

CITY COUNCIL  
AGENDA  
COUNCIL CHAMBERS  
August 1, 1983  
7:30 P.M.

I. CALL MEETING TO ORDER

II. ROLL CALL

III. CONSENT CALENDAR:

1. Approve Minutes of June 29, 1983 and July 5, 1983
2. Approve Proclamation Honoring Fire Chief John Paola.
3. Communication from People for Community Health and Fitness thanking Police Department for their assistance.
- ✓ 4. Proclamation Honoring the Educational Programs of Renne Intermediate School, it's faculty, students and their parents.
5. Application of new licensee for liquor sales by Marty Trolan and Kay Johnston, DBA Wild Horse Mountain Market.

✓ SWEARING IN OF NEW FIRE CHIEF ELMER CHRISTENSEN

IV. REQUESTS FROM FLOOR AND COMMUNICATIONS

- ✓ 1. Report on Old Fashioned Festival from representatives of Old Fashioned Festival.
- ✓ 2. Communication from Newberg Police Chief announcing intent to retire effective December 31, 1983.
- ✓ 3. Communication from George Alexander requesting City to initiate a community sign ordinance.
- ✓ 4. Request from Terry Mahr to speak on zone change to Heavy Industrial and Light Industrial on property located between Newberg and Dundee.

V. PUBLIC HEARINGS:

- ✓ 1. Continued Public Hearing on Growth Management Ordinance.
- ✓ 2. Continued Public Hearing on Property located North of Jaquith Park.
3. Public Hearing on request for Comp Plan Amendment from Medium Density Residential to Commercial and Zone Change at 703 Deskins.

VI. REPORTS FROM CITY MANAGER

- ✓ 1. Report on August 2 Joint Meeting with Park and Recreation Board.
- ✓ 2. Report on August 12 Bus Trip.
- ✓ 3. Personnel Rules.

VII. OLD BUSINESS:

VIII. NEW BUSINESS:

1. Approve Accounts Payable
2. Request by Thomas McGinnis for continued employment with the City.

IX. RESOLUTIONS:

83-995  
83-996

1. Resolution declaring delinquency of certain assessments or debts to city, declaring entire amounts due and payable and ordering immediate payment by the owners of said properties and authorizing foreclosure of the City's liens on the property.
2. Resolution waiving competitive bidding for the boring and placement of casing on right-of-way.

X. ORDINANCES:

2/24  
2/27  
2/28

1. Ordinance granting extension of time to Liberty Cable Co. for microwave interconnect facilities.
2. Review and update of Ord. #1740 relating to the moving of a building in the City of Newberg.
3. Ordinance correcting tax levy for City of Newberg by \$190.00.



agenda item  
 3  
 ord #2125

To Whom It May Concern:

We the undersigned do hereby request that a zoning change be granted to Everybody's Market, Inc. to operate a neighborhood convenience store at 703 Deskins Street.

179  
 22

| <u>Signature</u> | <u>Address</u>                | <u>Rent</u> | <u>Own</u> |
|------------------|-------------------------------|-------------|------------|
| Steve Sanford    | 806 MORTON                    | X           |            |
| Mike Blocker     | RT4 Box 302H                  |             | X          |
| Craig Taylor     | 811 Sierra Vista              |             | X          |
| Betty Nigh       | RT2 - Box 158C                |             |            |
| R. Knight        | 4200 107th Bvtn               | X           |            |
| Barbie Stuart    | 2508 Redwood Ct.              |             |            |
| Debbie Farley    | 2400 Willow Dr.               |             |            |
| Wendy Farley     | 2400 Willow Dr.               |             |            |
| Rick             | 5053 ANDREW ST                | X           |            |
| RON PETERSON     |                               |             |            |
| Sam Heike        | 701 W. MERRIDIAN              | X           | X          |
| Jawnya Burres    | 2400 Haworth #17              | X           |            |
| Kay Burres       | 2400 Haworth #17              | X           |            |
| Tim Koch         | 823 Hemlock Ln                |             | X          |
| L.B. Woody       | 908 Hulst Ave                 |             |            |
| R. Dalbrock      | 2536 3rd Ave                  |             | X          |
| R. Y. Mamer      | 922 Charles                   |             |            |
| Mandy Collier    | 129 1/2 N. College            |             |            |
| Steve Carr       | APT #9                        |             |            |
| Barb DeYoung     | APT #9                        |             |            |
| Denise Dullval   | APT 10                        |             |            |
| Lynn M. Murray   | 1701 N. Villa Newberg         |             |            |
| Nabra E. Ahls    | 606 Sitka                     |             |            |
| Paula Schanel    | RT. 3 Box 155 Sherwood        |             | X          |
| Roger Jaddok     | 814 Hulet Ave Newberg         |             | X          |
|                  | Rick Bolz                     |             |            |
|                  | 920 Oak Terrace - Lake Oswego |             |            |

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|--------------------|------------------------------|-------------|------------|
| Rich Lingle        | Rt. 2 Box 235 A Newberg      | X           |            |
| Mike Bell          | Newberg                      |             | X          |
| Gordon T. Berry    | 410 S. Meridian              | X           |            |
| Brian Ambrose      | 316 S River St               |             | X          |
| Rori Thompson      | Box 161 GFC                  | X           |            |
| Monteena Sander    | 2508 Na wood ct              |             | X          |
| Steve Robinson     | 309 E 7th Newberg            |             | X          |
| Mike Salyer        |                              |             | X          |
| Tammy Offmann      | 703 Deskins                  |             | X          |
| Lisa Robinson      | 405 Cypress McMunn           |             | X          |
| Bill Webb          | 805 SITKA NEWBERG            | X           |            |
| D. Zyl             | 309 Debbie St. Mac           |             | X          |
| Art Hamman         | 609 Hulet Lane Newberg       |             | X          |
| Pat Kirk           | 709 Charles St Apt D Newberg | X           |            |
| Ron Stock          | 500 Quail DR Newberg         |             |            |
| Mindy Gibson       | 1206 Sitka Newberg           |             | X          |
| Ralph C. Perreault | 2700 Hawthorn #9 Newberg     |             |            |
| Irvine Shoy        | 3810 Villanova Way Newberg   |             | X          |
| Ed Lutz            | P.O. Box 257 Newberg         |             |            |
| Mike Kempthorn     | 2701 E. 2nd St. Newberg      |             |            |

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|-------------------------------|-----------------------------|-------------|------------|
| Russ Mabrose                  | 316 S River St              |             | ✓          |
| Jeffrey T. Locklin            | Rt. 3 Box 385-C             |             |            |
| Eric C. Niles                 | Rt 4 Box 119 Newberg        |             | ✓          |
| K. POTTER                     | NEWBERG                     |             |            |
| Randal R. Blankenbaker        | 1008 E. 7th Newberg         | ✓           |            |
| Melinda & Francis             | 1203 Hawthorne Loop Newberg |             | ✓          |
| Jodd Aho                      | " "                         |             | ✓          |
| Molly Elster                  | 3905 Aomani Blw.            | ✓           |            |
| Rust Harbor                   | RT 3 Box 115                | ✓           |            |
| 21 Hall                       | 810 Hulet                   |             | ✓          |
| John Grebe                    | 1014 S. Pacific             | ✓           |            |
| Ron Northcutt                 | Newberg                     | ✓           |            |
| Rebecca Daley                 | 2709 Walnut Newbg           |             | ✓          |
| Yoni Reeves                   | newberg                     |             | ✓          |
| Jan Wickens                   | newberg                     |             | ✓          |
| Delitha Adams                 | newberg                     | ✓           | Ⓟ          |
| Donna Cook                    | newberg                     | ✓           |            |
| Diana Smith                   | Newberg                     |             | ✓          |
| Michael Hunt                  | Newberg 310 So.             |             |            |
| Dewey Ankney                  | newberg                     |             | ✓          |
| Sam Steed                     | newberg                     |             |            |
| Delann M <sup>c</sup> Cormack | Newberg                     |             |            |

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|--------------------------|-------------------------|-------------|------------|
| Jim Kirk                 | Rt 2 260C               | ✓           |            |
| Carl Davis               | 916 Charles             | ✓           |            |
| Mabel Brown              | 702 So. River           |             | ✓          |
| Joel West                | 602 Anita Lane          | ✓           |            |
| <del>Mr. [unclear]</del> | Rt. 4 Box 325           |             |            |
| Bobby [unclear]          | 900 SI THA - NEWBERG    |             | ✓          |
| Kim Berry                | 410. S. Meridian        | ✓           |            |
| Holly Craig              | 2709 N. Meridian        | ✓           |            |
| Leroy Hodges             | 600 N. College          |             | ✓          |
| Jay Pennington           | 908 Marie               | X           |            |
| Walter Hart              | Rt 2 Box 221            |             | ✓          |
| J. H. Schmid             | Pinehurst DR.           |             | ✓          |
| Steve Robinson           | Rt 3 Box 155            |             | X          |
| Mike Shoberg             | 300 Pinehurst           |             |            |
| Ken Rery                 | 421 S. College Newberg  | ✓           |            |
| Jerry L. Carter          | 606 E. 9th Newberg      |             |            |
| Norman A. Reynolds       | PO Box 759 Amity        |             | ✓          |
| Mike Osborne             | Rt 1 Box 164 Dayton     |             | ✓          |
| Paula J. Turner          | R3 Box 165 Newberg      |             | ✓          |
| Gary S. Easton           | 2700 Hawthorn Newberg   | ✓           |            |
| Bary R. Anderson         | Rt. 4 Box 419 Hillsboro |             |            |
|                          | Rt 4 Box 422 Hillsboro  |             |            |

To Whom It May Concern:

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Signature

Address

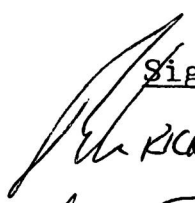
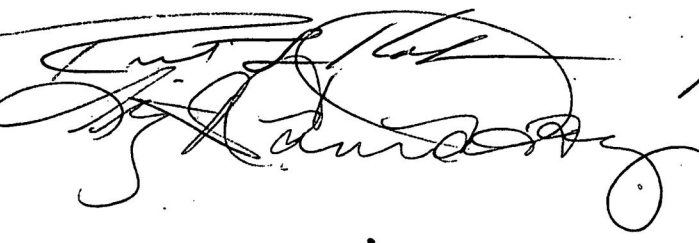
Rent

Own

| <u>Signature</u> | <u>Address</u> | <u>Rent</u>    | <u>Own</u> |
|------------------|----------------|----------------|------------|
| Chris Martin     | NEWBERG        | YES            | NO         |
| Mary Mills       | Newberg        | YES            | NO         |
| Melvin Heath     | Newberg        | YES            | NO         |
| Vicky Martin     | newberg        | YES            | NO         |
| Janet Smith      | newberg        | NO             | yes        |
| Tammy Anderson   | newburg        |                | yes        |
| Brian I. Sturges | newberg        |                | YES        |
| W. D. Hall       | St. Paul       |                | yes        |
| David Jumper     | Newburg        |                | yes        |
| Dan Hardt        | Newberg        | no             | YES        |
| Bruce Gidens     | "              |                |            |
| James D. Dine    | Newberg        |                | yes        |
| Pat Clifton      | newburg        | yes            |            |
| Dorothy Adams    | NEWBERG        | YES            |            |
| Ben Mas          | newburg        | <del>YES</del> | yes        |
| May Hall         | New            |                | yes        |
| L. Hood          | Newb.          | yes            |            |
| J. Brinkman      | Newb           | neither        | Board      |
| Randy Smith      |                | X              | X          |
| Sam Harper       | Newberg        |                |            |
| Tommy Snyder     | Newburg        | yes            |            |

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|-------------------------------------------------------------------------------------------------|--------------------------|-------------|------------|
|  Rick Valcarlos | NEWBELL -                |             | X          |
| Alicia Sprague                                                                                  | Gaston                   | X           |            |
| Scott Huffman                                                                                   | Gaston                   | X           |            |
| Janet Hughes                                                                                    | Newberg                  |             | X          |
| Dave Wilson                                                                                     | Newberg                  | X           |            |
| Ken - Mary                                                                                      | Newberg                  | X           |            |
| Larry Coats                                                                                     | Newberg                  | X           |            |
| Brian Anderson                                                                                  | Newberg                  |             | X          |
| Helen Dose                                                                                      | Newberg                  |             | X          |
| Robin Z. Cuculius                                                                               | Newberg                  | X           |            |
| Tom Andersen<br><small>Karen Staff</small>                                                      | Newberg<br>1828 Am Court | X           |            |
| Samuel Hosell                                                                                   | Newberg                  | X           |            |
| Made Patterson                                                                                  | NEWBERG                  |             |            |
| James D. McCleary                                                                               | Newberg                  |             |            |
| Mike Bailey                                                                                     | Newberg                  |             |            |
| Shawn Boston                                                                                    |                          |             | X          |
| David Schlaubman                                                                                | Newberg                  |             | X          |
|  Jim Ramsey   | Newberg                  | X           | X          |

Darlene Hergeist  
Mth Vinton

905 A Charles  
P.O. Box 145

X

X

Mark E Rose  
Shawn Case  
Gary Jorney  
Rity DeBenoet.

P.O. Box 53

X

305 W. 3rd

X

X

Nt. 4 Box 325 Newberg

X



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Own

Mr + Mrs Villarreal

611 Sitka #16

X

Ed Humphers

1208 LAUREL DR

X

DAVID WILSON

1208 LAUREL DR.

X

Joann May

RT. 4 BOX 365

Beth Medley

~~3713 MADRONA DR~~

Dave Hickman

2700 Hawthorn #16

Attych

114 PARKVIEW DRIVE

Mike Dreske

RT. 1 BOX 141 Newberg -

X

Barry Ward

250 Nottingham d. Sherwood

Mrs. Williams

1558 E 3<sup>RD</sup> #11 NEWBERG

X

Red Livingston

4941 30<sup>TH</sup> NE Tacoma

John Foster

618 E FIRST

X

BOB STANISLOWSKI

1917 SPRINGBROOK WAY

X

Tom Church

Portland

X

Brian Berryhill

Sherwood

Greg Erickson

822 SALEM, ORE.

Pat Lee

609 E. North St. Newberg X

Harry Hamilton

2320 Tod. Ct Newberg X

Steve Finney

79102 S.W. COURTIER - WILSONVILLE, OR.  
682-0828 X

Dee Jensen

608 Mullet Ln. Newberg X

B



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|------------------|------------------------|-------------|------------|
| James Thompson   | 1920 CAROL AVE         |             | ✓          |
| Jim Smith        | Newberg, OR            |             | ✓          |
| Bre...           | 806 SITKA AVE          |             |            |
| ...              | N. Newberg             |             |            |
| ...              | 306 SW Alder Dundee    |             | ✓          |
| ...              | 2901 E 2nd #20         |             | ✓          |
| James Bates      | 1501 Silver St.        |             | ✓          |
| Michael Mitchell | 812 Litha              |             | ✓          |
| Jim Roth         | Rt 5 Box 129 A         |             |            |
| Deanna Bain      | Rt. 5 Box 74           |             | ✓          |
| Dore Fortune     | Rt. 4 Box 366          |             | ✓          |
| Norah            | 807 Hulet home.        |             |            |
| Robert J. Mal    | 611 SITKA #1           |             |            |
| Calvin McLean    | 2713 Walnut Ave        |             |            |
| Skerrin & Prebe  | 201 S. Main            |             |            |
| Jacque Moore     | 1817 Carol Ave.        |             | ✓          |
| Richard Evans    | 3305 VICTORIA          |             |            |
| Jack Rubin       | 11 1/2 FRANKLIN        |             |            |
| Rocky S. Gray    | Rt 5 Box 321-A-Newberg |             | ✓          |

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Craig McClary

3100 Oak Dr

L

Ruth Tulca

213 Quail Dr

✓

Dan Frick

Norbury

✓

Kevin Smith

Norbury

✓

Jack Webb

3613 Coffee Ln

Mike Herring

1209 Elliott Rd

✓

CITY COUNCIL  
AGENDA  
COUNCIL CHAMBERS  
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II. ROLL CALL

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VI. REPORTS FROM CITY MANAGER

1. Report on August 2 Joint Meeting with Park and Recreation Board.
2. Report on August 12 Bus Trip.
3. Personnel Rules.

VII. OLD BUSINESS:

4. Library
5. Motion of Support for Rezoning Petition
6. My Vacation

VIII. NEW BUSINESS:

1. Approve Accounts Payable
2. Request by Thomas McGinnis for continued employment with the City.
3. Appts

IX. RESOLUTIONS:

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2. Review and update of Ord. #1740 relating to the moving of a building in the City of Newberg.
3. Ordinance correcting tax levy for City of Newberg by \$190.00.

