

CITY COUNCIL
AGENDA
JULY 6, 1981 7:30 P.M.
COUNCIL CHAMBERS
CITY HALL

I. CALL MEETING TO ORDER

II. ROLL CALL

III. APPROVE MINUTES - June 1st and June 18th

IV. REQUESTS:

- A. Communication from Luther & Audrey Toothman regarding construction of Jeffry Park.
- B. Communication from Housing Authority RE: Housing project.

V. PUBLIC HEARINGS:

- A. Public Hearing on appeal of Lee Anderson RE: Change in high density zone to commercial zone. (Refer to material in June 1st Council packet.)

VI. REPORTS FROM CITY ADMINISTRATOR:

- A. Report on efforts of Public Works Director in obtaining flail mower for maintaining City's right-of-ways and property .
- B. Report on Street Tree Ordinance
- C. Report on ICMA Conference
- D. Report on Police shooting range.
- E. Report on Unpaid Sewer Taps.
- F. Report on Abstract of votes for June 30, 1981 Election.

VII. OLD BUSINESS:

- A. Request from Hospital to accept bid for Medical Records Filing System. (Inadvertently left out at June 1st meeting.)

VIII. NEW BUSINESS:

- A. Report and update on Dayton Avenue Bike Path
- B. Report on Sanitary Sewer Rehabilitation bids.
- C. Report on Crafts Fair
- D. Approve Accounts Payable

IX. RESOLUTIONS:

- 81-900 A. Resolution relieving City Recorder of duties pertaining to CIAC and Traffic Safety Commission.

- 81-901 B. Resolution authorizing Mayor & City ^{Recorder} ~~Administrator~~ to sign Intergovernmental Contract for Regional Library Services

- 81-902 C. *Contingency Transfers*

X. ORDINANCES:

- 2058 A. Ordinance RE: Garage Sales in City of Newberg.

- 2060 B. Ordinance prohibiting parking at East Side of Springbrook Street north from 99W.

- 2059 C. *TREE*

EXECUTIVE SESSION: Labor Negotiations

CITY OF DUNDEE

675 HIGHWAY 99W
DUNDEE, OREGON 97115
P.O.BOX 201 PHONE: 538-3922
July 2, 1981

cc Council File
RECEIVED
JUL 7 1981
CITY OF NEWBERG, ORE
OFFICE OF RECORDER

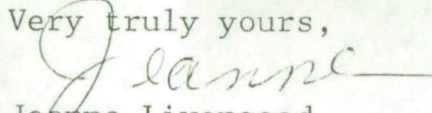
Mike Warren,
City Administrator
414 E. First
Newberg, Oregon

Dear Mike:

As per our telephone converstion of June 30, 1981 I am writting to confirm instructions given me to call and write you regarding renewal of our contract with the City of Newberg for use of your building inspector.

On June 29, 1981 the Dundee City Council voted to hire an independent inspector and, requested me to express their thanks for all of the help we have received over the years.

Very truly yours,


Jeanne Livengood,
Recorder

ACCOUNTS PAYABLE
JULY 1981

7/81

Al's Drive-In	10.15
B J's Photo Service	12.86
Brass Key	8.10
Brim Tractor Co., Inc.	258.40
Brodart	1,225.92
Brown & Tarlow	150.00
Butler Chevrolet	25.00
Burroughs Corp.	1,775.47
Buy-Wise Drug	58.12
C.E. Little Fire Equipment	14.50
Camera Quarters	70.20
Cascade Employers Association	11.52
Chevron USA	37.92
Coast to Coast	63.18
Culligan	28.00
Dents	168.55
Dept. of Environmental Quality	375.00
Ernst Hardware	225.00
Eugene Concrete Pipe	90.00
Farm-Gro Supply	62.50
Ferron Janitorial	501.00
Fisher Electric	40.00
Fowler Tire Service	157.48
Fox Union	75.00
Gaylord Brothers	171.98
General Telephone	1,279.87
Home Laundry	21.40
IFG Leasing	100.13
Jerry Hill Enterprises	27.00
Johnson Hardware	9.14
Kelly Services, Inc.	988.00
Laughlin Oil Co.	1,065.57
League of Oregon Cities	23.12
Mar-Dustrial Sales, Inc.	161.70
Len McGarvey	56.84
Meyer Brothers	1.66
A. John Montgomery	2,000.00
Nap's IGA	60.81
Newberg Auto Parts	101.41
Newberg Community Hospital	165.58
Newberg Graphic	134.34
Newberg River Rock	115.50
Newberg Steel	11.90
Newberg Western Wear	66.00
NW Business Systems	472.58
NW Law Enforcement	563.86
NW Natural Gas	610.62
Nudelman Brothers	66.00
Oregonian	7.50
Pacific Photocopy	250.00
Payless Drug	4.98
Pitney Bowes	49.50
PGE	13,400.00**
Quality Office Machines	698.66

School Library Journal	25.00
Sentinel Alarms	74.43
Specialty Contracting & Glass	31.50
Sunshine Cleaners	12.70
Swift & Swift	75.00
Territorial Enforcement Supplies	23.96
Thomas Bouregy & Co.	35.50
Timberline	152.71
W.R. Grace-The Baker Taylor Co.	43.66
Waide's Mobil	25.00
Western Auto	44.72
Western Fire Equipment Co.	143.43
Westside Automotive	167.30
Wheel Graphics	42.50
Willamette Industries	11.63
Yamhill County Assessor	76.50
Yamhill County Clerk	1,528.84

TOTAL:

30,643.90

**=ESTIMATE

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Council 7/6/81

Harmony Hill Farm

Route 1, Box 84 Newberg, Or. Phone 538-8890

6 July, 1981

To: City Council of Newberg

From: Lee Anderson

Subj: Appeal of Planning Commission Decision

Time: 7:25 PM

Pertinent information for tonight's decision are the following:

- 1) The State Highway Department is working with the applicant on several alternatives of ingress/egress to the property—all of which meet their approval!
- 2) The Yamhill County Road department has approved all three alternatives for ingress/egress to the property on E. Second Street.
- 3) Consultations are currently underway with several family restaurant owners—of the North's Chuck Wagon or Farmer's Daughter type—and all seem promising. The need for the community of Newberg is well documented—as there are no restaurant facilities for banquet type service club meetings or family style cafeteria lines of reasonable price like the family style restaurants mentioned above.
- 4) Specifics, such as around \$600,000 for building, equipment, and site preparation for parking of 125 to 200 vehicles on a 60,000 sq. ft. lot with around 8,000 sq. ft. of improvements seem to be the topefigures currently for the type of establishment the applicant envisions. Such an investment is certainly an improvement to the City of Newberg.
- 5) If the Council denies this appeal and does not continue in the planning and development stages with the applicant, then it has only itself to shoulder the alternative of up to 15 single family units placed on the lot in an area which will then make the property entirely prohibitive for future commercial development, as the land costs are what make the deciding factor of whether to go or not go in the restaurant business—along with the market area. Our market area and location are excellent for the community served!
- 6) It seems a denial of the client's or applicant's rights to limit the debate of this appeal to written comments only—and for this reason, if the applicant, or his representative is not allowed to express the most recent developments in the planning and development of this application—then I consider it grounds for further action in that the rights of my client have been limited beyond reasonable limits in the context of the LCDC Goals and Guidelines!
- 7) I wish to thank the Council on behave of my client for this opportunity to present this case on behalf of Mr. Lee Anderson.

Sincerely,

Dave Swehla
Dave Swehla



People Learning To Grow In Harmony With Nature.



7:30 P.M.

June 1, 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	C. Eldon McIntosh
	Roger Gano	Quentin Probst
	Harold Grobey	Richard Rementer
	Alan Halstead	Tom Tucker

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

Also Present: Approximately 30 citizens

The minutes of the previous meetings were approved as presented.

Resolution 81-895 honoring Garrett Cooke's contribution to the City as volunteer assistant chief was read. Motion: Gano-Probst to adopt the resolution. Carried unanimously. Mayor Hall then presented a framed copy of the resolution to Garrett Cooke.

Proclamation proclaiming the week of Saturday, May 31, 1981 to Saturday, June 6, 1981 as Newberg Tiger's Baseball Team Week was read by Mayor Hall. Mayor Hall presented a copy of the proclamation to team coach Tom Campbell. Six members of the team were present and were introduced by Mr. Campbell.

Requests and Petitions from the Floor:

Joe Lyon, 1214 E. Fourth Street, which is at the corner of Fourth and Willamette stated he wished to call the Council's attention to the truck traffic to the pulp mill on Wyooski Street. The Mayor stated that Wyooski is not a part of the truck route. The matter will have to go to the Traffic Safety Commission, then to the Public Safety Committee. He asked that these items be put on the agendas for Traffic Safety and Public Safety Committees. Traffic Safety is on the fourth Monday in the evening; Public Safety is on the fourth Thursday at 7:00 a.m. at J's Restaurant.

Motion: Gano-Halstead that the Council consider adjournment at 10:30 p.m. Carried unanimously.

Requests and Communications:

Mike Warren noted requests from Arthur J. Stanley, Chehalem Valley Heritage, Inc. regarding planning for the 1989 Newberg Centennial Observance and thanking the

City for their cooperation.

A letter from Congressman Les AuCoin was received thanking the City for their support of President Reagan's economic proposals.

A letter was received from Karen Stewart and Brent Schneider in appreciation of the street trees, and a letter from Peggy Campbell, Chairperson of Tree People thanking the City for the support for the street tree program.

Dennis Hagen, Chairman of Community Celebration Committee invited the City to use the logo of the old fashioned bicycle which has been adopted as their logo. The logo would give the community an identity if it is kept long enough in the media. The logo is already being used in a number of ways and the city government could use it in many other ways. The Board of Directors of the Chamber of Commerce have recommended that the City adopt the logo.

Public Works Director stated the City will soon need to reorder vehicle signs. This could possibly incorporate the logo. Other suggestions were for the logo to be used on the city letterhead and to have logo displayed at the entrance to the City.

Mayor Hall assigned the matter of the City use of the logo to the Ordinance Committee.

Public Hearing: An appeal of Newberg Planning Commission decision to deny Comprehensive Plan Amendment and Zone Change for Lee Anderson's property, Tax Lot 3220 AB 2100, located near the intersection of East Second and St. Paul Highway.

Mayor Hall stated that the public hearing would be on the record with no new additional comments from the public. All testimony must be in writing and relate to items previously heard.

Staff Report: The Planner stated that the applicant has requested an extension of the hearing until the July meeting.

Motion: Halstead-Grobey to delay the hearing to July 6, 1981. Carried unanimously.

Public Hearing: An appeal of the Newberg Planning Commission decision to deny a Comprehensive Plan Amendment and Zone Change.

Applicants: Herbert and Margaret Swift, Leonard L. Silvers, R & T, Inc.
Location: Tax Lots 3219 AA 13600, 13700, 13800, and 14200 the south half of the block bounded by College and Edwards, Second and Third Street.

Councilman Tucker stated he will abstain and would remove himself from the room. Mr. Tucker excused.

Mayor Hall stated the hearing would be on the record with no public testimony except written.

Staff Report: Planning Director stated that the entire record was before the Council in the Council Packet. The Council can by unanimous vote hold a new public hearing but it would have to be delayed to the next Council meeting because a public notice would need to be issued. The applicants have requested zoning to C-2 commercial which would permit any type of retail commercial use. There are four separate lots. Occupying the lots at present are law offices, a medical office and two older

residences. Written testimony has been received from Tom Tucker and from Leonard Silvers, copies of which are in the Council Packet. Planning Director pointed out the area on the Comprehensive Plan Map. There was no other staff input. Public hearing closed.

Councilman Grobey who was present at the Planning Commission hearing stated the Planning Commission was worried about upsetting the buffer zone between commercial and residential areas even though two of the parcels are presently commercial. Commercial zoning of C-2 would allow conversion to a heavier commercial use. The R-3 zoning is to act as a buffer between and lower density residential.

Councilmember DeMay stated she also was present at the hearing. Testimony regarding the law and medical office indicated that it was desirable to have those offices in that area but there is no need shown to change the other two parcels.

The Planner stated changing the zoning on the area would not affect the Comprehensive Plan for R-3 zoned areas. Council has three options: 1) they can recognize the use and deny changes on the two residences; 2) they can deny the request entirely or 3) they can approve the request entirely. He stated he does not feel that any decision would adversely affect the Comprehensive Plan.

Councilman Rementeria asked whether there was opposition to the change back to commercial. The Planner stated that no one had objected only opponent at the hearing stated he did not want to see multi-family housing. Planner read the findings as presented to the Planning Commission on May 19, 1981 which are contained in the Council Packet.

