

**CITY OF NEWBERG
CITY COUNCIL WORK SESSION
EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(a)
MONDAY, DECEMBER 4, 1995
6:00 P.M.
NEWBERG PUBLIC LIBRARY**

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE DECEMBER 4, 1995 COUNCIL AGENDA ITEMS. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS.

THE EXECUTIVE SESSION WHICH IS LISTED ON THE AGENDA MAY BE HELD AT THE WORK SESSION IF TIME PERMITS UNDER THE AUTHORITY AND COVERING THE SUBJECT MATTER LISTED ON THE AGENDA. NO DECISIONS WILL BE MADE.

THE WORK SESSION WILL BE FOLLOWED BY THE CITY COUNCIL MEETING TO BE HELD AT NEWBERG PUBLIC LIBRARY, AT 7:00 P.M.

DATED THIS 21ST DAY OF NOVEMBER, 1995.

DUANE R. COLE
CITY MANAGER

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 Rebecca Manning at (503) 538-9421.

\WSNOTE

Council accepts comments on items during the meeting. Please fill out a blue card and identify the item you wish to speak on and hand this in to the Mayor prior to the meeting. (The exception is formal land use hearings which require a specific public hearing process. The agenda's items will be identified at the meeting.)

**CITY OF NEWBERG
COUNCIL AGENDA
MONDAY, DECEMBER 4, 1995
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY**

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

II. ROLL CALL

III. CONSENT CALENDAR

1. Approve minutes from a Regular Council meeting held on November 6, 1995, Work Session and Regular Council meeting held on November 20.
2. Authorize the Mayor to sign an agreement with the Council of Governments for grant administration services, the amount of the contract is \$750.00 for a \$10,000 grant.

IV. PUBLIC HEARING

1. Public hearing regarding the Community Development Block Grant Program to obtain citizen views and to respond to proposals and questions about community development needs and performance in carrying out its community development responsibilities.

V. CONTINUED BUSINESS

1. **Ordinance No. 95-2423** declaring that certain territory be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from the County VLDR to City M-3 Heavy Industrial zoning designation. The site is located at 2808 Wyooski Road.
ANX-3-95/CUP-2-95
2. Continue Review of Revised Development Code and approve **Ordinance No. 95-2411** adopting the Newberg Development Code, repealing and replacing in their entirety the "Zoning Ordinance", Ordinance No. 1968, as amended; "Subdivision Ordinance", Ordinance No. 2294 as amended; "Mobile Homes", Ordinance No. 2023; "Planned Thoroughfares", Ordinance No. 1644 as amended; "Annexation Ordinance", Ordinance No. 2102.

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3. **Ordinance No. 95-2426** establishing requirements for the operation of temporary Christmas tree lots, providing for safety of customers shopping at Christmas tree lots, and providing a bond to assure the sites are properly cleaned-up.

Resolution No. 95-1945 establishing fees and bonds for temporary Christmas tree merchants.

4. **Ordinance No. 95-2425** amending Ordinance No. 1690 by declaring a business which allows certain activity to occur on its premises to be a public nuisance.

VI. NEW BUSINESS

1. Three appointments to Planning Commission (Candidates):
 - Gloria Bevan
 - Robert Bridgers
 - Timothy Codiga
 - Steven Hannum
 - Jack Kriz
 - Melvin McBride
 - Myrna Miller
 - Brett Veatch
 - Leonard Woody
2. Two appointments to the Budget Committee (Candidates):
 - Barbara Secor
 - Bob Ficker
 - Mel McBride
 - Fred Owens
3. **Resolution No. 95-1944** appropriating funds in the General Fund for a Library Services and Construction Act Grant.
4. Presentation of 1995-96 Comprehensive Annual Financial Report. (Audit)

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VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

VIII. COMMUNICATIONS FROM THE FLOOR

X. EXECUTIVE SESSION

1. Executive Session pursuant to ORS 192.660(1)(a) relating to review of City Manager and City Attorney.

XI. ADJOURNMENT

INDEX FOR ORDINANCES AND RESOLUTIONS:

RESOLUTIONS:

1. **Resolution No. 95-1944** appropriating funds in the General Fund for a Library Services and Construction Act Grant.
2. **Resolution No. 95-1945** establishing fees and bonds for temporary Christmas tree merchants.

ORDINANCE:

1. **Ordinance No. 95-2423** declaring that certain territory be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from the County VLDR to City M-3 Heavy Industrial zoning designation. The site is located at 2808 Wynooski Road.
2. **Ordinance No. 95-2411** adopting the Newberg Development Code, repealing and replacing in their entirety the "Zoning Ordinance", Ordinance No. 1968, as amended; "Subdivision Ordinance", Ordinance No. 2294 as amended; "Mobile Homes", Ordinance No. 2023; "Planned Thoroughfares", Ordinance No. 1644 as amended; "Annexation Ordinance", Ordinance No. 2102.
3. **Ordinance No. 95-2425** amending Ordinance No. 1690 declaring a business which allows certain activity to occur on its premises to be a public nuisance.

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5. **Ordinance No. 95-2426** establishing requirements for the operation of temporary Christmas tree lots, providing for safety of customers shopping at Christmas tree lots, and providing a bond to assure the sites are properly cleaned-up.

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- TDM

**CITY OF NEWBERG
MONDAY, NOVEMBER 6, 1995
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY**

DRAFT

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

Mayor Proctor administered the pledge of allegiance.

II. ROLL CALL

Roger Currier (RC)
Donna McCain (DM)
Deborah Sumner (DS)
T. Dan Wollam (TDW)

Alan Halstead (AH)
Dave McMullen (DMc)
F. Robert Weaver (RW)
Don Wright (DW)

STAFF

PRESENT: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Peggy R. Hall, Assistant City Recorder
Katherine Tri, Finance Director
John Knight, Planning Manager
Ben Erb, Assistant Fire Chief
Don Schmidt, Captain, Newberg Volunteer Fire Department

OTHERS

PRESENT: Joshua Nauman, Mark Cottle (Attorney for Marvin Schneider), David Berg, Alvin Elbert, Sid Friedman, Margaret Leslie Hickert, Loren Lester, David Ryan, Steven Salmon, Marvin Schneider, Beth Whitlow, Rick Whitlow, Nadine Windsor

III. CONSENT CALENDAR

1. Approve minutes from regular meeting held on October 2, 1995 and work session and regular meeting held on October 16, 1995.

MOTION: AH/RW to approve the Consent Calendar with noted changes to the following minutes:

October 2, 1995: (Page 5). The correct name of Mr. McBride should be "Mel" McBride. The minutes previously reflected "Neil" McBride.

October 16, 1995: (Page 20). VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES.

"1. Report on Visitor's Center. ... Mayor Proctor stated that she wanted a copy as well. Councilor RC stated that since the Chamber of Commerce is a nonprofit, they are subject to the public records laws...." (additional text added in bold).

October 16, 1995: (Page 21). Fourth Paragraph.

"... Councilor RC stated that he has received complaints about the odor and the squeaking of bearings. Councilor RC requested a list of the problems and costs associated with the composter..." (additional text added in bold).

ROLL CALL ON MOTION: (Unanimous). Motion carried. Changes duly noted by City Attorney and Assistant City Recorder.

IV. PUBLIC HEARING

1. Public hearing regarding the appeal of the Schneider Annexation.
Resolution No. 95-1942 regarding the direction of the staff to take for the expansion of the transfer station.
ANX-3-95/CUP-2-95

Mayor Proctor announced that this is a quasi-judicial hearing on an annexation resolution. Councilor AH declared no ex parte contact but wished to abstain because his brother owns property across the street from the subject property. Councilor AH removed himself from the meeting to avoid hearing testimony and discussing issues involved in this matter.

Councilor DW stated he has had ex parte contact that he wished to declare because he is an employee of Smurfit Newsprint. Councilor DW further added that he has no present economic relationship with Smurfit Newsprint other than as an employee, or any relationship with the applicant. Councilor DW also added that he is not directly affected by this matter. City Attorney TDM added that Councilor Wright has a possible potential conflict of interest because he works for Smurfit Newsprint, but does not have any economic relationship other than an employee status. Mr. Mahr reviewed a letter received from Mr. Jerry Frentress, Smurfit, indicating that Smurfit does not at the present time have any negotiations pending with the applicant. The letter was sent to the Planning Department. Mr. Frentress indicated that Smurfit is always looking for fuel sources, which the subject company could provide, but at this time, there were no negotiations pending. Councilor Wright confirmed that he believes that there is no conflict of interest at this time and that he intends to hear and vote on the matter. Mr. Mahr noted that under the rules of ethics, Councilor Wright could vote and participate because this is a separate issue from actual conflicts of interest. Mr. Mahr further welcomed anyone having any questions or concerns about Councilor Wright's participation, or the participation of any other Council member on this matter, objections to jurisdiction, and should so voice them at this time.

Councilor RC stated that he has had ex parte contact in which he has talked with several people asking when the matter would be brought before the Council. Councilor RC added that he advised them that he did not wish to discuss the matter outside the Council meeting.

Mayor Proctor also noted that she had been contacted by persons concerning this matter, including Merlin La Joie, but it would not have any bearing on her vote, should the occasion arise.

Councilor DM stated that she briefly talked with Nadine Windsor about this matter but

advised Ms. Windsor that she would not discuss anything outside the Council meeting.

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City Manager DRC stated that Community Development Director Greg Scoles was ill and that he would set the stage for the staff report. DRC noted that this is an appeal from the Planning Commission on an annexation, zone change and conditional use permit. This is a RDF (Refuse Derived Fuel) facility with a number of options available for the Council's consideration. The Planning Commission moved to deny the request for annexation, zone change and use permit based upon inadequate demonstration that all of the criteria was met. The Planning Commission also directed staff to forward a recommendation to the City Council to provide direction to staff regarding the inclusion of the adjacent property to the east within the Urban Growth Boundary. City Staff recommended to hold the public hearing and provide direction for staff to prepare findings for approval or denial by the City Council. The staff further recommended that the Council approve Resolution No. 95-1942 which provides direction to staff and allows coordination with Yamhill County on the expansion of the existing transfer station. City staff has also indicated that additional conditions may be considered by the Council involving composting, raw garbage, waste limits, storage and screening. One of the other options to be considered is to separate the annexation and zone change from the conditional use permit application. The conditional use application could be referred back to the Planning Commission for further review and action. DRC added that the burden of proof is on the applicant. If the questions are answered satisfactorily, the Council needs to give recommendations to City staff to prepare the findings.

Planning Manager John Knight indicated that the recommendation is confusing. The applicant is requesting annexation, re-zoning and a conditional use permit for the sorting and compression of a shredded product that will produce small cubes that is product (RDF) proposing to produce fuel (generate steam and energy). The applicant has several customers which use this type of fuel. Smurfit uses this type of fuel in some of their operations. The Planning Commission denied the request based upon the inconsistency with the Comprehensive Plan and did not address all of the criteria. The Resolution provides for staff direction in working with Yamhill County on the existing transfer station. The subject property is in the urban reserve area and not within the urban growth boundary. The applicant has met with METRO concerning certain conditions. It is staff's recommendation to support Resolution No. 95-1942 and return at the December, 1995 Council meeting the approval or denial of the annexation, zone change and conditional use permit, or other options as directed by the Council. The conditional use permit issue can be resolved at the Planning Commission level.

Councilor DW further declared that he attended and spoke at the Planning Commission hearing requesting that the record remain open for seven days.

Mayor Proctor called for proponents.

Mr. Mark Cottle, attorney for Schneider, 4000 Kruseway Place, I-265, Lake Oswego, stated that he provided letters from American Waste Management and METRO concerning this matter. Mr. Cottle stated that the discussion involves a garbage and waste product in which his client produces in a facility that uses 80% combustible and 20% noncombustible materials. The proposed facility will not be taking in raw garbage. The "product" will already have been sorted and shredded once. The product will be shipped in sealed packages and transported in self contained semi-trucks. Mr. Cottle reviewed the additional conditions that could be imposed.

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1. There would be no composting on site.
2. No raw garbage would be handled.
3. Waste limits (noise and odor) and elimination to be reviewed in six months. Mr. Cottle described the general 150 tons a day average to sometimes as much as 300 tons a day that the company could process.
4. All storage of waste shall be done within containers. None would be outside.
5. Provide adequate screening (wood fence) for sight and sound.
6. Periodic reviews (6 months - 1 year) for noise and odor.
7. Turn around time of 96 hours for the product. The product must leave the facility within 96 hours of its delivery. The site is not adequate for storage on site.
8. Development of closure plan if something goes wrong.

Discussion was held concerning potential clients in the area. Mr. Cottle then stated that he was advised that the Newberg area generates approximately 100 to 170 tons of garbage a day. Sometimes it has dropped to 70 tons. An odor study had been done which noted that on a scale of 1 to 100, the odor from this type of operation is approximately a 20. Noise studies have also been done and have proven to be very low. The suggested operation time has been proposed as 7:00 a.m. to 7:00 p.m. The use of back-up beepers would be between 10:00 a.m. and 4:00 p.m. Mr. Cottle stated that Phoenix Energies has indicated that they would take all the product that the proposed Newberg facility could produce.

Councilor DW noted that in Mr. Cottle's letter the word "elevated" was used in describing METRO's concerns and that possibly he meant "alleviated". Mr. Cottle agreed and thanked Councilor DW for his input.

Discussion was also held concerning traffic problems, truck trips and road standards. Mr. Cottle further mentioned that this process would benefit everyone because the majority of the garbage will not end up at the landfill. There are reported cases of contamination of water resources and the environment.

Councilor RC discussed previous comments made about only 50 tons of garbage was routed through Newberg. Mr. Cottle indicated that amount was a guesstimate which was later retracted when the actual information was presented. Councilor RC expressed his concerns about other community's garbage winding up in Newberg and Newberg having to face the problems of getting rid of it.

Councilor RC declared additional ex parte contact in which he attended the Planning Commission meeting. Mr. Cottle indicated that the facility would generate "no grinding" of materials similar to filbert orchards. Councilor RC also addressed concerns about transporting "fragile pellets" to other users. Mr. Cottle indicated that Phoenix Energy is the name of a company and not the location.

Discussion was held concerning decreased liability to landfills, potential reduction in garbage rates, etc. Mr. Cottle reported that no "raw garbage" would be processed at the subject facility. This raw garbage would be sorted at the transfer station. Mr. Cottle further added that he has seen the City's landfill and believes that this facility could help provide recycling

alternatives to the problems landfills now face. Mr. Cottle noted that the applicant does not intend to use the adjacent property.

Mr. Loren Lester, 8383 Sandy Blvd., Portland, indicated that he represents Phoenix Energy. Their contract allows them to sell to other buyers what they cannot sell. He indicated that he wished to work with the City to alleviate any problems they may have.

Mr. Marvin Schneider, Newberg Garbage Service, 1159 N. Main Street, provided information on the tonnage of refuse that is generated within the Newberg area. Mr. Schneider indicated that an opportunity exists to do something else with the City's garbage. There are many problems with landfill operations (leakage, odor, noise, etc.). Mr. Schneider indicated that anyone having any problems or questions concerning their intent on providing alternatives to landfills, should spend a day at the landfill. This is an opportunity to create fuel from waste. Clean RDF facilities are part of a solution. The City is not afforded many other options that are this compatible. Too much waste is buried in the ground. We all need to consider alternatives. We now have the labor, the ingenuity and the equipment to make choices.

Councilor RC stated that he was not against recycling and believes that money can be made in RDF facilities. Councilor RC asked that if it was such a good idea, why doesn't METRO build an RDF facility and have Phoenix Energy buy all surplus? Mr. Schneider indicated that it took Metropolitan Disposal Services a long time to consider this operation. METRO tried to put a \$3.50 charge on all yard debris. Mr. Cottle added that METRO does not have the authority to charge customers.

Councilor DW inquired whether or not anyone residing in the area came forward to testify on behalf of the facility. Mr. Cottle indicated that he was not aware of anyone.

Mr. David Ryan, 20410 East Hancock, Newberg, President of Ryco Manufacturing, manufacturer of recycling equipment (sorting lines, etc.). Mr. Ryan indicated that noise levels in newer facilities is minimal. Municipal Solid Waste (MSW) is sorted into food waste and recyclable. Mr. Ryan further added that there should be very little that is sent to landfills. Technology is here and available. Cities and other municipalities are not ready to accept the challenge of changes. Mr. Ryan indicated that there is a similar facility in Sherwood (8 miles away).

Mr. David Berg, David Brown & Associates, 434 NW 19th Avenue, Portland, an expert in the recycling area, reviewed his credentials: formerly with DEQ (clean air), testimony before METRO Council, provided information on fuel burning to Smurfit before Smurfit began using this type of product. Mr. Berg indicated that in order for Smurfit and other types of plants to use this type of blended fuel mix, they must modify their air permit. The cities need to break the curve. There is new technology available and they should accept the change. Mr. Berg reviewed other plants in Tacoma and North Carolina which have come out in the fore front to make the commitment. Mr. Berg also noted that he has a degree in geology, an MBA in finance and marketing, and has engineering and operations experience in gas and oil businesses.

Councilor RC inquired that of the 90-95% recovery process, what would be delivered to the proposed Newberg site? Mr. Cottle indicated that other communities' shredded refuse would

be delivered and handled. Mr. Cottle noted, however, that over all, it would decrease the environmental impact for everyone.

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Mayor Proctor called for opponents.

Ms. Nadine Windsor, 2902 E. Second Street, Newberg, stated that she was not against everything, the concept sounds "beautiful", but needs to be somewhere "else", far from civilization. The proposed site is too close to residential property. The roads are already in worse shape and additional repairs would need to be done.

Mr. Rick Whitlow, 8970 Dog Ridge Road, Newberg, stated that he had concerns about doubling of traffic in the area. Mr. Whitlow also added that if Smurfit did not use the product as expected, additional trucks would be needed to handle the flow. Mr. Whitlow also had concerns about noise, front end loaders, odor, etc. Councilor DW stated that he is aware that Smurfit could burn this type of product and that Smurfit is always looking for available fuel. This facility could be an available and close source of that fuel. Councilor RW asked Mr. Whitlow if he felt confident that the applicant would be satisfied with the six month review? Mr. Whitlow stated that he was not sure of the trust in this facility.

Ms. Beth Whitlow, 8970 Dog Ridge Road, Newberg, also stated that they owned property on Mission Street as well. She has been a citizen of Newberg for 47 years. Ms. Whitlow indicated that she believes that this is not the right site for this type of operation. Ms. Whitlow stated that she has viewed the video tape previously and is aware of what is expected. Ms. Whitlow expressed her concerns about the potential noise and traffic issues. Newberg is known for its reputation for its beauty and being the "heart of the wine country". Why would the Council want to allow this type of operation as well? Ms. Whitlow indicated that she hoped the Council voted "no".

Mr. Steven Salmon, 1708 Sandoz Road, Newberg, stated that he lives across from the transfer station. Mr. Salmon noted that he has a high degree of "trust" in the applicant and they have been a good neighbor. Mr. Salmon stated that he too has concerns about traffic, noise and odor, but believes that they will be corrected by the applicant.

Mayor Proctor closed the public testimony portion of the public hearing.

Councilor DMc stated that the Council appears not to be looking at the whole picture. The society as a whole has an obligation to proceed with recycling as much as we all can. The Council needs to look at the whole picture.

Mr. Cottle addressed the Council to do two things. Look into the annexation and re-zone issue. Then review the conditional use application. The applicant cannot proceed unless they have a commitment to allow the annexation and rezoning of the property. Contracts with potential users cannot be obtained until this is done. It is difficult to "crunch numbers" without the commitment of having the property annexed. It is the request of the applicant to allow the annexation and zone change and refer the matter to the Planning Commission to work out the conditional use questions. The proposed facility would be economically feasible for everyone and an asset to the City and its environmental image. This facility is in line with the criteria of the

City's Comprehensive Plan.

Councilor DMc inquired whether the Sherwood facility was a good comparable. Mr. Ryan indicated that the facility has been running for about 1-1/2 years. It is an updated system which sorts garbage. Discussion was held where the shredding process would take place. Mr. Cottle added that there will be issues to be resolved, violations to be worked out involving DEQ measures, shutting doors to help muffle noise problems, issues involving odors, etc. The facility would have a "closed baghouse system". There would be an air blower in the facility.

Councilor DW stated that the purpose of this hearing was to determine if the applicant meets the requirements to be annexed, with combination zone change and conditional use permit. The current plan shows industrial use. Mr. Knight indicated that the staff would prepare the findings based upon the Council's direction, and provide those findings along with the ordinance either approving or denying the annexation, zone change or conditional use permit. Mr. Knight further added that it makes good planning sense to annex the property, then decide upon the conditional use. The Planning Commission was concerned about the adjacent property, the impacts of traffic, odor and noise. The Planning Commission is best to resolve those issues.

Discussion was held concerning the property being in the urban growth boundary (UGB) surrounded by the urban reserve area (URA). Mr. Knight stated that there are no conflicts with M-3 zoning or problems with the UGB or URA.

Mayor Proctor closed the public hearing.

MOTION: DMc/DM to go ahead and direct staff to prepare the Ordinance and findings approving the annexation and zone change to be presented to the Council at the December 4th Council meeting. Issues concerning the conditional use would be addressed at the January 2, 1996 Council meeting. Public testimony shall remain open for 7 days.

Councilor TDW wanted to clarify the permissible zoning use (M-3). This procedure would not remove the need to apply for a conditional use permit.

ROLL CALL ON MOTION: 7 Yes/1 Abstain(AH). Motion carried.

Discussion was held with the applicant's attorney concerning working out the issues presented at the Council meeting with City staff. Mr. Cottle requested that the matter be continued to the January, 1996 meeting in order to be able to provide sufficient documentation and responses to the Council. City Attorney TDM noted that the matter would be tabled to the December 4th meeting if the applicant was ready. If not, the matter is scheduled for the January 2nd meeting. Mr. Cottle noted that his client would waive the requirements of the 120 day rule concerning the continuance. Councilor TDW stated that he still has initial unanswered questions concerning traffic, truck trips, sound, odor and other issues raised at the meeting. Councilor TDW would like to see more answers. Councilor DS stated that she would like to see City staff work closely with the applicant in providing such information which would include drawings of facility, etc. Mr. Cottle and Mr. Knight both noted that there are additional information provided to City staff that is available at the Community Development Office. Councilor TDW asked that

the definitions be more specific ("raw" garbage, etc.). DRC added that it is the applicant's responsibility to provide the burden of proof and to address concerns of the Council. It is not the City staff's responsibility to provide documentation, research and/or information.

Resolution No. 95-1942:

Mr. Knight stated that Yamhill County has done very little to enforce the issue of low density residential uses. Staff is recommending the Council's support in adopting **Resolution No. 95-1942** to deal with Yamhill County. This issue is very timely. Yamhill County has submitted a letter to the applicant advising that they would pursue enforcement action. The Council needs to give this recommendation. Discussion was held concerning the location of the subject parcel (fenced and graveled area). Mr. Knight added that this parcel provides urban type uses.

Councilor AH returned from the hall in order to resume the Council session. Councilor AH previously removed himself from hearing testimony or discussions on this issue.

MOTION: DW/TDW to approve **Resolution No. 95-1942**. Councilor TDW added that the staff's recommendation is important. (7 Yes/1 Abstain (AH)). Motion carried.

2. Public hearing regarding the annexation of a 7.21 acres portion of a parcel totaling 22.6 acres; zone change from County AF-10 to City R-2; and withdrawal from the Newberg Rural Fire Protection District.
Tax Lot No. 3221-3400 (pt.) Location: 808 S. Springbrook Road (westerly 660 ft.) ANX-5-95
Ordinance No. 95-2421

Mayor Proctor called for ex parte contacts, conflicts of interest, or objections to jurisdiction. Councilor DM noted that one of the applicants had been employed by her and her husband.

Councilor DW noted as a point of order, **Resolution No. 95-1942** had not been approved. Mayor Proctor stated that **Resolution No. 95-1942** would be heard after this matter. (For purposes of keeping information and testimony on an issue together, the discussion of **Resolution No. 95-1942** is placed with the previous text above.

Planning Manager John Knight stated that the subject property is zoned Medium Density Residential (MDR) in the Comprehensive Plan with an R-2 designation. Mr. Knight added that once the property is annexed, it could provide for residential or manufactured home parks. At this time, however, the applicants are only asking for annexation. City staff has prepared findings.

Mayor Proctor called upon proponents:

Ms. Margaret Leslie Hickert, 808 S. Springbrook Road, Newberg, indicated that they wish to annex 7.21 acres. They intend to retain 14 acres as agricultural land. They do not propose to have the agricultural land removed (small family fruit orchard).

Mr. Alvin Elbert, ARE Manufacturing, 704 S. Springbrook Road, Newberg, is the owner of the property north of the subject property. Mr. Elbert indicated that his main concern is public service. NSP Development has put in a mobile home park south of the subject property. The area is becoming over-burdened with traffic. Does this annexation mean that the City would provide more and better services (more police patrols)? Mr. Elbert indicated that there are no parks in the area although the pedestrian traffic has increased. The 40mph speed limit is rarely adhered. When he first bought into the area, he was told that it was an industrial area (airport, transfer station, etc.). Now, there is residential areas popping up. Councilor RW explained that the City is growing and will always be changing. Mr. Elbert agreed but also mentioned that he believes that things are happening sooner than what should happen. Lt. Stan Newland, Newberg Police Department, indicated that police officers go through that area quite a bit. Some responses are performed by Yamhill County Sheriffs. City Manager DRC noted that it is staff's recommendation to approve the annexation (**Ordinance No. 95-2421**). Mayor Proctor closed the public hearing.

Mr. Knight explained that the property adjacent to the subject property is already dedicated to be used for expansion of the roadway, when needed (additional 10-15 feet) to comply with the City's transportation plan. Mr. Knight also noted that through court order, the legal description (Exhibit "B") to the Ordinance has been amended which is a result of activity (lot line adjustment) between the two property owners. Mr. Knight also confirmed it is staff's recommendation to approve the annexation.

City Attorney TDM added that the new legal description (Exhibit "B") was a dispute over the lot line. They received this information by facsimile on November 16, 1995 at approximately 4:47 p.m. City staff has been advised that a survey has been drawn up and that a new legal description for **Ordinance No. 95-2421** is presented before them in draft form with originals forthcoming.

MOTION: AH/DM to read Ordinance No. 95-2421 by title only with amended legal description as presented. (Unanimous). Mayor Proctor read Ordinance No. 95-2421 by title only. (Unanimous). Motion carried.

3. Review of Revised Development Code. **Ordinance No. 95-2411** (not in packet).

Mayor Proctor stated that John Knight would be reviewing some of the changes to the Development Code which had been previously discussed.

Mr. Knight reviewed the following changes:

1. The new publication (pink cover) is a compilation of the changes which were previously discussed by the Council and staff. The prior document (yellow cover) should be tossed because the pink cover revision is the most current. Some items discussed involved statutory land division changes.
2. "Director" is inserted where "Manager" appeared in the text.
3. Procedures outlined in Senate Bill 3065 (expedited land division process - subdivisions and partitions). The recent Bill requires cities to process items within

63 days. Appeals do not go to the Planning Commission or the City Council. They are heard before a hearings officer/referee. Appeals from the referee would not go to LUBA, but will go to the Court of Appeals. The Bill removes all processes, staff makes decisions, then to the hearings officer. This process pulls the City Councils out of the loop.

4. From the subdivision standpoint, the hearings would not be held by quasi-judicial procedures. The City would not be required to take in public testimony.
5. The changes allow the Council to take out nonconforming signs.
6. It removes the criterion that the Council cannot use criteria from the Comprehensive Plan. It must site specific criteria, require traffic impacts and independent traffic studies.
7. Height limits are changed for industrial and commercial zones.
8. Sign height and setbacks are changed.

Mr. Knight further indicated that there were other items corrected in the Code. Councilor RC stated that he would like to see a better indexing system in the front of the Code. Mr. Knight stated that it was his intention to provide an index after the final draft was done so that correct pagination would be done. Councilor RC further added that at Page 81 (corner vision clearance -Director's decision) that this needs some further clarification. It does not appear to be complete. Mr. Knight added that was in the original ordinance and any changes must be done by the Council. It is not a change for City staff to change. Additional discussion was held concerning garage sale, realtor and other signs placed in the public right-of-way. Mr. Knight stated that these would be resolved through the City Manager's review. DRC noted that the old code allowed for signs, but not in the right-of-way.