ACCOUNTS PAYABLE  
AUGUST, 1983

8/83

Clueson

|                            |           |                                |          |
|----------------------------|-----------|--------------------------------|----------|
| American Opinion           | 20.00     | X M. Hutchinson Enterprises    | 132.00   |
| Amps Co.                   | 1,488.00  | McCabe Lock & Key              | 20.85    |
| Bantam Books               | 9.69      | Metro-West Oil                 | 5,469.11 |
| Bestways Magazine          | 11.97     | Midget Motors                  | 110.00   |
| Barker's Auto Supply       | 107.51    | Mountain Plains Supply         | 425.25   |
| Burroughs Corp.            | 33.00     | Municipal Fin. Off. Assn.      | 65.00    |
| Butler Chevrolet           | 325.34    | Naps IGA                       | 77.55    |
| Buy-Wise Drugs             | 107.22    | Nat'l Geographic Society       | 23.95    |
| Camera Quarters            | 7.53      | Nessco Supply                  | 63.37    |
| Changing Times             | 15.00     | Newberg Auto Parts             | 32.34    |
| Chehalem Animal Clinic     | 27.00     | Newberg Community Hospital     | 137.18   |
| Chehalem Valley Sr. Cit.   | 1,525.34  | Newberg Graphic                | 58.81    |
| Children's Press           | 76.20     | Newberg Human Resources        | 1,125.00 |
| Coast to Coast             | 323.61    | Newberg Ready Mix              | 85.00    |
| Computerized Bus. Sys.     | 178.00    | Newberg Steel                  | 29.90    |
| Consolidated Supply        | 1,133.18  | Newberg Veterinary Clinic      | 70.00    |
| Copy Office Products       | 259.21    | North American Lighting        | 150.00   |
| Cowles & Assoc.            | 60.00     | Northwest Business Systems     | 164.22   |
| Crabtree Rock              | 63.75     | Northwest Law Enforcement Eq.  | 27.18    |
| Crowell Auto Parts         | 133.90    | Northwest Natural Gas          | 177.68   |
| Culligan                   | 15.00     | Nurnberg Scientific            | 77.74    |
| Danielson, Driscoll & Hess | 16,620.00 | Newberg River Rock             | 432.00   |
| Dents                      | 546.21    | Opportunity Books              | 10.97    |
| Double G Auto Service      | 24.50     | Oregon State University        | 18.00    |
| Easterday Supply           | 92.66     | Pacific Water Works            | 389.01   |
| Engineered Control Prod.   | 17.79     | Pitney Bowes                   | 20.50    |
| Farmart Sales              | 24.00     | Platt Electric Supply          | 381.80   |
| Farmers Co-op Oil          | 196.49    | Popular Mechanics              | 11.97    |
| FarmGro Supply             | 170.50    | Portland Teachers Credit Union | 45.00    |
| Feenaughty Machinery       | 39.44     | Q. C. Services                 | 60.00    |
| Ferron Janitorial          | 643.56    | Quality Office Machines        | 1,222.59 |
| Fisher Electric            | 271.16    | X R. R. Bowker                 | 111.61   |
| Fowler Tire Service        | 29.95     | Rival Publishers               | 13.95    |
| Gaylord Bros.              | 77.71     | Roberts Rent-All               | 7.50     |
| X George Fox College       | 100.80    | Rogers Machinery Co.           | 279.45   |
| Goodyear                   | 218.60    | Rowell & Wickersham            | 1,782.69 |
| Hall's Heating             | 25.00     | Sanderson Safety Supply        | 158.36   |
| Harper, Norman             | 125.00    | Science '83                    | 15.00    |
| Helfrich Equip. Co.        | 89.95     | Showcase of Flowers            | 21.50    |
| Harris Uniforms            | 45.37     | Specialty Contracting & Glass  | 37.30    |
| Harvard Medical School     | 15.00     | Sports Illustrated             | 44.20    |
| Home Laundry               | 40.80     | Stonewall Pension Service      | 378.00   |
| Homeowners How To          | 6.97      | Schneider Equipment            | 2,456.00 |
| Hooker Machine             | 85.00     | X They Blew Our Weather        | 16.00    |
| Horn Book Magazine         | 25.00     | Thorn Creek Press              | 19.90    |
| X Imperial Mechanical      | 1,335.00  | X Thunderbird Motor Inn        | 146.89   |
| Industrial Control Co.     | 47.84     | Traffic Safety Supply          | 307.81   |
| IBM Corp.                  | 275.00    | Umpqua Research Co.            | 386.00   |
| Johnson Furn. & Hdwe.      | 89.55     | University Book Service        | 20.19    |
| Kilham Stationery          | 9.97      | Utilities Supply Co.           | 740.85   |
| Kimball Vet Clinic         | 24.00     | W. R. Grace                    | 619.14   |
| Les Schwab Tires           | 5.68      | W. W. Grainger                 | 253.79   |
| Library Journal            | 55.00     | Watt Welding                   | 11.90    |
| Lumbermen's                | 502.87    | Western Auto                   | 70.03    |

AME

J.H.V.  
D.A.A.

R.R.

|                             |        |
|-----------------------------|--------|
| Westside Automotive         | 211.78 |
| Wilson's Restaurant         | 3.25   |
| Yamhill Co. Sheriff's Dept. | 232.00 |

|                       |           |
|-----------------------|-----------|
| Al's Family Dining    | 23.94     |
| General Telephone Co. | 1,335.77  |
| PGE Company           | 14,500.00 |

TOTAL: 63,115.59

2007  
m.d.  
PS  
ZU

Tuesday, 7:30 p.m.

July 5, 1983

A REGULAR MEETING  
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

ROLL CALL:

|          |                   |                    |
|----------|-------------------|--------------------|
| Present: | Maybelle DeMay    | John Poet          |
|          | Roger Gano        | Quentin Probst     |
|          | Alan Halstead     | Richard Rementeria |
|          | C. Eldon McIntosh |                    |

Absent: Tommy Tucker

Staff Present: Michael Warren, City Manager  
Richard Faus, City Attorney  
Alan Barnes, Building Official  
Herbert Hawkins, Chief of Police  
Clay Moorhead, City Planner  
Arvilla Page, City Recorder  
John Paola, Fire Chief  
Doreen Turpen, Librarian

Also Present: 8 Citizens

There were no items on the consent calendar and there were no requests or petitions from the floor.

Communication has been received Alan L. Solmonson regarding church direction signs. Mr. Warren reported that the Public Works Committee has recommended that the City not pursue elimination of the signs. The City Planner has met with the Ministerial Association and an agreement has been reached to permit one sign per church and to accept informal standards. There would be larger signs at main intersections indicating the locations of the various churches.

Councilman Gano pointed out that the letter writer, Mr. Solmonson, is no longer associated with Zion Lutheran Church and does not represent the views of that church although his letter is written on the church stationary.

Motion: Rementeria-Gano that it is in the best interest of the City to have an agreement with the Ministerial Association regarding signs and that a letter be addressed to the Ministerial Association to that effect. Motion carried with Poet abstaining.

PUBLIC HEARING: Continuation of public hearing on growth management ordinance. Mr. Warren reported that the Homebuilders Association had come to the Ordinance Committee and stated their concerns about the proposed growth management ordinance. The staff needs input from the Council addressing these concerns.

The City Planner stated that the concern of the Homebuilders Association was in the manner in which sewer connection permits are issued. The proposed ordinance would regulate annually the amount to be permitted. The Homebuilders Association objected to the number of permits that would be allocated to homes. The proposed ordinance reverses historical allocation of industry verses homes. The Council and staff discussed the effects that the proposed ordinance might have on homebuilders and industries. The City Planner stated that some of the concerns were whether the allocation should be first come first served or some other method, what the effect would be if a single



industry needed all of the industrial allocation and whether the allocation would be carried over from the prior year. Councilman Rementeria stated that he was concerned that homebuilders could not get financed without the sewer permit being obtained first and stated that he was only uncomfortable with the proposed ordinance where it allocates all permits every six months. Councilman Halstead stated that it appeared that the proposed ordinance as now written is all white or all black. Councilman Poet suggested limit the number of permits that anyone could get at one time unless approved by the Council. The City Attorney stated that this ordinance could have land use impact. The options are possible change of the comprehensive plan or place a moratorium. The City wants to do neither. It is better to define in an ordinance the use of the available sewage treatment capacity. Councilman Gano suggested that the Council should have a work session on this particular ordinance. The Mayor and City Manager agreed with Councilman Gano's suggestion. A work session will be scheduled.

Motion: Gano-Probst to continue the public hearing on the proposed growth management ordinance to August 1, 1983. Carried unanimously.

PUBLIC HEARING: Continuation of public hearing on request for annexation of 5.03+ acres located on East side of Main Street and 113 feet south of Pinehurst Drive.

Motion: Halstead-Rementeria to continue the public hearing on the annexation to August 1, 1983. Carried unanimously.

REPORTS FROM CITY MANAGER:

Mr. Warren reported that 54 applications had been received for the Fire Chief position. Backgrounds were done on 10 or 11 of the applicants and 8 were interviewed. Two of the applicants had the best qualifications and were equal. These two applicants were reinterviewed by the Review Board and Elmer Christensen, presently the Fire Chief at Estacada, was appointed the new Fire Chief to begin August 1, 1983. Interviews for the Assistant City Engineer position will be held on Thursday, July 7, 1983.

The City Planner brought to the Council's attention that a meeting on the traffic rerouting will be held in the Council Chambers on July 6, 1983 at 7:30 p.m. Mr. Warren stated that the City needs to get the State involved to recognize that there is a problem. The community recognizes the problem but is split on what should be done to resolve it.

OLD BUSINESS:

Report from Transportation Coordinator of Chehalem Valley Senior Citizens Council. Mr. Warren stated that the Chehalem Valley Senior Citizens Council came to the City for an increase in funding which was reviewed by the Finance Committee. The Finance Committee found that there were several problems evident. Coordination amongst the various funding agencies was needed. Changes are going to be made and some goals have been established which is most important. The Seniors want to be responsible for the program and they plan to develop a local identity. Mr. Warren stated that his concerns on the matter have been met.

Karen Sharp, Transportation Coordinator, stated the letter presented to the Council is by and from the Chehalem Valley Senior Citizens Council. The audit for 1982-83 is in progress and will be completed in September. One of the goals of the Council is to obtain separate State funding for the next fiscal year. Transportation is still associated with YAMCO in McMinnville but a separate identity is being worked on.

After further discussion it was the concensus of the Council that the original funding request be resubmitted to the City for possible inclusion in a supplemental budget. It was recommended that guidelines on the request be obtained from the City Manager and Finance Director.

Motion: Gano-Rementeria to accept the report from the Chehalem Valley Senior Citizens Council. Carried unanimously.

Report on Newsstands. Mr. Warren stated that the City can only regulate where the newspaper stands are and not how many. The newspapers have cooperated with the City on this matter.

Councilman Gano stated that he had counted 19 newspaper boxes between Main and River Street just that day. A representative from the Oregonian was present and stated that good response is being received from each of the locations.

Motion: Gano-Poet to accept the City Manager's recommendation that the situation be monitored by the City and work with the newspaper publishers on location. Carried unanimously.

Request for Garbage Service Rate Increase. Mr. Warren reported that the Finance Committee had reviewed the requested rate increase and recommends approval.

Motion: Gano-Poet to adopt Resolution No. 83-993 approving new garbage service rates in the City of Newberg. Carried unanimously.

#### NEW BUSINESS:

Accounts payable for June, 1983. Council members questioned several items on the accounts payable list and asked the Finance Director to advise them whether tires are purchased from Goodyear under a State contract and what items are supplied by Spec Industries.

Motion: Halstead-Probst to approve the accounts payable for June, 1983. Carried unanimously.

Motion: Halstead-McIntosh to read Ordinance No. 2124 relating to Library, Library Board, Library responsibilities and clarifying powers and duties; by title only. Carried unanimously. The ordinance was then read by title only. Roll Call: Aye 7 - DeMay, Gano, Halstead, McIntosh, Poet, Probst, Rementeria. Nay 0. Absent 1 - Tucker. The Mayor then declared the ordinance passed.

Motion: Gano-Probst to adopt Resolution No. 83-994 waiving competitive bidding and authorizing retention of architectural services for the Library.

Doreen Turpen, Librarian described the process used in selecting the architectural firm.

Vote on the motion to adopt the resolution carried unanimously.

The City Manager recommended that the Mayor appoint a Library Building Committee composed of the members of the Library Board, two Council members and two members from the Friends of the Library. Mayor Hall agreed and appointed Councilmen Rementeria and McIntosh to serve on the Library Building Committee.

Motion: Halstead-Gano to approve the Mayor's appointments to the Library Building Committee. Carried unanimously.

Councilman Gano asked for a report on the Molineux case. The City Attorney stated there would be one more inspection. Mr. Molineux has done almost everything the City can require by ordinance. The trees were not part of the ordinance violation. The City crews can clean up the trees and shrubs in the parking strip.

Councilman Gano stated that the trees and shrubs would need to be cleaned up in the parking strip to satisfy the neighbors.

Motion: Gano-McIntosh that the Council extend their thanks and appreciation to John Paola for 17 years of service to the City. Carried unanimously.

Councilman Poet asked for a report on the Cost to Serve Study. The City Manager stated that the Cost to Serve Study should be ready by the August 1 meeting.

The Mayor called the Council into Executive Session under ORS 192.660 (1) paragraph 8, subject of potential litigation. The Mayor asked all staff unnecessary to the Executive Session and the public to leave. He advised the press that they could stay but could not report on any matters discussed.

Councilmembers present were those as previously stated. Staff present were: Michael Warren, City Manager; Alan Barnes, Building Official; Richard Faus, City Attorney; Clay Moorhead, City Planner; and Arvilla Page, City Recorder. Also present one member of the press.

Council and staff discussed the situation where a homebuilder has occupied a building before obtaining the City required occupancy permit. The Building Official listed items that had not been completed, some of which could be considered safety hazards. Of concern is whether there is liability on the City. The City Attorney stated the City's liability would be limited because it is an owner-occupied building and the owner has been completely forewarned of risks.

Staff and Council discussed what actions could or should be taken on the matter.

The Mayor adjourned the Executive Session to regular session of the Council.

Motion: Probst-Poet to adjourn. Carried unanimously.

7:30 PM, Wednesday

June 29, 1983

A SPECIAL ADJOURNED MEETING OF THE  
NEWBERG CITY COUNCIL

Council Chambers

Newberg, Oregon

\*\*\*\*\*

The meeting was called to order by Mayor Elvern Hall.

Roll Call:

|                 |                                       |                   |
|-----------------|---------------------------------------|-------------------|
| Present -       | Maybelle DeMay                        | Roger Gano        |
|                 | John Poet                             | Quentin Probst    |
|                 | Richard Rementeria                    |                   |
| Absent -        | Alan Halstead                         | C. Eldon McIntosh |
|                 | Tommy Tucker                          |                   |
| Staff Present - | Michael Warren, City Manager          |                   |
|                 | Richard Faus, City Attorney           |                   |
|                 | Arvilla Page, City Recorder           |                   |
|                 | Robert Sanders, Public Works Director |                   |
| Also Present -  | 9 Citizens                            |                   |

Motion: Probst-Poet to approve the Consent Calendar which consisted of one item: approve minutes of June 20, 1983. Motion carried unanimously by those present.

There were no requests from the floor or communications and there were no reports from the City Manager.

Old Business:

Discussion of Old Fashioned Festival rerouting plans. Mr. Warren read letters into the record from four local businessmen objecting to the rerouting on an all day basis. The letters were from William Flatters of Western Auto, Dick London and Connie Martinez from London's, Don Cooley from Newberg Flying A, and Dave Bauer of Nap's IGA. Mr. Cooley and Mr. Bauer both approved of the closure during the parade time.

Mr. Warren stated that the Old Fashioned Festival Committee had reported widespread approval of the closing of First Street at a previous Council meeting. There was one businessman, Al Blodgett, present at the Council meeting that was opposed. The State Highway Department has stated that the street could be closed but it would be a local responsibility. Mr. Warren stated that he felt that the City should proceed with the all day closure this first time to see how it goes. There are safety factors involved.

Mikki Snell stated that in March a survey had been conducted of the businesses. If the owner or manager was not present, the two people doing the survey did not go back. The overwhelming response of those contacted was either yes to the street closure or they didn't care. The plans of the Old Fashioned Festival Committee have been highly publicized and there is a phone committee that has contacted businesses to inform them of what is happening.

Page 2  
Council Minutes  
June 29, 1983

Councilman Gano asked whether the time indicated in the survey was to be greater than the parade time and Mrs. Snell responded, yes.

Jim Snell stated that one of the reasons for the longer closure is the desire of the Committee to get the bike race center stage and make Newberg a place, rather than a wide spot in the road. The Committee's April agenda, which had the closure question on it, was sent to all the uptown merchants.

Mikki Snell pointed out that the four letter writers are not active members of the Chamber of Commerce.

Dave Anderson stated that he had done fund raising for the Old Fashioned Festival in that part of town where the letter writers are located and he talked to Mr. London and Mr. Flatters.

Mr. Warren stated that it will be a difficult and expensive day for the City. The Old Fasioned Festival Committee hopes to make it an event instead of just a parade. The majority of the merchants are for the street closure. If the City government says no now, we will never find out if it will work out. The plan is to reroute to Third Street for part of the day so that the bike race can be on First and Second Streets.

Councilman Gano asked who had authorized the closing of Second Street and whether an application had been filed.

Dave Anderson responded that the matter had been brought to the Public Safety Committee.

Councilman Gano stated that he was at that meeting and understood that the bike race would be all on First Street. Having the race on First and Second Streets will block Police and impede the Fire Department.

Dave Anderson stated that that potential situation was discussed and the bike race can be stopped immediately, at any time.

Councilman Gano asked Mike Gant, coordinator of the bike race, to give the Council more details on the bike race.

Mr. Gant stated that there will be straw bales on the corners and along both sides of First Street along with ropes and stakes. There will be tricycle races right after the parade to allow setup for the bike races. There will be intermission between races to allow cross traffic. The longest race will be the last race of the day. Similar races have been held in Portland's Saturday Market area without problems. This is the third year of the Newberg races and is beginning to draw interest from professional racers.

Captain Larry Hailey, Newberg Police Department, presented a map of the rerouting plans and described the safety measures that would be taken.

Mr. Winfield Buxton, Publisher's Paper Company, stated they will have problems scheduling their railroad cars. They would like to be involved early in the planning in the future.

Councilman Gano asked whether those that were not involved in the activities would receive the same level of service as at any other time and Captain Hailey responded that all reserve officers would be on duty and citizens will receive the same level of service.

The Council and those present continued to discuss other aspects such as the possibility of National Guard assistance which is no longer available, considering permitting local traffic access at Main Street, whether the Third Street residents will be notified, and where vehicles will be permitted to park.

Mayor Hall stated that no action of the Council was needed and that he was pleased with the planned activities though there will be problems. The end result is that it will be beneficial to all.

Councilman Gano stated that he was satisfied that it was not a disorganized event and that everyone should know what was going on.

