12075	12081	12087	12093						
Starts by Category													
Resident	4425	3443	3881	4382	3677	4708	4529	5449	5670	6839	5697	-1142	-16.7%
Non Resident	14555	10382	13126	10814	9690	9979	8346	9125	5583	5308	6754	1446	27.2%
Group	2637	3027	2331	1656	2029	1791	1748	1049	1535	1273	342	-931	-73.1%
League	611	418	426	403	413	402	305	305	104	86	0	-86	-100.0%
Complimentry	1909	1998	2004	2057	1709	1997	1499	1535	1441	1565	5411	3846	245.8%
Misc/Promotional	4313	6450	3816	3014	7171	5936	4565	5164	9538	8766	13652	4886	55.7%
Total Starts	28450	24137	19268	21768	19292	17518	20992	23374	24494	24481	31856	7375	30.1%
Revenue													
Green Fees	\$ 612,347.00	\$ 568,222.00	\$ 574,883.00	\$ 464,776.00	\$ 525,083.00	\$ 500,568.73	\$ 459,560.00	\$ 478,125.00	\$ 506,220.00	\$ 473,952.00	\$ 592,768.00	\$ 118,816.00	25.1%
Driving Range	\$ 58,273.00	\$ 49,447.00	\$ 55,458.00	\$ 45,734.00	\$ 44,730.00	\$ 45,686.00	\$ 38,281.00	\$ 43,685.00	\$ 51,267.00	\$ 44,229.00	\$ 77,348.00	\$ 33,119.00	74.9%
Rentals	\$ 191,748.00	\$ 162,646.00	\$ 165,755.00	\$ 133,485.00	\$ 138,452.00	\$ 158,929.03	\$ 144,022.41	\$ 153,479.00	\$ 130,143.00	\$ 117,241.00	\$ 207,249.00	\$ 90,008.00	76.8%
Golf Shop	\$ 61,217.00	\$ 56,683.00	\$ 61,112.00	\$ 51,562.00	\$ 57,359.00	\$ 42,364.82	\$ 37,405.00	\$ 44,435.00	\$ 53,257.00	\$ 49,903.00	\$ 69,401.00	\$ 19,498.00	39.1%
Snack Bar	\$ 140,971.00	\$ 142,491.00	\$ 114,329.00	\$ 88,797.00	\$ 100,799.00	\$ 115,050.60	\$ 92,449.00	\$ 104,523.00	\$ 109,922.00	\$ 102,636.00	\$ 107,220.00	\$ 4,584.00	4.5%
Instruction	\$ 13,065.00	\$ 11,672.00	\$ 13,409.00	\$ 12,923.00	\$ 3,778.00	\$ 2,119.00	\$ 1,310.00	\$ 3,970.00	\$ 6,488.00	\$ 4,114.00	\$ 10,065.00	\$ 5,951.00	144.7%