Mr. Knight asked that the matter be continued in order to bring forth the Ordinance approving the Development Code. Councilor RC discussed with TDM the antennae ordinance. TDM noted that he has requested information on this matter. Discussion was also held concerning mobile home park restrictions. Mr. Knight said that certain items in the Development Code are superseded by Oregon State Statutes.

Discussion was held concerning tree sales and insurance bond requirements. TDM noted that the general rule is that permits are issued with the applicants obtaining insurance which defends and indemnifies the City. There really has not been much of a problem. Further discussion was held concerning the addition of nonprofit entities and how they interact with the City's policies, ordinances and guidelines.

Mayor Proctor stated that the revised (pink) copy of the Development Code is available at the Library and the Community Development Office. Testimony will remain open for seven days to receive written input. The matter will be returned for adoption at the December 4, 1995 City Council meeting.

Mr. Sid Friedman, 31909 NE Corral Creek Road, Newberg, stated that the language in the Development Code does not allow the City Council to take in public testimony. Mr. Knight stated that the Oregon statutes prohibits the Planning Commission to hold public hearings. Mr. Friedman stated that the Development Code further lacks the mechanism for taking decisions that have a large impact on the City (such as large development projects) from City staff decisions to

go before the Planning Commission (community decision). Large developments that would employ several hundred people would have a large impact on traffic within the community, cause increased residential growth, etc.

Mr. Friedman further added that the specific language of the City's ordinances notes that it advances the City "as a regional center for commerce and industry". It appears that this is not incorporated in the new Development Code.

Mr. Friedman discussed noticing, posting requirements and the need for citizens to be advised prior to the hearings and the process. Mayor Proctor asked Mr. Friedman if he could provide copies of his questions and concerns to Mr. Knight so that the Council could review them in accordance with the finalization of the Development Code. Mr. Friedman stated that he would make appropriate copies and provide them to Mr. Knight.

Mr. Friedman stated that in most jurisdictions, when a development is proposed on a property, the notice is physically posted with a sign indicating a public hearing, the annexation, zone change, etc. and it would be an excellent idea for the City to require similar posting so that citizens can be informed. Mayor Proctor also stated that she and other Council members are always being asked what is going on in a certain area. Often times they do not know either.

In addition, Mr. Friedman stated that in several areas the Development Code does not reference areas that cite the requirements of compliance with the the City's Comprehensive Plan which the proposed development must comply. The revised draft Code does not provide for this language. Recent changes in the state land use laws may be a problem. The City should require this language be made a part of the Development Code, that all proposed developments must comply with the Comprehensive Plan. Everything should be based upon the Comprehensive Plan.

Councilor RW stated that he is glad that the Council and City staff is working toward the final adoption of the Development Code. The City should thank Mr. Knight and his staff for a job well done. Councilor RC added that it was suggested that the Development Code name be changed to "Newberg Development Code and Land Use Development".

Mayor Proctor stated that the Council would take a five minute break at 10:00 p.m. Mayor Proctor called the meeting to order at 10:10 p.m.

V. CONTINUED BUSINESS

1. Information on Development Code changes relating to adult bookstores.

City Attorney TDM stated that the information presented in the packet is for the City to provide for nuisance abatement procedures involving adult bookstores.

MOTION: DW/TDW to direct staff to draft nuisance ordinance dealing with adult bookstores in conformance with recent Supreme Court decisions. (Unanimous). Motion carried.

VI. NEW BUSINESS

III-1

1. **Resolution No. 95-1940** requesting Yamhill County to release property along Springbrook Road to the City for possible use as a fire station.

MOTION: AH/RW to adopt Resolution No. 95-1940. (Unanimous). Motion carried.

2. **Ordinance No. 95-2420** amending Ordinance No. 2115 banning the sale of Drug Paraphernalia designed for use with illegal drugs, and providing penalties. **Ordinance No. 95-2424** amending Ordinance No. 1703 section 114 dealing with offenses for possession of marijuana.

MOTION: TDW/DW to read Ordinance No. 95-2420 by title only. (Unanimous). Mayor Proctor read Ordinance No. 95-2420 by title only. (Unanimous). Motion carried.

MOTION: AH/DS to read Ordinance no. 95-2424 by title only. (Unanimous). Mayor Proctor read Ordinance No. 95-2424 by title only. (Unanimous). Motion carried.

3. **Resolution No. 95-1937** establishing a fire truck fee for the purpose of replacing existing rolling stock and rescue equipment in the Newberg Fire Department.

Assistant Fire Chief Ben Erb and Newberg Volunteer Fire Department Captain Don Schmidt were in attendance to answer questions from the Council or audience. DRC added that it was staff's recommendation to approve **Resolution No. 95-1937** based upon the Finance Committee's review and recommendation to adopt the \$1 fire fee which would replace fire trucks, equipment, apparatus, duty officer cars, dive rescue vans and boats. DRC added that he would change the resolution to delete the word "truck" from fire fee. Councilor DW also added that the funds would not immediately replace fire equipment and vehicles, but would be progressive. The City would seek alternative financing for larger expense items. Councilor DMC stated that he was in support of the reason for the fire fee, but is concerned that the resolution does not provide for a term certain, nor does it provide an amount needed. In addition, Councilor DMC stated that he feels that the matter should be referred to the voters on the May, 1996 ballot for consideration along with other items that would reduce the cost of the election process.

Captain Don Schmidt, 1604 N. Meridian Street, Newberg, stated that the \$1 fee is for the capital improvements fund. At the present time, the Fire Department does not have any way to put funds aside to replace equipment on a timely basis. This provides the Fire Department the opportunity to gather funds to replace equipment on a timely basis as the equipment grows older and technology increases. With the new federal and state regulations on equipment, the price of items become very expensive. The fund would be set up on a continuous basis to provide for the replacement of aging equipment in a timely fashion. Councilor RW stated that he remembers doing this process in the past and each water/sewer customer paid \$12 per year but questions whether \$12 per year per user would be enough?

Ms. Katherine Tri, Finance Director, stated that it is estimated that capital improvements will be needed in the next 7-8 years in the amount of \$1.2 million. It is estimated that the approximate \$65,000 collected in fees will not pay for this. The Finance Committee

recommended a bi-annual review every year and report back to the Council as to the status of the capital improvements and amounts needed. The \$1 fee will not generate enough capital, and the City and Fire Department may need to look at alternative financing.

Discussion was held concerning bonds for fire department substation on Springbrook Road and what equipment, staff and vehicles would be needed for this location. The vehicles listed does not include the purchase of hoses, sirens, axes, etc. The price of these items are escalating as time goes on. Discussion was held concerning taking one of the fire vehicles to the new location or add it to the bond levy. Ms. Tri added that the matter was put to the voters for a four year committment. The levy stopped one year sooner than anticipated. Ms. Tri noted that the community survey revealed a 79% approval rating, although the voters voted 56% in favor.

MOTION: DW/AH to approve Resolution No. 95-1937. (5 Yes/3 No (TDW/DMc/DS). Motion carried.

Councilor RC asked for clarification of the Motion allowing for the vote of the people. Councilor RC stated that he wished to have the Motion reconsidered and vote again.

MOTION: RC/DW to reconsider the previous Motion. (Unanimous). Motion carried.

MOTION: DW/AH to adopt Resolution No. 95-1937 and not go to the vote of the people. (2 Yes (AH/DW)/6 No (RC/DS/RW/TDW/DM/DMc). Motion failed.

MOTION: DMc/RC to take the matter to the voters at the May, 1996 election and to determine the amount needed and term specific. DRC stated that it is staff's request that the matter be returned at the January 2nd meeting in order for staff to have appropriate documentation for the Council's review.

Councilor RW added that the person who writes the statement in the voter's pamphlet should include that the City Council unanimously voted on this matter. Councilor AH called for the question. Councilor DW asked Ms. Tri what the cost would be to place this matter on the ballot. Ms. Tri noted that it would be no cost from the County Clerk's Office.

ROLL CALL ON MOTION: (Unanimous). Motion carried.

4. Motion to accept the recommendation of the Manager that the Community Development Committee undertake two projects during the coming year.

MOTION: AH/TDW to accept the recommendation of the City Manager that the Community Development Committee undertake two projects during the coming year. Discussion was held concerning the Committee being able to handle the projects due to time commitments.

Mayor Proctor stated that the Community Development Committee, like other City Council sub-committees have volunteers. Councilor RC said that he feels that the Committee

could handle these projects by holding public meetings and requesting input from citizens. Councilor DMC added that if the projects get hung up in the Committee, the projects can be kicked out of the Committee and receive further assistance.

ROLL CALL ON MOTION: (Unanimous). Motion carried.

5. **Resolution No. 95-1938** authorizing the City Manager to hire S.E.R.A. Architects and approving the scope of work to study the marketability and future for Central School/City Hall.

MOTION: RW/DW to adopt **Resolution No. 95-1938**. (Unanimous). Motion carried.

6. **Ordinance No. 95-2422** amending Ordinance No. 2029 establishing regulations of water use during times of mandatory water curtailment and/or water crisis in the City of Newberg; setting forth the policy of the City concerning mandatory water curtailment; authorizing the City to establish rules during such times; and prescribing penalties for violations of rules.

MOTION: DMc/DW to table this Ordinance to the December 4, 1995 City Council meeting due to the lateness of the hour and that the matter deserves more time to discuss. (7 Yes/1 No(RC)). Motion carried.

7. Set date for City Council/Planning Commission joint meeting. Staff Report.

Mayor Proctor stated that January 16, 1995 would be the date of the joint meeting. Work session would begin at 6:00 p.m. and regular session at 7:00 p.m.

VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

City Attorney TDM stated that the Ordinance/Legislative Committee has postponed the dessert/tea it was presenting with Legislators Bunn and Lewis scheduled for November 14th. The date is still not known, but it is believed to be sometime after the first of the year.

MOTION: DW/TDW to adjourn at 10:41 p.m. No vote was taken.

Mayor Proctor stated that she wished to have an executive session at this time. Discussion was held concerning having the executive session at the next meeting. Mayor Proctor stated that Councilor RW will not be in attendance at that meeting and hoped that the executive session could take place at this meeting. Mayor Proctor called for a vote of the Council for the executive session. **ROLL CALL: (1 Yes(RC)/7 No)**. Mayor Proctor then declared that the executive session would be held when Councilor RC returns. Councilor RW stated that he would not be attending the November 17th meeting, but would be attending the December 4th meeting. Mayor Proctor indicated that she wished that all Council members be in attendance. Councilor DM

stated that maybe another Council member may not be in attendance at the December meeting. Discussion was held concerning holding a special executive session and that she would contact the Council members to arrange for a date and time.

NOV 10 1995

VIII. COMMUNICATIONS FROM THE FLOOR

None.

MOTION: DW/TDW to adjourn at 10:55 p.m. (Unanimous). Motion carried.

ADOPTED by the Newberg City Council this __ day of November, 1995.

Duane R. Cole, City Recorder

ATTEST by the Mayor this __ day of November, 1995.

Donna Proctor, Mayor

III-1

Monday, 6:00 p.m.

November 20, 1995

CITY COUNCIL
WORK SESSION MINUTES

Newberg Public Library

Newberg, Oregon

Mayor Donna Proctor called the session to order at 6:05 p.m.

Council Members:

Present:

Roger Currier	Don Wright
Alan Halstead	Dave McMullen
T. Dan Wollam	Deborah Sumner

Absent:

Donna McCain	Robert Weaver
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City Staff Present:

Duane R. Cole, City Manager
 Terrence D. Mahr, City Attorney
 Greg Scoles, Community Development Director

The City Council of the City of Newberg held a work session to review the Council agenda for November 20, 1995. No action was taken on the agenda items.

A discussion was held regarding the upcoming Council calendar. It was determined, by consensus, that very few of the Council members would be attending the Chamber City Social scheduled for December 14, 1995. This event was being hosted by the Chamber of Commerce. The City Manager indicated he would communicate the Council's desire to delay this activity until after the first of the year.

The Council discussed limiting Council committee meetings during the month of December. Specifically, the Finance Committee, Community Relations Committee and Community Development Committee were going to review their schedules to see if their meetings could be canceled for the holidays. Council member Wollam indicated that he would talk to Counselor Mahr regarding business at the Ordinance/Legislative Committee and whether to have a meeting during the holidays.

The Council discussed the individual Councilors' ability to propose policies and use staff time to develop policies for the Council's review. The key question was, how to raise issues and use staff time to develop the issues prior to bringing the issues to the full Council. The thought was that some of the issues being brought to the Council by individual Council members were not issues that the Council wished to review. Prior to bringing an issue forward, it was discussed having Council members review the issue with the City Council in order to develop a consensus to move forward on a policy discussion pertaining to certain issues. The Council decided, by consensus, to discuss this further at a work session to be held on January 8, 1996.

The Mayor adjourned the Work Session at 6:53 p.m.

**MINUTES OF NEWBERG CITY COUNCIL
MONDAY, NOVEMBER 20, 1995
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY**

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

Mayor Proctor and audience performed pledge of allegiance.

II. ROLL CALL

Roger Currier (RC)	Alan Halstead (AH)
Dave McMullen (DMc)	Deborah Sumner (DS)
T. Dan Wollam (TDW)	Donovan Wright (DW)

ABSENT: Donna McCain (DM) F. Robert Weaver (RW)

CITY STAFF: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Robert I. Tardiff, Police Chief
Greg Scoles, Community Development Director
John Knight, Planning Director
Peggy R. Hall, Assistant City Recorder

OTHERS

PRESENT: Various members of the Citizens Advisory Forum and police department staff (Stan Newland, Bonnie Dodson, Ken Summers, John Goad, Mary Newall, Art Pohl), Richard Oare and Gail Chamberlain.

III. CONSENT CALENDAR

1. Approve minutes from Work Session held on November 6, 1995.

MOTION: AH/TDW to approve consent calendar. (6 Yes/2 Absent (DM/RW). Motion carried.

Mayor Proctor stated that the community policing plan presentation would be heard at this time (formerly from NEW BUSINESS).

2. Presentation by Police Department RE: Community/Policing Plan

Police Chief Bob Tardiff presented information concerning the community/policing plans involving the Law Enforcement Advisory Forum (Committee) and Newberg Police Department management team. The Committee provided goals and objectives for the Police Department and City and wanted to share these with the Council. Chief Tardiff indicated that the Committee had been meeting since June, 1994. The Committee's mission was to establish a plan for the Police Department to carry out goals and objectives to help guide them into servicing the City's needs. These were not policy goals, but internal goals to be reviewed and discussed. These were

"working" type goals needed to compliment the goals established by the City Council. Chief Tardiff provided over-heads to aid in his presentation.

Chief Tardiff further noted that the Law Enforcement Citizen Advisory Forum works in partnership with the Police Department and shares vision statements and goals. The Police Department has been working with the Committee on essential and desired services. The Police Department and the Committee has been working on the Police Department strengths and weaknesses and have arrived at a vision statement with goals and objectives.

Goal #1: The citizens of Newberg should feel safe from crime through vigilance and a partnership with their police department.

Goal #2: The citizens of Newberg should receive efficient, timely service from the Police Department within available resources and priority.

Goal #3: The Newberg Police Department shall continue to exceed standards as set by the Board on Public Safety Standards and Training.

Goal #4: The citizens of Newberg should be proud of a functional police department facility which meets the needs of the department and community.

Goal #5: The Newberg Police Department should keep pace with advances in technology.

Goal #6: The Newberg Police Department should effectively communicate with the citizenry and the department.

Goal #7: The Newberg Police Department should focus on law enforcement functions specifically related to its mission statement.

Goal #8: The Newberg Police Department should seek all means available to assure adequate staffing in fulfilling its mission.

Chief Tardiff stated that thanks to the serial levy passing this past May, they were able to implement the goal of developing a youth crime detective position in conjunction with Chehalem Park & Recreation District to work with students in the two middle schools and high school. Discussion was also held concerning the parking enforcement program utilizing George Fox College student volunteers assisting the City in resolving parking problems. Chief Tardiff also mentioned that allowing non-sworn personnel to assist in handling minor complaints has helped free up valuable officer time. Discussion was held concerning development of alternatives to officers handling calls involving keys locked in vehicles. Chief Tardiff reviewed that there were 305 false alarms last year (1994). So far this year, the police department has received that many already. Councilor RC stated that he was under the impression that the City charged for more than three false alarms. Chief Tardiff indicated that there is also a problem with alarms going off and no one around to turn them off (alarm owners providing alternate persons (neighbors, family, friends, etc.) to turn off alarms rather than letting them ring). Chief Tardiff indicated that it would be helpful if the City had a permit policy for tracking this type of information. Mr. George Alexander (Forum member) inquired whether or not this would be something for the electrical

inspector to monitor. Chief Tardiff stated that there are about 150 residential and 150 business alarms within the City.

Sgt. Tim Weaver is in charge of the Ed-net service through the satellite. Det. John Goad is the reserve coordinator. The new laws require that officers become certified. Chief Tardiff indicated that there are about 9 reserve officers in the academy and 9 reserve officers on board now. Chief Tardiff further advised that the City just hired a few of their reserve officers as permanent officers. Discussion was held concerning bilingual officers being scarce. Most bilingual officers go to larger departments where they are paid more. The City has a couple of bilingual dispatchers which have been very helpful. Assistant Court Clerk Robin Steele has been very helpful as well.

Discussion was held concerning the need for a new lobby and/or police building. Further discussion was held concerning relocating the dispatch console. Chief Tardiff indicated that they have all been looking at how the existing facility could be accommodated, but find that the bottom level of the City Hall where the Police Department's dispatch center is located, has many levels.

Chief Tardiff reviewed Goal #5 which involved the 9-1-1 system. Chief Tardiff described the difference between the existing 9-1-1 system and the enhanced 9-1-1 system. The enhanced 9-1-1 system would allow dispatch operators to identify names, addresses and phone numbers of persons calling in to the dispatch center. Chief Tardiff noted that as an example if an individual called and was having a heart attack and then passed out, the phone line would not disconnect, but the caller's address would come up on the computer screen and allow the police department and ambulance to locate this person. The 9-1-1 system does not provide this service. The dispatch officer has to then contact the telephone company to get an address. Further discussion was held concerning replacement of cars and equipment. Chief Tardiff stated that two upgraded systems would cost about \$120,000 which is a big investment.

Chief Tardiff then talked about the citizen academy class. Chief Tardiff also mentioned that there were citizens wishing to attend the academy, but were turned away due to class size. The second class is scheduled for this spring.

The goals were not presented in any priority order. They are just goals for the Council to review and consider.

Councilor TDW stated that he suggested that the Committee and Council review the requirements of the use of grants. Few grants are for perpetuity (long term). Most are for one or two years. Chief Tardiff agreed and further stated that the COPS Fast program is a federal program in which an officer's salary is picked up through a federal grant program.

Mayor Proctor introduced Gail Chamberlain, a volunteer, who attended classes in Eugene on senior volunteer projects. She attended a conflict resolutions seminar which proved to have very valuable information. Ms. Chamberlain stated that the City should work with Yamhill County Mediation to resolve issues.

The Mayor, Councilors Sumner and McMullen stated that on behalf of the Council they wished to thank Chief Tardiff, the Committee, the management and police department staff for

their input and wanted to show their appreciation for a job well done. Councilor DW added that there were so few comments from the Council due to the excellent presentation.

A member of the Committee also noted that if it were not for Chief Tardiff's excellent leadership, they would not have been able to obtain their goals.

V. CONTINUED BUSINESS

1. **Ordinance No. 95-2422** amending Ordinance No. 2029 establishing regulations of water use during times of mandatory water curtailment and/or water crisis in the City of Newberg; setting forth the policy of the City concerning mandatory water curtailment; authorizing the City to establish rules during such times; and prescribing penalties for violations of rules.

MOTION: DW/AH to read **Ordinance No. 95-2422** by title only.

Councilor RC stated that the Ordinance dealt with water usage and potential rationing problems. Councilor RC stated that he believes that there were peaks this past year in which water rationing could have taken place. Councilor RC stated that he was concerned about large industrial water users coming into the City and taking up additional water during crisis times. Councilor RC stated that he had a problem with Section 3 of the ordinance dealing with classifications. He wished that Section 3 be removed. Councilor DS agreed that the City should consider this because it should not wait until it is needed then worry about how to handle the situation. Discussion was held concerning how a large user could make it a bigger rationing problem than not. The City Manager would have the authority to apply policies to effectuate any rationing program. City Manager DRC stated that the issue is limiting water usage. The Mayor has the authority to impose whatever water rationing system the City needs to protect the public health, safety and welfare of the citizens of Newberg. The current ordinance has a more restrictive policy in which all classes would be treated equally (universal cut-back). The matter has not been a problem for some years. Councilor RC inquired whether or not the City was at its peak at different times. City Manager DRC stated that the Water Master Plan indicates that there are about 3-4 days a year in which the levels are at a peak. Councilor RC stated that if a 2 million gallon per day user is added, there may be a problem. DRC added that user would pay fees that would pay for additional equipment, wells and services.

Councilor AH called for the question. City Attorney TDM read **Ordinance No. 95-2422** by title only.

ROLL CALL ON MOTION: (2 Yes(RC/DS)/4 NO (AH/TDW/DW/DMc/2 Absent (RW/DM)).
Motion failed - required 5 affirmative votes to pass.

VI. NEW BUSINESS

1. Approve appointment of Don Mathews to fill vacancy due to death of Russ Pack on Traffic Safety Committee.

MOTION: AH/DW to approve Don Mathews (6 Yes/2 Absent). Motion carried.

2. **Resolution No. 95-1943** demonstrating support for a Residential Needs Analysis Grant Application.

City Manager DRC stated that the grant would provide input for traffic and growth management information which would authorize City staff to proceed in a long range planning project for the City. Councilor RC stated that the numbers presented may need to be reviewed or changed. Planning Director John Knight indicated that the budget would be increased by approximately \$10,000 (\$7,000 to be paid by the City in terms of labor, not cash). Mr. Knight further added that most of the work would be done by the Council of Governments (COG) in exchange for them assisting the City in applying for the grant. The COG has the experienced staff to effectuate the grant application requirements.

MOTION: AH/TDW to adopt Resolution No. 95-1943. (6 Yes/2 Absent (DM/RW). Motion carried.

IV. PUBLIC HEARING

2. Continue review of Development Code.

Mayor Proctor stated that the public hearing has been continued from the last meeting and shall remain open until December 4, 1995. DRC stated that staff received two letters (one from Sid Friedman and another from Durran Auld and Del Eurick) The Auld/Eurick letter was received on November 21st at 3:00 p.m. asking that service stations remain as a M-1 permitted use. Discussion was held concerning the reasoning for additional scrutiny for service stations. Mr. Knight stated that the Planning Commission was concerned about certain conditions this use would have on the area (traffic, noise, hearing process, etc.). The neighbors are concerned. Councilor DMc stated that the state and federal agencies (DEQ, etc.) have a much better handle on monitoring these types of businesses than the City does. Councilor RC stated that he thought that they should all be put as conditional uses and if there were any problems, they could be voiced at the public hearings. Discussion was held concerning conditional use versus design review process. Mr. Greg Scoles, Community Development Director, stated that the design review process requires notice to surrounding property owners no matter what is intended to be built. There would be a different arena on how it is dealt with on a conditional/permitted use. City Attorney TDM added that the difference is precisely what was allowed in the Horizon Construction LUBA appeals. The City's ordinance specifically provides for conditional use. Councilor AH stated that it might be an idea that the C-2 zone is in the wrong place and should only be allowed in certain places. Maybe the City should consider changing the zoning ordinance. Discussion was held concerning expedited hearings applying only to permitted and residential uses.

Additional discussion was held concerning C-2 and C-3 zones having to go through a process of design review through the Planning Commission. DRC and TDM stated that they could not think of any projects in the past five years that have been stopped by the conditional use permit process. Mr. Scoles added that more projects are stopped through the design review process than the conditional use process. Mr. Knight also stated that City staff does not have the experience in dealing with environmental issues. Further discussion was held concerning the design review process and the conditional use permit process.

Councilor DW asked whether or not as a procedural standpoint, the Council could resolve these issues at this meeting by taking a vote. City Attorney TDM stated that the public hearing is still open. City Manager DRC stated that the cleaner way would be to present a couple of proposals: decide about the service station issue and any other issues requested. Discussion was held concerning development standard procedures. Mr. Knight stated that all projects are reviewed by criteria which is on page 82 of the proposed Development Code (design review) and on page 91 for conditional use permits. These criteria are established by Ordinances which are approved by the Council. Discussion was held concerning the difference between conditional use standards and design review standards (discretionary vs. objective). Mr. Knight also stated that the Council has the opportunity to deny any request.

MOTION: AH moved to close the public hearing. (Motion failed for lack of second).

City Manager DRC stated that this is a legislative process. The Council is not in a decision making mode during public hearing. The public hearing was declared to remain open until the December 4, 1995 City Council meeting. Councilor DMc stated that the Development Code could be adopted as it is before the Council with any changes it may want to make.

Councilor RC questioned Councilor DMc's ability to vote on service stations as his associate is working with the owners of property.

DRC recapped the issues: service stations and tv/radio antennas.

City Attorney TDM stated that Colin Lamb is knowledgeable in the area of tv/radio antennas and has submitted written material for the Council to consider. This information has been forwarded to John Knight for implementation into the Development Code. It is believed that the City does not have any real concerns at this time. Any concerns would be addressed between property owners using private covenants and/or restrictions placed on properties.

Discussion was held concerning adopting the Development Code at the December 4th meeting or at a later date. DRC added that additional concerns involving restaurants/fast food operations would also find difficulty in the conditional use process for a number of reasons (transportation, traffic impact, environmental, etc.). Mr. Knight stated that in the present case of the BP station, the Planning Commission was concerned with transportation, traffic impact, small wetland areas with trees, etc. This was reviewed under a permit process. The Planning Commission would have the authority to approve under the design review process.

Councilor DW stated that he felt Councilor AH's motion to close the public hearing was

valid and appropriate. Mayor Proctor stated that at the last Council meeting, it was discussed that the public hearing would be closed at the December 4th meeting. City Attorney TDM stated that this is a legislative process in which the Council should consider how much is amended and that persons should be able to comment on the Development Code if the Development Code was in a more stable rather than fluid condition. The people should have a chance to comment. DRC added that the Council could move the matter to January, 1996 meeting, but could close the public hearing on December 4th. Councilor AH stated that he did not have a chance to review Sid Friedman's letter.

MOTION: AH/DW to direct staff to prepare the appropriate amendments as discussed involving radio/tv antennas. (6 Yes/2 Absent (RW/DS). Motion carried.

MOTION: DW/AH to withdraw fast food and gas (service) stations from the Development Code as indicated in the previous Code. (3 Yes/2 No(RC/DS)/2 Absent (DM/RW)/1 Abstain (DMc). Motion carried.

Councilor DMc stated that he wished not to have his comments be noted as being critical of the Planning Commission or their way of handling issues that come before them. The Planning Commission does a terrific job and wished to thank them for their hard work.

DRC noted the following additional concerns: resolution of the adult bookstore issue, the language on page 48 of the Development Code needs work, page 49 concerning fees and page 51 involving the hearing process and hearings officers will be removed from the Development Code to be placed in a Resolution which would allow for State law changes, where applicable. Some issues will be returned to the Planning Commission for their review. Page 106 has some corrections and the issues on Christmas tree businesses will be taken out of the Development Code as well.

MOTION: DW/AH to have staff prepare the appropriate changes for the December 4, 1995 City Council meeting. (6 Yes/2 Absent (DM/RW). Motion carried.

Councilor TDW stated that the City's codification project is completed pending the approval of the Development Code section. Councilor TDW stated that he would request that the Development Code be approved in the same format as the existing code is now for all the other City ordinances. This would aid in indexing the entire City Code. Discussion was held concerning viewing the proposed City Code prior to making the changes. Councilor TDW stated that the changes would not be substantive, but would be made to chapters, sections and title changes. The numbering system would be identical to the proposed City Code. Mr. Scoles stated that codifying the Development Code would not require re-adoption. It could be codified upon adoption if the Ordinance adopting the Development Code so indicated. TDM stated that it would be easier to place the Development Code in proper sequence before distribution (promulgation) as the State does its statutes.

