

CITY COUNCIL

AGENDA

June 1, 1981

- I. CALL MEETING TO ORDER
- II. ROLL CALL
- III. APPROVE MINUTES OF PREVIOUS MEETINGS
- IV. REQUESTS AND COMMUNICATIONS:
 - A. Request from Arthur J. Stanley, Chehalem Valley Heritage, Inc. re: planning for 1989 Newberg Centennial Observance.
 - B. Communication from Representative Les AuCoin re: support for President Reagan's economic proposals.
 - C. Communication from Karen Stewart and Brent Schneider, Rt. 1, Box 82-A7 re: appreciation of street trees.
 - D. Communication from Peggy Campbell, Chairperson of Tree People, re: thank you for support of street tree program.
 - E. Request from Old Fashion Day Committee RE: City Theme.
- V. PUBLIC HEARINGS:
 - A. Public Hearing, an appeal of Newberg Planning Commission decision to deny Comprehensive Plan Amendment and zone change for applicant Lee Anderson's property which is Tax Lot 3220 AB 2100 near the intersection of West Second and the St. Paul Highway.
 - B. Public Hearing, an appeal of the Newberg Planning Commission decision to deny a Comprehensive Plan Amendment and Zone Change for the Herbert and Margaret Swift, Leonard L. Silvers, and R & T, Inc. property which is Tax Lots 3219 AA 13600, -13700, -13800, and - 14200, the South one-half block bounded by College and Edwards, Seward and Third Street.
 - C. Public Hearing, on 1980-1981 City Supplemental Budget (Ordinance).
- VI. COMMITTEE REPORTS
- VII. REPORTS FROM CITY ADMINISTRATOR:
 - A. Report updating status of City Public Works Projects.
 - B. Report on status of subdivisions and developments within the City.
 - C. Report on status of effort to establish a local police pistol range.
- VIII. OLD BUSINESS:
 - A. Request for extension of retirement date of Fire Chief.
 - B. Report on status of Newberg Comprehensive Plan.
 - C. Report and communication from Diane E. Raines, 310 S. River, re: Country Comfort Craft Fair.
- IX. NEW BUSINESS:
 - A. Report on abstract of votes - Special Election May 19, 1981, A/B Ballot
 - B. Report from hospital administrator re: bids on painting existing building exterior.
 - C. Report from hospital administrator re: bids on electrolyte analyzer and ophthalmic cryophke system.
 - D. Report and discussion re: proposed landfill on the St. Paul Highway.

E. Committee Appointments by the Mayor.

F. Approval of Accounts Payable.

X. RESOLUTIONS:

A. Resolution waiving competitive bidding for painting older city reservoir.

B. Resolution updating authorization list for obtaining federal surplus property.

C. Resolution accepting public improvements in the Barclay Farms Subdivision.

D. Resolution honoring Garrett Cook of the Newberg Volunteer Fire Department. (No. 81-895)

E. Proclamation for Newberg Tigers Baseball Team Week.

XI. ORDINANCES:

A. Ordinance from public hearing on supplemental budget - agenda item V-C.

B. Ordinance amending Ordinance No. 1909, the Garbage Franchise ordinance, to include recyclables and making other changes.

C. Ordinance providing a method of bonding public improvements in subdivisions and new developments.

D. Ordinance amending Ordinance No. 1386 to change interest rates charged for financing connection and development fees relating to required conversion of septic systems to connection to City system.

XII. ADJOURN TO EXECUTIVE SESSION.

Monday, 7:30 P.M.

May 4, 1981

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 Richard Rementeria
 Roger Gano Tom Tucker
 Harold Grobey
 Eldon McIntosh

Absent: Alan Halstead Quentin Probst

Staff Present: Michael Warren, City Administrator
 Richard Faus, City Attorney
 Herbert Hawkins, Chief of Police
 Clay Moorhead, City Planner
 Arvilla Page, City Recorder
 Robert Sanders, Public Works Director/Engineer
 Robert Weisenback, Building Official

Also Present: Approximately 15 citizens.

The minutes of the previous meetings were approved as presented.

Requests and Communications:

Tree People: Peggy Campbell, 911 E. Third Street stated the organization has received some donations. She presented pictures of the tree containers showing the old fashioned logo of an old fashioned bicycle.

Bruce Breitling, 601 E. First stated that a list of trees had been presented to the City Administrator. Consent forms have been prepared for placement of the trees. A number of merchants have already signed the forms. The Tree People would like to have the Council's approval to continue the program and they have presented a suggested ordinance.

Mr. Warren stated that staff would like to have 30-60 days to review the ordinance and to make recommendations.

Mr. Grobey asked the City Attorney what the City's liability would be with the trees on the street.

Mr. Faus replied there would always be some liability. There is an implied third party liability. However, the Council should not be greatly concerned with that.

Jean Peterson Mosier, 109 N. Meridian, stated the group is now focusing on just six trees on a trial basis. The eventual plan is for 50. There could be more

and the area could be enlarged.

The Public Works Director stated he had submitted a list of 12 trees which would be suitable and would not become root bound in the pots.

Motion: Gano-Tucker to conditionally allow the Tree People to place trees on First Street in conjunction with consent forms by the merchants. Carried unanimously.

The Mayor instructed the City Attorney that when preparing the ordinance he would like to have side streets from Second to Hancock and the streets of Hancock and Second Streets included in the ordinance.

Building safety slide presentation. Bob Weisenback, Building Official, presented slides on building safety and the history of building inspection.

Dayton Avenue Bike Path

Bill Campbell, 911 E. Third Street, Yamhill County Planning Department stated that Dayton Avenue has a full 60 foot right-of-way, most county roads are 40 feet. It was chosen for the bike path because of it's historical significance, in order to get matching funds from the government. The entire area is rural. The oldest survey of the road is in 1876. Previous to that, it was a territorial road. The bike path would be entirely within the 60 foot right-of-way except for one property. The County wants to cut the bank on this property, put in drainage under the bike path and driveways. This would improve the vision on the corner and a rise in the roadway. The plan has been reviewed by various state agencies. There was a hearing with the residents along Dayton Avenue in April. The petition was presented opposing by some residents. An easement would be needed from Jim and Sandee Waide amounting to 10 feet.

Councilman Gano identifying himself as brother of Mrs. Waide and stated he had discussions with Mr. Warren, Commissioner Hamblet and with Mr. Campbell. He asked Mr. Campbell whether he had contacted Kemps and Silnows regarding crossing their driveways with drainage. Mr. Campbell replied no. There are no trees on the Kemp or Silnow property. There are two trees that would need to be removed on Waide's property. Mr. Gano asked whether the petition was not a strong indication of objection to the bike path. Mr. Campbell replied the County is strongly committed to the bikeway. It is the same situation as when the City determines that sidewalks are needed for safety and convenience of it's citizens. The only area outside of the existing right-of-way is Waides. The County Commissioners will hold a public hearing on the matter.

The Chief of Police stated that bringing bike traffic into town and dumping it onto City streets may cause problems and the City may have to provide a curb lane for the bicycles.

Mr. Gano stated that the objections were to the removal of mail boxes and no parking on the east side of Dayton Avenue.

Stu Harris, Chairman of the Traffic Safety Commission stated there was concern with traffic coming into the City. A public hearing will be held by the Yamhill County Commissioners.

10 minute recess for fire alarm. Councilman Gano excused.

The City Administrator was directed to designate a staff member to attend the public hearing by the County Commissioners on the Dayton Avenue Bike Path.

Letter from Dale and Debbie Fessenden

Mr. Warren read a letter from the Fessendens at 110 W. Fifth Street expressing their appreciation for not upzoning a parcel of land in their neighborhood.

Letter from Lucille Adams

Mr. Warren read a letter from Lucille Adams, 1404 Hoskins Street regarding the rezoning of land north of Mountain View Drive suggesting that it be divided into two zones. City Planner replied that this has been done.

Letter from Dorothy Vanebo

Mr. Warren read a letter from Mrs. Dorothy Littenthaler Vanebo regarding the appeal notice of a denied building permit for a 10-plex located at the southwest corner of Walnut Street and Deborah Road. Her mother's property adjoins this property. She stated she did not feel this property was suitable for a 10-plex and just barely suitable for a 4-plex.

Resignation of Rebecca Piros

Mr. Warren presented resignation of Rebecca A. Piros, 1717 Cedar Street, from the Planning Commission.

Crafts Fair

Plans for the Crafts Fair from May 8th through September 27th at the corner of East First and River Street on the bowling alley parking lot were presented. The Public Works Director stated his concern regarding the location because of the parking problem. Diane Raines, 310 S. River Street, has previously appeared regarding the Crafts Fair, stated that arrangements have been made for parking on Dr. Yamada's lot across River Street and the traffic will be directed. Litter control was discussed and Mrs. Raines will meet with Chief Hawkins regarding traffic. Mr. Warren also asked her to meet with the Planning Director for coordination. Mrs. Raines agreed to do so.

Public Hearing: Street Vacation

Location: That portion of Franklin Street abutting and extending west from Washington Street to the Southern Pacific Railroad right-of-way being a distance of approximately 50 feet.

Applicant: Robin Hamblet

Staff Report: Planning Director stated that all adjacent property owners had been notified and the property had been posted. No written remonstrance has been received. No one wished to be heard on the street vacation.

Public Hearing closed.

Staff recommendation is to approve. Planning Commission recommends approval.

Motion: Tucker-McIntosh to read the ordinance. Carried unanimously. The ordinance was then read. Roll Call on the ordinance, Ordinance No. 2052, Aye - 5, Grobey, DeMay, McIntosh, Rementeria, Tucker. Nay - 0. Absent - 3, Gano, Halstead, Probst. The Mayor then declared the ordinance passed.

Public Hearing: Planned Unit Development
Applicant: Oregon Conference Free Methodist Church, John Poet, Agent.
Request: Creation of a planned unit development consisting of 62 units on 62 lots located on 8 acres currently zoned R-2 Medium Density Residential. This development is proposed to have private and public streets.
Location: Between Crestview Drive and College Park east of the Free Methodist Church, Tax Lot 3217 BC 1100.

Staff Report: Mr. Moorhead stated that the City street which goes through the planned unit is Aldersgate from College Park Subdivision to Crestview. Notice has been sent to adjacent property owners and no opposition has been received. There were several speakers as proponents of this planned unit at the Planning Commission hearing. This is planned to be an adult complex of single story individual residences with common walls. The Planning Commission recommended unanimous approval with 11 conditions. The applicant agreed with all 11 conditions. The staff recommends approval with the conditions.

Proponent, John Poet, 308 Columbia Drive, representing the church, stated that all units will have attached garages with automatic door closers. All units will be single story. The area designated for recreational vehicle storage will be enclosed with a six foot high cyclone fence. No fencing will be permitted in front yards. Rear yard fencing will be restricted to two types. 10 feet will be dedicated on the north side of the property for street right-of-way. In addition, there will be a 15 foot planting strip along Crestview. Trees within the planned unit development will be of specified types.

No proponents or opponents wished to be heard. Public hearing closed.

Councilman Gano now present.

Motion: Tucker-Rementeria to read Ordinance No. 2053 concerning the planned unit development of Free Methodist Church. Carried unanimously. The ordinance was then read. Roll Call: 6 - Aye, DeMay, Gano, Grobey, McIntosh, Rementeria, Tucker. Nay - 0. Absent - 2, Halstead, Probst. The Mayor then declared the ordinance passed.

Public Hearing: 1981-1982 City of Newberg Budget

Mr. Warren presented a general description of the 1981-1982 City Budget. The total anticipated requirements which includes the hospital were \$14,585,088.00. The General Fund totals \$1,981,502.00. The General Fund will require tax levy outside the base of \$771,149.00 for a total property tax levy of \$889,522.00 to support the General Fund.

No proponents or opponents wished to be heard. No written remonstrance has been received. Public hearing closed.

Population changes in Oregon

Mr. Warren presented a summary of a release report from the Bureau of Governmental Research and Service Department of the University of Oregon. The report showed that in 1980 the Willamette Valley had shown an increase of 23.5% over the 1970 census for a total of 1,814,000 people. Most Oregon residents still live in the Willamette Valley, 69%.

Non-Agenda Item: Design Review

Mr. Moorhead reported that the Planning Commission had voted 3 to 3 on the design review ordinance. They have requested that a delay on the Council consideration of this matter for further study and input by the Planning Commission. They would like to review the entire matter again. Motion: Grobey-Gano that the Planning Commission review the design review ordinance again and make recommendation to the Council. Motion carried with 1 nay - Tucker.

Non-Agenda Item: Highway 219.

Mr. Warren reported that the State Highway Department has again indicated plans to pave and improve the St. Paul Highway. Requests have been received for improvement of Springbrook Street south of 99W. Should the City request the Highway Department to improve Springbrook Street instead of Highway 219 north of Second Street? This portion of Springbrook Street is a county road with a 40 foot right-of-way. The consensus of the Council was to work for the Villa Extension as part of the improvement of Highway 219, known as the St. Paul Highway and then try to get Springbrook improved by the County and/or State.

Non-Agenda Item: Liberty Cable Television Survey

Mr. Warren stated that Liberty Cable Television has informed him they are conducting a survey of the desires of the citizens of Newberg for a cable TV system.

Mr. Warren stated that Les Page, the City's cable television consultant, has requested that a meeting be set up with the Committee to determine priority items to consider when the requests for proposals are considered. Tom Tucker, chairman of the cable television committee, was instructed to set up a meeting.

Non-Agenda Item: Letter from Mayor Kent Aldridge, City of Salem asking for support for House Bill 3159 which increase gas taxes to be distributed to cities.

The Council stated concerns about the fact that the citizens have rejected all attempts to increase road user taxes as this bill would do. Also, it does not indicate how this money would be disbursed to the individual cities. Motion: Gano-Grobey to withhold approval of House Bill 3159 until fair disbursement is worked out. Motion carried with 1 nay - DeMay.

Non-Agenda Item: Stop light at Villa

The problem is that the light does not always change for traffic on Villa particularly that traffic turning right. After discussion of the Council, the Public Works Director was instructed to paint stripes on the street and to paint the sensor to try to direct traffic into the correct lane to trip the sensor.

New Business:

Extension of retirement date for John Paola, Fire Chief. Mr. Warren reported that in order to extend the retirement date, ordinance requires that the applicant must pass a physical exam. Mr. Warren recommended for approval of 1 year extension pending physical exam. Councilman Gano stated that this matter did not come before the Public Safety Committee as it should. Motion: Grobey-Tucker to postpone the retirement extension request until the Public Safety Committee has time to consider the matter. Carried with one nay - Rementeria.

Motion: DeMay-Grobey to approve the accounts payable for April, 1981. Carried unanimously.

Resolutions:

Resolution 81-891 authorizing the City Administrator and Mayor to sign a contract with A. John Montgomery for auditing the city books was read. Motion: Gano-Tucker to adopt the resolution. Carried unanimously.

Resolution 81-890 paying tribute to Elmer Gardner for his long years of service to the City was read. Motion: DeMay-Rementeria to adopt the resolution. Carried unanimously.

Resolution 81-892 authorizing transfer of funds within the City Budget of 1980-1981 was read. Motion: Gano-DeMay to adopt the resolution. Carried unanimously.

Resolution 81-893 to continue the Senior Citizens Utility Discount Program was presented but not read. Motion: Tucker-Gano to adopt the resolution without reading as all councilmembers have seen the resolution. Carried unanimously.

Motion: Gano-Rementeria to read an ordinance providing Engineering Fees to be assessed for the City Engineer's review of the improvement plan and the inspection of the public improvements within subdivisions and new developments. Carried unanimously. The ordinance was then read.

Bob Sanders, Public Works Director explained this ordinance does not increase the fees, it only requires prepayment of part of the fees. When a developer resubmits a change to plan, there would be a 2½% fee assessment to cover costs of reexamination of the plans.

Opponents

Bob Youngman, Rt. 1, Box 45R, a member of many home builders associations and also a member of the Planning Commission stated the City needs to appoint someone to look out for the taxpayer and homeowner. The costs assessed by the City are only passed on to the purchaser.

Joe Young, 1908 Carol Avenue, a local homebuilder and developer, stated that he used to be able to pay charges at the end of the month. Most fees are now required in advance before construction begins. A few bad developers have caused these changes which has affected all of the developers.

Dick Dougherty, 1204 Marguerite Drive, stated that added staff time is just one of the up front costs. The citizens, not just the developers, benefit from the development process. This ordinance gives the City Engineer too much discretion. House Bill 2735 before the current legislature requires all local governments to dedicate building funds to building uses only. The word review in section 5 of this ordinance should be changed to approved. Why not use the subdivision ordinance instead of a new ordinance? Enforcement is the most important aspect.

Bob Sanders, the 2½% charge would be used only where the scope of the project is being changed.

Councilman Grobey to Sanders. Are there not other ways in more specific language to accomplish the same end? Bob Sanders, sections 1 and 4 are meant to apply to all developments generally. Grobey, could the subdivision agreement set the fees instead

separate ordinance. Bob Sanders, no. Fee related work is done before the subdivision agreement is entered into.

Motion: Tucker-Rementeria to refer the ordinance back to the ordinance committee. Carried unanimously.

Mr. Warren reported the plans for Carol Ann II Subdivision had been submitted this afternoon. The Council could decide to approve subdivision with staff approval as a condition.

Mr. Warren asked the City Attorney if the City could refuse to approve the subdivision based on the fact that a previous subdivision by the developer had not been completed. The City Attorney responded the City could not deny approval for that reason.

Motion: Tucker-Rementeria to adjourn. Motion carried unanimously.

Thursday, 7:30 P.M.

May 21, 1981

A SPECIAL MEETING
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

Roll Call:

Present: Maybelle DeMay Quentin Probst
 Roger Gano Richard Rementeria
 Harold Grobey
 Alan Halstead

Absent: C. Eldon McIntosh Tom Tucker

Staff Present: Michael Warren, City Administrator
 Richard Faus, City Attorney
 Clay Moorhead, City Planner
 Arvilla Page, City Recorder
 Robert Sanders, Public Works Director

Business Item Number 1. Discussion of possible action regarding May 19 election. Mr. Warren gave the unofficial results of the May 19 election. Levy 51, the "A" Ballot: Yes - 818; No - 621. Levy 52, the "B" Ballot: Yes - 679; No - 744. Mr. Warren informed the Council the City had been contacted by the State Revenue Department requesting that the population figures used in calculating the "A" Ballot maximum be rechecked to make sure the right figure had been used. The wrong figures had been used. Recalculation of the maximum permitted on an "A" Ballot shows that an additional \$34,747. can be placed on an "A" Ballot. "A" Ballot items are funded partially by the State. Another item is that the total amount required can be reduced by almost \$20,000. because we can now count the Liaison Officer's funding from the School District and the amount required for the Regional Automated Information Network can be reduced by \$1,369. The Council has several options. Number 1 would be to go back to the voters with the same request on a "B" Ballot of \$394,537. Number 2 they could go with the same "B" Ballot figure less the funding for the school liaison officer and have no second "A" Ballot. Number 3 they could go back with the reduced "B" and the additional "A". Undoubtly that would be very confusing to the voters. Number 4 the Council could go back and ask for even more on a "B" ballot. The second "B" Ballot was considered before to be used for street repairs. Number 5 we could go back with just the additional "A" and no "B" or not go back at all. Mr. Warren emphasized that whatever the Council decides tonight, he would like to have them all fully support the decision and work together. He also stated he would support fully any decision they made.

A letter from Al Blodgett, 102 E. Fifth Street was read asking that the Council resubmit the "B" Ballot but not to resubmit it unchanged. He suggested several areas where he felt the budget possibly could be cut. Mr. Grobey stated that he felt the voters had indicated by their vote that they do not want to spend this much money. The Council should consider not submitting any additional ballots.

Mayor Hall stated that the City has actually submitted the same ballot amounts previously and they have been passed. Large cuts in the ballot would answer

those doubters that believe the City has asked for more money than they really need.

Motion: Halstead-Probst to refer to the voters an additional "A" Ballot of \$34,747. and a "B" Ballot totaling \$340,766.

Mrs. DeMay said the City should not just have an election and then do nothing but just go back for a second time. The voters should have to live with their decision. The City could close City Hall 10% of the time; other cuts in service could be made.

Mr. Warren stated he had talked with the employees about absorbing the cost if the "B" Ballot failed. It is possible that the people either do not have the money or they want less service. The list of cuts as was listed in the paper will have to happen without the "B" Ballot. The City staff must do the best job possible with the money that is available. No unnecessary cuts in services would be made. Mr. Warren again stated that he would support any decision the Council makes tonight.

Mr. Gano stated that only a small percentage of the voters may have been reached. The City may be able to reach more at the June 30th election.

Mr. Grobey stated that the message did not get to many people.

The Mayor and other members of the Council and staff pointed out that phone calls and a walk-a-thon had been conducted.

Resolution 81-894 calling for an additional "A" Ballot plus a "B" Ballot on the June 30th election was read.

Vote on adoption of the resolution was postponed for a legal check on whether the second "A" Ballot must be passed before the "B" Ballot would be valid if approved.

Business Item Number 2. Dayton Avenue Bike Path. Clay Moorhead, City Planner, stated at present the City does not have any bikeway plans but it should be looking at some.

Mr. Grobey stated the safety of the bikeway on Dayton Avenue entering the City was a major concern.

Mr. Gano stated that the entry of the Dayton Avenue bikeway into town crossed two properties and neither property owner was notified.

Connie Kemp, 806 S. Dayton, which is inside the city limits stated that she had not been notified of the County's plans for the bike path.

Ed Morgan, 715 S. Dayton, stated his property would be affected by more traffic, by bikes and motorbikes. There are enough problems on Dayton without attracting more. Bike riders would cross his property to get to the park that will be developed.

Mr. Gano stated the City should go on record as opposing the Dayton Avenue Bike Path.

Mr. Rementeria stated the bike path would provide recreation that people would be more interested in in future years. However, the County has not worked with

the City in developing the bike path.

Mrs. DeMay stated that safety should be a primary consideration and that property should be protected.

Motion: Rementeria-Grobey to support the Dayton Avenue Bike Path with the idea of safety involved. Motion amendment: Gano-Halstead that the City Administrator consult with the County Commissioners to work out the esthetics and that any financial loss by property owners be compensated.

Ed Morgan, 715 Dayton Avenue, objected as the bike path will adversely affect property owners. It will attract Dundee and County residents to use of the City facilities. \$35,000. is not enough to make a safe bike path.

Vote on the motion-motion amendment - Carried unanimously. Amended motion carried one nay - Gano.

Richard Faus, City Attorney, reported on the proposed ballot measures. The "A" ballot must pass before an approved "B" ballot can become valid. Additionally, the City must tax to the maximum on "A" ballot before submitting a "B" ballot.

Vote on the motion and Resolution 81-894 placing an "A" Ballot of \$34,747. and a "B" Ballot of \$340,766. before the voters on June 30th. Resolution adopted with one nay - Grobey.

Mr. Grobey stated that his vote does not say he will not support the ballot measures but is as he felt the people wished.

Business Item Number 3. Priorities for Staff and Possible Council-Staff Seminar. Mr. Warren gave a list of a number of items he has been asked to become involved in, from City Hall to new senior citizen centers, city themes, new sewage treatment plant, etc. Other staff members have similar requests made of them. Staff is not adequate to do all that is asked of them. Priorities are needed. The Council should guide the staff. It would be desirable to have a meeting of the staff and Council to let the Council know what the requests and demands are and then the Council could set the priorities.

Mr. Grobey stated he supports the concept of a seminar of Council and staff but it should not be limited just to the staff and Council but the public should be invited.

Mr. Gano stated the Council and staff need to sit by themselves first, then bring in the public.

Mr. Grobey suggested that perhaps we should bring in an impartial moderator or facilitator. A two day seminar would be desirable with one day a Friday and the other a Saturday.

Mr. Probst stated that he agreed that two days were needed, that it should be held in town and should be open to the public as required by law.

Motion: Gano-Halstead to hold a seminar of Council and staff to work on priorities for staff and that it be held in town. Carried unanimously.

Motion: Halstead-Gano to adjourn. Carried unanimously.

CHEHALEM VALLEY HERITAGE, INC.
503 EAST HANCOCK STREET
NEWBERG, OREGON 97132

May 7, 1981

Mr. Michael Warren
City Administrator
414 E. First Street
Newberg, Oregon 97132

Dear Mr. Warren:

Your reply for the City Council concerning the Chehalem Valley Heritage suggestion for a Centennial Observance in 1989 is appreciated.

I am taking the letter to a C. V. H. Board meeting this Friday, May 8, 1981.

It will be my suggestion we establish a group of people to consider the many and various ways for the preparation for the 100th Anniversary of the City of Newberg. There are some anniversaries to be observed by different groups between now and 1989.

I will be discussing the suggestions of the City Council with you and others in the near future.

Let me assure you that someone from the Chehalem Valley Heritage will be requesting time on the agenda of the City Council in the future.

It is great to be working with you and others to highlight the history of the Chehalem Valley.

Sincerely yours,

Art Stanley

Arthur J. Stanley
President
Chehalem Valley Heritage, Inc.
621 S. Columbia Street
Newberg, Oregon 97132
Tel. # 538-4170

LES AUCOIN
1ST DISTRICT, OREGON



CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515
May 4, 1981

6/1 Agenda
RECEIVED

MAY 8 1981

CITY OF NEWBERG, ORE
OFFICE OF RECORDER

City of Newberg
414 East First Street
Newberg, OR. 97132

Dear Friends:

Thank you for taking a minute to express your support for the President's economic proposals.

I am grateful that President Reagan intends to cut both spending and taxes substantially. We simply can not afford the luxury of high budget deficits, so it is vital that all efforts be made to hold federal spending as low as possible.

I am committed to supporting total cuts in the magnitude proposed by the President. I do have some reservations about where the specific cuts should come. Some of the proposals, such as eliminating mass transit programs and energy conservation, are the very programs that have the best chance of speeding relief from our dependence on high-priced oil and moderating the rampant inflation which plagues America as much as federal deficits.

When the discussion over such priorities is all said and done, however, I intend to support a budget on the scope called for by the President.

In fact, late last week, the House Appropriations committee and I voted to cut government spending this year by \$12.6 billion, \$1 billion deeper than asked by the Administration.

In one fell swoop, we achieved a superior, bipartisan package of cuts for the President, and spread the sacrifice more evenly among government agencies, including the Pentagon. The committee also approved my request for a \$15.9 million supplemental appropriation for timber salvage on Mount St. Helens which will net \$103 million for the Treasury.

Clearly the old days of spend, spend, spend are over. I look forward to writing you again with news of our urgent work.

With best regards,

Sincerely,

LES AUCOIN
Member of Congress

5-13-81



City of Newberg -

We want you to
know how much we
enjoy seeing the
pots and trees in
downtown Newberg!

RECEIVED
MAY 15 '81
CITY OF NEWBERG, ORE
OFFICE OF RECORDER

Karen,
Stuart
Brent
Schneider *IVC*

Rt. 1, Box 82-A7
Newberg, OR
97132



MAIL EARLY -
ALWAYS USE
ZIP CODE



*Council
Agenda*

City of Newberg
Newberg, OR 97132

C/o Administrator



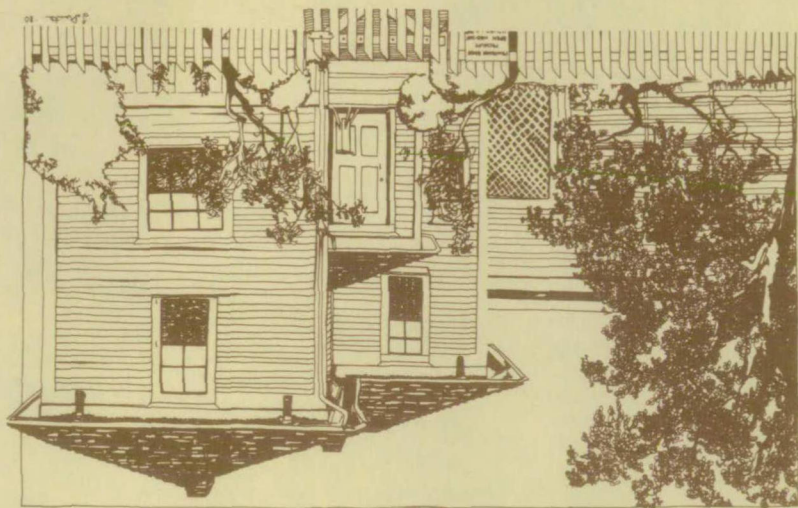
Dear Mike, and Members
of the City Council, and
Mayor Hall,

The tree people thank you for
co-operation and your
support of the street trees
for Downtown Newberg.

After placing the initial
six containers, we feel
elated with the response
from the towns people.