Miscellaneous	\$ 45,761.00	\$ 39,538.00	\$ 35,509.00	\$ (3,324.00)	\$ 10,816.00	\$ (10,595.94)	\$ 10,532.59	\$ 15,126.00	\$ 14,296.00	\$ 13,304.00	\$ 100,747.00	\$ 87,443.00	667.3%
Total Revenue	\$ 1,124,382.00	\$ 1,030,699.00	\$ 1,020,455.00	\$ 793,953.00	\$ 881,027.00	\$ 854,123.24	\$ 783,560.00	\$ 843,343.00	\$ 871,593.00	\$ 805,379.00	\$ 1,164,798.00	\$ 359,419.00	44.6%
\$ per Start													
Green Fees \$ per Start	\$ 21.52	\$ 23.54	\$ 29.84	\$ 21.35	\$ 27.22	\$ 28.57	\$ 21.89	\$ 20.46	\$ 20.67	\$ 19.36	\$ 18.61	\$ (0.75)	-3.9%
Driving Range \$ per Start	\$ 2.08	\$ 2.05	\$ 2.88	\$ 2.10	\$ 2.32	\$ 2.61	\$ 1.82	\$ 1.87	\$ 2.09	\$ 1.81	\$ 2.43	\$ 0.62	34.4%
Rentals \$ per Start	\$ 6.74	\$ 6.74	\$ 8.60	\$ 6.13	\$ 7.18	\$ 9.07	\$ 6.86	\$ 6.57	\$ 5.31	\$ 4.79	\$ 6.51	\$ 1.72	35.8%
Golf Revenue \$ per Start	\$ 30.35	\$ 32.33	\$ 41.32	\$ 29.58	\$ 36.71	\$ 40.25	\$ 30.58	\$ 28.89	\$ 28.07	\$ 25.96	\$ 27.54	\$ 1.59	6.1%
Golf Shop	\$ 2.15	\$ 7.94	\$ 8.44	\$ 7.61	\$ 6.92	\$ 7.90	\$ 7.57	\$ 1.90	\$ 2.17	\$ 2.04	\$ 2.18	\$ 0.14	6.9%
Snack Bar	\$ 4.96	\$ 2.54	\$ 2.94	\$ 2.81	\$ 2.67	\$ 3.27	\$ 2.02	\$ 4.47	\$ 4.49	\$ 4.19	\$ 3.37	\$ (0.83)	-19.7%
Concession Revenue	\$ 7.11	\$ 10.48	\$ 11.38	\$ 10.42	\$ 9.59	\$ 11.18	\$ 9.59	\$ 6.37	\$ 6.66	\$ 6.23	\$ 5.54	\$ (0.69)	-11.0%
Total Revenue \$ per Start	\$ 39.52	\$ 42.70	\$ 52.96	\$ 36.47	\$ 45.67	\$ 48.76	\$ 37.33	\$ 36.08	\$ 35.58	\$ 32.90	\$ 33.09	\$ 0.19	0.6%
GolfNow Barter Rounds	0	0	0	0	0	0	0	1113	1140	1401	1639	238.00	17.0%
The trend continues as we are no up over 44% over last Fiscal YTD. Of course last year we had a slow April and first 2 weeks of May, but still much better than 2020.													