MOTION: TDW/AH to put the Development Code in the proper sequence prior to distribution. (6 Yes/2 Absent (DM/RW). Motion carried.

VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

DRC stated that the League of Oregon Cities has concerns over Senate Bill (SB) 122. This has the requirements of a hearings officer. Some cities are upset with this new legislation which involves problems with the home rule. The smaller cities are indicating that the process is not "fair". Some cities are discussing this issue with their legislators.

VIII. COMMUNICATIONS FROM THE FLOOR

None.

IX. ADJOURNMENT

MOTION: RC/AH to adjourn at 9:00 p.m. (6 Yes/2 Absent (RW/DM). Motion carried.

ADOPTED by the Newberg City Council this __ day of December, 1995.

Duane R. Cole, City Recorder

ATTEST by the Mayor this ____ day of December, 1995.

Donna Proctor, Mayor

REQUEST FOR COUNCIL ACTION

Date Action Requested:

December 4, 1995

XX Motion

Date Submitted:

November 17, 1995

Recommendation: The City Manager recommends that the City Council authorize the Mayor to sign an agreement with the Council of Governments for grant administration services. The amount of the contract is \$750.00 for a \$10,000.00 grant.

Background: The City of Newberg was awarded a \$10,000 grant to study the feasibility of locating a Family Resource Center at Central School. The Oregon Community Development Block Grant Program application was prepared and submitted by the Council of Governments. The City may contract with the Council of Governments (COG) for grant administration services. There are several reasons for contracting with the COG:

1. The COG has the expertise to advise the City on the many rules and regulations when the City receives Federal funding. For example, the COG advised the City to include language in the consulting contract that is necessary in order to avoid an audit comment at the end of the grant. Audit comments may result in the City owing a portion of the grant funds to the Federal government.
2. The City used the COG services to write the original grant. Our intent was to contract for grant administration services and the COG has assisted the City throughout the process.
3. The cost is minimal and will not affect the overall grant program.
4. By contracting, the staff can focus on the project and not the details of drawing funds and monitoring the grant process.

Fiscal Impact: The amount of the Grant is \$10,000. The School District and the City are providing \$1,000 each and CPRD is providing \$300 to match the grant funds, for a total project of \$12,300. City funds are budgeted in Central Services City Hall Fire Expense line item which has an allocation of \$22,422.

Strategic Impact: Public Facilities is part of Future Focus II. Governments were encouraged to work together to provide efficiency and effective services. A part of the City's work plan is to resolve the facilities issues. This project addresses both the work plan and the vision.

Submitted by:



Duane R. Cole, City Manager

pj\cdbg95\rca1195.wpd

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A G R E E M E N T

between

MID-WILLAMETTE VALLEY COUNCIL OF GOVERNMENTS

and

CITY OF NEWBERG

* * * *

WHEREAS, the Mid-Willamette Valley Council of Governments (COG) and the City of Newberg (City), have long had interests in common; and the City is a member of the Council of Governments, and

WHEREAS, the City has been awarded a 1995 Oregon Community Development Block Grant (Grant #T95045) for a Feasibility Study for a Family Resource Center; and

WHEREAS, the City desires assistance with the administration of this Oregon Community Development Block Grant and the COG provides such service for its member governments;

IN CONSIDERATION of the mutual benefits and obligations set out herein, the parties agree that from the date of this agreement's execution to the first day of July 1, 1996 or the first date on which the Grant has been administratively closed by the Oregon Economic Development Department, whichever comes first, the following provisions shall apply:

I. Description of Work to be provided by COG:

- A. Assist City with meeting and documenting its environmental review responsibilities for activities funded by the Grant; draft City resolutions and policies regarding excessive force, fair housing and others as may be necessary and appropriate; assist City staff with the establishment of record keeping and financial management systems for the project; assist with completion of the Self-Evaluation Checklist required by Section 504 of the Rehabilitation Act of 1973; and other activities that may be necessary to get the project started and eligible to receive funds.

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- B. Assist with procurement of profesional consulting services. Draft "Request for Qualifications" and submit to funding and regulatory agencies for approval. Assist with the publication and distribution of RFP documents. As requested by the City, assist with evaluation of proposals and with the selection process. Provide draft engineering contract documents for review and approval by the City and its legal council and assist in obtaining necessary agency approvals.
- C. Provide assistance to the CITY with State of Oregon and U.S. Department of Housing and Urban Development regulatory requirements that apply to the expenditure of Oregon Community Development Grant funds including: review of all contracts for regulatory requirements, assist contractors and subcontractors with state and federal regulatory compliance problems emanating from this project and maintain all of the files and reports necessary to document the CITY's proper compliance with the federal and state requirements that apply to this project.
- D. Review all payment requests, prepare the necessary cash request forms for signature by authorized City representatives, assist as needed with financial record keeping and preparation of disbursement documents for approval by City authorities, prepare all project progress reports that may be required of the City by the State of Oregon or the U.S. Department of Housing and Urban Development, represent the City at monitoring visits by Oregon Economic Development Department representatives and help resolve any such monitoring findings, prepare other necessary project documentation, and be available to meet with the City's auditor during the annual audit to answer project regulatory compliance questions.
- E. Provide assistance with arrangements for design/construction phase financing, including preparation of a OCDBG.
- F. Prepare City completion reports and other documentation required for closing out the Oregon Community Development Block Grant.

\$750.00 payable upon submission of grant close out reports.

II. Method of Payment and Payment Schedule

The COG agrees to submit a written invoice at the completion of all elements of work described in the preceeding paragraph. The City agrees to make full payment with project funds upon proper receipt of invoice.

III. Conflict of Interest

No member, officer, or employee of the City recipient of the Community Development Block Grant, or its designees or agents, no member of the governing body of the locality in which the grant project is situated, and no public official of such locality or localities who exercise any function or responsibility with respect to the project during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the project assisted under the

grant contract.

IV. Section 3 of the Housing and Community Development Act

The work to be performed under this contract is on a project receiving direct federal financial assistance from the Department of Housing and Urban Development and is subject to the requirements of Section 3 of Housing and Community Development Act of 1968, as amended, 12 USC 1701u. Section 3 requires that, to the greatest extent feasible, opportunities for training and employment be given lower income persons residing in the Newberg City and contracts for work in connection with the project be awarded to eligible business concerns which are located in or owned in substantial part by persons residing in the City of Newberg.

V. Access to Records

The City, Economic Development Department of the State of Oregon, the U.S. Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the COG which are directly pertinent to this specific contract, for the purpose of making audit, examination, excerpts and transcriptions. All required records shall be maintained by the COG for three years after grantee makes final payments and all pending matters are closed.

VI. Remedies

Each party shall be entitled to all remedies available at law and in equity to enforce rights under terms of this contract.

VII. Other State and Federal Requirements

The COG agrees to comply with all other requirements of the State of Oregon or the United States Department of Housing and Urban Development that may apply to activities undertaken by this contract. These include, but are not limited to, the Federal Uniform Administrative Requirements, as described in 24 Code of Federal Regulations 570.502.

VIII. Suspension or Termination

This contract may be suspended or terminated in accordance with 24 CFR 85.43, if the COG materially fails to comply with any term of this contract. This contract may also be terminated for convenience upon written notification by either party with a minimum notice of 30 calendar days. In the event of contract termination for convenience, COG shall be due payment for all work completed by the time of termination.

IX. Progress Reporting

COG shall report on the status of all project activities on at least a monthly basis to the City Administrative Officer or other designated representative of the City. COG shall also prepare and present status reports directly to the City Council when the Council so requests.

IN WITNESS WHEREOF, both parties have signed and executed the above agree-
ment as of the _____ day of _____, 1995.

MID-WILLAMETTE VALLEY
COUNCIL OF GOVERNMENTS

CITY OF NEWBERG

By *Alan H. Hershey* By _____
Executive Director Mayor
Attest _____

development. This part of the program is specifically designed to address small City needs that have serious wastewater problems.

COMMUNITY FACILITIES:

Eligible projects under community facilities include the following:

- Shelters for victims of domestic violence.
- Homeless shelters.
- Health clinics operated by non-profit organizations.
- Food banks.
- Group homes for persons with disabilities.
- Nursing homes and convalescent centers.
- Senior centers.
- Day care centers.
- Youth centers.
- Social service centers for farm workers.

The handbook says that cities and counties are strongly encouraged to pursue projects for other community development needs instead of preparing applications for the following facilities:

Fire stations, jails, libraries, parks and playgrounds, hospitals, county health clinics, community centers, farm worker housing, independent living facilities for the elderly, swimming pools, or museums.

This does not mean, however, that a grant could not be pursued for buildings containing these and eligible activities.

HANDICAP ACCESSIBILITY:

This category is for projects that remove architectural barriers which restrict the mobility and accessibility of persons with disabilities to build these facilities and improvements owned by cities and counties. The idea is to bring these public facilities into compliance with Section 504 of the Federal Rehabilitation Act of 1973. Eligible projects include those projects that provide accessibility improvements to more than one structure or facility owned by the applicant. Proposed projects must be included in an adopted transition plan prepared by the City or County applicant as part of its compliance with the Americans with Disabilities Act. The City of Newberg City Manager plans to suggest a grant activity to provide accessibility to its public facilities.

HOUSING REHABILITATION:

The State targeted 21% of its 1996 program year funds for housing rehabilitation projects. Eligible projects include:

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Rehabilitation of housing owned and occupied by low and moderate income households at affordable rates.

Rehabilitation of structures for farm worker housing.

Installation of water/sewer service to individual properties including replacement of septic tanks or physical connection to municipal water or sewer systems.

In the past, Newberg has funded rehabilitation programs, however, it has been a couple of years since that particular activity has been funded.

TECHNICAL ASSISTANCE:

Technical assistance grants will be awarded through the annual grant competition for carrying out planning activities that are necessary before a construction can be funded. Technical assistance grants are available for purposes not related to community water and wastewater needs. There is only \$75,000 available for technical assistance grants and no single grant will be greater than \$10,000. Proposed projects may include, but are not limited to:

Preliminary planning and financial feasibility analysis for community facilities (e.g. Senior Centers, child care centers, youth centers, shelters, abuse counseling center) problem identification studies and analysis of rehabilitation needs.

TA grants may also be requested to prepare applications to the OCDBG program and other sources for design construction or rehabilitation funding.

Proposed projects involving preparation of comprehensive land use plans and carry out regulations will not be accepted.

There is an extensive application process to be followed. The projects are rated on a point system by the State and much of the point system is rated toward the service to low/moderate income individuals and households.

The City of Newberg must agree to comply with numerous federal regulations regarding non-discrimination against persons with handicaps, federal prevailing wages and federal labor standards, excessive force policy and numerous other federal sign-off requirements. Typically, these are not a burden since the City complies with each of these items anyway.

CITIZEN INVOLVEMENT:

The grant process also requires two public hearings. The first public hearing at the December 4, 1995 Council meeting is designed to collect input on potential projects and the second hearing on January 2, 1996 is designed to identify the project that will be the community development block grant project for 1996. **Only one grant is allowed per jurisdiction for Housing Rehabilitation, Handicapped Accessibility, or Community Facilities. The City could also apply during the year for an Economic Development and Public Works grant.**

FISCAL IMPACT:

The City would incur some cost for accounting services with regard to a grant project. These costs are generally reimbursable from grant funds. Typically, the entity that is authorized the opportunity to pursue the CDBG grant, if it is not part of the City, prepares the grant application. Part of the City's dues to the Council of Governments (COG) covers the cost of applying. During 1995 the City used that opportunity and the COG has provided excellent service.

PREPARED BY:



Duane R. Cole
City Manager

pj\cdbg96\rcacdbg

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REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: November 17, 1995

 MOTION

 RESOLUTION

DATE ACTION REQUESTED: December 4, 1995

 X **ORDINANCE**

 INFORMATION

SUBJECT: ANX-3-95: Appeal of a Planning Commission denial of a request by Marvin Schneider for Annexation/Zone Change for a 10 acre parcel located at 2808 S. Wynooski Road (west of the existing transfer station) and withdrawal from the Newberg Rural Fire Protection District. The request would zone the parcel to M-3, Heavy Industrial District and annex the property into the City Limits.

RECOMMENDATION:

- o Staff recommends that the City Council adopt Ordinance 95-2423 annexing the subject property.

BACKGROUND AND DISCUSSION:

This item was continued from the City Council meeting of November 6, 1995. At that meeting, staff requested that the Council direct staff to prepare findings for approval or denial of the requests for annexation and a use permit. The City Council directed staff to prepare findings for approval of the annexation at the December 4, 1995 meeting and to prepare findings for consideration of the use permit at the January 2, 1996 meeting. The attached information relates only to the annexation and rezoning of the property. Additional backup material is contained in the November staff report. A brief history of the project is noted below.

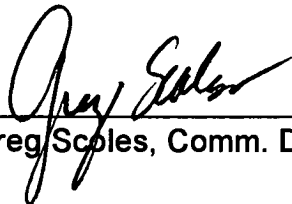
1. Nov. 1993: City Council Approves Urban Growth Boundary Amendment of site
2. Aug. 1995: Planning Commission Hearing # 1 on annexation & use permit, items cont. to Sept.
3. Sept. 1995: P.C. Hearing #2, Commission denies request
4. Sept. 1995: Applicant appeals Commission's decision to City Council
5. Nov. 1995: Council Hearing # 1 to provide direction for staff (Annex. cont. to Dec. 4 & Use Permit cont. to Jan. 2)

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6. Dec. 1995: Council Hearing #2 re: Annexation

Staff will return to the City Council on January 2, 1996 with additional information regarding the use permit.

COST: None



Greg Scyles, Comm. Dev. Director



Duane Cole, City Manager

Attachments:

Ord. 95-2423 w/findings for annexation
Written Comments from Metro (dated 11/14/95)

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ORDINANCE NO. 95-2423

AN ORDINANCE DECLARING THAT CERTAIN TERRITORY BE ANNEXED INTO THE CITY OF NEWBERG AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT TOGETHER WITH A ZONE CHANGE FROM A COUNTY VLDR TO CITY M-3 HEAVY INDUSTRIAL ZONING DESIGNATION. THE SITE IS LOCATED AT 2808 S. WYNOOSKI RD.

WHEREAS, On July 20, 1995 notice of this proposed annexation/zone change and withdrawal from the Newberg Rural Fire Protection District was mailed to the owner of record as identified in Yamhill County Assessor's Office, and all adjoining property owners within a distance of 100 feet; and

WHEREAS, Notice was published in the Graphic Newspaper on July 26, 1995 for the Planning Commission hearing on August 10, 1995 and on July 20, 1995 notice of the Planning Commission hearing was posted on the site and at four public places to comply with Oregon Revised Statute requirements for annexations; and

WHEREAS, Requirements of the City of Newberg Comprehensive Plan and Ordinance No. 2012 regarding annexations have been addressed; and

WHEREAS, On August 10, 1995, the Planning Commission held a public hearing, considered public testimony and continued the hearing and public testimony to September 14, 1995; and

WHEREAS, On September 14, 1995 the Planning Commission held a hearing on the item, considered public testimony from various individuals, and the Planning Commission and moved to deny the proposed annexation/zone change based on inadequate demonstration that the criteria had been met;

WHEREAS, On September 19, 1995, the applicant filed an appeal with the Community Development Office and the item was subsequently scheduled for a public hearing before the City Council; and

WHEREAS, On October 13, 1995, notice was mailed to property owners within 100 feet of the site and individuals that submitted written or oral testimony at the Planning Commission hearings; and notice was published in the Graphic Newspaper for two consecutive weeks prior to the City Council hearing on October 25, 1995 and November 1, 1995; and on October 13, 1995 notice of the City Council hearing was posted at four public places and on the site; and

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WHEREAS, On November 6, 1995, the City Council continued the public hearing regarding the annexation and zone change and directed staff to prepare findings for approval of the annexation of the subject property for consideration at the December 4, 1995 City Council meeting; and

WHEREAS, After proper notice, on December 4, 1995 at the hour of 7:00 PM in the Newberg Public Library Meeting Room, the City Council held a Public Hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the findings); considered all relevant information regarding the item; and deliberated.

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

- Section 1.** The City Council finds that the annexation and zone change request are governed by Section 4 of the Newberg Annexation Ordinance and Section 600 of the Newberg Zoning Ordinance. Since the matter is an annexation and since the criteria does not require any analysis of Statewide Planning Goals, the City Council finds that the post acknowledgement notice provisions of ORS 197.610 are not applicable to the request, and therefore, notice need not be provided to the Department of Land Conservation and Development prior to the adoption of the Ordinance and the findings therein.
- Section 2.** The City Council adopts the findings which are attached hereto as Exhibit A and incorporated herein by reference.
- Section 3.** It is hereby ordered and declared that the property described in Exhibit B and shown in Exhibit C, is annexed and withdrawn from the Newberg Rural Fire Protection District.
- Section 4.** The territory described in Exhibit B and shown in Exhibit C, is hereby changed from a County VLDR to City M-3 Heavy Industrial zoning designation. Section 900 of the Newberg Zoning Ordinance No. 1968 entitled "Newberg, Oregon Zoning Map" shall be amended to indicate this change.
- Section 5.** The City Council's decision overturns the recommendation of denial from the Planning Commission and approves the applicant's request to appeal the Planning Commission's decision for the Annexation and Zone Change.

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Section 6. The effective date of the annexation is subject to approval of a Development Agreement between the City and the applicant in accordance with the requirements of the previously approved Urban Growth Boundary Amendment. The annexation approval shall become null and void if such Development Agreement is not completed within 90 days of the effective date of this ordinance.

Section 7. Upon completion of the Development Agreement, the Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of the following documents:

- A. A copy of this ordinance.
- B. A map identifying the location of said territory.

PASSED by the City Council of the City of Newberg this 4th day of December 1995, by the following votes:

AYES:

NAYS:

ABSENT/ABSTAIN:

Duane Cole - City Manager

ATTEST:

Donna Proctor - Mayor

Exhibits

- A - Annexation Criteria
- B - Legal Description
- C - Site Map
- D - Comp. Plan Map
- E - New Zoning Map

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EXHIBIT A
FINDINGS FOR CITY COUNCIL ORDINANCE 95-2423

A. ANNEXATION CRITERIA: SECTION 4 OF THE NEWBERG ANNEXATION ORDINANCE NO. 2012

1. **Criteria: *Consistency of the annexation in relation to the Newberg Comprehensive Plan and other applicable regulations set forth by the City of Newberg, the State, and affected jurisdictions and agencies.***

The following represent compliance with the Comprehensive Plan.

a. Comp. Plan Goals and Policies: Air, Water, and Land Resource Quality

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

Policies:

5. New industry should be located in areas which minimize impacts upon the air, water, and land resource base, as well as upon surrounding land uses:

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

11. The City will continue to encourage and support the three R s of recycling (re-use, reduction and recycling).

a. Staff Response to Comp. Plan Goals and Policies: Air, Water, and Land Resource Quality. Each of these policies will be fulfilled in the following ways.

5. The proposed facility will **not** contribute to air pollution. The facility does use gasoline powered heavy equipment, aside from the front-end loaders, the facility does not contribute, in a measurable degree, to air pollution in Newberg. The process of changing the RDF into pellets will cause dust, but the facility will have a self contained air filter process which will return any air borne dust to the pellet process. All water used at the facility will be disposed of in accordance with the standards set by the City, DEQ and Division of State Lands. This facility does have a truck wash, and it will have built in tanks to store water. Water will not be used in the air filter process. This facility will improve Newberg's commitment to the three R s. The proposed facility will be located in a heavy industrial area. The proposed facility will be located next to the Newberg Transfer Station, within 3/10s of a mile from the City Sewer Treatment Plant and 4/10s of a mile from Smurfit.

7. This proposed facility will not create excessive noise. The proposed facility will meet DEQ's standards and not increase the noise level of the

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area. See Noise Report. To summarize the report it states: "Our calculations show that you can expect a level of 37 dBA (at the edge of Wyooski Road at its nearest point to the building). . . . The noise from operating these machines, if enclosed in a room inside the building, will produce noise level at the road which is lower than the nighttime level allowed by DEQ."

11. The Facility will incorporate the three R's. Reduce, Reuse, Recycle by reducing the amount of solid waste that will go to the landfill.

b. Comp. Plan Economic Policies:

The following policies are from page 13 of the Comprehensive Plan.

b. The City shall encourage economic expansion consistent with local needs.

c. The City will encourage the creation of a diversified employment base, the strengthening of trade centers, and attraction of both capital and labor intensive enterprises.

d. Newberg will encourage the development of industries which represent the most efficient use of existing resources including land, air, water, energy and labor.

e. Economic expansion shall not exceed the carrying capacity of the air, water or land resource quality of the planning area.

g. The City shall encourage business and industry to locate within the Newberg City limits.

b. Staff Response to Comp. Plan Economic Policies: Each of these policies would be fulfilled in the following ways.

The proposed facility will be an economic benefit to this City. Not only will it act as a hedge against the rising cost of landfills and thereby potentially keep garbage rates in check, but will provide additional tax base for the City and School. Aside, from the above, it will also provide up to 15 full time jobs for citizens of this City. Because municipal waste is generated in good as well as bad economic times, those employed by the facility will be provided with stable employment and the city will be provided with a stable business.

The proposed facility will not place a burden upon the air, water, energy or available land. In fact, this facility will enhance the livability of Newberg. Newberg will be a major contributor to creating energy and efficient land use. This facility will decrease Newberg's dependence on landfills, which Newberg otherwise would have no ability to control.

c. Comp. Plan Industrial Area Policies:

b. The City shall encourage industrial development, preferring firms that:

- Meet or exceed state or local environmental standards;
- Utilize the existing labor force and help to reduce seasonal unemployment fluctuations; and
- Are efficient consumers of energy.

c. Newberg shall actively pursue the inclusion of large industrial sites within the urban growth boundary.

d. The City shall reserve land for industrial development prior to demand and attract new industries in accordance with future community needs.

e. Established industrial areas may be extended and new industrial areas designated by plan amendment where development trends warrant such extension or designation. Full urban services will be extended into the area if appropriate, if the extension of land use and services is consistent with all other goals and policies of the plan.

f. Concerted community efforts should be made to see that industrial development expands outward from existing areas rather than occurring in haphazard patterns.

c. Staff Response to Comp. Plan Industrial Area Policies:

The proposed facility meets each one of the above specified criteria. The operation of the facility with regards to noise, traffic, gray water generation and odor will meet or exceed state and local environmental standards. The labor force will not be seasonally based but will be full-time, year around employees.

This facility will produce more energy in a day that it will use in a month. The equipment will be state-of-the-art. This facility will not be a drain on the energy supply available to Newberg as its energy consumption will be moderate to light, in comparison with a typical heavy industrial plant.

The proposed facility with the zoning change is ideally located. It will be next to the Newberg Transfer Station within a few blocks of a large potential customer and physically located in an area that has heavy industrial type activities already in use.

The proposed facility is consistent with all other plans this community has identified. The location is ideal, in an existing heavy industrial area, it increases a permanent employment base for Newberg, it is environmentally friendly and most important, it helps Newberg diminish its reliance on landfills.

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d. Comp. Plan Industrial Uses Areas (IND): On page 47 the policy states:

The objective of this designation is to provide for a variety of light industrial, heavy industrial and industrial park areas.

Heavy industrial uses should be located in the area near Smurfit Newsprint, an existing pulp and paper mill. Other designated areas should be developed to light industrial or industrial park type uses.

d. Staff Response to Comp. Plan Industrial Uses Areas (IND):

By zoning the proposed property M-3 and allowing the proposed facility to operate as planned will further this very specific goal. The proposed area is situated within 4/10ths of a mile from Smurfit, within 3/10ths of a mile from the Waste Water Treatment Plant, within 1600 feet of the Smurfit s sewer lagoons and next door to the Newberg Transfer Station. See Map of area attached. There is no better location for M-3 zoning than the proposed site.

The following represent compliance with the Zoning Ordinance.

e. Zoning of Annexable Lands.

The current zoning ordinance states on page 18:

1. In order to afford zoning protection to newly annexed areas, an application for an applicable city zone shall be submitted and reviewed simultaneously with an application for annexation. One shall not be approved without the other.

e. Staff Response to Zoning of Annexable Lands. The applicant has submitted both an annexation and zoning application. The requested zone change is from County VLDR to City M-3 (Heavy Industrial). A description of the M-3 District is noted below.

Description and Purpose. The M-3 Heavy Industrial District is intended to create, preserve and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments, and is typically appropriate to areas which are most distant from residential areas, and which have extensive rail or shipping facilities. The M-3 district is intended to be consistent with the industrial designation of the comprehensive plan. Page 54.

As noted above, the Industrial Use Areas, state that heavy industrial uses should be located in the area near Smurfit Newsprint. The proposed facility is near Smurfit and surrounded by the Heavy Industry of Newberg. The City Waste Water Treatment Plant just down the street, the sewer lagoons of Smurfit are across the street from the Waste Water Treatment Plant, and the Transfer Station is next door. All these facilities are heavy industrial or related establishments.

1. Finding for Criteria #1: *Consistency of the annexation in relation to the Newberg Comprehensive Plan and other applicable regulations set forth by the City of Newberg, the State, and affected jurisdictions and agencies.*

As mentioned above, the proposed facility is consistent with the objectives of the Zoning Ordinance and the Comprehensive Plan. The proposed facility will continue to enhance the heavy industrial area of Newberg.

A part of the Samuel D. Snowden Donation Land Claim #68 and of Lot 2 of Section 28 and of Lot 10 in Section 29, all in Township 3 South, Range 2 West, Willamette Meridian, in Yamhill County, Oregon, described as follows:

Beginning at a stake 23.70 chains South and 4.34 chains South 76° West of the Northeast corner of said Snowden Claim; thence South 23.56 chains; thence West 4.34 chains to the Southeast corner of a tract conveyed by Maranda Hadley to H.E. Hadley by deed recorded April 13, 1887 in Book "Y", Page 39, Deed Records; thence North along the East line of said Hadley tract 22.53 chains to the center of County Road; thence North 76° East along center of said County Road 4.51 chains to the place of beginning.

Situs address as disclosed by the Yamhill County Tax Roll:
2808 S. Wynooksi Road, Newberg, OR 97132

Yamhill County Tax Account Number: R3228 01800

Description:
Legal Description

File: ANX-3/CUP-2-95
Date: 12/4/95

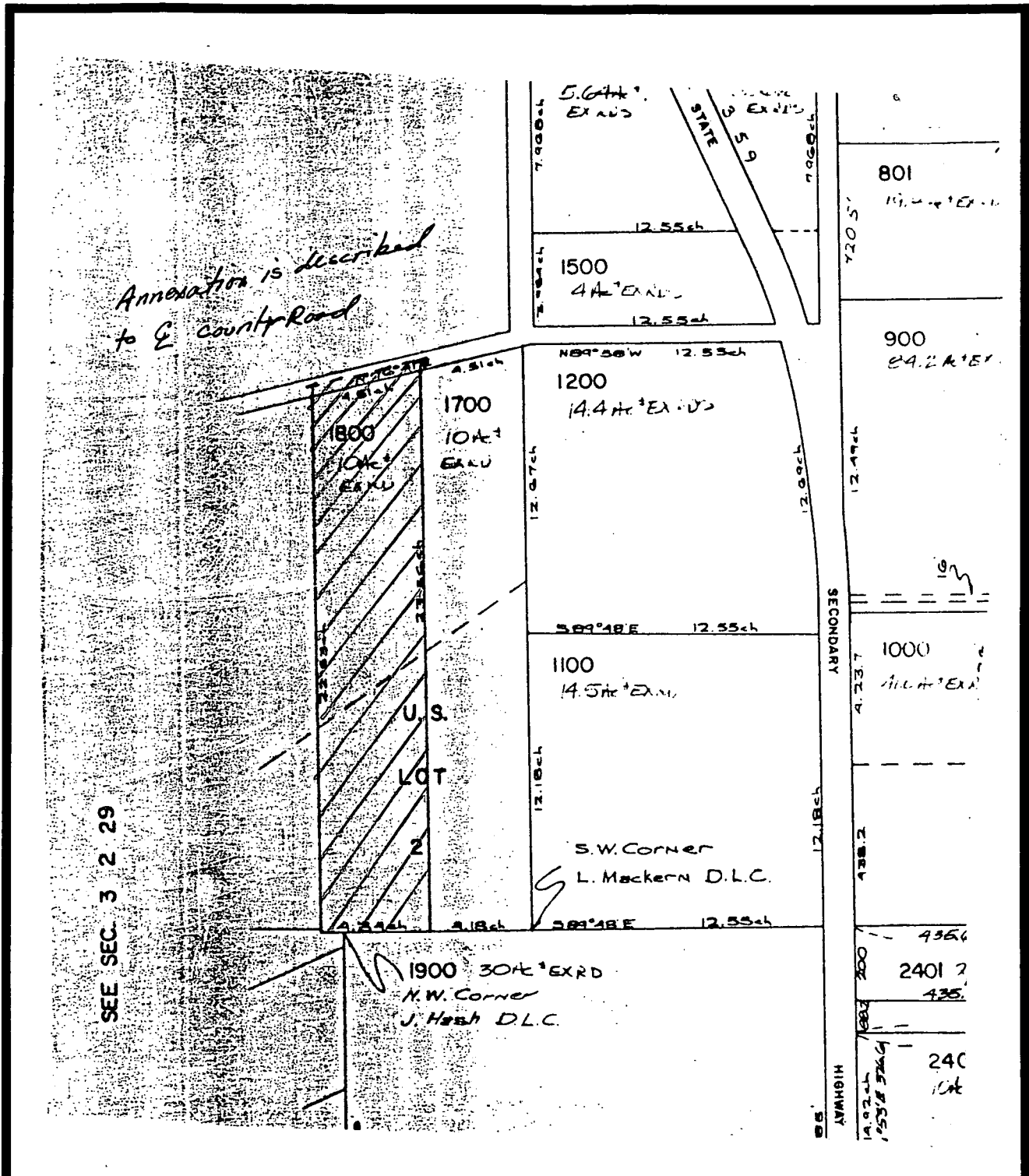
LEGAL DESCRIPTION
SCHNEIDER ANNEXATION

EXHIBIT B

Tax Lot: 3228-1800
Location: 2809 S.
Wynooksi Rd.

