AGENDA
CITY COUNCIL
OCTOBER 5, 1981
COUNCIL CHAMBERS 7:30 P.M.

I. CALL MEETING TO ORDER.

II. ROLL CALL

III. APPROVE MINUTES

IV. REQUESTS AND COMMUNICATIONS:

1. Presentation from Mike Grant on Old Fashion Festival and 1982 Old Fashion Festival Classic Bicycle Races.
2. Communication from School Superintendent and Asst. Principal of the High School thanking City for assistance on baseball field project.
3. Request from Mrs. Word of Rt. 5, Box 333A, Newberg
   RE: Water hook-up.
4. Communication from Dundee Police Chief commending Officer Scott Jones for a job well done.
5. Communication from Star Construction Co.
   RE: Payment of Water and Sewer Tap Fees.

V. PUBLIC HEARINGS:

1. Public hearing on appeal of Planning Commission decision to deny a variance request for expansion of commercial office use without providing additional off-street parking at 210 S. College Street.
2. Public hearing, annexation request for David F. Abbott and ADEC. Annexation of a 20 acre parcel and a 1± acre parcel to the City of Newberg together with a zone change from County AF-10 to a City R-1 zone on the northerly 10 acres and a City R-2 zone on the southerly 10 acres with a Planned Unit Development (PUD) overlay zone and withdrawal from the Newberg Rural Fire Protection District on property located North of Mountainview Drive and East of Zimri Drive. Tax Lots No.s 3209CD-300 & 3209-2600.
3. Continuation of Anx-3-81 - unincorporated territory surrounded by the corporate limits of the City of Newberg on property located at the SW corner of Springbrook Street and Highway 99W.
4. Public hearing on design review of First Christian Church in Coppergold Project.

VI. OLD BUSINESS:

1. Roll Call on Ordinance prohibiting parking in certain locations affecting left turn lane off Hancock Street.
2. Report on Peddlers license procedures.

VII. NEW BUSINESS:

1. Report on bids for central dictation system at Hospital.
2. Report on Planning Department fee schedule.
3. Approve Accounts Payable.
4. Approve liquor application for a new outlet for Rocky's Deli.

VIII. RESOLUTIONS:

1. Resolution setting forth requirements and condition on Item V-2.
2. Resolution establishing fees for Planning Department - Item VII-2.
3. Resolution on Contingency Account transfer to the Sewer Account and General Account.
4. Resolution on Loan to General Fund.

X. ORDINANCES:

1. Ordinance referring to annexation request of Abbott & ADEC- Item V-2.
2. Ordinance establishing PUD for First Christian Church - Item V-4.

Executive Session - Relating to Labor Negotiations pursuant to ORS 192.660 Subsection 1, Paragraph D.

October 1981 Accounts Payable

10/81

Brown & Tarlow	75.00
B J's Photo Service	4.56
Butler Chevrolet	4.80
Buy Wise Drug	44.36
C.E. Little Fire Equipment	82.00
Callaghan & Co.	62.00
Camera Quarters	44.84
Charles M. Schmidt Excavating	1,322.18
Chehalem Printing	74.90
Chehalem Valley Senior Citizens	1,100.00
Chevron USA, Inc.	38.69
Coast to Coast	107.60
Consolidated Supply	129.63
Crabtree Rock	212.50
Crowell Auto Parts	68.93
Culligan	53.00
D & K Plumbing	588.20
Dents	145.74
Easterday Supply Co.	130.32
Engineered Control Products	27.35
Ernst Hardware	16.00
FarmGro Supply	125.00
Ferron Janitorial Service	626.00
Ferguson Rexall Drug	28.45
Fisher Electric	19.29
Forest Press	3.25
Fowler Tire Service	56.00
Gaylord Brothers, Inc.	159.04
General Telephone	1,404.39
The H.W. Wilson Co.	94.00
Hall's Heating	26.00
Harris Uniforms	243.84
Home Laundry	60.90
Howard Detrick, Roofing	450.00
IFG Leasing	100. 13
J.C. Penney	56.10
Johnson's Hardware	592.96
Lanier Business Products, Inc.	11.00
Larry Harrington Co.	5.00
Les Schwab Tires	89.28
London's Lawn & Garden	59.30
Mar-Dustrial Sales, Inc.	336.00
Munnell & Sherrill, Inc.	56.40
Nap's IGA	12.53
National Wildlife Federation	8.50
Newberg Community Hospital	273.52
Newberg Auto Freight	244.21
Newberg Auto Parts	42.26
Newberg Graphic	79.88
Newberg Ready Mix	381.25
Newberg River Rock	192.50
Newberg Steel	8.75
NW Business Systems	1,544.31
NW Law Enforcement	299.75
NW Natural Gas Co.	287.82
Nudelman Brothers	671.95
Nurnberg Scientific	36.39
The Oregonian	7.50
O'Dell's Tire Service	458.00
Oregon Fire Equipment Co.	102.15
Oregon Meter Repair	894.50
Pacific Water Works Supply	1,226.84
Payless Drug	8.79
Pennwalt Corp.	3,982.30
Pitney Bowes	49.50
Police Automatic Weapons	51.22
Puppett Productions, Inc.	787.50
Q.C. Services	55.00
Rowell & Wickersham	890.24
Spec Industries, Inc.	66.50
Stead & Baggerly	364.40
Stouffer's Dept. Store	27.74
Suburban Machine Works	115.00
Territorial Enforcement Supply	89.98
Timberline Information Systems	53.91
Valley River Inn	36.00
Vogue	18.00
W.R. Grace-The Baker Taylor Co.	481.58
Waide's Mobil	31.25
Water, Food & Research Labs	108.00
Watt Welding Supply	40.00
Western Auto	25.70
Western States Fire Apparatus	2.58
Westside Automotive	144.76
Wheel Graphics	54.00
Willamette Industries	296.57
Yamhill County Clerk	23.80
Yamhill County Sheriff	100.75
Ziprint	135.10
Byron-Jackson Pump	11,890.00
PGE	18,500.00***
TOTAL:	54,137.71

***= Estimate Only

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Willamette Industries	296.57
Yamhill County Clerk	23.80
Yamhill County Sheriff	100.75
Ziprint	135.10
Byron-Jackson Pump	11,890.00
PGE	18,500.00***
TOTAL:	54,137.71

***= Estimate Only

Tuesday, 7:30 P.M. September 8, 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 Rementeria
	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 Raineri, Acting Public Works Director
Robert Weisenback, Building Official

Also Present - 10 Citizens

Minutes of the previous meetings. Mr. Halstead questioned the status of the dictation equipment for the Hospital referred to in the minutes of August 3, 1981. Mr. Warren reported he had contacted the Hospital Administrator and no recommendation is ready at this time. Mr. Halstead also noted that the minutes should be corrected to show that his wife is employed by a representative of one of the bidders on the insurance not by one of the bidders. Mr. Gano pointed out that the word cautery is spelled incorrectly on the Hospital bid item in the minutes of August 3rd. Cautery should be spelled cautery. The minutes should be corrected wherever the word cautery occurs. The minutes of previous Council meetings were then approved as changed and corrected.

There were no requests or petitions from the floor.

Request by Mrs. Emil Shutts for a temporary water hookup at Rt. 5, Box 331. Staff has recommended postponing action on the request until after the October meeting. Mrs. Shutts stated the trailer where the water hookup was needed has now been put up for sale and her father has moved to Portland. Motion: Grobey-Gano to postpone action on the request. Carried unanimously.

A letter from Mayor Don Porter of McMinnville commending the action of police officer Welch was read.

A communication from Washington County Board of Commissioners has been received regarding the appointment of Councilman Gano to the Phase II Tualatin Project. Mr. Gano was appointed over a year ago by the Council.

Wes Kvarsten, LCDC, presented to the Council, Certificate of Acknonwledgment of the City of Newberg Comprehensive Plan and commended the City Staff and Council Members for the work they have put into the plan. Craig Greenleaf, LCDC Staff Member, representing the Newberg area, also added similar comments.

A letter from Newberg police sergeant, Gary Nelson commending City Attorney Richard Faus' assistance in the training of reserves was read.

Public Hearing: Annexation 3-81. Staff recommends postponement to the next meeting. The area of the annexation is southwest of Springbrook Road at 99W. The Planner stated there is a technical question which involves the annexation of the Werth property. The Werth annexation may not have included Springbrook Road in the annexation description. There may not be an island to be annexed. Motion: Halstead-Tucker to postpone the hearing to October 5, 1981. Carried unanimously.

Public Hearing: Vacation 5-81. Vacation of a portion of North Street east of Center Street.

The City Planner stated the Planning Commission had heard the petition for the vacation of North Street east of Center Street on August 18, 1981. Vacation has been requested by George Fox College and is needed to allow the proper setbacks for the new Bauman Auditorium. Zoning requires a special setback of 15 feet. There was no opposition at the Planning Commission hearing and the Planning Commission recommends approval with the stipulation of granting of easements for utilities. There would be no building constructed on the present right-of-way.