The trend continues as we are no up over 44% over last Fiscal YTD. Of course last year we had a slow April and first 2 weeks of May, but still much higher revenues coming in.

March

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	20 v 19	% Diff
<i>Dry Days</i>	14	6	8	18	11	17	9	5	19					
Starts by Category														
Resident	655	374	351	554	366	454	416	305	481	540	746	234	-512	-68.6%
Non Resident	1001	677	686	1598	504	884	580	426	826	680	517	816	299	57.8%
Group	46	0	0	0	0	60	140	0	19	18	0	0	0	0.0%
League	32	40	16	41	34	51	20	15	16	6	11	0	-11	-100.0%
Complimentry	383	447	456	444	328	301	468	441	329	313	339	523	184	54.3%
Misc/Promotional	584	736	228	246	753	922	695	474	517	1121	1122	1692	570	50.8%
Total Starts	2701	2274	1737	2883	1985	2672	2319	1661	2188	2678	2735	3265	530	19.4%
Revenue														
Green Fees	63298	59541	52379	74374	54989	52887	33543	29062	47348	47012	36608	\$ 49,789	13181	36.0%
Driving Range	6592	6464	6147	11304	8000	8723	6962	4702	8001	8543	5225	\$ 10,485	5260	100.7%
Rentals	14448	10549	8860	17881	12577	13343	13811	8270	13963	13646	9448	\$ 15,721	6273	66.4%
Golf Shop	6047	4389	3773	6983	3818	4254	3791	3013	4741	5644	4405	\$ 7,098	2693	61.1%
Snack Bar	11542	7306	5477	9906	6799	11902	7850	3788	8130	10308	8163	\$ 8,536	373	4.6%
Instruction	1769.5	0	0	325	600	55	205	75	105	105	315	\$ 565	250	79.4%
Miscellaneous	8744.5	16647	4861	-591	-3962	595	1484	18323	2641	2502	1283	\$ 2,818	1535	119.6%
Total Revenue	112441	104896	81497	120182	82821	91759	67646	67233	84929	87760	65447	\$ 95,012	\$ 29,565	45.2%
\$ per Start														
Green Fees \$ per Start	\$ 23.44	\$ 26.18	\$ 30.15	\$ 25.80	\$ 27.70	\$ 19.79	\$ 14.46	\$ 17.50	\$ 21.64	\$ 17.55	\$ 13.39	\$ 15.25	\$ 1.86	13.9%
Driving Range \$ per Start	\$ 2.44	\$ 2.84	\$ 3.54	\$ 3.92	\$ 4.03	\$ 3.26	\$ 3.00	\$ 2.83	\$ 3.66	\$ 3.19	\$ 1.91	\$ 3.21	\$ 1.30	68.1%
Rentals \$ per Start	\$ 5.35	\$ 4.64	\$ 5.10	\$ 6.20	\$ 6.34	\$ 4.99	\$ 5.96	\$ 4.98	\$ 6.38	\$ 5.10	\$ 3.45	\$ 4.82	\$ 1.36	39.4%
Golf Revenue \$ per Start	\$ 31.22	\$ 33.66	\$ 38.79	\$ 35.92	\$ 38.07	\$ 28.05	\$ 23.42	\$ 25.31	\$ 31.68	\$ 25.84	\$ 18.75	\$ 23.28	\$ 4.53	24.1%
Golf Shop \$ per Start	\$ 2.24	\$ 1.93	\$ 2.17	\$ 2.42	\$ 1.92	\$ 1.59	\$ 1.63	\$ 1.81	\$ 2.17	\$ 2.11	\$ 1.61	\$ 2.17	\$ 0.56	35.0%
Snack Bar \$ per Start	\$ 4.27	\$ 3.21	\$ 3.15	\$ 3.44	\$ 3.43	\$ 4.45	\$ 3.39	\$ 2.28	\$ 3.72	\$ 3.85	\$ 2.98	\$ 2.61	\$ (0.37)	-12.4%
Concession Revenue	\$ 6.51	\$ 5.14	\$ 5.33	\$ 5.86	\$ 5.35	\$ 6.05	\$ 5.02	\$ 4.09	\$ 5.88	\$ 5.96	\$ 4.60	\$ 4.79	\$ 0.19	4.2%
Total Revenue \$ per Start	\$ 41.63	\$ 46.13	\$ 46.92	\$ 41.69	\$ 41.72	\$ 34.34	\$ 29.17	\$ 40.48	\$ 38.82	\$ 32.77	\$ 23.93	\$ 28.06	\$ 4.13	17.3%
GolfNow Barter Rounds	61	6	0	46	82	116	126	46	91	121	184	195	\$ 11.00	6.0%

Revenue was very good even without annual pass revenue which typically starts coming in during the month of March. Because of being mostly shut down last April, we moved annual passes from starting on April 1 to starting on May 1. Without that annual pass revenue, it drives down the revenue per start.

Subject: Signage at friends park?
Date: Friday, April 2, 2021 at 11:31:25 AM Pacific Daylight Time
From: rointhesky@yahoo.com
To: Kat Ricker
Attachments: image0.jpeg

Good afternoon,

I live at 776 Corinne dr. Cars have been parking on the path next to our driveway and even sometime driving on to the parks actual path. Today someone came into the path with their car and knocked over the sign. I was hoping some signage maybe used to stop people from doing so and maybe a post to stop cars from going on the path.





Newberg FISH Emergency Service

Friends In Service to Humanity - Newberg's Food Pantry

503.538.4444 • 125-A S Elliott Rd Newberg OR 97132 • newbergfish@frontier.org

March 30, 2021

Casey Creighton and Richard Cornwell
Chehalem Park & Recreation District
125 S. Elliott Rd
Newberg, OR 97132

Dear Casey & Richard,

Thank you for all of your time and hard work in replacing and upgrading our phone and internet system.