Motion amendment: Gano-Halstead that it should contain the goals as presented by the proponents. Vote on motion amendment: 6 Aye, 1 Nay - DeMay, 1 Abstain - Tucker. Motion carried. Roll call on the amended motion: Aye - 4, Halstead, McIntosh, Probst, Rementeria; Nay - 3, DeMay, Gano, Grobey; Tucker abstaining. The Mayor declared the motion passed. Ordinance to be prepared for the next June meeting.

Public Hearing: Supplemental Budget, Budget Year 1980-1981

Motion: Halstead-Gano to read Ordinance No. 2054, Supplemental Budget for 1980-1981. Carried unanimously. The ordinance was then read. Roll Call: 7 Aye, DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria; Nay 0; Abstain - Tucker.

Mr. Tucker rejoined the Council.

Reports from City Administrator:

Mr. Warren gave status reports on City projects, painting, sandblasting and riprap of the bridge. Bids are scheduled for opening June 9 at 2:00 P.M. Grouting of the sanitary sewer line. These will be advertised through June 9. Bids will be opened at that time. The Council will need to meet about June 15th for the awarding of the bid. The project can be started about July 1. Water Treatment Plant Expansion. The contractor started late and did not order materials in advance. He is behind schedule and has been given some leniency. He is now being charged \$100.00 a day. When completed the plant will be automated. It is presently still being ran manually. This does not cause a problem but we would like to get it finalized. Hess Creek and Morton Street Sanitary Sewer. Staff is attempting to get the cleanup work done on this project. Springbrook Water Line. Consultant work on this project is by Kramer, Chin and Mayo. They have been authorized to check for proper line size, and prepare a master zonal map for the area. We will

advertise for construction that will begin later in the summer.

Report on Subdivisions and Developments: Work is proceeding on Oak Hollow, Coppergold and Meadowlark Subdivisions. A resolution on Barclay Farms Agreement is before the Council tonight. On Tom Hailey's planned unit development, the Public Works Director has approved several sets of plans that have been submitted on this particular project. To date no money has been received on any of these plan inspections. Sitka Street improvement. Staff is behind schedule on this. The bids will probably be awarded at the first meeting in July. Springbrook Area LID. This project will not get started until the next calendar year. Street repairs. Some street repairs are being done but they are just temporary. A roller is needed for the patch work and also a patching trailer.

Police Pistol Range. Police officers currently must travel to Amity to qualify. Because of expense and travel time this is only being done twice a year. More desirable would be qualification four times per year. The staff is negotiating with Chehalem Valley Sportsman's Club to use their rifle range at Crabtree Park. In exchange for use of this range, the Club would like to have the City improve the range. Total cost to the City for the improvements wanted would be \$1,780. This total includes our standard charge rate for our equipment; out-of-pocket costs would not be near that amount. It would require about two men for about two days. The City Attorney stated that the proposed agreement needs some work. Motion: Tucker-McIntosh to accept the Public Safety Committee's recommendation to enter into negotiations with the Chehalem Valley Sportman's Club, and direct the City Administrator to bring the final agreement to the Council for review. Carried unanimously.

Cable Television. Closing date for cable television franchise applications was May 29th. Two applications were received. One from Liberty Cable Television and one from Harmon Cable Television.

Dundee Inspection Fees. The Newberg Building Inspector now does all building inspections for Dundee. In return Dundee pays Newberg 75% of fees collected. In addition, the Building Inspector must enforce their zoning ordinance as they have no planning staff. It is recommended that a change in the charging method be made. Charges should be on a cost basis which should include overhead costs as well as salary. Motion: Probst-Grobey that the charge basis for Dundee's building inspections be on a cost basis. Carried unanimously.

Request for Street Vacation: Jack Nulsen, 817 E. First, has requested a vacation on behalf of A. Meyer, of the street which is an extension of Center between Cherry St. and the Southern Pacific Railroad tracks be granted. This affects Tax Lot 3218 BC 700. Motion: Halstead-Tucker that the Planning Commission hold a hearing on the street vacation as requested. Carried unanimously.

Old Business:

Request for extension of retirement date of the Fire Chief, John Paola. Mr. Warren stated the Public Safety Committee had met to discuss this matter. Mr. Paola had had a physical exam and the doctor's report indicated he was able to perform his job well physically. Mr. Warren stated he talked to the doctor also. Public Safety Committee recommends that Chief Paola be granted an extension of his retirement. Motion: Grobey-Rementeria to extend retirement date of John Paola and that the City pickup the fee for the doctor's exam. Carried unanimously.

Comprehensive Plan Status. Mayor Hall reported that apparently the hearing on the Newberg Comprehensive Plan is scheduled for September. Also LCDC has amended goal 5 and the City will probably have to comply with the new goal. Mr. Moorhead stated he had talked to the County Coordinator since he believes that the plan is scheduled

for review at the August meeting at Newport. Mr. Grobey stated he had heard the press release that the bills before the legislature have been reworked regarding the LCDC and the subject of post acknowledgment. The press release indicates that the LCDC will be told to finish the work they have begun.

Country Comfort Craft Fair Status. John Raines, 310 S. River, stated that the City is not happy with their location on the bowling alley parking lot nor are they. They would like to relocate in a new location. Mr. Moorhead stated that the Crafts Fair at the present location is not a permitted use and it really should have a conditional use permit. They have been given staff permission to continue for 5 weeks at that location. Councilman Grobey suggested possible closure of a street between First and Hancock, School Street specifically. This has been done in the past for community fairs. City Attorney stated that Portland does this for their Saturday Market. Mr. Warren stated that the Raines should contact the banks and merchants and property owners in the area on the possibility of using School Street. Motion: Grobey-Gano the City Attorney prepare a preliminary draft of an ordinance to permit street use. Carried unanimously. Motion: Rementeria-Halstead to extend the administrative permit to use the bowling alley lot to July regular meeting. Carried unanimously.

New Business:

Report on abstract of votes special election May 19, 1981. The official tally of the election was "A" Ballot: Yes - 818; No - 621. On the "B" Ballot: Yes - 679; No - 744. There are 5,746 registered voters and the total vote represented 25.7%. Motion: Gano-DeMay to accept the abstract of votes. Carried unanimously.

Hospital Building Exterior Painting. Four bids were received. The low bid was from Paragon Coat at \$4,836. Budgeted amount was \$5,200. The other bids received were G & C Painting - \$12,050.; Ted Riffel - \$5,296.; and Lane House - \$5,570. Motion: Gano-Rementeria to accept Hospital Administrator's recommendation to award the bid to Parragon Coat at \$4,836. Carried unanimously.

Purchase of Electrolyte Analyzer and Ophthalmic Cryopahke System. Four bids were received on the analyzer. The Hosital Administrator recommends \$6,440 bid of the W. R. Scientific. Three bids were received on the Ophthalmic Cryopahke. Recommended is accepting the bid of R. L. Keller at \$4,355. Motion: Gano-McIntosh to accept the recommendations of the Hospital Administrator and award the bid on the Ophthalmic Cryopahke to R. L. Keller at \$4,355. and the electrolyte analyzer to the W. R. Scientific at \$6,440. Carried unanimously.

Proposed Landfill: St. Paul Highway near the Willamette Bridge. Recommendation of the Newberg City Council is requested from the Yamhill County Planning Commission. Three parties indicated they wished to speak on the matter. They were limited in their testimony to 5 minutes each.

Dr. John Guiss, Rt. 2, Box 188, stated he lives about a mile from the proposed site and represents the Yamhill County Clean Air and Water Committee. He stated that almost 700 people have signed a petition opposing the site. The site is in a flood area and is well drained, sandly loom. Ponds rise and fall with the river level. Emination of the river and area wells would be great. It infringes on the green-way and the view of the portal to the City of Newberg. Ideas to camaflouge this site were inadequate and impractical. The question is whether Yamhill County should assume responsibility from Multnomah, Washington and Clackamas Counties for garbage disposal. The subject of the required transfer site has not been presented in detail. Even the City of Newberg could not use the landfill until a transfer site

was completed.

Andrew Wekerle, Rt. 2, Box 185, stated that no one would like to live within a mile of any dump. Area dumps have problems with litter.

Angus McPhee, 104 S. River Road, operator of the Newberg Landfill, applicant for the new landfill site stated there is no litter along the road which leads to the present landfill. People live much closer to the current landfill than to the proposed location. Hydrogeologic studies of the site have been very thorough. All materials brought to the site would be from transfer stations in other cities. The transfer stations would be enclosed buildings with concrete floors where vehicles could dump. The material would then be sorted for recyclable materials and then put on a larger truck to complete the trip to the landfill.

Councilman Gano asked how the use of transfer stations would affect the traffic as it is now. Mr. McPhee stated it would cut 2/3 from the amount of trucks in use now. Councilman McIntosh asked who would maintain Springbrook Road with large 65 yard trucks using it. Mr. McPhee stated that it is a County road and other trucks are using it anyway. Councilperson DeMay wanted to know why it would be necessary to triple the size of the operation. Mr. McPhee stated it was a matter of economics. Mrs. DeMay questioned what the berm's purpose was. Mr. McPhee stated highway would require widening of the Berm to protect the highway, a 100 foot elevation berm would be required to protect from flooding. He also stated there is clay on the site to comply with resource and recovery act to return the site to use. The final site would be sloped. There would be a maximum of 66 feet of fill in any area. The plan would be to use the methane buildup in the deeper areas. Hess Creek and Springbrook would be turned back to the West side of the bridge and highway. Expected life of the new landfill site would be 20 years.

Marvin Schneider, Newberg Garbage Service, stated he had been past another landfill site at 82nd which is not a new landfill site. People live within one block and a school is close by. He stated he goes by several times per month. The area is very clean and he has never seen pickup crews cleaning up.

Mr. McPhee stated the current life of the present land fill is about 2 years.

Mayor Hall asked Dr. Guiss if the landfill site is not here, where else would he recommend. Dr. Guiss stated that Yamhill County has two other sites at Whiteson and at Riverbend. If the transfer site is here in Newberg where it is required for the new location, the distance is not prohibitive to go to the two other sites.

Councilman Grobey stated that the purpose of a landfill is to reclaim land unuseable for other purposes. It bothers him that this is farm land, would not the aggregate pits be a better location. Mr. McPhee replied that gravel pits leak and would not be permitted.

City Planner, Clay Moorhead, presented the Yamhill County Staff Report on the zone change request. The report addressed the following points. The nearest residence is one-half mile north of the site, the River Bend landfill site is scheduled to open the fall of 1981 with a life expectancy of approximately 35 years. It was planned to incorporate wastes generated from Newberg, Dundee and the northeastern county area. The applicant has had a final geotechnical feasibility report prepared. Also, engineering studies, traffic studies and other materials have been prepared by Boatwright Engineers of Salem. Access from State Highway 219 would need to be improved with a left turn lane and acceleration lane. The property is currently used for agricultural cultivation as are other properties in the area. The reclamation of the site is to return it to farm use upon completion of each

phase of the project. A total of 40 - 65 trucks per day are projected to use the site. No private vehicles would be permitted to dump. Springbrook Road, a County road, has a 40 foot right-of-way. It has an older macadam surface and in general is considered poor for heavy truck traffic. Deterioration of the roadway is increasing because of heavy haul vehicles using the road. The soil is suitable to a wide range of crops, fertility is high. Surface runoff is slow and hazard of erosion from river overflow is slight to severe. A transfer facility would have to be located somewhere in Newberg to serve as a collection point for personally hauled wastes generated in Newberg, Dundee and the vicinity. The proposed plan discusses screening of the site from Highway 219 but no specifics have been provided. DEQ has granted a preliminary approval of the site. State Parks and Recreation Division will require a conditional use permit for any intrusion into the Willamette River Greenway. A conditional use permit would be required for rechanneling the outfall of Hess and Springbrook Creeks. The State Department of Transportation will inquire an approach application. Division of State Lands will require a flood plain fill and removal permit for the proposed channel changes affecting Hess and Springbrook Creeks. Diversion of the creeks would require Corp of Engineer's permit. Metropolitan Service District in response to questions from the County states the Newberg Site was rated 11th overall from a compilation of 46 possible metro landfill sites. Two of the five priority sites on their list are within 10 miles of the proposed Newberg site. One site is approximately the same distance from metro center as the proposed Newberg site. The applicant states that replacement disposal site for wastes from the present Newberg Landfill Service area has not been designated. However, the new River Bend landfill site on the south Yamhill River is a regional facility and could serve the northeast Yamhill County area including Newberg and Dundee. The applicant states that the proposed landfill will provide a more economical site for the waste disposal in the service region than the River Bend landfill. If the primary service area for the proposed landfill is the metro service district, then Yamhill County is not within the primary service region and MSD has indicated priority sites closer to the metro core and finally the Newberg/Dundee Planning Advisory Committee has heard the request at their May 27, 1981 meeting and recommended denial of the application by a vote of 5 - 3 on the basis of the following findings: a) Overwhelming opposition from local residents; b) alternate sites not adequately addressed by the applicant; c) the site takes prime agricultural lands out of production; d) possible water quality and sewer problems have not been resolved; e) the time span of the landfill site or other options were not explored.