We look forward to our
continuing positive working
relationship and the
completion of this first

Mithorn House Newberg, Oregon



Project. It is an exciting
moment in Newberg's
history. Sincerely.

Raggy Campbell
Chair person, The Tree People

Artist: *Susan LaPlant* 1980

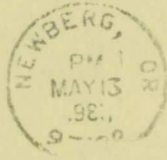


Proceeds from these notecards go to the Tree People,
a non-profit, citizen group dedicated to beautification
of the downtown area.

RECEIVED

MAY 14 1991

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER



*Council
Agenda*



Mike Warren
City Hall
Newberg OR
97132

Campfire / Tree People
911 & 9200
Newberg OR
97132

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Old Fashion Committee Request

DATE: May 28, 1981

Jim Snell, member of the Old Fashion Day Committee has requested some time on the agenda. Because of the lateness of their submitting a letter requesting to speak before the Council this memo will have to suffice.

The subject matter which they would like to speak on is a City theme.


Michael Warren
City Administrator

MW/bjm



May 29, 1981

City Council
Newberg, OR 97132

Dear sirs:

The Newberg Old Fashioned Days theme is in its fourth year of emphasis this coming summer. The name was changed to Old Fashioned Festival to reflect greater community involvement. Our group, called the Community Celebration Committee, has been charged with supervision of the festival. We decided that a logo would be appropriate on our stationary, and we took the old fashioned bicycle as our theme. A bicycle suggests to us recreation and energy, whereas the old fashioned bicycle ties us to our theme.

We would be honored to share the logo with the city council, to be used to the benefit of Newberg. A logo gives a community an identity if it is kept long enough in the media. We are using the bicycle theme in a variety of ways already. If greater use through the council is in the best interest of the city, we want to comply in any way we can.

Most sincerely,

Dennis Hagen, chairman
Community Celebration Committee

DH:jc

IV E

MEMORANDUM
May 26, 1981

*Mr. Anderson
Just notified city
that he would like
to postpone this issue
until July with
M.W.*

FROM: Clay W. Moorhead

TO: Mike Warren, City Administrator

RE: An appeal of the Newberg Planning Commission's decision to deny a Comprehensive Plan Amendment and Zone Change for Lee Anderson on property described as Tax Lot 3220AB-2100 located near the intersection of West 2nd and the St. Paul Highway.

The Newberg Planning Commission first reviewed testimony relating to this matter at their February 17, 1981 regular hearing. The record shows that at that date the applicant requested additional time in order to adequately address and respond to the City staff report. The matter was then tabled to March 17, 1981 at which time the applicant presented additional testimony relating to the City goals and policies. The Newberg Planning Commission tabled review of the matter to April 21, 1981 in order to allow adequate time to respond to the applicant's statements. At the April 21 regular meeting of the Planning Commission, the Planning Commission made a decision to deny the applicant's request based upon the following findings:

1. The applicant, Lee Anderson, is the contract purchaser of a piece of property identified as T.L. 3220AB-2100, which is located off the St. Paul Highway and also abuts W. Second Street. If W. Second Street were extended to the St. Paul Highway, then the subject property contains approximately 3/4 acre and is currently planned and zoned for High Density Residential (R-3) uses.
2. Currently there are three very old structures on the property. One is in the process of being demolished at this time. The property is relatively flat but is located at a lower elevation than the St. Paul Highway. Water appears to drain toward the intersection of St. Paul Highway and Second Street.
3. There is a privately owned home located approximately 60 feet west of the property line. To the north and east are developing industrial and commercial areas. Flightway Industrial Park is located directly across the St. Paul Highway from the subject site. To the south across Second Street is Newberg Sportsman Airpark.
4. Property to the north and east is zoned M-2 (Light Industrial). Property lying immediately to the south is zoned R-2 (Medium Density Residential). Property lying to the east is zoned (R-3) High Density Residential.
5. The applicant has identified that the primary purpose for requesting a Comprehensive Plan Amendment/Zone Change from the High Density Residential Plan designation to a Commercial designation is to establish a site for a fast food restaurant.
6. In addition to the goals and policies found within the Comprehensive Plan through the revisions now proposed for acknowledgement of the Comprehensive Plan by the State Land Conservation and Development Commission, the City Staff has identified that the Plan has sufficient lands within it for commercial and industrial development and has a deficiency of high density residential lands.
7. The applicant's request does not satisfy the goals and policies found within the Comprehensive Plan as:
 - a. The subject site helps to satisfy a need for high density residential development.

b. A fast food operation or any commercial operation at this location could have hazardous impacts upon the flow of traffic along the St. Paul Highway.

c. The subject site is within very close proximity to the City's largest vacant commercial acreages within the area. Other sites within the area are vacant and available and could adequately accommodate the commercial needs of the community. Commercial development of the subject site will increase the hazard of the intersection of Second Street with the St. Paul Highway. Other than the sites visual location, there is no other locational factor or need identified that would indicate that this site could better serve the community as a commercial area than what could otherwise be found elsewhere in the immediate vicinity.

8. The proposed change would promote further strip commercial development along the community highway system which is discouraged by the Newberg Comprehensive Plan.

9. The Engineering Department has indicated that water is available; that no sewer is available to the property; that the east end of the property is prone to flooding; and that when development occurs, an additional 10 feet of the property will be necessary for right-of-way purposes.

10. Peaking of traffic at St. Paul Highway and Second Street is a problem either with residential or commercial development.

11. Residential development could take alternate routes of ingress/egress. Commercial development cannot for they know only the obvious entrance.

12. Additional access to the St. Paul Highway is unlikely.

13. Feasability of a traffic signal at Second and the St. Paul Highway seems unlikely.

14. Pedestrian traffic alone may not support a commercial use.

15. A pedestrian overpass may not be cost-effective and may not be a favorable route when compared to a quick dash across between cars.

16. No demonstration that this is the highest and best use and other vacant land is available.

Attached is a copy of the record relating to the request. In reviewing this request the City Council is bound to make a decision based solely upon the written documentation as provided within this memorandum along with any written report or statement by any proponent or opponent that may be submitted prior to the hearing. The ordinance would restrict the hearing to be held to this written data unless a unanimous vote of the City Council is made to hold a new (denovo) public hearing. If the City Council wishes to hold a public hearing in which new testimony may be provided through oral testimony, a notice must be sent to the newspaper and adjoining property owners indicating such, which would postpone any further action relating to this appeal to at least the July City Council meeting.

Within the attached material you will find the applicant's application for a Comprehensive Plan Amendment/Zone Change, a staff report by the Planning Department issued February 17, 1981, a staff memorandum dated March 17, 1981, a staff addendum dated April 21, 1981, the applicant's reply to the Newberg planning department staff report relating to this request which addresses the LCDC Statewide goals and the Newberg Comprehensive Plan dated February 20, 1981, the reply to the staff reports from the applicant's dated March 17, 1981, the request for an appeal dated April 29, 1981 and the minutes from the Newberg Planning Commission hearings.

Page 3
Anderson Appeal

Primary arguments relating to the denial of the request as accepted by the Planning Commission are that there is currently some 60 acres of properly zoned property which can accommodate the use proposed by the applicant. Portions of this 60 acres lie directly across the St. Paul Highway from the applicant's property. The City of Newberg recently completed an up-zoning process in which it was determined that lands within the immediate vicinity of the applicant's property should be re-zoned from R-1 to R-3 so that there was virtually no need to now convert that area into commercial. Finally, currently there is no need for additional commercial land to be located as proposed by the applicant as there is adequate land available within the City at this time.

To: Newberg City Council

29 April, 1981

From: Lee Anderson

Subj: Appeal of Planning Commission decision on C-1-81/Z-1-81

The appeal of the above decision is based upon the following factors:

1. At least 75% of the findings for denial are related to the traffic patterns connected with this unique intersection. It was only near the midnight hour during the deliberation before the planning commission that the applicant was made aware of the feedback from the State Highway Department that no access to Hwy No. 140 was available for the proposed use. It was also brought to light during this hearing that access does exist for certain uses. The applicant feels he has been able to address each of these concerns expressed about the ingress and egress with more detail and greater clarity of the alternatives after further discussion with the State Highway Department and the City Planning Staff.
2. After listening to the opponents during the hearing, the applicant has looked at other alternative types of uses within the C-2 zoning that are compatible with the neighborhood objections to the "fast food" concept, but which will be acceptable to the opponents and still fall within the restaurant concept that initially has been the position of the applicant due to the overwhelming need for such a service in this part of the city. Clarification and negotiation with the neighbors and adjacent land owners has already begun, and the results of this process warrants the granting of this appeal.
3. Lastly, the applicant still feels that this request is within the LCDC Goals and Guidelines as having an overwhelming number of arguments that speak directly to the request herein applied for, and that this request certainly does lend much credence to the claim that the applicant has, in fact, shown the request to be in the best and highest use for the community!

Sincerely requested,

Lee Anderson

Mr. Lee Anderson

Rt 1, Box ~~43~~ ⁴³

Newberg, OR 97132

538-8609

Tax Lot 3220AB-2100

RECEIVED

APR 29 1981

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

YA

Extract from the Regular Planning Commission Monthly Hearing Minutes,
February 17, 1981.

Public Hearing: Request for a Comprehensive Plan Amendment from a High Density Residential to a Commercial land use designation; and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial)

Applicant: Lee W. Anderson

Location: At the N.W. corner of the intersection of Second St. and the St. Paul Highway

Tax Lot: 3220AB-2100

Mr. Youngman stated applicant is his neighbor but did not wish to abstain.

Motion: Harris-Kris to allow Mr. Youngman to participate. Motion carried unanimously by those present.

Proponent: H. Lee Anderson, Rt. 1, Box 43, requested continuation of public hearing to next regularly scheduled Planning Commission hearing to enable him to further study and reply to Staff Report.

Motion: Cach-Grobey to continue hearing to March 17, 1981 regular Planning Commission hearing. Motion carried unanimously by those present.

Extract from the Regular Planning Commission Monthly Hearing Minutes,
March 17, 1981.

Public Hearing: Request for a Comprehensive Plan Amendment from a High Density Residential to a Commercial land use designation; and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial)

Applicant: Lee W. Anderson

Location: At the N.W. corner of the intersection of Second St. and the St. Paul Hwy

Tax Lot: 3220AB-2100

Staff Report: The City Attorney presented the Staff Report as presented in the staff memorandum and indicated the parcel's location on a map.

Proponent: Lee Anderson, Rt. 1, Box 43, Newberg, property owner, would like to enter Applicant's Exhibit 1, and requests that Dave Swehla, Rt. 1, Box 84, Newberg speak for him.

March Planning Commission Minutes, Cont.

Proponent: Dave Swehla, Rt. 1, Box 84, Newberg, distributed Applicant's Exhibit 1 and reviewed the documents contents with Planning Commission members. Proponent also reviewed a slide presentation presented by Mr. Anderson which indicated appearance of property and its respective location in the area. He felt this property is not ideal for R-3 (HDR) zoning. He felt ingress and egress problems mentioned by staff could be dealt with in planning process. He requested a copy of testimony from the State Highway Dept. He indicated that sewer is available; fire hydrant and water main is also available. He further stated that either side on the property could be made available for requested 10 foot easement. He does not believe this proposed change creates strip development when 3/4 of surrounding area is already commercial. He mentioned the R-3 zone approved uses as stated in the Newberg Zoning Ordinance and specified why those uses were not appropriate on this site. Air traffic in the area and probable building height were mentioned. His response to "Goal B" downtown strip maintenance was that current developments such as Payless, Newberg State Bank, etc. are not complying with this goal either. He feels this is not a new commercial development but a continuation of surrounding developments. He questioned applicability to this project of Goals "J" and "K" and requested staff response at a future meeting.

Mr. Grobey questioned applicant why Exhibit 1 was dated February 20, 1981 but was only submitted at this meeting. Mr. Swela indicated the document was begun February 20 but not completed until this meeting.

Mr. Grobey questioned the Commission as to their desire to continue this hearing to a later date to enable Commission members to study the document.

Motion: Kriz-Harris to continue this hearing to the April 21, 1981 Planning Commission Hearing. Motion Carried Unanimously.

Mr. Grobey instructed the applicant to verify any building height restrictions on the property placed by FAA. Applicant indicated he would do so.

Extract from the Regular Planning Commission Monthly Hearing Minutes,
April 21, 1981.

Public Hearing Request for a Comprehensive Plan Amendment from a High Density
Continuation: Residential to a Commercial land use designation; and a Zone Change
from R-3 (High Density Residential) to C-2 (Community Commercial)
Applicant: Lee W. Anderson
Location: At the N.W. corner of the intersection of Second St. and the St. Paul Hwy.
Tax Lot: 3220AB-2100 File No. C-1-81, Z-1-81

Staff Report: The Planning Director presented the Staff Report as presented in
the staff memorandum and indicated the parcel's location on a map.

Proponent: Lee Anderson, Rt. 1, Box 43, owner of property turned podium over
to Dave Swehla, Rt. 1, Box 84. A staff report prepared by applicant was distributed
to Planning Commission members. He indicated the lack of an eating establishment
on Highway 219 in order to satisfy the needs of the area. He noted this area, if
re-zoned, is not irreversibly changed. He requested Planning Commission members
to review prepared report prior to their decision making.

He was questioned as to applicant's consideration of traffic impact on roadway
and access availability from property to the St. Paul Highway. Applicant indicated
traffic patterns would be established at time of design after re-zoning and
further indicated applicant's opinion that access to Highway 219 was negotiable
even though the State indicated no access was available to Highway 219. He
indicated a back-up plan was available should negotiation with the State for
access fail. Mr. Swehla was questioned as to how many vehicular trips per
hour were likely with residential use of land as opposed to commercial use.
Mr. Swehla indicated probably 2.5 units per apartment were possible hourly as opposed
to a commercial business with short open hours.

Mr. Kriz asked what FAA building height limitations were placed on the property
and Mr. Swehla indicated that on one end of the lot a potential 2 story structure
could not be built.

Mr. Cach questioned sewer servability through gravity flow or need for a pump
station. Staff indicated that sewer was unavailable to site as indicated by
the City Engineer.

Staff further indicated that a zone change to C-2 would cause all outright permitted
uses in a C-2 zone to apply to the property and not just the installation of a
fast food restaurant.

Opponent: Lloyd Brandt, 2401 E. 2nd, a 15 year property owner in the area indicated
he is not in favor of a fast food restaurant. He felt he would loose money on
his property if a restaurant went in. He does not believe sewer is available and
indicated he only has access to the highway until he sells his property at which
time access would become closed.

Opponent: Doris Huffman, Rt. 2, Box 264B, Parrott Mountain Road, owns 8.46 acres
in neighborhood and objects to a zone change to this property. She feels this
property should remain in use for potential apartments or residential housing.
She indicated that extra traffic would be noisy and disturbing to residents of
the neighborhood. She felt that a fast food restaurant would bring in an undesirable
clientel, litter and noise. She further felt that the area would be unsafe for
pedestrian traffic due to lack of sidewalks and poor visability at a dangerous
intersection. She stated that the airflight lane has not been a problem in the
area. Mrs. Huffman indicated her property location on a map.

Mr. Brandt was asked about his access to the highway and he indicated it was for
farm use only.

Public Agencies:

Engineering: Water available to the site, sewer unavailable to the site, and the east end of the property is prone to flood. In addition, a 10 foot easement is requested.

State Highway Division: There is no access available to the State Highway from the site.

Yamhill County Planning Dept.: Change would create a greater strip development in an area outside the City.

Proponent Rebuttal:

Dave Swehla indicated 175 living units could be put on the 8.6 acre parcel across the street from the site which would cause a direct impact on the area and change it, sewer problem is not insurmountable and location would be an ideal restaurant site.

Opponent Rebuttal:

Lloyd Brandt indicated 2nd Street and Highway could not be adequately filled and made level due to differing elevations and he also indicated this property is located near a corner which has caused many accidents and deaths due to traffic problems already.

Staff Recommendation:

Staff cautioned the commission that the decision they would be making should be based on the technical aspects of a zone change and consideration of all the outright permitted uses and not specifically on usage of property for a fast food restaurant. Mr. Moorhead also indicated that an excess of 6 acres of R-3 land is not a very large margin to maintain over 20 years. He indicated that a decision for a zone change on this property should be based on its own merits and not because of excessive acreage in R-3. He indicated that other acreage in the area is open and available for commercial related uses. He also reminded the commission of recent up-zoning to R-3 in this area due to the same criteria that affect this property.

Hearing Closed.

Motion: Cach-Stanley to deny request for a Comprehensive Plan Amendment from a high density residential to a commercial land use designation and a corresponding zone change for Lee Anderson, P.C. File No. C-1-81/Z-1-81 based on the following findings:

1. Peaking of traffic at St. Paul Highway and Second Street is a problem either with residential or commercial development.
2. Residential development could take alternate routes of ingress/egress. Commercial development cannot for they know only the obvious entrance.
3. Additional access to the St. Paul Highway is unlikely.
4. Feasibility of a traffic signal at Second and the St. Paul Highway seems unlikely.
5. Pedestrian traffic alone may not support a commercial use.
6. A pedestrian overpass may not be cost-effective and may not be a favorable route when compared to a quick dash across between cars.
7. No demonstration that this is the highest and best use and other vacant land is available.

Vote: Cach, Kriz, Piros, Poet, Stanley, Youngman, Nay: None. Motion Carried (6-0).

Motion: Cach-Stanley to add additional findings for denial of the above request as follows:

1. The applicant, Lee Anderson, is the contract purchaser of a piece of property identified as T.L. 3220AB-2100, which is located off the St. Paul Highway and also

VA

abuts W. Second Street. If W. Second Street were extended to the St. Paul Highway, then the subject property would be located at the intersection between the two roads. The subject property contains approximately 3/4 acre and is currently planned and zoned for High Density Residential (R-3) uses.

2. Currently there are three very old structures on the property. One is in the process of being demolished at this time. The property is relatively flat but is located at a lower elevation than the St. Paul Highway. Water appears to drain toward the intersection of St. Paul Highway and Second Street.

3. There is a privately owned home located approximately 60 feet west of the property line. To the north and east are developing industrial and commercial areas. Flightway Industrial Park is located directly across the St. Paul Highway from the subject site. To the south across Second Street is Newberg Sportsman Airpark.

4. Property to the north and east is zoned M-2 (Light Industrial). Property lying immediately to the south is zoned R-2 (Medium Density Residential). Property lying to the east is zoned (R-3) High Density Residential.

5. The applicant has identified that the primary purpose for requesting a Comprehensive Plan Amendment/Zone Change from the High Density Residential Plan designation to a Commercial designation is to establish a site for a fast food restaurant.

6. In addition to the goals and policies found within the Comprehensive Plan, through the revisions now proposed for acknowledgement of the Comprehensive Plan by the State Land Conservation and Development Commission, the City Staff has identified that the Plan has sufficient lands within it for commercial and industrial development and has a deficiency of high density residential lands.

7. The applicant's request does not satisfy the goals and policies found within the Comprehensive Plan as:

a. The subject site helps to satisfy a need for high density residential development.

b. A fast food operation or any commercial operation at this location could have hazardous impacts upon the flow of traffic along the St. Paul Highway.

c. The subject site is within very close proximity to the City's largest vacant commercial acreages within the area. Other sites within the area are vacant and available and could adequately accommodate the commercial needs of the community. Commercial development of the subject site will increase the hazard of the intersection of Second Street with the St. Paul Highway. Other than the sites visual location, there is no other locational factor or need identified that would indicate that this site could better serve the community as a commercial area than what could otherwise be found elsewhere in the immediate vicinity.

11. The proposed change would promote further strip commercial development along the community highway system which is discouraged by the Newberg Comprehensive Plan.

12. The Engineering Department has indicated that water is available; that no sewer is available to the property; that the east end of the property is prone to flooding; and that when development occurs, an additional 10 feet of the property will be necessary for right-of-way purposes.

(The above conditions were taken from Staff Report File No. C-1-81, Z-1-81 dated 17 February 1981).

Vote: Aye: Cach, Kriz, Piros, Pote, Stanley, Youngman, Nay: None. Motion Carried (6-0).

Staff indicated to applicant the appeal process and method for compliance.

IA

Application for ANNEXATION,
ZONE CHANGE or

COMPREHENSIVE PLAN AMENDMENT

File No. C-1-81
2-1-81
Annexation
☒ Zone Change -
☒ Plan Amendment
Fees: 300.00
Rec: #02030
Date: 1-20-81

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 3220AB-2100.
The present zoning of the subject property is R-3.
This application is for a change of the present zoning to C-2.
This application is for a change of the present plan designation to Commercial.

2. APPLICANT:

Name Lee W. Anderson Phone 538-8609

Address Rt 1 Box 43 Newberg, Oregon 97132

TITLE HOLDER OF THE SUBJECT PROPERTY:

Name Lee W. Anderson Phone 538-8609

Address Rt 1 Box 43 Newberg, Oregon

CONTRACT PURCHASER OR LESSEE OF SUBJECT PROPERTY:

Name Lee W. Anderson Phone 538-8609

Address Rt 1 Box 43 Newberg, Oregon

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

Name of Representative Dave Swehla Phone 538-8890

Address Rt 1 Box 84 Newberg, Oregon 97132

4. SPECIFIC DESCRIPTION OF SUBJECT PROPERTY:

DEED RECORD, VOL. 41 PAGE 613 ASSESSED LAND VALUE 9400
229

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.

About 1/2 Ac South of Highway 219 Sec 20, T3SR2W- directly across the road
from the Flightway Industrial & Commerce Center- Newberg.

SIZE IN ACRES OR SQUARE FEET About $\frac{1}{2}$ of an acre.

5. GENERAL DESCRIPTION OF SUBJECT PROPERTY:

Current Use: Currently being cleared of old residential improvements. Too old and decayed for any use other than fire wood.

Topography: Well drained - flat land.

Does it front a public road? yes- two of them Name of Road Silverton Mghy Rt 219

Does it front a ^{2nd Public} private road? East 2nd Str City of Newberg. Name of Road

What buildings are on the property? None

Means of Water Supply: 55 foot well of 10 Gallons a minute.

Means of Sewerage: None.

What other improvements are there? access to property from driveways to both road ways.

6. GENERAL DESCRIPTION OF ADJOINING PROPERTY:

Identify any buildings or structures and give their approximate distances from your property lines: approximately 60 feet west of the property line is a privately owned home. Buildings or structures on North & East are planned the 600,000 sq. ft. \$15 million dollar industrial Commercial complex called Flightway Industrial Commercial Center. South is the Sportsman Airport, a Private Commercially operating air and helicopter port.

Explain Surrounding Uses: Across the highway to the North is zoned C-2.

Bordering the South property line is an oiled road, which joins the Silverton Highway, and is East 2nd Street. All the surrounding property is commercial or Highway Roadway except that directly to the west, which is currently zoned R-3.

7. PROPOSED USE OF SUBJECT PROPERTY:

Identify all planned improvements including construction, building, earth work, utilities, sewerage, etc.: The prospective use of the property is to accommodate a fast food restaurant such as Herfy's or Wendy's.

Identify the uses that you intend to conduct on the subject property and/or within the proposed improvements: As stated above.

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: Any lease options would be to said companies for the above described uses.

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): R-3-High Density Residential use.
2. Identify which goal and policy statements contained within the comprehensive plan pertain to this request: Goals 11 and 13. From 11, Urban Facilities and Services and From 13, to maximize to the extent possible, the reusing of vacant land to a much more energy efficient use while serving the needs of many persons living in the immediate vicinity on fixed incomes who need services within walking distance and of economical eating facility
Goal 12 pertains also, especially of the disadvantaged and those of bicycle and pedestrian modes of transportation.

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: _____

This proposed use in (3) above not only meets local nutrition & food service
needs, but aids in the conservation of energy as so large , population lives &
works within walking or biking distance of the proposed facility. thus conserving
Transportation fuel.

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 in this 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.): This would accomodate the

Industrial Commerce Center, the Airport and the Mobile Homes. There is
Ample parking space.

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

This request provides fast food service to many areas of the public in this
area. Travelers on Highway 219, workers in the adjacent Industrial & Commercial
Developments, Residents (Many Senior Citizens in near by mobile home courts &
residence for persons utilizing the public Air Port.

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

In fact, this request is in every way designed to comply and support
the goals and guidelines of good use planning, and to incorporate into
the community the needed services that maintain and even enhance the
quality of life of the neighborhood while the proposed use does take
into its planning the conservation of energy and the least amount of
strain upon the urbanizing environment of the area.

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) LEE W. ANDERSON

(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 Lee W. Anderson

PROPERTY OWNER OR AGENT WITH WRITTEN AUTHORIZATION MUST SIGN

Date received by Planning Department 1-20-81

By C. W.
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.



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

STAFF REPORT
17 February 1981

TO: Planning Commission

FROM: Planning Staff

RE: Applicant: Lee W. Anderson
Request: For a Comprehensive Plan Amendment from a High Density Residential to a Commercial land use designation; and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial)
Location: At the N.W. corner of the intersection of Second St. and the St. Paul Highway
Tax Lot: 3220AB-2100 File No: C-1-81, Z-1-81

EXHIBITS:

1. Staff Report
2. Newberg Comprehensive Plan
3. Newberg Zoning Ordinance
4. File No. C-1-81, Z-1-81

FINDINGS:

1. The applicant, Lee Anderson, is the contract purchaser of a piece of property identified as T. L. 3220AB-2100, which is located off the St. Paul Highway and also abuts W. Second Street. If W. Second Street were extended to the St. Paul Highway, then the subject property would be located at the intersection between the two roads. The subject property contains approximately 3/4 acre and is currently planned and zoned for High Density Residential (R-3) uses.
2. Currently there are three very old structures on the property. One is in the process of being demolished at this time. The property is relatively flat but is located at a lower elevation than the St. Paul Highway. Water appears to drain toward the intersection of St. Paul Highway and Second Street.
3. There is a privately owned home located approximately 60 feet west of the property line. To the north and east are developing industrial and commercial areas. Flightway Industrial Park is located directly across the St. Paul Highway from the subject site. To the south across Second Street is Newberg Sportsman Airpark.

4. Property to the north and east is zoned M-2 (Light Industrial). Property lying immediately to the south is zoned R-2 (Medium Density Residential). Property lying to the east is zoned (R-3) High Density Residential).

5. The applicant has identified that the primary purpose for requesting a Comprehensive Plan Amendment/Zone Change from the High Density Residential Plan designation to a Commercial designation is to establish a site for a fast food restaurant.

COMMENTS

A. The applicant has indicated the following response in an attempt to justify the request based upon goals and policies found within the Comprehensive Plan. The applicant's response reads as follows:

"Goals 11 and 13, from 11, urban facilities and services and from 13, to maximize to the extent possible, the re-using of vacant land to a much more energy efficient use while serving the needs of many persons living in the immediate vicinity on fixed incomes who need services within walking distance and of economical eating facility.

Goal 12 pertains also, especially of the disadvantaged and those of bicycle and pedestrian modes of transportation."

B. Under the question of whether there is a public need for the proposed use the applicant has responded as follows:

"This proposed use in (3) above not only meets local nutrition and food service needs, but aids in the convenience of energy as so large, population lives and works within walking or biking distance of the proposed facility. Thus conserving transportation and fuel."

C. Under the question of whether there is any other available and properly zoned property where the proposed use could be conducted and reasonably meet the public need, the applicant has responded:

"No, Not in this area."

D. In explaining how the proposal would conform to the goals and policies within the Plan, the applicant further responds:

"This request provides fast food service to many areas of the public in this area. Travelers on Highway 219, workers in the adjacent Industrial and Commercial Developments, Residents (Many Senior Citizens in nearby mobile home courts and residence for persons utilizing the public Air Port.)"

E. In responding as to whether or not the request would conflict with any goals and policies found within the Plan the applicant has responded:

"No--in fact this request is in everyway designed to comply and support the goals and guidelines of good use planning, and to incorporate into the community the needed services that maintain and even enhance the quality of life of the neighborhood while the proposed use does take into its planning and conversation of energy and the least amount of strain upon the urbanizing environment of the area."

NEWBERG COMPREHENSIVE PLAN GOALS

Goals and policies found within the Newberg Comprehensive Plan which relate to 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. (Economic 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. (Economic Commercial Areas Policy No. 1)
- c. Adequate neighborhood commercial areas will be provided to serve localized needs. (Economic Commercial Areas Policy No. 2)
- d. Inefficient commercial strip development with poorly controlled accesses shall be avoided since such development causes congestion and creates hazardous conditions for pedestrians, bicycles and motor vehicles. (Economic Commercial Areas Policy No. 3)
- e. New strip commercial developments shall be discouraged but will be allowed in areas where such development has already occurred. (Economic Commercial Areas Policy No. 4)
- f. 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)
- g. The City shall insure that enough land is planned for multi-family housing, particularly in conjunction with transportation corridors. (Housing Mix Policy No. 7)
- h. To reduce distances between land uses, a mixture of all compatible uses will be encouraged. (Housing Mix Policy No. 10)
- i. When a new strip commercial development is permitted, such development should be subject to special design requirements for ingress and egress, landscaping and sign control. (Urban Design Commercial Areas Policy No. 2)

NEWBERG COMPREHENSIVE PLAN GOALS, CONT.

j. The City shall encourage development of a safe, convenient and economic transportation system through a variety of transportation means. (Transportation Goal No. 1)

k. Proposals for new transportation facilities and services shall identify impacts, as well as financial feasibility on various projects. (Transportation Policy No. 3)

l. Hazardous road sections and intersections shall be examined in detail and recommendations shall be made for improvement. (Transportation Automobile Policy No. 4)

FINDINGS, CONT.