In late March last year when Covid was starting to alter our lives and when we decided that we were no longer able to open our facility as we normally would, we met to discuss the need for more phone lines as it would be our main source of communication with our clients. The new phone system, voicemail, and additional lines that were added have been very valuable to our operations and interactions with clients. It has allowed us the ability to stay open during the pandemic and continue to serve clients.

The connection to your internet system is a huge blessing. We estimate that we will save just under \$2,000 in yearly costs by this connection. This allows us to allocate more of our funds to help our community. In addition, we cannot thank CPRD enough for the gift of using your building to house our pantry, warehouse, and office. This is an incredible offering to FISH, but also to the Newberg-Dundee community.

We are so grateful for your knowledge, talents, and kindness, and we wanted to convey our appreciation for the generosity you have shown to us.

Thank you from the bottom of our hearts!

Michelle Tietz Vivian Townsend

Michelle Tietz & Vivian Townsend
Co-Executive Directors
Newberg FISH Emergency Service

Subject: FW: GRANT AWARD: You have been awarded an Oregon Camps Grant!

Date: Friday, April 2, 2021 at 9:14:41 AM Pacific Daylight Time

From: Julie Petersen

To: Don Clements, Kat Ricker, Shy Montoya

We received a win today (see below)! Kat, please include in the next board packet.

Thanks!

Julie

From: Marisa Fink <marisa@oregonymcas.org>

Sent: Thursday, April 01, 2021 7:40 PM

To: Julie Petersen <jpetersen@cprdnewberg.org>

Subject: GRANT AWARD: You have been awarded an Oregon Camps Grant!

Greetings,

I have just received word from Oregon state officials that the \$10 million Oregon Camps Grant has just been sent to the Statewide Audit and Budget Reporting Section with the intent for the funds to be released to the Oregon Alliance of YMCAs for distribution to the eligible 165 camp organizations within the next week.

We acknowledge that the waiting has been difficult, knowing that the funds must be used for expenses from January through June 2021. Your responses on the OR Camps Grant surveys were much appreciated, and facilitated the review of the eligible organizations. Due to the everyday pressures of COVID-19, there was a considerable delay on clarifications from the Early Learning Division regarding which organizations and agencies would be eligible, and on the scoring criteria from the Governor's Office.

While the grant recommendations were submitted to the state earlier this month, the state has been working on the grant agreement and the review and approval of the awardees and amounts. That approval just arrived via email today just before noon.

So, not to keep you in suspense any longer...

Chehalem Park and Recreation District will be receiving a \$4,250 grant!

Thank you for your trust in the Oregon Alliance of YMCAs and for your patience. We will make the rest of the process as smooth as possible. Please let me know if you have not already, if you are not the signing authority for your organization, and send me that person's name and email address. Further directions and the grant agreement will be sent via DocuSign.

Better together,

109



Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

NOTICE OF PUBLIC HEARING

This is to notify you that the City of Newberg has proposed a land use regulation that may affect the permissible uses of your property and other properties.

On May 13, 2021, at 7:00 PM, via Zoom

<https://zoom.us/j/94151232526?pwd=eVFuWERCL0d5OHFtNGcvNEhVaHU1Zz09> Or

Telephone: Dial (for higher quality, dial a number based on your current location): US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 Webinar ID: 941 5123 2526 the Newberg Planning Commission will hold a legislative public hearing regarding Ordinance No. 2021-2880.

PLANNING COMMISSION

RESOLUTION NO.: 2021-371

ORDINANCE NO. 2021-2880

APPLICANT: City of Newberg

REQUEST: A legislative action to implement HB 2001 duplex regulations for all lands planned for single family residential homes [LDR (R-1, R-1/6.6 & R-P), MDR (R-2, AR & R-P), MDR/SP (R-2/SP), MDR/RD (R-2/RD), HDR (R-3) HDR/SP (R-3/SP), HDR/RD (R-3/RD), MIX/SP (R-P/SP), PQ (R-P), SD (LDR & MRR)] by amending the Comprehensive Plan, Development Code, Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan.