Motion: Gano-Halstead to authorize the City's representative to take the Council's favorable response toward the application to the County. Roll call on the vote: Aye - 4, Gano, Halstead, McIntosh, Tucker; Nay - 4, DeMay, Grobey, Probst, Rementeria. The Mayor voted aye and declared the motion carried.

Motion: Gano-Halstead to pay the May accounts payable. Carried unanimously.

Resolution 81-896 awarding the contract for painting the city reservoirs for the amount of \$3,740. to Ted Riffel Painting Contractor. Motion: Gano-Tucker to adopt the resolution. Carried unanimously.

Resolution 81-897 to update the listing of authorized persons to pickup surplus property from the state. Motion: Gano-McIntosh to adopt the resolution, with the amendment of getting Dennis Manning, City Mechanic, on the list. Carried unanimously.

Resolution 81-898 accepting public improvements in Barclay Farms Subdivision. Motion: Grobey-Halstead to adopt the resolution. Carried unanimously.

The last three items on the agenda, ordinance amending Ordinance No. 1909, the garbage franchise ordinance; an ordinance providing a method of bonding public improvements in subdivisions and new developments and a new ordinance amending Ordinance No. 1386 to change interest rates charged for financing connection and development fees were postponed until the June 18, 1981 meeting.

Motion: Halstead-Rementeria to adjourn to the June 18, 1981 meeting after the Executive Session this date. Carried unanimously.

III

Thursday, 7:30 P.M.

June 18, 1981

AN ADJOURNED MEETING
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall.

Roll Call:

Present:	Maybelle DeMay	C. Eldon McIntosh
	Roger Gano	Quentin Probst
	Harold Grobey	Richard Rementeria
	Alan Halstead	

Absent: Tom Tucker

Staff Present: Michael Warren City Administrator
Richard Faus, City Attorney
Clay Moorhead, City Planner
Arvilla Page, City Recorder
John Paola, Fire Chief
Robert Sanders, Public Works Director
Robert Weisenback, Building Official

Citizens Present: Approximately 15.

There were no petitions or requests from the floor.

Request by Nahama & Weagant Energy Company regarding lease of City owned property for the purpose of oil and gas exploration.

Public Works Director stated this request is from a consultant and not the driller. This is prime property for the City and the concern is for protection of springs. If oil or gas are found in the general area, the City will have the opportunity in the future to again consider a lease.

City Attorney stated he had briefly reviewed the agreement that was presented. He considers the agreement to be overbroad and advises the City not to enter into the lease agreement.

Oscar Linscott, Consultant for Nahama & Weagant Energy Company stated it is an oil company. They became interested in this area when Reichhold found gas at Mist, Oregon. Large areas need to be leased because they are not able to pinpoint where deposits may be. Test wells would be drilled to determine the course of action. The area has the right geological structure. No test wells have been drilled yet. They need to put together large areas of leases to make the testing economically feasible. The company has about 1/3 of the leases desired. They would like to have 2 square miles of land under lease. The City property is in the center of their desired area. Any wells drilled must be cased. Bond is required by the State. There is no way that water source could be contaminated by the wells. Inspectors watched the entire process. Larger oil companies can finance exploration drilling without outside help. Smaller companies cooperate together in the costs. His company is planning to drill at Turner in August. They will be cooperating with Quintana, Reichhold and Occidental. At Mist, Oregon Reichhold has drilled seventeen wells. They have six producing wells.

III

Councilman Grobey stated that environmental laws of Oregon do protect the environment. The staff should investigate the requirements and restrictions.

Motion: Grobey-Halstead that staff make further investigation and educate themselves in the technical aspects of the exploration. The staff should then report and recommend to the Council. Carried unanimously.

Councilman Grobey stated to clarify for the record that he is employed by Northwest Natural Gas which is a partner in the Mist, Oregon gas wells.

The City Administrator read a note of appreciation to the Fire Department from Bruce and Lynn Wright.

City Administrator reported a letter had been received from Elver H. Voth, professor at George Fox College thanking the City for the tour of the waste water treatment facility by his environmental science class.

Reports from City Administrator:

The State Fire Chiefs' Association will meet June 20-22, 1981 at Salem. At that time Chief Paola will be winding up his year as President of the State Fire Chiefs' Association.

City Election costs for the May 19, 1981 election were \$393.36. This is reasonable cost compared with the previous elections which were conducted by the City.

There will be a joint special meeting of the Dundee and Newberg City Councils June 30, 1981 at 7:30 p.m. at the PGE Building on Springbrook Road. At that time the two cable television franchise applicants will present their proposals.

The State Revenue Department has responded to receipt of the supplemental budget. Their comment was we have received your supplemental budget and found the procedures to be good. They had previously been somewhat critical of our procedures.

The Ordinance Committee recommends adoption of the old fashioned bicycle as the City logo. Whether this symbol is used or some other, the City does need a symbol to tie the City together. Motion: Probst-Rementeria to use the logo on the City stationery. Aye - 2; Nay - 5. Motion failed. The Council instructed the administrator to bring sketches of letterhead designs to the Council for approval.

In response to the Council's question regarding the estimates on the PGE billings on the accounts payable list, the estimates proved to be within several hundred dollars of the actual bill on billings over \$10,000. each month.

Oscar Gerth has requested petitioning of property on North Main Street. The property is currently served by water line from the North Main Water District. No new connections are permitted on water districts at present. Recommendation is that connection be permitted to the water district for the petitioned property but that the City collect the tap and development fees now rather than later.

Oscar Gerth, 1603 North Main, stated the services need to be available now in order to build on the property. The request that the street be improved on that half along with the water line would put development of the property out of the question.

Public Works Director stated there would need to be a deed restriction on the lot created that the fees would be due before construction. City Planner stated there would also be the requirement that the half street improvement be made when other improvements are made in the area.

Mr. Gerth stated he had no objections to the deed restriction.

Motion: Probst-Grobey to accept the staff recommendations and grant use of City water through the water district temporarily with permanent connection when the City water line is installed on Main Street. Hookup fees on lot to be paid on connection to the water district. Carried unanimously.

The Council discussed whether development charges should be charged when property presently being served by districts changes to city services. Motion: Grobey-Gano that staff investigate and recommend charges for existing houses now served by water districts to be charged connection fees at the time of conversion. Carried unanimously.

Workmans Compensation Insurance. City Administrator reported the Workmans Compensation Insurance will expire June 30. The City is now able to insure with other companies other than State Accident Insurance Fund. The City contacted EBI Corporation, the League of Oregon Cities and SAIF. The League is currently not able to bid on the insurance. Bids from EBI and SAIF were reviewed by Dan Palmer and Angus McPhee. They recommend that the City place the insurance with SAIF for the coming year.

Angus McPhee, 104 S. River Road, stated SAIF offers to forego 40% of the premiums. If the experience is bad the City would pay an added premium with improved loss ratio the dividend would be received.

Resolution 81-899 was read waiving competitive bidding for Workmans Compensation Insurance and awarding the bid to State Accident Insurance Fund. Motion: Halstead-DeMay to adopt the resolution. Carried unanimously.

Appointments. The Mayor appointed two people to the Planning Commission. They were Jane Parisi-Mosher, 109 N. Meridian and Wayne F. Bowelby, Jr., 3000 Lindquist Court. Motion: Halstead-Probst to approve the Mayor's appointments to the Planning Commission. Carried unanimously.

New Business:

The Community Forum Meeting has been arranged to take place Thursday, June 25, 1981 at 7:00 p.m. at the United Methodist Fellowship Hall on Deborah Road. Newspapers have been contacted and it is hoped that citizens will attend.

Bridge rennovation bids. Bids were opened June 9th. Good bids were received on Schedule A. Schedule B will have to be readvertised as no bids were received. Low bidder on all three painting systems in Schedule A was Abhe & Svoboda, Prior Lake, Minnesota. References have been checked on this contractor and a favorable response was obtained. A protest was received from the high bidder's attorney claiming that Abhe & Svohoda failed to provide a specialty contractors number in their bid. This company has been prequalified by the State Highway Department and the Builders Board Confirmed the specialty contractor's bid number was only required to bid on residential dwellings. The Public Works Director recommends awarding of the Schedule A bid for the bridge rennovation project to Abhe and Svoboda using painting system A for a contract amount of \$235,740. and to waive any informalities which may exist in the bid. Motion: Halstead-DeMay to award the bridge rennovation bid to Abhe & Svoboda for \$235,740, and waive any informalities which may exist in the bid. Carried unanimously.

III

Ordinances:

Motion: Halstead-Rementeria to read Ordinance No. 2055 amending Ordinance 1386 regarding interest charge for connection and development fees paid by installment increasing interest rate to 12% per annum and permitting those residences now on septic tanks to be allowed payment over a 24 month period. Carried unanimously. The ordinance was then read. Roll Call: Aye - 7; DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria; Nay - 0; Absent - 1, Tucker. The Mayor then declared the ordinance passed.

Motion: Halstead-Gano to read Ordinance No. 2056 amending the Garbage Franchise Ordinance to include exclusive right to haul recyclable solid wastes in the city. Carried unanimously. The ordinance was then read. Roll Call: Aye - 7, DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria; Nay - 0; Absent - 1, Tucker. The Mayor then declared the ordinance passed.

Motion: Gano-Halstead to read Ordinance No. 2057 amending the Zoning Ordinance and the Comprehensive Plan Map to change the zoning on Tax Lots 3219 AA 13800, 13700, 13600 and 14200 from High Density Residential to Community Commercial. Carried unanimously. The ordinance was then read. Roll Call: Aye - 5, Gano, Halstead, McIntosh, Probst, Rementeria; Nay - 2, DeMay, Grobey; Absent - 1, Tucker. The Mayor then declared the ordinance passed.

The Council discussed nuisance abatement on the Molinuex property on Second Street in particular. The City Attorney stated he was familiar with the problem. The owner had promised to do something but nothing had ever been done. The previous City Attorney handled this. A new investigation will need to be done. Motion: Gano-Halstead that proper procedures be taken to initiate nuisance abatement against the property at Second and Edwards Street. Carried unanimously.

Motion: Gano-Probst to adjourn to executive session.

III

10:00 P.M., Thursday

June 18, 1981

AN EXECUTIVE SESSION
OF THE CITY COUNCIL

Council Chambers

Newberg, Oregon

The Mayor called the meeting to order and stated the executive session was held under the rules of ORS 192.660 relating to labor negotiations.

Roll Call:

Present:	DeMay	McIntosh
	Gano	Probst
	Grobey	Rementeria
	Halstead	

Absent: Tucker

Staff Present: Michael Warren, City Administrator
Richard Faus, City Attorney
Arvilla Page, City Recorder

The City Administrator reported on the status of the labor negotiations with the Teamsters Union which represents the dispatch employees.

Motion: Gano-Probst to close the executive session and resume the regular session of council. All members as previously mentioned were present with only Mr. Tucker absent.

The Council discussed the meeting with the Dundee Council to view the cable television presentations and the possibility of an executive session following that meeting to have a further report on the labor negotiations. Motion: Gano-Probst to adjourn to June 30, 1981 for the purpose of viewing cable television franchise applicant's presentations and a possible executive session following the cable television presentation. Carried unanimously.

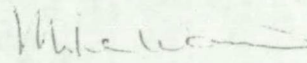
MEMO

TO: Clay Moorhead
FROM: City Administrator
SUBJECT: Jeffrey Park

DATE: June 25, 1981

At the July 6th City Council meeting we have a complaint from somebody regarding Jeffrey Park conditions. I have talked to Bob Weisenback and he will give you some information, would you please be prepared to make a report on:

1. The current conditions in Jeffrey Park
2. The letter that we sent Lindquist
3. The follow-up by Lindquist on what has been done and on what has not been done
4. Our power or authority to do anything regarding the conditions in Jeffrey Park and the fact that Mr. Lindquist has not followed-up properly.


Michael Warren
City Administrator

MW/bjm

cc: Agenda ✓
Bob Weisenback
Bob Sanders

MEMORANDUM
July 1, 1981

*Becky
Put in my
Pocket*

TO: Mike Warren
FROM: Bob Sanders
RE: Status of Jeffrey Park Subdivision

Attached is a copy of my letter to Stu Lindquist on February 13, 1981 outlining the items to be completed. I have marked out the items not yet completed.



CITY
NEWBERG

414 E. First Street

Newberg, Oregon 97132

June 15, 1981

Michael Warren
City Administrator
(503) 538-9421

Luther & Audrey Toothman
804 Dartmouth Street
Newberg, Oregon 97132

Dear Mr. & Mrs. Toothman:

Thank you for a very well worded letter to the City Council. It is a practice of the City of Newberg, that when a letter is addressed to the City Council it will formally go on an agenda of a regular City Council meeting to be discussed and appropriate action taken. Your letter will be on the July 6, regular City Council meeting.