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

Councilman Rementeria questioned whether the street is to be changed to a driveway as requested by the Public Works Director. Mr. Moorhead read the conditions placed on the vacation by the Planning Commission which did include changing North Street to a driveway by reconstructing the curbs. The City Attorney stated he would add the conditions as an Exhibit to the Ordinance.

Councilman Tucker questioned when George Fox knew that a vacation of the street would be required. Staff responded that it was pointed out to them at the time they submitted the application for the building permit. Mr. Tucker stated that a letter to George Fox College should be drafted requesting that they plan further ahead in the future.

Motion: Rementeria-Gano to read Ordinance No. 2063 vacating that portion of North Street east of Center Street. Carried unanimously. The ordinance was then read. Roll Call: Aye - 6, DeMay, Gano, McIntosh, Probst, Rementeria, Tucker; Nay - 2, Grobey, Halstead. The Mayor then declared the ordinance passed.

Agenda Item 7-3, Annexation 2-81, tabled from the August 3rd meeting. This is an island of property located on Crestview Drive east of Springbrook Street. Mr. Moorhead stated he had not yet received any objection to this annexation. No one present wished to be heard on the annexation. Councilman Tucker reported he had talked to the owner of the property and the owner has stated he will not protest the annexation. Motion: Gano-Halstead to read Ordinance No. 2064 with findings as approved and recommended by the Planning Commission. Carried. The ordinance was then read. Roll Call: Aye - 8, DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria, Tucker; Nay - 0. The Mayor then declared the ordinance passed.

Reports from the City Administrator. Mr. Warren reminded the Council of the Council Seminar to be held September 10, 1981 at 6:00 p.m. at the Free Methodist Church. He also reminded the Council that he will be absent from September 19th - 26th to attend

an International City Managers Association meeting is California.

Mr. Warren stated the City had requested that the State reduce the speed limit from 55 MPH on Dayton Avenue. The State Speed Control Board has responded that 55 MPH is the correct speed. Motion: Probst-Halstead that a letter be sent to Dundee and to Yamhill County asking for their cooperation in requesting that the speed limit be lowered on Dayton Avenue, pointing out the recent changes such as the bike path on the road. Carried unanimously.

Mr. Warren reported that a ball diamond with lights is being constructed on school property. The baseball field would be for the use of the community, not just the school. Dirt will be needed to construct the baseball field. The City will have some dirt available from the Sitka Avenue Project. John Raineri, Acting Public Works Director, stated there would be at least 1,000 cubic yards of good dirt. The rocks and paving will be used at the sewage treatment plant. There would be no increase in cost to the Sitka Project to give the dirt to the school for the ball field instead of hauling it to the sewage treatment plant. Motion: Grobey-Gano that the City give any dirt suitable from the Sitka Project to the ball field project. Carried unanimously.

Mr. Warren reported on the status of the cable television. The Ordinance Committee will have a meeting to hear the proposals. The applicants will then present their proposals to the full Council. A meeting of the Council has been scheduled for September 29, 1981 to hear the proposals from the applicants for the television cable franchise.

Mr. Warren reported on the Solberg appeal to the Land Use Board of Appeals. The appeal was whether the City had interpreted it's ordinances accurately and whether the question of vested rights had been addressed sufficiently. The Land Use Board of Appeals ruled in the City's favor on both of those points. The decision will have statewide significance.

Mr. Warren reported that he and the City Planner have been investigating the possibility of obtaining a HUD Housing Rehabilitation Grant. Grant money will be coming through the State. The City must compete with the entire state for funds. Planned is to attempt to obtain $2,000,000.00 over a three year period. The City Planner pointed out the target area for the group project and explained the survey of housing. Criteria for the grant will be low income and the need for rehabilitation. The City would upgrade the City services in the target area including installation of sidewalks. The target area is in the southeast area along Wynooski Street. The project will need more definition, as at present it would require more than could be expected from a grant.

Old Business:

Oil and Gas Lease. The City Attorney has recommended that four provisions be included in any lease. The City Administrator stated he would like to add number 5, that the City negotiate the money aspect of the lease. The City Attorney's recommendation is that a lease would be beneficial to the City. Mr. Jim Allen, representing the company desiring the lease, stated they are offering $15.00 per year and 1/6th royalty. The State has been offered only $1.00 per year. The City Attorney's terms sound very acceptable. Motion: Gano-Rementeria that the City Administrator and City Attorney proceed with negotiations on the oil and gas lease. Carried unanimously.

Report on charge for street vacation. Mr. Warren stated that the ideas offered by Councilmen and staff are not permitted by law. Salem is charging for street vacations, but is being challenged in Court. Councilman Grobey stated the City needs to charge fees appropriate to the cost involved. Motion: Grobey-DeMay to direct the Staff to prepare a resolution updating all land use fees. Carried unanimously.

Report on interim procedures for peddlers and transient sales. Mr. Warren stated that the staff is not ready to present to the Council a recommendation at this time.

New Business:

Mr. Warren reported a letter has been received from Steve Downs of DEQ stating that improvements have been made at the sewage treatment plant. Also, that the plant has virtually no reasonable growth capacity and he recommends a program for interim and/or long-term upgrading and expansion.

Motion: Halstead-DeMay to adopt Resolution 81-905 that the Mayor and City Recorder for 60 days from the date of the adoption of this resolution be authorized and directed to execute an agreement on behalf of the City of Newberg for the Oak Hollow Subdivision. Carried unanimously.

Motion: Gano-DeMay to approve the August accounts payable. Carried unanimously.

Mayor Hall recommended appointment of Al Littau and Ken Overton to the Citizens Involvement Advisory Committee. Motion: Gano-Halstead to accept the Mayor's recommendation on the appointments to the CIAC Committee. Carried unanimously.

Motion: Gano-Grobey to adopt Resolution 81-906 pay and benefits for non-union employees effective July 1, 1981. Carried unanimously.

Mayor proclaimed September to be Wood Energy Month. The purpose is to instruct and educate people in the proper handling and burning of wood.

Motion: Halstead-Gano to read Ordinance No. 2065, complete stop of traffic entering Hulet Street and Oak Street intersection. Carried unanimously. The ordinance was then read. Roll Call: Aye - 7, DeMay, Gano, Grobey, McIntosh, Probst, Rementeria, Tucker; Nay - 1, Halstead. The Mayor then declared the ordinance passed.

Motion: DeMay-Grobey to read an ordinance prohibiting parking in certain locations affecting left turn off Hancock Street. Carried one nay - Gano. The ordinance was then read.

Councilman Tucker questioned whether consideration has been given to trucks parked on Hancock blocking the view of traffic entering the street. Councilman Gano stated the City must find some solution other than removing parking places. Motion: Tucker-Halstead to postpone roll call on the ordinance to September 29, 1981 meeting. Motion carried unanimously.

Motion: Gano-Halstead to read Ordinance No. 2066 eliminating parking restrictions on North Grant Street. Carried unanimously. The ordinance was then read. Roll call: Aye - 8, DeMay, Gano, Grobey, Halstead, McIntosh, Probst, Rementeria, Tucker; Nay - 0. The Mayor then declared the ordinance passed.

Mr. Warren stated he had been investigating the possibility of getting Street of Dreams to come to Newberg. At this point, no City has been selected for next years Street of Dreams. Motion: Gano-Grobey to encourage the City Administrator to pursue having a Street of Dreams in Newberg. Carried unanimously.

Motion: Halstead-Gano to adjourn to September 10, 1981 at 6:00 p.m. at the Free Methodist Church. Carried unanimously.

III

Thursday, 6:30 p.m. September 10, 1981

A MEETING OF
THE CITY COUNCIL

Free Methodist Church Newberg, Oregon

The meeting was called to order by Mayor Elvern Hall, at 6:30 p.m.

Roll Call:

Present:	Maybelle DeMay	C. Eldon McIntosh
	Roger Gano	Richard Rementeria
	Hal Grobey	
	Alan Halstead	
Absent:	Quentin Probst	Tommy Tucker

Also Present: Michael Warren, City Administrator
Allan Hershey, Director of Council of Governments
Clay Moorhead, City Planner

Mr. Hershey explained the agenda for the evening and asked the approval for the upcoming events. The agenda consisted mainly of the City Planner discussing the problems and community needs within his department, and the City Council entering into discussions of priorities of the City based upon input from all departments.

The City Planner then began discussions about the problems within his department. One of the major problems he explained were the ordinances that were either poorly worded or outdated. This would include the comprehensive plan that needs some readjustment. The zoning ordinance was an example of one ordinance that was not readable or understandable. Another problem within the department is the failure to obtain improvements on certain developments.

The Planning Director explained that the over the counter time was considerable and this related directly to a staffing problem. The Planner does not have enough time to pursue "Planning projects" because of the many routine functions that he has to perform as a one man department.

The City Planner then discussed the community needs of the department. He explained that there were two community needs. The first community need was coping with growth, the other was how to stimulate growth. Within the "coping with growth" category were such needs as a Sewage Treatment Plant, transportation plan, overall capital improvement plan, the question of development or nondevelopment around the airport and site review. The Planner described the situation with the sewage treatment plant as only having a capacity of approximately 1,200 or 1,300 more homes. How are we going to distribute the remaining capacity, is a big question that should be answered.