Mikki Snell asked that the Old Fashioned Festival Committee be put on the August agenda and they should report at that time on the results of the street closure and the success or failure of the Old Fashioned Festival. That would be an opportunity for people to speak for or against what has happened. Mayor Hall requested that the Old Fashioned Festival be put on the August agenda.

Worker's Compensation Insurance. City Attorney Richard Faus stated that Employers of Wasau had submitted the cheapest and best service in a comparison done by Agnes Haugen of the Hospital and himself. Another bidder had quoted a cheaper rate, but only if there were no claims. There will of course be claims.

Motion: Gano-Poet to adopt Resolution No. 83-992 waiving competitive bidding for the purchase of Workers Compensation Insurance for 1983-1984. Carried unanimously.

Motion: Gano-DeMay to waive competitive bidding for the lease/purchase of a General Electric tomographic unit for the Hospital and adopt Resolution No. 83-989. Carried unanimously.

New Business:

Report on Wynooski Street. Mr. Warren reported that Wynooski is a truck route street. Publisher's has encouraged the use of Dog Ridge Road to their chip haulers to reduce the impact on Wynooski. Some trucks still use Wynooski Street. There are not funds available to rebuild the street.

Mr. Sanders, Public Works Director, stated that the main problem is vibration caused by trucks bouncing on the uneven street. The City's Gas Tax money receipts are barely enough to fill potholes. Eleventh Street would be the highest priority for rebuilding because of heavy truck traffic that has been routed off the other streets. There will be no Federal Aid to Urban Streets Funds available for 4-5 years.

Councilman Gano stated that he had found in his records that in 1979 the Public Safety Committee was opposed to Wynooski as a truck route. The City Attorney responded that in December 1981 an ordinance designated Wynooski as a truck route.

Robin Hamblet, County Commissioner, stated that the entire length of Wynooski according to the County's records is in the County. Mr. Sanders stated that when the bridge was given to the City, the street was transferred to the City and the County. Further investigation of this matter will need to be done.

Mr. Hamblet stated that the County view is that Dog Ridge Road is the access for garbage, gravel haulers and Publisher's Paper. The entire road needs upgrading and the County is currently working on the roadway. The County wants to bring it up to State standards for a truck route. The County does not have the authority to levy a gas tax as they once believed. The only source of road improvement money is through property tax. The County wanted the help of all the cities to obtain approval of the people for road improvements.

Marvin Schneider, Newberg Garbage Service, stated that he tries to separate his trucks onto different streets so that one street does not get all of the impact.

Mr. Warren stated that he would like to meet with the County and with Publisher's to discuss the truck routing further.

Report on Liability and Property Insurance.

Motion: Gano-Rementeria to adopt Resolution No. 83-990 which waives competitive bidding for the purchase of property and liability insurance coverage and awarding the contract to Mid-Willamette Valley Council of Governments/Huggins Insurance Agency/the American Alliance Insurance Company. Carried unanimously.

Mr. Warren reviewed for the Council the matter of self-insurance by the City. The Mid-Willamette Valley Council of Governments is working towards self-insurance by a group of cities, and one county is interested also. The League of Oregon Cities has established group insurance which has lowered the cost of insurance for all cities by forcing lower bidding; however, the League is not moving towards self-insurance but just the pooling of the insured. The Mid-Willamette Valley Council of Governments received bids that are \$4,448 less than last year's costs for the City of Newberg's insurance. There was another lower bid received at 2 minutes to 5:00 today. He would not recommend accepting the bid that was received that late.

Motion: Gano-Rementeria to adopt Resolution No. 83-991 transferring funds from the contingency accounts of the general fund, water fund, special assessment fund and capital improvements fund for the 1982-83 budget year. Carried unanimously.

Motion: Gano-Poet to adjourn. Carried unanimously.



PROCLAMATION HONORING FIRE CHIEF JOHN PAOLA

WHEREAS, FIRE CHIEF JOHN PAOLA has been with the Newberg Fire Department 35 years; and

WHEREAS, FIRE CHIEF JOHN PAOLA has worked 18 years as a volunteer and 17 years as the Fire Chief; and

WHEREAS, FIRE CHIEF JOHN PAOLA has demonstrated strong leadership and management that has resulted in a well run and efficient fire department; and

WHEREAS, FIRE CHIEF JOHN PAOLA's efforts have given the Newberg community an extremely low fire loss for the past 17 years; and

WHEREAS, at least part of this low fire loss can be attributed to an excellent fire prevention program established by Chief Paola and his staff; and

WHEREAS, the Newberg Fire Department has attained a Class 3 Fire Rating under Chief Paola's guidance and foresight; and

WHEREAS, FIRE CHIEF JOHN PAOLA has served the Newberg and Rural District taxpayer by "running the Fire Department as though it was my own business."

I, THEREFORE PROCLAIM on behalf of the Newberg City Council and Newberg Fire Protection District residents and business owners a debt of gratitude that will always be felt by all of us for your hard work, dedication and wisdom that you have given toward the City of Newberg and the Newberg Fire Department.

DATED this 23rd day of July, 1983.

  
\_\_\_\_\_  
Elvern Hall - Mayor





People for Community Health and Fitness  
1802 Haworth Ave.  
Newberg, OR 97132  
538-4813

June 30, 1983

RECEIVED

JUL 05 REC'D

By . P.

Newberg Police Department  
Attention: Chief Herbert Hawkins  
414 E. 1st  
Newberg, OR 97132

Dear Chief Hawkins:

The People for Community Health and Fitness appreciate the time and effort you and your officers volunteered to help the Chehalem Valley Health and Fitness Fair become a success. We had approximately three hundred and twenty-eight runners and without those streets being closed, we may have had problems.

Officer Arthur Pohl and others took great pains to make sure that everything was properly done for the closure. The efforts of your officers did not go unrecognized.

Again thank you and your officers for your help.

Sincerely,

James McMaster  
Committee Coordinator

111-3

STATE OF OREGON  
OREGON LIQUOR CONTROL COMMISSION

9079 S.E. McLoughlin Boulevard  
P.O. Box 22297  
Portland, Oregon 97222

APPLICATION GENERAL INFORMATION

No 5297

The filing of this application does not commit the Commission to the granting of the license that you are applying for nor does it permit you to operate the business named below. If a license is granted by the Commission, you will receive a LICENSE CERTIFICATE.

No fee is collected by OLCC until a LICENSE CERTIFICATE is to be issued.

(THIS SPACE IS FOR OLCC OFFICE USE)

Application is being made for:

BOTTLER  
BREWERY  
DISPENSER CLASS A  
DISPENSER CLASS B  
DISTILLERY  
DRUGGIST  
FARMER'S WINERY  
INDUSTRIAL ALCOHOL  
RAILROAD, PUBLIC PASSENGER CARRIER OR BOAT  
RESTAURANT  
RETAIL MALT BEVERAGE  
SEASONAL DISPENSER  
SPECIAL EVENTS DISPENSER  
WHOLESALE MALT BEVERAGE AND WINE  
WINERY (Processing fee \$ 18.50 PD 7-25-83)

Greater Privilege  
Lesser Privilege  
New Licensee  
New Location  
New Outlet  
New Package Store  
(Package Store)

OLCC DIVISION

JUL 20 1983

(THIS SPACE IS FOR CITY OR COUNTY USE)

NOTICE TO CITIES AND COUNTIES: Do not consider this application unless it has been stamped and signed at the left by an OLCC representative.

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY

COURT OF

(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED

DENIED

DATE

BY

(Signature)

TITLE

**CAUTION:** If your operation of this business depends on your receiving a liquor license, OLCC cautions you not to purchase, remodel, or start construction until your license is granted.

1. Name(s) of individual applicant(s), partnership, or corporation:

1) Masha G. Troian Rt 1 Box 413 Dundee Ore. 97115  
(Name) (Address) (City) (State) (Zip)  
2) Kay Johnston 459 Red Hills Dr. Dundee Ore. 97115  
(Name) (Address) (City) (State) (Zip)  
3) \_\_\_\_\_  
4) \_\_\_\_\_

(EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)

2. Trade name of premises WILD HORSE MOUNTAIN MARKET When filed: June 1981  
(Year Name Filed with Corporation Commission)

3. Former trade name Same

4. Premises address 516 East First St., Newberg, Oregon Yamhill Oregon 97132  
(Number, Street, Rural Route) (City) (County) (State) (Zip)

5. Business mailing address \_\_\_\_\_  
(P.O. Box, Number, Street, Rural Route) (City) (State) (Zip)

6. Was premises previously licensed by OLCC? Yes ☒ No ☐ Year 1982

7. If yes, to whom: CALLEGARI, Linda, CAMPBELL, M., SCHNEIDER, Karen Type of license: PACKAGE STORE

8. Will you have a manager: Yes ☐ No ☒ Name \_\_\_\_\_  
(Manager must fill out Individual History, blue page 2)

9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from the business? Yes ☐ No ☒

10. What is the local governing body where your premises is located? City of Newberg  
(Name of City or County)

11. OLCC representative making investigation may contact: Ross A. Cruzen  
(Name)  
1057 Commercial St SE. Salem 378-4871  
(Address) (Tel. No. - home, business, message)

**CAUTION:** The Administrator of the Oregon Liquor Control Commission must be notified if you are contacted by anybody offering to influence the Commission on your behalf.

Applicant(s) Signature (1)  
(In case of corporation, duly authorized officer thereof)

X Masha G. Troian

(2) X Kathryn A. Johnston

(3) \_\_\_\_\_

(4) \_\_\_\_\_

111-5

PROCLAMATION

A PROCLAMATION OF THE CITY OF NEWBERG HONORING THE EDUCATIONAL PROGRAMS OF RENNE INTERMEDIATE SCHOOL, ITS FACULTY, STUDENTS AND THEIR PARENTS.

WHEREAS, Renne Intermediate School has exhibited outstanding and innovative programs to further the academic and social abilities of its students; and

WHEREAS, The faculty and approximately 420 students within Renne Intermediate School have taken an individual responsibility to carry out and accomplish the objectives of the programs; and

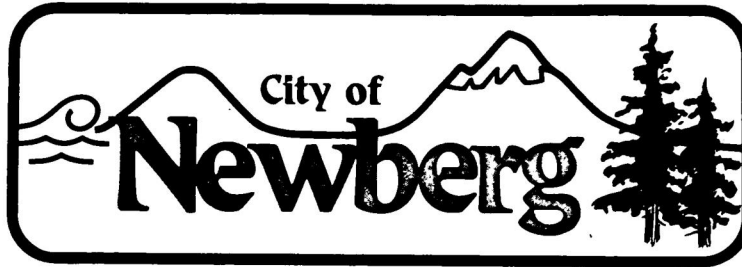
WHEREAS, Renne Intermediate School was selected as one of the 144 schools chosen nationwide to be honored and receive national recognition through the first National Secondary School Recognition Program.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of the City of Newberg does hereby honor and congratulate the faculty, students and their parents of Renne Intermediate School for their outstanding achievements in furthering the academic and social learning processes, and the ambitions of the City's, the State's and the Nation's future.

DATED this 1st day of August, 1983.

---

Elvern Hall - Mayor



Police Department  
Herbert Hawkins  
Chief of Police

July 5, 1983

414 E. First St.  
Newberg, Oregon 97132  
(503) 538-8321

City Manager  
Mayor Hall  
Members of the  
City Council of the  
City of Newberg

This will serve to announce my intent to retire from the services of the Police Department for the City of Newberg effective December 31, 1983.

Words cannot express the frustrations and mixed emotions I feel as I prepare this letter. After having served law enforcement services of the City for nearly thirty-two years, twenty-eight as Chief of Police, plus one year as a reserve, the mere thought of a total life style change is a very emotional circumstance for me.

It has been an honor and a privilege to have served the City of Newberg and all our citizens, and I sincerely believe I have been the most fortunate Chief of Police in the State of Oregon. Past and present administrators of our City Government have not only made my position a more pleasant experience, but one of envy by many law enforcement administrators throughout the State.

I truly believe that with the leadership of such people as our present City Manager, Mayor, and Council Members, Newberg will continue to be one of the best cities in the world in which to live and work.

I also believe that the City should be very proud of the staff of very fine people composing the Newberg Police Department. It is because of these people that my leaving will be the hardest thing I will ever do.

There is no way that a few words could describe or express my personal feelings during this memorable part of my life and I know my wife shares my sentiments when I say that I shall always cherish the confidence and faith placed in me to serve the City of Newberg as its Chief of Police.



Home of Old Fashioned Festival

IV-2

Page 2

I trust I can serve out the balance of my tenure with honesty and dignity and fulfill my ultimate goal of retiring from the honorable profession of law enforcement for the City of Newberg, in its good graces.

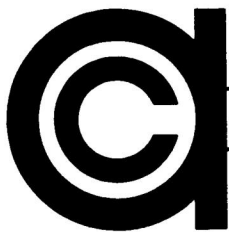
Sincerely,



Herbert W. Hawkins  
Chief of Police

HWH/mr

1V-2



alexander oil co.

700 north college • p. o. box 350 • phone (503) 538-2513 • newberg, oregon 97132

July 11 1983

Hon. Mayor Elvern Hall  
and Members of Council  
City of Newberg  
414 East First Street  
Newberg Oregon 97132

Greetings:

Recently I have noticed a proliferation of new signs in our town and I am curious to know what happened to the idea of a sign ordinance. In talking to Clay Morehead he advises that sign control is virtually non-existent although, he did say that the council had requested the Newberg Area Chamber of Commerce draft such a proposal, over two years ago, and to date nothing has happened. The Chamber Manager told me the idea died for lack of interest as it seemed impossible for their membership to be completely objective.

We keep planning to re-vitalize our central business district with a face lifting of store fronts. Believe me - if we don't start by exercising some control over signs "you'll never see the store fronts for the signs" as the old saying goes. One church in our town has taken the Burma Shave approach in advertising their location with numerous signs. I must admit their signs are attractive, but what if all 28 churches did likewise? Would you like to see 168 free standing church signs along our streets? My own church has a single sign displayed on the highway affixed to a power pole which I presume to be illegal in most communities.

Two new businesses have recently opened on Portland Rd. both advertising two popular Cola drinks and incidentally on the same sign in small letters a Pizza Takeout and a Convenience Market. The soft drink bottler usually furnishes these signs at little or no cost to the retailer to obtain a super sign exposure.

Being associated with the oil industry for the past thirty-three years I must admit we were never enthusiastic supporters of sign ordinances as we tried to lure a high speed motorist to our station with the largest sign we could afford and would fight city hall for permission. In recent years this industry's attitude has moderated and cities with strict sign control still have their service stations selling more product, but you may have to look twice in some instances to discover the brand name.

Three years ago we complimented the owners of the Cloth Cupboard, Shari's and later the Velvet Carriage for their attractive businesses. Shari's with their modest sign blending in with their attractive architecture and outstanding landscape. The Cloth Cupboard and the Velvet Carriage for their

store fronts, both of whom have signs parallel to the street. (Since then the Velvet Carriage has added a small sign perpendicular to the street defacing an otherwise attractive sign. Mike's Bicycle Shop is certainly to be congratulated on their new sign as one of the best in town . Incidentally this sign is parallel to First street and in keeping with the re-development plan.

I firmly believe that the majority of the residents of Newberg are interested in the aesthetics of our community and would support a sign ordinance that would be gradually implemented and administered in an even - handed fashion. I further believe there are an abundance of consciencious citizens who could draft a suitable ordinance which would meet with your approval and would be acceptable by the business community. Pride in our community is evident by the way the majority care for their residential property so why not refer this problem to some merchants, but also include some of their customers - doctors, lawyers, landscapers, teachers and workers - they live here too.

Respectfully,

  
G. C. Alexander

ATTORNEYS AT LAW

WILLIAM D. RUTHERFORD  
BERNT A. "AL" HANSEN  
TERRENCE D. MAHR

July 22, 1983

Mike Warren  
City Administrator  
Newberg City Hall  
Newberg, Oregon 97132

Re: Zone Change to Heavy Industrial and Light Industrial  
Applicant - Garland

Dear Mr. Warren:

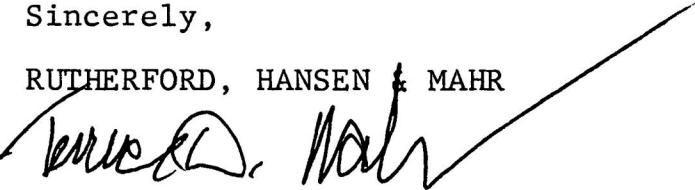
On June 20, 1983, the Newberg City Council considered and made a recommendation to the County concerning the zone changes on this property. However, the applicants have requested two separate zone changes on the parcel, and these zone changes have different considerations.

The County combined the applications, and this has led to some confusion. Incidentally, there was some mix-up on the copies of the applications sent to various agencies and the City. I believe the separate request will actually result in separate recommendations by the City. In any event I would appreciate the opportunity to clarify this matter.

I will limit any remarks I might make to any time frame the City dictates. In any event they should not exceed ten minutes. I would request time on your agenda at the August 1st meeting.