Obviously, if you or your neighbors would like to come and hear the City Council's actions and discussion you are more than welcome. Also, if you have any questions on the matter, you may certainly come in and talk to any of the City Staff inclusive of myself.

On a personal note, I would like to thank you for bringing this matter forth. Yours is not the only complaint on development and any thoughts that you may have on the matter or suggestions, would be welcomed by everyone concerned.

Again, thank you for your letter and look forward to seeing you on July 6, 1981.

Sincerely,

Michael Warren
City Administrator

MW/bjm

cc: Mayor Hall
Bob Sanders

IV A

RECEIVED

JUN 1 1981
CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

804 Dartmouth Street
Newberg, OR 97132
May 27, 1981

file
July 6 1981

City Council
414 E. 1st Street
Newberg, OR 97132

Gentlemen:

This is definitely a letter of complaint. We are residents of Jeffrey Park and as such, we find ourselves in a very bad position. I know that you are aware of the conditions that exist here, because I have a copy of the letter from Mr. Robert Sanders to Stuart Lindquist dated Feb. 13th of this year advising him of your feelings about this development and of his commitment to develop this community in a responsible and satisfactory manner.

We have been here since September of last year and we are one of a handful of responsible citizens who desire to improve our homes and to live in an attractive neighborhood. Also, at the time we were negotiating for this property, we were told by Mr. Lindquist's two sales representatives that when Jeffrey Park was completed it would be a first-class mobile home development. This was a misrepresentation of the fact. At this point, we are actually ashamed to be living here.

We have had many problems since moving in, and so have most of the other people that we know. Some of these problems were related to the mobile homes themselves and some were directly connected to poor grading, trench settlements, water meters below grade level, etc. Those of us who are responsible home owners have had to make many calls and write numerous letters in order to get anything done at all. Some have even threatened to sue. All of this should not have been necessary because we have not asked for anything that we did not pay for or have the right to expect.

When we obtained the copy of your letter to Lindquist, we were overjoyed because we thought that at long last, somebody was going to see that things were taken care of in the proper manner. However, you have not carried through on your mandate that certain flagrant violations of good planning & development be corrected before any additional building permits would be issued or that Jeffrey Park would be accepted for maintenance. We are unable to

IV A

understand why you have not enforced this. Jeffrey Park must be an eyesore to the City of Newberg.

On October 8th of last year, shortly after moving in, we wrote letters to the Silvercrest Manufacturing Company at Woodburn and to the Lindquist Development Company listing our many complaints and asking that something be done about it. To their credit, Silvercrest responded and sent a service man to take care of our problems with the mobile home. However, Stuart Lindquist was angered by our letter and told my husband that he was "too demanding".

Our letter of complaint to Lindquist was primarily on the poor grading of our place and the two vacant lots on either side of us. Because one of the lots is higher than our lot and because heavy trucks made tracks which led onto our property, our back yard was under water most of the winter. Also, another source of complaint (and rightly so) was the fact that those vacant lots were used as a dumping ground by many persons here and they have not been cleaned up. So we find ourselves in the very undesirable position of being located between two junk yards which are also an "attractive nuisance" to the children.

I intend to send a copy of this letter to every individual and/or organization which I think might be able to help us. It is our hope that this letter will bring about some much-needed and long-overdue improvements.

Yours truly,

Luther & Audrey Toothman
Luther & Audrey Toothman

cc: Mike Warren, Administrator
Rick Faus, City Attorney
Clay Moorhead, Planning Director
Robert Sanders, City Engineer
Stuart Lindquist, Developer

Housing Authority of Yamhill County

1650 S. BAKER

McMINNVILLE, ORE. 97128

PHONE 472-3129

June 30, 1981



CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

Elvern Hall, Mayor
City of Newberg
414 E. First
Newberg, OR 97132

Dear Mayor Hall:

The Housing Authority of Yamhill County would like to provide an update on the public housing project initiated in August, 1980. The funds for the project were approved by HUD in September, 1980.

A copy of the Detailed Project Information for the sixty-six units, comprising twenty-eight units for Newberg and thirty-eight for McMinnville was given to Clay Moorehead, City Planner. The Newberg distribution consists of 16 - 2 bedroom duplex units, 8 - 3 bedroom duplex units and 4 - 3 bedroom single family units. One of the two bedroom duplex units is to be designed for the handicapped.

Response to the Invitation for Proposals, advertised this month, has been substantial. The Housing Authority will accept proposals until 2:00 P.M. August 5, 1981.

Please contact me if you have any questions.

Sincerely,

Joan Smith
Executive Director

JS:ss

cc: Mike Warren, City Administrator
Clay W. Moorehead, City Planner

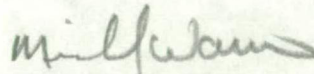
MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Lee Anderson Appeal

DATE: June 30, 1981

The memo from the Planning Director explains that the appeal is an attempt to change the high density zone to a commercial zone. The Planning Director has given some very good reasons for denying the appeal. Basically, they stem from the fact that there has been a Comprehensive Plan devised through a very tedious process and to give the green light to this appeal would be to counter the Comp Plan.

Recommended Action: Deny appeal.



Michael Warren
City Administrator

MW/bjm

Attachment

type

MEMORANDUM
June 30, 1981

TO: Mike Warren

FROM: Clay Moorhead

RE: An appeal of the Newberg Planning Commission's decision to deny a Comprehensive Plan Amendment and Zone Change for Lee Anderson

At the June 1, 1981 regular meeting of the City Council the Council postponed action on the Lee Anderson appeal to July 6, 1981 in order to afford the applicant additional time to respond to the appeal. The decision of the Newberg Planning Commission was made on April 21, 1981. The record of the matter was submitted to you and is found within the June 1981 Council packet.

I believe the primary argument related to this request is associated to "need". Currently there are over 60 acres of available, properly zoned property within the immediate vicinity of the applicant's property which could be utilized for uses proposed by the applicant. The applicant is requesting approval of a Comprehensive Plan Amendment and Zone Change from High Density Residential to Commercial. Recently, the City Council just completed a very tedious and time consuming process to adopt revisions to the Newberg Comprehensive Plan. As part of this process, the City held numerous public hearings relating to the most appropriate locations for High Density Residential uses. There were somewhere in the neighborhood of 10 such hearings within a 2 month process. The final decision of the Council relating to this issue was to authorize High Density Residential uses in the vicinity of the applicant's property. The applicant is now proposing to alter his property from R-3 to Commercial which poses several problems.

1. In establishing a Commercial site at this location, it may also establish a precedent for creating additional commercial land on the southwest side of the St. Paul Highway. As I mentioned previously, there is over 60 acres of available land which is properly zoned, found across the street (being the northeast side of the St. Paul Highway).
2. The second problem is the displacement of needed High Density Residential lands. The applicant's property was calculated as part of the vacant land use inventory and was identified as a needed area for High Density Residential uses. If the High Density Residential uses are changed to Commercial, then other suitable lands should be converted to High Density. This creates somewhat of a problem, when after a 10 hearing process, the Council determined that this location was the most appropriate site.

In reviewing this at this time from a planning standpoint, there are pros and cons for either use in this location, as it is within the immediate vicinity of the Sportsman Airpark Airport. However, I feel it is premature to allow commercial development at this location and at this time. Further

Page 2
Lee Anderson Appeal

study should be made in conjunction with the operators of the Airport through a public hearing process to insure the viability and continuation of the Airport. For these reasons and for the additional reasons as identified within the Planning Commission's findings for denial, the Planning Commission's decision should be upheld as there is no "need" at this time to authorize commercial uses at this location.

V



Harmony Hill Farm

Route 1, Box 84 Newberg, Or. Phone 538-8890

29 June, 1981

Kerry J. Dayton
Department of Transportation
Highway Division
P. O. Box 14030
Salem, OR. 97310

Dear Mr. Dayton:

Thank you for your response re File 26323 connected with the property of Mr. Lee Anderson. As you may be aware, most of the denial was based upon the lack of access to the property. I believe you will find all three alternatives I have enclosed equally safe and proper ingress/egress designs for the use proposed for the property. In the 5,000 sq. ft. building would be a facility similar to Kings Table or North's Chuck Wagon or similar family dining facility. The parking area would be expanded upon, as well as the service dock locations, pending the selection of the alternative most favorable to your staff.

I have submitted to Mr. May of Yamhill County the same proposals, and he has no objection to any of the alternatives suggested. Also, copies are submitted to the City of Newberg, and we all await your response and help in working out further necessary details. One area we have some uncertainty about is the actual scale—the original West boundary is around 175 feet on the N to S line—but this is extended westerly by deed another 10 feet, extending that length somewhat. However, I believe we are in the ball park with the preliminary site plan.

On behalf of Mr. Anderson, I await your reply.

Sincerely,

Dave Swehla
Dave Swehla

Encl: 4 site drawings

cc: Mr. Lloyd May, Yamhill County Hwy Dept.
Mr. Clay Moorehead, City of Newberg Planning Dept.



People Learning To Grow In Harmony With Nature.



MEMORANDUM
May 26, 1981

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 438

Newberg, OR 97132

538-8609

Tax Lot 3220AB-2100

RECEIVED

APR 29 1981

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

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)

Continuation

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. Feasability 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

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
☐ Annexation
☒ Zone Change
☒ Plan Amendment
Fees: 300.00
Rec: #02030
Date: 1-26-81

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 Sachla Phone 538-8890

Address Rt 1 Box 81 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, T38R2W- directly across the road
from the Flightway Industrial & Commerce Center- Newberg.

SIZE IN ACRES OR SQUARE FEET ABOUT 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 Hwy Rt 219

Does it front a private road? 2nd Public East 2nd St City of Newberg.
Name of Road

What buildings are on the property? None

Means of Water Supply: 35 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 Harfy'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 (5) 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. this 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 212, 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 1-20-61

By CLAU
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

4441 1751 1981

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.



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).

YA



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.

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-

- 2 -

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 trampled 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 of 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 development 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:

VA

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 Champoug 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 products 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

VA

Reply to Finding 10-continued

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not ineffective 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

21 April, 1981

From: Lee Anderson

RE: File No. C-1-81/Z-1-81

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 its strategic location along well-flown flight paths, and its commercial importance for agricultural and passenger/freight service to the community, the FAA endorses its 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 Amendment 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!

KA

4-21-81

Lee Anderson

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 degree 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

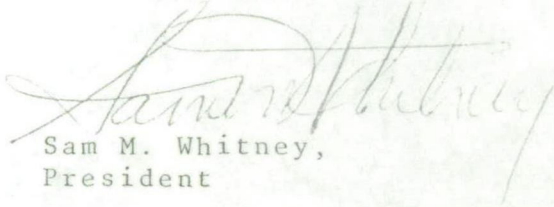
Mr. Clay W. Moorhead
Page 2

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.



Sam M. Whitney,
President

:lwd

July 6 1981

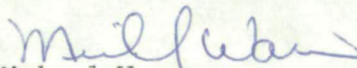
MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Savings

DATE: June 19, 1981

The Public Works Director has been, for quite a while, attempting to get a hold of a flail mower. Apparently, our mower is not working and is sorely in need of parts. This mower is used to cut down the grass and weeds that are on various properties or right of ways owned by the City. This is extremely important and a recent traffic accident brought the importance to light. A car was making a left hand turn coming off of Carol Ann onto Villa. The driver could not see the oncoming car because of the high weeds that were on City owned property. A traffic accident occurred (fortunately no one was seriously hurt) and the City maybe liable.

Currently the flail mower that we have has a needed part that cost \$1400. The Public Works Director through his contacts with the City of Vancouver has purchased their flail mower, that is no longer useful to them, for \$750. By doing this we can use the flail mower for parts and save the City considerable money. The Public Works Director is to be congratulated for his perseverance and his continued efforts in attempting to get the best deal that will save the City the most money.


Michael Warren
City Administrator

MW/bjm

VL-A

MEMO

TO: City Council

FROM: City Administrator

SUBJECT: Street Tree Ordinance

DATE: June 29, 1981

*make
copy
for
Tucker
Chen.*

The Street Tree Ordinance for the business district has been prepared by the Staff for review by the Ordinance Committee and the City Council. As of the date of the writing of this memo the Ordinance Committee has not seen the Street Tree Ordinance and therefore, there is no recommendation from that Committee. But, the day of the City Council meeting the Ordinance Committee will be meeting and will have a recommendation of some sort by the evening of the Council meeting.

The important point of the ordinance is that the City will have ownership of the trees and responsibilities for the maintenance of the trees. Normally, this is done by a park crew and it is very awkward to have the City take over this responsibility. However, the choices that we have are not ideal. If we do not take over the responsibility, no one seems to be willing to or have the manpower to maintain the trees and thereby beautify the downtown area.