6. In addition to the goals and policies found within the Comprehensive Plan, through the revisions now proposed for acknowledgement of the Comprehensive Plan by the State Land Conservation and Development Commission, the City Staff has identified that the Plan has sufficient lands within it for commercial and industrial development and has a deficiency of high density residential lands.

7. The applicant's request does not satisfy the goals and policies found within the Comprehensive Plan as:

- a. The subject site helps to satisfy a need for high density residential development.
- b. A fast food operation or any commercial operation at this location could have hazardous impacts upon the flow of traffic along the St. Paul Highway.
- c. The subject site is within very close proximity to the City's largest vacant commercial acreages within the area. Other sites within the area are vacant and available and could adequately accommodate the commercial needs of the community. Commercial development of the subject site will increase the hazard of the intersection of Second Street with the St. Paul Highway. Other than the site's visual location, there is no other locational factor or need identified that would indicate that this site could better serve the community as a commercial area than what could otherwise be found elsewhere in the immediate vicinity.

8. The applicant has not responded to these goals and policies and, therefore has not adequately addressed an essential requirement for the plan amendment/zone change.

9. The applicant has indicated that there is no other available and properly zoned property within this area as can be noted from statements mentioned above. By review of the Newberg Zoning Map it is apparent that vacant commercial land is located within several hundred feet to the subject site. The expanse of this vacant area would include approximately

60 acres or more of land that is currently planned and zoned for commercial development and is currently serviced for such development. There is other available and properly zoned property within the immediate vicinity which can reasonably meet the public need for commercial services.

10. The applicant has not addressed the LCDC goals. The LCDC goals must be addressed in all land use applications until such time as the Newberg Comprehensive Plan is acknowledged by LCDC.

11. The proposed change would promote further strip commercial development along the community highway system which is discouraged by the Newberg Comprehensive Plan.

12. The Engineering Department has indicated that water is available; that no sewer is available to the property; that the east end of the property is prone to flooding; and that when development occurs an additional 10 feet of the property will be necessary for right-of-way purposes. The County Planning Department has also responded. The response will be read at the public hearing. The County's response basically would be negative indicating that the change would appear to further extend strip commercial development and could seriously impact the residential areas and traffic flows within the vicinity.

RECOMMENDATION:

It is apparent from reviewing the application that the applicant has not adequately addressed the applicable criteria for authorizing a plan amendment/zone change. It is further apparent by reviewing the goals and policies found within the Newberg Comprehensive Plan as well as the acreage deficiencies now noted through the acknowledgement process that there is no identified need for additional commercial lands while the opposite is true for high density residential. In addition, there is no discussion which relates to proposed traffic impacts from the development. This is an important issue as it is necessary to maintain the traffic flow in this area without increasing the hazardous conditions. For these reasons, the Planning Staff would recommend denial of the request.



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

STAFF MEMORANDUM

17 March 1981

TO: Planning Commission

FROM: Planning Staff

RE: Comprehensive Plan Amendment/Zone Change for Lee Anderson,
File No. C-1-81/Z-1-81

At the February 17, 1981 regular Planning Commission Meeting, the applicant requested that this matter be postponed to March 17, 1981 for the purpose of preparing a response to the staff report. Since that time no additional information has been submitted to the Planning Department for review relating to this matter. For this reason the Staff finds that the Staff Report issued February 17, 1981 remains current. The recommendation within that Staff Report was for denial of the request as the applicant failed to adequately justify the proposed change based upon the criteria found within the Newberg Comprehensive Plan and the LCDC goals and guidelines.

RECOMMENDATION

Staff recommends that this matter be denied based upon a failure to adequately justify the request based upon the Newberg Comprehensive Plan and the LCDC goals and guidelines (refer to the findings found within the February 17, 1981 Staff Report).

IA



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

ADDENDUM
STAFF REPORT
21 April 1981

TO: Planning Commission

FROM: Planning Staff

RE: File No. C-1-81/Z-1-81
Request: Comprehensive Plan Amendment and Zone Change from
High Density Residential (R-3) to Community Commercial
(C-2)
Applicant: Lee Anderson
Tax Lot: 3220AB-2100

COMMENTS:

The applicant has responded to the applicable LCDC goals and guidelines. For the most part, the arguments found within this document appear to be reasonable. The applicant will also be supplying proposed conclusionary findings for submission to the Planning Commission on Tuesday, April 21, 1981. The purpose of this addendum is to provide conclusionary findings which the Planning Commission may review for approval of the request. In looking at this particular request, the Planning Commission should make a judgement on how the request may affect adjoining lands if approved. Again, there is high density zoned land lying directly west of the subject property and medium density zoned land lying directly south of the subject property. These adjoining lands will be affected by this decision, and this decision may set a precedent for reviewing other lands within this area. The applicant has brought up a good argument relating to the flight path for the Sportsman Airpark. The flight path for the Sportsman Airpark does appear to be over or near the subject property. A commercial operation at this location would tend to have less population than would high density residential developments.

Through recent actions of the City Council, the City has re-zoned certain lands within the community for medium and high density residential uses. The Council has adopted the recommendation made by the CIAC and Planning Commission relating to up-zoning certain lands for high density residential uses. With the adoption of this recommendation, the City now has approximately 6 acres in excess of the identified needs as specified within the Newberg Comprehensive Plan for these uses. However, six acres of land divided into a 20 year planning process is not considered to be a very large margin.

IA

Further recommendation from the Planning Department relating to this issue will be held pending submission of the conclusionary findings by the applicant relating to this request.

Reply to Staff Report, Page 5, Finding 10.

The applicant felt he had addressed the pertinent LCDC Goals in his application, however, to comply with the LCDC Process since the Newberg Comprehensive Plan is not acknowledged by LCDC at this time, the following are addressed at this time—all goals 1 - 19!

1. Citizen Involvement:

Not only the due processes of public notification have been followed by the applicant, he has personally contacted adjacent property owners—seeking feedback and feed-in to the proposal as submitted. Agency and technical information has been collected that seems sufficient for the current stage of the application. Further such information and communication will be continued in all phases of the planning and development of this application with the intent to keep the planners and the public fully aware of the applicants intentions throughout the process.

2. Land Use Planning:

From the very beginning of this application the applicant has reported on alternative courses of action to the existing plan which took into account social, economic, energy, and environmental needs. The preparation of the plan and future implementation measures started out with broad, general statements of intent and with this additional report, will reply to the concerns of the staff in a process of continual refinement so that the strategies of development proposed by the applicant have broad citizen support. Also, those areas of conflict pointed out in the findings will be addressed and hopefully resolved to the satisfaction of all parties involved in the planning and development of this particular parcel. It is the applicants feeling that the requested changes are minor and the specific site offers no significant effect beyond the immediate area of change. This is easily seen by observing the location of the property in relation to the zoning and uses of the land surrounding it. Contrary to the staff report, the applicant feels this request is not promoting "strip" development, but lends itself more congruently with the surrounding commercial zoning than it does to the currently high density residential designation. This factor seems most important with the close proximity of the airport landing strip, the highway and roadway on two of three sides of the property, and the largest commercial acreages within the area across the highway from the site. Good planning would not designate this site as prime residential property for many reasons given elsewhere in this report.

Reply to Finding 10-continued-

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3. Agricultural Lands

It is the bias of this applicant that could this particular property grow sufficient crops of value enough to pay the taxes, it would be done! However, on less than an acre and surrounded by highway and roadway on two of three sides, a commercial and industrial complex of many acres across the road on one side and a thriving airport with runway on the other side, farming this particular site would be economic disaster! Since the current zoning is already high density residential, the decision to remove this land from any agricultural usage has already been made as part of the Comprehensive Plan of the City of Newberg. Forestry is out of the question due to the low flying aircraft approaching the runways! The applicant seems to have the best solution in harmony with the agricultural interests of our community by contemplating a restaurant on the site. What better way to aid the chain of the farmer to the consumer?

4. Forest Lands

Whatever has been said in discussing the agricultural land goal also applies to the forest land goal. There is no way to cultivate a forest on less than an acre when it lies in the flight path of an active and long - servicing airport runway which is the community's only aviation complex.

5. Open Spaces, Scenic and Historic Areas, and Natural Resources

The particular parcel of land addressed in this application is not a cultural or historic area to the knowledge of the applicant—nor is it a wilderness area for inspection of the site readily yields evidence that it indeed has been trammelled by man! For the reason just cited, it does not qualify as a natural area. This leaves open spaces. However, by definition, these spaces consist of lands used for agricultural or forest uses, and the use for these purposes has already been shown above to be nigh on impossible—and certainly impracticable from any economic point-of-view. However, an argument could be made for this particular parcel to be left in open space as an aid to traffic viewing, which, if the City of Newberg or the State of Oregon wished to purchase this parcel for the market value for use as an open space for some safety or esthetic value, this alternative has merit—but of rather low priority in most people's value system.

Reply to Finding 10-continued-

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6. Air, Water and Land Resources Quality

The applicant's proposal for future use of this property could easily be an improvement in the quality of air, water, and waste over what might occur under current zoning if the maximum development of residences on the site took place. One can imagine the usage of resources and the production of wastes from 16 single family residences with sufficient parking for at least one automobile on the site when compared to a small facility serving fast foods with attractive environs that are kept clean and neat through efficient and effective management. The data for gallons of water, tons of sewage, amount of garbage and other wastes produced per capita for both current zoning and applied for changes could easily make a dramatic case that the asked for zone change for the purposes stated actually would enhance the air, water, and land resources quality at this specific site. Such data will be presented at the hearing from the best available informational sources at the applicant's procurement. It is the applicant's stated desire to do his utmost to insure the highest quality possible in maintaining healthy environs of any development and improvement of the site consistent with the ordinances of the City and the State—and where possible, to even exceed these for the esthetic enhancement of the neighborhood character of the area. ("Neighborhood" has been crossed out since the area is far more commercial in nature with few residences in the area adjacent to the site—however—where ever eating establishments of the nature of that forecast for this site are constructed, they do enhance the attractiveness of the area with their enhancing landscaping and park-like outdoor eating areas.)

7. Areas Subject to Natural Disasters and Hazards

This area is not known to be subject to any natural hazards such as stream flooding, ocean flooding, ground water, erosion and deposition, landslides, earthquakes, weak foundation soils, or other natural hazards. The flooding mentioned in the staff report would be totally eliminated in the devlopment of the site with sufficient drain sewers and fill to the grade of the roadways on both sides of the site. Some small probability of risk must be associated with the airport runway in the vicinity, however, this risk seems much less if the property is developed as proposed by the applicant rather than as currently zoned. This is due to the factors:

Reply to Finding 10 - continued-

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- a) Persons in residential dwellings sleep whereas those in the business would be awake at all times on the property—with resultant likelihood of being more mobile and alert to any possible aircraft mishap.
- b) Chances of forewarning would be greater in the business due to it's nature of more glass exposure, people in and out of the establishment, and the daylight hours of operation exceeding the nighttime population at the site.
- c) The nature of the structure of the business compared to the much larger size of a 15 residence, multi-story building currently zoned for the site as compared to a one story, small building used in the fast food servicing business. Since most of the applicant's development would keep the property flat with low built improvements compared to the residential potential structures, the impact of aircraft collisions, even though very low on the probability scale, would be far less destructive to human life and property if developed as applied rather than as currently zoned.

This is just one among many of the LCDC Goals that seem to be enhanced by the development of this site as proposed in this application when compared to what the case could be if left high density residential where there is a slight probability of disaster due to the nature of the surrounding land use.

8. Recreational Needs

This application addresses several of these needs directly. Since the roadways adjacent to the site are enroute to an increasingly more popularly used bike trail from the City of Newberg to Champoege Park, as well as the Willamette River, the proposed use would provide recreational and tourist accommodations and facilities for both motorized and non-motorized vehicles. For these retired persons living in not-too-distant mobile home parks, walking to the site is in and of itself a form of recreation — rewarded at the half-way point with sustenance of the persons choice! The applicant sees a very direct relationship toward serving many persons who travel by the site in connection with recreational use of the Greenway and adjacent rural environs for many and varied reasons. A truly public service to meet an ever growing public need!

Reply to Finding 10-continued-

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9. Economy of the State

Both the 1st National Bank's Jan. '81 issue of Oregon Economic Indicators and U.S.Bancorp's Oregon Business Barometer's Feb. '81 issue indicate that Agricultural product's are Oregon's one bright spot, generating more income in 1980 than anticipated. One important outlet for these products is the fast food restaurant. In addition, the latter publication predicts continued growth in Oregon's population, with the same in the tourist trades such as that proposed for the site in this application. Highway 219 is a very much travelled "Sunday R&R" type road with few facilities outside or on the periphery of the City of Newberg. The site of this application meets that need, and would provide a market for many of our employable persons--especially younger workers seem attracted to the kind of jobs fast food restaurants have available. For this reason, it seems likely that this proposed development would actually aid in the economic growth of the entire area by serving a need and employing local persons, while distributing one of the products produced in our state--thus continuing to provide an optimistic outlook for an economic upswing in both employment and product distribution. Fear of competition often cripples existing businesses when it serves best to enhance profit by stimulation and increased service to the consumer. All indicators this applicant has surveyed lead him to believe that the approval of this site for it's intended use can only benefit both the State and local community's economic growth in a positive and profitable manner.

10. Housing

The applicant's property is currently zoned R-3 and could support multi-family dwellings up to 21.8 units/gross residential acre. Other uses such as schools, single family dwelling, duplexes, home occupations, or a PUD seem to be incompatible with the nature and location of this particular parcel. In this Goal 10, A-2 states that land used for housing should be necessary and suitable for housing...while A-3 states plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment. The parcel under discussion certainly is in such an area, and it is the applicant's bias that this parcel, lying at the end of residential zoning, yet adjacent to a commercial zone, and situated on a small lot with roadways on two sides of the triangular shaped piece--it is

Reply to Finding 10-continued

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not ineffectve commercial strip development as suggested in the staff report, but a right and proper use of land to meet the requirements of Goal 10 while actually fulfilling the dictates of Goal 11. As stated earlier, there are no restaurants in this immediate area to serve the development already existing. This application addresses this need to provide adequate facilities and services, without detriment to the housing plan of the City of Newberg.

From a recent informal survey, there appears to be adequate housing in the City of Newberg of various price ranges that are vacant, while other housing development is taking place elsewhere in the City at places far better suited to residential development of higher density than this particular parcel due to the highways and airport and commercial zoned areas adjacent to it.

11. Public Facilities and Services

The applicant is prepared to cooperate with the City of Newberg to provide adequate sewer connections to those already existing on adjacent properties. There does not seem to be any problem that the public services to this parcel could easily be provided at levels necessary and suitable for the proposed use.

Concerning the public need for food servicing in that part of town, as the applicant has stated before, there are none any closer than on the opposite side of the 60 acre commercial tract that lies adjacent to this parcel. It is the contention of the applicant that this parcel's best use is to provide such a service and facility to the community at the Southeastern entrance of the City. The next closest eating establishment to the South is in St. Paul, a town 10 kilometers away by air, 12 kilometers by road! The residents and future commercial and industrial persons of the Southeastern part of the City of Newberg and that portion of Yamhill County to the Southeast are entitled to an eating facility closer to them. This applicant proposed a parcel of almost perfect size and location to provide that facility!

12. Transportation

The parcel under discussion is located in an ideal place for the safe and easy ingress and egress of anticipated traffic utilizing the proposed facility. It also, with the applicant's willingness to negotiate the 10 feet of additional highway right-of-way, would improve the current intersection of Highway 219 and 2nd Street. In addition, the proposed development would provide for service to bicycle and pedestrian modes of travel in addition to those using the roadways by vehicle or the nearby airport by plane or helicopters. The proposed facility would also conserve energy for those in the Southeastern part

Reply to Finding 10-continued

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of the City and the County by providing an opportunity for service at a shorter distance of travel from their work or residence sites. The location definitely facilitates the flow of goods and services so as to strengthen the local and regional economy, as addressed above in discussion of Goal 9. The applicant sees nothing in this application that would not meet or excel the local and regional comprehensive land use plans pertaining to transportation.

13. Energy Conservation

The applicant has every intention of implementation of the latest techniques known in the improvements placed on the parcel to insure the maximum energy efficiency of the parcel. This includes the use of systems and incentives for the collection, reuse and recycling of metallic and nonmetallic wastes. In an earlier discussion of Goal No. 6, it was pointed out that development of this parcel to the maximum density possible in it's currently zoned designation could produce building heights, bulk, and density that would lead to far greater energy use on this land than the proposal set forth by the applicant. The applicant feels this proposal, for the reasons given above, is serving this energy conservation goal far better than the currently zoned designation.

14. Urbanization

The applicant believes he has demonstrated in the above that this application does indeed address itself favorably and positively to the seven factors of Goal 14. It emphasizes the need for employment opportunities and livability on this parcel giving credence to the requested change, citing far more suitable housing developments planned in more favorable locations. An orderly and economic provision of services and facilities has been assured, along with the maximum efficiency of land use considering the surrounding zoning and planned development. The social, environmental, energy, and economic issues have been examined, and the arguments stated that are convincing to the applicant that a wise and thoughtful series of alternatives have been considered, and the best use is what has been proposed by him. The soils for agricultural purposes in this case are not feasible to be applicable—however, they will be maintained by removal of any good topsoil and transporting it to farms or other growing areas before laying any concrete...and this will be done to a level of a poorer class of subsoil. If fill is needed, it will be with low class soil or rock. By this method, any good class soils will be maintained for their life-supporting qualities. The applicant is fully aware and sensitive to the fact that it takes 1,000 years to

Reply to Finding 10-continued

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have nature produce an inch of good topsoil, but through careless or valueless action, only a day to bury it under six inches of concrete. It is the applicant's desire to promote development of this parcel to be an attractively landscaped area preserving as much of the original surface for growing plants as is possible. The areas necessary for improvements will have the best soil transported to where they will continue to be utilized for their life-supporting quality. The applicant has addressed earlier how his proposed use is not only compatible with nearby agricultural activities, but in all respects, enhances and supports such activities.

15. Willamette River Greenway

The parcel lies outside the Greenway, however, as stated in the original application, the use and development of this parcel has a supportive and related connection to the entire philosophy of this Goal. Part of the service related function of the proposal is to better serve those persons who utilize the Greenway and its parks and river opportunities by becoming the closest eating facility for bikers, fishers, boaters, hikers, hunters, nature enthusiasts, and others who appreciate the recreational value of the Greenway. For this reason, the applicant feels this proposed land use supports this Goal in every aspect.

16. Estuarine Resources 17. Costal Shorelands 18. Beaches and Dunes 19. Ocean R.

The applicant's proposal is in no way non-supportive of the above goals, and to the extent that seafood is on the bill-of-fare, is in fact enhancing to the Goals 17 and 19.

In conclusion, the applicant has addressed the LCDC Goals and Guidelines, and feels the Staff Report's Finding No. 10 has been addressed. However, the applicant welcomes thorough examination of this report and is open to honest and productive discussion of the issues addressed. He believes that only by full cooperation with all phases of the planning process will our City and State continue to provide the healthiest environment for our community's people to live and grow and enjoy our blessings while insuring continuance of the same for those who follow us.

Lee W. Anderson
Lee W. Anderson 3-17-81

To: Planning Commission

From: Mr. Lee Anderson

RE: Reply to Staff Report of 17 February, 1981

It is with pleasure that the applicant was able to study the staff report and submit tonight to the Commission their reply. It is with gratitude that the applicant thanks the Commission members for re-scheduling the hearing so that the Staff Report might be studied and appropriately answered. Tonight the Finding 10 has been duplicated for you, as that is the bulk of the reply. The other findings will be addressed at the hearing, along with the slides which the applicant hopes are worth 1,000 words or better per picture.

The applicant knows that in every land use decision, there are factors that could be spoken for and against change, and that often the long range outcomes, even with the most sophisticated applications of modern technical knowledge, are difficult, if not impossible to ascertain. However, this does not deter the applicant from utilizing the input from such knowledge, with the appropriate application of statistics, to forecast into the future from the present. The other factor that always confronts a decision-making body is whether enough of the information is before it to make a wise decision, or could it be postponed for more data-gathering and processing.

The applicant is in no hurry—wise and prudent planning does not yield to hasty and immediate decision-making. The applicant is in a position to consider the recommendation of the staff, the members of the Commission, and to work together with the various agencies to plan and develop the parcel under discussion to the best use possible within the guidelines and laws of the City and the State. It is with this spirit of cooperation that we are here to discuss this application tonight. Thank you for your input and your consideration of this proposal.

The applicant will now respond to the Findings of the staff and the comments connected with the Newberg Comprehensive Plan.

* * * * *

1. Introductory Comments
2. Slides of the parcel and surrounding area
3. Discussion of the Staff Report
4. Questions and Comments from Commission, Staff, and others.

To: Planning Commission
From: Lee Anderson
RE: File No. C-1-81/Z-1-81

21 April, 1981

As per receiving an addendum to the staff report dated 21 April, 1981, I have submitted the following conclusionary findings to be added to the material previously submitted to the Commission.

1. The Tax Lot 3220AB-2100 is located between the intersection of the St. Paul Highway and East Second Street, with high density industrial and commercially zoned land to the East and North of the property. To the South lies the Newberg Sportsman Airpark, and to the West lies high density residential (R-3) zoned property. The property is flat with grass and fruit or ornamental trees of aged vintage as natural cover. The remains of weathered improvements or their foundations are all that stand, with their removal complete within 30 days.
2. The primary purpose for the requested changes is to best utilize the parcel for meeting the community's need for a clean, efficient, esthetically pleasing food serving establishment. Currently there are no such facilities on this highway 219 until one reaches the town of St. Paul, 8 miles to the South, or about a mile further West and North on route 219 as it intersects with Highway 99W.
3. Recent action of the City Council has rezoned certain better suited lands within the community for medium and high density residential use. The City now has an estimated 6 acres in excess of identified needs based upon current Comprehensive Use Planning to the year 2000. The parcel under discussion is ~~unsuited~~ for residential use due to several safety hazards with higher probabilities for accident to resident families than the other residentially zoned lands. The reasons for the hazards lie in the nature of the surrounding land uses: airport runway and taxi lanes; adjacent commercial and industrial development; the particular shape of the land with the intersecting roadways make it ideal for the applicants intended use, while the same factors make it undesirable for a 15 family residential complex squeezed onto $\frac{1}{4}$ of an acre!
4. Upon development, cooperation with highway and county road departments will provide a safer intersection for all traffic--motorized, peddled, and pedestrian! This is enhanced by the low profile of any anticipated improvements plus the esthetic value of a park-like landscaping foreseen for outdoor eating.

5. The applicant feels the fear of further strip development in this area is unwarranted due to the following factors:

(a) There are recently constructed residential dwellings further West of the location where there is sufficient land area to make these feasible and of such distance from the airport to reduce the safety hazards already discussed.

(b) The bulk of the land to the North, East, and the Airport to the South is already zoned for its maximum or best intended use. Only should the airport close and that land be considered for other uses would the factor of strip development become a reality. The chances of this taking place seem very remote as Sportsman Air Park is Newberg's only plane-helicopter facility in a rather large area. Due to it's strategic location along well-flown flight paths, and it's commercial importance for agricultural and passenger/freight service to the community, the FAA endorses it's continued use and development within the community.

(c) The major reason for this parcel being rezoned is due to the unique size, shape, and surrounding land development, as already discussed.

6. The applicant sees no problem in working with the adjacent neighbor to the West for the completion of the sewer connections needed for any development or improvements added to the parcel.

7. The need exists for such an eating facility in this part of town to serve the following: tourists and local residents utilizing the access route to the Greenway and Champoege State Park, especially those cycling or jogging; residents in mobile home parks to the East who could walk to the property; persons working within the industrial/commercial complex across the road who need fast, efficient, nutritious meals within their shift and break-time periods; those using the airport for travel, work or recreation; and others!

Conclusion:

Based upon the information and probable predictions extrapolated from current data, the requested Comprehensive Plan Amendent and Zone Change from R-3 to C-2 would be in the best interests of the most people within the community and simultaneously be consistent with LCDC Goals and Guidelines and the City of Newberg's Comprehensive Plan. Lastly, the applicant's proposal certainly does nothing to prevent future reverting back to the current zoning or other needed uses in the years ahead--~~ie~~ the proposal is not irreversible but in the interest of the best possible stewardship of the land!

IA

4-21-81

Lee Anderson

To: Newberg City Council

29 April, 1981

From: Lee Anderson

Subj: Appeal of Planning Commission decision on C-1-81/Z-1-81

The appeal of the above decision is based upon the following factors:

1. At least 75% of the findings for denial are related to the traffic patterns connected with this unique intersection. It was only near the midnight hour during the deliberation before the planning commission that the applicant was made aware of the feedback from the State Highway Department that no access to Hwy No. 140 was available for the proposed use. It was also brought to light during this hearing that access does exist for certain uses. The applicant feels he has been able to address each of these concerns expressed about the ingress and egress with more detail and greater clarity of the alternatives after further discussion with the State Highway Department and the City Planning Staff.
2. After listening to the opponents during the hearing, the applicant has looked at other alternative types of uses within the C-2 zoning that are compatible with the neighborhood objections to the "fast food" concept, but which will be acceptable to the opponents and still fall within the restaurant concept that initially has been the position of the applicant due to the overwhelming need for such a service in this part of the city. Clarification and negotiation with the neighbors and adjacent land owners has already begun, and the results of this process warrants the granting of this appeal.
3. Lastly, the applicant still feels that this request is within the LCDC Goals and Guidelines as having an overwhelming number of arguments that speak directly to the request herein applied for, and that this request certainly does lend much credence to the claim that the applicant has, in fact, shown the request to be in the best and highest use for the community!

Sincerely requested,

Mr. Lee Anderson

Rt 1, Box 438

Newberg, OR 97132

538-8609

Tax Lot 3220AB-2100

VA

Mr. Lee Anderson
Rt 1, Box 43
Newberg, OR 97132
503-538-8609

Mr. Clay Moorhead
Planning Director
City of Newberg

29 May, 1981

Re: File No. C-1-81. Z-1-81

This letter is to confirm the content of telephone conversations with your office yesterday concerning the Notice I received informing me that a hearing before the Newberg City Council on my appeal of the Planning Commission's Decision on the above matter. The following factors are clarified:

- 1) Please schedule us to be 1st. on the Docket as our intent is to request an extension and reschedule this matter for the next time the City Council is able to schedule this public hearing.
- 2) The extension is requested for the following reasons:
 - a) Reasonable and sufficient notice time was not given to me. This raises a question concerning procedural due process. The notices were postmarked May 26, I received mine in the mail on the evening of the 27th, leaving only the 28th and 29th, two working days, to prepare for this hearing. It is not sufficient!
 - b) More importantly, in my discussions with the Oregon State Highway Division engineers, I only received on May 27th the reply to an on site meeting several weeks earlier with Mr. Doran. I am now in the process of submitting site plans to this department so that necessary details concerning ingress/egress alternatives meet with their approval.
 - c) The County has given approval of the Frontage road access alternatives, but will await the final approval of the State before further endorsement.
 - d) After the above access questions are completed, I wish to discuss with the City Engineers the sewer requirement solution alternatives.
- 3) After the above tasks are complete, then I will be prepared to appeal before the public body. As stated earlier before the Planning Commission, I am in no hurry to rush this matter—I am more concerned that the quality and processes to insure safe and healthy development of this site are addressed to the best of my ability...which includes coordinating with many public agencies and offices. This takes time—therefore, I need more notification time before the scheduled appeal—10 to 14 days seems more in line to me.

Sincerely,

Lee W. Anderson
Lee W. Anderson

VA

SPORTSMAN AIRPARK, INC.