Sincerely,

RUTHERFORD, HANSEN & MAHR



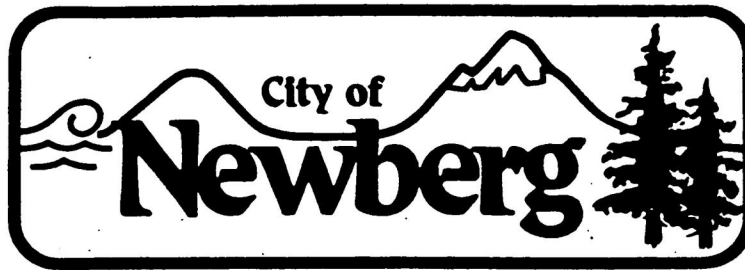
Terrence D. Mahr

TDM:mkp

cc: John Garland

1V-4





Michael Warren  
City Manager

June 23, 1983

414 E. First St.  
Newberg, Oregon 97132  
(503) 538-9421

Yamhill County Board of Commissioners  
Yamhill County Planning Commission  
Yamhill County Department of Planning  
and Development  
Yamhill County Courthouse  
McMinnville, OR. 97128

RE: An application by Ray, Thomas & John Garland for a Plan Amendment/Zone Change from Very Low Density Residential to Heavy Industrial on a 27 acre parcel located on Highway 99W, being approximately 1/4 mile west of the Newberg City Limits. (File No. P-126-83/Z-238-83)

Dear Commissioners and Staff:

On June 20, 1983, the Newberg City Council discussed the request by Ray, Thomas and John Garland for a Plan Amendment/Zone Change on 27 acres located between Newberg and Dundee. After reviewing the matter, the City Council made a unanimous decision to "emphatically oppose the rezoning and consequent development along Highway 99W between Newberg and Dundee until there is a long term development or rezoning plan for that area."

The City Council expressed their concern over any development which is proposed outside the City Limits and Urban Growth Boundary and, specifically, those lands lying between the City of Newberg and Dundee. It is apparent that there is an attempt on the part of the developers to redesignate these lands on a piece by piece basis to industrial uses. It also appears that the County may be in general support of this concept. This piece-meal approach to potentially extensive developments between Newberg and Dundee could flagrantly violate the overall development policies which have been coordinated and concurred upon over the last 8 years. If this development were to occur, the Cities of Newberg and Dundee could be in a position of having to correct the problems of traffic congestion, storm sewer, street improvements, traffic lights, and possibly sewer and water services to bail out development which was inappropriate or untimely.

At this time there are over 300 acres of industrial zoned lands available within the Newberg City Limits. Even more important, the Cities of Dundee and Newberg have adequately provided for the land use needs to accommodate most any industrial demand. It only makes sense that any expansion of commercial or industrial uses should occur within a city service area.



rather than developing within unincorporated territories that cannot provide the same level of service and planning.

This issue was addressed in a report of a Newberg/Dundee Task Force prepared and represented by the Yamhill County Department of Planning and Development. The report was completed in 1977. The Board of Commissioners assigned this Task Force to review the land that lies between the two eastern county jurisdictions of Newberg and Dundee. The findings or conclusions are relevant and to the point:

"Commitment to urban uses in the study area is at this time premature and there are no urbanized pressures in the foreseeable future which will require a change in the overall character of this area."

"Zone changes, plan amendments, approval of substandard lots of record or other means of promoting significant development changes in the Newberg/Dundee study area should be discouraged."

"No future major changes in this area should be undertaken, unless the Cities of Newberg and Dundee are notified and the opportunity for the creation of a task force is given."

It is our understanding that the rezoning is being requested for speculation purposes only and that there is no industrial user proposing to acquire the bulk of the 27 acre parcel or develop the property at this time. Further, we also are lead to believe that there may be other similar applications to the one identified within this letter which may soon be filed pending the action by the County on this matter.

It should be understood that the Council is not necessarily opposed to reviewing proposals or studying the entire area between the City of Newberg and Dundee in terms of identifying what types of uses or developments could potentially exist in this area, the timing of such development and the proper standards for construction and access onto the state and local street systems. However, an overall strategy detailing the specifics relating to the general topic areas should be concluded and concurred upon by the affected jurisdiction(s) in advance of any proposal for development within the area.

Sincerely,

*Elvern Hall*

Elvern Hall

Mayor of the City of Newberg

EH:fj

cc: Mayor of Dundee  
Newberg Planning Department  
Terry Mahr  
Department of Land Conservation & Development c/o Craig Greenleaf  
City Council  
Planning Commission

MEMO TO: Mike Warren, City Manager

FROM: Clay Moorhead, Planning Director *Clay*

DATE: July 25, 1983

SUBJECT: Continuation of the Growth Management Ordinance

To date no formal written objection has been received relating to the Growth Management Ordinance. The Portland Metro Home Builders Association has verbally indicated their general opposition to the percent of allocation which would go to housing and the semi-annual allocation process. Notice of this ordinance has been adequately provided to all affected agencies including the Department of Land Conservation and Development. A decision on this matter can be made by the City Council any time on or after August 1, 1983.

Since the City Council will be touring the City and discussing issues relating to Growth Management, then this matter should be continued to the regular City Council meeting in September before a final decision is made.

CW:fj

MEMO TO: Mike Warren, City Manager

FROM: Clay Moorhead, Planning Director *CEM*

DATE: July 25, 1983

SUBJECT: Public Hearing on a Request for an Annexation of 5.03 Acres together with a zone Change from a County Zone to City R-1 Zone, a Comprehensive Plan Amendment from PP(Proposed Park) to an LDR (Low Density Residential) Designation and withdrawal from the Newberg Rural Fire Protection District. The property is located on the East side of Main Street, being approximately 113 feet South of the intersection of Pinehurst Drive.

This matter has been continued from the last two regular meetings of the City Council in order to provide time for the Chehalem Park and Recreation District and the applicants to reach an agreement relating to the purchase of the subject property. As was the case at the last regular meeting of the City Council, the agreement is nearly completed, but has not been approved by both parties. Once again, this matter should be continued to the City Council's regular meeting in September.

In order to keep this matter from dragging on, the Planning Staff would recommend that the Newberg City Council make a decision on this request at the September meeting regardless of whether the agreement has been completed. As was mentioned in previous reports relating to this matter, there does appear to be a public need to annex the property for park purposes and the annexation could be approved as such; however, if an agreement to purchase the property by the Park District is not finalized, then the property must be considered to be developable residential property. The applicant has not shown that there is a need for additional residential lands within the community at this time and therefore, if the property is not used for park purposes, the annexation should be denied.

Again, the Planning Staff would recommend that the City Council continue this matter for one more additional month in order to provide adequate time for the parties to reach a decision relating to the purchase of the property by the Chehalem Park and Recreation District.

CW:fj

Memorandum  
22 July 1983

TO: Mike Warren, City Manager

FROM: Clay Moorhead, Planning Director

RE: Public Hearing:

Applicant: Bruce Jeremiah/Jeffrey A. Coffman

Request: A request for a Comprehensive Plan Amendment from MDR (Medium Density Residential) to COMM (Commercial) together with a Zone Change from R-2 (Medium Density Residential) to a C-1 (Neighborhood Commercial) zone with a PUD (Planned Unit Development) overlay, for the purpose of establishing a convenience grocery store on a 6,708 sq. ft. lot

Location: 703 Deskins, N.W. corner of Illinois and Deskins

Tax Lot: 3218DB-3500

File No: Z-4/C-1/83

The Planning Commission met on July 21, 1983 and reviewed the request by Bruce Jeremiah to change the comprehensive plan and zoning ordinance designations from R-2 (Medium Density Residential) to C-1 (Neighborhood Commercial) on a small lot located at the N.W. corner of the intersection of Deskins and Illinois Streets. The purpose of the zone change would be to establish a small convenience neighborhood grocery store at that location. Several individuals appeared and spoke in favor and in opposition to the request. At the conclusion of the meeting, the Planning Commission did make a formal motion to recommend to the City Council that they accept the request and change the Comprehensive Plan and Zoning Ordinance to allow the establishment of the convenience grocery store. In making this recommendation, the Planning Commission also requests that the City Council place a PUD subdistrict overlay designation on the property to establish certain conditions for the construction and development of the property. The conditions proposed by the Planning Commission to be included are as follows:

1. The use of the property be limited to a convenience grocery store only.
2. The design of the store shall be consistent with the turn of the century theme now used by the Redevelopment Agency. A western style general store design would be consistent with this theme.
3. The exterior walls of the building shall be made from cedar or brick materials.
4. Any sign used for the store must also be consistent with the turn of the century theme and should not have any direct interior illumination. Additionally, the sign shall only identify the name of the store and shall not advertise an individual product sold within the store.
5. The development of the property shall fully conform to the standards required through the Newberg Zoning Ordinance and Design Review Ordinance.
6. The developer shall install a half-street improvement on Deskins Street along the entire frontage of the lot which will include curb, sidewalk, a concrete driveway and a storm sewer system as needed. Sidewalks shall also be required to be installed by the developer the full length of the lot on Illinois Street. If an additional driveway approach is authorized through the Engineering Dept. to be located on Illionis Street,

- it shall be designed and improved to City specifications. The existing curb cut located on the west end of the lot on Illinois Street shall be replaced with a full height curb.
7. The existing sign pole which is currently used as a yard light on the property shall be removed and, if used, shall be relocated at a location which complies with the standard setback requirements.
  8. The applicant shall provide landscaping on the triangular tract of land directly east of the subject property in a manner consistent with the landscaping plan for the development.
  9. The applicant agrees to install any necessary painted crosswalk, the need to be decided by the Traffic Safety Committee and/or the Design Review Committee.

The applicant submitted a petition favoring the request which was signed by in excess of 40 local area residents. A Mr. Smith who resides on College Street south of the project also submitted a petition which expressed opposition to the establishment of a convenience grocery store. This petition was also signed by in excess of 40 area residents.

The significant findings which were adopted by the Planning Commission included the following:

- a. The request, if approved, would encourage economic expansion.
- b. Currently within Newberg there does not exist any convenience grocery stores within the northern area of Newberg. Localized or neighborhood grocery needs must now be met by frequenting the grocery stores which are found along Highway 99W.
- c. The development of a convenience grocery store at this location would help to reduce distances between land uses which is encouraged by the Comprehensive Plan. The plan also identifies that these convenience commercial uses may be located within residential districts provided they meet special development standards. Since the establishment of the Newberg Comprehensive Plan, the City has adopted a site design review ordinance to help insure that projects such as this do meet special development standards. The establishment of a convenience grocery store at this location would alleviate some traffic now using Highway 99W. Those individuals who might frequent a convenience grocery store at this location would otherwise have to drive south to Highway 99W and then use this route to reach a standard grocery store within the community. This development would promote a transportation traffic improvement which would result in less through traffic in the core area.
- d. Based upon the information submitted, there does appear to be a public need for a convenience commercial grocery store to service the northern neighborhoods within the Newberg community. Additionally, the conversion of this property from multi-family uses to limited commercial uses would be reasonably compatible with adjoining land uses.
- e. The use of the PUD (Planned Unit Development) subdistrict overlay will help to insure compatibility of the proposed development with adjoining land uses consistent with the goals and policies in the Newberg Comprehensive Plan.

This matter has been scheduled as a full open public hearing in which new testimony may be received verbally or in writing from any party interested in participating on this matter. A copy of the file material relating to this request together with the minutes of the Planning Commission are attached for your review.

Recommendation:

In reviewing this matter, the Planning Staff did not strongly favor or oppose the request. There are significant factors involved on both sides of this issue. The primary issues that have been identified thus far by the testimony received are:

1. Is there a public need for a convenience grocery store to service the northern residential area of Newberg; and
2. Is this the best or most appropriate location for a convenience grocery store to be sited.

If the request is approved then the Planning staff would recommend that a PUD subdistrict overlay be placed on the property together with the 9 conditions as listed in this report. The applicant has no objection to including these requirements.



Application for ANNEXATION,

ZONE CHANGE or

COMPREHENSIVE PLAN AMENDMENT

File No. \_\_\_\_\_  
Annexation \_\_\_\_\_  
☒ Zone Change  
☒ Plan Amendment  
Fees: \_\_\_\_\_  
Rec: #63857  
Date: 6-20-83

**IMPORTANT:** This application must be fully completed, or it will not be accepted. If you have any questions, or if you wish to submit a completed application form, then it is necessary to arrange with the Planning Department Administrative Secretary for an advance appointment with the City Planner.

1. The subject property is identified as tax lot number 3218-DB-3500.  
The present zoning of the subject property is R-2.  
This application is for a change of the present zoning to C-1.  
This application is for a change of the present plan designation to \_\_\_\_\_.

2. APPLICANT:

Name BRUCE JEREMIAH Phone 538-6904  
Address 2113 HWY 99, NEWBERG, OREGON 97132

TITLE HOLDER OF THE SUBJECT PROPERTY:

Name JEFFREY A. COFFMAN Phone 538-3101  
Address 703 DESKINS, NEWBERG, OREGON

CONTRACT PURCHASER OR LESSEE OF SUBJECT PROPERTY:

Name FUTURE INVESTMENT INC. Phone 297-3619  
Address PO Box 1021, Scappoose, OREGON 97056

3. Will a representative assist the applicant at the hearing for this request?

Name of Representative JAMES BURRESS Phone 538-3101  
Address CO/ALLSTAR PROPERTIES, 210 N. School St.  
NEWBERG, OR 97132

4. SPECIFIC DESCRIPTION OF SUBJECT PROPERTY:

DEED RECORD, VOL. 157 PAGE 0474 ASSESSED LAND VALUE \$19,635 82/83

LEGAL DESCRIPTION (Attach a separate page with the description if necessary).  
Accuracy of legal descriptions must be certified by a registered land surveyor for all annexation applications.



SIZE IN ACRES OR SQUARE FEET

6.706 Sq. Ft.

5. GENERAL DESCRIPTION OF SUBJECT PROPERTY:

Current Use: RESIDENTS AND MOTOR CYCLE  
Shop -

Topography: FLAT

Does it front a public road? YES Name of Road DESKINS ST.

Does it front a private road? NO Name of Road -

What buildings are on the property? OLD shop and House  
that had been a mom & pop grocery store

Means of Water Supply: CITY (NEWBERG)

Means of Sewerage: CITY (NEWBERG)

What other improvements are there? NONE

6. GENERAL DESCRIPTION OF ADJOINING PROPERTY:

Identify any buildings or structures and give their approximate distances from your property lines: WEST OF PROPERTY LINE ON

DESKINS ST. PRIVATE RESIDENTS; WEST OF PROPERTY  
LINE PRIVATE RENTAL RESIDENT;

Explain Surrounding Uses: SOME OLDER RESIDENTS, LARGE

RAIL ROAD TRACK SYSTEM WITHIN 300 FT. ~~ALLEN~~

~~ALLEN~~ PRODUCTS ~~WHICH~~ IS WITHIN 200 FT. STATE  
HWY. DEPARTMENT ACROSS HWY <sup>219</sup> 300 FT FROM LOT.

UNION OIL OFFICE ACROSS HWY 219 400 FT AWAY. LARGE  
MOBIL HOME COURT 150 FT AWAY, 3 MEDIUM SIZE APARTMENT  
NEAR STUAE (100 to 300 FT AWAY)

7. PROPOSED USE OF SUBJECT PROPERTY:

Identify all planned improvements including construction, building, earth work, utilities, sewerage, etc.: 1,500 Sq. Ft. grocery store, with parking, and flower bed surrounding the whole lot except one driveway entrance on Deskins St. New sidewalks and curb will be built on the two excess sides of property

Identify the uses that you intend to conduct on the subject property and/or within the proposed improvements: convenient grocery items

for area residents, such as bread, milk, beer, eggs, pop, etc.

If you plan to divide the property, lease spaces, or rent spaces, identify the proposed number and size of the lots, parcels, or spaces, and the proposed means of access for each: NO

ADDRESS THE FOLLOWING CHANGE CRITERIA:

I. CONFORMITY TO THE COMPREHENSIVE PLAN:

1. The planning map included within the comprehensive plan recognizes the subject property for the following general use(s): SEE ATTACHED ZONING map
2. Identify which goal and policy statements contained within the comprehensive plan pertain to this request: COMMERCIAL - PAGE 14 ITEM 2, PAGE 17, ITEM 182, TRANSPORTATION - PAGE 19 GOALS, PAGE 22 ITEM 13

3. Explain how your proposal will conform to the uses, and goal and policy statements identified above in No's 1 and 2:

A C-STORE IN THIS  
LOCATION WILL MEET A REAL NEED FOR THAT AREA NORTH OF  
99W & WEST OF VILLA RD WHICH IS A LIKELY AREA OF  
RESIDENTIAL DEVELOPMENT AS INDICATED BY PRESENT  
PLATTED AND NOT YET DEVELOPED R-1 LOTS. THE IMMEDIATE  
AREA IS USED PRIMARILY FOR R-3 LIVING. THE RESIDENTS  
OF THE MOBILE HOME PARK LOCATED TO THE WEST OF THE LOCATION  
ARE FOR THE MOST PART DEPENDENT ON YAMCA TRANSIT. THEY SHOW  
A REAL NEED FOR A GROCERY WITHIN WALKING DISTANCE. THIS  
LOCATION IN THE PAST WAS IN FACT A MOM & POP GROCERY STORE AND  
SOME OF THE RESIDENTS THAT WERE LIVING THERE AT THE TIME  
SAID IT WAS MIGHTY HANDY.

4. Does your proposed request conflict with the uses, and goal and policy statements identified above in No's 1 and 2? Explain: NO & THERE IS

NO QUESTION THAT A C-STORE IN THIS LOCATION WILL  
RESULT IN LESS THROUGH TRAFFIC IN THE CORE AREA.  
THE ZONE CHANGE IN THIS AREA ~~WILL~~ <sup>WILL</sup> ~~USE~~ <sup>USE</sup> THE  
PROPERTY FOR IT'S HIGHEST AND BEST USE NOT ONLY  
FROM AN ECONOMIC VIEWPOINT BUT ALSO FROM A NEED  
WITHIN THE AREA. C-STORE TRAFFIC IS OFTEN  
PEDESTRIAN AND BIKE TYPE WHICH CONFORMS WITH  
THE GOALS OF THE CITY AS WELL AS THE MINIMIZE  
OF AUTO. TRAFFIC ON HWY 99W WHICH IS AN  
ADVERSE IMPACT UPON THE CITY.