The City Council discussed the question of distribution and came to a general conclusion of the needs in Newberg as being industry and higher end housing. Councilman Grobey explained that a possiblity of attention should be resource conservation such as water, land and sewage treatment plant.

The City Planner discussed the second category under community needs which was how to stimulate growth. Within this category the City Planner and the City Council entered into discussions on housing rehabilitation program, tax increment financing, annexing attractive areas and possible removal of railroad tracks within the City of Newberg.

III

The City Council then recessed for dinner from 7:45 to 8:30 p.m.

Upon coming back from dinner Mr. Hershey asked the Planning Director to list the four most important items within his list. The Planning Director explained that the items in order would be:

1. Proper staffing.
2. Pursuing grants.
3. Ordinance revisions.
4. Tax increment financing.

Councilman McIntosh agreed with the above priorities but felt that numbers 2 and 3 should be switched in importance. Councilman McIntosh also explained that the transportation plan should also be added to the list. Councilman Grobey explained that one way of controling growth is not to hookup a new development unless they agree to pay for the additional costs in water lines, sewer lines, etc.

Mr. Hershey asked the Mayor to explain why he felt there was a change in attitude within this past year. Mr. Hershey also added that he had not seen anything like this cooperative and positive attitude in a City, in his seventeen years in government within two different states.

The Mayor said that he had been thinking about that earlier in the day and that it was his opinion that there was not one item to point to, but rather many, including a positive attitude with the Chamber, involvement by the President of the Chamber, LeRoy Benham, the newspapers cooperation and different outlook, the new Administrator and new thinking within City Hall, the new City Council and a general involvement by the new people. Councilman Gano added that he felt it was the openness within City Hall and the departments that have added to a tremendous positive feeling within Newberg.

Councilman Halstead articulated that it was his feeling that one of the big reasons for the change was, a change in the "old guard" within the Council, within the Business Community and within the general community. The fresh ideas and enthusiasm was a result of the new people taking some leadership roles in the community.

Mr. Hershey then interjected that since time is of the essence the Council should begin looking at prioritizing the list made up by all of the departments of problems and community needs. The following then represents a list of the items that were delegated to the City Administrator and the various departments, to be handled within City Hall.

LEGAL DEPARTMENT

1. Revise/codify ordinances.

FIRE DEPARTMENT

1. Paid personnel.
2. Adequate equipment.

POLICE DEPARTMENT

1. Better dispatch center.
2. Separating dispatch function from clerical.
3. A closer District Attorney, District Court/Juvenile Court.
4. Day/Night Court.
5. Traffic Study.

LIBRARY

1. Money for new materials and building maintenance.
2. Clarify lines of authority.
3. Rural service.

III

FINANCE DEPARTMENT
1. Centralize files.
2. Good recording system.
3. Bookkeeping system (new computer system).

PUBLIC WORKS
1. Street overlay program.
2. Street sweeper.
3. Cost to serve study-updating ordinance.
4. Master water plan update.
5. Rural water district.
6. Coin operated water dispensory.
7. Temporary expansion of current facility.
8. Industrial uses of sewer capacity.
9. Sewer cost to serve study.
10. New position - Assistant City Engineer.
11. New public works inspector position.
12. Base map update, improve filing.
13. Photo maps.

BUILDING DEPARTMENT
1. Improve codes and ordinances for speedier compliance.
2. Improve personal contact with public and personal communications.
3. Housing code enforcement-uniform program or progress.

PLANNING DEPARTMENT
1. Grant writing.
2. Update Comprehensive Plan and implement ordinances (i.e. site review).
3. Inadequate staffing.

At this point, Mr. Hershey explained that no one person could be expected to do all of these things. The City Council should take a look at providing some assistance for the City Administrator that would allow some of these things to get done within a reasonable period of time.

The City Council asked the City Administrator to comprise a list of the above mentioned items with a short paragraph and send two lists to each one of the City Council members. Each City Council member will be responsible for sending back a 1-10 rating on the importance of the items and along with the City Administrator's rating will meet again to prioritize the list of items to do within City Hall. The City Administrator said that he would do this by next week.

The City Council also directed the City Administrator to make it clear to the Mayor's Task Force that the purpose for the seminars was to hear the staff's problems and ideas and not to redo what the Task Force has already done.

By eliminating some items that could be handled within City Hall the following items were left to prioritize on a major goal list to be brought to the community:

1. New fire sub-station.
2. New police station.
3. Traffic by-pass.
4. New library building.
5. New City Charter.
6. New Tax Base.
7. Special storm drain levy.
8. Additional water reserve capacity.
9. Replace sewage treatment plant.
10. Temporary expansion of sewage treatment facility.
11. Resource conservation plan.

III

12. Tax increment financing project.
13. Transportation plan.
14. Capital improvement plan.
15. Economic development plan (committee).

It was moved by Councilman Gano and seconded by Council woman DeMay to adjourn to September 29, 1981. Carried unanimously.

AGENDA

AN ADJOURNED MEETING
OF THE CITY COUNCIL
SEPTEMBER 29, 1981
7:30 P.M.
COUNCIL CHAMBERS

1. CALL MEETING TO ORDER.

2. ROLL CALL.

3. SLIDE PRESENTATION BY LEROY BENHAM
   On Santa Cruz Re-Development Program as Related to Mayor's Task Force and Council priorities activities.

4. OLD BUSINESS:

   Roll Call on an Ordinance prohibiting parking in certain locations affecting left turn lane off Hancock Street - postponed from September 8, 1981 City Council meeting.

5. EXECUTIVE SESSION - RELATING TO LABOR NEGOTIATIONS
   Pursuant to ORS 192.660 Subsection 1, Paragraph D.

6. ADJOURN.

Tuesday, 7:30 P.M. September 29, 1981

AN ADJOURNED MEETING
OF THE CITY COUNCIL

Council Chambers Newberg, Oregon

No quorum of the Council was present.

Members present: Maybelle DeMay, C. Eldon McIntosh, Quentin Probst, Richard Rementeria

Staff present: Michael Warren, City Administrator
Clay Moorhead, Planning Director
Arvilla Page, City Recorder
John Paola, Fire Chief
Robert Sanders, Public Works Director
Robert Weisenback, Building Official

Also Present: 11 Citizens

Mayor Elvern Hall called the meeting to order at 8:00 p.m. As no quorum of the Council was present, he asked LeRoy Benham to proceed with the slide presentation which did not require Council action.

Mr. Benham presented a three part slide presentation as follows:

1. Improvements made in downtown area of Santa Cruz, California with an effective sign ordinance, restoration of buildings, traffic control and plantings.

2. Shopping malls and building restoration in other cities.

3. The architecture of buildings located in downtown Newberg.

Mel Schroeder then presented drawings of possible location and design of a civic center that would act as a focal point for revitalization of the downtown area.

Mr. Benham stated the slide presentation has been shown to several local groups and the Retail Committee of the Chamber of Commerce has been given the task of developing a sign ordinance the Chamber will support.

There was a general discussion of the effect the ideas presented by Mr. Benham and Mr. Schroeder would have on traffic, First Street, Minthorn House and Hoover Park.

Mayor Hall adjourned the meeting to October 1, 1981 with agenda items not acted on to be added to the agenda of October 1, 1981.

9.30.81

Dear Mike Warren,

In regaurds to our telephone Conversation last month. I am writing you asking for 15 minutes of time on the Oct. 5th 1981 city Council agenda.

I will be presenting a video presentation on last years Old Fashioned Festival Criterium. Also will be presenting an outline for the 1982 O.F.F. "Classic" Bicycle races.

Thank You

A. Michael Grant

IV 1

NEWBERG PUBLIC SCHOOLS

Gerald E. Post, Ed.D.
Superintendent

Newberg, Oregon
97132

September 25, 1981

Mike Warren
City Administrator
City Hall
Newberg, Oregon 97132

Dear Mike:

Now that our baseball field is regraded after the fill dirt was delivered I am exceptionally pleased with the appearance. I had no idea it would make as great an improvement in "playability" as it has.

I want to express my thanks and the appreciation of the Board on behalf of the District for the donation of the dirt. It has made a major contribution to the improvement of a District facility.

Very truly yours,

Jerry

GEP:cw

GERALD E. POST
Superintendent

Newberg High School

NEWBERG, OREGON 97132
Phone 538-8361

September 23, 1981

Mike Warren, City Manager
City Council
414 E. 1st
Newberg, Ore. 97132

Dear Mr. Warren,

I would like to express the appreciation for you and your councils' support for our baseball field project with your generous offer of field dirt.

"Thanks" is a small word, but all our students and the kids who will have the opportunity to play under these lights in the middle of the summer really appreciated your support. The whole project has been a truly community supported effort.

Sincerely,

Gary Baffaro

Gary Baffaro
Assistant Principal
Newberg High School

GB:pb

IV-2

September 13, 1981
Rt. 5, Box 333 A
Newberg, Oregon 97132

City of Newberg
Newberg , Oregon

Dear Sirs:

In April of this year I came before the City Council requesting permission to connect to city water line on West Sheridan Street. I was told at that time to re-submit my request in October 1981, as at that time the City would begin selling water to new customers.