LOCATION: City of Newberg and Newberg Urban Growth Boundary (see map).

TAX LOT: Various tax lots within the Newberg Urban Growth Boundary (see map).

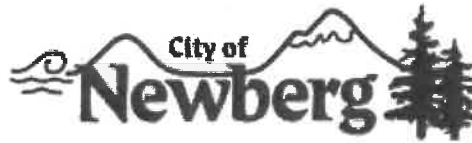
FILE NO: CPTA21-0001, DCA21-0002, GEN21-0004, GEN21-0005, GEN21-0006

CRITERIA: Newberg Comprehensive Plan; Newberg Development Code 15.100.050 and 15.100.060 and Sections 15.05.030, 15.100.020, 15.205.050, 15.205.060, 15.220.020, 15.235.040, 15.235.050, 15.240.020, 15.302.032, 15.302.040, 15.303.200, 15.305.020, 15.336.010, 15.336.020, 15.340.020, 15.342.050, 15.342.070, 15.342.100, 15.346.070, 15.3522.050, 15.405.010, 15.405.030, 15.405.040, 15.410.070, 15.415.020, 15.420.010, 15.420.020, 15.440.020, 15.44.060, 15.440.075, 15.505.030

ORS 227.186 requires the City to print the following sentence: "The City of Newberg has

Working Together For A Better Community-Serious About Service"

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



City Manager
(503) 538-9421
(503) 538-5013 Fax

Community Development Department - Planning Division
P.O. Box 970 - 414 E. First Street - Newberg, Oregon 97132 - (503) 537-1240 - Fax (503) 537-1272

REFERRAL TO: CPRD Don Clements

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to **April 22, 2021**. Please refer questions and comments to Doug Rux.

APPLICANT: City of Newberg
REQUEST: Development Code Amendments - Title 15, 15.250.080 Comprehensive Plan and Zoning Designations
SITE ADDRESS: N/A
LOCATION: Newberg Riverfront Master Plan Area
TAX LOT: Newberg Riverfront Master Plan Area
FILE NO: DCA21-0001
ZONE/COMP PLAN: N/A
HEARING DATE: May 13, 2021

_____ Reviewed; no conflict.

_____ Reviewed; recommend denial for the following reasons:

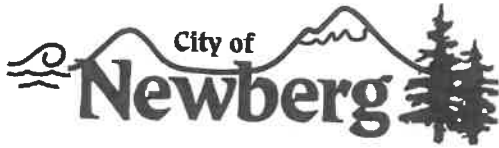
_____ Require additional information to review. (Please list information required)

_____ Meeting requested.

_____ Comments. (Attach additional pages as needed)

Reviewed By:

Date:



Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240 • Fax 503-537-1272 • www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT AMENDING NEWBERG MUNICIPAL CODE, TITLE 15, 15.250.080 COMPREHENSIVE PLAN AND ZONING DESIGNATIONS

HEARING DATE: May 13, 2021

FILE NO: DCA21-0001

APPLICANT: Initiated by City Council Resolution No. 2021-3724

REQUEST: A Resolution recommending City Council amend the Newberg Municipal Code, Title 15, 15.250.080 Comprehensive Plan and Zoning Designations

ATTACHMENTS:

Resolution 2021- 370 with:

Exhibit "A": Development Code Amendment

Exhibit "B": Findings

1. City Council Resolution No. 2021-3724 Initiating the Development Code Amendment

A. SUMMARY:

The proposed amendment does the following:

Amends Newberg Municipal Code, Title 15 Development Code, 15.250.080 adding the M-E (Mixed Employment) appropriate zoning classification to the MIX Comprehensive Plan Classification, and adds text to IND consistent with COM and MIX on the appropriate zoning as determined by the director.