PUBLIC NEED:

1. Is there a public need for your proposed use? (Would your proposed use provide a service, product or usage needed by the public?) Explain: YES

CONVENIENCE STORES FILL A GAP FOR SHOPPERS WHO HAVE A SMALL AMMOUNT OF SHOPPING TO DO. THIS SAVES THE CONSUMER THE TRIP DOWNTOWN TO THE BIG STORE. NATIONAL SURVEYS MADE BY GALLUP HAVE SHOWN THAT C-STORES CAN BE OF SERVICES TO A COMMUNITY OF 2,000 PEOPLE AND BE ABLE TO HAVE A PROFIT MAKING VENTURE. WE WILL BE SERVICING THE NORTH SIDE IN THE SAME MANNER IN A NEW BUILDING JUST AS 9<sup>TH</sup> STREET MARKET DOES FOR THE SOUTH SIDE.

2. Is there any other available and properly zoned property where your proposed use could be conducted and reasonably meet the public need identified in No. 1 above? Explain: NO - NOT WITHIN WALKING DISTANCE OF A FULLY DEVELOPED RESIDENTIAL AREA.

III. SITE SUITABILITY:

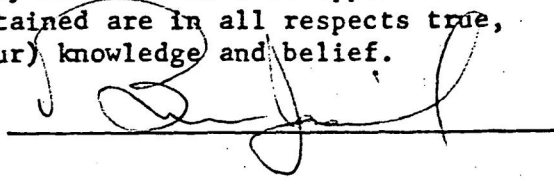
1. Identify and explain any characteristics that suit the subject property to the proposed request (location in relationship to centers of population, schools, commercial areas and places of employment; conformance to development pattern and surrounding land uses; access; availability of water, sewerage and utilities; topography; soil; climate, etc.): NOW DAYS EMPLOYEES WILL GO DOWNTOWN TO EAT; OR ON THERE WAY HOME RUN IN TO TOWN TO PICK-UP MILK OR SUCH THIS IS SOME OF THE MOST POPULAR USES OF A C-STORE. ALSO KIDS FROM 5 YRS TO COLLEGE THEY SNACK A LOT, KEEP THEM OUT OF DOWNTOWN FOR SAFTY AS WELL AS CONGESTION.

FEE:

Contact the Planning Department Office to determine the fee necessary for submittal of this application. This fee must be submitted with the completed application form, or it will not be considered.

I (we) BRUCE JEREMIAH  
(Print Name in Full)

am (are) the owner (lessee) of the property involved in this application and the statements and information herein contained are in all respects true, complete and correct to the best of my (our) knowledge and belief.

Signed 

PROPERTY OWNER OR AGENT WITH WRITTEN AUTHORIZATION MUST SIGN

Date received by Planning Department 6-20-83

By CW  
Planning Director

\*NOTE

Once accepted, this application will remain as part of the public file. If you wish copies of this application or any other exhibits to be mailed to the Planning Commission, then 15 copies of each such exhibit must be submitted to the Planning Department at the time of initial application.

80

EXHIBIT "A"

FILE 157 PAGE 0474

Beginning at a point on the South line of said Tract 16, 10 feet West of the Southeast corner thereof; thence North 64.5 feet to the Southeast corner of that certain tract of land conveyed to Elsie G. McWeil by deed recorded September 30, 1944 in Book 123, Page 443, Deed Records; thence West along the South line of said McWeil tract 94.58 feet, more or less, to the Northeast corner of that certain strip of land conveyed to Daniel L. Withers by deed recorded June 17, 1960 in Film Volume 11, Page 332, Deed and Mortgage Records; thence South along the East line of said Withers tract and the Southerly extension thereof, 64.5 feet to a point on the South line of said Tract 16, said point being the Southeast corner of that certain tract of land conveyed to Dorothy V. Whitlow by deed recorded March 18, 1947 in Book 141, Page 516, Deed Records; thence East along the South line of said Tract 16, a distance of 94.58 feet, more or less, to the place of beginning.

10766



STATE OF CALIFORNIA  
County of Yuba

I, Wanda Cate Gentry, Clerk in and for the County of Yuba, do hereby certify that the within and foregoing is a true and correct copy of the original as the same appears in the files of the County Clerk.

Witness my hand and the Seal of said County at Yuba, California, this 11th day of April, 1960.

Wanda Cate Gentry  
Clerk

In testimony whereof, I have hereby subscribed my name, affixed my official Seal, and the Seal of said County.

Attest:  
Donna  
Deputy

# WILLIAM A. WILSON



## Department of Commerce Corporation Division

I, **Frank J. Healy**, Corporation Commissioner and Custodian of the Seal of the Corporation Division of the State of Oregon, DO HEREBY CERTIFY:

That on the 17th day of June, 1971, FUTURE INVESTMENTS, INC., a corporation organized and formed under and by virtue of the laws of the State of Oregon, filed Articles of Incorporation with the office of the Corporation Commissioner of the State of Oregon;

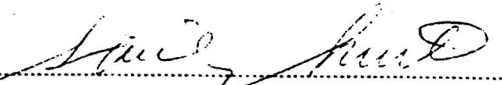
That the President is Bill V. Brown, 308 E. Columbia, Scappoose, Or 97056; and the Secretary is Bruce Jeremiah, 308 E. Columbia, Scappoose, Or. 97056; and

I FURTHER CERTIFY that FUTURE INVESTMENTS, INC. is, at the date of this certificate, in good standing within the State of Oregon.

In Testimony Whereof, I have hereunto set my hand and affixed hereto the seal of the Corporation Division of the Department of Commerce of the State of Oregon this 11th day of May, 1983.



**Frank J. Healy**  
Corporation Commissioner

By   
V-3

To Whom It May Concern:

We the undersigned do hereby request that a zoning change be granted to Everybody's Market, Inc. to operate a neighborhood convenience store at 703 Deskins Street.

| <u>Signature</u>   | <u>Address</u>        | <u>Rent</u> | <u>Own</u> |
|--------------------|-----------------------|-------------|------------|
| Margaret A. Balach | 707 N. Deskins        |             | ✓          |
| Wm J Mountain      | 501 East Illinois #19 |             | ✓          |
| Anna Mae Mountain  | 501 East Illinois #19 |             | ✓          |
| Arvis E. Z...      | ✓ ✓ ✓ #5              |             | ✓          |
| John Winkler       | ✓ 1 ✓ #25             | ✓           | ✓          |
| Winifred Tipton    | 7                     |             | ✓          |
| Melvin L Johnson   | 21                    |             |            |
| Nettie Anderson    | " " " #2              |             | ✓          |

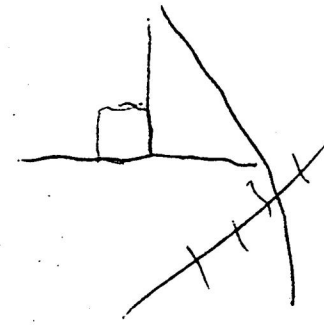


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| <u>Signature</u> | <u>Address</u>      | <u>Rent</u> | <u>Own</u> |
|------------------|---------------------|-------------|------------|
| Jeff A. Coffey   | 703 Deskins         |             | X          |
| Betty Platt      | 517 E Illinois      | X           |            |
| Peggy Grite      | 513 E. Illinois     |             | X          |
| Don Lute         | 513 E. Illinois     |             | X          |
| Vera Powers      | 511 E. Illinois     | X           |            |
| Marty Selk       | 501 E. Illinois     |             | X          |
| Roy C Eddens     | 501 E. ILLINOIS #23 |             | X          |
| Evelyn L. Eddens | 501 E. Illinois #23 |             | X          |
| Floris Pilkenton | 1214 Villa Road     |             | X          |
| Jennie Lunsford  | 501 E Ill. #11      |             | X          |
| DONALD LUNSFORD  | 501 E Ill. #11      |             | X          |

EVERYBODY'S MARKET  
703 DESKINS  
NEWBERG, OREGON



V-3

DESKINS ST.

104'

34'

44' 5"

64' 5"

3' 3' 3' 3'

SIDEWALK

5

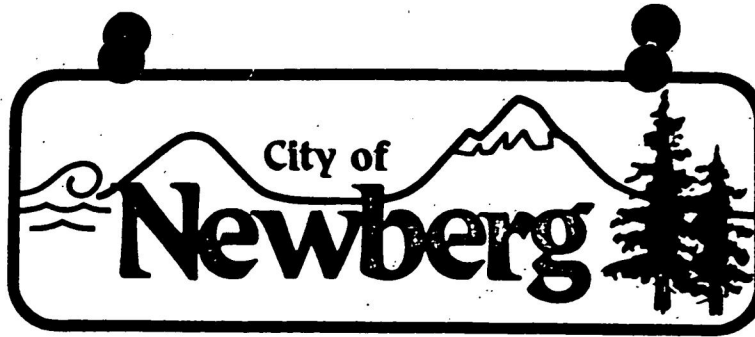
4

3

2

1

2



Planning Department  
(503) 538-9421

414 E. First St.  
Newberg, Oregon 97132

July 14, 1983

STAFF REPORT

TO: Planning Commission

FROM: Planning Staff

RE: Z-4/C-1/83

Applicant:

Bruce Jeremiah/Jeffrey A. Coffman

Request:

A request for a Comprehensive Plan Amendment from MDR (Medium Density Residential) to COMM (Commercial) together with a Zone Change from R-2 (Medium Density Residential) to a C-1 (Neighborhood Commercial) zone with a PUD (Planned Unit Development) overlay, for the purpose of establishing a convenience grocery store on a 6,708 sq. ft. lot

Location:

703 Deskins, N.W. Corner of Illinois and Deskins

Tax Lot:

3218DB-3500

Exhibits:

1. Staff Report
2. File No. Z-4/C-1/83
3. Acknowledged Newberg Comprehensive Plan
4. Newberg Zoning Ordinance

Findings:

1. The subject property is located on the northwest corner of the intersection of Deskins with Illinois Street. Currently there is one house situated on the lot. The lot is 64 ft. wide on Deskins Street and 104 ft. long on Illinois Street. Surrounding land uses consist of a variety of different uses and zoning designations. To the north is a single family house, an 8-plex and then a small veterinary clinic. To the west are 3 single family homes and then a small mobile home park. To the southwest is Allen Fruit Industries Inc. To the south is the Southern Pacific Railroad Tracks and to the east is College Street and the State Highway Maintenance Yards.

2. The subject property is currently zoned R-2 (Medium Density Residential). The applicant is requesting that the subject property be rezoned to a C-1 (Neighborhood Commercial) district. The applicant is also seeking a Comprehensive Plan Amendment from MDR (Medium Density Residential) to COM (Commercial) designation.



Observation:

A. The purpose and description section of the C-1 zone is as follows:

"The C-1 neighborhood commercial district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations, and is typically appropriate to small shopping clusters or integrated shopping centers located within residential neighborhoods."

B. Goals and policies which have been identified as being pertinent to the review of this request include the following:

- a. The City shall encourage economic expansion consistent with local needs. Such expansion shall include the addition of new industrial and commercial operations as well as the growth of existing industries and businesses. (The Economy - General, Policy No. 2)
- b. The City shall encourage the retention of the downtown core as a primary shopping, service and financial center for the Newberg area. New commercial developments shall be encouraged to locate there. (The Economy - Commercial Areas, Policy No. 1)
- c. Adequate neighborhood commercial areas will be provided to serve localized needs. (The Economy - Commercial Areas, Policy No. 2)
- d. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces (Housing - Location, Policy No. 2)
- e. The City shall ensure that enough land is planned for multi-family housing particularly in conjunction with transportation corridors. (Housing - Mix, Policy No. 7)
- f. To reduce distances between land uses, a mixture of all compatible uses will be encouraged. As such, convenience commercial areas may be located within residential districts provided they meet special development standards. (Housing - Mix, Policy No. 10)
- g. Non-residential uses abutting residential areas should be subject to special development standards in terms of setbacks, landscaping, sign regulations, building heights and designs. (Urban Design - General, Policy No. 5)
- h. In areas outside the downtown core, commercial development shall be encouraged to be clustered and to develop on sites large enough to provide landscaping and off-street parking. (Urban Design - Commercial Areas, Policy No. 1)
- i. The planting of street trees should be required in conjunction with a list of City approved trees. (Urban Design - Residential Areas, Policy No. 7)

- j. To help alleviate heavy in-town use of 99W, a through east-west arterial street is very much needed in the northern section of Newberg. To this end, current plans for a northern minor arterial should be pursued and implemented. (Transportation - Automobile, Policy No. 5)
- k. The City shall promote transportation improvements which would result in less through traffic in the core area. (Transportation - Automobile, Policy No. 13)

Findings, Continued:

3. In reviewing the applicable policies identified within the Newberg Comprehensive Plan it does appear that:

- a. The request, if approved, would encourage economic expansion.
- b. The development of a convenience grocery store would not adversely affect the retention of the downtown core as the primary shopping, service and financial center for the Newberg area. The subject property is not considered to be part of the downtown core area.
- c. Currently within Newberg there does not exist any standard or convenience grocery stores within the northern area of Newberg. Localized or neighborhood grocery needs must now be met by frequenting the grocery stores which are found along Highway 99W.
- d. The lot is a desirable location for medium to high density residential uses as it is accessible to an arterial street and is located near the downtown core area. Approval of this request will eliminate lands from the multi-family designation. However, the site is only large enough to accommodate a duplex. The development of other uses on the property will not significantly affect the land use needs for multi-family housing within the community.
- e. The development of a convenience grocery store at this location would help to reduce distances between land uses which is encouraged by the Comprehensive Plan. The plan also identifies that these convenience commercial uses may be located within residential districts provided they meet special development standards. Since the establishment of the Newberg Comprehensive Plan, the City has adopted a site design review ordinance to help insure that projects such as this do meet special development standards. The establishment of a convenience grocery store at this location would alleviate some traffic now using Highway 99W. Those individuals who might frequent a convenience grocery store at this location would otherwise have to drive south to Highway 99W and then use this route to reach a standard grocery store within the community. This development would promote a transportation traffic improvement which would result in less through traffic in the core area.

Observations, Continued:

C. In requesting a zone change, it is required by the Newberg Zoning Ordinance under Section 600, Page 97, that the applicant or property owner who desires to have property reclassified, has the burden of establishing to the Planning Commission that the requested classification meets three particular criteria which are as follows:

- a. The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and the Zoning Ordinance of the City.
- b. There is a public need for the change of the kind in question.
- c. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property.

Discussion:

In responding to the question as to whether there is public need for a convenience store in this area, the applicant has provided the following:

Yes, a convenience store will fill a gap for shoppers who have a small amount of shopping to do. This saves the consumer the trip downtown to the big store. National surveys made by Gallop have shown that convenience stores can be of services to a community of 2,000 people and be able to have a profit making venture. We will be servicing the north side in the same manner and in a new building, just as 9th Street Market does for the south side.

In responding as to whether there is other available and properly zoned property where the proposed use could be conducted, the applicant has responded by indicating that:

No--not within walking distance of a fully developed residential area.

The Planning Commission should note that, in determining need and other available property which could accommodate this request, all properties within the City which could accommodate a convenience grocery store and still satisfy the public need should be considered. This would include all commercially zoned property within the City as well as the M-2 (Light Industrial) zoning district. If the Planning Commission determines that there is a public need for a convenience grocery store to service the residential areas in the northern part of Newberg, than any existing property which is appropriately zoned should be considered when determining the appropriate location for this use.

Currently there are several locations and zones which could accommodate a convenience commercial center; all have varying degrees of limitations. In the vicinity of the railroad tracks (across the street from the proposed site) is an M-2 zone which could accommodate a convenience grocery store. From an initial review of this area, it appears that there is not any available land in an appropriate location in terms of being close to a collector or arterial

route. Additionally, within the Coppergold project located north, up College Street, across from the Melody Lane area, is a 2+ acre site which is zoned C-1 PD. The Coppergold Pony Farm Planned Unit Development Project has now been voided out; however, the PUD subdistrict overlay still exists on the property. The C-1 zoning district was permitted through the PUD process as part of the overall project. In order to develop the land for such uses, it was required through the process that the use of the commercial area not be allowed until construction of the rest of the entire Coppergold project was completed. Additionally, it would be necessary to review any proposed commercial uses on this site through a hearing before the Planning Commission and City Council relating to the PUD. Further, there are lands in the ADEC Industrial Park and near the intersection of the railroad tracks and Springbrook Road which are zoned M-2 (Light Industrial) which could accommodate a grocery store use.

The current location is practical in terms of its compatability and limited impact on the surrounding land uses as are identified in Finding 1 of this report.

Findings, Continued:

4. Based upon the information submitted, there does appear to be a public need for a convenience commercial grocery store to service the northern neighborhoods within the Newberg community. Additionally, the conversion of this property from multi-family uses to limited commercial uses would be reasonably compatible with adjoining land uses.

Discussion:

The Staff has also provided within the public notice on this request the possibility of establishing a PUD subdistrict overlay on the subject property for the purpose of establishing special conditions above and beyond what might be imposed through the site design review ordinance. The Planning Commission should determine whether or not these conditions are applicable and whether or not they would conform with the intent of the Newberg Comprehensive Plan Policies which state:

Site review should be provided on all new developments more intensive than duplex residential uses.

To reduce distances between land uses, a mixture of all compatible uses will be encouraged. As such, Convenience Commercial areas may be located within residential districts provided they meet special development standards.

In establishing a PUD subdistrict overlay, any number of conditions or standards may be attached to insure the quality or design of the development. The following standards are proposed to be incorporated under part of the PUD subdistrict overlay.

1. The use of the property be limited to a convenience grocery store only.
2. The design of the store shall be consistent with the turn of the century theme now used by the Redevelopment Agency. A western style general store design would be consistent with this theme.