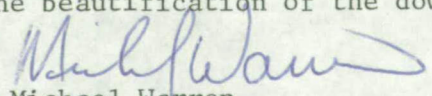
If the City does take on the responsibility of maintenance there is a grant being submitted to an agency called Green Thumb that supplies people just for this purpose. According to Neil Jacox, director of the Human Resources Center, it looks fairly positive that we will be receiving the grant. At the time of this memo there is no definite word on the grant application, but I'm sure that there will be some news at the time of the City Council meeting.

The Council should also keep in mind the fact that the City may have to furnish equipment, water and even manpower to continue maintaining the trees. We will also have to handle any complaints that come in on the trees. These are facts that the City Council should weigh against the beautification of downtown.

As you know, it is my opinion, that something has to be done to assist the downtown area. This is a step in the right direction and one that is an outgrowth of citizens rather than committees or government bodies. By the time of the City Council meeting the City Council will have the outcome of the election and this may assist in your decision making.

I have not talked to any of the volunteer groups such as the Volunteer Firefighters, to see if they would be willing to assist, assuming the end of the grant or even that we do not get the grant. But this again is another possibility.

In summary, there are many things to consider here and like all tough decisions there are pros and cons. If the City Council decides to pass this ordinance, I'm sure that the Staff and the citizens would work diligently in keeping up the trees and doing the best job possible in the beautification of the downtown area.


Michael Warren
City Administrator

MW/bjm
cc: Clay Moorhead
Bob Sanders
Rick Faus

Enc.

VL-8

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A SPECIAL STREET TREE DISTRICT IN THE DOWNTOWN AREA REGULATING THE PLACEMENT AND MAINTENANCE OF STREET TREES IN CONTAINERS.

WHEREAS, the Newberg Tree People have undertaken a program to beautify the downtown area of the City of Newberg with street trees; and

WHEREAS, the Tree People have solicited funds from the community sufficient to provide street trees and containers (tubs) down East First Street between River Street and Main Street; and

WHEREAS, the City of Newberg must establish a procedure to regulate the placement of street trees, replacement of damaged trees and containers and maintenance of street trees down East First Street between River Street and Main Street.

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

Section 1. Placement of Containers (tubs) and Street Trees.

Any person, company, business, or organization desiring to place a street tree container (tub) on the public sidewalk shall first apply to the City Engineer for a permit. Such street tree containers (tubs) and trees may be placed pursuant to this ordinance on the area of the City encompassed by East First Street between River Street and Main Street.

Section 2. Permit for Containers (tubs and street trees).

Street tree containers (tubs) and trees may be placed pursuant to this ordinance upon the issuance of a permit by the City Engineer if in the judgment of the City Engineer the following requirements are met:

- a. The location does not impede pedestrian and vehicular traffic.
- b. The location does not obstruct the vision of corners.
- c. The location does not obstruct the vision of traffic signs and railroad warning devices.
- d. The adjacent property owners acknowledges that it is his duty and the duty of the occupant of the premises to keep the sidewalk clean of leaves, branches, or other organic matter that may fall from the tree or container, as well as free from ice and other accumulations.
- e. The species of street trees to be planted shall be selected from the list of approved street tree species. The City Engineer shall have the authority to prepare, and from time to time revise the list of approved street tree species.

Section 3. Construction Activities.

- a. Property owners who are building, remodeling or conducting other activities on their property which would require the relocation of containers either temporarily or permanently shall pay the cost of removal and all related labor costs.

Section 4. Tree and Container Damage.

- a. Any individual who intentionally or accidentally damages or destroys a tree or container shall be liable for the repair or replacement of such containers or trees.
- b. The value of the container shall be the actual repair or replacement value of a like container and all related labor costs associated with removal and replacement.
- c. The value of the trees shall be established by reference to the guidelines established by the International Shade Tree Conference, Inc. The Public Works Director will make the appraisal. Value shall be the replacement cost of the tree at the date of its destruction. Whether or not a mature replacement tree of the same age and size as the destroyed tree is available shall have no bearing on the appraisal.
- d. The decision of the Public Works Director as to the kind, size, and location of the replacement tree or container and all costs incurred in the removal and replacement, including labor expenses, based upon the time required to complete the work is final unless appealed through the City Administrator to the Council within 30 days.

Section 5. Removal.

- a. The City of Newberg shall accept the dedication and maintenance of the street trees subject to this ordinance. When proper maintenance of the trees cannot sufficiently be provided for by the City, the Newberg City Council shall have the discretion and authority to remove all or part of the street trees subject to this ordinance. Those street trees removed by motion of the City Council may be disposed of through any fashion exceptable to the City Council.
- b. The City Engineer shall have the authority to move, remove or replace those street trees which are diseased, become a nuisance, or otherwise do not conform to the provisions of this ordinance.

Section 6.

The provisions of Section 7 of Ordinance No. 865 relating to sidewalk obstructions shall not apply to containers and street trees lawfully placed upon sidewalks in accordance with the provisions of this ordinance.

PASSED by the Council this ____ day of _____, 1981 by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - Recorder

APPROVED by the Mayor this ____ day of _____, 1981.

Elvern Hall - Mayor

VLB

MIKE
page

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A SPECIAL STREET TREE DISTRICT IN THE DOWNTOWN AREA REGULATING THE PLACEMENT AND MAINTENANCE OF STREET TREES IN CONTAINERS.

WHEREAS, the Newberg Tree People have undertaken a program to beautify the downtown area of the City of Newberg with street trees; and

WHEREAS, the Tree People have solicited funds from the community sufficient to provide street trees and containers (tubs) down East First Street between River Street and Main Street; and

WHEREAS, the City of Newberg must establish a procedure to regulate the placement of street trees, replacement of damaged trees and containers and maintenance of street trees down East First Street between River Street and Main Street.

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

Section 1. Placement of Containers (tubs) and Street Trees.

Any person, company, business, or organization desiring to place a street tree container (tub) on the public sidewalk shall first apply to the City Engineer for a permit. Such street tree containers (tubs) and trees may be placed pursuant to this ordinance on the area of the City encompassed by East First Street between River Street and Main Street.

Section 2. Permit for Containers (tubs and street trees).

Street tree containers (tubs) and trees may be placed pursuant to this ordinance upon the issuance of a permit by the City Engineer if in the judgment of the City Engineer the following requirements are met:

- a. The location does not impede pedestrian and vehicular traffic.
- b. The location does not obstruct the vision of corners.
- c. The location does not obstruct the vision of traffic signs and railroad warning devices.
- d. The adjacent property owners acknowledges that it is his duty and the duty of the occupant of the premises to keep the sidewalk clean of leaves, branches, or other organic matter that may fall from the tree or container, as well as free from ice and other accumulations.
- e. The species of street trees to be planted shall be selected from the list of approved street tree species. The City Engineer shall have the authority to prepare, and from time to time revise the list of approved street tree species.

Section 3. Construction Activities.

- a. Property owners who are building, remodeling or conducting other activities on their property which would require the relocation of containers either temporarily or permanently shall pay the cost of removal and all related labor costs.

Section 4. Tree and Container Damage.

- a. Any individual who intentionally or accidentally damages or destroys a tree or container shall be liable for the repair or replacement of such containers or trees.
- b. The value of the container shall be the actual repair or replacement value of a like container and all related labor costs associated with removal and replacement.
- c. The value of the trees shall be established by reference to the guidelines established by the International Shade Tree Conference, Inc. The Public Works Director will make the appraisal. Value shall be the replacement cost of the tree at the date of its destruction. Whether or not a mature replacement tree of the same age and size as the destroyed tree is available shall have no bearing on the appraisal.
- d. The decision of the Public Works Director as to the kind, size, and location of the replacement tree or container and all costs incurred in the removal and replacement, including labor expenses, based upon the time required to complete the work is final unless appealed through the City Administrator to the Council within 30 days.

Section 5. Removal.

- a. The City of Newberg shall accept the dedication and maintenance of the street trees subject to this ordinance. When proper maintenance of the trees cannot sufficiently be provided for by the City, the Newberg City Council shall have the discretion and authority to remove all or part of the street trees subject to this ordinance. Those street trees removed by motion of the City Council may be disposed of through any fashion exceptable to the City Council.
- b. The City Engineer shall have the authority to move, remove or replace those street trees which are diseased, become a nuisance, or otherwise do not conform to the provisions of this ordinance.

Section 6.

The provisions of Section 7 of Ordinance No. 865 relating to sidewalk obstructions shall not apply to containers and street trees lawfully placed upon sidewalks in accordance with the provisions of this ordinance.

PASSED by the Council this ____ day of _____, 1981 by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - Recorder

APPROVED by the Mayor this ____ day of _____, 1981.

Elvern Hall - Mayor

VI - B

MEMORANDUM
June 30, 1981

TO: Mike Warren
FROM: Clay Moorhead
RE: Proposed Street Tree Ordinance

Attached is a copy of the proposed street tree ordinance. This ordinance has been altered to provide for a new Section 5 which indicates that the City will accept the dedication and maintenance of the street trees.

I have applied for a grant through the Green Thumb Program in order to fund a position for maintenance of the street trees. The grant would be for the purpose of hiring a senior on a 20 hour a week basis. The primary duties of the senior would be to maintain 50 potted street trees. The person employed under this position would be supplied with a wagon donated from the tree people together with the appropriate maintenance tools. No insurance appears to be necessary as Chehalem Park and Recreation District has several of these positions, none of which are insured through the District.

Through preliminary discussions with Gail Bolstadt of the Newberg Human Resource Center it does appear that there is good possibilities of receiving approval of the Green Thumb grant.

VI - B



CITY OF

NEWBERG

414 E. First Street

Newberg, OR 97132

29 June 1981

Norman B. Griffin
2841 Shaeffer Lane, S.E.
Silverton, Oregon 97381

Dear Mr. Griffin,

I have enclosed an application for a Green Thumb project request. The City of Newberg is in the process of trying to upgrade and beautify the downtown commercial area. An organization known as the "Tree People" was formed by local people who are concerned about upgrading the appearance of the older, downtown commercial core area. The "Tree People" are currently in the process of purchasing 50 potted street trees. Each pot, which will hold one street tree, will be painted with a symbol of an old fashioned bicycle in an attempt to establish a theme for the community.

In order that these trees may survive on the downtown streets, it is necessary that they be properly maintained. The City of Newberg currently is unable to provide adequate maintenance for these street trees, and are therefore requesting approval of a Green Thumb grant so that the City may hire a senior to maintain this downtown beautification project.

A specific person has not yet been selected to fill the position if the grant is authorized through the Green Thumb program. However, I am aware of several individuals which would qualify under the program requirements that could adequately handle the position.

Thank you for your attention relating to this matter.

Sincerely,

Clay W. Moorhead
Planning Director

CWM:bym
Enclosure

VI - B

GREEN THUMB PROJECT REQUEST

Oregon
State

Yamhill
County

June 22, 1981
Date

1. Sponsor: City of Newberg
2. Sponsor's Address: 414 E. First, Newberg, OR 97132
3. Sponsor's Mission: To provide maintenance for fifty potted trees which are being provided as a part of a downtown beautification project.
4. Authorized Representative: Clay W. Moorhead, Planning Director, City of Newberg
5. Address and Telephone Number (for Representative) 414 E. First St. Newberg, OR 97132 (503) 538-9421
6. Job Description for requested space: To water, prune, fertilize and plant potted street trees, a Newberg downtown beautification project. This project is planned to upgrade and help revitalize the general quality of the historic downtown commercial shopping area. The maintenance of the street trees will benefit the entire community by providing a more attractive place to walk and shop.
(If prepared job description is available, please attach).
7. Name of applicant if selected: To be selected
8. This is to certify that this sponsor is an equal opportunity employer and that there are no other employees working here who are doing exactly this same type of work for a wage in excess of \$3.35 per hour effective 1-1-81.
9. Local sponsors have no inherent right to any positions and Green Thumb reserves the right to deny replacement of workers and/or positions as needs of the workers and needs of the community dictates.

Clay W. Moorhead
Signature of Authorized Representative

MEMO

TO: City Council

DATE: July 1, 1981

FROM: City Administrator

SUBJECT: International City Managers Assoc. Conference

This is a budgeted item and is also contained in the agreement between the City of Newberg and the City Administrator. The conference is September 17-24.

Although this is an advances notice I thought that it would be beneficial to let the City Council members know of my intentions to go to the conference.

Also, there is a very good session on Cable Television in Municipalities on September 18 and 19. It would behoove the City Council to consider sending a representative from the Council (perhaps the Chairman of the Cable TV Committee) and possibly Terry Mahr as the legal representative. The cost for the seminar could be charged to the company that receives the franchise for the City of Newberg.