PIPER AIRCRAFT

P. O. Box 248

PHONE (503)538-2134

NEWBERG, OREGON 97132

May 27, 1981

Mr. Clay W. Moorhead,
Planning Director
City of Newberg
City Hall - 414 E. First
Newberg, Oregon 97132

Re: Appeal of Lee W. Anderson of Planning Commission
decision to deny Comprehensive Plan Amendment
Zone Change

Dear Mr. Moorhead:

For many reasons I cannot believe that an R-3 (High Density Residential) zone designation is the wisest and best usage for this particular parcel of ground. Initially the parcel is quite narrow, tapering to a point at its southeast corner, thus limiting its potential for high density building. Basically, its proximity to the approach and departure zone of Sportsman Airpark makes this a very questionable area for high density living. In spite of our best efforts in implementing a continuing noise abatement program and a remarkable degress of cooperation from the flying public, we would almost be assured of receiving noise complaints, particularly relative to departing aircraft.

It is imprudent and regressive to object to a proposal without being able to offer an alternative that is believed to be superior, and consistent with that philosophy I cannot endorse a proposed change to C-2 zoning on this property, for I cannot believe that such a designation would be in the best public interests at this time. Its restricted entry/exit potential, which surely must remain that way, would seem to limit probability of success except to a limited number of commercial ventures.

In view of the current sagging economy and anemic business climate, I believe it would be prudent to thoroughly review and study the present zoning designations, land usage and the actual industrial and business climate of the area, and how it relates to the whole

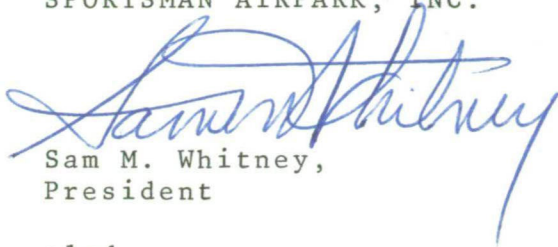
Mr. Clay W. Moorhead
Page 2

May 27, 1981

community, and particularly its relationship to the continued existence of Sportsman Airpark and its viability as a valuable and important aviation factor to Yamhill County and the State of Oregon. An invitation to interested people to provide input for a review of this nature would surely provide better answers than we now have.

Sincerely,

SPORTSMAN AIRPARK, INC.

A handwritten signature in blue ink, appearing to read "Sam M. Whitney", is written over the typed name and title.

Sam M. Whitney,
President

:lwd

MEMORANDUM
May 27, 1981

TO: Mike Warren, City Administrator

FROM: Clay Moorhead, Planning Director

RE: An Appeal of the Newberg Planning Commission's decision to deny a Comprehensive Plan Amendment and a Zone Change for Herb and Margaret Swift, Leonard L. Silvers, and R. & T., Inc. on properties described as Tax Lot 3219AA-13600, -13700, -13800, and -14200, identified as the southern one-half of the block bounded by College, Edwards, Second and Third Streets.

The Newberg Planning Commission reviewed testimony relating to this matter at their regular May 19, 1981 hearing. After review of the matter, input from the staff, one opponent and Mr. Bob Swift, representing the proponents, the Planning Commission made a decision to deny the subject request. The Planning Commission's findings for denial are found within the attached memorandum from the City of Newberg dated May 20, 1981.

Attached is a copy of the record relating to this request. The Newberg City Council may only make a decision based upon the record established at the Planning Commission meeting together with any written report or statement by any opponent or proponent that may be submitted prior to the hearing before the City Council. If the City Council wishes to hold a public hearing in which new testimony may be provided through oral testimony, a notice must be sent to the newspaper and adjoining property owners indicating such which would postpone any further action relating to this appeal to at least the July City Council meeting.

Within the attached materials you will find the request for an appeal by the applicant's, the letter notifying the applicant's decision to deny the request dated May 20, 1981, applicant's statements relating to the Newberg Comprehensive Plan goals and policies, City staff report dated May 19, 1981, and the applicant's application for a Comprehensive Plan Amendment and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial).

Primary arguments relating to the denial of this request are that the applicant has not established a public need to change the existing zoning and comprehensive plan designation for the two existing single family residences found as part of the site. The applicant did not demonstrate that there was a need to change this particular property as compared to other properties found within the Commercial areas of Newberg. Finally, the applicant did not fully address the issue of reducing the amount of available residential land.

NOTES OF 5/26/81

RE: APPEAL - ZONE CHANGE
Due 5/30/81

REQUEST FOR AN APPEAL BY PROPONENTS: HERBERT & MARGARET SWIFT;
LEONARD L. SILVERS; AND R&T, INC. OF THE PLANNING COMMISSION DECISION
TO DENY A LAND USE REQUEST

RE: File No. Z-2-81/C-2-81, Zone Change and Comprehensive
Plan Amendment from High Density Residential to
Commercial on Tax Lot Nos. 3219AA-13600, 13700, 13800,
and 14200.

The proponents Herbert & Margaret Swift, Leonard L. Silvers
and R & T, Inc. hereby appeal the decision of the Newberg Planning
Commission of May 19, 1981 in the above-entitled matter. Said
proponents were adversely effected by the above-mentioned decision.

PROponents HERBERT & MARGARET SWIFT
Tax Lot No. R3219AA 13800
Address 210 S. College, Newberg, Oregon 97132 538-2188

PROponent LEONARD L. SILVERS
Tax Lot No. R3219AA 13700
Address 701 East Third, Newberg, Oregon 97132 538-2676

PROponent R & T, INC.
Tax Lot No. 3219AA 13600 and 3219AA 14200.
Address 210 S. College, Newberg, Oregon 97132 538-2188

May 28, 1981

Mr. Clay Moorhead
Planning Director
414 East First Street
Newberg, Oregon 97132

RE: File No. Z-2-81/C-2-81
Zone Change and Comprehensive Plan Amendment from
High Density Residential to Commercial
Tax Lot Nos. 3219AA-13600, 13700, 13800, 14200

Dear Mr. Moorhead,

Would like to take this opportunity to address the findings for denial:

1. The need was demonstrated over fifteen years ago, also the expansion of the downtown core area. The subject of expanding the core area both north and south has been addressed in every comprehensive plan since 1973.

2. There are two existing commercial businesses on this parcel now. These two offices, because of their location, get alot of foot traffic, which creates a definite advantage for all walks of life, no matter what age group.

The public need on this particular piece of property is quite obvious. It serves the walking consumer from the surrounding neighborhood. I have personally watched many of Dr. Silvers' patients walking to his office. Dr. Silvers has commented that some of these people started coming to his office for this very reason. This parcel is centrally located in reference to serving the residential area.

3. To attempt to address any adverse impacts is very difficult when there are not any such impacts as noise, visual, safety factors and traffic would be better served by a commercial zone, rather than R-3. The primary reason for this statement is traffic flow and the time of maximum traffic flow. Third Street at this area has no parking on the south side. It would be more consistent with C-2 zoning to have less traffic flow at peak traffic times than R-3.

Zone Change and Comprehensive Plan Amendment from
High Density Residential to Commercial

I have lived in this neighborhood for ten years. During that period of time, I was able to observe the intense traffic flow during the Sundays and weeknights. Multi-family units in this particular area would only further the traffic problem during the times. We have now lived next door to a doctor's office for several years and I can testify to this. It is the finest type of neighbor you can have. The hours they keep are 9:00 A. M. to 5:00 or 6:00 P. M. Mondays through Fridays, and 8:00 A. M. to 12:00 P. M. Saturdays, and such times are typical. There is a small amount of traffic flow. The noise is non-existing. The visual impact has been totally satisfactory. I sincerely feel that the parcel would serve the neighborhood and community much better C-2 than R-3.

4. Adequate testimony was probably not given for two reasons:

1) It is quite difficult to comprehend that your property has been changed by a planner whose only criteria for doing so is that a straight line is much neater than a jog in the map; and

2) The subject of widening our downtown core area has been addressed many times over the last fifteen years, and it has always been considered the proper and obvious thing to do by the professional planners and Planning Commission.

5. The effects of reducing the amount of residential in this particular zoning matter is very minimal. We are talking about two single family homes. It is the opinion of the writer that this type of criterion is designed for a more substantial impact than two single family homes.

6. The reasons the applicants can justify why this property is best suited at this time for commercial use, has been addressed in some of the previous testimony. The other evidence would be the availability of C-2 property in the Newberg core area, there is approximately 5% available. Would further address the economy of the state of Oregon and Newberg - the applicants own the property and have the resources to develop this property. There is not this type of C-2 property in our strip zone. Therefore, I do not believe you can compare these two different areas.

7. There are (2) alternatives: 1) Not to make any change in the existing dwellings and 2) to remove existing dwellings and build multi-family dwellings, which would have a negative impact on the immediate area, by using your criterion on number 3.

Page 3

Zone Change and Comprehensive Plan Amendment from
High Density Residential to Commercial

Excessive noise, visual, safety factors and traffic.

It is obvious that this property in question would be more compatible under a C-2 zone than an R-3. If not by using common sense, such as on Sundays and Wednesdays when Friends Church meets and the parking problem this causes. The parking for a C-2 zone would not be a problem, but a help to this problem. The R-3 zone would only add to it. The C-2 zone would not have an impact on the livability of the existing neighborhood, as would an apartment complex.

I further feel that we are covering every possible criterion for good planning by rezoning this parcel of land back to what it had been for over fifteen years.

Sincerely,

Tommy L. Tucker

LEONARD L. SILVERS, M. D.

PHYSICIAN, DIAGNOSIS & INTERNAL MEDICINE

701 E. 3RD STREET

NEWBERG, OREGON 97132

RESIDENCE PHONE 538-4506

May 28, 1981

OFFICE PHONE 538-2676

Clay W. Moorhead
Planning Director
414 E. First Street
Newberg, Oregon

Dear Mr. Moorhead:

I would like to enter a request for an appeal of the Planning Commission's decision to deny a zone change on Tax Lot 3219AA-13700 from High Density Residential to Commercial. Hopefully, the following additional information will satisfy the reasons for which the initial petition was denied.

The Tax Lot in question has been occupied by a medical office since 1959, some 22 years. The city's forefathers granted commercial zoning at that time to accommodate the construction of the medical facility. It is now, as it was then, a service to the public need of the community. Because of its location near to the homes of many of my patients, they are able to walk to the office. Some of these patients are elderly or widowed and are without automobiles. Through the years, many have commented how much it benefits them to have the medical clinic close by. Taxi service is not always available in Newberg and, like the rest of us, with independent spirits, they do not like to repeatedly call on others.

The public is further served by the commercial status which permits a parking lot facility. On Sundays, when College Street and Third Street are heavily lined by autos, the clinic lot is filled, thus helping to reduce the congestion. Residential buildings would eliminate this service.

The commercial function of the property does not increase any nuisance factors. The noise level is not adversely affected, there are not night disturbances, the grounds do not present a deleterious effect. I believe High Density Residential would have a greater adverse impact in these areas.

The restoration of commercial zoning would have nil effect on the availability of residential lands. The entire lot measures 100 feet by 60 feet--a total of 6,000 sq. feet. This is smaller than some allowable single dwelling lots.

It is my understanding the city's future plans include expanding the commercial core area. Since this has once been commercial, since there are presently commercial functions established, and since the block in which the property is situated lies adjacent to the core area, it seems to me this could be an expansion site.

LEONARD L. SILVERS, M. D.

PHYSICIAN, DIAGNOSIS & INTERNAL MEDICINE

701 E. 3RD STREET

NEWBERG, OREGON 97132

RESIDENCE PHONE 538-4506

May 28, 1981

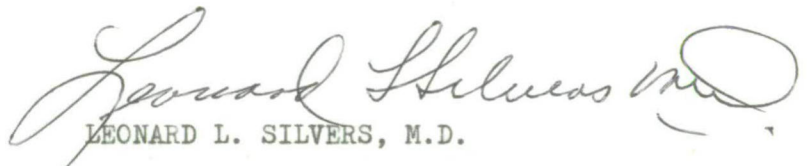
OFFICE PHONE 538-2676

I am in agreement with Attorney Herbert Swift and Mr. Tom Tucker that the entire one-half block should be zoned commercial. To fill the half-block with multiple apartments would overtax the current streets' travel capacity. This would be especially notable on Sundays when the surrounding churches are in session. One-half of the block east of the block under consideration is already occupied by a lumber yard and an auto sales. Commercial zoning would enhance future union of these two blocks as a part of the commercial core area.

Should the council find it not feasible to grant re-zoning to commercial for the entire half-block, I would request they evaluate Tax Lot 13700 as a single entity and upon its own merits.

Tax Lot 13700 was zoned commercial in 1959 and remains such until approximately two years ago. I have inquired of those in the city planning why the zone change was made to High Density Residential. They have indicated there is no logical explanation. It is my understanding that no objections were raised against the petition recently to re-zone commercially, and yet my property remains down-zoned. As a participant in this community for 22 years, I just don't understand.

Sincerely,


LEONARD L. SILVERS, M.D.



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

20 May 1981

Bob Swift
210 S. College
Newberg, OR 97132

RE: File No. Z-2-81/C-2-81, Zone Change and Comprehensive Plan Amendment
from High Density Residential to Commercial on Tax Lot No.'s 3219AA-13600,
-13700, -13800, -14200

Dear Mr. Swift,

Please be advised that the Newberg Planning Commission met at their regularly scheduled hearing on Tuesday, May 19, 1981 to review the above mentioned request. After review of the request, input from the staff, yourself and one individual, the Planning Commission made a decision to deny the proposed Comprehensive Plan Amendment and Zone Change. The denial of the land use request was based upon the following findings:

1. The applicant has not demonstrated that a public need exists which would warrant the conversion of the properties from R-3 (High Density Residential) to C-2 (Community Commercial) uses. Specifically no need was demonstrated relating to the conversion of the existing single family residential houses on the subject properties.
2. It has not been demonstrated that the public need would be best served by changing the classification of this particular piece of property as compared to other properties found within the City, as no testimony was presented relating to other sites.
3. The applicant did not address issues relating to potential adverse impacts associated with the proposed Comprehensive Plan Amendment and Zone Change. Such impacts may relate to noise, visual, safety factors and traffic. The impacts associated with developments permitted within the existing zone as compared to developments that may be permitted within the proposed zone were not determined or addressed.
4. The subject property is not actually considered to be within the current commercial core area. Adequate testimony was not submitted relating to the proper expansion of this district at this particular location.
5. The effects of reducing the amount of available residential lands was not adequately addressed. Parts of the subject property may currently serve the need for housing and the effects of displacement associated with housing within the subject property to other lands within the community was not addressed.

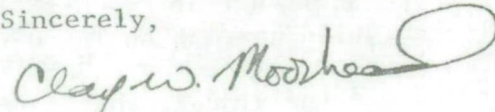
VB

6. There are other lots available for commercial uses and the applicant has not submitted substantial evidence addressing the issue of other available property and why this property is best suited at this time for commercial uses.
7. Other alternative remedies to the Comprehensive Plan Amendment/Zone Change for the property have not been presented at this time.

An appeal may be taken by any person, firm or corporation affected by this decision. The appeal would be made to the Newberg City Council and must be filed on a form supplied by the Newberg Planning Department within 10 days of the decision of the Planning Commission. The Planning Commission decision was made on Tuesday, May 19, 1981.

Enclosed is a copy of the form that must be used for appeal of this decision. If you have any questions relating to this matter, feel free to contact the Newberg Planning Department.

Sincerely,



Clay W. Moorhead
Planning Director

CWM:bym

cc: Leonard Silvers, 701 E. Third St., Newberg
City Attorney
City Administrator



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

REQUEST FOR AN APPEAL OF THE PLANNING
COMMISSION DECISION TO DENY A
A LAND USE REQUEST

Planning Commission decisions are effective on the 10th day after rendering, unless appealed to the City Council within the interim 10 days. Appeals may be made by any interested party by completing this form. You must be specific and must address your remarks to the following:

1. The Newberg Zoning Ordinance states that an appeal may be made by any interested party which is defined as a proponent or opponent who is specially, personally, or adversely affected by the application.
2. State specifically how the Planning Commission failed to properly evaluate the proposal, or make a decision consistent with the purpose and intent of the Newberg Zoning and ordinances and the conditional use permit procedures. Make reference to the specific section within the applicable ordinances when addressing the above referenced section.
3. Print your name, address, phone number (at which you may be reached during working hours), and tax lot number. You may find your tax lot number on your last tax statement near where your name is printed.
4. Your signature.

NEWBERG COMPREHENSIVE PLAN GOALS AND POLICY
(Pages 1 and 2 Staff Report May 19, 1981)

A. Commercial Land Use.... There are several areas designated for commercial uses. The downtown core area is recognized as the Central Business District of Newberg. This area should remain as a stable commercial area, and a primary location for offices and retail sales.

Comment: The area in question is adjacent to the downtown core area, and approximately half the area has been used for at least 20 years for commercial purposes. This proposed change will affect a widening of the downtown business district, which now resembles a strip zone.

B. 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.

Comment: One half of the area in question has been commercial for approximately 20 years. Its status now is a non-conforming use, this makes it impossible to expand or improve either commercial businesses. Also, the owner of the two single family dwellings is considering remodeling for commercial purposes.

C. Commercial and Industrial expansion shall not increase the population to the extent that an undue burden is placed on public services and facilities.

Comment: One half the area in question already being commercial, there will not put any additional burden on public services and facilities.

D. 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.

Comment: This proposed change will encourage retention of the downtown core area as the primary commercial area in Newberg.

E. Adequate neighborhood commercial areas will be provided to serve localized needs.

Comment: The commercial portion of the area in question now contains a doctor's office and a lawyer's office. These businesses serve local needs.

F. Inefficient commercial strip development with poorly controlled accesses shall be avoided since such development causes congestion and creates hazardous conditions for pedestrians, bicycles and motor vehicles.

Comment: This proposed change would assist in a small way in widening the downtown commercial area.

G. The City shall insure that enough land is planned for multi-family housing, particularly in conjunction with transportation corridors.

Comment: The area in question was not considered by the planner in creating an inventory for multiple family housing.

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

Comment: The portion of the area in question, now commercial, establishes that it is a compatible use, and is located adjacent to residential districts, and provides convenient service to said residential districts.

I. Design review should be provided for all new developments, more intensive than duplex residential uses.

Comment: No design review is necessary at this time, as the only immediate change being considered is the addition of one room onto the offices of Swift & Swift.

RELATIVE TO THE SHOWING REQUIRED
BY THE NEWBERG ZONING ORDINANCE
(Page 1 and 2 Staff Report 5-19-81)

8. Within the City of Newberg ordinances relating to zone changes, there is a provision which requires the applicant to show that:

(1) The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and the Zoning Ordinance of the City;

Comment: Number #1 is fully answered in A. above
(NEWBERG COMPREHENSIVE PLAN AND GOALS POLICY).

(2) There is a public need for a change of the kind in question;

Comment: Two commercial businesses have existed there for 20 years. This demonstrates a public need.

(3) The need will be best served by changing the classification of the particular piece of property in question as compared with other available property. In addition, the application specifically requests that public need be addressed. The applicants have not addressed the issue of public need within the application submitted for this request.

Comment: Again, the existence of two commercial enterprises in the area in question demonstrates a public need, as well as a desirable location. Additionally, the area in question, being adjacent to the downtown core area, is properly located for future commercial expansion.

9. The City of Newberg Comprehensive Plan has been submitted for acknowledgment to the Land Conservation and Development Commission. As of the writing of this report, the hearing relating to acknowledgment has not been scheduled. At this specific time, the Newberg Comprehensive Plan remains unacknowledged, and because of that fact, any land use decision must be based upon the statewide land conservation and development goals and policies. Specifically, the following goals may apply to this request:

Goal 5, Open Space, Scenic and Historic Areas

Comment: None of the buildings in the area in question are listed for preservation for historical sites, including the home at 715 E. Third Street. Therefore, this goal will be unaffected by the proposed change.

Goal 9, Economy of the State

Comment: See Comments of NEWBERG COMPREHENSIVE PLAN GOALS AND POLICY.

Goal 10, Housing

(Ref. #G.)

Comment: See Comments of NEWBERG COMPREHENSIVE PLAN GOALS AND POLICY, thus, the land inventory available for multiple housing use is not adversely affected.

Goal 11, Public Facilities and Services

Comment: See Comments of NEWBERG COMPREHENSIVE PLAN GOALS AND POLICY (Ref. #C.), additionally, all buildings are connected to existing public facilities.

Goal 12, Transportation

Comment: Adequate parking already exists for the commercial businesses presently in existence. Also, both adjacent residential real properties have adequate space to provide needed parking, if they were converted to commercial use.



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

STAFF REPORT

May 19, 1981

TO: Planning Commission

FROM: Planning Staff

RE: C-2-81/Z-2-81

Applicant: Herbert & Margaret Swift, Leonard Silvers, and R & T, Inc.

Request: A Comprehensive Plan Amendment from High Density Residential to Commercial, and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial)

Location: The south $\frac{1}{2}$ of the block bounded by College, Edwards, Second and Third Streets, Newberg, Oregon

Tax Lot No: 3219AA-13600, -13700, -13800, -14200

Exhibits:

1. Staff Report
2. File No. C-2-81/Z-2-81
3. Newberg Comprehensive Plan
4. Newberg Zoning Ordinance

Findings:

1. The property subject to this request includes four parcels under various ownerships. The parcels are all contiguous and represent the southern half of the block bounded by College, Edwards, Second and Third Streets. Currently, each lot has a structure situated thereon. The structures consist of the offices of Swift & Swift, Attorneys at Law, Leonard Silvers, physicians office, and two single family rental houses.
2. The subject property is currently zoned R-3 (High Density Residential) and carries a Comprehensive Plan designation of High Density Residential.
3. The pre-1979 Comprehensive Plan and Zoning Map designated the property for commercial purposes. With the adoption of the 1979/1980 Comprehensive Plan and implementing ordinances, the subject properties were rezoned and designated for high density residential uses. When the 1979/1980 Comprehensive Plan was adopted, the half block lying north of Third Street and south of Sheridan Street was redesignated from Commercial to High Density Residential uses. The effect of this was to create a very lineal commercial district which did not take into account the existence of some established commercial developments.

Newberg Comprehensive Plan Goals and Policies:

- A. Commercial Land Use....There are several areas designated for commercial uses. The downtown core area is recognized as the Central Business District of Newberg.

VB

This area should remain as a stable commercial area and a primary location for offices and retail sales. (Commercial Description, Page 34)

B. 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.

C. Commercial and Industrial expansion shall not increase the population to the extent that an undue burden is placed on public services and facilities.

D. 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.

E. Adequate neighborhood commercial areas will be provided to serve localized needs.

F. Inefficient commercial strip development with poorly controlled accesses shall be avoided since such development causes congestion and creates hazardous conditions for pedestrians, bicycles and motor vehicles. (The Economy, Policies, Pages 12, 13 and 14)

G. The City shall insure that enough land is planned for multi-family housing, particularly in conjunction with transportation corridors.

H. 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.

I. Design review should be provided for all new developments more intensive than duplex residential uses.

Findings, Continued:

4. The properties were considered to be committed or developed through the vacant land inventory, therefore, a change of the property to commercial (if approved) would not affect the needs for vacant land identified within the Newberg Comprehensive Plan. Surrounding uses consist of a mixture of uses which include 2 churches, several single family residential structures, a duplex, and light intensive commercial developments. (Refer to site map attached).

5. Notice was provided to all adjoining property owners by written notice. In addition, a written notice of the proposed change was posted on the properties in visible locations and within the Newberg Graphic Newspaper.

6. City sewer and water services are currently provided to each lot as each lot has an existing structure situated thereon.

7. The applicant's have not adequately addressed specific goals and policies found within the Newberg Comprehensive Plan which relate to this request. Specifically, those goals and policies found in this staff report must be addressed

individually prior to making a determination on this matter. The applicants have supplied a general rebuttal within the application relating to this matter. This can be found beginning on page 4 of the application.

8. Within the City of Newberg ordinances relating to zone changes there is a provision which requires the applicant to show that:

- (1) The proposed change is consistent with and promotes the objectives of the Comprehensive Plan and the Zoning Ordinance of the City;
- (2) There is a public need for a change of the kind in question;
- (3) The need will be best served by changing the classification of the particular piece of property in question as compared with other available property. In addition, the application specifically requests that public need be addressed. The applicants have not addressed the issue of public need within the application submitted for this request.

9. The City of Newberg Comprehensive Plan has been submitted for acknowledgement to the Land Conservation and Development Commission. As of the writing of this report, the hearing relating to acknowledgement has not been scheduled. At this specific time the Newberg Comprehensive Plan remains unacknowledged, and, because of that fact, any land use decision must be based upon the statewide land conservation and development goals and policies. Specifically, the following goals may apply to this request:

Goal 5, Open Space, Scenic and Historic Areas
Goal 9, Economy of the State
Goal 10, Housing
Goal 11, Public Facilities and Services
Goal 12, Transportation
Goal 14, Urbanization

These specific goals have not been fully addressed by the applicants as of the writing of this report.

Recommendation:

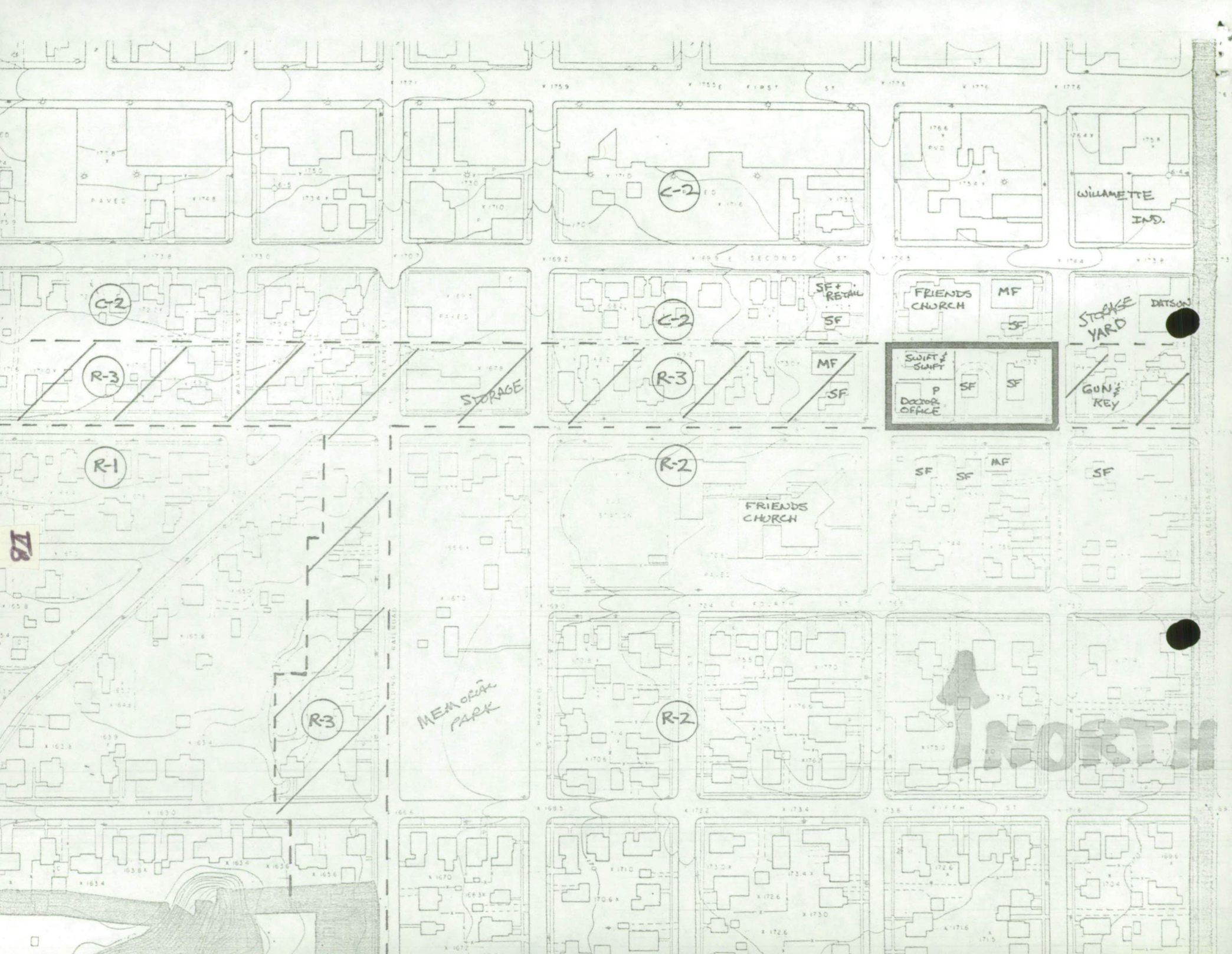
Planning Staff would recommend that this matter be continued if adequate testimony is not presented relating to the deficiencies identified within this report. As indicated in the application, at least half of the area proposed for the change has been in commercial uses for approximately 20 years. The change as proposed would not significantly alter the character of the area as half of the properties are currently Commercial and the two remaining houses are surrounded by a mixture of uses including Commercial, Single Family and Duplexes. In order to encourage the retention of the downtown core area, the Planning Commission may wish to monitor the zoning pattern within this area in order to determine whether the existing zoning constricts the commercial expansion or redevelopment expected to occur within the area.