BACKGROUND:

The Newberg City Council accepted the 2019 Riverfront Master Plan on September 16, 2019 by Resolution No. 2019-3596. On November 16, 2020 the City Council adopted Ordinance No. 2020-2868 adopting land use regulations related to the Riverfront Master Plan area through CPTA20-0001/CPMA20-0002/DCA20-0001/ZMA20-0002.

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

Z:\MISC\PP5\FILES\FILES.DCA (Dev Code TXT Amendment)\2021\DCA21-0001 15.250.080 Comprehensive Plan and Zoning Designations\DLCD PAPA\DCA21-0001 Staff Report to PC 5-13-21.doc

Staff has been discussing with property owners in the Riverfront area the option of annexing into the city limits. During those discussions staff noted that with the MIX Comprehensive Plan designation and the adopted M-E (Mixed Employment Planning District designation) in the Riverfront area for a portion of the mill site that the corresponding M-E planning district classification had not been included in Newberg Municipal Code, Title 15 development Code, 15.250.080. This proposal clears up that oversight so that at the time of annexation of the mill site the appropriate zoning designation can be applied.

In addition the COM and MIX Comprehensive Plan and the corresponding zoning classification has language that the appropriate zoning classification would be determined by the Director. This language is missing in the IND Comprehensive Plan designation and corresponding zoning classification and is proposed to be added.

- B. PROCESS:** A municipal code amendment is a Type IV application and follows the procedures in Newberg Municipal Code 15.100.060. The Planning Commission will hold a legislative hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission's recommendation, the Newberg City Council will hold a legislative public hearing to consider the matter. Important dates related to this application are as follows:

1. 2/16/21: The Newberg City Council adopted Resolution 2021-3724, initiating the Comprehensive Plan Amendment.
2. 4/28/21: Planning staff placed notice on Newberg's website, and posted notice in four public buildings. *The Newberg Graphic* published notice of the hearing.
3. 5/13/21: The Planning Commission held a public hearing, took public testimony, and deliberated on the proposal.

- C. PUBLIC COMMENTS:** As of the writing of this report, the City has received no comments on the proposal.

- D. STAFF COMMENTS:** As of the writing of this report, the City has received the following comments on the proposal.

- E. DISCUSSION:**

To implement the Riverfront Master Plan the City Council reviewed a proposal, Ordinance No. 2020-2868 to adopt new land use regulations as part of CPTA20-0001/CPMA20-0002/DCA20-0001/ZMA20-0002. Part of these new land use regulations created a new zoning classification of M-E (Mixed Employment) for 21.5 acres of the mill site located immediately east of S River Street and south of the Newberg-Dundee Bypass. The M-E zoning allows the base uses of industrial and a limited amount of commercial activities with a cap of 60,000 square feet of commercial and 60,000 square feet of office.

The Newberg Development Code has a provision in 15.250.080B which at the time of

annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg Comprehensive Plan Map designation. The M-E zoning classification was not added to this section in November 2020. This proposal corrects that oversight.

In addition the COM and MLX Comprehensive Plan and the corresponding zoning classification has language that the appropriate zoning classification would be determined by the Director. This language is missing in the IND Comprehensive Plan designation and corresponding zoning classification and is proposed to be added.

PRELIMINARY STAFF RECOMMENDATION:

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. Staff recommends that the Planning Commission does the following:

- 1. Consider the staff report, public testimony, and the findings.*
- 2. Deliberate.*
- 3. Make a motion to adopt Resolution No. 2021-370, which recommends that City Council adopt the Development Code amendment.*



PLANNING COMMISSION RESOLUTION 2020-370

A RESOLUTION RECOMMENDING CITY AMENDING NEWBERG MUNICIPAL CODE TITLE 15 DEVELOPMENT CODE, 15.250.080

RECITALS

1. The Newberg City Council accepted the 2019 Riverfront Master Plan on September 16, 2019 by Resolution No. 2019-3596.
2. The Newberg City Council adopted Resolution 2021-3724 on February 16, 2021, which initiated an amendment to the Newberg Municipal Code Title 15 Development Code, 15.250.080.
3. After proper notice, the Newberg Planning Commission opened the hearing on May 13, 2021, considered public testimony and deliberated. They found that the proposed amendment was in the best interests of the City.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission of the City of Newberg recommends the City Council adopt the proposed Development Code amendment for in NMC 15.250.080.
2. This recommendation is based on the staff report, Exhibit "A" Development Code language, and the Findings in Exhibit "B".