I request a place on the agenda for the October meeting of the City Council to make my request. Attached is a letter from the President of the Sheridan Street Water District stating that they will permit the connection.

For the past two months I have been virtually without water as my well has gone dry, so it is with some emergency that I appeal to you for relief.

Respectfully,

Claudine Word

Claudine Word
Rt. 5, Box 333 A
Newberg, Oregon 97132

Phone: 538-6965

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West Sheridan Street Water Association
Emil L. Shutts - President
Route 1 Box 331
Newberg, Oregon 97132
April 21,1981

Mrs. Claudine Word
Route 1 Box 333A
Newberg, Oregon 97132

Dear Mrs. Word,

On February 10,1981, we held our annual meeting and at that time our Association voted to allow your existing family unit access to our water service.

Providing that the City of Newberg is first petitioned and the petition passes,then all of the Articles and By-Laws of West Sheridan Street Water Association are met.

Yours Truley

Emil L. Shutts

Emil L Shutts Pres. West Sheridan St Water assn.

10/5 Agenda

CITY OF DUNDEE
675 HIGHWAY 99W
DUNDEE, OREGON 97115
P.O.BOX 201 PHONE: 538-3922

September 8, 1981

Chief Herb Hawkins
Newberg Police Department
414 East First Street
Newberg, Oregon 97132

Dear Chief Hawkins:

I am writing in regards to the incident which occurred within the City of Dundee on August 30, 1981.

I personally wish to commend Officer Scott Jones on his perceptiveness and assistance in the locating and apprenhension of the car and men involved in the robbery at the Hickory House Tavern. If it had not been for Officer Jones' alertness in spotting the suspect vehicle we might not have solved the case. I think Scott should be highly commended.

Respectfully submitted,

Douglas F Billings

Douglas F. Billings,
Chief of Police
Dundee, Oregon

DFB/mjj

IV 4

Regardless of the outcome of this particular request, the Planning Commission may wish to review the proposed downtown commercial area identified within the Newberg Comprehensive Plan to recommend policies relating to parking and access for the structures expected to be converted from residential to commercial uses over the next 20 year period.

Newberg, OR 97132

STAFF REPORT

SEPTEMBER 17, 1981

TO: Planning Commission

FROM: Planning Staff

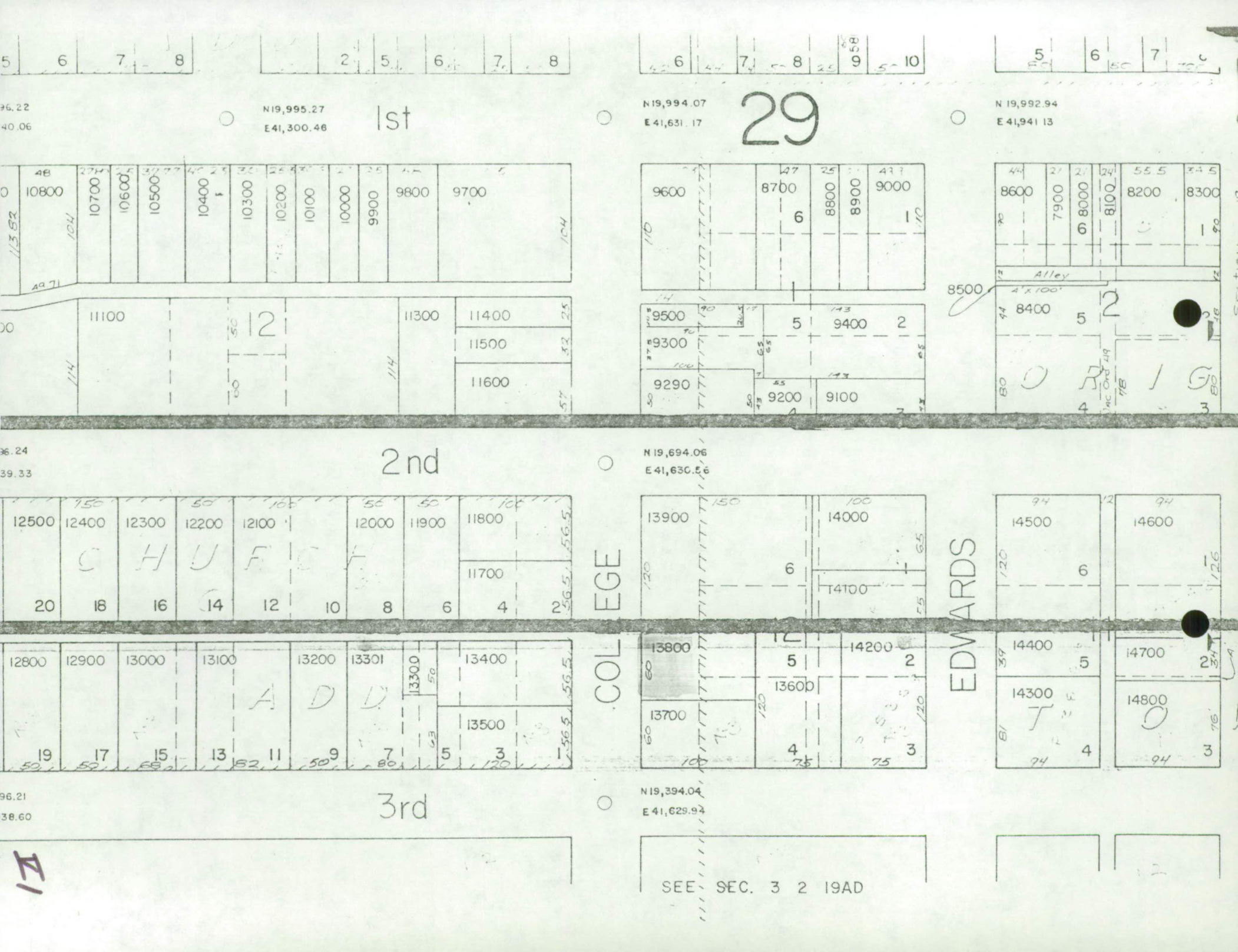
RE: Swift Appeal

At the August 18, 1981 Regular Meeting of the Newberg Planning Commission, the Commission opened the public hearing relating to the Swift Appeal, at which time the staff report was read. The applicant, Bob Swift, who was representing Herb and Margaret Swift in the appeal, requested that the matter be postponed for a one month period in order to pursue other alternatives relating to the parking situation.

Bob Swift is proposing to utilize the merchant's parking lot in meeting the requirements necessary for the expansion of the Swift and Swift Attorney's offices. The Newberg Zoning Ordinance states that parking may be permitted on the site or within 400 feet of the site on other property provided that there is an agreement to utilize the area for parking spaces and that the use of these parking spaces will not conflict with the needs of other building uses. The merchant's parking lot is located within 400 feet to Swift and Swift Attorney's offices. The lot was intended to be used by the downtown commercial retailers. This particular parking lot is owned by the City of Newberg but is leased to the downtown merchant's for $6.00 per month in order to provide additional parking spaces to serve the retail uses in the downtown core area.

The downtown core area is primarily designated C-3 (Central Business District). This particular zoning designation has no parking requirements within it, and because of this the use of the downtown merchant's parking lot is necessary to accommodate parking uses for the downtown area.

This particular issue has not been formally resolved as of the writing of this report.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MEMO

TO: City Council DATE: October 1, 1981

FROM: City Administrator

SUBJECT: Water and Sewer Tap Fees

Attached is a letter from Star Construction requesting that the City Council consider a promisory note for the water and sewer tap fees which would bear interest and be due and collectible within a reasonable time upon calling for the installation of the taps themselves. I have written the City Council some information on this subject matter earlier this year.

Basically, what has occurred is that the handling of the collection of the water and sewer tap fees has been rather loose. The City never knew when it would get the fees, sometimes it would be when someone took out a permit and other times it would be after somebody was in the home and even, some fees continue to run outstanding. In these cases, the City would act as a bill collector and would run down developers in an effort to collect what was due the City.

Earlier this year the City complied with the Ordinance on this subject matter and collected the fees upon issuance of the building permit. After that time we do scheduling and work around the known fact that the water and sewer tap would have to be hooked up. We have explained the policy as the months have gone by and everyone seems to understand this fact (although, they may not be overjoyed) yet, Star Construction has often times and vigorously objected to the policy.

I have explained, as has the Public Works Director and the Planning Director that the only one that can change an Ordinance is the Legislative Body. It is for this reason that this matter is brought to you.

Star Construction has stated that the City is reacting to a couple of problem developers. This remark is true because, as I stated earlier, we have had problems in the past. I would also add to that remark that we do need the money and we do not have the manpower to act as a bill collector for even one problem developer.

Should the City Council wish to consider delaying the payment of the sewer and water fees, I would suggest that the developer sign a note as a lien on the property in question. Upon selling the home, it would also be my suggestion to put a time period of three months or occupancy, whichever is sooner, for payment of the fees.

The above paragraph is my recommendation if the Council wants to change the current policy. It is not my recommendation to go this route. I've talked to the Public Works Director and Alan Barnes (new part-time Building Inspector) on this subject. Both have worked in other cities and counties. The common practice is to have all permits paid up front. The shortage of Staff and money make my recommendation for the City policy easy.