Application By:
Schneider/Cottle

IV-1



Description:
Site Map

SITE MAP
SCHNEIDER ANNEXATION

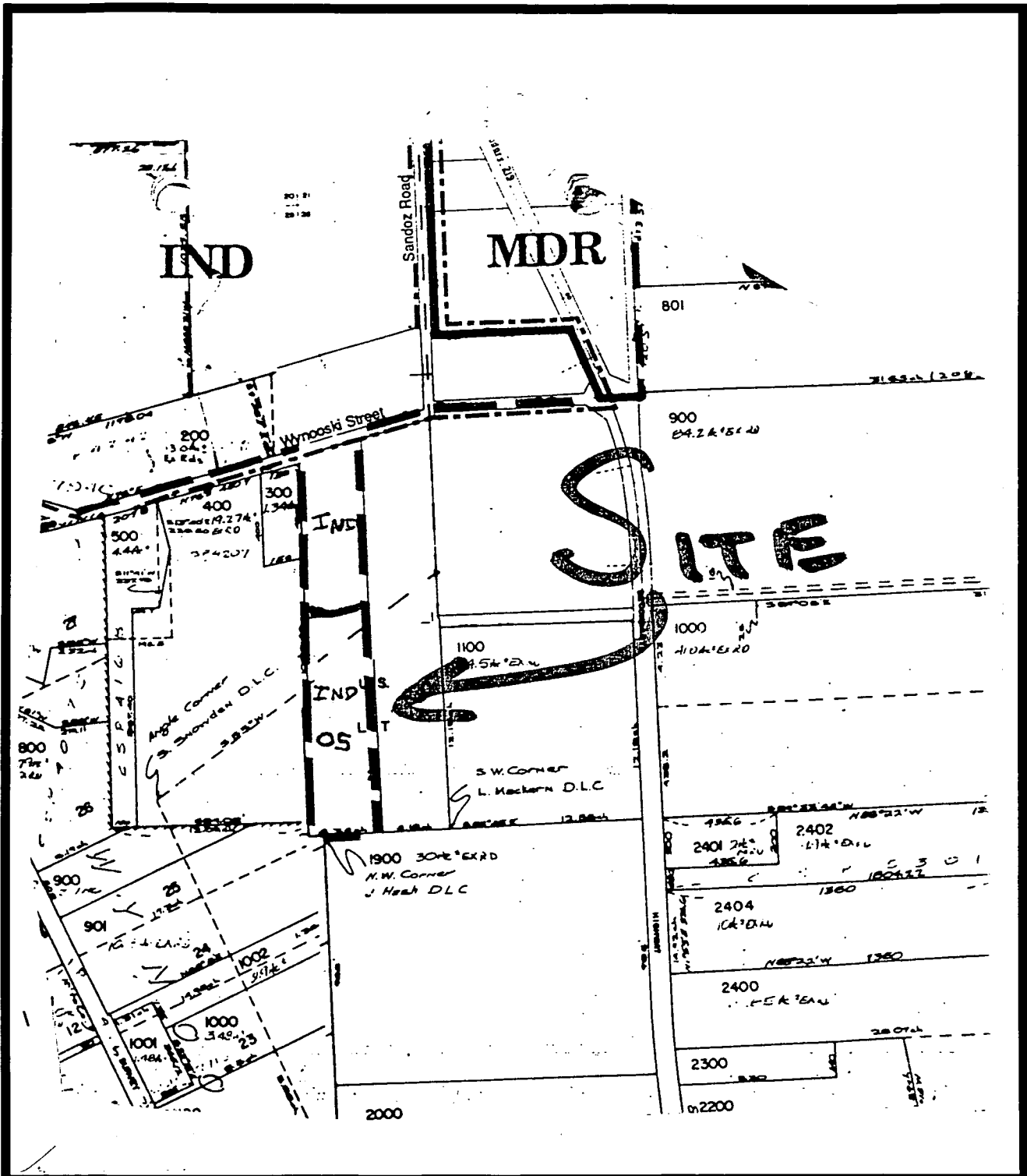
Tax Lot: 3228-1800
Location: 2809 S. Wynooski Rd.

File: ANX-3/CUP-2-95
Date: 12/4/95

EXHIBIT C

Application By:
Schneider/Cottle

VI 1



Description:
 Comp. Plan Map
 File: ANX-3/CUP-2-95
 Date: 12/4/95

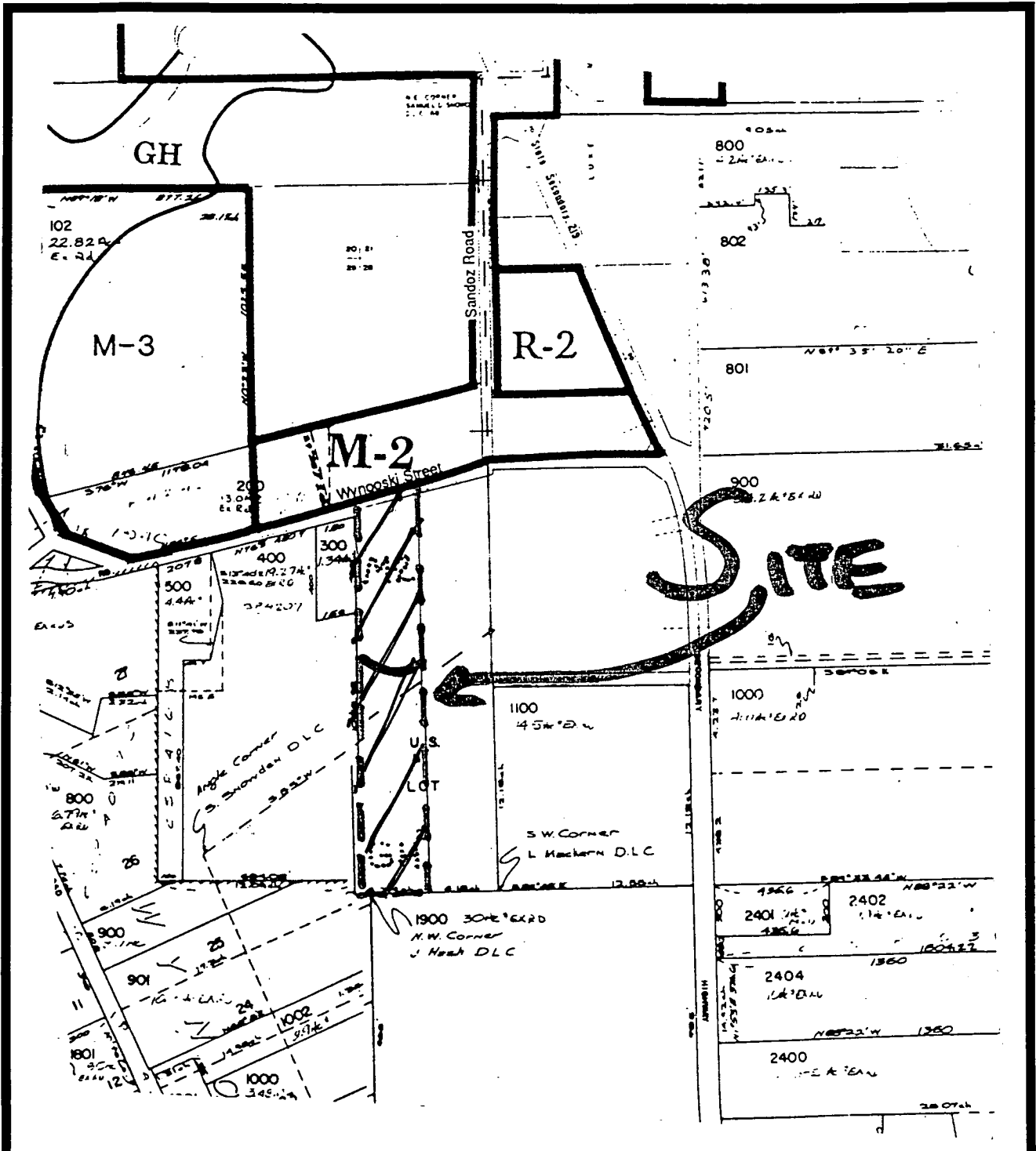
**COMPREHENSIVE PLAN MAP
 SCHNEIDER ANNEXATION**

EXHIBIT D

Tax Lot: 3228-1800
Location: 2809 S. Wynoski Rd.

Application By:
 Schneider/Cottle

V-1



Description:
 Zoning Map
 File: ANX-3/CUP-2-95
 Date: 12/4/95

NEW ZONING MAP
SCHNEIDER ANNEXATION

EXHIBIT E

Tax Lot: 3228-1800
 Location: 2809 S. Wynoski Rd.

 Application By:
 Schneider/Cottle

V-1

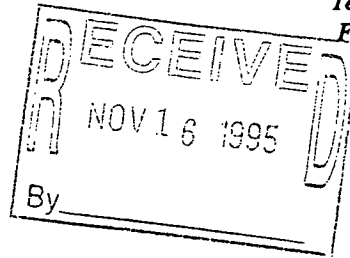
REGIONAL SERVICES

file ANX-3-95



METRO

Todd Sadlo
Tele: (503) 797-1533
FAX (503) 797-1792



November 14, 1995

John Knight
City of Newberg
414 E. First Street
Newberg, OR 97132

Re: Your File No. ANX-3-95/CUP 2-95
Applicant: Marvin Schneider

Dear John:

Enclosed is a letter I recently sent to Mark O. Cottle, who represents the applicant in the above-referenced matter. Since he sent you a copy of his "corrected" letter dated November 11, 1995, I thought you should also see my response.

The City of Newberg's concerns; as well as the concerns of the neighbors, should be greatly diminished if appropriate conditions are attached to the proposal. Please let me know if you have questions or concerns regarding this matter.

Sincerely,

Todd Sadlo,
Senior Assistant Counsel

kaj1510

Enclosure

V-1



METRO

Todd Sadlo
Tele: (503) 797-1533
FAX (503) 797-1792

November 8, 1995

Mark O. Cottle
Newton, Cottle & Westenhaver, P.C.
4000 Kruse Way Place, Building 1, Suite 265
Lake Oswego, OR 97035

Re: Marvin Schneider Fuel Facility Proposal

Dear Mark:

Thank you for your letter dated November 6, 1995. I too am glad we had an opportunity to discuss Mr. Schneider's proposal. I did want to clear up one minor misunderstanding reflected in your letter. Metro's objections to the proposal have not been due to a potential loss of revenue to Metro. I have discussed this with Mr. Schneider in the past, and have attempted to correct his misperceptions regarding this issue. I remain available to discuss solid waste law and Metro's authority with you, Mr. Schneider or Mr. Lackey, at our mutual convenience. It is unfortunate that Mr. Lackey, and now apparently Mr. Schneider, prefer to work around Metro rather than to work with Metro.

Metro has only participated in this process because Mr. Schneider has indicated his intent to process waste from the Portland metropolitan area. Unlike the City of Newberg, Metro runs a waste disposal system, provides numerous recycling programs, and has a Solid Waste Management Plan. We have a legitimate interest in seeing that waste generated in this area is disposed of or recovered in a responsible manner. Our interest goes beyond the obvious concerns related to potential CERCLA liability, and beyond system financing. By asserting that Metro's sole interest is money, Mr. Schneider intends to belittle Metro's position, but I hope you understand that there is a strong public policy component.

I continue to believe the proposal for Mr. Schneider's property is not well thought out, and has been kept intentionally vague. I assure you, however, that there is no rancor attached to our position. Metro has supported, and will continue to support, responsible, environmentally sound projects that reduce the flow of solid waste to landfills. Please feel free to call if you have questions or concerns regarding this letter or solid waste issues generally.

Sincerely,

Todd Sadlo,
Senior Assistant Counsel

kaj1506

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REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: November 16, 1995

 MOTION

 RESOLUTION

DATE ACTION REQUESTED: December 4, 1995

 X **ORDINANCE**

 INFORMATION

SUBJECT: Ordinance 95-2411, approving the Development Code.

RECOMMENDATION: Staff recommends that the City Council:

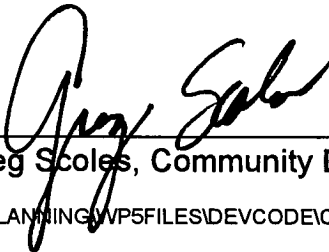
- o Approve Ordinance 95-2411, approving the Development Code.

BACKGROUND:

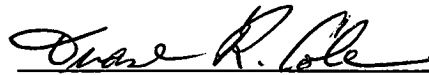
This item was continued from the November 6, 1995 City Council meeting and the November 20, 1995 study session. Staff has incorporated all of the comments into the document titled "Newberg Development Code" dated October 25, 1995. Any additional changes to the document should be included in the motion for approval. Any changes from the November 20, 1995 study session will be presented for inclusion into the document at the December 4, 1995 meeting.

COST: None at this time.

STRATEGIC IMPACT: None.



Greg Scoles, Community Development Director



Duane Cole, City Manager

G:\PLANNING\WP5FILES\DEVCODE\CCHEAR2.MMO

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ORDINANCE NO. 95-2411

AN ORDINANCE ADOPTING THE NEWBERG DEVELOPMENT CODE, REPEALING AND REPLACING IN THEIR ENTIRETY THE "ZONING ORDINANCE", ORDINANCE NO. 1968, AS AMENDED; "SUBDIVISION ORDINANCE", ORDINANCE NO. 91-2294, AS AMENDED; "MOBILE HOMES", ORDINANCE NO. 2023; "PLANNED THOROUGHFARES", ORDINANCE NO. 1644, AS AMENDED; AND "ANNEXATION ORDINANCE", ORDINANCE NO. 2102.

RECITALS:

1. The Oregon Revised Statutes (ORS) provide for "Limited Land Use Decisions" which are defined as a final decision made by the City concerning the approval or denial of a subdivision or partition or any application based on discretionary standards designed to regulate the physical characteristics of a permitted use, including but not limited to site review and design review.
2. The City of Newberg has not incorporated into the land use regulations all Comprehensive Plan standards and policies applicable to limited land use decisions.
3. Policy clarifications are necessary to eliminate ambiguity and uncertainty within existing ordinances.
4. The Development Code will combine several land use ordinances including the Ordinance relating to annexations into one document; improve the readability of the standards as well as removing conflicting definitions; format the Code so that all related topics are located in the same area; and provide procedural change which will bring the City's review process in compliance with the limited land use provisions.
5. On October 6, 1994, the Planning Commission initiated the amendments to the proposed ordinance by motion of the Planning Commission.
6. The Newberg Planning Commission concluded a public hearing on March 9, 1995 and recommended adoption of the Development Code to the City Council.
7. After public notice was provided in the *Newberg Graphic* newspaper, the City Council held public hearings on June 5, 1995 and June 19, 1995 where the Development Code was considered.
8. After public notice, the City Council held study sessions on August 21st and September 18, 1995 to discuss any proposed changes.
9. After notice was provided in the *Newberg Graphic* newspaper, the City Council held a public hearing to consider adoption of the proposed Code on November 6, 1995, where the public hearing was continued to a study session on November 20, 1995 and the public hearing was further continued to December 4, 1995.

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

Section 1: The Newberg Development Code, which is Exhibit "A" to this Ordinance, and may be cited as such, as amended at the meeting of December 4, 1995 is hereby adopted in its entirety.

- Section 2: Repealed in their entirety are "Zoning Ordinance", Ordinance No. 1968, as amended; "Subdivision Ordinance", Ordinance No. 91-2294, as amended; "Mobile Homes", Ordinance No. 2023; Planned Thoroughfares", Ordinance No. 1644, as amended; and "Annexation Ordinance", Ordinance No. 2102.
- Section 3: The Newberg City Council adopts the findings of fact which are attached to this Ordinance as Exhibit 'B'.
- Section 4: The City Manager is hereby authorized and directed to incorporate all the amendments to the Newberg Development Code, and to finalize the "red line" version by removing all strike-outs, deleting all deletions, and doing all other necessary matters to finalize the Code. Further, the City Manager is authorized and directed to prepare the final detailed index for the Code and finalize all photos and figures referred to in the Code. The finalized document shall be certified by the City Manager as accurately reflecting the adopted version of the Newberg Development Code as adopted by this Ordinance. Further, all final documents shall be certified by the City Attorney as to form and content.
- Section 5: The City Attorney is hereby authorized and directed to format the Code including numbering and paragraphing to conform with the numbering, paragraphing and formatting of the new proposed Municipal Code of the City of Newberg.
- Section 6: Severability Clause. If any article, section, subsection, subdivision, phrase, clause, sentence, or work in the Newberg Development Code or this Ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, it shall not nullify or affect the validity of any other subsection, subdivision, clause, phrase, sentence or work of the Newberg Development Code, or this Ordinance.

ADOPTED by the Newberg City Council this ___ day of December, 1995, by the following votes:

AYES: NAYS: ABSTAIN: ABSENT:

 Duane R. Cole, City Recorder

ATTEST by the Mayor this ___ day of December, 1995.

 Donna Proctor, Mayor

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**EXHIBIT B
FINDINGS OF FACT (ORDINANCE NO. 95-2411)**

The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and of the Zoning Ordinance of the city.

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

- A. Advancing the position of the City as a regional center of commerce, industry, recreation and culture.
- B. Providing for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open spaces.
- C. Protecting residential, commercial, industrial and civic areas from the intrusions of incompatible uses, and to provide opportunities for compatible uses to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
- E. Ensuring preservation of adequate space for commercial, industrial and other activities necessary for a healthy economy.
- F. Promoting safe, fast and efficient movement of people and goods without sacrifice to the quality of the City's environment, and to provide for adequate off-street parking.
- G. Minimizing street congestion, secure safety from fire, flood, geological hazards, pollution and other dangers.
- H. Providing adequate light and air, and to facilitate adequate provisions for transportation, water supply, sewage disposal, drainage, education, recreation and other services and facilities.

There is a public need for a change of the kind in question.

Finding: The City Council finds that the proposed ordinance is needed by the public to:

- A. Promote the public health, safety, and general welfare of the community.
- B. Coordinate City regulations governing the development and use of land and implement the Comprehensive Plan for the City.
- C. Stabilize expectations regarding future development, thereby providing a basis for wise decisions with respect to such development.
- D. Preserve and enhance the quality of the City's environment.

- E. Achieve excellence and originality of design in all future developments and to preserve the natural beauty of the City's setting.

The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Finding: The City Council finds that site specific property classifications are not affected by this ordinance and, therefore, this criteria is not applicable.

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MEMO

To: Mayor and City Council
From: Duane R. Cole *Duane*
Subject: Service Stations and Drive through Windows
Date: November 22, 1995

The attached Addendum to the Proposed Development Code removes service stations and drive through windows from the conditional use process. This is consistent with the existing code. I have, however, now had the opportunity to review the existing code and proposed code in detail regarding this use and have a suggestion that the Council may wish to consider. The following table details the Current Code and the Addendum to the Proposed Development Code.

<u>Zoning District</u>	<u>C1</u>	<u>C2</u>	<u>C3</u>	<u>M1</u>	<u>M2</u>	<u>M3</u>
Service Stations - Current Code	Allowed	Allowed(1)	Allowed	Allowed	Allowed	Allowed
Addendum to Code	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed

(1) The Current Code provides for a minimum lot size of 15,000 square feet, minimum frontage of 180 feet on corner lots, 120 feet for interior lots.

The addendum proposes that this restriction on service stations in the C2 zone is also removed. The C2 zone includes much of the Portland Road area. Larger lot development for Commercial is counter to the need to efficiently use commercial property in the City. Smaller lots, if the design is right, could provide an opportunity for smaller service station businesses than the mega-stations currently being developed. There is at least one small station on Portland Road that, should the station be destroyed, would appear to need a variance if the lot size restriction is left in place.

The Council may want to establish a work item for the Planning Commission to review the zoning districts. While service stations and drive-up windows have been brought to the Council's attention through this process, there may be a need to scrutinize all of the uses in the zones. This would also raise the boundaries of each zone. Obviously, a revision of the development code is not the time to pursue these matters. This project is quite large and should proceed slowly.

Cc\ss.wpd

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Addendum to October 25, 1995 Draft Development Code

November 21, 1995

Prepared by the Community Development Department

The following modifications to the Draft Development Code are proposed based on the City Council's direction from the November 20, 1995, Council meeting.

10.06.010 Definitions.

~~Adult arcade; Adult bookstore; Adult cabaret; Adult entertainment business; Adult paraphernalia shop; Adult theater; and Specified sexual activities~~

Amateur ("Ham") Radio. Radio facilities operated for non-commercial purposes by licensed individuals interested in the construction and operation of radio equipment, usually as a hobby or avocation.

The FCC definition is "A radio communication service established by the federal government for the purpose of self-training, intercommunication and technical investigations carried out by amateurs, that is, duly authorized persons interested in radio technique solely with a personal aim and without a pecuniary interest."

Antenna. A system of electrical conductors for radiating or receiving radio waves; commonly consists of a metal rod, wire panel or dish mounted on a supporting tower, pole, mast or other structure.

Antenna Support Structure. A tower, pole, mast or other structure deemed to be a structure under the Uniform Building Code of the State of Oregon that is intended to support a source of RF energy and accessory equipment.

Citizen Band (CB) Radio. Two-way radio facilities operated for short-range personal and business communication at low power levels (15 W PEP TPO maximum) in the 27 megahertz (11 meter) band, without necessity of federal license, pursuant to 47 CFR Part 95.

Radio. A generic term referring to communication of impulses, sounds, and pictures through space by means of an electromagnetic wave, including but not limited to short-wave, FM, AM, land mobile, common carrier, low and high power television, and microwave transmissions.

Radio Frequency Energy (RF). Energy, consisting of related electric and magnetic fields, produced by alternating currents of sufficiently high frequency, which may be emitted or collected by an antenna and which presents a self-sustaining, self-propagating electromagnetic wavefront. RF energy may, among other uses, be

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modulated (encoded) so as to convey intelligence such as voice, digital data, and still or moving pictures, between radio frequency facilities. The RF spectrum occupies, for practical purposes, but not exclusively, wavelengths from 10 km to 10 mm, representing a frequency range of 3 kHz to 300 GHz.

Radio Frequency (RF) Facility. A land use that generates, detects or processes RF energy for purposes of wireless telecommunication via antennas by means of transceivers, transmitters and/or receivers, and, including antennas, feedlines, structures or towers to support antennas, feedlines, and other receiving and/or transmitting devices; transmitters, receivers and transceivers; accessory equipment, development and structures; and the land on which they all are situated.

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

(1) An appeal for Type I, II, and III decisions shall include an identification of the decision sought to be reviewed, the date of the decision and shall be accompanied by a Notice of Appeal form provided by the Community Development Department. The Notice of Appeal shall be completed by the applicant and shall contain:

(A) An identification of the decision sought to be reviewed, including the date of the decision.

(B) A statement of the interest of the person seeking review and that they were a party to the initial proceedings.

(C) A detailed statement of the specific grounds on which the appeal is filed.

(2) Notice shall be filed with the Community Development Department together with the filing fee and deposit for transcript costs.

10.12.025. Notice of Appeal, Type II-A

(2) Notice shall be filed with the Community Development Department together with the filing fee ~~a \$300 deposit for costs.~~

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

(1)(G) The Hearings Officer shall assess the cost of the appeal ~~not to exceed \$500 including the deposit previously paid.~~

10.40.340 C-1 NEIGHBORHOOD COMMERCIAL DISTRICT

10.40.344 Permitted Buildings and Uses.

- **Service Stations**

10.40.346 Buildings and Uses Permitted Conditionally.

- **Service Stations**

10.40.350 C-2 COMMUNITY COMMERCIAL DISTRICT

10.40.354 Permitted Buildings and Uses.

- **Restaurants; except drive-ins and walk-ups including drive-through windows**
- **Service Stations**

10.40.356 Buildings and Uses Permitted Conditionally.

- **Restaurants that include a drive-through window**
- **Service Stations**

10.40.360 C-3 CENTRAL BUSINESS DISTRICT

10.40.364 Permitted Buildings and Uses.

- **Restaurants; except including drive-through windows**
- **Service Stations**

10.40.366 Buildings and Uses Permitted Conditionally.

- **Restaurants that include a drive-through window**
- **Service Stations**

10.40.380 M-2 LIGHT INDUSTRIAL DISTRICT

10.40.384 Permitted Buildings and Uses.

- **Service Stations**

10.40.386 Buildings and Uses Permitted Conditionally.

- **Service Stations**

Section 10.52.400 Temporary Christmas Tree Lots has been deleted in its entirety and replaced with a new Section entitled:

10.52.400 Amateur Radio and Citizen Band Antenna

Amateur radio and citizen band antenna support structures and amateur radio and citizen band antennas, which themselves are deemed structures under the Uniform Building Code (UBC) of the State of Oregon, that are located in a residential district, shall require a development permit. All other amateur radio and citizen band antennas that are located in residential districts shall not require a development permit but shall conform to the applicable provisions of this Code.

When a Development Permit is required, the application shall be processed under the Type I procedure. The application shall be found to be consistent with the

requirements of Section 10.52.400(1-10). The Type II procedure shall apply when the applicant requests consideration under section 10.52.400(11), which is an exception to the yard setback, locational and height provision requirements.

Amateur radio or citizen band antennas and their support structures erected in a residential district shall meet the following requirements:

(1) The amateur radio or citizen band antenna shall not be located closer than 6 feet from a dwelling other than the dwelling on the same lot.

(2) The maximum height of an antenna and support structure shall be 100 feet. The height of a crank-up tower shall be measured when fully extended.

(3) Antenna support structures shall be located outside of required interior yard setbacks and behind the front building line of the dwelling or other primary structure on the site.

(4) Tower-type vertical antennas and antenna support structures, extending more than 35 feet in height from mounting point shall be set back from all property lines at least a distance equal to 30 percent of the height. For purposes of this subsection, the height of an antenna support structure shall include the linear vertical distance to the highest point of any mast and/or antenna mounted on the structure, or the highest point of the support structure, whichever is greater. The setback distance shall be calculated from all property lines to the closest point of the vertical aspect of the affected antenna or support structure. Horizontal space occupied by an antenna shall not be included in the setback calculation. The wire portions of inverted-vee, dipole, sloper and similar-type antennas shall be exempt from this subsection.