Wilhelm

Michael Warren
City Administrator

MW/bjm

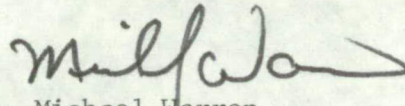
MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Shooting Range

DATE: July 2, 1981

As you know, the City of Newberg is looking for the most efficient way to train it's police officers and of course, the least costly. We were looking at the Chehalem Valley Sportsman Rifle Range at Crabtree Park. I had some concerns about the contract wording and the feasibility of the project. I still think that it is a good idea but things must be worded very carefully and be comfortable before we enter into a contract that would be for a good number of years.

The Chief of Police and the City Attorney have been reviewing the contract and working with the Chehalem Valley Sportsman Rifle Range on this project and as yet, have nothing conclusive. The Chief is also looking at Otto Springs as a possible site for a shooting range. Nothing needs to be done on this report except to update the City Council. We will be back, probably, at the August meeting to discuss it more.



Michael Warren
City Administrator

MW/bjm

MEMO

TO; City Council
FROM: City Administrator
SUBJECT: Unpaid Sewer Taps

DATE: July 1, 1981

The attached memo from the Finance Officer explains the situation where a party owes the City some money. I would hate to inform the Council of how much money is owed to the City on such things as this. Needless to say it would be a large amount.

Part of the philosophy that has been desired by the City Council is to run the City as much like a business as possible. Certainly we are dealing with people and these people should be given every chance to pay bills or to explain extenuating circumstances but nevertheless, the City should not be floating loans at zero interest for unspecified periods of time.

The City Council can take the lead with this particular case and force the payment of the money that is owed the City. It would be my recommendation to turn this over to the City Attorney for payment through the court system.

Michael Warren
Michael Warren
City Administrator

MW/bjm

cc: City Attorney

Enc.

MEMO TO: Mayor and City Council Members

FROM: Arvilla Page, City Finance Officer

DATE: July 1, 1981

SUBJECT: Unpaid Sewer Taps, Fred Casey

On May 28, 1980 Mr. Casey applied for a sewer tap at 1609 Hoskins Street. This was on an individual lot and was not located in a subdivision. Charge for a sewer connection at that time would be \$525.00 for the sewer tap, \$500.00 for the development fee.

Mr. Casey disputed the amount of the charge. He appealed the amount of the charge to Mr. Gilbert, City Administrator. The tap application, number 1063, was issued for the full amount \$1,025.00. Mr. Casey paid \$500.00 at that time and noted on the tap application is "Applicant feels that the sewer tap charge should be \$500.00 and has paid such." This was witnessed by Mr. M.C. Gilbert. Mr. Casey stated at that time he would appeal the amount of the charge to the City Council.

The sewer tap was completed by the Public Works Department on Work Order 2472 dated June 12, 1980.

The disputed \$525.00 has been carried as an accounts receivable since May 29, 1980. I have reminded Mr. Casey of this charge several times and he has stated several times that he planned to appeal to the Council. He also indicated that Jack Nulsen was involved in this property. On April 8, 1981 I talked to Mr. Nulsen regarding this matter. He stated at that time he planned to appeal to the Council.

To date no appeal has been made by either Mr. Casey or Mr. Nulsen and on advice of the Mayor, we are now bringing this to the Council's attention. Action needed is either to rescind this charge of \$525.00 or to demand payment.

AP:fj

cc: Mike Warren
Fred Casey
2414 Portland Road
Newberg, OR. 97132

Jack Nulsen
817 E. First Street
Newberg, OR. 97132

VI - E

"A"

SPECIAL ELECTION - YAMHILL COUNTY, OREGON - TUESDAY, JUNE 30, 1981
PAGE 10 OF 12
CHARLES STERN - COUNTY CLERK

CITY OF NEWBERG LEVY A BALLOT 51					
PRECINCT NUMBER	YES	NO	UNDER VOTES	OVER VOTE	TOTAL VOTES
2	186	62	1	0	249
3	167	106	0	1	274
4	136	89	2	0	227
5	171	97	2	2	272
31	146	79	0	0	225
TOTAL	806	433	5	3	1,247

"B"

SPECIAL ELECTION - YAMHILL COUNTY, OREGON - TUESDAY, JUNE 30, 1981
PAGE 11 OF 12
CHARLES STERN - COUNTY CLERK

CITY OF NEWBERG LEVY B BALLOT 52					
PRECINCT NUMBER	YES	NO	UNDER VOTES	OVER VOTE	TOTAL VOTES
2	166	80	3	0	249
3	141	132	1	0	274
4	118	107	1	1	227
5	145	121	6	0	272
31	130	93	2	0	225
TOTAL	700	533	13	1	1,247

Precinct	<u>"A"</u>		<u>"B"</u>	
	YES	NO	YES	NO
N. College to Elliott-2	75%	25%	67.5%	32.5%
N. College to Morton-3	61.2%	38.5%	51.6%	48.4%
S. College to Dayton-4	60.4%	39.6%	52.4%	47.6%
S. College to Spgbrk-5	63.8%	32.6%	54.5%	45.5%
Elliott to E. Line -31	64.9%	35.1%	58.3%	41.7%

I CERTIFY THAT THE VOTES RECORDED ON THIS
ABSTRACT CORRECTLY SUMMARIZE THE TALLY
OF VOTES CAST AT THE ELECTION INDICATED.

SIGNATURE OF COUNTY CLERK:

ABSTRACT



VI - F

MEMO

TO: City Council

DATE: July 1, 1981

FROM: City Administrator

SUBJECT: Medical Records Filing System for the Hospital

The Hospital Administrator has informed the City that bids were advertised in accordance with all applicable laws and ordinance and have been reviewed by the Executive Committee of the Hospital Board of Commissioners. It is their recommendation that Acme Visible be awarded the purchase order for the Medical Records Filing System for a total price of \$5,875.41.

RECOMMENDED ACTION: Award bid to Acme Visible.

Michael Warren
City Administrator

MW/bjm



NEWBERG COMMUNITY HOSPITAL

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

May 20, 1981

*was this
last agenda?*
RECEIVED

*See me
on the ground
Sub*
MAY 21 1981

CITY OF NEWBERG, ORE.
OFFICE OF RECORDER

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

Dear Mike:

Attached I have enclosed copies of our competitive bid analysis for bids received for an Electrolyte Analyzer and Ophthalmic Cryophake system. The Electrolyte Analyzer is a replacement item in which the current instrument is uneconomical to repair. The Ophthalmic Cryophake system is a component of the ophthalmic budget and is used in micro surgery of the eyes. Both of these items have been advertised and competitively bid in accordance with the local purchasing ordinance. Bids have been reviewed by hospital administration and the executive committee of the Board of Commissioners and it is their recommendation that the awards for the Electrolyte Analyzer be made to Van Waters & Rogers Scientific Supply, Seattle for a Nova I 6440 Electrolyte Analyzer, total price \$6,440 F. O. B. hospital.

It is the recommendation of administration and the executive committee of the Hospital Board of Commissioners that R. L. Keller be awarded the purchase of the Ophthalmic Cryophake System which meets all specifications for a total price of \$4,355.

I have also attached our competitive bid analysis forms for the Medical Records Filing System. Please note that this item was not included in the original budget for this building project however, funds are available from the contingency budget. The only supplier that met all specifications as we requested was Acme Visible File Company. For information purposes, perhaps the Council should be advised that there is a total of approximately \$224,000 remaining in the contingency fund for our current building and remodeling project. The bids have been reviewed by the executive committee of the Hospital Board of Commissioners and it is their recommendation that Acme Visible be awarded the purchase order for the Medical Records Filing System for a total price of \$5,875.41.

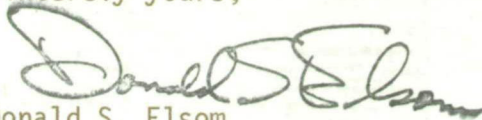
VII-A

Page -2- Mike Warren, May 20, 1981

We request that you place these items on the agenda for the next regular or special meeting of the City Council and request that our recommendations be accepted.

If you have any questions about any of these items or systems, please do not hesitate to contact me.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "Donald S. Elsom". The signature is fluid and cursive, with the first name "Donald" being more prominent.

Donald S. Elsom
Administrator

DSE:jp

enc. -3

cc: Betty Lovell, Materials Management

NEWBERG COMMUNITY HOSPITAL

BUILDING PROJECT
COMPETITIVE BID ANALYSIS

BID OPENING DATE: May 4, 1981

BY: *[Signature]*

WITNESS: *Betty Louell*

ITEM (S) Medical Records Filing System

HOSPITAL SPECIFICATIONS	QTY	BUDGET	SUPPLIER 1	SUPPLIER 2	SUPPLIER 3	SUPPLIER 4
		\$ 00	Acme Visible	J.K. Gills	Boise Cascade	
		<u>CONTINGENCY</u>				
To furnish and install Medical Records Filing System as per specifications			\$ 5,515.41	\$ 9,117.30	\$ 2,950.12	
Labor to dismantle & assem- ble existing shelving into new location			\$ 360.00			
			<u>5,875.41</u>			
Specifications Met			Yes	No. Shelving is too high. Spec'd 78 3/8" instead of 84" Did not specify quantity of shelves	No. Not enough hardware. Several units missing	

VII-A

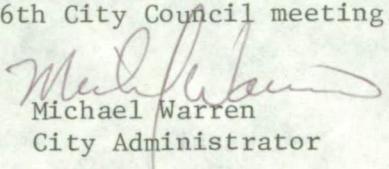
MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Bike Path

DATE: June 29, 1981

I have just spoken to Commissioner Hamblet regarding the bike path. Apparently there may be some additional expense for the bike path on the relocation of a water line at about our City limits. Commissioner Hamblet called and said that he is holding up the signing of the contract until the City is satisfied with all aspects of the bike path. The part that I am specifically concerned is of course the expense. I have talked to Bob Sanders, our Engineer, and instructed him to work out things with the County Engineer to relocate the water line but under no condition should there be any expense charged to the City. If the City has to do any work that would be charged directly to the County.

The County wants to get this behind them as I'm sure the City Council does with very few problems. The costs that we are talking about are somewhere between \$500 and \$1,000 and I do not anticipate any problem at the time of the writing of this memo. I would imagine that by tomorrow, June 30, 1981, the contracts would be signed and that all matters have been worked out. If this is not the case, I will report to the City Council at the July 6th City Council meeting.


Michael Warren
City Administrator

MW/bjm

Enc.

VIII - A

YAMHILL COUNTY

Oregon



DEPARTMENT OF PLANNING &
DEVELOPMENT

RECEIVED

JUN 26 1981
CITY OF NEWBERG, OR
OFFICE OF RECORDING

June 26, 1981

City of Newberg
City Hall
414 E. 1st
Newberg, OR 97132

Attn: Mike Warren, City Administration

Dear Mr. Warren:

I am writing to notify you that construction will begin on the Dayton Avenue Bikeway during the week of June 29th thru July 3rd. Initial construction will begin with the installation of storm drainage from its present terminus in Newberg. We anticipate minimal disruption to residential access but the ground preparation and driveway paving may cause some temporary inconvenience. Should you have problems please contact Bill Gille, Office Engineer, at 538-7302, ext. 446 or Bill Campbell, Senior Planner, at 538-7302, ext. 563, and we will do our utmost to reconcile any difficulties that may arise. Thank you for your cooperation and consideration in this endeavor.

Sincerely yours,

Bill Campbell
Senior Planner

BC:vs

cc: Board of Commissioners
County Counsel

VIII - A

YAMHILL COUNTY

Oregon



DEPARTMENT OF PLANNING &
DEVELOPMENT

File

June 26, 1981

Jimmy L. & Sandra Waide
808 S. Dayton Avenue
Newberg, OR 97132

*Mike Warren
City Administrator
Newberg*

Dear Mr. & Mrs. Waide:

I am writing to notify you that construction will begin on the Dayton Avenue Bikeway during the week of June 29th thru July 3rd. Initial construction will begin with the installation of storm drainage from its present terminus in Newberg. We anticipate minimal disruption to residential access but the ground preparation and driveway paving may cause some temporary inconvenience. It will be necessary to reset your arborvitae hedge at least three (3) feet inside of the right-of-way line over the week-end to eliminate any possible problem. Care will be exercised by construction crews to avoid damage to your plant materials. Should you have problems please contact Bill Gille, Office Engineer, at 538-7302, ext. 446 or Bill Campbell, Senior Planner, at 538-7302, ext. 563, and we will do our utmost to reconcile any difficulties that may arise. Thank you for your cooperation and consideration in this endeavor.

Sincerely yours,

Bill Campbell

Bill Campbell
Senior Planner

BC:vs

cc: Board of Commissioners
County Counsel

VIII - A

MEMO

TO: City Council

DATE: June 30, 1981

FROM: City Administrator

SUBJECT: Sanitary Sewer Rehab Contract 2

The Public Works Director has recommended that we award the bid to Gelco Grouting Service in the amount of \$191,832.00. I have talked to the City Attorney on this matter and he feels that the Public Works Director's recommendation is appropriate.