Michael Warren
City Administrator

MW/bjm

Enc.

IV 5

STAR CONSTRUCTION
P. O. BOX 698
NEWBERG, OREGON 97132
PHONE 538-5959

September 28, 1981

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

Dear Mr. Warren:

In view of our discussion today I wish to request that you ask the City Council for permission to issue Building Permits upon the payment of the appropriate Building Permit Fees together with an appropriately approved Note for the water and sewer tap fees which would bear interest and be due and collectable within a reasonable time upon calling for the installation of the Taps themselves.

We appreciate your time and wish to thank you and your Staff for the time to voice our problems. We hope to continue towards the goal of building a better community within the City of Newberg.

Sincerely,

Dick Daugherty

Dick Daugherty
Star Construction

MEMO

TO: City Council DATE: October 1, 1981

FROM: City Administrator

SUBJECT: Swift Appeal on Off-Street Parking, Property located at 210 S. College.

The key point in reading through the material submitted by the Planning Director, is that the current building without the addition is not in compliance with the ordinance for off-street parking spaces. However, the ordinance was passed after the building was there and therefore, it is called "pre-existing, non-conforming use". If the City Council allows this request to be granted, then we would be compounding the issue.

I call attention to the Planning Director's second to last paragraph. He is, wisely, looking into the future. If this request is granted we should be prepared to have other similar examples brought before us and, in fairness to them, they should be considered for a variance also.

In summary, I feel that the Planning Director's comments and the decision by the Planning Commission should be upheld and the variance not be granted.

Michael Warren
City Administrator

MW/bjm

Enc.

MEMORANDUM
September 30, 1981

TO: Mike Warren

FROM: Clay Moorhead

RE: V-5-81, An appeal of the Newberg Planning Commission's decision to deny a variance request for the purpose of expanding a commercial office use without providing additional off-street parking on property located at 210 S. College, Yamhill County Tax Lot No. 3219AA-13800.

The variance procedures are first reviewed by the administrative staff. The Newberg Planning Director initially made a determination on this variance request on July 10, 1981. The decision was to deny the request as the applicant had not satisfied certain criteria found within the Zoning Ordinance that relates to approval of variance requests. On July 17, 1981 the applicant's submitted a notice of appeal of the Planning Director's decision to deny the variance request. The appeal was then taken to the Newberg Planning Commission at their August 18, 1981 regular hearing date. The Newberg Planning Commission postponed the hearing on this matter at the request of the applicant to the September 17, regular hearing date. On September 17, 1981 the Newberg Planning Commission did hear the request of an appeal relating to this variance request. The Planning Commission then made a decision to sustain the Planning Director's decision based upon the findings found within the Planning Department Staff Report, which are numbered 1-5. The applicant's are now appealing this decision to the Council. This matter is considered a public hearing but is limited only to those parties who participated in the lower hearing processes. There were no other persons that spoke in favor or opposition to this request other than Mr. Bob Swift, therefore only Mr. Swift may speak relating to this matter.

Specifically, the applicant is requesting to expand the floor area of the Swift & Swift Attorneys at Law offices without providing the required additional parking spaces. Presently, under the existing Zoning Ordinances, one off-street parking space would be required for every 400 sq. ft. of gross floor area used as office space, and in addition, one parking space is required for every residential dwelling unit located above a commercial use. Using this criteria the existing structure, without the proposed addition, would be required to have 4 off-street parking spaces. The subject property is now considered to be a "pre-existing, non-conforming use" as currently there is only room for 2 off-street parking spaces which do not comply to the standard design requirements for parking. A non-conforming use is a use of a building or land which was lawful prior to the existance of the current zoning regulations but which is not permitted at the present time. These provisions are allowed

to continue under the non-conforming use "grandfather" clause as identified within the Zoning Ordinance, however, the ordinance explicitly does not encourage their survival. The applicant's did not wish to provide additional parking spaces as part of the expansion to the building, and, therefore, has requested a variance to the required number of off-street parking spaces. With the additional square footage proposed a total number of 6 off-street parking spaces would be required in order that the use could conform to the current zoning code. In order to receive approval of a variance the applicant must demonstrate that the variance is necessary based upon 8 criteria found within the Zoning Ordinance. These criteria are as follows:

A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the Zoning Ordinance.

B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

F. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.

G. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.

H. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the Zoning Ordinance.

The Planning Commission did determine that the applicant could not satisfy these criteria. Since the criteria cannot be adequately satisfied, then the variance request could not be approved relating to this matter.

In making a decision on this request, the City Council may be establishing a policy relating to further variance requests of other properties within the community. Specifically, there are many older, single family houses located on the south side of Second Street and the north side of Hancock Street which are zoned Commercial and are expected to be utilized for commercial purposes over the next 20 year period. These older homes are found on lots which vary in size, many of which are in a similiar circumstance as this particular request relating to off-street parking. This situation is and will continue to be a problem for these specific areas of town when the conversion of these buildings are made from their existing residential use to a commercial use, or if they wish to expand a commercial use.

Attached is the notice of appeal of the Planning Commission's decision, the minutes from the September 17, Planning Commission meeting relating to this matter, the Planning Department Staff Reports, the appeal to the Planning Commission, the initial decision of the Planning Director and the applicant's initial application for a variance.

SWIFT & SWIFT
ATTORNEYS AT LAW
210 S. COLLEGE STREET
NEWBERG, OREGON 97132

HERBERT SWIFT
ROBERT E. SWIFT

P. O. BOX 268
TELEPHONE 538-2188

September 23, 1981

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

RE: Off-Street Parking

Dear Mr. Moorhead:

Enclosed please find Request for Appeal in the above-entitled matter.

Very truly yours,

SWIFT & SWIFT

ROBERT E. SWIFT

lae

Enclosure

IV 1

SWIFT & SWIFT
ATTORNEYS AT LAW
210 S. COLLEGE STREET
NEWBERG, OREGON 97132

HERBERT SWIFT
ROBERT E. SWIFT

P. O. BOX 268
TELEPHONE 538-2188

September 23, 1981

REQUEST FOR AN APPEAL OF THE NEWBERG PLANNING DIRECTOR'S DECISION WHICH DENIED A VARIANCE REQUEST RELATING TO OFF-STREET PARKING. IT WAS SUSTAINED BY THE PLANNING COMMISSION.

Location: 210 South College
Applicant & Proponent: Herbert & Margaret Swift
Tax Lot No.: 3219AA-13800

The Proponents, Herbert & Margaret Swift, hereby appeal the decision of the Newberg Planning Commission of September 17, 1981 regarding said matter. Said Proponents were adversely affected by the above mentioned decision.

It is Proponent's position that the Planning Commission did not properly evaluate the criterion set forth in the Proponent's Petition nor take into consideration the fact that there would be no increased parking requirement resulting from the addition.

PROPONENTS HERBERT & MARGARET SWIFT
Tax Lot No. 3219AA 13800
Address 210 South College, Newberg, Oregon 97132 538-2188

Robert E. Swift
Attorney for Proponents

V 1

Thursday, 7:00 P.M. A Regular Meeting Sept. 17, 1981
Council Chambers of the Planning Commission Newberg, Oregon

The meeting was called to order by Chairman John Cach.

Roll Call: John Cach, Jack Kriz, John Poet, Jim Tumbleson, Jane Parisi-Mosher, Frank Bowlby, Jean Harris, Bob Youngman, Arthur Stanley

Absent: None

Also Present: 22 Citizens

Staff Present:

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

Motion: Youngman-Poet to approve minutes as mailed. Motion carried unanimously.

Public Hearing: ANX-3-81, Continued
Applicant: City of Newberg
Request: Annexation of unincorporated territory surrounded by the corporate limits of the City of Newberg pursuant to the Oregon Revised Statutes Chapter 222.750, and a zone change from a Yamhill County R-C (Recreational/Commercial) and LDR-9000 (Low Density Residential) zone to a City C-2 (Community Commercial) zone and withdrawal from the Newberg Rural Fire Protection District.
Tax Lot: 3216-2100, -2200, -2300, -2400
Location: At the southwest corner of the intersection of Springbrook Street and Highway 99W

No abstentions requested, none given.

Staff Report: The Planning Director presented an addendum staff report which indicated that due to an incomplete City boundary surrounding the subject property, pursuit of this annexation at this time should be discontinued. He also read into the record two letters from affected property owners. Mrs. Gladys Auld indicated she objected to inclusion in the City limits. J. T. Francis indicated he would not be opposed to annexation and would be willing to pursue annexation on his own.

Motion: Poet-Tumbleson to withdraw consideration of this hearing based on information supplied in Staff Report Addendum. Motion carried unanimously.

A brief discussion followed relating to reasons for pursuit by the City of such annexations as the preceding hearing.

Public Hearing: APPEAL-2-81, Continued
Applicant: Herb & Margaret Swift
Request: An appeal of the Newberg Planning Director's decision which denied a variance request for the purpose of expanding a commercial office use without providing additional off-street parking spaces as required by Section 522-536 of the Newberg Zoning Ordinance

Location: 210 S. College
Tax Lot: 3219AA-13800

No abstentions requested, none given.