Page 4

Staff Report C-2-81/Z-2-81

If the deficiencies as noted within this report cannot be adequately addressed, then these deficiencies could serve as grounds for a denial. The Planning Staff would encourage the Commission to allow the applicant adequate opportunity to prepare sufficient findings relating to the deficiencies identified within this report through a continued hearing if necessary.

VB



SWIFT & SWIFT
P DOCTOR OFFICE

FRIENDS CHURCH
MF
SF

STORAGE YARD
GUN KEY

WILLAMETTE IND.

C-2

C-2
R-3
SF + RETAIL
SF
MF
SF

R-2
FRIENDS CHURCH

R-2

R-2

SF
SF
MF

SF

MEMORIAL PARK

STORAGE

R-3

R-3

R-3

R-1

RAILROAD

NORTH

Application for ANNEXATION,
ZONE CHANGE or
COMPREHENSIVE PLAN AMENDMENT

File No. 2-2-81
8-2-81
Annexation
Zone Change
Plan Amendment
Fees: 222.00
Rec: 2436
Date: 7-14-81

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 subjects properties are identified as tax lot numbers:

A. Swift R3219AA 13800
B. Silvers R3219AA 13700
C. R & T 3219AA 13600
D. R & T 3219AA 14200

The present zoning of the subjects properties is R-3.
This application is for a change of the present zoning to Commercial.

2. APPLICANTS:

A. Name Herbert and Margaret/ Swift Phone 538-2188
Tax Lot No. R3219AA 13800
Address 210 S. College, Newberg, Oregon 97132

B. Name Leonard L. Silvers Phone 538-2676
Tax Lot No. R3219AA 13700
Address 701 East Third, Newberg, Oregon 97132

C. Name R & T, Inc. Phone 538-2188
Tax Lot No. 3219AA 13600
Address 210 S. College, Newberg, Oregon 97132

TITLE HOLDERS OF THE SUBJECTS PROPERTIES:

A. Name Same as A. above Phone _____
Tax Lot No. _____
Address _____

B. Name Same as B. above Phone _____
Tax Lot No. _____
Address _____

C. Name Same as C. above Phone _____
Tax Lot No. _____
Address _____

CONTRACT PURCHASER OR LESSEE OF SUBJECT PROPERTY:

Name NONE Phone _____
Address _____

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

Name of Representative Swift & Swift Phone 538-2188
Address 210 S. College, Newberg, Oregon 97132

4. SPECIFIC DESCRIPTIONS OF SUBJECTS PROPERTIES:

A. DEED RECORD, VOL. 9 PAGE 427-8 ASSESSED LAND VALUE
(Swift) 9,855

B. LEGAL DESCRIPTION

Beginning on the North line of Third Street at a point 150 feet West of the Southeast corner of Block 12 of the Original Town of Newberg, according to the duly recorded plat thereof; and running thence North parallel with the East line of College Street 60 feet to the point of beginning of the tract herein conveyed; thence North 60 feet; thence West parallel with the North line of Third Street 100 feet to the East line of College Street; thence South along the East line of College Street 60 feet; and thence East 100 feet to the point of beginning.

A. DEED RECORD, VOL. Film 5 PAGE 25 ASSESSED LAND VALUE
(Silvers) 64,106

B. LEGAL DESCRIPTION

Beginning on the North line of Third St. at a point 150' West of the Southeast Corner of Block 12, Old Town, Newberg; thence North parallel with the East line of College St. 60'. Thence West parallel with the North line of 3rd St. 100' to the East line of College St. Thence South along East line of College St. 60' to its intersection with the North line of 3rd St. Thence East along the North line of 3rd St. 100' to the point of beginning and containing 6000 square feet. This Property being a fraction of Lot 4, Block 12 of Old Town of Newberg and being part of Section 19, Township 3 South, Range 2 W. W. M. Subject to rights, rights-of-way, easements, covenants, and restrictions of record.

A. DEED RECORD, VOL. 51 PAGE 694-5 ASSESSED LAND VALUE
(R & T) 29,808

B. LEGAL DESCRIPTION

Being a part of Block 12 in the Town (Now City) of Newberg, Yamhill County, Oregon, according to the plat of said Town of Newberg of record in the office of the Recorder of Conveyances for said County and the part thereof hereby conveyed being particularly described as follows, to-wit:

BEGINNING on the North line of Third Street at a point 75 feet West of the Southeast corner of said Block 12; running thence North parallel with the East line of said Block 12, 120 feet; thence West parallel with North line of Third Street 75 feet; thence South parallel with the East line of said Block 12, 120 feet to North line of Third Street; and thence East 75 feet to place of beginning.

A. DEED RECORD, VOL. 159 PAGE 1957 ASSESSED LAND VALUE
(R & T) 31,005

B. LEGAL DESCRIPTION

Commencing at the Southeast corner of Block 12 of the original Town of Newberg in Yamhill County, Oregon, and running thence North along the East line of said Block 12, 120 feet; thence West 75 feet; thence South parallel with the East line of said Block 12, 120 feet to the North line of Third Street, and thence East 75 feet to the place of beginning.

SIZE IN ACRES OR SQUARE FEET One-half city block, Block 12,
original town of Newberg.

5. GENERAL DESCRIPTION OF SUBJECTS PROPERTIES:

Current Use: Commercial and Residential

Topography: Flat

Does it front a public road? Yes Name of Roads Edwards Street,
College Street and East Third Street

Does it front a private road? No
What buildings are on the property? Two residences, a doctor's
office and a law office.

Means of Water Supply: City of Newberg

Means of Sewerage: City of 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: On the same block is one residence, 20 feet. Apartment house, 100 feet. Church adjacent.

Explain Surrounding Uses: Churches, residence and commercial.

7. PROPOSED USE OF SUBJECT PROPERTY:

Identify all planned improvements including construction, building, earth work, utilities, sewerage, etc.: None

Identify the uses that you intend to conduct on the subject property and/or within the proposed improvements: Law practice, doctor's office and rental residences. Commercial development will be considered in the future relative to residential real property.

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: N/A

ADDRESS THE FOLLOWING CHANGE CRITERIA:

I. CONFORMITY TO THE COMPREHENSIVE PLAN:

1. The planning map included within the comprehensive plan recognizes the subjects properties for the following general use: R-3

2. Identify which goal and policy statements contained within the comprehensive plan pertain to this request: Commercial Area page 13, Housing pages 14-16, Urban Design pages 16-18, Urbanization pages 27-28, Public Facilities pages 23-26, and Transportation pages 20, 21.

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

A. R-3 changed from Commercial without notice to land owners.

B. The block in question was made commercial when zoning was first brought to Newberg to enable Dr. Leonard Silvers to construct his now existing physician's office at the intersection of Third and College Streets.

- Margaret Swift
- C. Subsequently, Herbert and /purchased the residence at 210 S. College based upon the fact that it was a commercial zone and remodelled the structure into a law office, which has been there since 1962.
- D. R & T, Inc. purchased the remaining 1/2 block in question based upon the fact that it was zoned commercial and could be developed in the future as a commercial area.
- E. Half of the area requesting the change has been commercial for approximately 20 years. The remaining two residences which were purchased by the owners for commercial development are sufficiently small and do not affect the total amount of the area in the city to set aside for housing.
- F. Zones and policies relative to the economy: In this area commercial existence in the retention of the downtown area as a primary shopping service and financial center of Newberg and is not commercial strip development.
- G. Urban Design: This provision complies with the requirement that commercial development requested in the town core area.
- H. Due to the fact that the block in question is already half-developed for commercial use, transportation will not be affected.
- I. Urbanization: This portion of Newberg is in the downtown core area which is a favorite area for commercial development.

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

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.

Margaret Swift,
We, Herbert Swift, /Leonard L. Silvers, and Robert E. Swift,
President of R & T, Inc., are the owners of the properties involved in this application and the statements and information herein contained are in all respects, true, complete and correct to the best of our knowledge and belief.

DATED this 13 day of April, 1981.

Margaret Swift
Margaret Swift

Herbert Swift
Herbert Swift

SIGNED this 10 day of April, 1981.

Leonard L. Silvers
Leonard L. Silvers

SIGNED this 13 day of Apr, 1981.

Robert E. Swift
Robert E. Swift
President of R & T, Inc.

PROPERTY OWNER OR AGENT WITH WRITTEN AUTHORIZATION MUST SIGN

Date received by Planning Department

_____, 1981.

By _____
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.

VB

The meeting was called to order by Chairman John Cach.

Roll Call:

Present: John Cach John Poet
 Jack Kriz Arthur Stanley
 Bob Youngman Jim Tumbleson

Absent: Jean Harris (excused)

Also Present: 7 Citizens

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

Motion: Youngman-Poet to approve April 21, 1981 minutes as amended; Page 5, Council Hearing Date of May 1, 1981 to read ... Council hearing, May 4, 1981, at 7:30 P.M. Motion carried unanimously by those present

Public Hearing: C-2-81, Z-2-81 ,
Applicant: Herbert & Margaret Swift, Leonard Silvers, and R & T, Inc.
Request: A Comprehensive Plan Amendment from High Density Residential to Commercial, and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial)
Location: The south ½ of the block bounded by College, Edwards, Second and Third Streets, Newberg, OR
Tax Lot No; 3219AA-13600, -13700, -13800, -14200

Staff Report: The Planning Director presented the staff report as presented in the staff memorandum with a correction in finding 4 to read one or two duplexes rather than a duplex, correcting finding 7 to indicate applicant has submitted information addressing specific goals and policies, and further deleting Goal 14, Urbanization from finding 9.

Proponent: Bob Swift, 210½ S. College, applicant, indicated that the documents presented as Applicant's Exhibit 1 were adequately able to cover the subject under discussion. Mr. Swift summarized Exhibit 1 and indicated further that the purpose for the change requested was to allow construction of additional building space without setback requirements and to return the properties to zoning status which existed prior to 1979 adoption of the Newberg Zoning Ordinance.

Mr. Tumbleson questioned Mr. Swift as to the possibility of construction expansion if the property were re-zoned to Residential-Professional (R-P) zoning and Mr. Swift indicated he did not know if this zone designation would enable such construction. Staff indicated that property setbacks in an R-P zone would prohibit such plans.

Mr. Youngman asked Mr. Swift if the intent of this request was to return the property to original zoning and Mr. Swift indicated it was. Staff indicated the property was legislatively changed to current R-3 zoning in 1979 with adequate notice to the general public through newspaper advertising. Staff further indicated this property was not included in the vacant land inventory. Staff stated that a C-2 zone required no side yard setback requirement and a variance to the existing zone for purposes of such construction would not be applicable.

Mr. Tumbleson asked if parking were currently adequate. Staff indicated that parking is not currently adequate, however the structure is a non-conforming use. At the time of permit application for new or additional construction, the parking situation would need to be addressed. Mr. Swift indicated his intention to apply for a parking variance at the time of building permit application.

VB

Mr. Swift indicated the only way which was presently economically feasible for his business and practice to be expanded was to remodel and expand his existing facility at its current location.

Harold Gonce, 205 S. Edwards, asked Mr. Swift what proposed timing he had in mind for development of the two existing single family homes on the properties and Mr. Swift indicated he had no immediate plans for development.

Staff indicated that, under current zoning, a possible 10 plex could be located on the site of the existing single family homes, and further stated possible commercial uses indicated in the Newberg Zoning Ordinance as outright permitted uses in a C-2 zone.

Public Agencies:

Newberg Police Department - No problems unless future traffic problem.

No letters were submitted.

Staff Recommendation: Staff cautioned the Planning Commission to look at the downtown core area as a whole during their deliberations. The applicant has supplied a response to all points addressed in the Planning Department Staff Report. Staff recommends approval of this request based on findings 1-6 as stated in the Staff Report and those findings presented by applicant relating to the Comprehensive Plan to be numbered Finding 7-A,B,C,etc., 8 (relative to public need) and 9 (relating to LCDC goals and guidelines).

Staff was asked if the proposed change would remove the buffer between the downtown business district and residential housing. He indicated that the R-3 (buffer) would be removed for the block requested for change.

Hearing Closed.

Motion: Youngman- , to approve the request for a Comprehensive Plan Amendment from High Density Residential to Commercial, and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial) based on findings 3, 4 and 6 of the staff report and proponent's findings 7, 8 and 9.
Motion Failed for lack of a second.

Motion: Poet-Stanley, to approve the request for a Comprehensive Plan Amendment from High Density Residential to Commercial, and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial) based on findings 1-6 of the Staff Report and findings 7-A,B,C,etc., 8 and 9 of proponent's findings.

Discussion followed regarding applicability of findings, location of other potential properties which might be affected by this decision, lack of public need and affect on housing.

Vote on Motion: Aye: Stanley, Poet--Nay: Cach, Youngman, Kriz, Tumbleson--Absent: 1
Motion failed (4-2).

Staff indicated that the failure to approve a land use request does not automatically deny the request and that an appropriate motion must be passed together with findings indicating their decision. Mr. Moorhead indicated the following findings for denial could be justified.

Findings for Denial:

1. The applicant has not demonstrated that a public need exists which would warrant the conversion of the properties from R-3 (High Density Residential) to C-2 (Community Commercial) uses. Specifically no need was demonstrated relating to the conversion of the existing single family residential houses on the subject properties.

2. It has not been demonstrated that the public need would be best served by changing the classification of this particular piece of property as compared to other properties found within the City, as no testimony was presented relating to other sites.
3. The applicant did not address issues relating to potential adverse impacts associated with the proposed Comprehensive Plan Amendment and Zone Change. Such impacts may relate to noise, visual, safety factors and traffic. The impacts associated with developments permitted within the existing zone as compared to developments that may be permitted within the proposed zone were not determined or addressed.
4. The subject property is not actually considered to be within the current commercial core area. Adequate testimony was not submitted relating to the proper expansion of this district at this particular location.
5. The effects of reducing the amount of available residential lands was not adequately addressed. Parts of the subject property may currently serve the need for housing and the effects of displacement associated with housing within the subject property to other lands within the community was not addressed.
6. There are other lots available for commercial uses and the applicant has not submitted substantial evidence addressing the issue of other available property and why this property is best suited at this time for commercial uses.
7. Other alternative remedies to the Comprehensive Plan Amendment/Zone Change for the property have not been presented at this time.

The City Attorney indicated that the Planning Commission could recommend to Council each parcel separately and the Planning Commission is a recommending body in this action.

Chairman Cach restated the findings for denial prior to hearing a motion.

Motion: Poet- , to recommend the request for a Comprehensive Plan Amendment from High Density Residential to Commercial, and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial) on Tax Lots 3219AA-13700 and -13800 only. Motion Failed for lack of a second.

Motion: Kriz-Tumbleson, to deny approval of the request for a Comprehensive Plan Amendment from High Density Residential to Commercial, and a Zone Change from R-3 (High Density Residential) to C-2 (Community Commercial) based on findings for denial 1-7 as they relate to Section 600 of the Newberg Zoning Ordinance. Vote: Aye: Cach, Youngman, Kriz, Tumbleson--Nay: Stanley, Poet--Absent-1. Motion Carried (4-2).

Staff indicated to Mr. Swift, applicant, that the Planning Commission denied the request for Comprehensive Plan Amendment/Zone Change and further indicated that an appeal may be taken by any person, firm or corporation affected by this decision. The appeal would be made to the Newberg City Council and must be filed on a form supplied by the Newberg Planning Department within 10 days of the decision of the Planning Commission. The Planning Commission decision was made on Tuesday, May 19, 1981.

Old Business: Staff was questioned as to vacancy status for Planning Commission positions and staff indicated several applications have been received and discussions will be taking place involving the Planning Director, Mayor and City Administrator. Mr. Youngman indicated an article in local papers would be advisable indicating vacant position and qualifications. Discussion followed. A request was made that copies of current criteria for Planning Commission membership selection be distributed to current Commissioners and Council members. Staff stated all comments regarding the selection of new members be written and submitted to the Mayor as soon as possible.

VB

The Design Review Ordinance status was reviewed with staff indicating that a current study of surrounding communities was being done and ordinance was currently in a hold status. A slide show is being established for presentation to the Planning Commission and Council.

Staff stated the Comprehensive Plan is currently at State and no hearing date has yet been established.

New Business:

Commissioners who attended a recent seminar extended their thanks to the Planning staff and also requested they be notified of any future seminars even if the City is unable to fund their attendance.

A request for scheduling a work meeting for the full Commission was recorded. At the time that all Commission positions are filled a meeting will be scheduled.

Mr. Moorhead presented background information regarding Tom Hailey's 61 unit Planned Unit Development which was approved in 1980 with conditions. The applicant is proposing to phase the development due to financing requirements. Current City ordinances require the Planning Commission to approve phasing of this development subject to staff recommendations and conditions.

Mr. Hailey was questioned regarding whether each phase would be completed independently of the other and he stated they were to be in 3 phases and completed separately. Staff recommended phasing.

Motion: Youngman-Stanley to delegate authority to the Planning Director to direct phasing of PUD-5-80, Newberg East Townhouses. All phases must independently comply with the City's ordinances. Vote: Aye: Cach, Stanley, Youngman, Kriz, Tumbleson, Poet, Harris--Nay: None--Absent: 1. Motion Carried (6-0).

The Commission requested a copy of the formal phasing agreement be sent to each member of the Planning Commission.

Motion: Youngman-Poet to adjourn. Motion carried unanimously.

Council 6/1/81

NOTICE OF
SUPPLEMENTAL BUDGET HEARING

A public hearing on a proposed supplemental budget for the City of Newberg for the fiscal year 1980-1981 will be held in the Council Chambers in the City Hall at 7:30 P.M. on June 1, 1981. Copies of the supplemental budget are available without charge at the office of the City Recorder. The budget may be inspected by interested persons at the office of the City Recorder during regular office hours. Any person may appear at the public hearing on the supplemental budget, and discuss the budget or any part of it.

Michael Warren
City Administrator

Publish: May 19, 1981

IC

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: City Projects

DATE: May 6, 1981

This memo is meant to update the City Council on what has been and is going on on City Projects. The Public Works Director has spent some time with me explaining dates, projects, changes, etc.

The highest priority project right now is PAINTING, SANDBLASTING, AND RIPRAP OF THE BRIDGE. The bid opening is scheduled for June 9, at 2:00 P.M. The intent of this project is to give a longer life to the bridge and to allow for future capacity of a 24 inch line in case it is needed. The project can, due to weather, only be done in June or July so we are moving quickly.

The Public Works Director has explained that in the past we have used only Robert E. Meyers consultants for all Public Works work. We do not do this now, as it is both the Public Works Director and my opinion, we go either with the best person or company for the job or with the lowest price. This applies to obviously not only consultants but anything else that we purchase or use as a service in our City. In the case of the consultants, we now go to a specialist consultant rather than just Robert E. Meyers. We attempt to get the consultant that is most qualified for the particular job at hand. You can equate it to a General Practitioner, who can possibly diagnose and maybe even remedy your sickness. But if you would go to a specialist, that deals particularly in the injury or sickness you will probably have better service.

Also on the subject of consultants, in the past we paid a consultant out of the City Administrator's office, usually immediately after we got the bill. The procedure now is to have the Public Works Director review the bill and insure that the work and services were done to our satisfaction. A consultant within his agreement will give a maximum estimated price on the services that he is to provide. Again, in the past Robert E. Meyers would usually reach that maximum with no accounting of the hours spent or expenses of the company. The Public Works Director is keeping accounting for all of the money that we have spent so that we do not go over the contract. The Public Works Director is also insuring that the consultants account for each and every bill that is sent to the City for payment. In this manner the consultant (this can also apply to contractors) does not necessarily reach their maximum payment.

GROUTING OF THE SANITARY SEWER LINE is the next project. This is the second phase of the rehabilitation project. We are advertising through June 9, 1981. We will be opening the bids at that time. We will need a Special City Council meeting on June 15th for the awarding of the bid, so that we may start the project about July 1, 1981. Money for this project is from the Special Sewer Bond Issue of \$900,000. We have spent \$260,000 on rehabilitating phase 1 and consulting fees and we should spend about \$240,000 on the phase 2 project.

WATER TREATMENT PLANT EXPANSION. The Public Works Director has sent a letter to our contractor for liquidated damages of \$100 a day, because the contractor started late and did not order materials in advance. Consequently, he is behind schedule and has been given some leniency already.

Memo to City Council
Subject: City Projects

The contract called for submittal of the programing sequence of the water controls prior to the construction of the controls. This simply means that prior to installation of the complicated and intricate control system the consultants would have a chance to review it to insure that it is what we ordered and is what we needed. The contractor is very bright and feels that he can do it in his head without going through the review process. It would obviously save him some time. It is this type of difficulty that we are having to date, but both Bob and myself feel confident that it can be worked out to satisfaction.

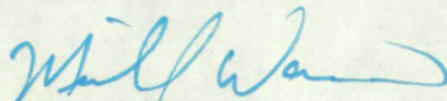
The question in the Council members minds may be the impact that this could have on our water supply for the upcoming year. This problem will not have an impact because in the past our biggest problem was how to get the water from the wells on the other side of the river to the customers. We now have a 24 inch line, plenty of water and it is available by manual operations (this is the method that we use now).

HESS CREEK AND MORTON STREET SANITARY SEWER. We have attempted to get the contractor to come back and remedy some of the problems that have occurred on this project. It is not the highest priority but we are working to alleviate some of the problems on the sewer line there.

SPRINGBROOK WATER LINE. John Raineri will manage the construction progress of this project. The east side of town has developed very rapidly and has gone beyond our 7 year old master plan for water lines. The consultant on this project, Kramer, Chin & Mayo are doing the design and we are now authorizing a check of the proper pipe size and a zonal master plan for that area. A good master plan will be able to tell us the weak links, what is needed, and when it is needed.

We are in excellent shape now to update our master plan because we have an Urban Growth Boundary identified. We know where we will grow, so we can plan our future even 20 years down the line.

The schedule for this project is to advertise and award bids for purchase of pipe at the special June 15th meeting. We will then begin advertising for construction that will begin later in the summer, probably around August or September.



Michael Warren
City Administrator

MW/bjm

VII A

MEMO

TO: City Council

FROM: City Administrator

SUBJECT: Subdivision and Development

DATE: May 7, 1981

After conferring with the Public Works Director, I felt that it is advisable to inform the City Council of our progress on various subdivisions and developments in the City of Newberg.

OAK HOLLOW. The plans on this particular project have been reviewed and are ready for construction. The developer, Ron Bowden, is the first person to pay one-half of the Engineering fees (\$5,700) ahead of when they normally do. It should be pointed out that in the past the fees were paid when the subdivision agreement was signed, which could be AFTER the construction is completed.

What has occurred on Oak Hollow and most other projects is that the developer will come with some plans that need to be reviewed by the Public Works Director, obviously before construction can start. As soon as these plans have been approved the developer is very anxious to get started. However, the subdivision agreement which the Planning Director, the Building Inspector and the Public Works Director all work on together, also needs to be signed. The City of Newberg has been very lenient and allows contractors to begin construction. The fees for the plans that have been reviewed and approved by the Public Works Director do not have to be paid until the subdivision agreement is signed by both parties. So what can occur is construction can begin and even be completed before:

1. The Subdivision Agreement is signed, outlining what improvements are to be made, essentially what is to be done on the project.
2. Any fees for the plan review are paid by the developer.

Obviously, the process is backwards. We are continuing to do it in this manner because as the Public Works Director explained "the process is bigger than me, and because of workload and prior commitments to these projects it is almost impossible to change at this point." However, we are working diligently to have the date of beginning the construction and the subdivision agreement closer to the same day and certainly have more input and review of construction and the agreement than before.

COPPERGOLD. The Public Works Department has the plans and will be reviewing them while the agreement is being worked out prior to construction.

MEADOW LARK. This is 4 or 5 lots, off of Dayton south of Fifth Street. The Planning Commission has okayed the construction at this time. The Plan Review will shortly be approved by the Public Works Director.

BARCLAY FARMS. The repairs have been made and there will be a resolution stating such at the upcoming City Council meeting. This resolution will give notice that the improvements have been made and that the one year warranty time begins immediately. They will start building, almost immediately.

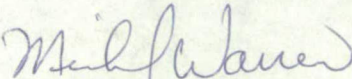
TOM HAILEY'S PUD. (behind Crowell's Auto Parts). The Public Works Director has approved probably the 12th set of plans that has been submitted to him on this particular project. The Building Inspector has also reviewed a similar amount of building plans. To this date we have not received any money for the 12 reviews. (It should be pointed out that this many reviews is highly unusual.) On the plus side, Mr. Hailey has promised to pay the 2½% extra, because he realizes that his case is very unusual. This will probably amount to about \$850.

Memo to the City Council
Subject: Subdivisions and Developments

SITKA STREET. We are behind schedule and still have to review plans and specs and then must advertise for the completion of Sitka Street. We will probably award bids at the first meeting in July.

SPRINGBROOK LID. This is the LID on Springbrook Road out to the Railroad Crossing and Crestview Drive from Springbrook east to City limits. We will not get started until the next calendar year, on this project.

STREET REPAIR. As you have noticed we have done some street repair in the City but it is not too permanent. We need a roller for the patch work and because we do not have one, the asphalt, in some cases, is a little higher than the street. But we are doing the best job with the equipment that we have. The second "B" Ballot that was proposed last month had the patching trailer included in it to do better repairs.


Michael Warren
City Administrator

MW/bjm

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Police Pistol Range

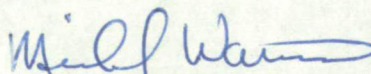
DATE: May 19, 1981

For the past two months the Chief of Police and I have been talking about the finances and qualifications involved in the pistol range procedures that are currently in effect. The Chief of Police has attached a memo which explains that the current facility in Amity is expensive and travel time is high. Also because of the expense in travel time we have only been qualifying twice a year which in my opinion, is not nearly enough for a good professional department.

The Chief has looked into the possibility of using another facility for qualifications. It would require some work on the City's part, but should result in a cost savings and even more importantly will allow for the qualification of Police Officers not less than four times a year.

The attached contract seems to be sound to me but would require our City Attorney to look into, once the City Council has given their approval. My only suggestion would be that we stipulate that the Police Department can use the Pistol Range at no cost for a given amount of time, say, 20 years.

In summary, I recommend that we pursue the avenue outlined in the Chief of Police's memo for financial and professional reasons that I have outlined.


Michael Warren
City Administrator

MW/bjm

Enc.

May 27, 1981

To: Mike Warren
City Administrator
From: Herb Hawkins
Chief of Police
Re: Estimate of costs/ Pistol Range

Sir:

On May 18, 1981 I submitted to you a proposal to build a pistol range at the Chehalem Valley Sportsman Club Rifle Range at Crabtree Park.

This proposal was then reviewed by the City's Public Safety Committee on May 22nd, 1981. At this time I was asked to submit a cost proposal on this project for Council consideration.

I have since had the City Engineer, Bob Sanders, and the Director of Public Works, Hal Turpen, view the range site and estimate the minimum costs, including labor and equipment, to develop to a minimal acceptable level. These cost are as follows:

PROJECTS:

1- Install culvert and repair road:

Equipment-					
Backhoe	(1)	4 Hours	@ 21.50	=	86.00
Truck	(1)	2 "	@ 12.75	=	25.50
Labor-					
Men	(2)	4 "	@ 11.50	=	92.00
				Total	203.50

2- Grading:

Equipment-					
Grader	(1)	8 "	@ 15.00	=	120.00
Men	(1)	8 "	@ 11.50	=	92.00
				Total	212.00

3- Burm: (Safety Barrier)

Equipment-					
Backhoe	(1)	2 "	@ 21.50	=	43.00
Truck	(1)	2 "	@ 12.75	=	25.50
Labor					
Men	(2)	2 "	@ 11.50	=	46.00
				Total	114.50

(1)

VII c

4- Excavation: (land leveling)

Equipment-

Bulldozer (Rental) (1)

10 Hours @ 100.00

= 1000.00
Total 1000.00

5- Target standards & Barricades:

Newberg Police Department

250.00

Total 250.00

GRAND TOTAL 1,780.00

As you can see, these costs are quite reasonable when compared to the costs of transporting our people and paying the overtime involved in our present program. The range might easily pay for itself in two years.

We presently have the promise of a bulldozer on a gratis basis if we supply the fuel only. However, I have been told that the equipment just isn't large enough to do the job. This may or may not be true, depending on the amount of time the owner is willing to donate.

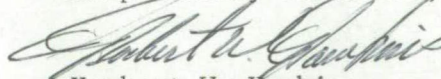
As stated in prior memo, the Police Department does have \$600.00 in reserve for this project which is ample to install the target standards and barricades. We also have a lot of volunteer labor lined up to complete necessary tasks. If we subtract our reserve funds from the total amount it reflects a total minimum cost to the City of \$1180.00. This could prove to be a very worthwhile investment for the City resulting in a considerable cost savings over a period of time.