RECOMMENDATION: Award bid to Gelco Grouting Service for sanitary sewer rehabilitation contract 2.



Michael Warren
City Administrator

MW/bjm

Enc.

VIII - B

7-9-81

MEMORANDUM
June 30, 1981

TO: Mike Warren

FROM: Bob Sanders *BLS*

RE: Bid on Sanitary Sewer Rehabilitation, Contract 2

The bid opening for the subject project was on June 23, 1981. We received only one bid in the amount of \$191,832 which is tabulated on the attached sheet. The bid was from Gelco Grouting Service from Salem,

Several bids from California were expected. One California company had their bid prepared but didn't get it in the mail in time. The California company's bid was approximately \$6,000 less than Gelco's bid. Several other California companies were bidding on a \$1.5 million job and would like to bid on ours if we re-bid it.

Due to the close proximity of the bid from Gelco and the California company's quotation, it does not appear to be economically feasible to re-bid the job. We would lose a month of valuable construction time and spend approximately \$2,500 in consulting fees to hopefully lower the bid by only \$5,000 to \$6,000.

The Council received a letter of protest from Chemseal, Inc. claiming that we would not have a competitive bid situation if we did not consider accepting bids on an alternate sealing gel.

In preparing the specifications, the consultant has recommended that the City use a newer sealing gel which has properties superior to older products which have been in use for many years. The properties of the required gel CR-250 manufactured by 3M are expected to give better life and, hence, reduce maintenance and inflow which will result in a cost savings.

Robert E. Meyer has attempted to get bids from contractors outside Oregon to give competition to Gelco, the only company in the northwest who has equipment to use CR-250. The two other companies in the northwest have older equipment which can only use the older acrylamide gels.

I decided early in the design phase that the City would pay the additional cost of CR-250 to get the longer life from the gel sealing. Hence, no bids for alternate material, equivalent or not, were considered.

The two northwest companies could have bid this job using CR-250 as the sealing gel with the investment of approximately \$15,000 in new equipment. Given the size of the job and the life of the new equipment, it would have been feasible to purchase the new equipment for this job alone.

ORS has a provision (279.017(2)a) to exempt the requirement that no product shall be exclusively specified. The exception is based on the fact that there is only one manufacturer or seller of the product of the quality required. Gelco's sister company, General Chemical Company, is the only distributor of CR-250 in the northwest, however, there are several in California.

VIII -B

Page 2

Sewer Rehabilitation Contract 2

My recommendation is that the City award Contract 2 to Gelco Grouting Service in the amount of \$191,832, and waive any informalities in the bidding and the Council sitting as the Contract Review Board waive the requirement for consideration of alternate products for the following reasons:

1. The product specified has unique properties superior to any other product on the market.
2. General Chemical Company, a companion company to Gelco Grouting Service, is the only distributor of CR-250 in Oregon.
3. The acrylamide gels have been determined to be of lesser quality as compared to CR-250.

VIII - B

BID TABULATION SHEET

City of Newberg
414 E. First Street
Newberg, OR 97132
Robert Sanders, P.E.
City Engineer/
Dir. of Public Works
503/538-9421

Sewer Rehabilitation
Contract #2
Bid Opening: 2PM
June 23, 1981

Job No. 915-15

Robert E. Meyer Consultants, I
4805 S.W. Griffith Drive
Beaverton, OR 97005
Edward A. Crane, P.E.
Project Manager
503/643-7531

<u>NO.</u> <u>ITEM</u>	<u>DESCRIPTION</u>	<u>UNITS</u>	<u>UNIT</u>	<u>GELCO</u> <u>GROUTING SERVICE</u>
1.	Mobilization - Demobilization Insurance, Bond Costs		Lump Sum	\$5,300.00
2.	Chemical Root Treatment			
	a) 6" Dia. pipe	800	l.f.	0.70/560.00
	b) 8" Dia. pipe	1,660	l.f.	1.00/1,660.00
	c) 10" Dia. pipe	320	l.f.	1.25/400.00
	d) 12" Dia. pipe	220	l.f.	1.50/330.00
3.	Sewer Line Cleaning			
	a) 6" Dia. pipe	8,000	l.f.	0.45/3,600.00
	b) 8" Dia. pipe	16,600	l.f.	0.45/7,470.00
	c) 10" Dia. pipe	3,200	l.f.	0.56/1,792.00
	d) 12" Dia. pipe	2,200	l.f.	0.60/1,320.00
4.	Sewer Line De-Watering			
	a) 6" Dia. pipe	800	l.f.	0.05/40.00
	b) 8" Dia. pipe	1,660	l.f.	0.05/83.00
	c) 10" Dia. pipe	320	l.f.	0.05/16.00
	d) 12" Dia. pipe	220	l.f.	0.05/11.00
5.	Bypass Plugging with Pumping			
	a) Pumping Set-up Cost	10	ea.	10.00/100.00
	b) Bypass Pumping Time	45	hrs.	35.00/1,575.00

Sewer Rehabilitation
Contract #2
Bid Opening: 2PM
June 23, 1981
Job No. 915-15

<u>NO. ITEM</u>	<u>DESCRIPTION</u>	<u>UNITS</u>	<u>UNIT</u>	<u>GELCO GROUTING SERVICE</u>
6.	TV with Grouting Equipment Double Set-ups	10	ea.	\$135.00/1,350.00
7.	Internal Sewerline Television Inspection			
	a) Internal Inspection	30,000	l.f.	0.30/9,000.00
	b) Polaroid-type Photographs	170	ea.	2.00/340.00
	c) Audio-Video Tape	30	Roll	25.00/750.00
8.	Testing of Sewerline			
	a) 6" Dia. pipe	2,900	ea.	8.40/24,360.00
	b) 8" Dia. pipe	6,000	ea.	6.00/36,000.00
	c) 10" Dia. pipe	1,200	ea.	6.00/7,200.00
	d) 12" Dia. pipe	800	ea.	7.00/5,600.00
9.	Sealing of Sewerline			
	a) 6" Dia. pipe	2,900	ea.	4.25/12,325.00
	b) 8" Dia. pipe	6,000	ea.	7.00/42,000.00
	c) 10" Dia. pipe	1,200	ea.	8.50/10,200.00
	d) 12" Dia. pipe	800	ea.	11.25/9,000.00
10.	Cleaning and Sealing of Manholes	65	ea.	130.00/8,450.00
11.	Mechanical Plugs - 1 ea. 10, 12, 15 and 18 in.	4	ea.	250.00/1,000.00
TOTAL AMOUNT BID				\$191,832.00

MEMORANDUM
June 30, 1981

TO: Mike Warren
FROM: Clay Moorhead
RE: The Country Comfort Crafts Fair

At the June 1, 1981 regular meeting of the City Council, the Council authorized the temporary extension for the Crafts Fair at the Bowling alley site until July 6, 1981. The purpose for extending this temporary approval was to allow the operators of the Crafts Fair adequate time to pursue alternative locations and to initiate a conditional use permit application. To date no application has been submitted by the operators of the Crafts Fair for a conditional use permit. Secondly, the applicants have not submitted any further information relating to alternative site locations for the Crafts Fair.

In order to maintain proper continuity of the ordinances and to be able to further restrict other similiar types of operations within the community, I would recommend that the Council not authorize any further extension of time until a conditional use permit has been properly authorized through the Newberg Planning Commission. Currently there are other individuals interested in establishing the same or similiar type of operation within the community. It is very difficult to advise these individuals that it is necessary to complete a conditional use permit process when the Country Comfort Crafts Fair has been administratively authorized to operate. The conditional use permit process allows for a timely and adequate review of this type of use. Through the conditional use permit process, the Planning Commission can designate conditions in conjunction with the conditional use permit in order to control the general safety and compatibility of the use. These types of conditions are very important as they can be used to regulate the number and location of parking spaces, the location of the use, signs, hours of operation and other necessary aspects of the development.

VIII - C

MEMO

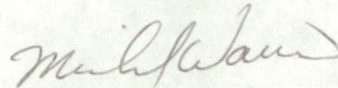
TO: City Council
FROM: City Administrator
SUBJECT: Recorder's Duties

DATE: June 18, 1981

In an effort to alleviate some of the work load on the City Recorder, the Recorder and I have discussed what meetings could be eliminated from her duties. It was mutually agreed that the CIAC and the Traffic Safety Committee could function effectively without the City Recorder.

The City Recorder currently attends various committee meetings in the morning but feels that this is helpful in her duties as the Secretary to the City Council meetings. It also keeps her abreast generally as to what is going on in the City at the City Council level or committee level.

The City Attorney has prepared the necessary document to allow for the Recorder not to attend the Traffic Safety Committee and CIAC meetings.



Michael Warren
City Administrator

MW/bjm

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: June 18, 1981

SUBJECT: Recorder's Duties

Pursuant to your request in your memo of June 17, 1981 here is a resolution which would effectively relieve Arvilla of the necessity of attending the Traffic Safety Committee and Citizens Involvement Advisory Committee meetings.

RDF:fj

IX - A

RESOLUTION NO.

A RESOLUTION AMENDING RESOLUTION NO. 74-509 ADOPTED FEBRUARY 4, 1974, RELATING TO THE ESTABLISHMENT OF THE NEWBERG TRAFFIC SAFETY COMMISSION AND RESOLUTION NO. 76-586 ADOPTED JANUARY 5, 1976, RELATING TO THE ESTABLISHMENT OF A LAND USE PLANNING CITIZENS INVOLVEMENT ADVISORY COMMITTEE TO RELIEVE THE CITY RECORDER AND FINANCE OFFICE OF UNNECESSARY DUTIES REGARDING THESE BODIES.

WHEREAS, since both of these bodies were established there have been changes in the City's staff composition and in the duties of the City staff members towards the Newberg Traffic Safety Commission and the Citizen's Involvement Advisory Committee; and

WHEREAS, as a consequence of these changes, the City Finance Officer could be relieved of certain responsibilities and offices regarding the composition of these committees; and

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

1. That Section 2, subsection H of Resolution No. 74-509 adopted February 4, 1974 shall be amended to read as follows:

"H. Officers. Upon adoption of this resolution, the Commission shall meet at its earliest convenience and shall by majority vote elect a chairman who shall preside at all the meetings of the Commission and shall elect a vice chairman who shall preside in the absence of the chairman. The Finance Officer shall designate a person or persons to act as the secretary of the Commission. Thereafter, an election shall be held at the first meeting of each calendar year for the purpose of electing a chairman and vice chairman.

2. That Section 2 of Resolution No. 76-586 shall be amended to read as follows to delete from membership as an ex-officio non-voting member of the Citizens Involvement Advisory Committee the "Finance Officer" and to amend the section to include the "City Planner" as an ex-officio non-voting member of the Citizens Involvement Advisory Committee.

ADOPTED by the City Council this 18th day of June, 1981.

Arvilla Page - City Recorder

ACTION FORM

TO: City Council

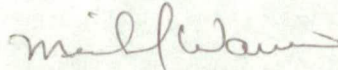
DATE: June 23, 1981

FROM: City Administrator

SUBJECT: Governmental Contract for Regional Library Services

The attached contract has been entered into by the City in the past years to provide important library services to the City Library. The current agreement is submitted for fiscal 1981-1982 and the \$3,000 payment in lieu of taxes alluded to on page 2 of the agreement has been budgeted by the City.

The Librarian has submitted this agreement for renewal and approval by the City Council.



Michael Warren
City Administrator

MW/bjm

Enc.

IX - B

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: June 22, 1981

SUBJECT: Our Governmental Contract for Regional Library Services

This contract has been entered into by the City in past years to provide important library services to the City Library. The current agreement is submitted for fiscal year 1981-1982 and I believe the \$3,000. payment in lieu of taxes eluded to on page 2 of the agreement has been budgeted by the City. Doreen Turpen has submitted this agreement for renewal and upon your review, would like to have it submitted for the July 6, 1981 Council meeting.

*Anulla
Is it in
Budget?
Is it in
'81 Budget?
mw*

*yes
no
(ep)*

RDF:fj

IX-B

RESOLUTION NO.

WHEREAS, the Mayor and City Administrator have reviewed the Intergovernmental Contract for Regional Library Services to be entered into between Chemeketa Community College District and the City of Newberg; and

WHEREAS, it is recommended that the City of Newberg, through its established public library facility enter into this agreement with Chemeketa Community College District to provide the services set forth in the agreement for the fiscal year 1981-1982.

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

1. The Mayor and the City Recorder are authorized and directed to execute the agreement on behalf of the City of Newberg.

2. A copy of the agreement is attached to this Resolution and made a part thereof as Attachment Number 1.

ADOPTED by the Council of the City of Newberg, Oregon this 6th day of July, 1981.

