

**CITY OF NEWBERG
CITY COUNCIL STUDY SESSION
JULY 31, 2007
6:00 P.M.
Newberg City Hall, 2nd Flr Conf Rm – 414 E. 1st St., Newberg**

AGENDA

I. CALL MEETING TO ORDER*

II. ROLL CALL

III. GENERAL DISCUSSION

This is a quarterly meeting of the Newberg City Council for the purpose of general discussion of City business. No action will be taken. No oral or written testimony will be heard or received. These are topics for consideration and discussion is not limited to these items.

- 1. Mobile Vendors**
- 2. Budget Policy**
- 3. Sign Ordinance**
- 4. Annexation Policy**
- 5. Other Business**

IV. ADJOURNMENT

*The Mayor reserves the right to change the nature and order of items that are discussed at the study session.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

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

James Bennett

From: James Bennett
Sent: Wednesday, July 25, 2007 4:27 PM
To: Bart Rierson (bart.rierson@ci.newberg.or.us); Bob Andrews (bob.andrews@ci.newberg.or.us); Bob Larson (bob.larson@ci.newberg.or.us); Jeff Palmer (jeff.palmer@ci.newberg.or.us); 'Mike Boyes'; Robert Soppe (robert.soppe@ci.newberg.or.us); Roger Currier; Terry Mahr
Subject: Annexation Rehearing Policy

Below please find my draft of a policy for the Council to review on how annexations that have failed at the ballot can be reconsidered. This is based upon our discussions at the Council study session held on June 26, 2007. I think this covers the points that were raised. It includes a rehearing fee that will need to be determined by the Planning Department based upon their actual costs. It limits the number of times that a petition can be submitted for placing a failed annexation back on the ballot and that an annexation election can be held. It provides that, in cases where there have been significant changes that affect the criteria for annexation, the Council can require that an entirely new or modified application be submitted, a new fee paid and a new hearing process gone through. And it makes it clear that the Council has complete control over if and when an annexation goes back on the ballot or if a new/modified application is needed. Please look this over and we can discuss it further when we meet at our quarterly study session on July 31. The August 6 Council agenda includes requests from both of the applicants of the two most recent annexations for them to be placed on the November 6 ballot.

Jim Bennett
City Manager

DRAFT

ANNEXATION REHEARING POLICY

If an annexation approved by the City Council and placed on the ballot for voter ratification fails to win approval, the applicant(s) for the annexation may petition the City Council to place the annexation back before the voters at a subsequent election subject to the following considerations:

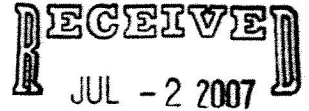
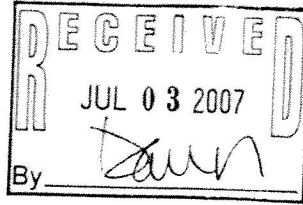
1. The applicant(s) shall pay a rehearing fee in the amount of \$_____.
2. The applicant(s) may only petition the City Council once in any calendar year and the annexation may only be placed before the voters once in any calendar year subject to the determination of the City Council.
3. If conditions affecting the original criteria for the approval of the annexation by the City Council have changed significantly, the applicant may be required to resubmit the annexation application for consideration by the City Council and pay a new annexation application fee.
4. The City Council shall have total discretion in determining the timing of placing an annexation measure before the voters and in requiring the submittal of a new or modified annexation application.

7/25/2007

BROWN, TARLOW, BRIDGES & PALMER, P.C.
Attorneys at Law

ALLYN E. BROWN
DONALD O. TARLOW
JOHN BRIDGES
STEPHEN C. PALMER
TRUMAN A. STONE

515 EAST FIRST STREET
NEWBERG, OREGON 97132
PHONE: (503) 538-3138
FAX: (503) 538-9812



July 2, 2007

Mayor Bob Andrews
City Councillors
City of Newberg
414 East First Street
Newberg, OR 97132

VIA HAND DELIVERY

BY: _____

Re: NewB Properties, LLC
Planning File No. ANX-06-011
Ordinance No. 2007-2662

Dear Mayor Andrews and Members of the Newberg City Council:

This office represents NewB Properties, LLC and Tim Speakman in his effort to annex approximately 29.92 acres north of Hwy 99W on the east side of Newberg. As you are aware Measure 36-113 which was the annexation request failed in the May 2007 ballot. I previously asked on May 23, 2007, that you consider placing this back on the ballot for November 2007. By this letter I would specifically request that you place this item on your agenda for August 6, 2007 to consider returning the annexation request to the ballot.

As you are aware, Mr. Speakman and I attended your Work Session Wednesday, July 27, 2007. We appreciated the input that the Work Session gave us in terms of your thoughts on why the voters might be given another opportunity to consider this annexation request. We want to provide additional information in this letter, and on August 6, describing how the proposal before the voters will be different.

As Mr. Robinson's letter indicates of even date, there were 2,000 Newberg residents who supported the annexation. They should be given an opportunity to continue to support the application. Others should be given an opportunity to evaluate the changes in the proposal.

These applications have a much more global impact on our community than just this area of town. The development will build an incredibly important transportation facility that would link north Newberg to Hwy 99W east of our community. It will also provide an important connection between Benjamin Road and the Crestview Drive extension. This would allow for Benjamin Road to be closed, alleviating transportation safety issues in that area.