Staff Report: The Planning Director presented an addendum staff report. He further stated that a lease currently existing with the City and the downtown merchants for use of a merchants parking lot expires in 1982. He indicated that unless the City Council agrees to a separate long term agreement with Mr. Swift or other similar arrangements can be made with the downtown merchants involved, the use of the lot for parking requirements would be considered only short term and not be considered in conformance to parking requirements.

Proponent: Bob Swift, 210 S. College, representing Herb and Margaret Swift, noted that the building expansion he desired was not for a larger volume of business but to maintain business at present levels. He indicated that a new employee was intended to be hired to replace Mr. Swift who wishes to retire. There would be an overlap time in which the office would have additional people but it would be of a temporary nature. He stated the additional space would be used for filing and indicated location of additional space on a map. He stated there was no parking available on the lot, no parking available on the adjoining lot and problems arising associated with the City lot. He indicated that street parking was available and generally unused.

Questions to Proponent:

When asked who occupied upstairs apartment on site, Mr. Swift indicated he did.

Staff asked why additional parking could not be placed on site. Mr. Swift indicated there was no area large enough to handle vehicle turn-around requirements.

Mr. Swift indicated new attorney has some established clientel.

Mr. Youngman asked about use of adjoining parcel of which Mr. Swift is part owner for parking purposes. Mr. Swift indicated that the corporation which controls that property has turned down such a proposed use for financial reasons.

Opponent:

No opponents wished to speak, no public agencies responded, no letters were received other than those noted in staff report.

Staff Recommendation: The Planning Director, in making his recommendation, stated that the Planning Commission must find that all of the eight variance criteria must be satisfied by the testimony presented by the applicant and if not, then this will be grounds to affirm the Planning Directors decision denying the request.

Public Hearing Closed.

Mr. Youngman asked what the possibility of Council developing a plan for extension of the agreement to Merchant's Association relative to parking would be.

He also asked if parking lot usage required a specific spot designated for exclusive use of Mr. Swift's office.

Mr. Faus, City Attorney, indicated that the Council has not had the parking lot under consideration at this time and he has no direction as to their stand in the future use of the lot.

Additional discussion followed relating to use of the merchant's parking lot.

Motion: Youngman-Bowlby to approve Appeal-2-81 subject to applicant obtaining a favorable long-term arrangement for parking with the Merchant's Association.

Discussion of the Motion:

Staff indicated that a variance is not required if the parking requirements could be satisfied in some fashion.

Mr. Faus further indicated that if Mr. Swift could obtain long-term parking with any party within 400 feet, the variance request would not be necessary.

Vote on the Motion:

Roll Call: Aye: Bowlby, Youngman--Nay: Cach, Kriz, Poet, Tumbleson, Parisi-Mosher, Harris, Stanley. Motion Failed. (2-7).

Motion: Kriz-Stanley to deny Appeal-2-81 based on findings 1-5 as stated in August 8, 1981 Staff Report. Vote: Aye--Cach, Kriz, Poet, Tumbleson, Parisi-Mosher, Bowlby, Harris, Stanley. Nay--Youngman. Motion Carried (8-1).

Public Hearing: PUD-2-81

Applicant:	First Christian Church
Request:	Approval of site design for First Christian Church Facility as part of Coppergold Planned Unit Development. Refer to File No. ANX/CAP/ZC/PUD-1-80.
Location:	Intersection of Villa Road & Mountainview
Tax Lot:	Part of 3217-1900

No abstentions requested, none given.

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

Proponent: Millard Leslie, 220A Ilafern Lane, Dundee, representing a committee from the First Christian Church stated that the existing church has been sold to Newberg Friends Church with occupancy expected to be August 1, 1982. Information relating to the building height was also given. Building is taller than Zoning Ordinance stipulations for maximum height in that zone.

Mr. Leslie indicated that CL7 and George Fox College are the current owners and developers of the site.

Staff was asked what provisions had to be turned in yet for completion of Coppergold and what was anticipated time frame for approval of Coppergold.

Mr. Moorhead indicated that the developers need to provide a final landscape design, tree berming design and sidewalk design, financial agreements and development of a park with possible approval time of 60 days if turned in immediately.

Question to Proponent: B. Coffield, Rt. 2, Box 41, Newberg asked Mr. Moorhead if the City has approved the design for extension of Mountainview Drive through the Coppergold site. Mr. Moorhead indicated that the City has not yet approved final drawings of proposed Mountainview Drive site. Staff further indicated that it would be unlikely that access would be altered drastically enough to disallow Church construction with setbacks currently required. In response to a question regarding who pays for improvement of Mountainview Drive, staff responded that the developer pays for the improvement and at completion the City accepts maintenance of the improvement.

Staff was asked if there was any access road directly across the street from either church accessway. Staff responded there were none that would create any problems.

Opponent: Gale Wilhoit, Rt. 1, Box 23, an adjoining property owner, does not think now is the time for site review of the Church.

Opponent: Mike Wilhoit, Rt. 1, Box 23, Asked what would be happening to Mr. Heckman's access to Mountainview Drive. Staff indicated Mr. Heckman's property will have a potential 60 foot major access to his site at the time of completion of Coppergold, in addition to the current access he has.

Opponent: Daphne Anderson, Rt. 2, Box 46, also property owner, is concerned about Heckman's property because she is also an abutting property owner and is concerned about the location of Mountainview Drive.

No public agency objected. Two letters were sent in response to the hearing, both from Mr. Ch. Heckman and were related to conditions relative to Coppergold findings.

Staff Recommendation: The Planning Director suggested the Planning Commission consider continuance of this hearing in order to provide adequate time for the applicant's to satisfy the questions and concerns mentioned within their report relating to the site development. However, if the Commission choose to approve the site design, then staff indicated several conditions to be established.

Motion: Parisi-Moshier--Kriz to continue hearing PUD-2-81 to October Planning Commission hearing in order to allow applicant to provide additional testimony and response relative to grading, access, traffic impact, general location of Mountainview Drive and landscape design of the development. Vote: Aye--Cach, Kriz, Parisi-Moshier, Stanley. Nay--Poet, Tumbleson, Bowlby, Harris, Youngman. Motion Failed (4-5).

Public hearing closed.

Motion: Youngman-Poet to approve site design of PUD-2-81, First Christian Church facility as part of Coppergold Planned Unit Development, based on findings 1-9 and conditions 1-5 as stated in Staff Memorandum.

A general discussion followed relating to placement of conditions. An additional condition, no. 6, was discussed with regard to grading plans.

Youngman-Poet amended motion to include condition no. 6 as follows....

> "A grading plan must be submitted to adequately show all contour elevations and re-grading contour elevations on the applicable site. The re-grading contour plan must provide for appropriate steps to accommodate pedestrian access and vehicular parking.

Vote on the amended motion:
Aye: Cach, Poet, Tumbleson, Parisi-Mosher, Bowlby, Harris, Youngman, Stanley. Nay: Kriz. Motion Carried (8-1).

Staff indicated the appeal procedure to be followed by any person or firm interested. The intent to appeal would be brought before City Council at the earliest date possible. Ten days are allowed from the hearing date to file an appeal.

A 5 minute recess was called.

Meeting reconvened.

Public Hearing: ANX-4/Z-3/PUD-81

Applicant:	ADEC, David F. Abbott
Request:	Annexation of a 20± acre parcel and a 1± acre to the City of Newberg, together with a zone change from County AF-10 Agricultural-Forestry/10 Acre min.) to a City R-1 (Low Density Residential) zone on the northern 10± acres and a City R-2 (Medium Density Residential) zone on the southern 10± acres with a PUD overlay zone and withdrawal from the Newberg Rural Fire Protection District
Location:	North of Mountainview Drive and east of Zimri Drive
Tax Lot:	3209CD-300 and 3209-2600

No abstentions requested, none given.

Staff Report: Staff presented staff report as presented in the Staff Memorandum and identified property location.

Proponent: Jack Nulsen, 817 E. First, representing ADEC stated that his client, ADEC, believes the proposed use of this property portrays ADEC's desire for an orderly, highly desireable area. The improvement proposed also ties in with the future development of Mountainview Drive.

Proponent: Terry Mahr, P. O. Box 511, Newberg, representing David F. Abbott stated his client desires to maintain the integrity of the neighborhood. He narrated a short slide presentation indicating the property location from aerial photos and included some photographs of other sites whose ideas would be hopefully incorporated into the proposed project.

He indicated that this site was conducive to solar housing and would strive for inclusion of many solar features in development of the site. The applicant proposes to include a mixture of housing to allow for a mixed use neighborhood. He suggested the Commission review the application presented with Staff requirements in mind.

He was asked if the general intent of the development was to create a general mixture of style, quality and price as suggested by the slide show and his response was in the afirmative.

Mr. Cach asked what assurance the City has that this property will be solar oriented. A general discussion followed relating to what a PUD overlay would allow as regards control over the development and its contents.

Mr. Mahr indicated that approximately 100 units would be constructed on combination of the R-1 and R-2 portions of the property. The applicant would be placing additional conditions above and beyond what the City requirements state. A Homeowner's Association would be responsible for maintenance of the area.