* Please bear in mind that the estimated costs include rental of City equipment which would not be out of pocket expense.

This report has been prepared in a very hurried manner, however, I believe it to be reasonably accurate. The cost figures are considered to be the minimal level but should at least put us in business.

If further details are necessary, please advise.

Respectfully submitted,



Herbert W. Hawkins

Chief of Police



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

POLICE DEPARTMENT
Herbert Hawkins,
Chief of Police
503-538-8321

May 18, 1981

TO: Mike Warren
City Administrator
FROM: Herb Hawkins
Chief of Police
RE: Police Pistol Range

Sir:

For several years the Newberg Police Dept. has searched for ways and means to create our own facility for holding our required firearms training and qualifications. These needs have not been successfully met nor do we appear to be any closer to our goal than we were.

As you know, this is a very critical area of training, progressively increasing the liabilities of the department and City. Our present firearms program appears to be inadequate to eliminate the concerns that I'm sure we both share due to recent court decisions resulting from police shooting fatalities.

Due to our growing concerns, I have taken the liberty to explore all avenues possible to address this problem.

At the present time, I have found only one possibility that appears to be reasonable and practical, both from the financial and logistics point of view. This is the creation of a pistol range at the Chehalem Valley Sportsman Club rifle range, located next to Crabtree Park just outside Dundee.

Before I go into details of this possible arrangement, let me explain what we are presently doing in this regard.

All police personnel, both regular and reserve, must travel to the county facility, which is located on private property at Amity. This necessitates transportation requirements for approximately thirty (30) officers for a distance of forty (40) miles round trip. Due to the mileage and overtime costs, we are presently qualifying only twice annually. This not only fails to meet our needs but is becoming cost prohibitive.

Ideally, we should be qualifying at least quarterly with our service revolvers and firing a familiarization course with all other weapons at least once a year. This does not include night firing courses or sponsored matches.

VII c

At the present time our officers could use the range at Dundee on an individual basis by becoming members of the club at an annual cost of \$40.00 each. This would result in a cost factor of \$1200.00 and would still not provide the sanctioned collective qualifications necessary.

The C.V.S. Club has agreed to allow us to develop on their property and waive all fees as long as we agree to all costs of installation. This would involve leveling the land and providing target standards and barracades. (See attached agreement of C.V.S. Club.)

Most of the demands of the club appear to be reasonable and within our capability to meet. We presently have the promise of a bulldozer for land leveling at no cost other than fuel to operate. Most other needs could be met by use of voluntary help by our members with the exception of possible final grading or some land fill. The Police Department presently has approximately \$600.00 in reserve account with the City, which we feel will be adequate to build the target standards and barracades.

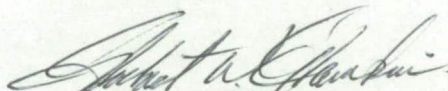
What we are asking the City is; permission to enter into agreement with C.V.S. Club to build the range; and possible use of some City equipment to complete final stages of construction.

It is my feeling that the costs involved in this endeavor will ultimately result in a definite savings to the City and also meet the needs of our firearms training program.

In conclusion, I would like to point out that this arrangement might very well meet our long term needs and also reduce the risk of exposure to unnecessary liabilities to the City.

If further questions or concerns should arise, please feel free to contact me at any time.

Respectfully submitted,


Herbert W. Hawkins,
Chief of Police

HWH/mr
enl/1

CHEHALEM VALLEY SPORTSMAN CLUB

W e---C.V.S. club h ave agreed to give City of Newberg's Police Chief H awkins and his officers as well as his reserve officers the right to hold their qualification courses on C.V.S. property as laid out in this agreement:

There will be ^{no} monthly charge to the City of Newberg, or the Police Department.

Improvements will be at the expense of the City of Newberg Police Department.

x C.V.S. club representatives, Stuart Richey, Herman Robinson, and Kerry Seifried will work with the Police Department's project officer in layout of the pistol range boundary lines and parking area set aside for police cars.

Requirements: City of Newberg Police Department will be required to insure C.V.S. club against any liability or property damage caused by them.

Safety requirements must be met and satisfied by the Chehalem Park and Recreation B oard.

No firing on the pistol range is allowed on the days set aside for park activities as stated in the agreement with the C.V.S. club and the Chehalem Park and Recreation Board.

No large bore rifles, semi-or automatic weapons or riot guns will be allowed use on the pistol range except shotguns.

There will be one key and combination given to Police Chief Hawkins which he will be responsible for.

At no time shall any of the officers or special policemen be allowed to freely practice on the range outside of these qualification matches.

The Newberg Police Department will be required to give the C.V.S. club a yearly qualification schedule of dates and times in advance. The pistol range will be open to members of the C.V.S. club for the remainder of the time. Use of the rifle range will be granted for large bore rifle qualifications by the concent of the C.V.S. club. These schedules will be worked in when they do not conflict with the clubs activities.

For full privileges of the Chehalem Valley Sportman Club # C-6895 which is affiliated with the National Rifle Association of America, any officer is welcome to make application for membership in writing prior to any monthly meeting held on the 3rd Tuesday of each month.

Enclosed is a blueprint showing the layout of the proposed pistol range.

1. Range must be leveled east to west and north to south.
2. A dirt barrier will be required on the north pistol range.
3. The excess dirt and rock can be pushed and built up not less than 20 feet high.
4. Excess rock can be filled in the hole east of the rest room.
- ✓5. Use back-hoe to dig culvert ditch north of existing culvert and install additional culvert, to be furnished by C.V.S. club.
- ✓6. Fill in washed out road leading to rifle range.
7. Fine shale from rifle range can be used to surface parking lot or other needed areas.
8. All target holders and barricades must be portable with permanent pipe bases fastened in the ground.
9. Space for three tables must be reserved and staked out such as the one there now.
10. Cement building blocks can be used where needed.
11. " No Trespassing" signs must be posted every 50 feet on the south, west and north property lines enclosing the pistol range.
12. The Newberg Police Department will be required to furnish the C.V.S. club a blueprint of all proposed installations.

As officers of the C.V.S. club we have passed on the recommendations as laid out in this agreement.

Date _____

Signed: President _____
Sect. Treas. _____
Project Chairman _____

We accept this agreement: Date _____

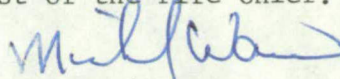
Signed: City of Newberg _____
Police Chief _____
Project Officer _____

MEMO

TO: City Council DATE: May 26, 1981
FROM: City Administrator
SUBJECT: Retirement Extension of Fire Chief

At the last Council meeting this subject matter was brought up and referred to the Public Safety Committee. The Safety Committee met and discussed this issue and those present un-animously agreed to continue the Fire Chief's employment with the City on a year to year basis as prescribed in the Personnel Rules. A report from his Doctor indicates that the Fire Chief can perform the duties adequately.

Recommend Action: Approve request of the Fire Chief.



Michael Warren
City Administrator

MW/bjm

Enc.

VIII A

CITY OF NEWBERG

DEPARTMENT OF FIRE

414 EAST SECOND STREET

NEWBERG, OREGON 97132

JOHN PAOLA, CHIEF

April 20, 1981

Mr. Michael Warren
City Administrator
City of Newberg
414 E. First Street
Newberg, OR. 97132

Dear Sir:

On July 21, 1981 I will have reached my 60th birthday. Ordinance No. 2041 states that this would be my normal retirement date.

I find this difficult to accept as my retirement plan (Bankers Life) does not provide the necessary funds for me to survive on. Therefore, I am asking permission to continue active employment for the City of Newberg Fire Department for one more year.

Sincerely,

John Paola
John Paola
Fire Chief

JP:fj

VIII A

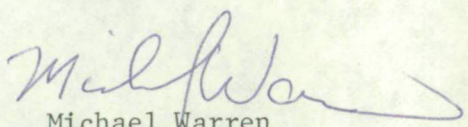
MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Fire Chief

DATE: April 20, 1981

Attached is a memo from the Fire Chief which in accordance with Ordinance No. 2041 requests a waiver of mandatory retirement. Our Fire Chief is well known in the State and runs one of the best Fire Departments in the State of Oregon. I, too, would like to ask permission of the City Council to extend the Fire Chief's retirement date to capitalize on the years of experience and knowledge he has to the benefit of the City of Newberg.

RECOMMENDED ACTION: Approve request for continuation of active employment.


Michael Warren
City Administrator

MW/bjm

Per. Rules

Sect 7.1

Enc.

65 - Gen employees

60 - Fire Police

Must make request on a yr to yr basis

VII A

A MEETING OF
THE PUBLIC SAFETY COMMITTEE

7:00 A.M.

J's Restaurant

May 22, 1981

Present: Roger Gano, Chairman
Harold Grobey
Quentin Probst

Elvern Hall, Mayor
Michael Warren, City Administrator
Arvilla Page, City Recorder
Herbert Hawkins, Police Chief

Request for extension of mandatory retirement age of 60 from Fire Chief, John Paola. Mr. Warren stated Chief Paola was asked to obtain a physical examination as required. A physical examination was conducted by Dr. Silvers and Chief Paola was found to be qualified to continue in his occupation. Mr. Warren stated he had contacted Dr. Silvers with further questions and Dr. Silvers stated that Paola was very physically able. Mr. Warren also asked that the Committee make a decision as to whether the City or Chief Paola should pay for the physical examination.

Motion: Grobey to extend the retirement date one year and pick up the fee for the physical examination. Gano stated he would second the motion after discussion.

The moral of the volunteer force was discussed. Mr. Gano stated that some people were unhappy but not all of the unhappiness is the result of the Fire Chief. Mr. Probst stated that the volunteers in command positions do not feel they are used enough. Mr. Gano agreed that the Chief does not fall back on the volunteers enough and relies too heavily on paid staff. Mr. Grobey pointed out that it is natural for friction to occur between professional and volunteer fire fighters, of most importance is how the department functions and the maintenance of the fire rating. Mr. Gano stated that it is now time to consider a paid assistant chief and the Committee should meet soon to consider that matter. The position will be open soon as assistant chief of the volunteers. This has always been filled by seniority which would be Kenny Andrews who is a paid fireman. Mr. Gano stated he had had a long meeting with Chief Paola asking his plans for the future. Chief Paola plans to retire at age 62 but he is concerned about the social security situation and could not afford to retire now at age 60. Another item to be considered is the rules in the volunteer fire department that fire chief must have been with the force five years.

The Committee voted to extend the retirement date of Chief Paola.

The Committee discussed parking problems near Shari's Restaurant and Police Chief Hawkins was instructed to proceed with legal procedures for restricting parking and inform the Traffic Safety Committee of the action.

Mr. Warren reported that a proposed agreement for use of the Chehalem Valley Sportsman Club pistol range by the Police Department has been received. If the police force were to join the club on an individual basis, the cost would be about \$1,200. per year. However, if the City would do the work to set up the professional range, fees would be waived for the department. The range is located near Crabtree Park and would allow police force to qualify more often. Work would need to get started soon. Cost would be minimal. Some backhoe work would be needed to install a drain and a bulldozer for final

grading. Some money is available from donations by the insurance agents in the area. Otis Springs had been considered for a pistol range, however, there would be the need to obtain permits for that location. The Chehalem Valley Sportsman Club has the permits.

Motion: Grobey-Probst to recommend an agreement with Chehalem Valley Sportsman Club. Carried.

Chief Hawkins reported that two new patrol cars were received this week and are now being equipped.

Mr. Warren reported that sources of revenue are being investigated. In particular, communications charges made to Dundee for fire and police services and the ambulance service at the hospital.

Meeting adjourned.

Agenda

MEMORANDUM
May 27, 1981

TO: Mike Warren, City Administrator
FROM: Clay Moorhead, Planning Director
RE: Status of the Newberg Comprehensive Plan

The Newberg Comprehensive Plan was submitted to the Department of Land Conservation and Development on April 17, 1981. As of May 20, 1981 the City had not yet been scheduled for review by the Land Conservation and Development Commission. The next hearing by LCDC would be in June. The hearing following the June meeting would be in August and then another meeting will be scheduled in September. Through recent discussions which I have had with the State Housing Division, the Mobile Home Dealer's Association and the Oregon Business Planning Council, I have found that none of these agencies had received a copy of our Comprehensive Plan through the referral for the June LCDC meeting. Since these agencies had not received copies of our Plan for acknowledgement referral, it would be very difficult to schedule the City of Newberg in at the June meeting as there would no longer be adequate time for affected agencies to respond to the City's Plan. Through several meetings with the Department of Land Conservation and Development staff, including Wes Kvarsten, and members of the City, the City had indicated its strong desire to be on the June agenda. This desire was expressed in the early part of April by the City to DLCD. In addition, Wes Kvarsten personally stated that he would do all he could to get Newberg on the agenda at several different occasions, the most recent being the week of May 11, 1981. The State Land Conservation and Development Commission has had the City's request for acknowledgement for over one month before scheduling the City of Newberg for review before the LCDC. I brought this matter to your attention on May 19, 1981. At that time I also advised you that the Land Conservation and Development Commission had recently adopted a new administrative rule relating to Goal 5 (Open Space), and that the City of Newberg's Comprehensive Plan may now be subject to yet another requirement established through the statewide planning process.

On May 20, 1981 you and the Mayor contacted Wes Kvarsten at the Land Conservation and Development Commission and discussed with him matters relating to Newberg's Comprehensive Plan, the scheduling of the Plan for acknowledgement, and the new Goal 5 requirements. It's very curious to note that I've just received a memorandum from the Land Conservation and Development Commission indicating that the City of Newberg may be processed under a lesser restrictive requirement found within their administrative rule. I think the meetings that the City has held with Wes Kvarsten and the Department of Land Conservation and Development have been very helpful to insure that the Plan will be acknowledged, although it is my understanding that we will not be scheduled for review until September.

MEMO

TO: City Council

DATE: May 27, 1981

FROM: City Administrator

SUBJECT: Country Comfort Crafts Fair

Diane Raines has been before the City Council at the April and May regular meetings. At the May Council meeting, the plans for the Crafts Fair were discussed and the general consensus of the Council was that of approval, However, no formal motion was made by the Council relating to Mrs. Raines request. She was advised at that time that there may still be several matters such as traffic control, parking and litter that would need to be taken care of prior to establishing the fair and was further told to meet with the City Staff (Police Chief and Planning Director) to work out any further details.

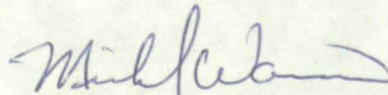
Mrs. Raines did meet with the police staff but did not meet with any other departments prior to establishing the fair at the Newberg Bowling Alley site. Potential problems were noted relating to parking, pedestrian access and traffic as no designated parking areas were noticeable to persons wishing to stop.

In reviewing the Crafts Fair through the Planning Department, it was found that no similar types of uses (outdoor markets) are found as a "Permitted Use" in the City's commercial zones. It was determined that the fair could be established as a semi-permanent use through a Conditional Use Permit process which must be approved through the Newberg Planning Commission.

Mrs. Raines was advised that she must apply for a conditional use permit and that if the application was received by May 22, 1981, that it could be scheduled for the regular June Planning Commission meeting. In the meantime, the City Staff authorized the Crafts Fair to continue on a temporary basis (upto 5 consecutive weeks) until a decision could be made through the Conditional Use Process.

Mrs. Raines submitted the attached letter dated May 27, 1981 indicating that they are searching out other possible sites and that they could not apply for the conditional use permit until a permanent location could be agreed upon. She further has requested that she be able to present the status of this situation to the Council at the June meeting.

In looking at this matter, I am concerned about extending the right to continue the Crafts Fair at the current location, administratively knowing that the earliest date that a Conditional Use Permit could be reviewed would be July 21, 1981. On the other hand, I am also concerned about closing down the Crafts Fair until the Conditional Use Permit can be processed because of the efforts already made by Mrs. Raines to establish the Crafts Fair.


Michael Warren
City Administrator

MW/bjm
Enc.

VIII c

Diane E. Raines
310 S. River St.
Newberg, OR. 97132
538-1002

Country Comfort



Crafts Fair

Sherri Baker
Rt. 2 Box 111 A2
Newberg, OR. 97132
538-6042

May 27, 1981

Mayor Elvern Hall
414 E. First St.
Newberg, Oregon 97132

Dear Mayor Hall,

Country Comfort Open-Air Market would like to cooperate with the City of Newberg in every way possible.

At the present time, we are searching out various sites for relocation. We do not feel that we should apply for a Conditional Use Permit until we can agree on a permanent location.

We would like to present our current situation at the June City Council Meeting. We would be open to any new suggestions from the Council members or the public.

Sincerely,

Diane E. Raines

VIII c

MEMO

TO: Mayor & City Council DATE: May 26, 1981

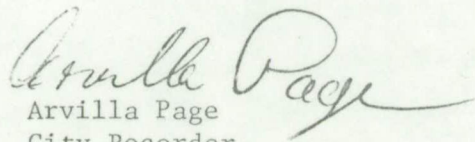
FROM: Arvilla Page, City Recorder

SUBJECT: Abstract of votes, Special Election of May 19, 1981

The official tally of the May 19, 1981 election is as follows:

	<u>YES</u>	<u>NO</u>	<u>UNDER</u>	<u>OVER</u>	<u>TOTAL</u>
Levy 51-A Ballot	818	621	30	7	1,476
Levy 52-B Ballot	679	744	52	1	1,476

There are 5,746 registered voters and the total vote represents 25.7% of registered voters.


Arvilla Page
City Recorder

AP/bjm

cc: Mike Warren

IX A

MEMO

TO: Mayor & City Council DATE: May 26, 1981

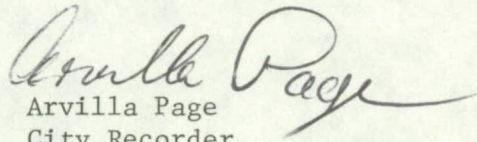
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Levy 52-B Ballot	679	744	52	1	1,476

There are 5,746 registered voters and the total vote represents 25.7% of registered voters.


Arvilla Page
City Recorder

AP/bjm

cc: Mike Warren

TO: City Council DATE: May 28, 1981

FROM: City Administrator

SUBJECT: Painting the exterior of existing building for Hospital.

Recommended Action: Award bid to Paragon Coatings.

Michael Warren
City Administrator

MW/bjm



NEWBERG COMMUNITY HOSPITAL

501 VILLA RD. NEWBERG, OREGON 97132 (503) 538-3121

May 6, 1981

RECEIVED

MAY 7 1981

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

Mr. Mike Warren
City Administrator
414 East First
Newberg, Oregon 97132

Dear Mike:

I have attached a copy of the bid summaries received by the hospital for painting the exterior of the existing building. Bids were advertised in accordance with all applicable laws and ordinances and have been reviewed by the Executive Committee of the Hospital Board of Commissioners. It is their recommendation that the low bid from Paragon Coatings of \$4,836 be accepted.

I would ask that this item be placed on the agenda for the next City Council meeting for their acceptance.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,

Donald S. Elsom
Administrator

Enc. -1 Bid Summary for exterior painting of hospital.

IXB

APRIL 30, 1981 @ 2:00 P. M.

Present: Warren E. Simpson

ITEM (S) EXTERIOR PAINT OF EXISTING HOSPITAL - WALLS

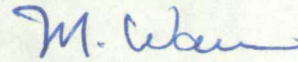
HOSPITAL SPECIFICATIONS	QTY	BUDGET	SUPPLIER 1	SUPPLIER 2	SUPPLIER 3	SUPPLIER 4
			G & C PAINTING	TED RIFFEL	PARAGON COAT	E. ANE. HOUSE
Base Bid		\$5,200.00	\$10,475.00	\$ 5,296.00	\$4,336.00	\$4,780.00
Alternate #1 Hospital Shop			1,575.00		500.00	790.00
			\$12,050.00	\$ 5,296.00	\$4,836.00	\$5,570.00

IV
8

MEMO

TO: City Council DATE: May 26, 1981
FROM: City Administrator
SUBJECT: Electrolyte Analyzer and Ophthalmic Cryophake system.

Attached is a memorandum and a competitive bid analysis on the merchandise mentioned above. The recommendation of Administration and the Executive Committee of the Hospital Board of Commissioners is that R.L. Keller be awarded the purchase of the system. The total price is \$4,355.



Michael Warren
City Administrator

MW/bjm

Attachment

IV c

NEWBERG COMMUNITY HOSPITAL

BUILDING PROJECT COMPETITIVE BID ANALYSIS

BID OPENING DATE: May 5, 1985

BY: *[Signature]*

WITNESS: *Betty Lowell*

ITEM (S) Opthalmic Cryophake

HOSPITAL SPECIFICATIONS	QTY	BUDGET	SUPPLIER 1	SUPPLIER 2	SUPPLIER 3	SUPPLIER 4
Opthalmic Cryophake as per attached specifications	1 ea	\$ 24,000 Opthalmic Budget	Western Optical	Storz	R.L. Keller	
Cryophake			\$4,560.00	\$4,355.00	\$4,355.00	
Stand			420.00	495.00	included in above price	
Tanks				220.00		
Specifications Met			\$4,980.00 w/stand meets specifications	\$5,070.00 NO- Bid was F.O.B. Ship Point instead of Destination.	\$ 4,355.00 No tank bid	
NOTE: Specifications asked for tanks to be included. Two of the three bidders did not bid tanks because they do not sell and advised us to purchase through a local distributor. It would be far cheaper.						

IC

NEWBERG COMMUNITY HOSPITAL

BUILDING PROJECT
COMPETITIVE BID ANALYSIS

BID OPENING DATE: 5/7/81

BY: *[Signature]*

WITNESS: *Betty Lowell*

ITEM (S) ELECTROLYTE ANALYZER

HOSPITAL SPECIFICATIONS	QTY	BUDGET	SUPPLIER 1	SUPPLIER 2	SUPPLIER 3	SUPPLIER 4
ELECTROLYTE ANALYZER	1 EA	\$ 6,700	Scientific Prod. IL 502 \$ 7,000.00	Curtin Matheson Nova I \$6,795.00	Beckman Electrolyte II \$7,400.00	VWR Scientific Nova I 6440 \$6,440.00
SPECIFICATIONS MET			Yes	Yes	Yes	Yes

ILC

MEMO

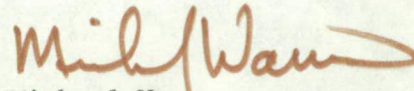
TO: City Council
FROM: City Administrator
SUBJECT: Proposed Landfill

DATE: May 18, 1981

The attached material is regarding a proposed landfill on the St. Paul Highway. The County is soliciting comments from the agency and will discuss those comments at a Planning Commission Hearing on June 4, 1981.

Discussion of the City Council should center around: Is a Landfill needed? Where should a landfill go? How will it affect the City of Newberg? How will it affect the surrounding areas? Etc.

Prior to attending the Planning Meeting in the County the Staff will need the City Council's ideas on the proposed landfill.



Michael Warren
City Administrator

MW/bjm

Enc.

MEMORANDUM
May 27, 1981

TO: Mike Warren, City Administrator

FROM: Clay Moorhead, Planning Director

RE: Angus MacFee referral from Yamhill County relating to a regional landfill facility.

Mr. Angus MacFee is requesting a Comprehensive Plan Amendment and a Zone Change together with a Planned Unit Development overlay for the purpose of locating a regional solid waste landfill. The site proposed is located on two separate tax lots which contain approximately 250 acres. The 250 acre parcel is located in Yamhill County at the intersection of the St. Paul Highway with the Willamette River. When driving from Newberg to the site, the landfill would be located to the left, on the east side of the Highway. The applicant has mentioned at a solid waste committee meeting that, in order for the site to be economically feasible to operate, at least 1,000 tons of solid waste must be received per day from the Metropolitan Service District. The Metropolitan Service District includes Multnomah, Clackamas and Washington Counties. Currently, the existing Newberg landfill receives approximately 350 tons of solid waste per day. The proposed development will therefore generate approximately 3 times as much solid waste as is found in the current facility. Accordingly, there will also be increased truck traffic associated with this development. The main route which would be used by trucks coming to and from the site would be from Highway 99W via Springbrook Road to the St. Paul Highway and then down to the site. Springbrook Road currently has a 40 foot public right-of-way. The existing surface on Springbrook Road is an oil mat penetration which is currently in poor condition, caused from the existing truck routing.

The Yamhill County Planning Commission will hold a public hearing to consider this matter on June 4, 1981 at 7:30 P.M. in Room 32 of the Yamhill County Courthouse, McMinnville, Oregon. The County Planning Department has referred this matter to the City in accordance with the Newberg Urban Area Growth Management Agreement. The County has requested that we respond and make a recommendation relating to this matter to be presented to the Yamhill County Planning Commission at the time and date specified above.

IXD



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

19 May 1981

Bill Campbell
Yamhill County Planning Dept.
County Courthouse
McMinnville, OR 97128

RE: PA-103-81/Z-205-81 Angus MacPhee, Proposed Regional Landfill
PUD-10-81/CFP-23-81

Dear Bill,

The City of Newberg is currently reviewing the above referenced application. It is anticipated that this application will be referred to the Newberg City Council at their June 1, 1981 regular meeting. We would like for the County Commission to consider our response relating to this matter, however, it cannot be presented to you prior to June 2, 1981.

Sincerely,

Clay W. Moorhead
Planning Director

CWM:bym

cc: Mike Warren, City Administrator

IXD

YAMHILL COUNTY

Oregon



COUNTY PLANNING COMMISSION
Department of Planning &
Development

TO: City of Newberg

IN REFERENCE TO: PA-103-81/Z-205-81
PUD-10-81/CFP-23-81
Angus MacPhee

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning Commission/Hearings Officer when reviewing this proposal. If you wish to have your comments on the enclosed material considered please return the attached copy of this form by May 20, 1981. The Planning Commission/Hearings Officer will hold a public hearing to consider these matters on June 4, 1981 at 7:30 P.M., Room 32, County Courthouse, McMinnville, Oregon.

Your prompt reply will help to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below:

- | | |
|--|--|
| 1. ☐ We have reviewed the proposal and find no conflicts with our interests. | 4. ☐ Please contact our office immediately. |
| 2. ☐ Additional time is necessary for our board or commission to act upon a recommendation. | 5. ☐ We would like to suggest some changes to the proposal. |
| 3. ☐ A formal recommendation is under consideration and will be submitted to you by _____. | 6. ☐ Please refer to the enclosed letter. |

COMMENTS:

Signed _____

Title _____

Notice of Public Hearing and Meeting

NOTICE IS HEREBY GIVEN that the Planning Advisory Committee of the area will hold a public meeting, on Wednesday, May 27, 1981, beginning at 7:30 P.M., at the PGE Building, to discuss the land use application indicated.

NOTICE IS HEREBY GIVEN that the Planning Commission of the County of Yamhill will hold a public hearing on Thursday, June 4, 1981, beginning at 7:30 P.M. in Room 32, County Courthouse, McMinnville, Oregon to consider the following:

Docket: PA-103-81/Z-205-81/PUD-10-81/CFP-23-81
Request: An amendment to the Yamhill County Comprehensive Plan, 1974 to change the Plan Map designation from "Agriculture/Forestry Large Holding" to "Public Service" on a 246 acre tract. An amendment to the Yamhill County Zoning Ordinance, Ordinance No. 83, 1976 to change the official zoning map from "EF-40." to "PWS" on a 246 acre tract.
Location: Approximately three (3) miles Southeast of the City of Newberg, in the North $\frac{1}{2}$ of Section 33, T3S-R2W, Tax Lot 3233-100 and 3233-101.
Applicant: Angus McPhee.

For additional information, please contact the County Department of Planning and Development, Room 17, Courthouse, McMinnville, Oregon, (472-9371, ext 450).

Dated at McMinnville, OR May 5, 1981.

Dave Bishop
Planning Director

NOTICE TO MORTGAGEE, LIENHOLDER, VENDOR OR SELLER: ORS CHAPTER 215 REQUIRES THAT IF YOU RECEIVE THIS NOTICE, IT MUST PROMPTLY BE FOREWARDED TO THE PURCHASER.

FOR YOUR INFORMATION:

The Planning Advisory Committee (PAC) is comprised of citizens who live in the area, and are appointed by the Yamhill County Board of Commissioners for a period of two years.

The Committee reviews land use applications submitted through the Yamhill County Department of Planning and Development. The Planning Advisory Committee's recommendation on an application is presented to the Yamhill County Planning Commission or Hearings Officer during the public hearing on a particular land use application.

You are encouraged to attend the Planning Advisory Committee meeting and participate in the discussion of the above application(s). If you are unable to attend the meeting but wish to comment on an application, please feel free to write in your comments. Address your letter to:

Planning Director, Department of Planning Development, Yamhill County Courthouse, McMinnville, Oregon.