(5) Guy wires and anchors shall be located outside of required front yard setbacks.

(6) No part of an antenna or its support structure, including parts that can be rotated, shall extend over any adjacent lot.

(7) The applicant shall submit a statement describing the nature and extent of any interference which may be associated with the radio frequency (RF) facility and describing the applicant's responsibilities under federal regulations.

(8) The following color standards apply to ground-mounted amateur radio or citizen band antenna support structures greater than 55 feet and up to 200 feet in height:

(A) Metal structures shall have a galvanized finish, or be flat or matte

silver, or flat or matte gray in color.

(B) Wooden pole antenna support structures shall be of a natural wood color or a paint or stain approximating a natural wood color.

(9) Ground-mounted amateur radio or citizen band antenna support structures more than two-hundred (200) feet in height shall comply with locational, painting and lighting regulations of the Oregon Aeronautics Division, Federal Aviation Administration, and Federal Communications Commission.

(10) If the antenna is mounted on a dwelling or other building without an antenna support structure, then the antenna shall be at least 20 feet from all property lines. This subsection does not apply to: the wire portions of inverted-vee, dipole, sloper and similar-type antennas; antennas with a wind-loading surface area of three square feet or less; wire antennas less than three feet above the height of the structure on which mounted; or "whip"-type antennas. No antenna mounted on a dwelling or other building without an antenna support structure shall exceed a height of 40 feet above the top of the structure.

(11) Exceptions to a yard setback, locational or height provisions are allowed if the yard setback, locational or the height provision would prevent effective amateur communications or the generation, detection or processing of radio frequency energy. The antenna and/or support structure may be excepted to the yard setback, locational or height provision provided that:

(A) The applicant provides documentation that the exception is needed for the operation of the amateur radio or citizen band facility, and

(B) The applicant provides documentation that the request is the minimum necessary exception from the yard setback, locational or height provisions of Section 10.52.400, and

(C) If the exception would result in any part of an antenna or support structure, including parts that can be rotated, extending over any adjacent property then the applicant shall provide a copy of an easement from the owner of the affected property authorizing such extension.

Sid Friedman
31909 NE Corral Crk. Rd.
Newberg, Or. 97132
538-6785

11/8/95

Newberg City Council
414 E First St.
Newberg, Or. 97132

Dear Council members:

I have had a chance to briefly review the latest draft of the Newberg Development Code and would like to offer the following comments.

A: Large development proposals

What is most striking about the draft is the lack of trigger mechanisms to move decisions regarding large development proposals with large impacts to the City from an employee level to the Planning Commission. (i.e., from Type II to Type III) Since the Planning Commission functions in a citizen advisory capacity to the City, it is entirely appropriate that large projects with large impacts come before them as a matter of course through the Type III process. A WalMart type business generating large volumes of traffic or the recent STX application are good examples. Regardless of the merits of that application I think we can all agree that it had tremendous policy implications for our community. It is not appropriate for an employee to make the decision to commit 25% of the City's water rights to a single user, nor is it appropriate for an employee to unilaterally make decisions regarding our entire inventory of vacant M-1 land. Additionally, it is not fair to City employees to place the burden of such community decisions on their shoulders. Community input regarding large development proposals through their representatives on the Planning Commission is desirable and should be necessary.

Possible trigger mechanisms for industrial and commercial uses include:

1) Water usage- Certainly, any project projected to use over 550,000 gallons of water per day (25% of current average daily usage) should not be an outright permitted use, but should be a conditional use subject to community input and discussion before the Planning Commission.

2) # of parking spaces- Businesses installing large numbers of parking spaces will clearly have a large impact on traffic and livability and should, as a matter of course, go before the Planning Commission as a conditional use.

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3) # of employees- Businesses employing over a certain # of employees (say,100?) will clearly have a large impact both on traffic and on residential growth rates and should, as a matter of course, go before the Planning Commission.

4) Proximity to residential areas- The location of proposed industrial uses and large scale commercial uses adjacent or in close proximity to residential zones should be an indication of potentially large impacts on nearby residents and should, as a matter of course, go before the Planning Commission.

5) Total area of buildings and/or site- Total square footage of proposed buildings and/or total acreage of proposed sites could be useful trigger mechanisms for moving industrial or commercial projects from a Type II to a Type III process.

B: Development Code objectives

I have a concern regarding the stated objectives of the Code in the introductory provisions. Section 10.02.020(2) defines as a purpose of the Code, "To advance the position of the City as a regional center of commerce, industry, recreation and culture." This language is lifted directly from the current Zoning Ordinance. However, it should not be automatically include in the Development Code without a thorough Council discussion. While some growth is inevitable the primary responsibility of local officials is to those already residing in the community. Most local residents do not wish to see Newberg become a regional industrial center, nor do they wish to see Wal-Mart or a MegaMall locate on the outskirts of town, contributing to the deterioration of the central business district. The City-sponsored Chehalem Future Focus clearly identified the community desire to prudently manage growth so as to retain a small town atmosphere. In evaluating conflicting statements from CFF II it must be recognized that unlike CFF, CFF II was not sponsored by the City, it was sponsored by the Chamber of Commerce and its resulting recommendations must be evaluated with awareness of the sponsoring interest group. At any rate, it is difficult to reconcile the goal of becoming a regional industrial and commercial center with the goal of retaining a small town atmosphere.

C: Compliance with Comprehensive Plan

The latest draft of the Development Code deletes several references to compliance with the Comprehensive Plan, referring instead to compliance with "this Code". A recent change in State Law allows applicants to argue that their proposals need not comply with provisions of a Comprehensive Plan unless those provisions are referenced in the implementing ordinance, in this case the Development Code. In order to ensure that new development within the City complies with our Comprehensive Plan it may be advisable to amend references to compliance with "this Code" to compliance with "this Code and all provisions of the Comprehensive Plan."

Specific references to compliance with Comprehensive Plan provisions have been deleted on pages 37, 44, 46, 60 and 109. Additionally, the subdivision approval

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standards 10.34.020(2) and 10.34.030(2) on pages 106 and 108 lack any reference to the Comprehensive Plan and refer only to "this code".

Similarly, the current zoning ordinance sets as a minimum design review approval standard, "The design review plan and application must fully conform to the policies identified within the Newberg Comprehensive Plan..." (NZ0 10-3.622-1) This standard has been dropped from the draft code. I believe it should be retained. At a minimum, section 10.10.060(6-7) and section 10.28.40 of the development code (p.89) should be amended to explicitly allow the design review body to attach conditions to ensure compliance with the Comprehensive Plan.

D: Noticing

Most other jurisdictions in our area physically post sites subject to development applications with placards that briefly summarize the nature of the application, list the decision making body and date, and include a planning department contact #. This informs neighbors and interested residents of pending proposals prior to the start of construction and fosters community involvement prior to the conclusion of the decision making process.

Also on the subject of noticing, Section 10.20.030(2)(A)(page 66) states that, "the City may initiate plan map amendments affecting large areas and multiple ownerships... No public notice is required..." Section 10.20.030(3) contains similar language. This wording is ambiguous. Both sections should clearly fall under the general Type IV noticing requirements and this should be clearly stated in both sections.

Thank you for the opportunity to provide these comments. Please give them your consideration during your deliberations.

Sincerely,



Sid Friedman

4661 15th Avenue, N
Keizer, OR 97303
November 20, 1995

Mayor Donna Proctor
City Of Newberg
414 E. First Street
Newberg, OR 97132

Dear Mayor Proctor:

Re: Proposed Changes to the C-2 Zone in the City of Newberg.

We applaud the City Council, City staff and the Planning Commission for undertaking the task of consolidating the various pieces of the City's Zoning Ordinances, codes, etc., with the goal of making them more readable, removing ambiguities and clarifying existing inconsistencies into a single development code that will be more understandable by all that use it.

However there is a proposed change that goes beyond the above stated goal and that is a change in the permitted uses in some of the zoning ordinances which will have a major impact on property that we, with our wives, own and which was owned by our folks before us. The property is located at the southwest corner of the intersection of 99W & Springbrook and identified as 705 N. Springbrook and Tax Lot R3216-02100.

We became aware of this substantial change affecting our property when the proposed Newberg Development Code was moved to the City Council from the Planning Commission. We did not receive any official notification of the change even though a design review application for a service station was pending earlier this year when the Code was sent to the Council for review. We understand that the Council has reviewed the section we are concerned with and made no changes to the proposed change that affects our property at this point in the review process.

To be more specific, in the current Newberg Zoning Ordinance:

Section 354, (under 10-3.352, C-2 COMMUNITY COMMERCIAL DISTRICT),
Permitted Buildings and Uses,
it provides for: 106. Service stations.

In the proposed Newberg Development Code:
Section 10.40.354, (under 10.40.350, C-2 COMMUNITY COMMERCIAL DISTRICT), Permitted Buildings and Uses,
it does not provide for service stations anymore. However under Section 10.40.356 Buildings and Uses Permitted Conditionally, it provides for Service stations.

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We believe that this proposed change is inappropriate and not necessary and will substantially impact the possible uses and therefore lower the value of our property. We hold this belief for a number of reasons and we would propose two solutions.

First, our reasons for our belief are:

a. historically, our property had been a service station for a number of years prior to 1947, when our folks purchased it, and continued to run it as a service station until 1990, when our mother closed it because of health reasons.

b. the property has been available for purchase since 1992, during which time we have had or currently have on the table a total of four transactions, of which, three have been for service stations.

c. there are **ONLY TWO** changes in the 124 existing permitted uses under the new C-2 Zoning Code; in our case the concern would be environmental issues associated with service stations; those issues were examined and resolved during the design review process for the new BP station now under construction and in our own prior purchaser's application the environmental issues were also carefully reviewed by city staff and determined to be adequately regulated by the State of Oregon utilizing the latest standards for hazardous materials and their disposal and thus well under control and not a hazard to Newberg. We have at our own expense removed all hazardous tanks, processed contaminated soil, etc. from the site and have on file a "no further action necessary" letter from DEQ. Another potential issue is traffic; it is clear that service stations are not destination points but service the traffic as it flows by and thus do not increase traffic as other uses would such as a restaurant, etc. Thus a service station would be an asset to the city at this highest traffic intersection in Newberg.

d. the placing of service station applications under a conditional use permit requirement changes the entire approval process for service station applicants making it much more involved and costly in time and money as well as unpredictable as to the results. The proposed change seems discriminatory since the **ONLY CHANGE** in all of the three commercial zones and in all of the three industrial zones would be that service stations in all the commercial zones be only permitted conditionally and likewise for one of the industrial zones (M-2) but to remain a permitted use in the M-1 zone. Currently Newberg has a commercial/industrial user card lock service station in the M-2 Zone as is very appropriate. However it certainly seems strange that "Automobile sales, new and used" be an outright permitted use in the C-2 Zone but not service stations to supply their product. Thus the motoring public would be very poorly served if they have to go to an industrial zone to obtain the fuel of their choice!

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e. It would appear as if it has been determined and decided that Newberg doesn't or shouldn't need anymore service stations except only in the M-1 Zoned areas. (The current lands available in the M-1 zone are land in A-dec's land near its facilities, part of the Werth's property behind Fred Meyer's and some land that is part of the DCI property.) One also could make a strong case that Newberg has enough hardware stores and that they should only be permitted conditionally since they too deal with hazardous materials. We, of course, would never suggest such a change as the market place will determine what the community needs and the hazardous materials can be controlled safely.

Second, our solutions:

- a. leave service stations as permitted uses in the C-2 Zone as is the current situation.
- b. or provide that our parcel continue to have as a permitted use that of a service station as a "grandfather" provision as it was used for many, many years in the past.

Sincerely yours,



Durran Auld



Del Eurick
(503) 393-3707

cc: City Councilors
City Manager
City Development Director
City Planner

V-2

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: November 21, 1995

ORDINANCE
 RESOLUTION

DATE ACTION REQUESTED: December 4, 1995

SUBJECT: Christmas Tree Lots

RECOMMENDATION: Approve Ordinance No. 95- ~~2426~~ providing regulations for Temporary Christmas Tree lots and Resolution No.- 1945 establishing fees for the operation of Christmas tree lots.

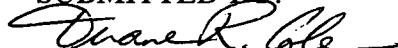
BACKGROUND: The Christmas Tree Lot Temporary merchant regulations have been in place for a number of years. These regulations were proposed to be included in the Development Code, but this would subject them to a full hearing process in order to change the ordinance. In addition, the regulations appear to be more appropriately contained within the Business section of the compilation. The Ordinance provides staff with the appropriate direction to continue to regulate this type of business.

The Proposed Development Code suggested certain fees and the resolution adopts these fees and bonds. Since it is by resolution, the fees can be easily reviewed and changed by the City Council. These fees will become a part of the City's Master fee resolution which can be reviewed periodically by the City Council.

It is suggested that the fee portion of the resolution become effective on January 5, 1996 so that we can advise this year's Christmas tree sellers that next year there will be a new set of rules.

FISCAL IMPACT: The revenue generated is intended to off-set the staff costs for reviewing the applications. The bond required is anticipated to off-set the cost of clean-up or the site.

SUBMITTED BY:



Duane R. Cole
City Manager

cc\rcaxtree.wpd

V-3

ORDINANCE NO. 95 - _____

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR THE OPERATION OF TEMPORARY CHRISTMAS TREE LOTS, PROVIDING FOR SAFETY OF CUSTOMERS SHOPPING AT CHRISTMAS TREE LOTS, AND PROVIDING A BOND TO ASSURE THE SITES ARE PROPERLY CLEANED-UP

Be it resolved by the City Council of the City of Newberg as follows:

Recital:

1. The intent of this provision is to (1) ensure the safety of persons that may be purchasing Christmas trees at temporary lots, (2) to ensure that adequate parking and access is provided for customers, and (3) to ensure that the site is properly cleaned-up after the trees have been removed.

Section 1. Applicability. The provisions of this ordinance apply to temporary merchants who occupy a temporary, fixed location and do business outside of an existing building. The provisions of this ordinance do not apply to existing merchants selling Christmas trees where the sale of the trees is an appurtenant or accessory use to the existing use.

Section 2. Requirements. Applications for Temporary Christmas Tree Lots shall conform to the following requirements.

- (A) Application. An application for a Temporary Christmas Tree Lot shall be made to the Community Development Department on a form provided by that Department. The application shall include the following.
 - (a) Fees, bonding, and insurance as noted below.
 - (b) A scale site plan showing the location of connections to power or other utilities, the location of lights, a minimum of five (5) off-street parking spaces for customer use (or provisions for off-street parking within 250 feet of the site), and a surfacing material for the lot which prevents the spread of dirt or mud on the public streets.
 - (c) A statement signed by the property owner indicating that they have read and understand the provisions of this ordinance and that they are fully liable for problems resulting from the operation of Christmas tree lots on their property and that the owner is responsible for ensuring that the site is cleaned-up after the sales are completed.

V-3

- (d) The site plan shall indicate that reasonable accommodations have been made to accommodate the handicapped.
- (B) Fees. A non-refundable fee shall be paid at the time of application which covers the approximate cost of the processing of the application. This fee shall be set by Resolution of the City Council and shall begin at fifty dollars (\$50) at the time of the adoption of this ordinance.
- (C) Clean-up Bond. A refundable, cash bond in an amount to be set by Resolution of the City Council shall be submitted to ensure the clean-up of the site after the completion of the sale of the trees. The refundable bond will only be returned after evidence has been submitted by the applicant indicating that the site and surrounding area are clean. Clean-up shall also include the nearby public streets which may have been tracked with mud, dirt, or debris as a result of the Christmas tree operation. If the site is not cleaned-up by February 1st, or the applicant has not submitted adequate proof that the site is clean, the Director is authorized to expend an amount necessary to clean-up the site. If this exceeds \$200, the Director may bill the owner of the property for the remainder.
- (D) Insurance. The applicant shall submit proof of insurance indicating a minimum liability coverage in the amount of \$500,000.
- (E) Time of Year. Permits will only be issued for lots which operate between the day after Thanksgiving to January 1st.
- (F) Conditions. The Director may add reasonable conditions to the permit to ensure that the intent and provisions of this ordinance are properly implemented.

Section 3. Sales by Nonprofit and Charitable Organizations. Sales by nonprofit and charitable organization are permitted at locations which are appurtenant or accessory to existing, non-temporary commercial businesses. Sales by nonprofit and charitable organizations which are not appurtenant or accessory to existing, non-temporary commercial businesses shall comply in all respects with the provisions of this ordinance.

Adopted by the City Council of the City of Newberg this ____ day of _____, 1995.

Duane Cole, City Recorder

ATTEST:

Donna Proctor, Mayor

cc\xtree.wpd

V-3

81

RESOLUTION NO. 95-____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBERG ESTABLISHING FEES AND BONDS FOR TEMPORARY CHRISTMAS TREE MERCHANTS

Recitals:

1. Each year the City of Newberg had temporary Christmas tree sales lots in the City.
2. The temporary Christmas tree sales lots need to be regulated due to the potential for unsafe situations due to traffic, parking, and the need to clean-up the lot after it is no longer used for Christmas tree sales.
3. The regulation of Christmas tree sales lots requires staff time and effort to pursue.

NOW, THEREFORE, BE IT RESOLVED that the City of Newberg as follows:

1. Fees. A non-refundable fee of fifty dollars (\$50) shall be paid at the time of application which covers the approximate cost of the processing of the application.
2. Clean-up Bond. A refundable, cash bond in the amount of \$200 shall be submitted to ensure the clean-up of the site after the completion of the sale of the trees. The refundable bond will only be returned after evidence has been submitted by the applicant indicating that the site and surrounding area are clean. Clean-up shall also include the nearby public streets which may have been tracked with mud, dirt, or debris as a result of the Christmas tree operation. If the site is not cleaned by February 1st, or the applicant has not submitted adequate proof that the site is clean, the Community Development Director is authorized to expend an amount necessary to clean the site. If this exceeds \$200, the Community Development Director may bill the owner of the property for the remainder.
3. Insurance. The applicant shall submit proof of insurance indicating a minimum liability coverage in the amount of \$500,000.

Adopted by the City Council this _____ day of _____, 1995.

Duane Cole - City Recorder

ATTEST:

Donna Proctor, Mayor

drclrcaxtree.wpd

V-3

REQUEST FOR COUNCIL ACTION		
DATE SUBMITTED: November 15, 1995		MOTION
DATE ACTION REQUESTED: December 4, 1995		RESOLUTION
SUBJECT: Public Nuisance Abatement for businesses which allow certain activity.	X	ORDINANCE
		INFORMATION

RECOMMENDATION:

Adopt Ordinance No. 95-2425 providing for declaring a public nuisance for businesses which allow certain activity to occur on their premises.

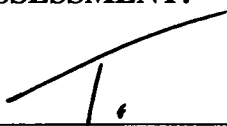
BACKGROUND:

1. The City presently has an Ordinance which enumerates certain nuisances.
2. The City wishes to insure that certain businesses would not allow certain activity such as public drinking, soliciting prostitution, assault, sexual abuse, public indecency, minors in possession of alcohol and other such activity to occur on their premises.
3. If such a business allows this activity to occur, the City should be able to declare it a nuisance and fine the business and go so far as to prevent the business from operating for a period of up to one (1) year.
4. This matter was referred to the Ordinance/Legislative Committee by the City Council on November 6, 1995. The Ordinance/Legislative Committee considered the matter at their November 15th meeting and recommended passage of the Ordinance.


FISCAL IMPACT: None.

STRATEGIC

ASSESSMENT: Improve quality of life in the City of Newberg.



 Terrence D. Mahr, City Attorney



 Duane R. Cole, City Manager

V-4

ORDINANCE NO. 95-2425

AN ORDINANCE AMENDING ORDINANCE NO. 1690 WHICH RELATES TO NUISANCES WITHIN THE CITY OF NEWBERG BY DECLARING A BUSINESS WHICH ALLOWS CERTAIN ACTIVITY TO OCCUR ON ITS PREMISES TO BE A PUBLIC NUISANCE.

RECITALS:

1. Ordinance No. 1690 declares certain activities to be a public nuisance within the City of Newberg.
2. The City has concerns that the operation of businesses within the City of Newberg do not allow certain unlawful activities to occur on their premises, such as public drinking of alcohol or public intoxication, soliciting prostitution, unlawful prostitution procurement, assault, sexual abuse and such other activities.
3. If such activities do occur on a business premise, the business would be subject to closure by the City after notice and due process requirements were met.

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

1. Ordinance No. 1690 as amended is hereby put further amended by adding Section 47 which reads as follows:

"Section 47. Businesses where patrons, employees, residents or occupants engage in a pattern of unlawful activities.

- (1) **It is a public nuisance for any person in charge of property to permit or any person to cause to exist any place or business where patrons, employees, residents or occupants engage in a pattern of behavior in the neighborhood involving the commission of three or more of the following offenses:**
 - (a) **public drinking of alcohol and/or public intoxication, as defined by City Ordinance Number 1703, as amended, Section 7**
 - (b) **loitering to solicit prostitution, ORS 167.002**
 - (c) **unlawful prostitution procurement activities, ORS 167.012**
 - (d) **unnecessary noise, as defined by City Ordinance Number 1690, as amended, Section 45**
 - (e) **assault, ORS 163.160, 163.165, 163.175, or 163.815**
 - (f) **sexual abuse, ORS 163.415, 163.425, or 163.427**
 - (g) **public indecency, ORS 163.465**
 - (h) **criminal trespass, ORS 164.245 or 164.255**
 - (i) **criminal mischief, ORS 164.345, 164.354, or 164.365**
 - (j) **disorderly conduct, ORS 166.025**
 - (k) **harassment, ORS 166.065**
 - (l) **minor in possession of alcohol, ORS 471.430**

V-4

- (m) unlawful sale of tobacco to minors and/or unlawful possession of tobacco by minors, ORS 163.575
- (n) unlawful manufacture, delivery, or possession of a controlled substance, ORS 475.992
- (o) public urination/defecation, as defined by City Ordinance Number 1690, as amended, Section 16 and City Ordinance 1703, as amended, Section 11

- (2) For purposes of this section, "pattern of behavior in the neighborhood" means one or more patrons, employees, residents, or occupants of the place or business having been arrested or issued a citation for violation of three or more of any of the offenses specified in subsection (1) that occur over any six month period at the place or business or within 300 feet thereof.
- (3) It is unlawful for any place or business to be a public nuisance or to be used as a public nuisance. If any place or business is found to be a public nuisance, or to be used as such, it shall be subject to closure for a period of up to one (1) year."

2. All other sections of Ordinance No. 1690, as amended, remain in full force and effect.

ADOPTED by the Newberg City Council this ___ day of December, 1995 by the following votes:

AYES: _____ NAYES: _____ ABSENT: _____ ABSTAIN: _____

Duane R. Cole, City Recorder

ATTEST by the Mayor this ___ day of December, 1995.

Donna Proctor, Mayor

V-4

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: November 17, 1995

MOTION

RESOLUTION

DATE ACTION REQUESTED: December 4, 1995

ORDINANCE

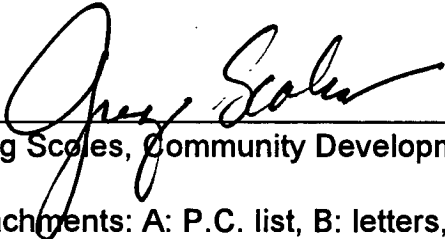
INFORMATION

SUBJECT: Planning Commission Vacancies

RECOMMENDATION: Motion to fill the three vacancies with the most qualified candidates.

BACKGROUND: The Planning Commission is a seven (7) member commission. A list of the existing commissioners is included as Attachment A. There will be three (3) vacancies in December 1995 due to terms expiring (Mary Post, Jack Kriz, and Jim Morrison). Letters have been received from the commissioners with terms expiring (Attachment B). Only Commissioner Kriz has requested reappointment. The new terms would begin in January 1996 and continue to December 1998. Eight (8) applications have been received. These are included as Attachment C. A brief summary of the candidates is included in Attachment D.

COST: None



Greg Scoles, Community Development Director



Duane Cole, City Manager

Attachments: A: P.C. list, B: letters, C: applications, D: candidate summary

VI-1



ATTACHMENT A

PLANNING COMMISSIONER LIST

VI-1

**PLANNING COMMISSION
JANUARY 4, 1995**

**Newberg
City Limits**

Occupation

Yes	Jack Kriz, Chair 602 N. Main Street Newberg, Oregon 97132 538-8533 (H) 244-0552(W)	Term: 3 years Appointed: 1/87 Expired: 1/90 Re-appointed: 2/5/90&1/1/93 Term Expires: 12/31/95	X	Architect
Yes	Mary Post 415 N. College Street Newberg, Oregon 97132 538-1995 (H)	Term: 3 years Appointed: 11/7/88 Re-appointed: 2/5/90&1/1/93 Term Expires: 12/31/95	X	Beautician/ B & B Owner
Yes	Jim Morrison 717 E. Sheridan Street Newberg, Oregon 97132 538-1643(H) (completing James Gigandet Term)	Term: 3 years Appointed: 1/3/95 Term Expires: 12/31/95	X	Retired
Yes	Rick Mills P.O. Box 685 Newberg, Oregon 97132 538-0749(H); 538-1133(W) (completing Deborah Sumner Term)	Term: 3 years Appointed: 1/3/95 Term Expires: 12/31/96		Attorney
Yes	Jim Harney 808 Sitka Avenue Newberg, Oregon 97132 538-7689(H); 633-8170 (W) (completing Wally Russell Term)	Term: 3 years Appointed: 1/3/95 Term Expires: 12/31/96		Park Ranger/Enf. Officer
Yes	Matson Haug, Vice Chair 1524 Hess Creek Ct. Newberg, Oregon 97132 538-1186(H); 685-7000 X 3526(W) (Robert Johnson's term)	Term: 3 years Appointed: 01/18/94 Re-appointed: 1/18/94&1/3/95 Term Expires: 12/31/97		Engineer
Yes	Richard Waldren 3600 Madrona Drive Newberg, Oregon 97132 538-7575 (H) & (W) (replaces Worrall)	Term: 3 years Appointed: 05/04/92 Re-appointed: 5/4/92&1/3/95 Term Expires: 12/31/97		Crop Duster

ATTACHMENT B

**LETTERS RECEIVED FROM
COMMISSIONERS WITH TERMS
EXPIRING**

VI-1

Newberg Planning Committee

Date: 10-12-95

Re: Staff & Commission Reports

No.: _____

October 12, 1995

Newberg Planning Commission and
Newberg City Council

To Whom It May Concern:

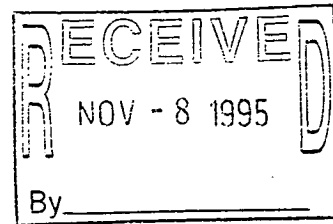
I am writing to notify the City of Newberg that I do not intend to seek reappointment to the Planning Commission. I have enjoyed the past seven years as a Planning Commissioner, however I feel that it is now time to redirect my energy to other things in my life.

Sincerely,



Mary Post
Planning Commissioner

VI-1



November 8, 1995

Mr. John Knight
City of Newberg
Community Development
717 East First Street
Newberg, Oregon 97132

Dear John:

Per our discussion at the last Planning Commission meeting, I am writing to request that the City Council consider reappointing me to my current position on the Planning Commission for a new term. We have seen a lot of action this last year and more is sure to come. It would be good to see through to completion important issues such as the adoption of the new Development Code and the Open Space ordinance revisions. Also, as the area of the Specific Plan develops, it will bear close scrutiny to see if the original goals are met. We have a good group of people on the commission and I would like to continue working with them.

Cordially;

Jack Kriz
Jack Kriz

VI-1

DRAFT
SUBJECT TO REVISION

Hearing Closed.

Commission Deliberation:

Commissioner Harney asked staff if the fire department would be reviewing the matter. John Knight responded that the Fire Department reviewed the request and recommended a 20 foot street width.

Commissioners discussed lot size, and cost to the applicant, and requested that staff review the alternatives.

Barb Mingay covered re-zoning and noted that the City typically looks at larger areas for re-zoning. The next process would be subdividing and a variance to the lot size for a higher density. Modifications of Provisions apply to a subdivision.