Arvilla Page - City Recorder

IX-B

INTERGOVERNMENTAL CONTRACT FOR REGIONAL LIBRARY SERVICES

THIS AGREEMENT, made and entered into by and between Chemeketa Community College District, a community college established pursuant to Chapter 341 of the Oregon Revised Statutes, hereinafter referred to as the "COLLEGE" and the City of Newberg, an Oregon municipal corporation, hereinafter referred to as "CITY";

WHEREAS, the CITY, by resolution of its governing body has participated with the COLLEGE for the past five years in the Chemeketa Cooperative Regional Library Service, an intergovernmental public library service to residents of Yamhill County, hereinafter referred to as the "SERVICE"; and

WHEREAS, a one-year operating tax levy to finance the SERVICE from July 1, 1981 to June 30, 1982 was approved by the COLLEGE District voters on May 19, 1981;

WHEREAS, the most economical and effective provision of the SERVICE has been demonstrated to be through contract with established public library facilities; and

WHEREAS, the COLLEGE and the CITY are each willing and able to provide part of the SERVICE as hereinafter set forth;

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto and by virtue of the authority granted by the provisions of Chapters 190 and 357.451 of the Oregon Revised Statutes, the parties hereto mutually agree as follows:

ARTICLE I: Duties and Responsibilities of the Parties

A. The Duties and Responsibilities of the COLLEGE shall be as follows:

1. Provide for fiscal and administrative management of the SERVICE.
2. Maintain (a) the Chemeketa Regional Library Service Advisory Committee, hereinafter referred to as the "CCRLS ADVISORY COMMITTEE", through which recommendations on policies of the SERVICE can be expressed, and (b) an ongoing liaison with the PYM Library Association (or their designated executive committee) through which recommendations on procedures and their implementation can be expressed. Exhibit "A" as attached, includes the present membership of the CCRLS Advisory Committee.

TX - B

3. Coordinate an audio-visual service by providing rented or purchased audio-visual programs.
4. Provide regular courier service between the participating libraries.
5. Provide free reciprocal borrowing privileges to patrons of the SERVICE, subject to the existing rules and procedures of the COLLEGE library.
6. Provide a montly accounting of all expenditures under this program to the CCRLS Advisory Committee.

B. The Duties and Responsibilities of the CITY shall be as follows:

1. Provide free borrowing privilege to card holding residents of the COLLEGE District subject otherwise to the existing rules and procedures of the Newberg Library.
2. Provide reference and information services to patrons of the participating libraries in cooperation with the COLLEGE and the other participating libraries.
3. Provide for the regular participation of the CITY Library Director, or his designated representative, in meetings of the Polk, Yamhill and Marion Library Association and as may be necessary in meetings of the CCRLS Advisory Committee.
4. Provide an accounting to the COLLEGE'S Service Coordinator of the number of 1981-82 non-resident library cards issued to district citizens on a quarterly basis.
5. Pay to the COLLEGE the sum of \$3,000 by December 15, 1981 as payment for participation in the SERVICE in lieu of taxes since the CITY is outside the area taxed to provide this SERVICE.

ARTICLE II: Time of Performance

This contract shall commence July 1, 1981 and shall terminate on June 30, 1982.

ARTICLE III: Amendments

This contract may be amended only by joint agreement of the parties herein.

ARTICLE IV: Termination

Either party may terminate this contract upon the other party's material breach of any of the terms and conditions hereof, by giving written notice of termination to the other party at least sixty days in advance of the effective

TX-B

date of termination. Cure of the breach by the party in default within the sixty-day period shall void the effect of the termination date.

Upon termination or expiration of this contract, the CITY shall assist the COLLEGE by delivering all necessary records or materials needed for the SERVICE to be continued in an orderly manner.

IN WITNESS WHEREOF, the COLLEGE has, by direction of its Board of Education, caused this contract to be signed in its name by its President; and the CITY, by resolution of its City Council, has caused this contract to be executed the same by its Mayor, this _____ day of _____, 19____.

CITY OF NEWBERG

CHEMEKETA COMMUNITY COLLEGE

Mayor

President

Doreen H. Durgin
Department Head

Lynell Farrel
CCRLS Coordinator

City Attorney
Approved as to form:

William S. Paulsen
College Attorney
Approved as to form:

City Recorder
Attest:

TX - B

EXHIBIT A

CCRLS ADVISORY COMMITTEE

Lay Members:

John McLurg
Polk County

Lyn Hardy
Polk County

Ann Evers
Yamhill County

Howard Smith
Marion County

Richard Lutz
Marion County

Professional Members:

George Happ
Salem Public Library

Sharon Russell
Stayton Public Library

Norman Sams
Dallas Public Library

Doreen Turpen
Newberg Public Library

Keith Harker
Chemeketa Community College Library

Ex-Officio Members:

Kay Grasing
Oregon State Library

Alan Hershey
Mid-Willamette Valley
Council of Governments

Pat Sylvester
CCRLS Secretary

Lowell Ford
Coordinator, CCRLS
Chemeketa Community College
PO Box 14007
Salem, OR 97309
399-5119

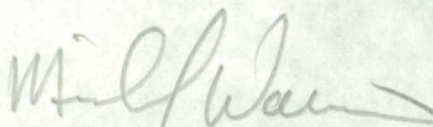
TX - B

MEMO

TO: City Council
FROM: City Administrator
SUBJECT: Garage Sale Ordinance

DATE: June 29, 1981

The City Attorney has drafted an ordinance for your approval tonight relating to this subject. I would like to point out it would mean the recorder must take on an additional work load and, at the very least, filing all of the permits. Also making sure that people are in compliance with the permits. It will also mean that the Police Department will at least have the responsibility for citing those people that are not in compliance.


Michael Warren
City Administrator

MW/bjm

Enc.

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: June 29, 1981

SUBJECT: Garage Sale Ordinance

Pursuant to citizen complaints last week and the direction of the Ordinance Committee at it's June 29th meeting, I have drafted the following garage sale regulating ordinance. I believe that it conforms to the requests of the Ordinance Committee and am submitting it to be included in the Council package for the July 6, 1981 Council meeting. The Committee will review this draft at it's 7:00 a.m. July 6th meeting at J's and any changes made at that time will be communicated as an amendment to this draft.

RDF:fj

X-A

DRAFT GARAGE SALE ORDINANCE

ORDINANCE NO.

AN ORDINANCE REGULATING AND LIMITING GARAGE SALES WITHIN THE CITY OF NEWBERG, OREGON.

WHEREAS, numerous citizens, civic groups and others have expressed concern for the regulation of garage sales in the City of Newberg; and

WHEREAS, the Ordinance Committee of the Council of the City of Newberg has considered alternative forms of ordinances and the need for such ordinances and recommends this ordinance regulating garage sales should be adopted by the Council.

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

Section 1. Definitions:

a. Garage Sales - Shall mean and include all sales conducted on residential private property including garage sales, lawn sales attic sales, rummage sales, flea market sales, yard sales or any similar casual sale of tangible personal property which is advertised by any means whereby the public at large is or can be made aware of said sale.

b. Goods - Are meant to include any goods, warehouse merchandise or other property capable of being the object of a sale regulated hereunder.

c. Person - Shall mean a property owner or householder and the members of their immediate family who reside on their property or residence and includes individuals, partnerships, voluntary associations and corporations.

Section 2. Permits. It shall be unlawful for any person to conduct a garage sale in the City of Newberg without first filing personally or by telephone with the City Recorder at least seven days before the beginning date of such garage sale, the information hereinafter specified and obtaining personally or by mail from said City Recorder a permit to do so to be known as a garage sale permit.

Section 3. Permit Limitations and Requirements. Such permits shall be issued to any one person for use on any one premises only two times within any given calendar year and no such permit shall be issued for more than three consecutive calendar days. Each permit issued under this ordinance must be prominently displayed upon the premises upon which the garage sale is conducted throughout the entire period of the permitted sale.

Section 4. Information to be Filed. The information to be filed with the City Recorder pursuant to this ordinance shall be as follows:

- a. Name of person conducting said sale.
- b. Name of the owner of the property on which said sale is to be conducted.
- c. Consent of the owner if applicant is other than the owner.
- d. Location at which sale is to be conducted.
- e. Authorized dates of the sale.
- f. Date and nature of any past sale.

Section 5. Persons and Sales Excepted. The provisions of this ordinance shall not apply to or affect the following persons or sales:

- a. Persons selling goods pursuant to an order of process of a court of competent jurisdiction.

X-A

- b. Persons acting in accordance with their powers and duties as public officials.
- c. Any person selling or advertising for sale an item or items of personal property which are specifically named or described in the advertisement and which separate items do not exceed five in number.

Section 6. Advertisement Restrictions. Garage sales shall be advertised only by signs placed on the yard of the property on which the sale is conducted, other than radio and newspaper advertising.

Section 7. Penalty. Any person conducting any such garage sale without obtaining a permit pursuant to this ordinance or who shall violate any of the other terms and regulations of this ordinance shall upon conviction, be fined not more than \$250.00 for each offense. Each day of operation is considered a separate offense for the purposes of this ordinance. The City Recorder or official designated by the City Recorder shall order any sale not conducted in conformity with this ordinance to close until this ordinance is complied with.

PASSED by the Council this 6th day of July, 1981 by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - Recorder

APPROVED by the Mayor this 6th day of July, 1981.

Elvern Hall - Mayor

X-A

MEMO

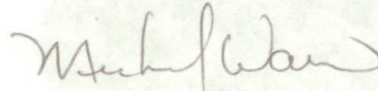
TO: City Council

DATE: June 29, 1981

FROM: City Administrator

SUBJECT: Parking on Springbrook and 99W

The Public Safety and the Chairman of the Traffic Safety Committee have recommended that parking on the east side of Springbrook St. north from 99W be prohibited. The attached is an ordinance from the City Attorney putting this into effect.



Michael Warren
City Administrator

MW/bjm

Attachment

X-B

MEMO TO: Mike Warren, City Administrator

FROM: Rick Faus, City Attorney

DATE: June 24, 1981

SUBJECT: Ordinance prohibiting parking along Springbrook Street
at the intersection of Springbrook Street and Highway 99W

Pursuant to a memo to me from Chief Hawkins on June 10, 1981, which is attached, I have drafted the following ordinance to prohibit parking in the area requested. I have drafted this up to go at the July 6, 1981 Council meeting.

RDF:fj

X-B

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 902, PASSED AND APPROVED MARCH 25, 1940, AS AMENDED TO PROHIBIT PARKING AT CERTAIN LOCATIONS IN THE CITY OF NEWBERG AND DECLARING AN EMERGENCY.

WHEREAS, because of heavy traffic flow along Highway 99 West, including the intersection of Highway 99 West and North Springbrook Avenue, including the right turn access to North Springbrook Street for traffic west bound on Highway 99 West; and

WHEREAS, due to concerns regarding this intersection expressed by members of the community and the police and fire departments; and

WHEREAS, because this problem has already been recognized by the State in prohibiting parking on the north side of Highway 99 West along Thriftway Plaza; and

WHEREAS, the Public Safety Committee and the Traffic Safety Committee have recommended that parking be prohibited in this area; and

WHEREAS, it is in the best interests for the health, safety and welfare of the people of the City of Newberg because of these heavy traffic conditions that an emergency should be declared to make said parking restriction immediately enforceable.

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

Section 1. That Ordinance No. 902, passed and approved March 25, 1940, as amended, of the City of Newberg regulating parking in the City of Newberg be amended by adding the following section as follows, to-wit:

Section 47. Parking of vehicles is prohibited on the east side and curbline of North Springbrook Street northerly for a distance of 582 feet along the curbline of North Springbrook Street beginning at the Northeast corner of the intersection of Highway 99 West and North Springbrook Street extending along the eastern curbline of North Springbrook Street for a distance of 582 feet.

Section 2. Now, therefore, an emergency is hereby declared to exist and this ordinance shall become in full force and effect immediately upon its passage and approval by the Mayor.

PASSED by the Council this 6th day of July, 1981 by the following votes:

Ayes:

Nays:

Absent:

Arvilla Page - Recorder

APPROVED by the Mayor this 6th day of July, 1981.

Elvern Hall - Mayor

X-B

DATE : June 10, 1981

TO: Rick Faus
FROM: Chief Hawkins
SUBJECT: Prohibit Parking-Springbrook Street

It has been recommended both by the Public Safety Committee and the Chairman of Traffic Safety that we prohibit parking on the east side at Springbrook Street north from 99W.

The north side of 99W along Thriftway Plaza has already been posted by the State.

In looking this over I think we should prohibit parking from the curb line of 99W north for a distance of 582 feet which goes to the second driveway of the Plaza. I have attached a sketch which I hope explains the area to be posted.

Mike Warren has approved this be referred to you for ordinance preparation.

vlo

X-B

N

PAYLESS
PARKING

582'

X-B

99 W

NORTH SPRING BROOK