Adopted by the Newberg Planning Commission this 13th day of May, 2021.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Development Code Amendment
Exhibit "B": Findings

**Exhibit "A" to Planning Commission Resolution 2021-370
Development Code Amendment – File DCA21-0001**

Note: Existing text is shown in regular font.
Added text is shown in double underline
Deleted text is shown in ~~striketrough~~.

The Newberg Development Code shall be amended as follows:

Section 1. Newberg Development Code, Annexations, Section 15.5250.080 shall be amended to read as follows:

15.250.080 Comprehensive plan and zoning designations.

A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.

B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of NMC 15.302.030 shall not be required.

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

C. If a zoning classification is requested by the applicant for other than that described in subsection (B) of this section, the criteria of NMC 15.302.030 shall apply. This application shall be submitted concurrently with the annexation application.

D. In the event that the annexation request is denied, the zone change request shall also be denied. [Ord. 2747 § 1 (Exh. A § 6), 9-6-11; Ord. 2720 § 1(9), 11-2-09; Ord. 2451, 12-2-96. Code 2001 § 151.267.]

DRAFT

Exhibit "B" to Planning Commission Resolution 2021-370
Findings – File DCA21-0001

APPROVAL CRITERIA

A. Statewide Planning Goals (the "Goals")

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on May 13, 2021 and Newberg City Council on June 21, 2021, which provided the opportunity for public comment. A web page was also prepared to inform the public of the pending proposal. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendment is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The Goal is met.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and has been thoroughly described in this application.

The alternatives to amending the municipal code text would be to: 1) deny the application and require an applicant to go through an extended application process to apply the M-E zone.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan

policies and designations as noted in these findings.

The Goal is met.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendment will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code to protect these resources. The Riverfront Master Plan also envisions regional trail connections connecting Newberg's parks and nearby regional destinations. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

This Goal is met.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies.

This Goal is met.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

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

Z:\MISC\WPSFILES\FILES.DCA (Dev Code TXT Amendment)\2021\DC21-0001 15.250.980 Comprehensive Plan and Zoning Designations\DLCD PAPA\DC21-0001 Staff Report to PC 5-13-21.doc

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

This Goal is met.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's recreational goals and policies.

This Goal is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The 2019 Riverfront Master Plan proposal envisions the riverfront as an economically thriving area with a mix of residential, commercial, industrial, and employment uses. The adopted changes to the Comprehensive Plan and Map, and Development Code (CPMA20-0002/DCA20-0001) included a new mixed employment area on the Riverfront Mill Site that is intended to provide a flexible mix of light industrial and employment uses that will support the City's diverse employment opportunities. This proposal clarifies that at the time of annexation the M-E zoning would apply to this mixed employment area.

The Goal is met.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: Not applicable as the proposal does not relate to proposed housing. The proposal relates to mixed employment area in the Riverfront that does not allow housing.

The Goal is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: No applicable as the proposal does not relate to proposed public facilities housing. The proposal relates to the mixed employment area in the Riverfront. Through separate actions the City

has or is addressing public facilities (CPTA20-0002 - Transportation, CPAT20-0003 - Water, CPAT20-0004 - Wastewater, and CPTA20-0005 - Stormwater).

The proposal meets the Goal.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: Not applicable as the proposal does not relate to proposed transportation. The proposal relates to the mixed employment are in the Riverfront. Through a separate action the City has addressed transportation (CPTA20-0002, Ordinance No. 2021-2871).