Motion #4A:	Commissioner Waldren/Mills recommended that staff approve a modification of the request.
--------------------	--

Vote on Motion #4A:	The motion carried (6-0).
----------------------------	---------------------------

Motion #4B:	Commissioner Morrison/Harney moved to continue the public hearing to the December 14, 1995 Planning Commission Meeting, keeping the public testimony open.
--------------------	--

Vote on Motion #4B:	The motion carried (6-0).
----------------------------	---------------------------

VI. OLD BUSINESS (none)

VII. NEW BUSINESS (none)

VIII. STAFF AND COMMISSION REPORTS

1. Cut off for submittal on Planning Commissioner's expiration of terms (11-9-95). Commissioner Morrison stated that he is not requesting re-appointment. John Knight noted that these appointments will be made by City Council in December.
2. Update on Council Items: The Development Code has had some changes in statutes, and provided a different process in land division. The Schneider Annexation went forward to City Council, after the Planning Commission denied the proposal. The City Council adopted the resolution to work with Yamhill County. The City Council continued the annexation to December, and the Conditional Use Permit to January. The Springbrook Estates annexation was approved by City Council.
3. Other reports, letters, or correspondence. Barb Mingay noted that a planning commissioner had requested information they had seen in Eugene at a workshop. She made an attempt to retrieve the information, and the City of Eugene stated that they did not have the requested information.

VI-1

ATTACHMENT C

APPLICATIONS RECEIVED

VI-1

NOV 09 '95 09:24PM NEWBERG POLICE DEPT 5385393 P.1/1

CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE Planning Commission Member

NAME: Gloria Bevan

ADDRESS: 309 Pinehurst Drive

HOME PHONE: 538-2915 WORK PHONE: 936-3946

Are you a registered voter? Yes

Do you live within the City limits of Newberg? Yes How long? 5 years

How long have you lived at the above address? 5 years

Previous Address: 2120 Luradel St How long? 7 years

Previous Occupation: Credit Union manager Employer: School Teacher
Mortgage Loan officer Private Investor

Spouse's Name: Bill Bevan

Spouse's Occupation: Real Estate Agent Employer: Prudential Pro West

November 9, 1995 Date Gloria J. Bevan Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

I have an interest in participating in the process of planning Newberg's future growth activities. I can see some definite areas for improvement and I think my ^{VI-1} background are well suited for this activity and I think I will be an asset in this position. I am currently a member of the Chamber

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER Board and the chair person for the downtown committee 95

CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE PLANNING COMMISSION

NAME: ROBERT A. BRIDGERS

ADDRESS: 1100 HADLEY ROAD

HOME PHONE: 538-7890 WORK PHONE: 228-9281 x455

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 10 YEARS

How long have you lived at the above address? 3 YEARS 8 MO.

Previous Address? 3201 N. ASPEN WAY How long? 5 YEARS


Occupation: MATERIAL CONTROL Employer: GUNDERSON INC.

Spouse's Name: DEBBIE

Spouse's Occupation: INSIDE SALES REP. (HVAC) Employer: PROCTOR SALES INC.

NOV. 2, 1995

Date


Signature

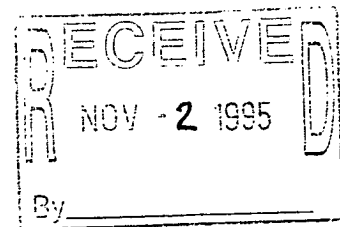
Why do you want this position? (Continue on back or separate sheet if needed.)

I HAVE REACHED A POINT IN MY LIFE WHERE I FEEL THAT ITS NECESSARY TO TAKE A MORE ACTIVE ROLE IN THE COMMUNITY THAT I LIVE IN, AND IN HELPING TO MAKE SOME OF THE DECISIONS THAT WILL EFFECT ME AND MY FAMILY AS WELL AS FRIENDS AND NEIGHBORS HERE IN NEWBERG. I BELIEVE THAT WITH CAREFULL PLANNING, THAT NEWBERG WILL REMAIN ONE THE MOST BEAUTIFUL TOWNS IN THE STATE AND A GREAT PLACE TO LIVE & WORK.

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

VI-1

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CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE PLANNING COMMISSION

NAME: TIMOTHY CODIGA

ADDRESS: CURRENT: 609 N. WASHINGTON ST. NEWBERG UNTIL 3/96
128 NICHOLAS WAY. NEWBERG. (HOME UNDER CONSTRUCTION)

HOME PHONE: 538-8985 WORK PHONE: 537-4549

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 5 MO.
PREVIOUSLY 1984-1995

How long have you lived at the above address? 5 MONTHS

Previous Address? 16200 NE LEANDER DR. How long? 3 YEARS

Occupation: BUILDER/REALTOR Employer: CODIGA CONSTRUCTION, INC.
YOUNG REALTY

Spouse's Name: JULIE CODIGA

Spouse's Occupation: REALTOR Employer: YOUNG REALTY

10-31-95
Date

Signature

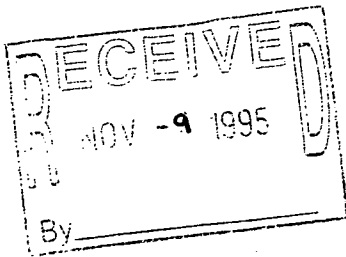
Why do you want this position? (Continue on back or separate sheet if needed.)

MY WIFE AND I, AND OUR FAMILIES HAVE BEEN A PART OF THE COMMUNITY FOR 3+ GENERATIONS. I HAVE WORKED IN NEWBERG MY ENTIRE LIFE AND I WANT TO BE A PART OF HOW WE GROW AND PROSPER. TO DO THIS YOU HAVE TO COMMIT TIME AND ENERGY TO A PART OF THE COMMUNITY THAT INTERESTS YOU. FOR ME, IT IS THE PLANNING COMMISSION. BEING A RESIDENT OF NEWBERG, LAND USE IS VERY IMPORTANT. YOU HAVE TO STRIKE A BALANCE BETWEEN PRIVATE PROPERTY RIGHTS AND CONSERVATION, LOOK AT YOUR WATER SOURCES FOR THE FUTURE, HOW TRAFFIC IMPACTS WHAT YOU DO AND DEVELOPMENT OF HOUSING FOR THE FUTURE. THESE ARE JUST SOME OF THE ISSUES TO NAME A FEW. NEWBERG IS AT A POINT WHERE WE HAVE TO MAKE DECISIONS FOR OUR FUTURE, AND LIVING HERE, I WANT TO BE A PART OF THIS.

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

VI-1

97



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE Planning Commission

NAME: Steven Hannum

ADDRESS: 3816 Vittoria Way

HOME PHONE: 538-6841 WORK PHONE: 538-8383

Are you a registered voter? yes

Do you live within the City limits of Newberg? yes How long? 10 yrs

How long have you lived at the above address? 10 yrs

Previous Address? 405 Kenyon Ave, Wilmore, Ky How long? 7 yrs

Occupation: Teacher Employer: George Fox College

Spouse's Name: Diane Hannum

Spouse's Occupation: Teacher Employer: George Fox College

Nov. 11, 1995
Date

Steven E Hannum
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

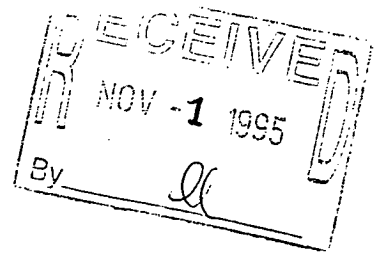
VI-1

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

Newberg is feeling the pressure of growth. The Planning Commission can make a difference. Not just in deciding where and to what extent growth will occur. But also in how changes will be incorporated into the community. I feel that planning is something that needs to be done. It is not an easy job and the good results associated with good planning are only apparent after a long time. But if people with interest and ability do not get involved you can almost guarantee the results will be so-so at best. The input from people with a variety of perspectives is important. Each person brings a view of Newberg as it is and of how it should be in the future. As these perspective are presented and weighed the chances of good results greatly improve.

To be on the Planning Commission a person should be able to see how all the forces of population, roads, utilities, and schools work interact with the nature of the environment. I was a member of the Joint Planning Commission for Jessamine County - City of Wilmore, Kentucky for almost six years and was vice chairman for three years. I have also been involved with the Citizens Advisory Process of the Newberg Planning Commission.

VI-1



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE PLANNING Commission

NAME: MELVIN T McBRIDE

ADDRESS: 811 HULET

HOME PHONE: (503) 538-5777 WORK PHONE: _____

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 11 YEARS

How long have you lived at the above address? 11 YEARS

Previous Address? _____ How long? _____

Occupation: ELECTRICAL INSPECTOR Employer: P.G.E.

Spouse's Name: GINA

Spouse's Occupation: B.F.O. CATERING Employer: MA

Oct 28-95
Date

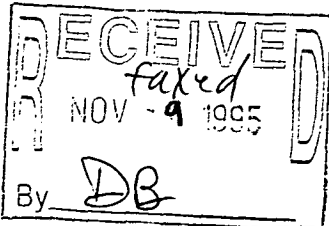
Melvin T McBride
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

I HAVE LIVED IN + AROUND NEWBERG SINCE JUNE 1944 + HAVE SEEN A LOT OF CHANGES. I WOULD LIKE TO HELP NEWBERG GROW.

VI-1

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE Planning Commission

NAME: Myrna M. Miller

ADDRESS: 501 East Illinois

HOME PHONE: 538-0262 WORK PHONE: 538-0808

Are you a registered voter? Yes

Do you live within the City limits of Newberg? Yes How long? 12 years

How long have you lived at the above address? 5 years

Previous Address? Dundee How long? 2 years

Occupation: owner Employer: Ribbonmasters

Spouse's Name: Robert E. Miller

Spouse's Occupation: owner Employer: Ribbonmasters

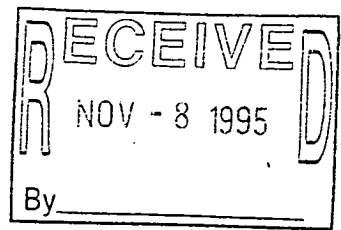
11-9-94 Date Myrna M. Miller Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

Newberg is rapidly growing) which is exciting, Growth needs to be planned properly rather than "growing) like a weed". We need to realize one doesn't stop growth once its begun and its important to correctly channel this growth. Cities and towns never remain constant, its either

up or down. PLEASE RETURN TO THE OI I prefer up or growth! VI

Post-It® Fax Note	7671	Date	11-9	# of pages	1
To	Myrna Miller	From	Linda		
Co/Dept.		Co.	City of Newberg		
Phone #		Phone #	537-1240		
Fax #	538-7606	Fax #	537-1278		



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE PLANNING Commission

NAME: BRETT A. VEATCH

ADDRESS: 2400 WILLOW DR.

HOME PHONE: 537-5506 WORK PHONE: 538-0468

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 2 yrs

How long have you lived at the above address? 2 years

Previous Address? 21550 NE DAVID LN. How long? 4 yrs

Occupation: REAL ESTATE BROKER Employer: Coldwell Banker

Spouse's Name: Amy

Spouse's Occupation: N/A Employer: N/A

11/08/95
Date

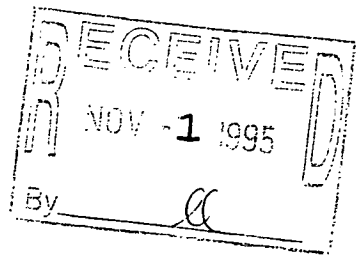
[Signature]
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

I would like the opportunity to participate in Newberg's growth process. It will be important to provide an orderly pattern of development in order to maintain the quality of life that this City provides & has worked so hard to obtain.

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

VI-1



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE Planning

NAME: LEONARD B. WOODY

ADDRESS: 908 Hulet AVE

HOME PHONE: 538-5583 WORK PHONE: _____

Are you a registered voter? yes

Do you live within the City limits of Newberg? yes How long? 27 years

How long have you lived at the above address? 23 years

Previous Address? _____ How long? 4 years

Occupation: Retired Employer: _____

Spouse's Name: _____

Spouse's Occupation: _____ Employer: _____

10-27-95
Date

Leonard B. Woody
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

To Help the plan of Newberg
GROWTH

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

VI

Attachment D

New Applicants for Planning Commission Vacancies

Name	Occupation	Residency in City	Excerpt from Application
Gloria Bevan	see application	7 years	"I have an interest in participating in the process of planning Newberg's future." Member of the Chamber Board and the Downtown Committee.
Robert Bridgers	Material Control (Gunderson Inc.)	10 years	"...it's necessary to take an active role in the community that I live in... I believe, that with careful planning, that Newberg will remain one [of] the most beautiful towns in the state..."
Timothy Codiga	Builder/ Realtor (Young Realty)	5 months	"I have worked in Newberg my entire life and I want to be a part of how we grow and prosper." "You have to strike a balance between private property rights and conservation..."
Steve Hannum	Teacher (GFC)	10 years	"Newberg is feeling the pressure of growth. The Planning Commission can make a difference...in how changes will be incorporated into the community." Formerly a Commissioner for Jessamine County-City of Wilmore, Kentucky.
Melvin McBride	Electrical Inspector (PGE)	11 years	"I have lived in and around Newberg since June 1944 and have seen a lot of changes. I would like to help Newberg grow."
Myrna Miller	Business Owner (Ribbon-masters)	12 years	"Growth needs to be planned properly..." "We need to realize one doesn't stop growth once it's begun and it's important to correctly channel this growth."
Brett Veatch	Real Estate Broker	2 years	"I would like the opportunity to participate in Newberg's growth process. It will be important to provide an orderly pattern of development to maintain the quality of life..."
Leonard Woody	Retired	27 years	"[I'd like] To help plan Newberg's Growth."

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: November 15, 1995

 X Motion

DATE ACTION REQUESTED: December 4, 1995

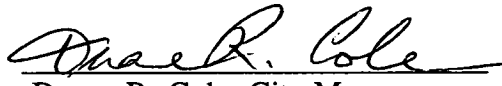
SUBJECT: Budget Committee Appointments

RECOMMENDATION: The City Council needs to appoint two people to the Budget Committee to fill two positions for three-year terms.

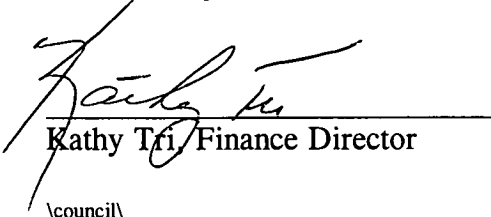
BACKGROUND: State law governs appointments to the Budget Committee (ORS 294.336). The eight citizen members are appointed for three-year staggered terms. Every year the Budget Committee has two-three expired terms. This year two appointments are ending: Barbara Secor and Tracy Pinder who has moved out of the city. Ms. Secor has requested re-appointment.

A letter was sent to those individuals who have indicated an interest in serving on a city committee. Those who specifically requested the Budget Committee appointment have an asterisk by their name; the other names are those who have indicated an interest in serving on a city committee but did not contact the Finance Director about the Budget Committee appointment.

Barbara Secor*
Bob Ficker*
Mel Mc Bride*
Ron Southwick
Steve Hannum
Fred Owens *


Duane R. Cole, City Manager

Submitted by:


Kathy Tri, Finance Director

\council\

VI-2

CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE _____

NAME: FRED D. OWENS

ADDRESS: 807 CRESTVIEW DR.

HOME PHONE: 538-2949 WORK PHONE: 244-8066

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 8 YRS.

How long have you lived at the above address? 8 YRS.

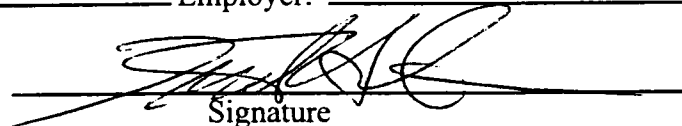
Previous Address? 4966 TRADEWINDS AV. N. HEIZER, OR How long? 3 YRS.

Occupation: GENERAL MGR. Employer: JIM ADKIN

Spouse's Name: CATHERINE B. OWENS

Spouse's Occupation: JUDICIAL ASST. Employer: STATE OF OREGON

11-21-95
Date


Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

With my business background and accounting experience I believe that I would be an asset to the Committee. Newberg is our home and I would like to be a part of the decision making process. I am familiar with budgeting and taxation.

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

VI-2

CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE City Budget Committee

NAME: Bob Ficker

ADDRESS: 121 Melody cat Newberg, Oregon 97132

HOME PHONE: 537-1102 WORK PHONE: 538-3111

Are you a registered voter? YES

Do you live within the City limits of Newberg? yes How long? 16 months

How long have you lived at the above address? 16 months

Previous Address? SALEM, OREGON How long? 8 YEARS

Occupation: BANKER Employer: U.S. BANK

Spouse's Name: SANDI FICKER

Spouse's Occupation: CSR Employer: INSURANCE EXCHANGE

11-6-95
Date

Bob Ficker
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

This would be an opportunity to become involved with the city. I also feel with my banking background I could make a contribution to the budget process.

VI 2

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE CITIZENS RATE REVIEW COMMITTEE

NAME: MEL MCBRIDE

ADDRESS: 811 HULET

HOME PHONE: 538-5777 WORK PHONE: _____

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 11 YEARS

How long have you lived at the above address? 11 YEARS

Previous Address? 25175 S. BARLOW RD CANBY How long? 8 YEARS

Occupation: ELECTRICAL INSPECTOR (RETIRED) Employer: P.B.E.

Spouse's Name: GINA

Spouse's Occupation: GEORGE FOX (MARIOT) Employer: _____

Sept 28
Date

Mel McBride
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

I CAME TO NEWBERG IN 1944 & HAVE LIVED ALL MY LIFE HERE EXCEPT 8 YEARS IN CANBY. NOW I AM RETIRED & WOULD LIKE TO BE ACTIVE IN DECISIONS IN HELPING NEWBERG TO GROW.

THANK YOU
MEL MCBRIDE

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

JL-2

CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

NAME: RON Southwick

ADDRESS: 400 N. SCHOOL ST

HOME PHONE: 538-74-84 WORK PHONE: ~~629-5299~~

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 1 year 4 months

How long have you lived at the above address? ONE YEAR four months

Previous Address? TUALATIN How long? 2 YEARS

Occupation: BANKER Employer: Bank of America

Spouse's Name: PATRICIA A. SOUTHWICK

Spouse's Occupation: SELF EMPLOYED Employer: SELF

4-27-95
Date

Ronald Southwick
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

PLEASE SEE ATTACHED.

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

cc/appl.

VI-2

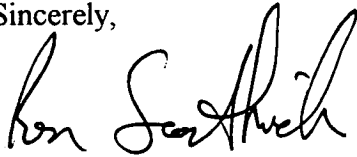
60

I feel it is important for local citizens to take part in their community and local government. I want to offer what I can to my community by advising on local councils or committees.

My first choice would be to work on the Budget Review Committee and/or the Planning Commission. This is where I feel I would do my best and be most useful.

I welcome the chance to meet with you about these positions and look forward to your call.

Sincerely,



Ron Southwick

VI-2

007

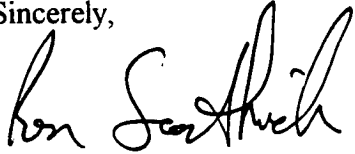
110

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My first choice would be to work on the Budget Review Committee and/or the Planning Commission. This is where I feel I would do my best and be most useful.

I welcome the chance to meet with you about these positions and look forward to your call.

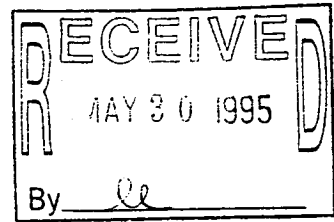
Sincerely,



Ron Southwick

VI-2

WY



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

NAME: Steven E. Hannum

ADDRESS: 3816 U. Horia Way

HOME PHONE: 538-6841 WORK PHONE: 538-8383 x 2703

Are you a registered voter? yes

Do you live within the City limits of Newberg? yes How long? ~ 10 years

How long have you lived at the above address? ~ 10 years

Previous Address? 405 Kenyon Ave. Wilmore, Ky How long? ~ 8 yrs

Occupation: faculty Employer: George Fox College

Spouse's Name: Diana M Hannam

Spouse's Occupation: part time teaching Employer: George Fox College

May 30, 1995
Date

Steven E Hannum
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

see over

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

cclappl.

VI 2

5

111

I feel that planning is something that needs to be done. It is not an easy job and the good results associated with good planning are only apparent after a long time. But if people with interest and ability do not get involved you can almost guarantee the results will be so-so at best. The input from people with a variety of perspective is important. Each person brings a view of Newberg as it is and of how it should be in the future. As these perspective are presented and weighed the chances of good results greatly improve.

To be on the Planning Commission a person should be able to see how all the forces of population, roads, utilities, and schools work interact with the nature of the environment. I was a member of the Joint Planning Commission for Jessamine County - City of Wilmore, Kentucky for almost six years and was vice chairman for three years. I have also been involved with the Citizens Advisory Process of the Newberg Planning Commission.

FOR OFFICE USE

Position Appointed To: _____

Date of Appointment: _____ Term Ending: _____

Reappointed: _____ Term Ending: _____

Second Reappointment: _____ Term Ending: _____

Resignation or Maximum Term Date: _____

VI 2

EM

112

I feel that planning is something that needs to be done. It is not an easy job and the good results associated with good planning are only apparent after a long time. But if people with interest and ability do not get involved you can almost guarantee the results will be so-so at best. The input from people with a variety of perspective is important. Each person brings a view of Newberg as it is and of how it should be in the future. As these perspective are presented and weighed the chances of good results greatly improve.

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FOR OFFICE USE

Position Appointed To: _____

Date of Appointment: _____ Term Ending: _____

Reappointed: _____ Term Ending: _____

Second Reappointment: _____ Term Ending: _____

Resignation or Maximum Term Date: _____

VI 2

Ed

112

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: November 15, 1995

 X RESOLUTION


DATE ACTION REQUESTED: December 4, 1995

SUBJECT: Library Grant

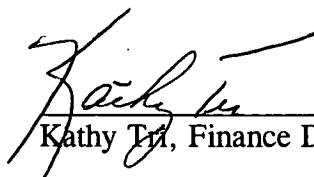
RECOMMENDATION: The Finance Committee recommends that the City Council Recognize and Appropriate Library Services and Construction Grant of \$25,800.

BACKGROUND: The Library received notice that it has been awarded a Library Services and Construction grant for Partners for Senior Services project. The project will establish a collection of books, tapes and other library materials and a service plan for a library at the new senior center and to develop a more efficient means of delivering library books and other materials to the homebound. It includes 500 hours of staff which will be added to a current reference position.

FISCAL IMPACT: Addition of \$25,800 to the General Fund to cover project expenses.


Duane R. Cole, City Manager

Submitted by:


Kathy Tra, Finance Director

\\council\libgrant

VI-3



RESOLUTION NO. 95-1944

A RESOLUTION RECOGNIZING AND APPROPRIATING A LIBRARY SERVICES AND CONSTRUCTION GRANT IN THE GENERAL FUND

WHEREAS, the 1995-96 City Budget was adopted by Resolution No. 95-1917, adopted by the City Council on June 19, 1995;

WHEREAS, the City has received a Library Services and Construction Act grant for Partners for Senior Service project;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newberg, as follows:

Section 1. The General Fund of the 1995-96 City Budget, adopted by Resolution No. 95-1917, is hereby amended to recognize and appropriate the following grant:

<u>Grant</u>	<u>Department</u>	<u>Amount</u>
Library Services & Construction Act Grant	Library	\$25,800

ADOPTED by the City Council of the City of Newberg, Oregon this 4th day of December, 1995.

Duane R. Cole, City Recorder

ATTEST:

Donna Proctor, Mayor

VI-3

REQUEST FOR COUNCIL ACTION

DATE SUBMITTED: November 15, 1995

 X Motion


DATE ACTION REQUESTED: December 4, 1995

SUBJECT: Presentation of the 1994-95 Financial Report

RECOMMENDATION: Recommend move to accept the Annual Financial Report for the fiscal year ending June 30, 1995

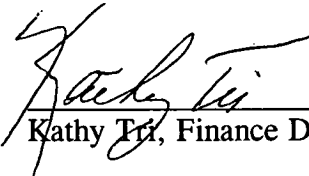
BACKGROUND: The City's independent auditor, Neil Erickson from Grant Thornton, will be present at the Council meeting to present the 1994-95 Financial Report.

A copy of the report is attached for your review. Mr. Erickson will briefly review the contents of the report and significant changes from the prior year.



Duane R. Cole, City Manager

Submitted by:



Kathy Tri, Finance Director

\\council\audit

VI-4

**CITY OF NEWBERG
CITY COUNCIL WORK SESSION
EXECUTIVE SESSION PURSUANT TO ORS 192.660(1)(a)
MONDAY, DECEMBER 4, 1995
6:00 P.M.
NEWBERG PUBLIC LIBRARY**

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE DECEMBER 4, 1995 COUNCIL AGENDA ITEMS. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS.

THE EXECUTIVE SESSION WHICH IS LISTED ON THE AGENDA MAY BE HELD AT THE WORK SESSION IF TIME PERMITS UNDER THE AUTHORITY AND COVERING THE SUBJECT MATTER LISTED ON THE AGENDA. NO DECISIONS WILL BE MADE.

THE WORK SESSION WILL BE FOLLOWED BY THE CITY COUNCIL MEETING TO BE HELD AT NEWBERG PUBLIC LIBRARY, AT 7:00 P.M.

DATED THIS 21ST DAY OF NOVEMBER, 1995.

DUANE R. COLE
CITY MANAGER

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 Rebecca Manning at (503) 538-9421.

\WSNOTE

Council accepts comments on items during the meeting. Please fill out a blue card and identify the item you wish to speak on and hand this in to the Mayor prior to the meeting. (The exception is formal land use hearings which require a specific public hearing process. The agenda's items will be identified at the meeting.)

**CITY OF NEWBERG
COUNCIL AGENDA
MONDAY, DECEMBER 4, 1995
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY**

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

II. ROLL CALL

III. CONSENT CALENDAR

1. Approve minutes from a Regular Council meeting held on November 6, 1995, Work Session and Regular Council meeting held on November 20.
2. Authorize the Mayor to sign an agreement with the Council of Governments for grant administration services, the amount of the contract is \$750.00 for a \$10,000 grant.

IV. PUBLIC HEARING

1. Public hearing regarding the Community Development Block Grant Program to obtain citizen views and to respond to proposals and questions about community development needs and performance in carrying out its community development responsibilities.

V. CONTINUED BUSINESS

1. **Ordinance No. 95-2423** declaring that certain territory be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from the County VLDR to City M-3 Heavy Industrial zoning designation. The site is located at 2808 Wynooski Road.
ANX-3-95/CUP-2-95
2. Continue Review of Revised Development Code and approve **Ordinance No. 95-2411** adopting the Newberg Development Code, repealing and replacing in their entirety the "Zoning Ordinance", Ordinance No. 1968, as amended; "Subdivision Ordinance", Ordinance No. 2294 as amended; "Mobile Homes", Ordinance No. 2023; "Planned Thoroughfares", Ordinance No. 1644 as amended; "Annexation Ordinance", Ordinance No. 2102.

3. **Ordinance No. 95-2426** establishing requirements for the operation of temporary Christmas tree lots, providing for safety of customers shopping at Christmas tree lots, and providing a bond to assure the sites are properly cleaned-up.

Resolution No. 95-1945 establishing fees and bonds for temporary Christmas tree merchants.

4. **Ordinance No. 95-2425** amending Ordinance No. 1690 by declaring a business which allows certain activity to occur on its premises to be a public nuisance.

VI. NEW BUSINESS

1. Three appointments to Planning Commission (Candidates):
 - Gloria Bevan
 - Robert Bridgers
 - Timothy Codiga
 - Steven Hannum
 - Jack Kriz
 - Melvin McBride
 - Myrna Miller
 - Brett Veatch
 - Leonard Woody
2. Two appointments to the Budget Committee (Candidates):
 - Barbara Secor
 - Bob Ficker
 - Mel McBride
 - Fred Owens
3. **Resolution No. 95-1944** appropriating funds in the General Fund for a Library Services and Construction Act Grant.
4. Presentation of 1995-96 Comprehensive Annual Financial Report. (Audit)

3. **Ordinance No. 95-2426** establishing requirements for the operation of temporary Christmas tree lots, providing for safety of customers shopping at Christmas tree lots, and providing a bond to assure the sites are properly cleaned-up.