3. The exterior walls of the building shall be made from cedar or brick materials.
4. Any sign used for the store must also be consistent with the turn of the century theme and should not have any direct interior illumination. Additionally, the sign shall only identify the name of the store and shall not advertise an individual product sold within the store.
5. The development of the property shall fully conform to the standards required through the Newberg Zoning Ordinance and Design Review Ordinance.
6. The developer shall install a half-street improvement on Deskins Street along the entire frontage of the lot which will include curb, sidewalk, a concrete driveway and a storm sewer system as needed. Sidewalks shall also be required to be installed by the developer the full length of the lot on Illinois Street. If an additional driveway approach is authorized through the Engineering Dept. to be located on Illinois Street, it shall be designed and improved to City specifications. The existing curb cut located on the west end of the lot on Illinois Street shall be replaced with a full height curb.
7. The existing sign pole which is currently used as a yard light on the property shall be removed and, if used, shall be relocated at a location which complies with the standard setback requirements.

Findings, Continued:

5. The use of the PUD (Planned Unit Development) subdistrict overlay will help to insure compatability of the proposed development with adjoining land uses consistent with the goals and policies in the Newberg Comprehensive Plan.
6. Notice of this request was placed within the Newberg Graphic Newspaper, was mailed to all adjoining property owners within 250 ft. of the subject property and was submitted to affected agencies and City departments. With the exception of the comments supplied by the Newberg Engineering Department, no adverse statements were received associated with this request (as of the writing of this report).

Recommendation:

The Planning Commission should carefully review the question of whether there is a public need for this request and whether this is the appropriate location for the establishment of a convenience grocery store. From the Planning Staff review of this request there does appear to be a general public need for the establishment of a neighborhood convenience grocery store to service localized neighborhoods within the north Newberg area. Additionally, this site has been used for a number of different uses in the past, including a convenience grocery store and a Harley Davidson parts shop as a home occupation. The establishment of a convenience commercial store at this location would not appear to provide any substantial compatability problems as compared with other potential sites.

Findings can be presented in favor or opposition to this request, depending upon the conclusions made by the Planning Commission after receiving testimony through the public hearing process. If the Planning Commission chooses to approve this request then the Planning Staff would recommend that a PUD subdistrict overlay be established as part of the approval for the Plan Amendment and Zone Change together with the conditions identified within this report.





We, the undersigned residents of the North

College St. area, oppose a proposed zone change from R-2 to C-1, for the property known as

703 Perkins St. We feel that the commercialization

of this property would significantly detract from

the livability of our historic neighborhood, and that there

is no public need for the proposed convenience store.

1. Wade Johnson 211 W. College St.

2. Melinda Johnson 503 N. College

3. Nikki Jean Sprecher 503 W. College

4. Norma J. Bauer 414 N. College

5. Joyce Deane 400 N. College

6. Winifred York 314 N. College

7. Norma J. Johnson 315 N. College St.

8. Sam Johnson 701 E. Franklin

9. Valerie J. Smith

10. Phil Smith

11. Ann Smith

12. Mark Smith

13. Julie Smith

14. Barbara J. Blume

15. Elizabeth M. Johnson

16. Robert Johnson

17. Paula J. Smith

18. John L. Smith

19. Paula J. Smith

20. Paula J. Smith

21. Paula J. Smith

22. Paula J. Smith

23. Paula J. Smith

24. Paula J. Smith

|                        |                             |
|------------------------|-----------------------------|
| 25. Mary F. Mercis     | 415 N. Edwards Newberg      |
| 26. James W. Mercis    | 415 N. Edwards Newberg      |
| 27. Cary Miley         | 607 E. Franklin Newberg     |
| 28. Bill Sabins        | 608 E. Franklin Newberg     |
| 29. Hilda Sabins       | 608 E. Franklin Newberg     |
| 30. Alice Turner       | 415 N. School Newberg       |
| 31. Larry R. Turner    | 415 N. School Newberg       |
| 32. Martin Buehl       | 515 N. School Newberg       |
| 33. Ramona Buehl       | 515 N. School Newberg       |
| 34. Maria Holcomb      | 514 N. School Newberg       |
| 35. Jim Knack          | " " " "                     |
| 36. Randall Johnson    | 511 N. College St. Newberg. |
| 37. Mrs. P. Bright     | 515 N. Edwards Newberg      |
| 38. Mabel W. Silliman  | 603 N. Meridian Newberg     |
| 39. Norma Silliman     | " " " "                     |
| 40. Muriel Hadley-both | 603 N. Meridian, Newberg    |
| 41. Mabel Stegman      | 610 N. College St. " "      |

We, the undersigned residents of the North College Street area, oppose a proposed zone change from R-2 to C-1, for the property known as 703 Deskins St. We feel that the commercialization of this property would significantly detract from the livability of our historic neighborhood.

1. Marilyn A. Jackson 615 N. College Newberg, Or 97132

2. W. N. Jackson 615 N. College Newberg, Or 97132

4.

EXCERPT

Council Chambers  
7:00 PM, Thursday

A Regular Meeting  
of the Planning Commission

July 21, 1983  
Newberg, Oregon

Members Present:

John Cach, Chairman  
Frank Bowlby  
Jean Harris

Greg Moore  
Joe Young  
Jane Parisi-Mosher (7:14)  
Arthur Roberts (7:10)

Members Absent:

Sally Adamson  
Roger Veatch (excused)

Staff Present:

Clay Moorhead, Planning Director  
Rick Faus, City Attorney  
Barb Mingay, Recording Secretary

Citizens Present: 11 Citizens

The meeting was called to order by Chairman John Cach.

Motion: Harris-Moore to approve June minutes as distributed. Motion carried unanimously.

Chair recommends that the agenda be readjusted to hear agenda item B first as the majority of the audience attended for that hearing. The Commission concurred.

Public Hearing B:

Applicant: Bruce Jeremiah/Jeffrey A. Coffman  
Request: A request for a Comprehensive Plan Amendment from MDR (Medium Density Residential) to COMM (Commercial) together with a Zone Change from R-2 (Medium Density Residential) to a C-1 (Neighborhood Commercial) zone with a PUD (Planned Unit Development) overlay, for the purpose of establishing a convenience grocery store on a 6,708 sq. ft. lot.  
Location: 703 Deskins, N.W. corner of Illinois and Deskins  
Tax Lot: 3218DB-3500  
File No: Z-4/C-1/83

Staff Report: Staff indicated that copies of the staff report were available for review at the front table. He indicated the site location on a map and reviewed the various types of zones and current uses surrounding the site.

No abstentions were requested and none were given as to the standing of Commission members for this hearing.

Proponent: Bruce Jeremiah, property purchaser/developer, 4920 SW 59th, Portland OR 97221 indicated that he was required to meet Comprehensive Plan requirements on the site and he felt the request did comply with those requirements very well. He indicated that the clientel who would use the store would not interrupt or detract from ordinary commercial store functions. The plans proposed are required to meet special plan requirements established by the City staff.

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He indicated his intention is to have a lot of landscaping, no glaring sign, and a small building that would meet all the codes. He further stated that the State of Oregon has granted permission for him to maintain the triangular area surrounded by Deskins, Illinois and College Streets and he intends to improve the area above its present appearance. He stated that congestion would be reduced by having a neighborhood convenience store. A lot of foot and bike traffic would use the store. The location was convenient to Allen Fruit, the State Highway Dept. and local neighborhoods, which would reduce traffic to the downtown area. He indicated that he would put in new sidewalks and curbs. He felt this location was a good, financially feasible location for a business. He further said that over 40 people in the immediate area have signed a petition desiring a convenience store at this location.

Proponent: Jim Burres, realtor, 1217 Pennington Drive, Newberg, said he and his broker did the opinion survey and during the survey found only one resident that he contacted who did not agree that a convenience store should be located at the proposed site. A lot of mobile home residents did sign the petition and many of them are elderly and are in need of such a store. He indicated that an area on Crestview designated C-1 (Neighborhood Commercial) was not accessible due to its being bound up with a development which was currently voided. In addition, it would not be an economically feasible site at this time. He felt the appearance of the proposed structure would be controlled by site review. Landscaping in the triangle area would be combined with the proposed development for an improved neighborhood appearance. The neighborhood appears to be a mixed use area now. The traffic congestion on 99W would also be relieved.

Proponent: Mel Lehman, owner of Dairy Queen, 111 S. Harrison, stated that Mr. Jeremiah would be selling a lot of ice cream, pop, etc. and that the building used to be used as a convenience store. Jaquith Nursery is another commercial business in the area. He felt that the area needed such a store and that if Mr. Jeremiah wished to invest the kind of money required, the community should allow him to gamble on a successful venture.

Cross-Examination of Proponent:

Mr. Jeremiah responded to questions regarding parking in the triangle area by indicating that no parking was planned for the area; the improvement was intended as a beautification measure. He further indicated that operating hours would be 6-11 Monday to Friday with hours for Friday and Saturday being 7-1AM. He indicated that beer and wine sales would occur but expected no policing problems as cooperation from the Police Department has been very efficient. Newberg's comparative size to the number of grocery stores is low as compared to McMinnville, Scappoose and other cities. He felt there was a definite need for additional convenience stores in Newberg. He felt that competition created business, and does not take it away. He felt that the parking lot would be full only during peak periods (commuting hours, holidays, etc.). Most generally the customers averaged 2-4 cars at a time, and 5 spaces are available. He responded to a question regarding pornographic material sales by stating that only items such as Playboy and Penthouse would be available and only from a direct request of the purchaser to the clerk.

Planning Director Moorhead clarified the question regarding the use of the triangle area for parking by stating that no parking would be permitted in that area by either the State or the City.

Mr. Jeremiah indicated that the triangle area would be policed for litter by store personnel and that a dumpster behind a fenced area at the store would adequately care for store needs.

J. Welliver, Rt. 1 Box 304, McMinnville asked if there were going to be many video games at the site? Mr. Jeremiah indicated that a decision has not yet been made but there is a 50/50 chance there will be games in the store.

Phil Smith, 507 N. College, Newberg asked if there had been any discussion regarding crosswalks. Mr. Jeremiah indicated that he would request a crosswalk between the triangle area and the store and was willing to pay for the crosswalk. Staff indicated that the applicant would need to do the initial installation and the City would maintain the crosswalk if one were required.

Opponent: Phil Smith, 507 N. College, Newberg indicated he had not heard about the hearing until Wednesday and had spent 2½ hours discussing the issue with neighbors. He had obtained 43 signatures of people in the north Newberg area who did not feel the application should be granted due to no public need and a detracton from a historic neighborhood. He is concerned about how the neighborhood would be impacted. He indicated that there are 4 convenience stores already in Newberg. He found only 1 elderly person who was in favor of the store. He stated the store would have higher prices as it was a convenience store. He is concerned about what the store would look like, the safety of the store, congestion caused by the store and especially the public need. He thinks there is sufficient support in the neighborhood to oppose the zone change request and requests the Planning Commission to continue the hearing to next month's Planning Commission so that additional support could be obtained.

Opponent: Arietta Trunk, 1118 N. College, indicated her concern about the children who travel up and down College. She felt the number would increase with the store, creating a bigger litter problem than there currently is. She stated that the Park had a lot of late weekend use and with liquor availability to park users, additional problems could be caused. She feels the traffic congestion is caused by truck and other traffic and not just by local residents.

Opponent: Marilyn Jackson, 615 N. College, interviewed some of the older people in the area. She indicated the opinion was that the biggest benefit to the neighborhood would be to get rid of the motorcycle shop.

Questions to Opponents:

Mel Lehman asked Mr. Smith if his house was currently for sale. Mr. Smith indicated that it had been on the market, was not now currently for sale but would again be placed on the market Friday. Mr. Smith indicated however that his position was being taken due to his opinion that there was no current public need for the store. He further answered questions regarding his objections by indicating that he desired to see no further commercial uses in the area.



Mr. Jeff Coffman, 703 Deskins, current owner/applicant asked M. Jackson what problems appeared to be caused by the bike shop operations. She indicated that prior to her residence in the neighborhood, late hours had been kept by the shop and numerous bikes were visible. This occurrence had been related to her by her neighbors as having taken place a year ago or more.

No public agencies voiced objections or stated any conflict with the proposal.

Newberg Engineering Department comments were read into the record.

No letters were received; however the opponent, Mr. Smith presented a petition, Opponent's Exhibit A into the record. Applicant's petition Exhibit A had been attached to his application and was distributed to Planning Commission members for their review.

Proponent Rebuttal: Bruce Jeremiah indicated that not everyone south of the railroad tracks had been notified by direct contact of the applicant because the City requirements did not indicate contact requirements for people at that distance. He further felt that traffic would lessen. He felt the need for this kind of store in this area was apparent and that normally customers who purchased items at a convenience store did not consider price a deterrent.

Jim Burres further indicated that the M-1 areas south of the railroad tracks were not a prime use area for a store. The area to the north of the store was not yet fully developed and those homes would be users of the facility. Real estate values would not be impacted by this store.

Opponent Rebuttal:

Phil Smith stated that the number 1 issue was whether there was a need for a grocery store in the area. The livability of the neighborhood was questioned. He thinks a delay of the hearing would allow a more correct decision on the matter.

Arietta Trunk indicated her agreement that a convenience store would look better than the present use of the land and that property values are not the main issue. There is a need for a traffic impact study to be done. She felt that the plans for College Street need to be changed.

Motion: Greg Moore to revert back to item 6 of the public hearing procedures. Moore withdrew the motion for lack of a second.

Motion: Roberts-Moore to delay the hearing on this matter for one month.

Discussion on the motion:

Staff indicated that the site had been a commercial use for a long time, but was now zoned R-2(Medium Density Residential). The current use is a home occupation and is in compliance with city regulations. He elaborated on the location of the tract of land in Coppergold which is identified as C-1. He stated that the Comprehensive Plan identifies that area as having convenience commercial uses located near the intersection of College and Mountainview.

Mrs. Harris stated that the question to consider should be whether or not there was a need for a convenience commercial store in this area.



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Staff identified that no capital improvement project was planned and no funding was available for improvement of College Street at this time.

Vote on Motion: (to continue hearing)

Aye: Bowlby, Moore, Roberts--Nay: Cach, Harris, Parisi-Mosher, Young.  
Motion failed 4-3.

Staff Recommendation:

Planning Director Moorhead entered a 1981 traffic report into the record and reviewed several of the goals and policies pertinent to the request. He further summarized several of the findings of the staff report and indicated that the area was also a prime location for residential homes. He added that there did appear to be a general public need for the establishment of a neighborhood convenience grocery store to service localized neighborhoods within the north Newberg area. He indicated that a decision could be made for or against the proposal by the Planning Commission.

Public Hearing Closed.

Motion: Harris-Young to recommend to City Council approval of the zone change, Comprehensive Plan amendment together with a PUD overlay based on Staff report findings 1-6 and Conditions 1-8.

Amendment to Motion: Harris-Young to add the following statements to staff finding no. 4:

1. Such use would contribute to a reduction of traffic to Highway 99W.
2. There are currently no other appropriate locations for grocery stores in that area.
3. The request would comply with the Comprehensive Plan policy relating to providing a mixture of compatible uses in close proximity to each other.
4. The site is located on a major arterial route.

Amendment to Motion carried by a unanimous voice vote.

Additional Amendment to Motion: Moore-Bowlby to include Condition 9 to the above recommendation:

9. Applicant agrees to install any necessary painted crosswalks, as needed, to be decided by the Traffic Safety Committee.

Amendment to Motion carried by a unanimous voice vote.

Vote on Main Motion: Aye: Bowlby, Cach, Harris, Moore, Young--Nay: Parisi-Mosher, Roberts. Motion carried 5-2.

Planning Director Moorhead identified the appeal procedure. He further indicated that the City Council would hold an open public hearing on the matter at their regular August 1 City Council meeting.

Motion for a 5 minute recess carried unanimously.

July 6, 1983

Michael Warren  
City Manager  
Newberg, Or. 97132

Dear Sir;

As per regulations of the City of Newberg, when approaching the age of 60 a physical examination must be taken each year between 59 and 62. This I have done.

Dr. Kern is forwarding a copy of the examination along with a letter explaining my physical condition.

Dr. Kern informed me that my physical condition was good, therefore I am requesting another years service with the Fire Department as Training Officer.

Very truly yours,

*Thomas F. McGinnis*

Thomas F. McGinnis

VIII - 2

STANLEY D. KERN, M.D., P.C.  
PHYSICIAN AND SURGEON  
221 VILLA ROAD  
NEWBERG, OREGON 97132

FAMILY PRACTICE

DAY OR NIGHT  
538-2117

July 5, 1983

Mike Warren, City Administrator  
City of Newberg  
414 E. First  
Newberg, Oregon 97132

RE: Mr. Thomas McGinnis

Dear Mr. Warren:

Mr. McGinnis was in my office on 5-31-83 for a complete examination. One reason he came to my office at this time was to receive an evaluation regarding his potential for continuing employment with the Newberg Fire Department. He is 59 years of age and desires to continue employment there.

Mr. McGinnis is overweight, approximately 40 pounds. He does have mild hypertension which has been present for many years and is well controlled with medication. After thorough complete examination and evaluation by chest x-ray, electrocardiogram, and pulmonary function studies and appropriate laboratory evaluations, it is my impression that Mr. McGinnis is in better than average health considering the above noted abnormalities. He appears younger than his stated age. He has excellent neuromuscular coordination and he appears to have above average sense of clarity of his situation with regards to his ability to perform the duties required of a fireman.

I do not believe it is hazardous to his health to continue working and he will be able to perform all the duties required of him in his position. I would recommend his employment be continued concerning his physical and mental health.

If there are further questions, feel free to contact me.

Sincerely,

  
S.D. Kern, M.D.

SDK:kjs

V111-2

MEMO

TO: City Council  
FROM: City Manager  
SUBJECT: Foreclosure Resolution

DATE: July 25, 1983

The Staff is currently undertaking a look at the financial records to collect some back debts. We more than likely will be retaining a collection agency to assist us with delinquent fees or bills for services such as grass mowing, water bills, sewer bills, etc. These will be quite old and have been carried for a long time.

The attached information is a foreclosure resolution prepared for tonight's meeting. Final warning letters were sent to a number of property owners on July 19, 1983 requiring them to pay the delinquent fees and assessments or have their entire balance declared to be due and their property sold.