Staff entered Newberg Zoning Ordinance Section 456-Subsection 7 relating to convenience commercial into the record.

Questions to Proponent:

William Coffield--Rt. 2, Box 431 asked for clarification of the well site. Mr. Nulsen indicated location of well site on ADEC property. Mr. Coffield asked what the status of the PUD plans were and what conditions were available. Mr. Mahr indicated he did not have architect's drawings on the site yet. He further indicated his client would be happy to correlate efforts for development with the neighboring property owners.

Mr. Coffield indicated that currently the property is zoned AF-10 and he indicated to Mr. Mahr the need to keep agricultural uses in the area in mind during development.

The commissioners questioned various points of PUD implementation including solar control, perimeter fencing and housing range.

Proponent: David Abbott, Rt. 2, Box 266, the applicant spoke to questions relating to implementing solar uses, perimeter fencing and the types of housing to be built.

Mr. Nulsen was asked who owns the property to the west of Zimri and north of Mountainview Drive. He indicated Mr. Moe currently owns the property and ADEC does not.

The commission asked Mr. Mahr what consequences a delay of one month for additional hearing would cause. Mr. Mahr responded that any delay during the planning was undesireable and would set back the project progress.

Opponent: None

Public Agencies: No adverse response other than indicated in the staff report.
No letters were received.

One phone call was recorded with information as to hearing date and opportunity to speak identified to caller. No further correspondence was received.

Staff Recommendation: Mr. Moorhead commended Mr. Mahr for his addressing of the criteria and indicated that it is unusual for preliminary conditions to be established such as those suggested by the applicant voluntarily. Staff recommended approval of the request for annexation. He suggested that if the Commission had any reservations they should consider postponement until all of their questions had been responded to adequately.

Motion: Kriz-Youngman to continue hearing ANX-4-81/Z-3-81 to October Planning Commission to allow time for additional questions to be resolved. Motion was withdrawn from consideration prior to vote.

Discussion as to possible future hearings on this request followed.

Public Hearing Closed.

Motion: Bowlby-Stanley to recommend to City Council approval of ANX-4-81/Z-3-81, annexation of a 20± acre parcel and a 1± acre parcel to the City of Newberg, together with a zone change request from County AF-10 (Agricultural-Forestry/10 acre minimum) to a City R-1 (Low Density Residential) zone on the northern 10± acres and a City R-2 (Medium Density Residential) zone on the southern 10± acres with a PUD overlay zone and withdrawal from the Newberg Rural Fire Protection District based on findings 1-9 in the Staff Report, Applicant's conclusionary findings and applicant's proposed conditions. Vote: Aye--Cach, Kriz, Poet, Tumbleson, Parisi-Mosher, B owlby, Harris, Youngman, Stanley. Nay--None. Motion Carried (9-0).

Motion: A motion was unanimously passed to continue hearing until 12:00 P.M.

Old Business:
Clay Moorhead related some information regarding recently attended seminars. Bob Youngman and Jane Parisi-Mosher stated they both learned a lot when they attended also.

New Business:
Staff requested consideration of a date change for next month's (October) Planning Commission date. Due to a scheduling conflict, Thursday, October 22, 1981 was recommended for next meeting date. This date was unanimously accepted. October Planning Commission will convene Oct. 22, 1981, Thursday, at 7:00 P.M. in the Council Chambers.

The Commission was notified of CIAC meetings scheduled for September 22 and October 13, the subject under discussion being site review.

Staff was asked what the Planning Commission could do to encourage the Council's immediate attention to the sewage problem. Mike Warren, City Administrator responded that the sewage treatment plant would probably be the No. 1 priority on the Mayor's Task Force list.

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

CITY OF NEWBERG
414 E. First Street Newberg, OR 97132

STAFF REPORT
August 18, 1981

TO: Planning Commission

FROM: Planning Staff

RE: An appeal of the Newberg Planning Director's decision which denied a variance request for the purpose of expanding a commercial office use without providing additional off-street parking spaces as required by Section 522-536 of the Newberg Zoning Ordinance.
Location: 210 S. College
Applicant: Herb & Margaret Swift
Tax Lot: 3219AA-13800
File No: Appeal-2-81

Exhibits:

1. The Acknowledged Newberg Comprehensive Plan
2. Newberg Zoning Ordinance
3. File No. V-5-81

Findings:

1. The subject property is located on College Street between Second and Third. Currently, the site consists of 1 older, two story single family house which has been converted into the offices of Swift & Swift, Attorneys at Law and an apartment on the upper floor. The property has been used for these purposes for approximately a 20 year period.

2. The applicant's had requested a variance to the off-street parking requirements for the purpose of constructing an addition onto the existing building without providing any additional off-street parking spaces. When the property was initially converted from residential to commercial uses some 20 years ago, there were no specific parking requirements. Presently, under the existing zoning ordinances, one off-street parking space would be required for every 400 sq. ft. of gross floor area used as office spaces, and in addition, one parking space is required for every residential dwelling unit located above a commercial use. Using this criteria, the existing structure without the proposed addition would be required to have 4 off-street parking spaces. The subject property is now considered to be a "pre-existing, non-conforming use". A non-conforming use is a use of a building or land which was lawful prior to the existence of the current zoning regulations but which is not permitted at the present time. These provisions are allowed to continue under the non-conforming use "grandfather" clauses identified within the Zoning Ordinance, however the Ordinance

explicitly does not encourage their survival. The provisions of Section 572-586 entitled "General Provisions-Non-Conforming Uses" further states that it is the intent of the Zoning Ordinance that non-conformities shall not be enlarged upon, expanded or extended except as specifically provided for within those sections. The addition or expansion onto the building without providing additional off-street parking spaces would make the existing use of the property more non-conforming to the Zoning Ordinance. The expansion of this non-conforming use would be permitted if the use could be brought into conformance with the Zoning regulations through the expansion. The applicant did not wish to provide additional parking spaces as part of the expansion to the building, and therefore, has requested a variance to the required number of off-street parking spaces. With the additional square footage proposed, a total number of 6 off-street parking spaces would be required in order that the use could conform to the current Zoning codes.

3. The applicant requested a variance to the off-street parking requirements on June 17, 1981. A copy of the variance application is included with this staff report.

4. Variances are processed through the procedures identified in Section 672-694 of the Newberg Zoning Ordinance. The City Planner has the initial authority to grant or deny variance requests based upon certain criteria. In order to grant a variance request, the City Planner must find, through investigation and evidence submitted that all of the following findings can be made.

A. That strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
D. That the granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
E. That the granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
F. That neither present nor anticipated future traffic volumes generated by the use of the site or use of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
G. That the granting of the variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
H. That the granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning ordinance.

To the greatest extent possible, the City Planner must not make discretionary decisions relating to various requests. A variance should only be approved by the City Planner after it has been shown that there is compelling evidence to satisfy the above mentioned criteria.

5. On July 10, 1981 the Newberg Planning Department responded to the request for a variance. The Newberg City Planner denied the request for the variance based upon the following findings:

A. That a strict or literal interpretation and enforcement of the specified regulation relating to the parking requirement would not result in a practical difficulty or unnecessary hardship as there is no supporting data which would indicate that the adjoining property owners, under the name of R & T, Inc. could not be utilized to comply with the parking provision.

B. That there is no exceptional or extraordinary circumstances or conditions applicable to this property which do not generally apply to other properties classified as C-2 (Community Commercial) in the area (most notably lying south of Second Street between Main and River Streets).

C. That a strict or literal interpretation and enforcement of the specified regulation would not deprive the applicant of privileges enjoyed by other owners of property in the same zoning district, as this variance has not been customarily authorized for other properties which have the same circumstances involved.

The notice of denial from the Newberg Planning Department is attached for your review.

6. The applicant has now appealed the decision of the Newberg City Planner. Appeals of the City Planner's decision relating to variances are taken to the Newberg Planning Commission for review. The Commission may reverse or affirm, wholly or partly, or may modify or amend the order, requirement, decision or determination appealed from, to the extent and in the manner that the Commission may decide to be fitting and proper on the premises. To that end, the Commission shall also have all of the powers of the Newberg City Planner in making a decision regarding the variance request.

Observations:

In reviewing this matter, it was not demonstrated by the applicant that additional parking spaces could not be adequately situated on the subject property. In addition, it appears that the applicant has some interest in the two adjoining properties located directly east of the subject property. Adequate area within these properties does exist to provide the additional parking spaces.

In making a decision relating to this request, the Planning Commission may be establishing a policy relating to further variance requests of other properties within the community. Specifically, there are many older, single family houses located on the south side of Second Street and the north side

of Hancock Street which are zoned Commercial and are expected to be utilized for such purposes over the next 20 year planning period. These older homes are found on lots which vary in size, many of which are in a similiar circumstance as the applicant's relating to off-street parking. This situation is and will continue to be a problem for these specific areas of town when conversion of these buildings are made.

Comprehensive Plan:

The following policies are found within the Newberg Comprehensive Plan and relate to this request. These policies should be utilized in making a determination relating to this matter.