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 - Leonard Woody
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 - Barbara Secor
 - Bob Ficker
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 - Fred Owens
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4. **Presentation of 1995-96 Comprehensive Annual Financial Report. (Audit)**

**PAGE 3
DECEMBER 4, 1995
CITY COUNCIL AGENDA**

VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

VIII. COMMUNICATIONS FROM THE FLOOR

X. EXECUTIVE SESSION

1. Executive Session pursuant to ORS 192.660(1)(a) relating to review of City Manager and City Attorney.

XI. ADJOURNMENT

INDEX FOR ORDINANCES AND RESOLUTIONS:

RESOLUTIONS:

1. **Resolution No. 95-1944** appropriating funds in the General Fund for a Library Services and Construction Act Grant.
2. **Resolution No. 95-1945** establishing fees and bonds for temporary Christmas tree merchants.

ORDINANCE:

1. **Ordinance No. 95-2423** declaring that certain territory be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from the County VLDR to City M-3 Heavy Industrial zoning designation. The site is located at 2808 Wynooski Road.
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3. **Ordinance No. 95-2425** amending Ordinance No. 1690 declaring a business which allows certain activity to occur on its premises to be a public nuisance.

PAGE 4
DECEMBER 4, 1995
CITY COUNCIL AGENDA

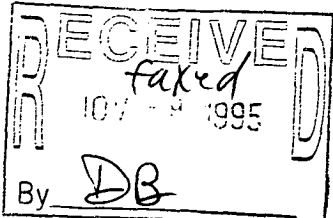
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ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Rebecca Manning at (503) 538-9421.

PAGE 4
DECEMBER 4, 1995
CITY COUNCIL AGENDA

5. Ordinance No. 95-2426 establishing requirements for the operation of temporary Christmas tree lots, providing for safety of customers shopping at Christmas tree lots, and providing a bond to assure the sites are properly cleaned-up.

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 Rebecca Manning at (503) 538-9421.*



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE Planning Commission

NAME: Myrna M. Miller

ADDRESS: 501 East Illinois #1

HOME PHONE: 538-0262 WORK PHONE: 538-0808

Are you a registered voter? Yes

Do you live within the City limits of Newberg? Yes How long? 12 years

How long have you lived at the above address? 5 years

Previous Address? Dundee How long? 2 years

Occupation: owner Employer: Ribbonmasters

Spouse's Name: Robert E. Miller

Spouse's Occupation: owner Employer: Ribbonmasters

11-9-94
Date

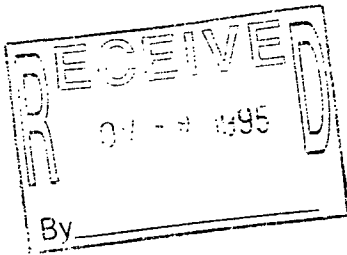
Myrna M. Miller
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

Newberg is rapidly growing) which is exciting! Growth needs to be planned properly rather than "growing) like a weed". We do need to realize) one doesn't stop growth once its begun) and its important to correctly channel this growth. Cities and towns) never remain constant, its either

up or down. PLEASE RETURN TO THE OI I prefer up or growth!

Post-It® Fax Note	7671	Date	11-9	# of pages	1
To	Myrna Miller	From	Linda		
Co./Dept.		Co.	City of Newberg		
Phone #		Phone #	537-1240		
Fax #	538-7606	Fax #	537-1272		



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE Planning Commission

NAME: Steven Hannum

ADDRESS: 3816 Vittoria Way

HOME PHONE: 538-6841 WORK PHONE: 538-8383

Are you a registered voter? yes

Do you live within the City limits of Newberg? yes How long? 10 yrs

How long have you lived at the above address? 10 yrs

Previous Address? 405 Kenyon Ave, Wilmore, Ky How long? 7 yrs

Occupation: Teacher Employer: George Fox College

Spouse's Name: Diane Hannum

Spouse's Occupation: Teacher Employer: George Fox College

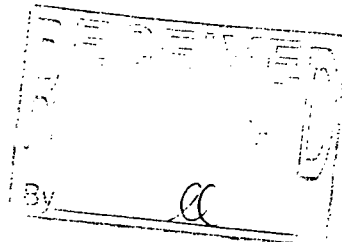
Nov. 11, 1995
Date

Steven E Hannum
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

CITY OF NEWBERG



APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE PLANNING

NAME: LEONARD B. WOODY

ADDRESS: 908 Hulet AVE

HOME PHONE: 538-5583 WORK PHONE: _____

Are you a registered voter? yes

Do you live within the City limits of Newberg? yes How long? 27 years

How long have you lived at the above address? 23 years

Previous Address? _____ How long? 4 years

Occupation: Retired Employer: _____

Spouse's Name: _____

Spouse's Occupation: _____ Employer: _____

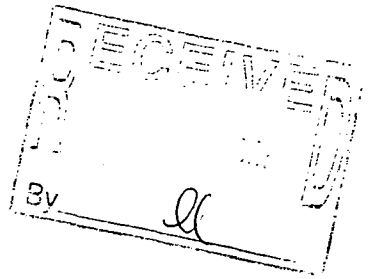
10-27-95
Date

Leonard B Woody
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

To Help the plan of Newbergs
Growth

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE PLANNING COMMISSION

NAME: MELVIN T MCBRIDE

ADDRESS: 811 HULET

HOME PHONE: (503) 538-5777 WORK PHONE: _____

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 11 YEARS

How long have you lived at the above address? 11 YEARS

Previous Address? _____ How long? _____

Occupation: ELECTRICAL INSPECTOR Employer: P.G.E.

Spouse's Name: GINA

Spouse's Occupation: B.F.O. CATERING Employer: MA

Oct 28-95
Date

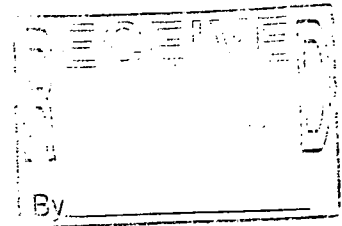
Melvin T McBride
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

I HAVE LIVED IN + AROUND NEWBERG SINCE
JUNE 1944 + HAVE SEEN A LOT OF CHANGES.
I WOULD LIKE TO HELP NEWBERG GROW.

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

CITY OF NEWBERG



APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE PLANNING COMMISSION

NAME: TIMOTHY CODIGA

ADDRESS: CURRENT: 609 N. WASHINGTON ST. NEWBERG UNTIL 3/96
128 NICHOLAS WAY. NEWBERG. (HOME UNDER CONSTRUCTION)

HOME PHONE: 538-8985 WORK PHONE: 537-4549

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 5 MO.
PREVIOUSLY 1984-1995

How long have you lived at the above address? 5 MONTHS

Previous Address? 16200 NE LEANDER DR. How long? 3 YEARS

Occupation: BUILDER/REALTOR Employer: CODIGA CONSTRUCTION, INC.
YOUNG REALTY

Spouse's Name: JULIE CODIGA

Spouse's Occupation: REALTOR Employer: YOUNG REALTY

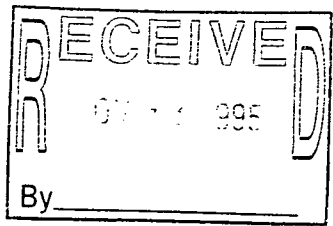
10-31-95
Date

Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

MY WIFE AND I, AND OUR FAMILIES HAVE BEEN A PART OF THE COMMUNITY FOR 3+ GENERATIONS. I HAVE WORKED IN NEWBERG MY ENTIRE LIFE AND I WANT TO BE A PART OF HOW WE GROW AND PROSPER. TO DO THIS YOU HAVE TO COMMIT TIME AND ENERGY TO A PART OF THE COMMUNITY THAT INTERESTS YOU. FOR ME, IT IS THE PLANNING COMMISSION. BEING A RESIDENT OF NEWBERG, LAND USE IS VERY IMPORTANT. YOU HAVE TO STRIKE A BALANCE BETWEEN PRIVATE PROPERTY RIGHTS AND CONSERVATION, LOOK AT YOUR WATER SOURCES FOR THE FUTURE, HOW TRAFFIC IMPACTS WHAT YOU DO AND DEVELOPMENT OF HOUSING FOR THE FUTURE. THESE ARE JUST SOME OF THE ISSUES TO NAME A FEW. NEWBERG IS AT A POINT WHERE WE HAVE TO MAKE DECISIONS FOR OUR FUTURE, AND LIVING HERE, I WANT TO BE A PART OF THIS.

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER



CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE PLANNING COMMISSION

NAME: BRETT A. VEATCH

ADDRESS: 2400 WILLOW DR.

HOME PHONE: 537-5506 WORK PHONE: 538-0468

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 2 yrs

How long have you lived at the above address? 2 years

Previous Address? 29550 NE DAVID LN. How long? 4 yrs

Occupation: REAL ESTATE BROKER Employer: Coldwell Banker

Spouse's Name: Army

Spouse's Occupation: N/A Employer: N/A

11/08/95
Date

[Signature]
Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

I would like the opportunity to participate in Newberg's growth process. It will be important to provide an orderly pattern of development in order to maintain the quality of life that this City provides & has worked so hard to obtain.

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE PLANNING COMMISSION

NAME: ROBERT A. BRIDGERS

ADDRESS: 1100 HADLEY ROAD

HOME PHONE: 538-7890 WORK PHONE: 228-9281 X 455

Are you a registered voter? YES

Do you live within the City limits of Newberg? YES How long? 10 YEARS

How long have you lived at the above address? 3 YEARS 8 MO.


Previous Address? 3201 N. ASPEN WAY How long? 5 YEARS

Occupation: MATERIAL CONTROL Employer: GUNDERSON INC.

Spouse's Name: DEBBIE

Spouse's Occupation: INSIDE SALES REP. (HVAC) Employer: PROCTOR SALES INC.

NOV. 2, 1995
Date


Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

I HAVE REACHED A POINT IN MY LIFE WHERE I FEEL THAT ITS NECESSARY TO TAKE A MORE ACTIVE ROLE IN THE COMMUNITY, THAT I LIVE IN, AND IN HELPING TO MAKE SOME OF THE DECISIONS THAT WILL EFFECT ME AND MY FAMILY AS WELL AS FRIENDS AND NEIGHBORS HERE IN NEWBERG. I BELIEVE THAT WITH CAREFULL PLANNING, THAT NEWBERG WILL REMAIN ONE THE MOST BEAUTIFUL TOWNS IN THE STATE AND A GREAT PLACE TO LIVE & WORK.

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER

11/2/95

PERSONAL INFORMATION

ROBERT ALTON BRIDGERS: I AM 40 YEARS OLD, MOVED TO OREGON IN 1980 FROM CALIFORNIA, MOVED TO NEWBERG IN 1985. I AM HAPPILY MARRIED AND HAVE FOUR DAUGHTERS AGES 6 THRU 14. I AM EMPLOYED BY GUNDERSON INC., A RAILCAR BUILDER IN N.W. PORTLAND. I CURRENTLY SERVE ON THE PLANT SAFETY COMMITTEE, AND HAVE BEEN WITH THE COMPANY FOR 8 1/2 YEARS. I LIVE IN NEWALL ADDITION AND I AM 1 OF 3 DIRECTORS OF THE "NEWALL HOMEOWNERS ASSOCIATION" PREVIOUSLY KNOWN AS THE HADLEY WATER ASSOC. MY SPECIAL AREAS OF CONCERN ARE: HIGHWAY IMPROVEMENTS, I AM CURRENTLY IN CONTACT WITH THE DEPT. OF TRANSPORTATION REGARDING THE UPCOMING HWY. 99W IMPROVEMENTS AND ON BEHALF OF MY NEIGHBORHOOD ASSOC. I WOULD LIKE TO SEE NEWBERG KEEP ITS SMALL TOWN APPEAL AND I BELIEVE THAT THIS CAN ONLY BE ACHIEVED BY CAREFUL PLANNING.

THANK YOU FOR YOUR CONSIDERATION,

ROBERT A. BRIDGERS

A handwritten signature in cursive script that reads "Robert A. Bridgers". The signature is written in black ink and is positioned below the typed name.



November 8, 1995

Mr. John Knight
City of Newberg
Community Development
717 East First Street
Newberg, Oregon 97132

Dear John:

Per our discussion at the last Planning Commission meeting, I am writing to request that the City Council consider reappointing me to my current position on the Planning Commission for a new term. We have seen a lot of action this last year and more is sure to come. It would be good to see through to completion important issues such as the adoption of the new Development Code and the Open Space ordinance revisions. Also, as the area of the Specific Plan develops, it will bear close scrutiny to see if the original goals are met. We have a good group of people on the commission and I would like to continue working with them.

Cordially:


Jack Kriz

NOV 09 '95 09:24AM NEWBERG POLICE DEPT 5385393

P.1/1

CITY OF NEWBERG

APPLICATION FOR CITY COMMISSIONS

COMMISSION OR COMMITTEE Planning Commission Member

NAME: Gloria Bevan

ADDRESS: 309 Pinehurst Drive

HOME PHONE: 538-2915 WORK PHONE: 936-3946

Are you a registered voter? Yes

Do you live within the City limits of Newberg? Yes How long? 5 years

How long have you lived at the above address? 5 years

Previous Address: 2120 Luradel St How long? 7 years

Previous Occupation: Credit Union manager Employer: School Teacher
Mortgage Loan officer Private Investor

Spouse's Name: Bill Bevan

Spouse's Occupation: Real Estate Agent Employer: Prudential Pro West

November 9, 1995 Gloria J. Bevan
Date Signature

Why do you want this position? (Continue on back or separate sheet if needed.)

I have an interest in participating in the process of planning Newberg's future growth activities. I can see some definite areas for improvement and I think my background are well suited for this activity and I think I will be an asset in this position. I am currently a member of the Chamber

PLEASE RETURN TO THE OFFICE OF THE CITY RECORDER Board and the chair person for the downtown committee

ORDINANCE/RESOLUTION ROLL CALL

COMMITTEE: NEWBERG CITY COUNCIL MEETING

MEETING DATE: 12-4-95

Council Member	^{Wynowski} Ord/Res No. <u>2523</u> Yes/No	^{Dev. Code} Ord/Res No. <u>95-2411</u> Yes/No	^{Christmas Trees} Ord/Res No. <u>95-2426</u> Yes/No
here CURRIER, Roger	yes	yes	yes
here HALSTEAD, Alan	Abstain	yes	yes
here McMULLEN, Dave	yes	yes	yes
here McCAIN, Donna	yes	yes	yes
here PROCTOR, Donna	—	—	—
here SUMNER, Deborah	yes	yes	yes
here WEAVER, Robert	yes	yes	yes
here WOLLAM, T. Dan	yes	yes	yes
here WRIGHT, Don	yes	yes	yes

Handwritten note: passed

Handwritten note: close pub

Handwritten note: yes make 3 pat's

John Knight
CDM
Nadine Windsor
Keri Mills

Handwritten note: total

Yes - 7
No - 1 Abstain

Yes - 6
No - 2

Yes - 6
No - 2

Submitted By: Peggy Hall

Handwritten note: Ann Revola

NOTE: Please complete an attendance sheet for all meetings involving City Council members and return to the Legal Department. If the regularly scheduled meeting is canceled for any reason, it should be noted on an attendance sheet and sent to the Legal Department.

Original minutes, signed by the secretary or chairman, should be prepared and sent to the Legal Department for filing as the official record of the meeting.

20K draft

MINUTES OF THE
NEWBERG CITY COUNCIL
MONDAY, DECEMBER 4, 1995
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

Mayor Proctor called the meeting to order. The pledge of allegiance was performed.

II. ROLL CALL

- | | |
|---------------------|-----------------------|
| Roger Currier (RC) | Alan Halstead (AH) |
| Donna McCain (DM) | Dave McMullen (Dmc) |
| Deborah Sumner (DS) | F. Robert Weaver (RW) |
| T. Dan Wollam (TDW) | Don Wright (DW) |

CITY STAFF: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Robert I. Tardiff, Police Chief
Greg Scoles, Community Development Director
John Knight, Planning Director
Peggy R. Hall, Assistant City Recorder

**OTHERS
PRESENT:**

III. CONSENT CALENDAR

1. Approve minutes from a Regular Council meeting held on November 6, 1995, Work Session and Regular Council meeting held on November 20.
2. Authorize the Mayor to sign an agreement with the Council of Governments for grant administration services, the amount of the contract is \$750.00 for a \$10,000 grant.

MOTION: AH/RC to adopt consent calendar - pg. 25 of pkt - yes /no - absent -listed DS - DM absent - changed - corected on pg 14 - change -

Unanimous. Approved.

8th grace chehalem valley middle school - introduction, - sit with council - until about 8:00 p.m.

- studying government - city of newberg pens -

Don Wright - 60th wedding anniversary - regular people at council - city residents - serves on community dev. committee - glad to have her.

IV. PUBLIC HEARING

1. Public hearing regarding the Community Development Block Grant Program to obtain citizen views and to respond to proposals and questions about community development needs and performance in carrying out its community development responsibilities.

Will leave public hearing open - conflict of interest - none.

DRC - staff report - state divided money into five categories (public works grants - applied by small cities to address water and sewer concerns - newberg I not worthy to apply - community facility money - currently finishing a grant at cheh. Valley senior center - money received last year - housing rehabilitation - rental rehab - /owner occupied - fix up housing and another category - 800,000 handicap accessibility - technical assistance - study city hall and center school -

city has done housing rehab and did pretreatment facility (allen fruit) - cdbg - purpose of hearing to look at community dev. needs - discuss performance with regard to project - comm. facilities - want to build city hall - usually facilities such as this - cannot be funded - address generally low moderate income - doesn't address just low income needs - trouble identifying target clients -

public hearing notice in paper - asked that the council leave hearing open for 7 days to have more time to talk with other resources and aware of hearing process - not to make a decision tonight - decide which way we are going.

RC - after next public hearing we will leave it open - another public hearing - recommend specific project - not a worthy project -

DW - if no project -

Mayor - no public testimony for tonight

DRC - city hall is not accessible - level out bottom floor of city hall - three levels in building (actually 4-5 levels - need to deal with stairs in building - accessibility -

DM - indication - youth center - facility coming through CPRD -

Carol 412 E. Third Street, _____, Ned's adult day care center - category which senior center was done - handicap accessibility -

covering over front and rear entry of neds - safety - replace cover over the deck to increase usability of deck - leaks from roof - build steps into basement - install lighting in basement - replace floor covering in front area - changes in the patterning of the floor which is difficult - kitchen areas of floor holes in the surgance - sanitatiion reasons - redo the kitchen in terms of improving the counter space - putting in small oven - put in commercial grade dishwasher - now hand washes - takes away from time with participatios - alarms - install water heater for dishwasher - remodel handicap access bathrooms -

DS - if someone would have block grant - fill outestimats = appropriate for DRC - will work together -

DM - some things requesting - city's building - some things sound like maintenance - responsible tfor this - if dangerous -

DRC - the city ha snot invested money into this - how to address needs - get a grant nd fix building - more functional

DM - if not qualifies grant - who is responsible for maintaining grant -

Carol - have been seeking other sources to repair -

RC - place is kept very nice- very happy for this - concern - pattern -

leave public hearing open for seven days -

V. CONTINUED BUSINESS

1. **Ordinance No. 95-2423** declaring that certain territory be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from the County VLDR to City M-3 Heavy Industrial zoning designation. The site is located at 2808 Wynooski Road.
ANX-3-95/CUP-2-95

on the west side - of transfer station -

AH will be abstaining and left the room. -

TDM - state for record - at the last meeting - there was a quuestion from DW who is employed by smurfit as to his ability to vote - possbile contact with smurfit - looked into matter - opinion to be extra cautious - dw could state a potential conflict - record pecifically states - have no business

relationship - not into negotiation with applicant - would consider products the applicant would make - based on the record - the most DW would have is a potential and does have right to vote - the city would be responsible for the defense of that -

DRC - same instructed staff to split the issue - rdf facility - conditional use permit on the refuse to dry fuel on January 2, 1996 -

DW - restate that there is a potential conflict - not on the annexation -

MTIONL: RW - DS to read Ordinance No. 95- by title only - Unanimous. DP read by title only 7 yes - 1 abstain - AH - motion carried.

2. Continue Review of Revised Development Code and approve **Ordinance No. 95-2411** adopting the Newberg Development Code, repealing and replacing in their entirety the "Zoning Ordinance", Ordinance No. 1968, as amended; "Subdivision Ordinance", Ordinance No. 2294 as amended; "Mobile Homes", Ordinance No. 2023; "Planned Thoroughfares", Ordinance No. 1644 as amended; "Annexation Ordinance", Ordinance No. 2102.

RC - amending the antenna ordinance - fast foods with drivethroughs - gas stations and radio antennas - begin on page 67 - running through page 71 - drafted dated October 25th - , plus addendum - - also ordinance which would adopt that dev. code. - make the conditional uses - permitted uses on all of the zones -

RC - at the last meeting it was brought up - not conclusive - not all services stations under design review rather than conditional use -

Greg - asked that it was to prepare for final - draft - proposal from staff to CC - services stations would be permitted uses - fast foods would be changed for commercial districts - C-2 and C-3 districts - as it is today - other change - is the language relating to ham radios - proposed ordinance - begin on pg. 67 - and page 69 - new section 1052.400 which would take place in Christmas tree lots - pull out of dev. code into business regulation - which would appear in difference ordinance - eliminate present standards - put together quickly - modeled after couple of ordinance - specifically adopted after Gresham - two letters that Mr. Mahr has - CB or ham radio community - questions about section 7 10.52.400 (7) page 70 and based on the information provided in the letter - Rick Mills - Civil air patrol and from Colin Lamb - would like to remove from recommendation before the Council tonight -

provided for what requested from last meeting.

RC - also adding - amateur ham radio add other similar activities - emergency disaster radio equipment - because city did not allow antennas to be put up - had to go to GFC -

DM - could not go beyond federal regulations -

RC - rc - stated 18 ft. - fcc rules are 60 feet -

greg - key difference - set backs - -page 70, (4) - exceed height of 35 feet - set back from property line -

Rick - mills - mars -volunteers - us coast guard artilleries - must be in boats - ask that they make a provision as requested for civil air patrol - motivation for asking - make it easier for those occasions to put up antenna - for civil air patrol - staff has something to work with - not have to deal with fcc regulations -

TDM -

declaration of conflicts of interest - specific part of dev. code - concerning gas stations - potential conflict or actual conflict - last meeting not a ruling - did not vote on council - made contact with gpcc - number of uses on this property - no pending sale for a gas station or filling station - dmc has a potential conflict of interest - rproperty could, rather than would, may vote - another exception to rules - when the whole dev. code - he become a member of a class - until gpcc official rules on class - not entitled to rely upon exception (vol. Member can vote due to member of class)

DMC - declare potential - does not feel impact - full intend to vote -

RC - other changes to dev. code - closing public testimony -sid friedman's letter - agree - putting them in conditional use permits instead - kicking them back to type 3 - wastewater usage - parking spaces - buildings on site - should send back to conditional use rather than design review - did not want city to become center of congress and industry -

dw - close public hearing -

RC - passing dev. code - without assurance that these will be added in later - deal with book as whole

rc - does not agree with passing it now -

DS - vote to close - then have discussion -

Mayor proctor closed the public hearing -

TDM - ordinance before now - would enact dev. code - authority to cm and ca to make sure that the amendments that are in there - document is put in final order. -

MOITON: 10.52.400(7) DW to approve dev. with amendment of deltion - 95-2411 and change drc as amenmdnet of rick mills (TDW) seconded - RC/DS oppose (6 yes)

DP read ordinance (RC/DS no -)

DP - how can they add these up for dicussion -

TDM - overall dev. code for about 10 years - -laced a number of privisions and codes to make it more understandable code - modern times - to a procedure and were not trying to take a minuscule look at dev. code - the pc said wanted a number of policies and procedues fleshed out - will not some 10 year period of dev. code - fluid state - case law - legislature changes - giant step forward - another 10 year - rc needs to make recommendtions through channagesl - through pc and back up

rc - try to address wter ordinance - first wanted another report - told to go to staff and have them give them a report - then the next meeting - concerned for it - told unnecessary - not problem with staf f- take it to staff - then to cc - feel don't not doing justice to people - when just bring it up at cc level - - now will take enough time -0

DRC - good lesson for younger folks - democracy - lesson pretty well - people who are in minotiryt - raised issues (RC) listened - but did nottake action - what right does minority - have to make changes - assign to committee - develop conciensus - problemm with democracy cnanot address everyone's desires at one time - there is lways tomorrow -

DP - take to community develop committe

RC - brought up in hopes to address additiional comments - if it is valid - let's deal with it - -

Dmc - thought that it was a concensus -

DS - thought that there was no discussion - cannot believe that all coucl - would like to address concerns about wwater usage - sign of business - mechanism -

DW - considr - dev. code - open for publi coments for two months - one person does not represent 15,000 views -

RC -

DW - item on agenda - original request was a list of all prolems of composter - it was not a council action - could have gone to staff and asked - draft ordinance - - did not have support of cc members - staff to draft ordinanc e-

DP - should go through property committee - comm. Dev. -

RW - few minutes ago - going to have to leave at 8:00 - compliment manager giving a real fine light on the workings of democracy - past school administrator - give him an "A" - ask young people - have them react to experience -

AH - oregonian - quote -

-

TDW - include motion recommended additional sentence - mills letter 11/30 dealing with clarification -

DP - greg will talk on this -

Greg -

3. **Ordinance No. 95-2426** establishing requirements for the operation of temporary Christmas tree lots, providing for safety of customers shopping at Christmas tree lots, and providing a bond to assure the sites are properly cleaned-up.

Resolution No. 95-1945 establishing fees and bonds for temporary Christmas tree merchants.

DP problems with lots setting up christmas trees -

MITONL AH/RW - to read by title only -

RC - **discussion** - requirement of minimum of 5 offstreet parking strips - other one being nonrefundable to process application - does it cost \$50 to look at layout - section f - conditions - (red it) - all conditions should be set forth in ordinance - would not be something to pick up on and add in -

GREg - may cost more or less - reviewing bonding- plans - location, etc. - some of them in the past - it is reasonable - should not be anything less -

RC - concede to \$50 - okay - parking spots - minimum 5 offstreet - one particular lot -

dp - sales by nonprofits and organizations - is non profit (gives money to cs lewis - charitable trees - Lary's on corner next to donut shop.

Dm - not necessary a nonprofit -

RC - **expect to find application** - would allow to put condition on - which are not listed - pretty limited as to what conditions could be -

RC - to omit section f -

TDM - allows opportunity to grant with these conditions - address - conditions of this ordinance property implemented -

TDW - important to have provision in place - one location may not have a problem with entrance and egress - another area may be congested area - attempt to make broad and fair as possible.

DMC - parking spot might make some sense to him -

AH - referred to condition because who they were - if staff make conditions that are based upon who they are and not what the conditions they are - one lot may be different -

MOTION: RC/DS to amend to 3 parking spaces rather than 5 - oppose - DM - - mayor borke tie -

unanimous - with changes -

AH/DM to adopt resolution - - effective December 26th -

DW - ordinance has to go within 30 days - resolution not effective unanimous.

Diane Lutz class - TDW - had the experience -

4. **Ordinance No. 95-2425** amending Ordinance No. 1690 by declaring a business which allows certain activity to occur on its premises to be a public nuisance.