Those property owners which have not responded to this notice and others by paying the amounts due or making satisfactory arrangements will be included on the exhibit marked as Exhibit A in the resolution. Due to the fact that we do not want to include someone on this exhibit that has made arrangements we will not finalize the attached information as Exhibit A until the night of the City Council meeting. At that time we will inform the City Council if anyone else has made arrangements or paid the past debt.



Michael Warren  
City Manager

MW/bjm

Enc.

1X-1

RESOLUTION NO.

A RESOLUTION DECLARING THE DELINQUENCY OF CERTAIN BONDED AND UNBONDED ASSESSMENT, SEWER TAP AND SIDEWALK ACCOUNTS; DECLARING THE ENTIRE AMOUNTS OF SAID ACCOUNTS INCLUDING ALL PRINCIPAL BALANCE AND ACCRUED INTERESTS AND COSTS PRESENTLY DUE AND PAYABLE AND ORDERING THE IMMEDIATE PAYMENT THEREOF BY THE OWNERS OF SAID BENEFITTED PROPERTY AND AUTHORIZING FORECLOSURE OF THE CITY'S LIEN ON THE PROPERTY BENEFITTED BY THE CITY, AS EVIDENCED BY SAID ACCOUNTS.

WHEREAS, the City has made certain improvements on properties located within the boundaries of the City of Newberg, Yamhill County, Oregon, which improvements have benefitted certain property owners; and

WHEREAS, the City Council has provided a method for benefitted property owners to finance said improvements through Ordinance No. 1348, 1386, 2108, and 929, as amended, and in some instances has sold general obligation improvement bonds, more commonly known as Bancroft Bonds, pursuant to Oregon Revised Statutes Chapter 223 to finance said improvements; and

WHEREAS, certain benefitted property was assessed, more specifically, property located within the City of Newberg, Yamhill County, Oregon, which properties are specifically enumerated in Exhibit "A" which is attached hereto and incorporated herein at this point by reference, and said property was so benefitted and assessed; and

WHEREAS, the owners of said property, as enumerated in Exhibit "A" which is attached hereto and incorporated herein at this point, by reference, applied to the City to make their assessment payments in installments, but have failed to make the installment payments as required, notwithstanding notices to do so by the City Finance Department; and

WHEREAS, due to the default of the owners of said property enumerated in Exhibit "A", the City has been required to pay the costs of improvements and under Oregon Law and the provisions of the Charter and Ordinances of the City of Newberg, is required to foreclose the City's lien on the benefitted property due to delinquent assessments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newberg, Oregon, as follows, to-wit:

1. That the sums listed under the names of each person on the line "Total Lien" on Exhibit "A" which is attached hereto and incorporated herein at this point by reference, are hereby declared presently due and payable and the entire balance is hereby accelerated due to the default in payment of the costs assessed against the property listed under the names of the respective property owners for the indicated improvements as set forth in Exhibit "A". The owners of said properties are ordered to pay forthwith the entire balance of the principal of said assessments, together with an amount equaling accrued interest and costs, the total sum of the amount now due and payable being that amount listed opposite the "Total Lien" entry on Exhibit "A".

2. The City Staff is hereby authorized to proceed with the collection procedures outlined in Oregon Revised Statutes, Chapter 223 and Ordinance Numbers 1348, 1386, 2108, and 929, and foreclose on said property and sell said property for the amounts indicated after the "Total Lien" entry on

Exhibit "A", plus all necessary advertising and legal costs.

3. The Finance Officer of the City of Newberg is hereby directed to prepare and advertise for sale the properties indicated in Exhibit "A" in accordance with Oregon State Statutes and the ordinances of the City of Newberg.

ADOPTED by the Council of the City of Newberg, Oregon, this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

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Arvilla Page - City Recorder

MEMORANDUM  
JULY 25, 1983

TO: MIKE WARREN, CITY MANAGER  
FROM: BOB SANDERS, DIR. OF PUBLIC WORKS/CITY ENGINEER *BS*  
SUBJECT: WATER LINE ON WASHINGTON STREET

Over the last couple of years we have been working on replacing water lines in the area of the intersection of Sheridan and Washington, Sherman and Washington, Franklin and Washington, and North and Washington. The water line replacement has been completed with the exception of the crossing under the Southern Pacific railroad. This crossing has been delayed due to the lengthy process in acquiring an easement to cross the Southern Pacific right-of-way. I have recently obtained this easement and am ready to proceed with installation of the water line through the right-of-way.

The condition of the easement is that the excavation through the right-of-way must be a boring operation within a steel casing. The steel casing will be 16" in diameter and the water line will be 6" in diameter.

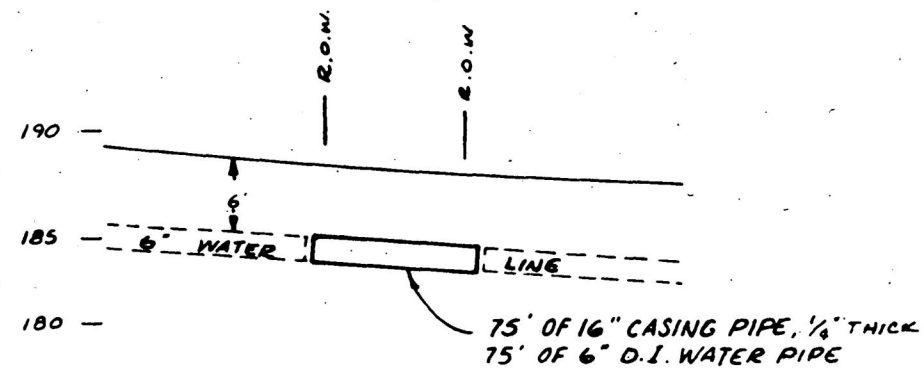
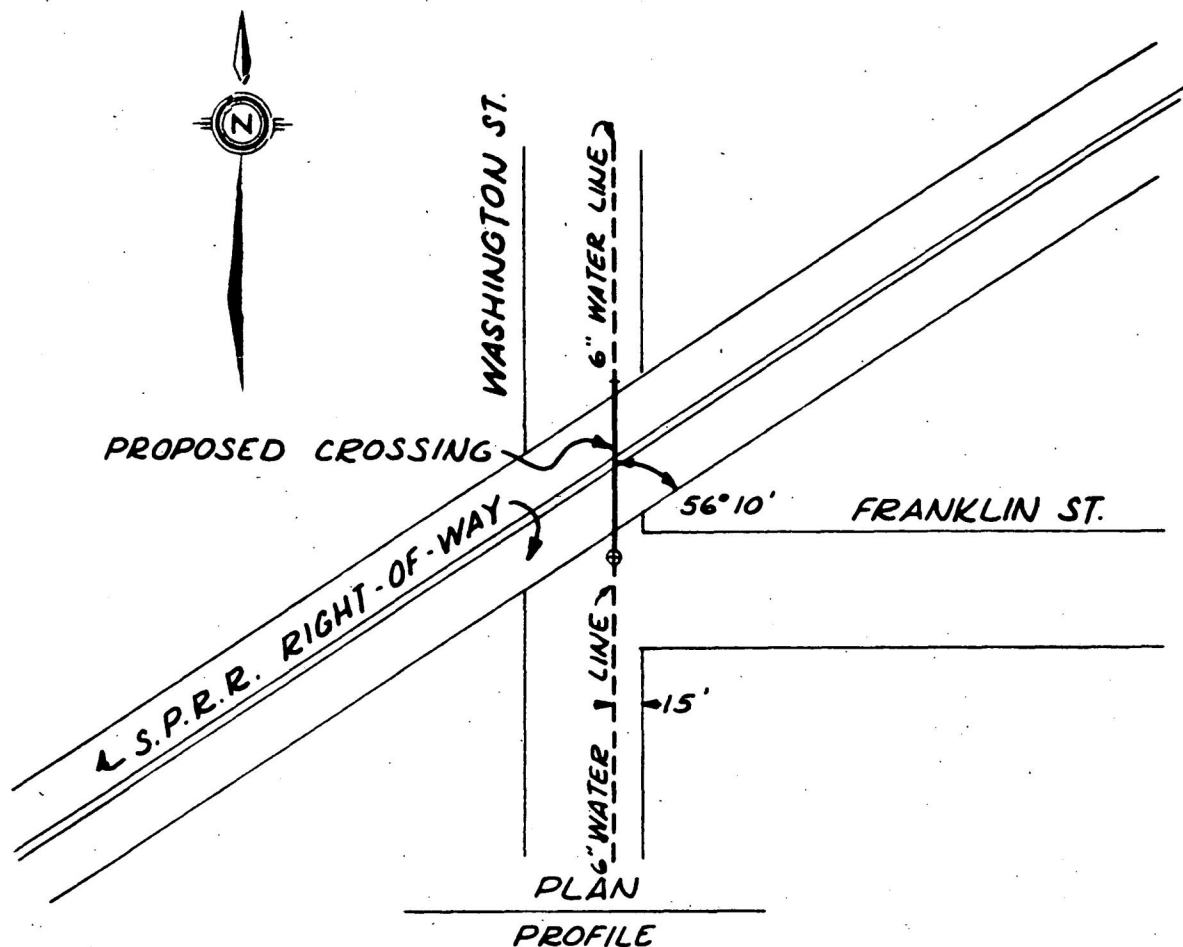
Since the City does not have the equipment capable of doing the boring operation, I have obtained informal bids from 3 boring contractors to supply the casing and do the boring through the right-of-way (75'). The City will do the bore pit and target pit excavation to minimize the cost.

I have received a bid of \$3,450 from Target Boring and Tunneling, \$3,600 from Stadeli Boring and Tunneling, and \$4,000 from Armadillo Underground.

In an effort to complete this water line project which will provide a loop fire flow line to the area on either side of the tracks, I would like to expedite the boring operation by waiving competitive bidding, and awarding on the basis of soliciting informal bids for this work.

I will have Rick prepare the necessary resolution to award the contract to Target Boring and Tunneling of Tigard.





MP 748.6

|  |                                    |                                                 |
|--|------------------------------------|-------------------------------------------------|
|  | CITY OF NEWBERG<br>NEWBERG, OREGON | PROPOSED WATER LINE<br>ON S.P.R.R. RIGHT-OF-WAY |
|--|------------------------------------|-------------------------------------------------|

PROPOSAL  
AGREEMENT

TARGET  
Boring & Tunneling  
P.O. BOX 230114  
Tigard, OR 97223

ATTN: BOB SANDERS  
To CITY OF NEWBERG  
414 E. 1ST NEWBERG, O.R. 97132

DATE  
7/22/83  
Tel.

The undersigned proposes to furnish all materials and perform all labor necessary to complete the following:

S.P. RAILROAD BORE NEWBERG, O.R.

75 LIN. FT. 16" .250 W.T. CASING BORED IN PLACE @ \$46.00 PER LIN. FT.

CITY OF NEWBERG TO DIG & SHORE OR SLOPE BORE PIT - Dewater -  
BARRICADE - FURNISH ALL PERMITS AND PAY RAILROAD  
INSPECTOR FLAGMEN IF REQUIRED.

WE WILL FURNISH CERTIFICATE OF INSURANCE.

All of the above work to be completed in a substantial and workmanlike manner according to standard practices for the sum of Three Thousand Four Hundred Fifty (\$3,450.00) Dollars.

Payments to be made each EST. as the work progresses to the value of ( ) % per cent of all work completed. The entire amount of contract to be paid within THIRTY days after completion.

Any alteration or deviation from the above specifications involving extra cost of material or labor will only be executed upon written orders for same, and will become an extra charge over the sum mentioned in this contract. All agreements must be made in writing.

The Contractor agrees to carry Workmen's Compensation and Public Liability Insurance, also to pay all Sales Taxes, Old Age Benefit and Unemployment Compensation taxes upon the material and labor furnished under this contract, as required by the United States Government and the State in which this work is performed.

TARGET  
Boring & Tunneling  
P.O. BOX 230114  
Tigard, OR 97223

Contractor TARGET BORING & TUNNELING INC.

By Carl Freytag Pres.

NOTE: If the owner is a natural person and the proposed improvements are primarily for his or her personal or agricultural purposes and if the contract price is payable in more than four installments, the publisher suggests (instead of Form No. 937) the use of S-N Form No. 1213 and the companion Disclosure Form No. 1309; further, if pursuant to the Truth-in-Lending Act the owner has the Right of Rescission, S-N Form No. 1301 or equivalent must be used; see also S-N Form No. 1303, Notice of Non-Rescission.

ACCEPTANCE

You are hereby authorized to furnish all materials and labor required to complete the work mentioned in the above proposal, for which the undersigned agrees to pay the amount mentioned in said proposal, and according to the terms thereof.

Dated \_\_\_\_\_, 19\_\_\_\_

X

X

# Stadeli Boring & Tunneling, Inc.

P. O. Box 593

Silverton, Oregon 97381

July 15, 1983

Mr. Robert L. Sanders, PE  
Newberg City Engineer  
City of Newberg  
414 E. First Street  
Newberg, Or. 97132

Dear Bob:

Following are the prices for doing the two bores at Newberg as per your request. Please note these prices do not include any railroad insurance or flagging, if required. In addition, as stated in your letter, the City would excavate and shore the boring pit for the undercrossings.

Stadeli Boring will furnish and install 75 LF, 16" casing pipe on the Washington Street and S.P. RR undercrossing at \$48.00/LF, for a total of \$3,600.00.

Stadeli Boring will furnish and install 75 LF, 24" casing pipe on the Springbrook Road and S.P. RR undercrossing at \$74.00/LF, for a total of \$5,550.00.

We look forward to working with you on these projects.

Yours very truly,

STADELI BORING & TUNNELING, INC.



Larry O. Stadeli

LOS:jml



BORING SYSTEMS

"SERVING THE UNDERGROUND INDUSTRY"

(503) 588-8050

Armadillo Underground Inc.

3840 Boone Rd. S.E. • Salem, Oregon 97301

July 15, 1983

LET US INTRODUCE OURSELVES.....

Armadillo Underground Inc., now serving the horizontal boring needs of the Pacific Northwest, is a wholly-owned subsidiary of Pacific Underground Installations Ltd. out of British Columbia, Canada. Pacific Underground Installations - specialists in horizontal boring for over 10 years - has pioneered some of the most innovative boring methods available today. Our accomplishments in this field have been widely accepted and recognized by engineers and contractors alike.

Like our parent company, Armadillo Underground Inc. engages in all underground utility installations other than "open-cut". Our services range from installation of 1½" conduits for telephone, power, gas and cablevision lines to 84" casing installations for major sewer, water and pipeline projects. On the jobsite, we work out of steel cages, which in most cases eliminates the need to shore the pit, therefore saving valuable time to the contractor.

I will be contacting you personally in the near future to chat with you about your specific boring needs. In the meantime, if we can be of any assistance, please call me or drop in at 3840 Boone Rd. S.E., Salem.

Best Regards,

Jary M. Hansen  
General Manager  
ARMADILLO UNDERGROUND INC.

JH/ljs

\$4000 will send bill

1X-2

RESOLUTION NO.

THE CITY COUNCIL OF THE CITY OF NEWBERG, SITTING AS CONTRACT REVIEW BOARD AND AS COUNCIL, WAIVES COMPETITIVE BIDDING FOR THE BORING AND PLACEMENT OF A CASING THROUGH A PORTION OF THE SOUTHERN PACIFIC RIGHT-OF-WAY FOR THE PLACEMENT OF WATER LINE INVOLVED IN A WATER LINE PROJECT AND AUTHORIZES CONTRACTING FOR THE PLACEMENT OF SAID IMPROVEMENT.

WHEREAS, the City of Newberg has budgeted money in its 1983-1984 Budget for the Washington Street water main replacement; and

WHEREAS, a necessary part of that replacement project involves boring and placement of a steel casing to accommodate the water line over a portion of the Southern Pacific right-of-way located on Washington Street; and

WHEREAS, the City Engineer has obtained competitive quotations from contractors who bore and place casing with the lowest quotation coming from the firm of Target Boring and Tunneling in the amount of \$3,450.00; and

WHEREAS, there is a public need to expedite the boring operation to continue rapid progress on this project; and

WHEREAS, the City Council of the City of Newberg at its regular meeting August 1, 1983, at and after 7:30 p.m. in the City Hall Council Chambers, Newberg, Oregon, has determined that the public interest would best be served, favoritism not encouraged and competition undiminished pursuant to the requirements of Ordinance No. 1793, passed and approved December 1, 1975, if the City Council sitting as Contract Review Board and as Council waives competitive bidding and authorizes the retention of Target Boring and Tunneling to complete necessary boring and casing work involving the Washington Street water main replacement.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Newberg, Oregon, sitting as Contract Review Board and as Council, as follows, to-wit:

1. As detailed in the whereas clauses above, the competitive quotation process and the need to expedite this project which whereas clauses are incorporated herein at this point, by reference, to show that the waiver of competitive bidding in this instance is in the public interest.

2. That the City Council, sitting as Contract Review Board has reviewed the competitive quotations submitted by suppliers of these services and finds that because a competitive quotation process was followed, and because of the need to expedite this project to provide adequate fire flow protection in this area, and because favoritism is not encouraged and competition undiminished because of the comparative quotation carried on by City Staff, as indicated in the whereas clauses above, that the public interest would best be served by waiving competitive bidding in this instance.

3. That the City Council sitting as Contract Review Board and as Council hereby waives competitive bidding and authorizes the City Manager to contract for the placement of casing and boring with the firm providing the lowest competitive quotation, Target Boring and Tunneling, in the amount of \$3,450.00.

ADOPTED by the City Council of the City of Newberg sitting as Contract Review Board and as Council this 1st day of August, 1983.

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Arvilla Page - City Recorder

MEMO TO: Mike Warren, City Manager

FROM: Rick Faus, City Attorney

DATE: July 25, 1983

SUBJECT: Request by Liberty Cable Communications for additional  
8 months to install final microwave interconnects.