The Director will forward your letter to the PAC. chairperson.

TD

YAMHILL COUNTY LAND USE APPLICATION

Yamhill County Department of
Planning and Development
Yamhill County Courthouse
McMinnville, OR 97128
503-472-9371 EXT 450

File No. _____
Fee Paid _____ Receipt# _____
Date Received _____
Staff Member _____

☒ PLAN CHANGE

☒ ZONE CHANGE

Present Designation AFLH

Present District EF-40

Proposed Designation Public Service

Proposed District PW/S

☐ LOT SIZE VARIANCE

☒ CONDITIONAL USE food plan + greenway

☐ ZONE VARIANCE

☐ SPECIAL EXCEPTION

Plan Designation: _____

Zone District: _____

☒ PUD

RECEIVED
MAY 4 1981
YAMHILL COUNTY DEPT. OF
PLANNING AND DEVELOPMENT

Name of Applicant: Angus MacPhee Home: _____
Phone Office: 538-9150

Mailing Address: 104 S. River Rd. Newberg 97132

Applicant is: ☐ Legal Owner ☒ Contract Purchaser ☐ Agent

DESCRIPTION OF SUBJECT PROPERTY

Legal Owner: _____ Signature: _____

Mailing Address: _____

Tax Lot No. 100-93 acres 101-153 acres Lot Size _____ (acres/sq.ft.)
north 1/2 1/4 of Section 33 Township 3s Range 2w

General Location: Fronting east side of State Highway 219
(name or number of road)

3 miles NE from south of Newberg
SW (city)

1. What is requested: Change Comp Plan and zoning designations to allow
development of a solid waste landfill to replace the existing Newberg landfill

As allowed by _____ Section 29 of the
Zoning Ordinance. PW/S District

2. Justification of Request: (Attach separate sheet).

II D

3. Present Use of Property: Agriculture
4. Date of Purchase of Property: _____
5. Has a septic system Site Approval been obtained for the parcel? n.a.
Yes _____ No _____
6. Has a septic system Permit been issued for the parcel? Yes _____
No _____. If yes, list septic permit number n.a.
7. Has a well been drilled on the parcel? Yes n.a. No _____
8. Has a road been constructed into the parcel? Yes existing No _____
If no, has a road approach permit been obtained? Yes _____ No _____
What is the road approach permit number? new access to be constructed-State
If yes, indicate type and width of road: Highway review in progress.
9. Are there currently any structures on the property? Yes _____ No X
If yes, list type and current use of each structure: _____
10. Is the property serviced by city water or sewer? Yes _____ No X
If yes, list servicing agency: sewer _____ water _____
11. Do you own any property abutting the parcel for which this request is made? Yes _____ No X
If yes, list tax lot number(s) _____
12. To your knowledge, have any previous requests been made to the Planning Department on this tax lot? Yes _____ No X
If yes, please indicate applicant's name and docket number: _____

I hereby certify that the above information and evidence submitted are in all respects true and correct to the best of my knowledge and belief. I understand that issuance of a permit based on this application will not excuse me from complying with effective ordinances and resolutions of Yamhill County and Oregon Revised Statutes despite any errors on the part of the issuing authority in checking this application.

NOTE:

Attach detailed, accurate site plans (1"=400' scale preferred). Other statements, plans, photos, etcetra, which would help to substantiate and clarify your request may also be

Applicant's signature _____

IXD
Date _____

17. What effect would the proposed development have on the use of nearby residential, commercial or industrial development, agricultural lands, mineral resource sites (including rock and gravel), and the quality of water and air generally? Indicate which, if any, are not applicable to this application.

Aside from a few scattered farm residences, the nearest residential area is a low density residential area over $\frac{1}{2}$ mile from the landfill site. The proposed landfill will have no visual, noise or traffic impacts on this area, and air quality impacts are unlikely. There are no commercial, industrial, or mineral resource sites in the vicinity. The landfill will not affect any adjacent agricultural operations.

The landfill will meet all DEQ air and water quality standards.

18. Will the proposed use interfere with surrounding land usage or will surrounding land uses impose any restrictions on the proposed use? Explain how the proposed use is or is not compatible with surrounding land use.

Lands to the north and east are used for agriculture. A small farm/low density residential area is located over $\frac{1}{2}$ mile northwest of the landfill site. The landfill site is separated from the lands to the north by a steep, wooded slope. The portion of the overall landfill property adjacent to the southern tip of the low density residential area will be used only as a source of soil material, and will not be a part of the actual landfill site. This portion of the property is also separated from the residential area by the wooded slope. The landfill will not interfere with the existing land use pattern. The existing land use pattern will have no adverse effects on landfill operations.

19. Is the property in question presently served by any of the following? If yes, list servicing agency.

Water?	No	Yes	(on-site)
Sewer?	No	Yes	(on-site)
Fire Protection?	No	Yes	to be provided by on-site management.
Police Protection?	No	Yes	County Sheriff and State Police
Electricity?	No	Yes	PGE
Telephone?	No	Yes	PNW Bell
Garbage Removal?	No	Yes	n.a.
School Bus?	No	Yes	n.a.

Indicate any other utility or public facility which will be necessary to service the proposed development and the agency which will supply these facilities.

13. Exactly what do you want to do with the property? If structures are to be built, how many, how large, and for what use will the structures be constructed?

The property is the proposed site for a new solid waste landfill to replace the existing Newberg Landfill, which is nearing capacity. The following structures are anticipated:

- a control booth for the site manager - 200 sq. ft., approx.
- an equipment storage shed - approx. 1000 sq. ft.
- a building for the leachate control pump system - 100 sq. ft.

14. What use is presently being made of the property?

The property is currently used for agricultural production.

15. What changes, if any, have occurred in your neighborhood or community since August, 1974 which should be considered in evaluating this application? NOTE: August, 1974 is the date of adoption of the Yamhill County Comprehensive Plan.

1. Significantly increased population in northern Yamhill County, as well as the Portland Metro area, with corresponding increases in the volume of solid wastes requiring disposal.
2. The need to replace the Newberg Landfill, which is nearing capacity, with a facility that will continue to serve this region in a manner that is environmentally sound and energy efficient.

16. What, if any, mistake was there in the application of the Comprehensive Plan or zoning designation for the property which should be considered in evaluating this application?

This proposal is not predicated on a "mistake" in the Comp Plan but rather on the need to provide for a landfill on a site that has been proven technically acceptable, and in an advantageous location in regard to its service area and compatibility with surrounding lands.

Comp Plan and zoning designations are usually not intended to pinpoint the exact location of public service facilities needed in the future, such as landfills, because the technical evaluations necessary to make such judgements are outside of the scope of the Comp Planning process. In this case, the policies and criteria of the Comp Plan should be applied to evaluate the proposed site in relation to the overall land use plan for the County.

AD

20. What public need, if any, would be met by the proposed change that is not already met by other available property in the County? The State-wide Planning Goals and Guidelines (as adopted by the Land Conservation and Development Commission) should be consulted in determining public need. NOTE: The greater the departure from the present zone/plan designations, the greater the burden on the applicant to demonstrate public need.

The existing Newberg Landfill is reaching capacity. The proposed landfill would provide for the continuation of the existing level of service for the region. The Koch landfill south of McMinnville, the only other landfill in Yamhill County, is not currently franchised to serve this region.

Solid waste disposal should be viewed as a public service, the same as sewage disposal, etc. As such the cost to the public of providing this service must be taken into account. The proposed landfill represents the least costly means of providing solid waste disposal

21. Is there other land in the County presently recognized to allow the type of development you have requested? If so, why can't the proposed development occur on that land or is there a particular reason why your property is more suited for the development? NOTE: Evidence must be provided by the applicant which clearly indicates that the proposed land use is better suited to the proposed site than other areas in the County already zoned and/or planned for that use. The proposed landfill is best suited to the needs of the service region because:
1. The distance to the Koch landfill from the region served by the Newberg landfill requires increased energy consumption and excessive travel time.
 2. Hauling wastes to the Koch landfill requires travelling through Newberg, Dundee, Lafayette, and McMinnville. This creates an undesirable and inefficient traffic burden on city streets.

The suitability of the proposed site has been established by a detailed preliminary engineering study. The property is isolated from any potential conflicting land uses.

22. Is the property in question subject to any of the following:

Flooding?	No	Yes	Yes (Addressed by Corps of Engineers)
Landslides?	No	Yes	No
High Water Table?	No	Yes	No
Steep Slopes?	No	Yes	No
Soil Erosion?	No	Yes	No

23. What impact will your proposed development have on the following:

Traffic? (Estimate trips per day to be generated as a result of your development.)

40 to 65 trips per day depending on the vehicles used.

Parking? (How many parking spaces will be needed?) not applicable

Schools? (How many students will be added to existing schools?) n.a.

Fire Protection? (Will your proposed development place a burden on the fire department serving your area?) no - provided on-site.

Police Protection? (Will your proposed development place a burden on the police department serving your area?) no. On-site security provided by operator.

Dust, Odor, Noise? (Will your proposed development create any unusual nuisances that may be objectionable to nearby residents?)

All aspects of landfill operations must meet DEQ air and water quality and noise standards.

24. Discuss how your application conforms to the goals and policies of the Yamhill County Comprehensive Plan, 1974. NOTE: The Comprehensive Plan was adopted by the Yamhill County Board of Commissioners in 1974 and gives direction to all changes in existing land use in Yamhill County. A summary of these goals and policies is available to you at no charge in the Planning Department.

Discussed in separate report.

25. Discuss how your application conforms to the Statewide Planning Goals adopted by the Land Conservation and Development Commission. If your request does not conform to any particular goal, discuss why an exception should be taken to that goal to allow your development to occur (see Goal #2).

Discussed in a separate report.

The undersigned understands that this application must be complete and accurate; that the fee for a zone change or plan amendment, as required by Yamhill County, shall be paid prior to having this application processed; that an official public hearing after at least thirty (30) days public notice will be held by the Yamhill County Planning Commission; that after the hearings on zone changes the decision of the Planning Commission is final unless appealed to the Board of Commissioners within fifteen (15) days of the decision, and after the hearings on Comprehensive Plan amendments the recommendation of the Planning Commission will be presented at a further public hearing before the Board of Commissioners on the application; and that notice of all hearings shall be made in the manner as prescribed in Section 48 of the Yamhill County Zoning Ordinance, Ordinance No. 83, 1976.

The undersigned also agrees to waive the requirement of Section 43.400 of Ordinance No. 83 that a public hearing be held within sixty (60) days of receipt of an application, if it appears to the Planning Director that this requirement is not reasonable due to excessive applications pending before the Planning Commission.

Applicant's Signature _____

Date _____

BACKGROUND REPORT FOR ANGUS MACPHEE / PROPOSED NEWBERG LANDFILL

PREPARED BY

JEFFREY R. TROSS

LAND PLANNING CONSULTANT

SALEM, OREGON

April 15, 1981

RECEIVED

MAY 4 1981

YAMHILL COUNTY DEPT. OF
PLANNING AND DEVELOPMENT

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This report has been prepared to describe and discuss the proposal by Angus Macphée to develop a solid waste landfill in Yamhill County. The information required in the "letter of intent" for a Planned Unit Development (Yamhill County Zoning Ordinance, Section 33.340) is contained in this report. A review of the proposal in relation to the applicable policies of the Yamhill County Comprehensive Plan, and justification for an exception to LCDC Statewide Planning Goal 3 (Agricultural Lands), is provided as a part of the Yamhill County Land Use Application.

This landfill, to be known as the Newberg Landfill, is proposed for a site located along the north bank of the Willamette River adjacent to both sides of State Highway 219. The property lies about three miles south of Newberg, and is identified on the Yamhill County Assessor's maps as T3s, R2w, Section 33, Tax Lots 100 and 101. Tax Lot 100 is bisected by the highway, and Tax Lot 101 is adjacent to 100 on the east (the portion of Tax Lot 100 lying west of the highway was formerly Tax Lot 400). All waste disposal will take place on the property east of the highway. The property west of the highway will be used, if needed, only as a materials source for the landfill, and as a location for part of the landfill access road.

There are currently two solid waste landfills in Yamhill County. The existing Newberg Landfill, located along the Willamette River off of River Street south of Newberg, is nearing capacity. The Riverbend (Koch) Landfill, located along Highway 18 south of McMinnville, was approved by Yamhill County in the spring of 1980 to replace an adjacent landfill operation. The new landfill currently receives waste from only the western and southern portions of the County.

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This proposed Newberg Landfill will replace the existing Newberg operation, and is intended to provide a disposal site for wastes generated by Newberg-Dundee and the northeast Yamhill County area, and portions of the Metropolitan Service District (MSD). This service region is similar to that of the existing operation. Considering the geographical distribution of this service region, the proposed Newberg site possesses several locational and economic advantages over the existing Newberg facility as well as the Riverbend landfill. As detailed in the accompanying Traffic Count Analysis, all traffic bound for the present Newberg site, including local collection trucks, regional haul vehicles and private autos, must pass through a residential neighborhood in Newberg. In order to reach the Riverbend Landfill, waste disposal vehicles from Newberg and MSD would have to travel through Newberg, Dundee, Lafayette and McMinnville. Requiring these large vehicles to travel through relatively slow-moving urban traffic results in the consumption of excess amounts of fuel and places an unnecessary and undesirable burden on urban neighborhoods and congested local streets.

At the proposed location, only local collection trucks on normal service routes will travel along residential streets as part of the route to the landfill. The large regional haul vehicles from MSD will travel a route composed primarily of State Highways 99W and 219, using Springbrook Road as a connection between the two State highways to avoid entering the Newberg urban area. This landfill property will have direct access from Highway 219 by means of an exit ramp constructed specifically to serve the property. The proposed access from Highway 219 has been approved by the State Highway Division.

Use of the Riverbend site by the region that will be served by the proposed Newberg Landfill is uneconomical in terms of efficient waste disposal operations. The Riverbend Landfill is approximately thirteen miles from the proposed Newberg site. This additional distance will result in significantly increased costs for hauling collected wastes for disposal. These costs include the extra time and energy needed to travel to this disposal site, and the more frequent maintenance that will be required by haul vehicles. The distance to the Riverbend Landfill would also place an unnecessary and costly burden on private citizens within the Newberg Landfill service region. The time and energy needed to travel the extra distance to the Riverbend site constitutes a decrease in the level of service presently available to the rate-payers of the Newberg service region.

Considering the distance to the Riverbend Landfill from Newberg-Dundee and vicinity and the MSD service area, the corresponding increases in time and energy needed to reach this facility compared to the proposed Newberg Landfill, the disadvantages of the haul route to Riverbend and the improvement in the access to the proposed landfill compared to the existing Newberg site, the advantages of the proposed Newberg Landfill are evident.

A preliminary geotechnical feasibility study for the proposed landfill has been performed by Sweet, Edwards and Associates, Inc., of Kelso, Washington, groundwater and hydrology specialists; and Boatwright Engineering, Inc., of Salem. This study addressed the site geology, hydrology, hydrogeology, soils and general environmental conditions. Based on this preliminary study, operating parameters were identified and the site was found to be a technically suitable location for the proposed solid waste landfill. This study has been

reviewed by the State DEQ which concluded that upon resolution of the maximum excavation depth and obtaining additional land for use as a leachate irrigation area, preliminary DEQ approval would probably be granted. As shown on the site plan, land at the eastern end of the landfill has been designated as irrigation area. Additional studies will be conducted to determine the maximum excavation depth.

The proposed landfill will be developed in phases consisting of four 20 acre units and one 25 acre unit. The development of the landfill will proceed from west to east across the property, starting adjacent to the highway bridge. Although a portion of the landfill property is located within the boundaries of the Willamette River Greenway, no landfill operations or facilities will be located within the Greenway. Berms will be constructed along the highway and within the landfill limits parallel to the Greenway Boundary along the river. The highway berm will be landscaped to reduce the visual impact of the landfill, and the berm paralleling the river will be designed to preserve Greenway vegetation, and will be landscaped to stabilize the soil. The proposed height of the berm along the river will allow an adequate fill depth and provide flood protection without increasing potential flood flows or velocities. This aspect of the Landfill Development Plan has been reviewed and approved by the Army Corps of Engineers. Proposed on-site facilities will consist of a small control booth, an equipment shed, and a small building to house the leachate pump system. The portions of the property that are not immediately developed for the landfill will remain in agricultural use. As each phase of the landfill is completed, the topsoil will be replaced and the acreage returned to agricultural production. Upon completion of the landfill, the entire property will be returned to agricultural use.

The property is situated on a gently rolling, low river terrace, and is bordered on the north by a steep, wooded slope that rises to a high terrace. The property is currently used for agricultural cultivation as are the lands to the north on the high terrace, to the east and west along the river, and across the river to the south in Marion County. According to the Soil Conservation Service (SCS), soils on the property consist almost exclusively of Class 2 Cloquato silt loam. Scattered farm-related residences are located within the surrounding agricultural lands. A low-density mixed agricultural/residential area is located along Dog Ridge Road to the north and west of the landfill site. This area lies on the high terrace and is separated from the large agricultural holdings along the river by the wooded slope. The nearest residence within this area lies approximately one-half mile from the proposed landfill. The landfill site is not visible from this area.

The landfill property and the lands to the north and east are currently designated EF-40. Lands along Highway 219 to the north are zoned AF-20, and the residential area along Dog Ridge Road is designated VLDR-2½. The EF-40 and AF-20 zones are primarily resource lands designations and preclude high density residential development. As noted, the low-density residential development permitted by the VLDR-2½ designation is isolated by the terrace slope and dense vegetation from the lower terrace along the river, and located a sufficient distance from the proposed landfill to prevent adverse impacts.

Considering the terrain of the proposed landfill property and surrounding lands, the existing land use pattern of the area, the isolation of the landfill site from surrounding lands by the slope to the north, river to the south, and Highway 219 to the west, and the future land use pattern for the

YAMHILL COUNTY COMPREHENSIVE PLAN REVIEW FOR THE PROPOSED
NEWBERG LANDFILL

The following is a review of the proposed Newberg Landfill in relation to the applicable portions of the revised goals and policies of the Yamhill County Comprehensive Plan:

Section I - Urban Growth and Change and Economic Development

B. Rural Area Development

Due to their potential for adverse impacts on adjacent urban uses, particularly high-density urban residential development and commercial businesses, solid waste landfills are customarily located in rural areas where they may be isolated by surrounding resource lands and open spaces. The relatively large tract of land required for the development of a landfill is generally not available within an urbanized area, and the use of an area of sufficient size for a landfill represents an inefficient use of the limited areas available for urbanization. Development of a landfill within an urban boundary would detract from the amount of land available for residential, commercial, and industrial developments which are dependent upon urban services. The need to provide for compatible development within an urban environment, and the limitations on the amount of land available for urban uses, essentially requires that landfills be located in rural areas.

The existing Newberg Landfill is expected to reach capacity by 1986. A specific location has not yet been identified to serve as the disposal site for wastes from the proposed landfill's intended service area of northeast Yamhill County and portions of the Metropolitan Service District. The M.S.D.

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area as indicated by the present land use designations, this property represents a suitable location for the proposed solid waste landfill.

has indicated its intent to use this landfill if permits and approvals can be obtained in a timely manner.

A design plan has been submitted showing the proposed layout of the landfill. The applicable State and Federal agencies including the State Department of Environmental Quality (D.E.Q.), Department of Fish and Wildlife, Division of State Lands and Highway Divisions, and the United States Army Corps of Engineers, have been contacted concerning this proposal. The proposed landfill will be designed to meet all requirements and regulations of these agencies. The landfill will be operated by the operator of the existing Newberg Landfill. This facility has an established operating and maintenance record.

A preliminary geotechnical study performed on the property has determined that the site has the appropriate physical characteristics for a solid waste landfill. This study has been reviewed by the D.E.Q. and is the basis upon which preliminary D.E.Q. approval for the landfill was granted. Although the property is located within the Willamette River floodplain, the physical characteristics of the property correspond to the unique physical requirements of a landfill. The landfill will be contained within a berm paralleling the river and set back approximately 350 feet from the bank. This berm will be of sufficient height to minimize the possibility of flooding on the property. The Army Corps of Engineers has reviewed the location and design of the berm and found it in conformance with their requirements. Considering the unique physical siting requirements of a landfill and the measures incorporated in the design to minimize the possibility of natural hazard, the location of the proposed landfill within the floodplain is not inappropriate. The general restrictions on building within the floodplain insures that the landfill will

remain surrounded by open lands, reducing the possibility of land use conflicts and further enhancing the use of this site for a landfill.

The proposed landfill will have direct access from State Highway 219, the major thoroughfare through this part of Yamhill County. The proposed method of access onto the property from Highway 219 has been reviewed and approved by the State Highway Division.

All water requirements will be supplied by on-site wells.

The only services required by the landfill will be electrical power and telephone. These services are currently available to the property, and are typically supplied in rural areas. The landfill will not require any services normally associated with urban centers.

Section II - The Land and Water

A. Agricultural Lands

Technically, the proposed landfill will remove land from agricultural production. The interruption of the agricultural use of this property will be temporary, though, and will occur only on an incremental basis. As proposed, the landfill will be a phased development consisting of four 20 acre units and one 25 acre unit. Each successive unit will be developed only upon completion of landfill operations on the previous unit. Farm uses will continue on all portions of the property not actually being used for landfill operations. At the outset of each phase of development, the productive soil cover will be removed and stockpiled. Upon completion of each phase, the soil cover will be returned and the land restored for farm use.

This system of incremental development will result in each active landfill unit, except for the unit adjacent to Highway 219, being isolated by surrounding land in active farm use. Due to the road on the west, the wooded slope on the north, the area reserved for irrigation on the east and the river on the south, none of the areas to be landfilled will be adjacent to any other land actively used for farm production, thereby eliminating any potential conflicts with other farm operations.

Managing the landfill development in the manner proposed is significantly different from the development pattern normally associated with the conversion of farm lands to non-agricultural uses. Typical non-farm development includes construction upon the land which permanently destroys any agricultural capabilities. As noted under Rural Area Development, a landfill, due to its physical and operating characteristics, requires a rural location. The temporary conversion of successive small tracts of agricultural land to non-agricultural use is appropriate under the Agricultural Lands Goal and associated Policies considering the retention of the productive soils to preserve the agricultural potential of the property, and the ultimate restoration of the land to agricultural use.

C. Water Resources

Although located on property adjacent to the Willamette River, the proposed landfill will have no adverse effects upon the quantity or quality of the water. All landfill operations must conform to any applicable D.E.Q. water quality standards and regulations concerning streamflows and groundwater resources. As described, all landfill activities will be contained within a berm to be constructed parallel to the river approximately 350 feet landward

from the bank. This location is outside of the designated floodway, as determined by the Army Corps of Engineers. The Corps of Engineers has reviewed the proposed design and location of the berm and has determined that it will produce no adverse effects on flood flows or velocities. The berm will be landscaped to prevent erosion and control run-off. This measure will assist in maintaining the water quality of the Willamette River.

All landfill operations, structures and facilities will be located outside of the boundary of the Willamette River Greenway.

A series of wells will be installed on the property to serve as a permanent groundwater monitoring network.

D. Fish and Wildlife

The State Department of Fish and Wildlife has been contacted to review the property and the proposal and determine any significant fish or wildlife impacts.

Section III - Transportation, Communications and Public Utilities

A. Transportation

The proposed landfill property is adjacent to State Highway 219, the major thoroughfare in this portion of Yamhill County. The proposed method of access to the property from the highway has been reviewed and approved by the State Highway Division. Current land use along this road to the north and south of the property is primarily agricultural with associated very low density, farm-related residences. Zoning is AF-20 and EF-40. The use of Highway 219 by

vehicles traveling to or from the landfill will not produce any conflicts with any existing or likely land use or traffic patterns.

Landscaping will be provided along the highway to minimize the visual impact of the landfill.

Development of a landfill at the proposed location will assist in conserving energy by providing a nearby disposal site for wastes from Newberg-Dundee and the northeast Yamhill County area. The site for the proposed landfill is approximately three miles from Newberg, the main source of wastes in northeast Yamhill County. The only alternative disposal site, the Riverbend Landfill, is located south of McMinnville approximately fifteen miles from the proposed landfill. In addition to the extra distance, vehicles traveling to the Riverbend site must pass through the Newberg and McMinnville urban areas. The congested traffic conditions typically encountered in urban areas results in the consumption of excessive amounts of fuel by large refuse haul vehicles.

The location of the proposed landfill is also advantageous for wastes hauled from M.S.D. Haul vehicles would use a route composed primarily of State Highways 99W and 219. 99W is the main transportation corridor leading southwest from the metropolitan area. The road is a four lane divided highway for most of the route to the Newberg area. Springbrook Road is proposed as a cutoff route between 99W and 219 to avoid the Newberg urban area. The 1.2 mile distance along Springbrook between 99W and 219 presents no difficulties for use by haul vehicles. Once outside the M.S.D. area there are no significant urban areas along this route.

Section IV - Public Land, Facilities and Services

A. Public Facilities and Services

The proposed landfill will replace the existing Newberg Landfill, which will be completed by 1986. The new facility will provide for the continuation of the existing level of waste disposal service presently available to the north-east Yamhill County area. The Chemeketa Solid Waste Management Program, in which Yamhill County was a participant, indicated the future siting of a landfill in the Newberg vicinity. As noted in the Transportation section of the Comprehensive Plan, a landfill at the proposed location will assist in conserving energy. As noted in the Water Resources section of the Plan, all aspects of the landfill are subject to standards and regulations for protection of surface water and ground water resources.

C. Willamette River Greenway

All landfill operations, structures and facilities will be located outside of the boundary of the Willamette River Greenway. The berm to be constructed parallel to the river will be landscaped to prevent erosion and control runoff. In addition to assisting maintain the water quality of the Willamette River, this measure will assist in the protection of Greenway vegetation and enhance the compatibility of the berm with the Greenway. The landfill will result in no adverse effects upon the Greenway.

Section V - Environmental Quality

A. Air, Land and Water Resources Quality

The proposed landfill will conform to all applicable D.E.Q. regulations concerning the quality of the air, water and land, and will be subject to D.E.Q. standards for noise control. As described in the Agricultural Lands section

FINDINGS FOR A COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE
FOR THE PROPOSED NEWBERG LANDFILL

The following are proposed findings to justify amending the Yamhill County Comprehensive Plan from AFLH to Public Service, and change the corresponding zone designation from EF-40 to PW/S, for the proposed Newberg Landfill. These findings correspond to items 1 through 6 of Section 43.300 of Article VII of the Yamhill County Zoning Ordinance.

1. The proposed landfill will provide a site for the disposal of solid wastes from Newberg-Dundee and the northeast Yamhill County area and a portion of the Metropolitan Service District (M.S.D.). Wastes from the Yamhill County part of this region, and portions of the expected M.S.D. area, are currently disposed of at the existing Newberg Landfill. This facility is expected to be completed by 1986. A replacement disposal site for wastes from this current Newberg Landfill service area has not been designated. No other land in this part of Yamhill County is currently designated to allow development of a landfill. The mayor of Newberg has stated his support for this proposed landfill.

The St. John's Landfill, which currently serves M.S.D., is scheduled for closure by 1987. The M.S.D. has reviewed forty-six potential replacement sites without finding a suitable location as of this date. The M.S.D. has stated its intent to use the proposed Newberg Landfill if all required permits can be obtained.

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IXD

of the Plan, the soil resources of this property will be managed to retain their agricultural capabilities. The State Department of Fish and Wildlife will review the proposal to determine any potential impacts on fish or wildlife. The landfill will be appropriately landscaped to minimize visual impacts.

Section VI - Energy Conservation

The development of a landfill at the proposed location will substantially reduce the haul distance for disposal of collected wastes compared to using the Riverbend Landfill, the only available alternative. The Riverbend site is located approximately fifteen miles from the proposed Newberg Landfill. The shorter haul distance to the proposed site will result in a corresponding reduction in the energy needed to transport wastes for disposal. The proposed landfill represents an opportunity to effectively conserve energy through the land use planning process.

The proposed Newberg Landfill conforms to the revised goals and policies of the Yamhill County Comprehensive Plan.

Disposing of solid waste by landfilling is required by state law. There is presently no alternative method of disposing of solid wastes in Yamhill County.