AH/dm approved

VI. NEW BUSINESS

1. Three appointments to Planning Commission (Candidates):
Gloria Bevan

downtown business - interested in econ. Dev. of Newberg - would like to see a natural flow in Newberg - being on the PC - would have ability see if done -

DM - discussion as to

tdm - no more than one voting member may engage, buying, selling or devl. Of real estate - that real estate for profit -

gloria - does not apply - own a piece of property downtown - not planning to sell - husband is a real estate agent - none - only marriage -

Dmc - bill works with him - statute - one person who fits into that category - couple of other applicants - not principally in business -

RW - attorney - would not ask this question - one of these 3 could not be - two could not be - how many can be on whole commission - tdm said that no more than one - do we have one on there now - no one on there now.

ds - to gloria - future focus - preservation of greenways - add voice to meld together - interest in preserving openspace and greenways -

gloria - not coming with pc with no previous notion - listen on own merits - not a member of any special interest groups - look at what is going in - and how fits into community. -

ds - do you think that it is an important part of newberg - gloria - enjoy beauty of newberg - would not like to see spoiled -

Robert Bridgers - to put better voice from corner of town - older parts of town - not a lot of talking with highways - amount of traffic - would like to see newberg to stay as he was - currently with homeowners association in neighborhood - their interests could be better they don't have a voice on cc - think that could be accomplished -

DS - same one - how you view the way newberg is growing with the importance of keeping environmentally friendly community -

robert - beauty of newberg - questionable things happening in surrounding communities would not to see fast development - s

Tim Codiga - applied for pc position to put his input how newberg grows over next 10-20 years - important to see that the city grow not only as industrial and commercial - but as well as residentially - desires and needs addressed -

DS - greenways and opens spaces fit into your vision

tim - keep livable - some opens spaces and greenways are done in proper manner and not by

eliminating property rights of property owners - is in development and real estate property -

Steve Hannum - Newberg is feeling pressure of growth and the PC can make difference - planning needs to be done - not easy job - if people with interest and ability do not get involved - response would be just so-so - need each person's variety - member of joint planning commission of Wilmingtton Kentucky - planning for bypass for largest city was done - issues through dev. and access - not just another trip development - know planning issues to face - willing to be part of solution and not part of problem -

to discuss questions - live access from city park - greenspaces are available and important - as do face challenges of growth - need to preserve them - why we are not on Willamette River - emotionally we are not - as part of the river - often wondered about this - look toward future - incorporate the river and river access better into city. -

Roger's landing and not John's landing -

RC - that is county property - and Smurfit property - not owned by city - have a 60 foot right-of-way -

Mel McBride - no appearance

Myrna Miller - reason for opening and opportunity - very active in the Dundee Council and PC - have business - aware of actions of CC and also PC - apply for Newberg - live in Newberg - there are quite number of activities taking place in Newberg - want of opportunity - only two things - grow or stop and go behind - taught in Oklahoma - plan propertyly and rather participate in community - rather than stabilized community - certainly do not want Newberg to go behind in some of the towns in Omaha area - bedroom communities - extremely important to plan properly - responsibility to constituency -

answer to discussion question - pleased and proud of parks that CHPRD is responsible for - having lived in greenway area in Beaverton - walking, biking paths important to development -

Brett Beach - not here

Lynodd Woody

MOTION: DW - place 5 candidates in attendance - to allow each CC to vote three times -
RW (unanimous)

DP broke tie with

Bridgers - Myrna Miller and Steve Hannum -

dm - concerned that rick brought up - ws jack kriz not inl

John knight - all he had to do was submit a letter to - staff told him not to have to appear - he did not realize - letter attached to packet - requesting renomination -

DW - his motion - afford the people to show up - if he would have shown up - did not intentionally exclude him - would have made exact same motion -

RC - traditionally - this has happened and motioned to deal with people that bother to come with interview- sorry - that is

DP -

thank all people to appear - to serve on other committees

Dmc - define - majority of cc - views this s oversight - regrets Mr. kriz -

MOTION: Dmc - to jack kriz be included in the names of the nominations and revote -
DM (DW - why should he be afforded the ability to be on the list)

DMC - went by exhibit - dedication for hours - demonstrated -

MOTION:L DW - amendment to motion - Dmc to appoint jack kriz and the last person -
if the main motion that Jack krize will Mr. Bridgers would be third selection -

DP - term limit on committee -

TDM - no limit on

DS - left out - not informed by staff -

RW - positive way - real deal of time -

TDW - carrying on what ds has said - not that he was not advised to be here - he was informed by staff that it was not necessary for him to be there - carries more extended weight - not on attachment "D" - should have been

roll call on amendment -

MOTION: DW/DM to replace Mr. Griddgers with Mr. Kriz

RC - voted no on both motion and amendment -

Robert Bridgers

Timothy Codiga
Steven Hannum
Jack Kriz
Melvin McBride
Myrna Miller
Brett Veatch
Leonard Woody

DM - if they are required to be here - if they are not - this particular circumstances - staff to told them not to come -

some circumstances when people cannot come -

MOTION: TDW that when nominations that the City recorder send a letter to each applicant that it is on the agenda that the cc invites their attendance in person - all names that are being considered - whether or not strongly urges their attendance - AH -

DM - strongly urges does not state that if they do not come - they will not be considered -

TDW - not intent to make requirement - make sure no mistake that it was not necessary -

rc - urging people and sending out - dealing with people that is a policy that people need to show up to get nominated -

DW - make attendance mandatory - criteria -

dp - want to be on bad enough - should attend -

MOTION Failed (Dmc-

MOTION: send to all applicants - your attendance will be expected at meeting unless extenuating circumstances - and notify cm - DW -RW - unanimous.

Jack kriz - myrna miller and steve hannum -

RC - consider for budget committee - accept application -

TDM - cc has resolution on this - by certain date -

MOTION: DW/ Leave nominations to be submitted before next meeting in January and not fill and not fill spots to January

withdraw motion - to give Mr. Brigers time to consider his application -

Two appointments to the Budget Committee (Candidates):

Barbara Secor

Bob Ficker

Mel McBride

Fred Owens

Bob Ficker - manager in US Bank - why on budget committee - desire to serve - active in rotary - active in chamber - hospital foundation board - chev. valley senior citizen council - jr. Achievement consultant at high school - banking background - position as administrative position - responsible for 36 of branch offices - revenues and expenses - 400 employees at that time -

Mel mcbride - not here

owens - not here - not here -

southwick - could not be here -

DMC - RW - owns and ficker -

3. **Resolution No. 95-1944** appropriating funds in the General Fund for a Library Services and Construction Act Grant.

TDW/AH to approve resolution - unanimous

4. Presentation of 1995-96 Comprehensive Annual Financial Report. (Audit)
KT presented financial packets - neil erickson - grant thornton -

erickson - june 30, 1995 financial statements are complete - report - consider the transactions would like to point out things - interest to you - tables and information presented

turn p. VII - revenues and expenditures - amount for past year - percent of total - increase or decrease for year - revenues gone up - intergovernmental which reflects cbdg (sr. Center) taking over ambulance service from hospital - related expenditures - increased in small amount - revenues \$700,000 greater than expenditures -

financial statements as kept finance department awarded 3rd year national cert. And achievement for gov. Finance officers association - only about 1800-1900 gov. Entities that receive the award -

pg. 3 - have done audit in compliance with auditing state and federal standards - able to give city the highest report that are permitted to and have done so in this letter - no changes that need to be made to reports -

pg. 8 & 9 - balance sheet - primary funds on page 8 - gov. Funds - general services - long term

nd current debt 10.5 million -

revenues - 6.7 milion - expenditures - 8.million -

pg. 12 and 13 - local budget lws - no negative numbers - no over expendirues by city in prior yera

pg. 26 - detaio of cash investments - city had 4.5 million in cash 4.2 was with oregon treasury investment pool - 14 million in investmnts - no high risk type inveesetments -

30 - changes in long term debt - 07./01.94. 8.1 million
net decrease of 300,000 debt of 7.8 million at 07/.30.95 -

city has fair amount of liquid assets - need as working capital - to get from July 1 of the year to 11/15th - first installment from county treasurer -

DW - investing on hand csh - 5.2% is it vindictive to other cities ? Erickson - depends upon market - -

DP - no over expenditures of any of the accounts -

VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

VIII. COMMUNICATIONS FROM THE FLOOR

X. EXECUTIVE SESSION

KT - stated that it is diane that does most o

MOTION: TDW/.AH adopt financial report - Unanimous -

DS - new business - need to talk about if we want to do abut contracts with cm and ca - would like to ask the cc opinion -

rc - what was availalbe for executive and private session - should be be discussed - have concerns dealinw itht his - the cc needs to deal with tht -

Dmc - being accountble is a nice thing to say - share respnsibility - openly look at cotract - no - waste of time - if anyone (CC member) and ask tdm or DRC about them - the evaluations have been done - we are not tlking reevaluationg - talking about looking t them - no reason for entire cc - to look t them - at time of evluation - and make chnges if that is that is the will of the ccd - to do somethin in the middle of the yeare -

RW - understandin ghe contracts have to be signed -

TDM - the cc at onen of the last meetings - approved certain compensation adjustments - directed that the contracts be updated and gave authority of mayor to execute - already been done - except for doing paperwork - mayor stated that she wanted every cc member to sign the contract - told her that everyone signing -

DP - reason that every cc member - that they understand - each cc memer done and signed - good policy to sign -

dp - would like every council member signature - unless cc member has an objection -

rc - contracts are up in July - evaluation is not problem - dealing with contracts quality or putting them in line open and deal with them -

TDM - contract for indefinite time - when the proper time for us to sit down and a long look anis there a mechanism of chaning any part of the contarct -

TDM - talking bout two contrctcs -cm and ca - can give legal advice cm contract and conflict of interest with ca contract - go get own legal advice on ca contract - actual coflict - what I would say about cm contraact - inefinite period of time - procedure have done by tradition - yearly review of manager - one of the itmes is evaluation, performance and compenatio - take action on contraact - mutually agreeable by parties - proper time to do so -

when can they be changed - by agreement of the parties - if sign contract and the proper time is sin may for evluation - my reading of the cm contract - by sgining of the cm contract has directed that the signature be done - not aware of chief officer and do not give other signauters - not remembering of any contraact that contained everyone's contract -

TDW - impressison that they are not signing a new contract now - only amendment t o contract to provide for cost of living increase - it is being mis-characterized as new contract - ac

MOTION: question of revaluabione of either contract be scheduled with evalutiaon process in accordance with existing policy (AH) -

RC - if there is a problem with this contract -

TDW - any problems that could be raised now -

DW - adjustments of compensation - lngth of agrement - if not signed by December 31st - six month notice of intent to review - not terminated -

TDM - contract with term - certain amount of severance pay in contract - if not renewed contract within six months - intention of not renewing contract - puts the notice of renewal - do not end up with situation with contract renewed - six months leeway - had been renewed - term as updated and since the cc to make it an indefinite period of time -

**DW called for the question. -
RC/DS oppose - 6 yes -**

DW - ask TDM where indefinite time -? TDM said yes -

RC - either one cm or ca going to be in charge -

RW - right to appointment by cc -

DP - TDM and DRC put into conference - work out calendar -

**TDM - did not think that being in salem - was a problem - contact by telephone - not an issue -
- would suggest on conference - meetings in salem or salem - clear calendar of all those -
court date have to keep in district court -**

DM - should discuss in some of our goals - that there should be an alternate -

at next work session - list of authority -

rw - look at city charter -

drc - selected days that we will be revisiting 01/08/96 -

**Leah griffith - take moment that the quilts are from chprd quilters organization through
12/21/95 - antiques quilts - stop y library and show how they do it -**

dp - santa claus visitation - last week - successful nite 9new santaclaus - and clown -

hopp insurance, boyes carpetna dn bo cpas - helped - david joseph -

AH - MOTION to direct to have mayor sign before December 31/ DMC -

Unanimous. Motion carried.

Mayor - police department goals -

MOTION: DS/DW to adjourn 9:55 p.m. - unanimous.

MOTION:

1. Executive Session pursuant to ORS 192.660(1)(a) relating to review of City Manager and City Attorney.

XI. ADJOURNMENT

MOTION: to adjourn at p.m. (Unanimous). Motion carried.

ADOPTED by the Newberg City Council this __ day of January, 1996.

Duane R. Cole, City Recorder

ATTEST by the Mayor this __ day of January, 1996.

Donna Proctor, Mayor

Council accepts comments on items during the meeting. Please fill out a blue card and identify the item you wish to speak on and hand this in to the Mayor prior to the meeting. (The exception is formal land use hearings which require a specific public hearing process. The agenda's items will be identified at the meeting.)

**CITY OF NEWBERG
COUNCIL AGENDA
MONDAY, DECEMBER 4, 1995
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY**

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

II. ROLL CALL

III. CONSENT CALENDAR

1. Approve minutes from a Regular Council meeting held on November 6, 1995, Work Session and Regular Council meeting held on November 20.
2. Authorize the Mayor to sign an agreement with the Council of Governments for grant administration services, the amount of the contract is \$750.00 for a \$10,000 grant.

IV. PUBLIC HEARING

1. Public hearing regarding the Community Development Block Grant Program to obtain citizen views and to respond to proposals and questions about community development needs and performance in carrying out its community development responsibilities.

V. CONTINUED BUSINESS

1. **Ordinance No. 95-2423** declaring that certain territory be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from the County VLDR to City M-3 Heavy Industrial zoning designation. The site is located at 2808 Wynooski Road.
ANX-3-95/CUP-2-95
2. Continue Review of Revised Development Code and approve **Ordinance No. 95-2411** adopting the Newberg Development Code, repealing and replacing in their entirety the "Zoning Ordinance", Ordinance No. 1968, as amended; "Subdivision Ordinance", Ordinance No. 2294 as amended; "Mobile Homes", Ordinance No. 2023; "Planned Thoroughfares", Ordinance No. 1644 as amended; "Annexation Ordinance", Ordinance No. 2102.

7 yes
1 abstain (ALT)

6 yes
2 no (DS/RC)

- 5 yes
 4 no
 major budget - passed
3. **Ordinance No. 95-2426** establishing requirements for the operation of temporary Christmas tree lots, providing for safety of customers shopping at Christmas tree lots, and providing a bond to assure the sites are properly cleaned-up.
- UNANIMOUS **Resolution No. 95-1945** establishing fees and bonds for temporary Christmas tree merchants.
- UNANIMOUS 4. **Ordinance No. 95-2425** amending Ordinance No. 1690 by declaring a business which allows certain activity to occur on its premises to be a public nuisance.

VI. NEW BUSINESS

1. Three appointments to Planning Commission (Candidates):
- | | | |
|-----------------|--------------|---|
| Gloria Bevan | DW, TPW, JMC | 3 |
| Robert Bridgers | R, @: DS, | 3 |
| Timothy Codiga | | 3 |
| Steven Hannum | unanimous | - |
| Jack Kriz | not attend | - |
| Melvin McBride | | - |
| Myrna Miller | 5 | - |
| Brett Veatch | | - |
| Leonard Woody | | - |
2. Two appointments to the Budget Committee (Candidates):
- | | |
|---------------|----------|
| Barbara Secor | withdraw |
| Bob Ficker | |
| Mel McBride | |
| Fred Owens | |

1st
 2nd
 vote one
 4
 4 DPBO
 -

UNANIMOUS (KTS)

Resolution No. 95-1944 appropriating funds in the General Fund for a Library Services and Construction Act Grant.

4. Presentation of 1995-96 Comprehensive Annual Financial Report. (Audit)

VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

VIII. COMMUNICATIONS FROM THE FLOOR

X. EXECUTIVE SESSION

1. Executive Session pursuant to ORS 192.660(1)(a) relating to review of City Manager and City Attorney.

XI. ADJOURNMENT

INDEX FOR ORDINANCES AND RESOLUTIONS:

RESOLUTIONS:

1. **Resolution No. 95-1944** appropriating funds in the General Fund for a Library Services and Construction Act Grant.
2. **Resolution No. 95-1945** establishing fees and bonds for temporary Christmas tree merchants.

ORDINANCE:

1. **Ordinance No. 95-2423** declaring that certain territory be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from the County VLDR to City M-3 Heavy Industrial zoning designation. The site is located at 2808 Wyooski Road.
2. **Ordinance No. 95-2411** adopting the Newberg Development Code, repealing and replacing in their entirety the "Zoning Ordinance", Ordinance No. 1968, as amended; "Subdivision Ordinance", Ordinance No. 2294 as amended; "Mobile Homes", Ordinance No. 2023; "Planned Thoroughfares", Ordinance No. 1644 as amended; "Annexation Ordinance", Ordinance No. 2102.
3. **Ordinance No. 95-2425** amending Ordinance No. 1690 declaring a business which allows certain activity to occur on its premises to be a public nuisance.

PAGE 4
DECEMBER 4, 1995
CITY COUNCIL AGENDA

5. **Ordinance No. 95-2426** establishing requirements for the operation of temporary Christmas tree lots, providing for safety of customers shopping at Christmas tree lots, and providing a bond to assure the sites are properly cleaned-up.

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 Rebecca Manning at (503) 538-9421.*

17 Dm

**CITY OF NEWBERG
MONDAY, NOVEMBER 6, 1995
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY**

DEPT

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

Mayor Proctor administered the pledge of allegiance.

II. ROLL CALL

Roger Currier (RC)
Donna McCain (DM)
Deborah Sumner (DS)
T. Dan Wollam (TDW)

Alan Halstead (AH)
Dave McMullen (DMc)
F. Robert Weaver (RW)
Don Wright (DW)

STAFF

PRESENT: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Peggy R. Hall, Assistant City Recorder
Katherine Tri, Finance Director
John Knight, Planning Manager
Ben Erb, Assistant Fire Chief
Don Schmidt, Captain, Newberg Volunteer Fire Department

OTHERS

PRESENT: Joshua Nauman, Mark Cottle (Attorney for Marvin Schneider), David Berg, Alvin Elbert, Sid Friedman, Margaret Leslie Hickert, Loren Lester, David Ryan, Steven Salmon, Marvin Schneider, Beth Whitlow, Rick Whitlow, Nadine Windsor

III. CONSENT CALENDAR

1. Approve minutes from regular meeting held on October 2, 1995 and work session and regular meeting held on October 16, 1995.

MOTION: AH/RW to approve the Consent Calendar with noted changes to the following minutes:

October 2, 1995: (Page 5). The correct name of Mr. McBride should be "Mel" McBride. The minutes previously reflected "Neil" McBride.

October 16, 1995: (Page 20). VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES.

"1. Report on Visitor's Center. ... Mayor Proctor stated that she wanted a copy as well. **Councilor RC stated that since the Chamber of Commerce is a nonprofit, they are subject to the public records laws...**" (additional text added in bold).

12/4/96

cc mtg

November 30, 1995

Dear Mayor,

Thank you so very much for having my kids. They were really enjoying themselves to the evening.

Students Attending

- | | |
|---------------------|---|
| 1) Mark Johnson | Bob Weaver |
| 2) Trevor Sharp | Mayor |
| 3) Craig McIntosh | Roger Currier |
| 4) Robin Carfield | Sanna McCain |
| 5) Kim Warrington | (?) Jordan Barick
San Wollam has been asked. |
| Alex Beecroft | Hebbie Sumner |
| 7) Mark Wilson | Alan Halstead |
| 8) Sarah Gordon | Sam Wright |
| 9) Michelle Krepes | Levy
Alternate |
| 10) Crystal Comfort | Suane
Sandy Sylvester
Sarah Pederson |

Average on at the
End of
12/4/96

**MINUTES OF THE
NEWBERG CITY COUNCIL
MONDAY, DECEMBER 4, 1995
7:00 P.M. MEETING
NEWBERG PUBLIC LIBRARY**

I. CALL MEETING TO ORDER (*Pledge of Allegiance*)

Mayor Proctor called the meeting to order. The pledge of allegiance was performed.

II. ROLL CALL

Roger Currier (RC)	Alan Halstead (AH)
Donna McCain (DM)	Dave McMullen (Dmc)
Deborah Sumner (DS)	F. Robert Weaver (RW)
T. Dan Wollam (TDW)	Don Wright (DW)

CITY STAFF: Duane R. Cole, City Manager (DRC)
Terrence D. Mahr, City Attorney (TDM)
Robert I. Tardiff, Police Chief
Greg Scoles, Community Development Director
John Knight, Planning Director
Peggy R. Hall, Assistant City Recorder

**OTHERS
PRESENT:**

III. CONSENT CALENDAR

1. Approve minutes from a Regular Council meeting held on November 6, 1995, Work Session and Regular Council meeting held on November 20.
2. Authorize the Mayor to sign an agreement with the Council of Governments for grant administration services, the amount of the contract is \$750.00 for a \$10,000 grant.

IV. PUBLIC HEARING

1. Public hearing regarding the Community Development Block Grant Program to obtain citizen views and to respond to proposals and questions about community development needs and performance in carrying out its community development responsibilities.

V. CONTINUED BUSINESS

1. **Ordinance No. 95-2423** declaring that certain territory be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from the County VLDR to City M-3 Heavy Industrial zoning designation. The site is located at 2808 Wynooski Road.
ANX-3-95/CUP-2-95
2. Continue Review of Revised Development Code and approve **Ordinance No. 95-2411** adopting the Newberg Development Code, repealing and replacing in their entirety the “Zoning Ordinance”, Ordinance No. 1968, as amended; “Subdivision Ordinance”, Ordinance No. 2294 as amended; “Mobile Homes”, Ordinance No. 2023; “Planned Thoroughfares”, Ordinance No. 1644 as amended; “Annexation Ordinance”, Ordinance No. 2102.
3. **Ordinance No. 95-2426** establishing requirements for the operation of temporary Christmas tree lots, providing for safety of customers shopping at Christmas tree lots, and providing a bond to assure the sites are properly cleaned-up.

Resolution No. 95-1945 establishing fees and bonds for temporary Christmas tree merchants.
4. **Ordinance No. 95-2425** amending Ordinance No. 1690 by declaring a business which allows certain activity to occur on its premises to be a public nuisance.

VI. NEW BUSINESS

1. Three appointments to Planning Commission (Candidates):
Gloria Bevan
Robert Bridgers
Timothy Codiga
Steven Hannum
Jack Kriz
Melvin McBride
Myrna Miller
Brett Veatch
Leonard Woody
2. Two appointments to the Budget Committee (Candidates):
Barbara Secor
Bob Ficker
Mel McBride

Fred Owens

3. **Resolution No. 95-1944** appropriating funds in the General Fund for a Library Services and Construction Act Grant.
4. Presentation of 1995-96 Comprehensive Annual Financial Report. (Audit)

VII. REPORTS FROM CITY MANAGER AND OTHER AGENCIES

VIII. COMMUNICATIONS FROM THE FLOOR

X. EXECUTIVE SESSION

1. Executive Session pursuant to ORS 192.660(1)(a) relating to review of City Manager and City Attorney.

XI. ADJOURNMENT

MOTION: to adjourn at p.m. (Unanimous). Motion carried.

ADOPTED by the Newberg City Council this __ day of January, 1996.

Duane R. Cole, City Recorder

ATTEST by the Mayor this __ day of January, 1996.

Donna Proctor, Mayor

Council accepts comments on items during the meeting. Please fill out a blue card and identify the item you wish to speak on and hand this in to the Mayor prior to the meeting. (The exception is formal land use hearings which require a specific public hearing process. The agenda's items will be identified at the meeting.)

**CITY OF NEWBERG
CITY COUNCIL AGENDA
DECEMBER 20, 1994
6:45 P.M.
NEWBERG PUBLIC LIBRARY**

I. CALL MEETING TO ORDER

II. ROLL CALL

III. CONSENT CALENDAR:

1. Approve the minutes of the regular Council meeting December 5, 1994.

IV. PUBLIC HEARING:

1. Public hearing regarding the Community Development Block Grant Program to obtain citizen views and to respond to proposals and questions about community development needs and performance in carrying out its community development responsibilities.

V. COMMITTEE RECOMMENDATIONS:

VI. CONTINUED BUSINESS

1. Annexation/Zone Change for an 11.62 acre parcel within Urban Growth Boundary. Continue Deliberation.

Ordinance 94-2387 annexing into the City of Newberg and withdrawing from the Newberg Rural Fire Protection District together with a zone change from a AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

VII. NEW BUSINESS

1. Authorize the City Manager to purchase a jet cleaner/combination machine for the sewer system from the lowest qualified bidder. (A budgeted item.)

VIII. REPORTS FROM OTHER AGENCIES AND CITY MANAGER

IX. COMMUNICATIONS FROM THE FLOOR:

X. EXECUTIVE SESSION:

XI. ADJOURNMENT TO NEXT MEETING

**INDEX OF RESOLUTIONS OR ORDINANCES ON THIS AGENDA FOR ACTION:
RESOLUTIONS**

ORDINANCES

1. **Ordinance No. 94-2387** annexing into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District together with a zone change from a AF-10 zoning designation to a City R-1 low density residential zoning designation. The site is located at 3617 N. Terrace Drive.

ORDINANCE/RESOLUTION ROLL CALL

COMMITTEE: NEWBERG CITY COUNCIL MEETING

MEETING DATE: 12-4-95

Council Member	<i>Wynooki</i> Ord/Res No. <u>2423</u> Yes/No	<i>Dee Ceo</i> Ord/Res No. <u>95-2411</u> Yes/No	<i>Christmas Trees</i> Ord/Res No. <u>95-2426</u> Yes/No
here CURRIER, Roger	yes	yes	yes
here HALSTEAD, Alan	Abstain	yes	yes
here McMULLEN, Dave	yes	yes	yes
here McCAIN, Donna	yes	yes	yes
here PROCTOR, Donna	—	—	—
here SUMNER, Deborah	yes	yes	yes
here WEAVER, Robert	yes	yes	yes
here WOLLAM, T. Dan	yes	yes	yes
here WRIGHT, Don	yes	yes	yes

Notes:
 - *Close pub nearby* (near Currier, Halstead, McMullen, McCain)
 - *yes make 3 party space* (near Currier, Halstead, McMullen, McCain, Weaver, Wollam, Wright)
 - *passed* (bracketed around Currier to Wollam)

John Knight	Total	Yes - 7	Yes - 6	Yes - 6
CDM		No - 1	No - 2	No - 1
Nadine Windsor		Abstain		
Keith Mills				

Submitted By: Peggy Hall

NOTE: Please complete an attendance sheet for all meetings involving City Council members and return to the Legal Department. If the regularly scheduled meeting is canceled for any reason, it should be noted on an attendance sheet and sent to the Legal Department.

Original minutes, signed by the secretary or chairman, should be prepared and sent to the Legal Department for filing as the official record of the meeting.

ORDINANCE/RESOLUTION ROLL CALL

COMMITTEE: NEWBERG CITY COUNCIL MEETING

MEETING DATE: 12-4-95

Council Member	Ord/Res No.	Ord/Res No.	Ord/Res No.
	Yes/No	Yes/No	Yes/No
	<u>95-2425</u>		
	<u>Robert Borker</u>		
CURRIER, Roger	<u>yes</u>		
HALSTEAD, Alan	<u>yes</u>		
McMULLEN, Dave	<u>yes</u>		
McCAIN, Donna	<u>yes</u>		
PROCTOR, Donna	<u>_____</u>		
SUMNER, Deborah	<u>yes</u>		
WEAVER, Robert	<u>yes</u>		
WOLLAM, T. Dan	<u>yes</u>		
WRIGHT, Don	<u>yes</u>		
Total	Yes - No -	Yes - No -	Yes - No -

Submitted By: Peggy R. Hald

NOTE: Please complete an attendance sheet for all meetings involving City Council members and return to the Legal Department. If the regularly scheduled meeting is canceled for any reason, it should be noted on an attendance sheet and sent to the Legal Department.

Original minutes, signed by the secretary or chairman, should be prepared and sent to the Legal Department for filing as the official record of the meeting.

November 22, 1995

To All Council Members:

I just want to prepare you for the December 4th Council Meeting.

Chehalem Valley Middle School will be having about ten 8th Grade students visiting the Council Meeting that evening.

Each student will sit by a Council Member for about an hour during the meeting to observe City Government.

If you have any questions please contact me.

Thanks for your support. It should be interesting.

Laura Foster

Scott - Russ -

11/22/95

need additional chairs at the tables - additional tables?

Please confirm!

Pg
Pg

November 30, 1995

Dear Mayor,

Thank you so very much
for taking my kids. They
are really looking forward
to the evening.

Students Attending

- | | |
|------------------------------|--|
| 1) Mark Johnson | Bob Weaver |
| 2) Trevor Thrap | Mayor |
| 3) Craig McIntosh | Roger Currier |
| 4) Kevin Canfield | Sanna McCain |
| 5) Kim Warrington | (?) Jordan Barich
San Wollam has been asked. |
| Alex Beecroft | Lebbie Sumner |
| 7) Mark Wilson | Alan Halstead |
| 8) Sarah Gordon | Sam Wright |
| 9) Michelle Kreps | Jerry
Alternate |
| 10) Crystal Comfort | Diane
Sandy Sylvester
Sarah Pederson
Squeeze out the
Episodes
of the series |