The proposal meets the Goal.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: Not applicable as the proposed amendment does not affect energy conservation.

This Goal is met.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal. Development of the Riverfront area will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing cultural activities.

This Goal is met.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Willamette River Greenway.

This Goal is met.

B. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: The City meets this requirement by having various citizen committees and commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on May 13, 2021 and Newberg City Council on June 21, 2021, which provided the opportunity for public comment. A web page was also prepared to inform the public of the pending proposal. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendment is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The Goal is met.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed land use action has an adequate factual base and has been thoroughly described in this application.

The alternatives to amending the municipal code text would be to: 1) deny the application and require an applicant to go through an extended application process to apply the M-E zone.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

The Goal is met.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICY: 1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goal and policy.

This Goal is met.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goal.

This Goal is met.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's recreational goal.

This Goal is met.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICY: 1. General Policies. b. The City shall encourage economic expansion consistent with local needs.

Finding: The 2019 Riverfront Master Plan proposal envisions the riverfront as an economically thriving area with a mix of residential, commercial, industrial, and employment uses. The adopted changes to the Comprehensive Plan and Map, and Development Code (CPMA20-0002/DCA20-0001) included a new mixed use area on the Riverfront Mill Site that is intended to provide a flexible mix of light industrial and employment uses that will support the City's diverse employment opportunities. This proposal clarifies that at the time of annexation the M-E zoning would apply to this mixed employment area.

The Goal is met.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

Finding: No applicable as the proposal does not relate to proposed housing. The proposal relates to mixed employment area in the Riverfront that does not allow housing.

The Goal is met.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

GOAL 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Finding: Not applicable because the proposal does not propose any land use regulation changes to urban design policies or regulations.

K. TRANSPORTATION

GOAL 1: Establish cooperative agreements to address transportation based planning, development, operation and maintenance.

GOAL 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

GOAL 4: Minimize the impact of regional traffic on the local transportation system.

GOAL 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

- GOAL 6: Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).
- GOAL 8: Maintain and enhance the City's image, character and quality of life.
- GOAL 9: Create effective circulation and access for the local transportation system.
- GOAL 10: Maintain the viability of existing rail, water and air transportation systems.
- GOAL 11: Establish fair and equitable distribution of transportation improvement costs.
- GOAL 12: Minimize the negative impact of a Highway 99 bypass on the Newberg community.
- GOAL 13: Utilize the Yamhill County Transit Authority (YCTA) Transit Development Plan (TDP) as a Guidance Document.
- GOAL 14: Coordinate with Yamhill County Transit Area.
- GOAL 15: Implement Transit-Supportive Improvements.

Finding: No applicable as the proposal does not relate to proposed transportation. The proposal relates to mixed employment area in the Riverfront area. Through a separate action the City has addressed transportation (CPTA20-0002, Ordinance No. 2021-2871).

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Finding: Not applicable as the proposal does not relate to proposed public facilities housing. The proposal relates to the mixed employment area in the Riverfront. Through separate actions the City has addressed public facilities (CPTA20-0002 - Transportation, CPAT20-0003 - Water, CPAT20-0004 - Wastewater, and CPTA20-0005 - Stormwater).

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

Finding: Not applicable as the proposed amendment does not affect energy conservation.

N. URBANIZATION

GOALS:

1. To provide for the orderly and efficient transition from rural to urban land uses.
2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal. Development of the Riverfront area will maintain Newberg's identity and enhance the quality living and employment

environment by balancing growth and providing cultural activities.

The Goals are met.

D. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. 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.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. 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 NMC 15.100.200 et seq.).

D. 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 criteria.

E. 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.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria 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.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council will be required to finalize a decision regarding the application for the amendment to the Development Code.

This requirement can be met.

Conclusion: The proposed Development Code amendment meets the applicable requirements of the Statewide Planning Goals, Newberg Comprehensive Plan, and Newberg Development Code and should be approved.