As stated in the whereas clauses of the proposed ordinance which is attached to this memo, Liberty Cable has diligently pursued the requirements of the ordinance and in terms of attempting to install microwave interconnect facilities. However, Liberty has experienced difficulty in locating and securing the repeater site on Chehalem Mountain and also, delays negotiating lease agreement with Motorola, Inc. for the repeater site, and in addition, has had time delays in getting application approval from the Federal Communications Commission. Liberty has asked that an 8 month extension be granted for the final installation of its microwave interconnect facility.

The practical effect of this would be to extend from May 15, 1983 to January 15, 1984, the deadline for completion of the establishment of the microwave interconnect facility.

Rick Schaal appeared at the Ordinance/Legislative Committee meeting at 7:00 a.m., Monday, July 25, 1983 at the Almond Tree Restaurant. After considerable discussion of this and other cable issues, the Ordinance/Legislative Committee voted unanimously to recommend approval of the ordinance allowing the 8 month extension. The Committee members will make this recommendation at the Monday, August 1, 1983, regular City Council meeting.

RDF:fj

## ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2074, PASSED AND APPROVED DECEMBER 16, 1981, AS AMENDED BY ORDINANCE NO. 2082, GRANTING AN EXTENSION OF TIME OF CERTAIN CONSTRUCTION DEADLINES, FOR AN ADDITIONAL EXTENSION OF TIME OF THE MICROWAVE INTERCONNECT FACILITIES.

WHEREAS, Liberty Communications, Inc. grantee of that certain non-exclusive cable television franchise contained in Ordinance No. 2074 of the City of Newberg, Oregon has diligently pursued the time limit requirement as specified in amending Ordinance No. 2082; and

WHEREAS, due to difficulties in locating and securing a repeater site in the Chehalem Mountains, has requested an eight month extension of time on the completion deadline for completion and activation of the microwave interconnect facilities. Practically speaking, extension of deadline for completion of construction from May 15, 1983 to January 15, 1984; and

WHEREAS, upon review of the Ordinance Committee and their recommendation, the Council has found that because Liberty Communications, Inc. is in the final stage of negotiating a lease agreement with Motorola, Inc. and further application to the Federal Communications Commission has been made, the City Council of the City of Newberg finds that this amendment would be in the best interest of the public.

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

Section 1. That Section 6, subsection A, of Ordinance No. 2074, passed and approved December 16, 1981, as amended by Ordinance No. 2082, granting to Liberty Communications, Inc. an extension of time of certain construction deadlines is hereby amended to read as follows:

"Section 6. Construction Schedule. (A) In addition to the provisions of subsection A through D of Section 23 of Ordinance No. 2046, Grantee shall fully complete the proposed system and facilities construction within 10 months of the effective date of this ordinance. All proposed microwave interconnects shall be fully completed within 24 months of the effective date of this ordinance. The complete proposed system and all facilities shall be fully activated and the service commenced within 1 month of completion of construction."

PASSED and approved by the Council of the City of Newberg this                      day of  
                    , 1983 by the following votes:

**Ayes:**

**Nays:**

**Absent:**

Arvilla Page - City Recorder

APPROVED by the Mayor this                      day of                      , 1983.

Elvern Hall - Mayor

X-1



MEMO

TO: City Council

DATE: July 25, 1983

FROM: City Manager

SUBJECT: Changes to Ordinance 1740

Attached are the changes the Building Official has requested for Ordinance 1740. Since these are updates of Ordinance 1740 adopting the 1982 structural specialty code we do not feel it necessary for these changes to go to the Ordinance Committee. However, if the City Council feels that the ordinance should be more complete or tailored to meet Newberg's needs then I would suggest this be reviewed by the Ordinance Committee for additional sections. If not, then I would suggest the ordinance be passed at tonight's City Council meeting.

  
Michael Warren  
City Manager

MW/bjm

Enc.

## CHANGES TO ORDINANCE #1740

- Section 1. July 1, 1980 to August 1, 1983
- Section 2. 1979 Edition to 1982 Edition-Effective Date from July 1, 1980 to August 1, 1983.
- Section 4. 1979 Edition to 1982 Edition
- Section 5. 1979 Edition to 1982 Edition
- Section 8. Add Statement below:  
(4) The Newberg Police Department must be notified of the move and applicant must have route approval from the Newberg Police Department.
- Section 10. Add to Read:  
Moving of Structure Out of Town - \$40.  
Demolition and Burning of Building - \$20.  
Repeat Plan Check of Previously  
Approved Single Family Dwellings  
shall be good for 1 year from the date  
of approval, repeats will be charged - \$25% of Original Plan  
Review or \$25. whichever  
is greater.
- Section 11. State Standards adopted and Applicable to Mechanical.  
In addition to compliance with this and other ordinances of the City, mechanical and related activity shall comply with provisions of each of the specialty codes which are hereby adopted as part of this ordinance that make up the State of Oregon Mechanical Specialty Code adopted by the Director of the State Department of Commerce and the Mechanical Fire and Life Safety Code adopted by the State Fire Marshall, as these codes are constituted August 1, 1983, and thereafter and all appendices and seperately bound standards as modified by the Director of the Oregon Department of Commerce and the Oregon State Fire Marshal. No person shall conduct mechanical or related activities without compliance with these standards.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 1740 PASSED AND APPROVED JULY 1, 1974, AS AMENDED, TO UPDATE CERTAIN PORTIONS OF SAID ORDINANCE NO. 1740, TO ADD CERTAIN PROVISIONS RELATING TO THE MOVING OF A BUILDING; TO ADD AND UPDATE CERTAIN ADDITIONAL PROVISIONS AND FEES; TO ADD THE MECHANICAL SPECIALTY CODE; AND DECLARING AN EMERGENCY.

WHEREAS, the Building Official has determined that there is a need to update Ordinance No. 1740 which provides for the administration of the State Building Code; and

WHEREAS, it is necessary for the peace, health and safety of the citizens of the City of Newberg that this ordinance should become immediately effective upon its passage by the Council of the City of Newberg.

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

Section 1. That Section 1 of Ordinance No. 1740 shall be amended to read as follows:

Section 1. State Standards Adopted and Applicable to Building. In addition to compliance with this and other ordinances of the City, building and related activity shall comply with provisions of each of the specialty codes which are hereby adopted as part of this ordinance that make up the State of Oregon Structural Specialty Code adopted by the Director of the State Department of Commerce and the Fire and Life Safety Code adopted by the State Fire Marshal, as these codes are constituted August 1, 1983, and thereafter and all appendices and separately bound standards as modified by the Director of the Oregon Department of Commerce and the Oregon State Fire Marshal. No person shall conduct building or related activities without compliance with these standards.

Section 2. That Section 2 of Ordinance No. 1740 shall be amended to read as follows:

Section 2. Housing Code. That certain document entitled Uniform Housing Code, 1982 Edition, published by the International Conference of Building Officials, which is part of the State of Oregon Structural Specialty Code adopted in Section 1 of this ordinance, save and except such portions as are deleted, modified or amended by this section, is hereby adopted by the City of Newberg.

(1) Whenever the Uniform Housing Code, as published, makes reference to the Uniform Building Code or the Uniform Building Code, 1982 Edition, these words shall be construed to mean the State of Oregon Structural Specialty Code effective August 1, 1983, as modified and amended by this ordinance.

Section 3. That Section 4 of Ordinance No. 1740 shall be amended to read as follows:

Section 4. Agricultural Buildings. Chapter 11, Agricultural Buildings, of the appendix to the 1982 Edition of the Uniform Building Code, published by the International Conference of Building Officials is hereby adopted by the City of Newberg.

Section 4. That Section 5 of Ordinance No. 1740 shall be amended to read as follows:

Section 5. Excavation and Grading. Chapter 70, Excavation and Grading, of the appendix to the 1982 Edition of the Uniform Building Code, published by the International Conference of Building Officials is hereby adopted by the City of Newberg.

Section 5. That Section 8 of Ordinance No. 1740 shall be amended to read as follows:

Section 8. Supplemental Requirement for Moving a Building.

- (1) A person applying for a permit to move a building over a street shall file with the recorder a bond of not less than \$500., conditioned to pay to the City the cost of damages the City may incur by reason of carelessness in moving the building, or otherwise, or by reason of failure to comply with this section. In lieu of the bond, the recorder may accept a cash deposit of not less than \$500.
- (2) Once moving of the building has commenced, it shall be continuous during all daylight hours, and day by day until completed, with the least possible obstruction to the streets. No building shall be allowed to remain overnight upon a street crossing or intersection, or in a location that would prevent easy access to a hydrant. The person moving the building shall cause a light to be kept in a conspicuous place at each end of the building during the hours of darkness.
- (3) In addition, whenever a building is moved under this section, the provisions of Section 18 of Ordinance 1646, the Newberg Plumbing Code, must be complied with.
- (4) The Newberg Police Department must be notified prior to moving any building and applicant must have a moving route approved by the Newberg Police Department.

Section 6. That Section 10 of Ordinance No. 1740 shall be amended to read as follows:

Section 10. Additional Fees. Section 303 of the Structural Specialty Code shall be amended by adding the following:

|                                                                                |                                                                   |
|--------------------------------------------------------------------------------|-------------------------------------------------------------------|
| Moving of Structure Out of Town                                                | - \$40.                                                           |
| Moving of Structures                                                           | - \$20.                                                           |
| Demolition and Burning of Building                                             | - \$20.                                                           |
| Repeat Plan Check of Previously<br>Approved Single Family Dwellings            | - \$25% of Original Plan Review<br>or \$25. whichever is greater. |
| shall be good for 1 year from the date<br>of approval, repeats will be charged |                                                                   |

Section 7. That a new Section 11 of Ordinance No. 1740 is hereby added to read as follows:

Section 11. State Standards Adopted and Applicable to Mechanical. In addition to compliance with this and other ordinances of the City, mechanical and related activity shall comply with provisions of each of the specialty codes which are hereby adopted as part of this ordinance that make up the State of Oregon Mechanical Specialty Code adopted by the Director of the State Department of Commerce and the Mechanical Fire and Life Safety Code adopted by the State Fire Marshal, as these codes are constituted August 1, 1983, and thereafter and all appendices and separately bound standards as modified by the Director of the Oregon Department

of Commerce and the Oregon State Fire Marshal. No person shall conduct mechanical or related activities without compliance with these standards.

Section 8. Emergency Clause. NOW, THEREFORE, an emergency is hereby declared to exist and this ordinance shall become in full force and effect immediately upon its passage by the Council and approval by the Mayor.

PASSED by the Council this \_\_\_\_\_ day of \_\_\_\_\_, 1983, by the following votes:

Ayes:

Nays:

Absent:

\_\_\_\_\_  
Arvilla Page - City Recorder

APPROVED by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 1983.

\_\_\_\_\_  
Elvern Hall - Mayor

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2122, SECTION 3, PASSED AND APPROVED JUNE 20, 1983, TO CORRECT A COMPUTATION ERROR IN CALCULATING THE TAX BASE LEVY FOR THE CITY OF NEWBERG FOR FISCAL YEAR 1983-1984; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Newberg met at a regular meeting held at and after 7:30 o'clock p.m. on August 1, 1983 in the City Hall in said City for the purpose of holding a public hearing on the budget of said City for the fiscal year 1983-1984 in accordance with the public notice of said budget and said meeting and public hearing; and

WHEREAS, the Oregon Department of Revenue in reviewing the tax levy of the City of Newberg for fiscal year 1983-1984 indicated there was a computation error of \$190.00 in calculating the 6% limitation between FY 82-83 and FY 83-84, which error needs to be remedied by correcting Ordinance No. 2122, the general tax levy ordinance.

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

Section 1. That Section 3 of Ordinance No. 2122, passed and approved June 20, 1983, is hereby amended to read as follows:

"Section 3. That the City Council of the City of Newberg, Oregon, hereby levies taxes provided for in the adopted and approved Budget in the aggregate amount of \$17,266,334.; and that these taxes are hereby levied upon the assessed value of all taxable property within the City of Newberg, Yamhill County, Oregon, as of 1:00 o'clock a.m. January, 1983.

|                   |                |
|-------------------|----------------|
| General Fund      | \$1,121,587.   |
| Debt Service Fund | 562,764.       |
| Storm Sewer Fund  | <u>35,000.</u> |
| TOTAL TAX LEVY    | \$1,719,351.   |

Section 2. WHEREAS, it is important that this calculation error be corrected immediately to provide the State of Oregon, Department of Revenue with an amended filing and it is therefore required that an emergency be declared and that this ordinance be immediately in full force and effect. NOW, THEREFORE, an emergency is hereby declared to exist and this ordinance shall be in full force and effect upon its passage by the Council and approval by the Mayor.

PASSED by the Council of the City of Newberg this 1st day of August, 1983 by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - City Recorder

APPROVED by the Mayor this 1st day of August, 1983.

Elvern Hall - Mayor

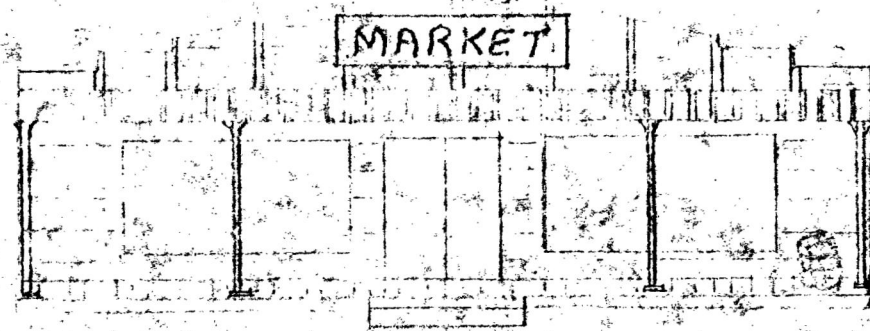


# Everybody's Market III

FOR

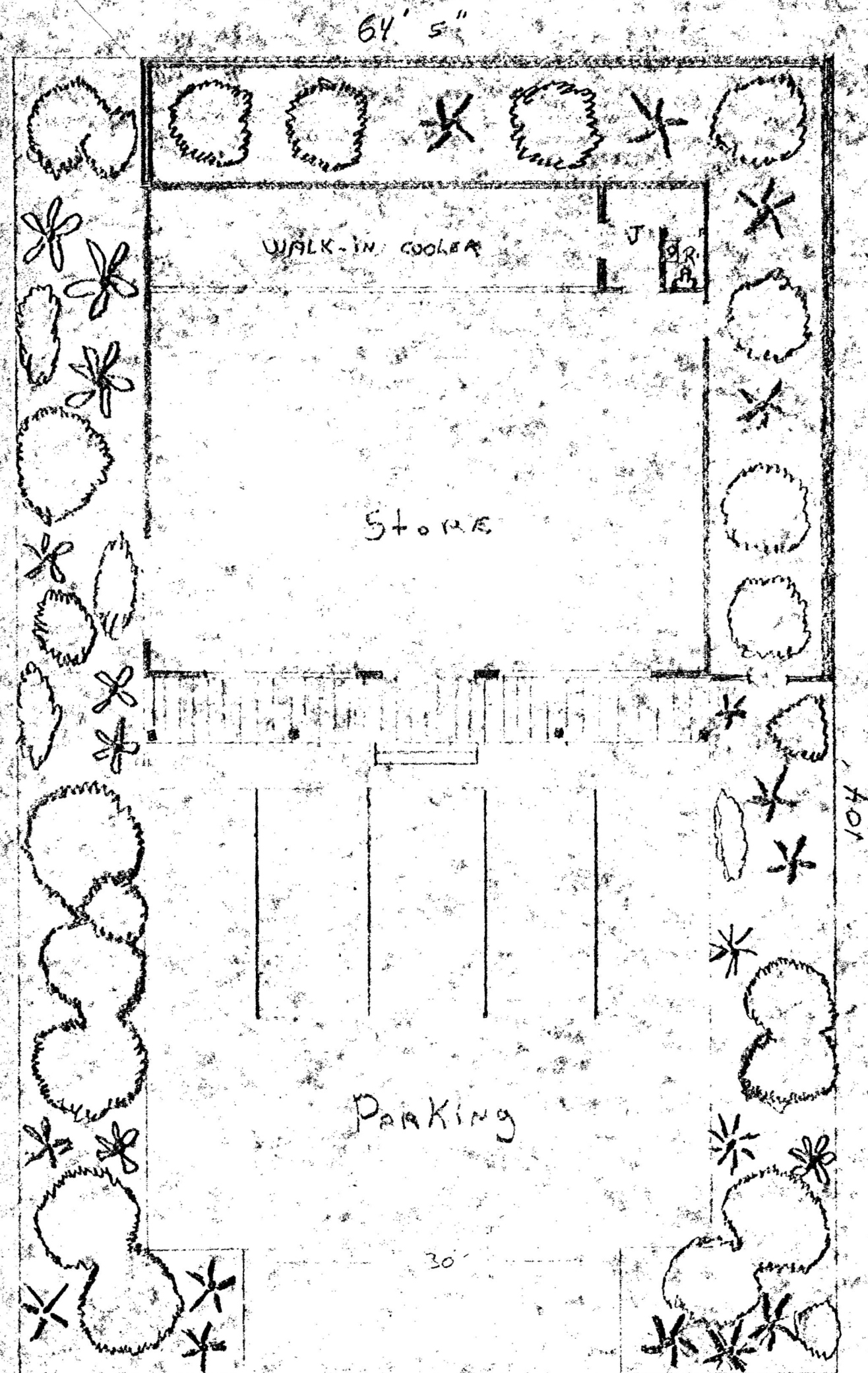
Future Investment Inc

WESTERN STYLE  
OLD WEST GENERAL STORE  
CEDAR LUMBER NATURAL



FRONT VIEW

1/10" = 1' 0"



SITE PLAN

1/10" = 1' 0"