2. The only other landfill in Yamhill County is the Riverbend Landfill near McMinnville. Due to its distance from the Newberg service area and the necessary access routes, use of this facility would result in substantial increases in the time and energy required for waste disposal. The cost of this additional time and energy would result in a substantial additional burden on the ratepayers of this service region. The proposed landfill will serve to maintain the existing level of waste disposal services available in the northeast Yamhill County area.
3. The proposed landfill site is isolated from any possible conflicting uses. The site is bordered by basically unused, wooded slopeland on the north, the Willamette River on the South, State Highway 219 on the west, and farmland to the east. The surrounding zoning is EF-40 and AF-20. These designations preclude any conflicting development on adjacent or nearby lands, and assure that the surrounding lands will remain in resource use. A preliminary geotechnical study performed on the property has determined the suitability of the property for the proposed landfill. The landfill will conform to all applicable D.E.Q. standards for air, water and land quality and noise control. The landfill will produce no adverse impacts on the Willamette River Greenway. There is no other property in this part of Yamhill County designated to allow development of a landfill.

The site of the proposed landfill is approximately three miles from Newberg. The only other landfill in Yamhill County, the Riverbend Landfill, is approximately thirteen miles from Newberg. Hauling refuse this distance will require substantial increases in transportation time and energy compared to a landfill at the proposed site.

For the reasons cited above, the proposed landfill will provide a safe, compatible, economical and efficient site for the disposal of wastes from the service area.

4. The Comprehensive Plan states the County's cooperation with regional solid waste management programs. The Chemeketa Solid Waste Management Program, in which Yamhill County is a participant, recognizes the need for a landfill near Newberg. The relationship of the proposal to the Comprehensive Plan is described in detail in a separate, accompanying report titled Yamhill County Comprehensive Plan Review for the Proposed Newberg Landfill. This report is adopted as the findings for this requirement. The proposal conforms to all applicable provisions of the Comprehensive Plan.
5. The applicable factors of ORS 215.055, as listed under this requirement, have been addressed in detail in the Background Report and the Comprehensive Plan Review, which accompany these findings. These documents are adopted as the findings for this requirement. The factors listed in ORS 215.055 were consciously considered in this landfill proposal.

6. This requirement is addressed in questions #15 and #16 of the Yamhill County Land Use Application. The responses to this portion of the Application are adopted as the findings for this requirement.

PROPOSED EXCEPTION TO LCDC STATEWIDE PLANNING GOAL 3,
AGRICULTURAL LANDS, FOR THE PROPOSED NEWBERG LANDFILL

The property on which the proposed Newberg Landfill will be located contains, nearly exclusively, Class 2 Cloquato silt loam soil. LCDC Statewide Planning Goal 3, Agricultural Lands, requires that lands containing Class 1 through 4 soils be retained for agricultural uses unless a goal exception can be justified under the criteria given in Goal 2, Land Use Planning. These criteria are: Why the other use should be provided for; what alternative locations within the area could be used for the proposed use; what are the long-term environmental, economic, social and energy consequences from permitting this alternative use; and whether the proposed use will be compatible with adjacent uses.

Wastes from Newberg-Dundee and northeast Yamhill County and portions of the Metropolitan Service District (M.S.D.) are currently disposed of at the existing Newberg Landfill. This facility is expected to be completed by 1986. The St. John's Landfill, another facility used by M.S.D., is expected to be completed by 1987. A replacement disposal site for wastes from the regions served by these landfills has not yet been designated. State law requires the proper disposal of solid wastes. Due to environmental concerns, particularly over air quality, and the lack of appropriate existing technology for the economical re-use of solid wastes on a scale sufficient to meet regional needs, the only practical method of waste disposal for this region is by landfilling. No other property in the northeast portion of the County is currently designated for landfill development. The Mayor of Newberg has expressed his support for this proposed landfill, and M.S.D. has agreed to use the facility if all necessary

permits can be obtained in a timely manner and an acceptable price proposal is presented. The Chemeketa Solid Waste management Program, in which Yamhill County is a participant, indicated the future siting of a landfill in the Newberg vicinity. The proposed landfill will maintain the existing level of service to the ratepayers of the service region.

The only other landfill site in Yamhill County is the Riverbend Landfill, approved in the spring of 1980. This facility is located south of McMinnville approximately thirteen miles from Newberg, and currently serves only the southern and western portions of the County. The proposed Newberg Landfill is located approximately three miles south of Newberg. Use of the Riverbend site by the region currently served by the existing Newberg Landfill, therefore, would result in the consumption of substantially increased quantities of unreplaceable fossil fuels.

In addition to increased fuel consumption, use of the Riverbend site would require a substantial increase in the amount of time required to haul wastes for disposal compared to the proposed landfill site. In order to reach Riverbend, haul vehicles would have to travel through Newberg, Dundee, Lafayette and McMinnville. The extra time needed to travel through relatively slow-moving traffic in congested urban areas would result in increased costs for disposal operations. The proposed Newberg Landfill is located along State Highway 219 south of Newberg. Except for local collection trucks on normal service routes, haul vehicles will avoid traveling through any significant urbanized areas.

The proposed landfill has been found to be technically suitable, according to a preliminary geotechnical study performed on the property. The proposal has been reviewed by the State D.E.Q., Highway Division, Department of Fish and Wildlife, and the Army Corps of Engineers. The property is isolated by terrain and surrounding agricultural and open space uses from any potential land use conflicts. The surrounding zone designations preclude the future development of conflicting uses. This information is detailed by the Background Report and Comprehensive Plan Review submitted as a part of the justification for the landfill approval request, and is applicable to the goal exception process.

No other property in the northeast portion of Yamhill County is designated for development of a landfill.

The M.S.D. has evaluated 46 potential landfill sites to replace the St. John's Landfill without finding a suitable location as of this date. M.S.D. has stated its intent to use the proposed Newberg Landfill if all required permits can be obtained.

The proposed landfill will conform to all applicable standards and regulations of the State D.E.Q. for air, land and water quality, and noise control. The physical characteristics of the property, as described in the Preliminary Geotechnical Feasibility, and specific construction and operating techniques as required by the D.E.Q., will assure the maintenance of environmental quality.

The predominant Cloquato silt loam soil was found to have a permeability rate of less than 10^{-7} cm/sec at 90% relative compaction. The maximum excavation

depth will be regulated so as not to affect the water table at its highest seasonal level. A two-foot thick compacted bottom/side liner will be constructed to control seepage of leachate into groundwater supplies and the Willamette River. A backup positive collection/summer irrigation program will be installed as a contingency. A berm to be constructed parallel to the river will minimize the possibility of flooding. A permanent groundwater monitoring system will be installed.

Daily soil cover over deposited wastes will control odors. A two-foot thick soil cap over completed fill, and four-feet of final soil cover, will be required. According to the D.E.Q., sufficient quantities of the desirable Cloquato silt loam soil exist on the site to provide for all landfill construction and operating needs. The site will be returned to agricultural use after closure of the landfill. An active gas venting system for methane/odor control will be installed on the property.

Screening will be provided to minimize the visual impact of the landfill.

The D.E.Q. has granted preliminary approval to the landfill, which means "...The Department believes the site is feasible within the general parameters proposed to date, and that the degree of environmental risk appears sufficiently low that the Department will continue to evaluate further information." (Letter from D.E.Q. to A. MacPhee, 3/26/81).

The proposed landfill, due to its proximity to waste sources and advantageous location in terms of road access, will provide a more economical site for waste disposal in the service region than the Riverbend Landfill, the only

available alternative. The Riverbend site would add approximately 20 miles to the round-trip haul distance. The route to this landfill passes through Newberg, Dundee, Lafayette and McMinnville, in which haul vehicles would encounter slow-moving traffic and place an added burden on urban streets. The additional time and energy needed to reach the Riverbend site compared to the proposed landfill would unnecessarily increase the cost of waste disposal service to the ratepayers. The economic impact of the temporary loss of 20 acres of farmland will be more than offset by the relative benefits of a landfill at this location. The proposed landfill will provide an essential service to the region. Due to the extreme dangers posed by improper or inadequate sanitation, landfills must be considered of an importance to the public health and welfare equal to sewer and water services or electric power. The proposed landfill will maintain the level of waste disposal service currently available in the region.

The site of the proposed landfill is approximately ten miles closer to the region from which wastes will be collected than the Riverbend Landfill, the only available alternative. The round-trip distance from Newberg, for example, to the Riverbend site is approximately 20 miles. The round-trip distance from Newberg to the proposed landfill is approximately six miles. The Riverbend Landfill is 3.3 times as distant from Newberg, a major source of wastes, than is the proposed site. The extra distance to the Riverbend site would require substantially increased quantities of energy for waste haul vehicles.

The proposed landfill site is bordered on the north by basically unused, wooded slopeland; on the east by farmland, on the west by Highway 219 and on the south by the Willamette River. The parcel across Highway 219 is bordered on the north by the wooded slope, on the east by the highway, and on the south and west by the river. The proposed landfill will not conflict with any current uses on any adjacent lands. The zoning surrounding the landfill property is EF-40 and AF-20. These are primarily resource zones which preclude substantial development. The parcel west of the road is adjacent to a very low density residential area zoned VLDR-2 $\frac{1}{2}$. This parcel is intended only as a materials source for the landfill, and then only if needed. The landfill will be adequately screened from view on all sides. The landfill will be compatible with the existing and likely adjacent uses. The strict environmental standards required of landfill operations, as previously described, further insures compatibility with adjacent uses.

Considering the need to provide for solid waste landfills, the lack of suitable alternatives in this area, the low environmental impact posed by the proposed facility, the economic, energy and social benefits presented by the proposed facility, and the compatibility with other adjacent uses, an exception to LCDC Goal 3 is justified.

FINDINGS FOR A CONDITIONAL USE PERMIT FOR DEVELOPMENT WITHIN
A DESIGNATED FLOOD HAZARD DISTRICT

The following are proposed findings for approval of a Conditional Use Permit to allow development of the proposed Newberg Landfill within a designated Flood Hazard District. These findings correspond to items "a" through "k" of Chapter 4, "General Conditional Use Permit Provisions," Section 4.1 - 3, of Yamhill County Ordinance No. 69, Flood Hazard District Ordinance.

The relationship of the proposed development to potential flood hazard and the measures incorporated in the design plan to minimize the potential hazards are described in the accompanying Background Report. This report is hereby included as a part of the required findings for Conditional Use Permit approval.

- a. This landfill proposal and associated structures has been reviewed by the United States Army Corps of Engineers. In a letter addressed to the Mayor of Newberg, dated February 20, 1981, the Corps of Engineers states that flood flow velocities for a 100-year flood with or without the dike (berm) are less than two feet per second. Velocities for 10 and 50-year floods would be lower than for a 100-year flood.

Based on this information, the landfill will produce no significant impact on flood conditions.

- b. The proposed landfill will be contained within a berm paralleling the river. This berm will be constructed to an elevation of 100 feet. According to the Corps of Engineers, a 100-year flood is expected to crest

at 97 feet + MSC at the downstream end of the landfill site and 98 feet + MSC at the upstream end. The berm will provide a sufficient margin of safety to prevent waste materials from being swept onto other lands or downstream.

c. Not Applicable

d. The landfill will be protected by a 100-foot high berm, as described in "b." This berm will provide an adequate margin of safety for the landfill. The owner of the landfill will be responsible for any damage to the facility resulting from flooding.

e. The landfill is a basic community service equal in importance to sewer and water services, electric power, etcetera. Adequate waste disposal facilities are required by State law.

f. Proposed landfill locations are subject to, among other considerations, specific siting requirements concerning the physical characteristics of the land. These characteristics include the site geology, hydrology, drainage, soil permeability, etcetera. Due to their particular characteristics, floodplain locations often possess the characteristics required for a landfill site. A Preliminary Geotechnical Feasibility study has been performed on the proposed property. This study has determined that the property possesses characteristics suitable for a landfill.

g. Sufficiently detailed studies are not available to determine the physical suitability of alternative locations in the Newberg vicinity. Other land

use considerations, such as inadequate access, conflicting uses, etcetera, preclude the detailed consideration of much of this area.

- h. The proposed site is surrounded by resource lands and open space. Adjacent zoning is EF-40 and AF-20. The landfill will be compatible with the existing surrounding uses and any likely future use.
- i. The relationship of the proposed landfill to the County Comprehensive Plan is described in detail in the accompanying Comprehensive Plan Review. This report is hereby included as the finding for this item. The landfill proposal conforms to the applicable provisions of the Comprehensive Plan.
- j. The primary access to the property is State Highway 219. An access road will be constructed from the highway specifically to serve the landfill. Due to their design and location, these roads will provide access to the landfill in times of flood.
- k. The Corps of Engineers estimates the velocity of a 100-year flood to be less than two feet per second. This velocity is not affected by any landfill construction or facilities. The Corps estimates 100-year flood heights to be 97 feet at the downstream end of the landfill site, and 95 feet at the upstream end. (Data concerning flood duration, rate of rise and sediment transport will be submitted when it is available).

RESOLUTION NO.

THE CITY COUNCIL SITTING AS THE CONTRACT REVIEW BOARD WAIVES COMPETITIVE BIDDING FOR THE PAINTING OF THE OLDER CITY RESERVOIR.

WHEREAS, The City of Newberg is in need of a weather protective coat of paint on the older 4 million gallon water reservoir, and

WHEREAS, The City of Newberg has committed funds in its 1980 - 1981 budget for the painting, and

WHEREAS, Several painting contractors have submitted proposals to supply the paint and perform the work, and

WHEREAS, Calling for competitive bids would extend beyond the end of the fiscal year in which the funds are committed, and

WHEREAS, The public interest would be best served by having this necessary work done as soon as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWBERG, OREGON AS FOLLOWS, TO-WIT:

- Section 1. The City desires to preserve the reservoirs by maintaining the weather protective coating.
- Section 2. The older reservoir must be painted this fiscal year to maintain the life of the existing protective coating and this painting must be completed without further delay.
- Section 3. The Public Works Committee has reviewed the proposals and recommends that the proposal from Ted Riffel Painting Contractor is in the best interest of the public.
- Section 4. Funds sufficient to cover the cost of this proposal remain in the appropriate budget line item in the water fund.
- Section 5. The Contract Review Board waives competitive bidding and authorizes the City Administrator to award the reservoir painting contract to Ted Riffel Painting Contractor in the amount of \$3740.00.

ADOPTED BY THE COUNCIL OF THE CITY OF NEWBERG THIS 1st DAY OF JUNE, 1981.

AYE:

NAY:

ABSENT:

Arvilla Page - Recorder

IX A

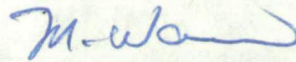
MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Surplus Property

DATE: May 26, 1981

The memo from the City Attorney explains that the authorization list for surplus property needs to be updated and it is a requirement of the State.

Recommended Action: It is recommended that the City Council review and approve.



Michael Warren
City Administrator

MW/bjm

Enc.

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: May 26, 1981

SUBJECT: Resolution to Update Persons Authorized to pick up
Surplus Property from the State

We found that our listing of authorized persons to pick up surplus property from the State was way out-of-date and we needed to update it. This is a requirement of the State that we do so.

RDF:fj

RESOLUTION NO.

A RESOLUTION AUTHORIZING CERTAIN REPRESENTATIVES TO ACQUIRE FEDERAL SURPLUS PROPERTY FROM THE OREGON STATE AGENCY FOR SURPLUS PROPERTY.

BE IT RESOLVED by the City Council of the City of Newberg, and hereby ordered that the officials and/or employees whose names are listed below shall be and are hereby authorized as our representatives to acquire federal surplus property from the Oregon State Agency for Surplus Property under the terms and conditions listed on Exhibit "A" which is hereby attached and made a part of this resolution.

John Paola, Fire Chief
Herbert Hawkins, Chief of Police
Mike Warren, City Administrator
Arvilla Page, City Recorder
Betty Lovell, Hospital Materials Manager

ADOPTED by the Council this 1st day of June, 1981.

Arvilla Page - Recorder

Newberg, City of
414 East 1st. St.
Newberg, OR 97132

7985-7
Yamhill
KN0020

John Paula, Fire Chief
M. C. Gilbert, City Admin.
C. M. Robins, Hospital Admin.

PHONE: 538-9421

1/23/79

John Paula, Fire Chief
Hansford Hawkins, Police Chief
Mike Warner, City Administrator
Hank Paul, City Treasurer
Betty Love, Housing
Marilyn McMillan

RESOLUTION

"BE IT RESOLVED by the Governing Board, OR by the Chief Administrative Officer of those organizations which do not have a governing board, and hereby ordered that the official(s) and/or employee(s) whose name(s), title(s), and signature(s) is (are) listed below shall be and is (are) hereby authorized as our representative(s) to acquire federal surplus property from the Oregon State Agency for Surplus Property under the Terms and Conditions listed on the reverse side of this form."

NAME (Print or type)	TITLE	SIGNATURE
John Paola	Fire Chief	
Herbert Hawkins	Chief of Police	
Mike Warren	City Administrator	
Arvilla Page	City Recorder	
Betty Lovell	Hospital Materials Manager	

PASSED AND ADOPTED this 1st day of June, 1981, by the Governing Board of the City of Newberg, Oregon.

I, Arvilla Page, Clerk of the Governing Board of the City of Newberg, Oregon do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board at a regular meeting thereof held at its regular place of meeting at the date and by the vote above stated, which resolution is on file in the office of the Board.

City of Newberg
Name of organization
414 E. First Street
Mailing address

Newberg Yamhill 97132 [Signed]
City County ZIP Code (Legally Authorized Official)

OR

AUTHORIZED this _____ day of _____, 19____, by:

Name of chief administrative officer Title

Name of organization

Mailing address

City County ZIP Code [Signed]
(Legally Authorized Official)

TERMS AND CONDITIONS

(A) THE DONEE CERTIFIES THAT:

(1) It is a public agency; or a nonprofit educational or public health institution or organization, exempt from taxation under Section 501 of the Internal Revenue Code of 1954; within the meaning of Section 203(j) of the Federal Property and Administrative Services Act of 1949, as amended, and the regulations of the Administrator of General Services.

(2) If a public agency, the property is needed and will be used by the recipient for carrying out or promoting for the residents of a given political area one or more public purposes, or, if a nonprofit tax-exempt institution or organization, the property is needed for and will be used by the recipient for educational or public health purposes, and including research for such purpose. The property is not being acquired for any other use or purpose, or for sale or other distribution; or for permanent use outside the state, except with prior approval of the state agency.

(3) Funds are available to pay all costs and charges incident to donation.

(4) This transaction shall be subject to the nondiscrimination regulations governing the donation of surplus personal property issued under Title VI of the Civil Rights Act of 1964, Title VI, Section 606, of the Federal Property and Administrative Services Act of 1949, as amended, and Section 504 of the Rehabilitation Act of 1973, as amended.

(B) THE DONEE AGREES TO THE FOLLOWING FEDERAL CONDITIONS:

(1) All items of property shall be placed in use for the purpose(s) for which acquired within one year of receipt and shall be continued in use for such purpose(s) for one year from the date the property was placed in use. In the event the property is not so placed in use, or continued in use, the donee shall immediately notify the state agency and, at the donee's expense, return such property to the state agency, or otherwise make the property available for transfer or other disposal by the state agency, provided the property is still usable as determined by the state agency.

(2) Such special handling or use limitations as are imposed by General Services Administration (GSA) on any item(s) of property listed hereon.

(3) In the event the property is not so used or handled as required by (B)(1) and (2), title and right to the possession of such property shall at the option of GSA revert to the United States of America and upon demand the donee shall release such property to such person as GSA or its designee shall direct.

(C) THE DONEE AGREES TO THE FOLLOWING CONDITIONS IMPOSED BY THE STATE AGENCY, APPLICABLE TO ITEMS WITH A UNIT ACQUISITION COST OF \$3,000 OR MORE AND PASSENGER MOTOR VEHICLES, REGARDLESS OF ACQUISITION COST, EXCEPT VESSELS 50 FEET OR MORE IN LENGTH AND AIRCRAFT:

(1) The property shall be used only for the purpose(s) for which acquired and for no other purpose(s).

(2) There shall be a period of restriction which will expire after such property has been used for the purpose(s) for which acquired for a period of 18 months from the date the property is placed in use, except for such items of major equipment, listed hereon, on which the state agency designates a further period of restriction.

(3) In the event the property is not so used as required by (C)(1) and (2) and federal restrictions (B)(1) and (2) have expired then title and right to the possession of such property shall at the option of the state agency revert to the State of Oregon and the donee shall release such property to such person as the state agency shall direct.

(D) THE DONEE AGREES TO THE FOLLOWING TERMS, RESERVATIONS, AND RESTRICTIONS:

(1) From the date it receives the property listed hereon and through the period(s) of time the conditions imposed by (B) and (C) above remain in effect, the donee shall not sell, trade, lease, lend, bail, cannibalize, encumber, or otherwise dispose of such property, or remove it permanently, for use outside the state, without the prior approval of GSA under (B) or the state agency under (C). The proceeds from any sale, trade, lease, loan, bailment, encumbrance, or other disposal of the property, when such action is authorized by GSA or by the state agency, shall be remitted promptly by the donee to GSA or the state agency, as the case may be.

(2) In the event any of the property listed hereon is sold, traded, leased, loaned, bailed, cannibalized, encumbered, or otherwise disposed of by the donee from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, without the prior approval of GSA or the state agency, the donee, at the option of GSA or the state agency, shall pay to GSA or the state agency, as the case may be, the proceeds of the disposal or the fair market value or the fair rental value of the property at the time of such disposal, as determined by GSA or the state agency.

(3) If at any time, from the date it receives the property through the period(s) of time the conditions imposed by (B) and (C) remain in effect, any of the property listed hereon is no longer suitable, usable, or further needed by the donee for the purpose(s) for which acquired, the donee shall promptly notify the state agency, and shall, as directed by the state agency, return the property to the state agency, release the property to another donee or another state agency or a department or agency of the United States, sell, or otherwise dispose of the property. The proceeds from any sale shall be remitted promptly by the donee to the state agency.

(4) The donee shall make reports to the state agency on the use, condition, and location of the property listed hereon, and on other pertinent matters as may be required from time to time by the state agency.

(5) At the option of the state agency, the donee may abrogate the conditions set forth in (C) and the terms, reservations, and restrictions pertinent thereto in (D) by payment of an amount as determined by the state agency.

(E) THE DONEE AGREES TO THE FOLLOWING CONDITIONS, APPLICABLE TO ALL ITEMS OF PROPERTY LISTED HEREON:

(1) The property acquired by the donee is on an "as is," "where is" basis, without warranty of any kind.

(2) Where a donee carries insurance against damages to or loss of property due to fire or other hazards and where loss of or damage to donated property with unexpired terms, conditions, reservations, or restrictions occurs, the state agency will be entitled to reimbursement from the donee out of the insurance proceeds, of an amount equal to the unamortized portion of the fair value of the damaged or destroyed donated items.

(F) TERMS AND CONDITIONS APPLICABLE TO THE DONATION OF AIRCRAFT AND VESSELS (50 FEET OR MORE IN LENGTH) HAVING AN ACQUISITION COST OF \$3,000 OR MORE, REGARDLESS OF THE PURPOSE FOR WHICH ACQUIRED:

The donation shall be subject to the terms, conditions, reservations, and restrictions set forth in the Conditional Transfer Document executed by the authorized donee representative.

IXb

RESOLUTION NO.

A RESOLUTION ACCEPTING THE PUBLIC IMPROVEMENTS IN THE BARCLAY FARMS SUBDIVISION FOR MAINTENANCE BY THE CITY OF NEWBERG.

WHEREAS, The City of Newberg entered into an agreement with Lutz Development Company on October 2, 1978 accepting the plat of the Barclay Farms Subdivision and,

WHEREAS, Lutz Development Company has paid all engineering and development fees required by the subdivision agreement and,

WHEREAS, Lutz Development Company has completed the public improvements which include streets, storm sewers, sanitary sewers, water lines, street lighting and street signs and,

WHEREAS, The City Engineer has inspected the public improvements and found all improvements to be acceptable and issued a letter of acceptance to Lutz Development Company on May 5, 1981.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWBERG AS FOLLOWS, TO-WIT:

Section 1. The public improvements in the Barclay Farms Subdivision have been completed to the satisfaction of the City Engineer.

Section 2. The City Engineer has issued a letter of acceptance of the public improvements to Lutz Development Company on May 5, 1981 on which date commences the one year warranty of the materials and workmanship on the public improvements.

Section 3. The City of Newberg accepted the maintenance responsibility on May 5, 1981 of all public improvements within the public right-of-way and public easements of the Barclay Farms Subdivision.

Adopted by the Council of the City of Newberg this 1st day of June, 1981.

AYE:

NAY:

ABSENT:

Arvilla Page - Recorder

X c

RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBERG, HONORING GARRETT COOKE.

WHEREAS, Garrett Cooke has been the Volunteer Assistant Chief of the Newberg Volunteer Fire Department; and

WHEREAS, Garrett Cooke joined the Department January 29, 1946; and

WHEREAS, Garrett Cooke was made Captain January 1, 1965; and

WHEREAS, Garrett Cooke was made Assistant Chief November 1, 1971 and has been the Assistant Chief since that time; and

WHEREAS, Garrett Cooke has been involved in not only assisting in emergency services for the City of Newberg but many other activities that have bettered the City; and

WHEREAS, Garrett Cooke has displayed an attitude of cooperation and loyalty to the City of Newberg and has done so with very little monetary gain.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Newberg that the City Council on behalf of the Citizens of Newberg pay tribute to Garrett Cooke for his donation of time, years of service and giving attitude toward the City of Newberg.

ADOPTED this 1st day of June, 1981.

ELVERN HALL - Mayor

Attest:

ARVILLA PAGE - City Recorder

PROCLAMATION

THIS IS A PROCLAMATION PROCLAIMING THE WEEK OF SATURDAY, MAY 30, 1981 TO SATURDAY, JUNE 6, 1981 AS NEWBERG TIGERS BASEBALL TEAM WEEK.

WHEREAS, the Newberg High School Baseball Team commonly known as the Newberg Tigers will be playing in a championship game on Saturday, May 30, 1981; and

WHEREAS, the Newberg Tigers are coached by Tom Campbell, and

WHEREAS, the team batting average is .330, and

WHEREAS, this is the first time that a team from Newberg High School has played in a championship game; and

WHEREAS, the team record for this past baseball season has been 30-3; and

WHEREAS, the entire community of Newberg is proud of the baseball team; and

WHEREAS, win or lose in the championship game the team and the team members will all be champions in the communities heart.

NOW, THEREFORE BE IT RESOLVED that as the Mayor of the City of Newberg I do hereby proclaim the week of May 30, 1981 to June 6, 1981 as Newberg Tigers Baseball Team Week. And on behalf of the City Council, City Staff and residents of the community of Newberg I offer the heartiest of congratulations and continued success.

DATED this 1st day of June, 1981.

Elvern Hall - Mayor

ORDINANCE NO.

AN ORDINANCE ADOPTING A SUPPLEMENTAL BUDGET FOR THE CITY OF NEWBERG, OREGON, FOR THE FISCAL YEAR 1980-1981, ENDING JUNE 30, 1981; SETTING FORTH THE BASIS FOR SAID SUPPLEMENTAL BUDGET AND MAKING THE APPROPRIATIONS SET FORTH THEREIN, ALL WITHIN THE FISCAL YEAR 1980-1981, AND DECLARING AN EMERGENCY.

WHEREAS, the Budget Committee of the City of Newberg, Oregon, has recommended to the Council a supplemental budget for the fiscal year 1980-1981, ending June 30, 1981, based upon additional funds derived from grants, in excess of budget estimates; and

WHEREAS, the Council of the City of Newberg, Oregon, met at a regular meeting held at and after 7:30 o'clock p.m., June 1, 1981, in the City Hall in said City, for the purpose of holding a public hearing on the Supplemental Budget of the said City for the fiscal year 1980-1981, in accordance with the published notice of said budget and said meeting and public hearing; and

THE COUNCIL BEING NOW FULLY ADVISED IN THE PREMISES:

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

Section 1. That the Supplemental Budget for the City of Newberg, Oregon, for the fiscal year 1980-1981, for the purposes shown below are hereby appropriated as follows:

GENERAL FUND

Resources:

CETA Grant	2,071
Planning Grant	6,525
Library Grants	3,789

Requirements:

Fire Department:	
Personal Services	2,071
Planning Department:	
Materials & Services	6,525
Library:	
Materials & Services	1,231
Materials & Services	
References	2,000
Capital Outlay	558

Section 2. That no increase or additional levy of taxes shall be made in support of said Supplemental Budget.

Section 3. Whereas, the City of Newberg is required to provide for the legal disposition of additional funds and appropriation of said funds by said Supplemental Budget for additional services, materials, supplies and capital outlay therein set forth, immediately.

NOW, THEREFORE, an emergency is hereby declared to exist and this Ordinance shall be in full force and effect immediately upon its passage by the Council.

PASSED by the Council of the City of Newberg at a regular meeting this 1st day of June, 1981, by the following votes:

AYES:

NAYS:

ABSENT:

Arvilla Page - City Recorder

APPROVED by the Mayor this 1st day of June, 1981.

Elvern Hall, Mayor