My client intends to have a proactive approach to the election in November. He will explain to the electorate in Newberg about the importance of the transportation for the community as a

Page 2

Letter to Mayor Bob Andrews and City Councillors

Re: NewB Properties LLC

July 2, 2007

whole but also will work with many of the surrounding neighbors to develop buffering and other solutions that will satisfy their needs.

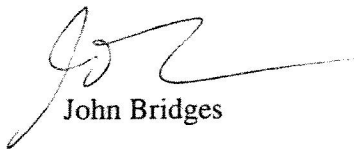
We have also engaged in a more community minded approach as suggested in one of the editorials. NewB Properties had been in communication with Newberg Area Habitat for Humanity before the May vote, but has now more fully engaged that discussion. NewB Properties and Newberg Area Habitat for Humanity are evaluating NewB Properties donating real property to the Newberg Area Habitat for Humanity so that they may construct a residential unit in the neighborhood. Those talks are ongoing.

There have been several concept drawings done in the process of the application. Concept drawings are common at this stage, and often get refined after extensive engineering occurs. The neighbors and community as a whole will continue to have input on those project refinements, but prior to a November vote we will share with the community a more complete design so voters will understand the future plan.

Please place this matter on the agenda for August 6 for Council's consideration. This will allow additional time if necessary at the August 20 City Council meeting to finalize placement of the Measures on the November ballot. Thank you, in advance, for your assistance on this matter.

Yours very truly,

BROWN, TARLOW, BRIDGES & PALMER, P.C.



John Bridges

JTB:cml

cc: Don Comstock (via e-mail)
Tim Speakman (via e-mail)
Jeff Smith (via e-mail)
Mike Robinson (via e-mail)
Jim Bennett (via e-mail)

Barton 7/3/07



Michael C. Robinson
PHONE: (503) 727-2264
FAX: (503) 346-2264
EMAIL: MRobinson@perkinscoie.com

1120 N.W. Couch Street, Tenth Floor
Portland, OR 97209-4128
PHONE: 503.727.2000
FAX: 503.727.2222
www.perkinscoie.com

July 2, 2007

VIA E-MAIL

Mayor Bob Andrews
City of Newberg
P.O. Box 970
Newberg, OR 97132

**Re: My Client, J.T. Smith Companies; Request for Newberg City Council
Hearing to Place Gueldner Property on November 2007 Ballot**

Dear Mayor Andrews and Members of the Newberg City Council:

This office represents the J.T. Smith Companies. I have previously requested in a letter dated June 4, 2007 that the Newberg City Council hold a legislative public hearing to consider placing the Gueldner property annexation on the November 2007 ballot. As you know, this matter was before the Newberg voters in the May 2007 election but did not pass.

Jeff and I very much appreciated the discussion that the City Council had at its study session last Wednesday night. In light of that study session, Jeff and I thought it would be appropriate to offer some additional reasons why the City Council should allow the annexation request to be voted on a second time.

First and foremost, although no one can tell precisely why the annexation vote failed, we can tell you that over 1,500 Newberg residents supported the annexation. Given the strong support for the annexation, it is appropriate to allow Newberg residents a second opportunity to consider whether this property should be annexed to the City. The most important reason, of course, is that the annexation will provide a needed transportation improvement to connect northwest Newberg with Oregon Highway 99W. This connection has been long anticipated by the City of Newberg and by Yamhill County.

Mayor Andrews
July 2, 2007
Page 2

Second, my client has acknowledged that he did not do as much as he should have to describe the benefits of the annexation to the City of Newberg. Between now and November 2007, Jeff will provide more information to the voters so that they can have a better understanding of the project. Much of this information is intended to encourage greater voter turn-out than the one-third of Newberg voters who voted in the May election. Included in this information will be additional details regarding a buffer between the development and its residential neighbors, discussion of an offer to Habitat for Humanity regarding construction of a single-family dwelling and other matters related to the development of the property.

Third, it may be that residents did not realize they were not voting on a final land use plan, but only on a "concept plan." If that was the case, Jeff intends to provide a different concept plan that will provide better information as to what the development may ultimately look like. Jeff will also point out that even once the property is annexed into the City, it is still subject to public review for development as approved on this site.

Finally, it is not unreasonable to allow the voters to have a second opportunity to vote on the annexation. As the Council noted at their study session, the defeat of the two annexation matters is an anomaly in the history of voter annexation in the City of Newberg.

We understand that August 20, 2007 is the last day on which the City Council can decide to place the matter on the November 2007 ballot. Because there may be questions or delays, we ask that this matter be placed on the August 6, 2007 City Council agenda. This would allow a second meeting on August 20, 2007 should that be necessary.

Thank you for the time that you, your staff and your City Council have spent on this matter. Please confirm that this matter can be placed on the August 6, 2007 agenda.

Very truly yours,



Michael C. Robinson

MCR/cfr

cc: Mr. Jim Bennett (via email)
Mr. Barton Brierley, AICP (via email)
Mr. Jeff Smith (via email)
Mr. John Bridges (via email)

37891-0030/LEGAL13368339.1