A. The City shall encourage economic expansion consistent with local needs. Such expansion shall include the addition of new industrial and commercial operations as well as the growth of existing industries and businesses. (The Economy - General, Policy No. 2)
B. Economic expansion shall not exceed the carrying capacity of the air, water, or land resource quality of the planning area. (The Economy - General, Policy No. 5)
C. The City shall encourage the retention of the downtown core as a primary shopping, service and financial center for the Newberg area. New commercial developments shall be encouraged to locate there. (The Economy - Commercial Areas, Policy No. 1)
D. Non-residential uses abutting residential areas should be subject to special development standards in terms of set-backs, landscaping, sign regulation, building height and design. (Urban Design - General, Policy No. 5)
E. Existing development shall be encouraged to follow the same general design standards as new commercial development. (Urban Design - Commercial Areas, Policy No. 3)
F. Hazardous road sections and intersections shall be examined in detail and recommendations shall be made for improvement. (Transportation, Automobile, Policy No. 4)
G. To encourage the development of a safe, convenient and economic transportation system through a variety of transportation means. (Transportation Goal No. 1)
H. Services shall be planned to meet anticipated community needs. (Public Facilities and Services, All Facilities and Services, Policy No. 4)

Recommendation:

In making a decision on this matter, the Planning Commission must either find that the applicant's request conforms to the criteria for a variance which is mentioned in this report or find that the applicant's request does not conform to one or more of the criteria. In addressing these findings, the Planning Commission should look at the testimony and arguments submitted to determine what are the compelling factors involved. It is the burden of the applicant to provide arguments and testimony which would compel you to make each of the necessary findings as required through the variance provision. Conversely, if compelling arguments are not found for each of the above mentioned findings, then this would be grounds to affirm the decision of the Newberg Planning Director.

CITY OF

NEWBERG

414 E. First Street Newberg, OR 97132

September 18, 1981

Bob Swift
210 S. College
Newberg, OR 97132

RE: Appeal-2-81, an appeal of the Newberg Planning Director's decision which denied a variance request relating to to off-street parking

Dear Mr. Swift,

On September 17, 1981 the Planning Commission reviewed the material relating to an appeal of the Planning Director's decision regarding the above referenced file. The Commission made a decision to sustain the Planning Director's decision based upon staff report findings.

An appeal of this decision may be made by the applicant, an adjoining property owner, or any person, firm or corporation affected by the decision. Any request for an appeal to this decision must be made within 10 days of the date of this letter by filing notice of appeal with the Newberg Planning Department. A notice requesting an appeal of this decision must specify how the Planning Commission, in making its decision, failed to accurately interpret the specified regulations. Any appeal will stay all action of this request until the appeal is resolved.

Sincerely,

Clay W. Moorhead

Clay W. Moorhead
Planning Director

CWM:bym
cc: City Attorney
City Administrator
Building Dept.
Adjoining Property Owners

VI 1

File No. Appeal-2-81
Fee N/A
Date 8-18-81
Receipt No. N/A

APPEAL OF PLANNING DIRECTORS DECISION

TO

THE PLANNING COMMISSION

* *

OWNERS: Herbert Swift and Margaret Swift

ADDRESS: 210 S. College Street, Newberg, Oregon

TELEPHONE: 538-2188

REASON FOR VARIANCE REQUEST: To allow for the construction of an additional room on the law office of SWIFT & SWIFT

TAX LOT NO. R3219AA 13800

In answer to Criteria for Variance Request:

1. That the undersigned is the applicant for the variance which has been denied and is therefore the proponent of the variance. Applicant has been adversely affected by denial of this variance.

2. (A) That a strict or literal interpretation and enforcement of the specified regulation would result in causing an impossible situation and therefore an unnecessary hardship because the R & T property located on the East boundary of proponents property is not available for sale.

   (B) Proponents property has not only been a commercial entity for approximately 20 years, it has been so zoned except for a short period of time which change was by Legislative action and has now been rectified. Therefore the classification of proponents property is not the same as other properties on South Second Street between Main and River or Hancock between Main and River, because it has been a commercial entity for approximately 20 years and not residential property in a commercial zone. In other words this property which was a commercial entity and at the time it became a commercial entity, complied with the then existing planning requirements. Residences in the commercial area, last here in before mentioned, to become commercial would be required to comply with present

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existing planning requirements just as proponent was required to at the time his commercial entity came in to being. Taking the fact that proponent can not acquire space outside his present existing lot on which to allow parking and the fact that if he is to maintain a vital commercial endeavor, he must expand his office building. The denial of his variance treats him exactly the same as if the property in question were a non-conforming use.

(C) Proponent has maintained his law office in the same location for 20 years. The requested expansion of his building is absolutely necessary to the maintenance of said office. Proponent, Herbert Swift, plans to retire and the additional space is required to allow another lawyer in the office during the transition while Herbert Swift is also in the office. The present facility is not of sufficient size to accomodate two lawyers. As a matter of fact, the expansion is required because the library is now filled to overflowing and there is no room for additional files or storing of office supplies

DATED this 17th day of July, 1981.

Herbert Swift

Applicant Herbert Swift
by Robert Swift his authorized Agent

Margaret Swift

Applicant Margaret Swift
by Robert Swift her authorized Agent

NOTICE OF AN APPEAL

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Newberg Planning Commission on August 18, 1981 at 7:00 P.M. in the Council Chambers, 414 E. First Street, Newberg, Oregon regarding the following matter:

Request:	An appeal of the Newberg Planning Director's decision which denied a variance request for the purpose of expanding a commercial office use without providing additional off-street parking spaces as required by Section 522-536 of the Newberg Zoning Ordinance.
Location:	210 S. College
Applicant:	Herb & Margaret Swift
Tax Lot:	3219AA-13800

Any person wishing to speak for or against the decision may do so in person or by attorney at the public hearing. Also, written objections may be filed with the City Recorder, City Hall, Newberg, Oregon, at any time prior to the scheduled public hearing.

Arvilla Page
City Recorder

PLEASE NOTE: PREVIOUS NOTICE OF AN APPEAL INDICATED INCORRECT APPLICANT. APPLICANT SHOULD BE THOSE INDICATED ABOVE.

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CITY OF NEWBERG
1893
OREGON

CITY OF

NEWBERG

414 E. First Street Newberg, OR 97132

10 July 1981

Herb & Margaret Swift
210 S. College
Newberg, OR 97132

RE: File No. V-5-81, Request for a variance to the parking space requirements in order to allow an addition on to the existing structure comprising approximately 645 sq. ft. in area.

Dear Mr. & Mrs. Swift,

Please be advised that the above referenced variance application has been denied based upon the following:

1. That a strict or literal interpretation and enforcement of the specified regulation relating to the parking requirement would not result in a practical difficulty or an unnecessary hardship as there is no supporting data which would indicate that the adjoining properties under the name of R & T Incorporated could not be utilized to comply with the parking provision.

2. That there are no exceptional or extraordinary circumstances or conditions applicable to this property which do not apply generally to other properties classified as C-2 (Community Commercial) in the area (most notably lying south of Second Street between Main and River Streets).

3. That a strict or literal interpretation and enforcement of the specified regulation would not deprive the applicant of privileges enjoyed by other owners of property in the same zoning district as this variance has not been customarily authorized for other properties which have the same circumstances involved.

This letter represents the decision of the Planning Department relating to this variance request. This decision may be appealed by any person, firm or corporation affected by this decision within 10 days of the date of this notice. To file an appeal relating to

this decision, you must contact the Newberg Planning Department to receive an appeal application form. The form must be completed in full and submitted to the office of the Planning Department within the 10 day period. An appeal to this decision will be taken to the Newberg Planning Commission who may reverse or affirm this decision.

If you have any questions relating to this matter or wish to review the file, feel free to contact our office.

Sincerely,

Clay W. Moorhead

Clay W. Moorhead
Planning Department

CWM:bym
cc: City Administrator
City Attorney
Adjoining Property Owners

File No. V-5-81
Fee 50.00
Date 6-17-81
Receipt No. 2379

VARIANCE APPLICATION
LOADING AND PARKING OFF-STREET

* *

OWNERS: Herbert Swift and Margaret Swift

ADDRESS: 210 S. College Street, Newberg, Oregon

TELEPHONE: 538-2188

REASON FOR VARIANCE REQUEST: To allow for the construction of an additional room on the law office of Swift & Swift

TAX LOT NO. R3219AA 13800

* *

1. In answer to Criteria for Variance Request:

A. The two churches, one adjacent and one within one-half block of the property in question, have no traffic or parking at all during commercial business hours. The adjacent commercial areas, either have existing off-street parking or adequate space to provide same as if they were commercially developed.

B. No loading or unloading of vehicles is required by the property in question, and there will be no interference with the free flow of traffic on College Street, in that the granting of this variance would not increase the flow of traffic due to the fact that there is ample existing parking on both sides and the same is never half-full during work days Mondays through Fridays.

C. Due to the fact that ample public parking is available on College Street, there will be no safety hazard caused by granting this variance, and further, if off-street parking were required, a hazard would be created because of limited visibility for cars entering and leaving the property in question, and the addition of a perpendicular traffic flow into College Street between Second and Third streets. No

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objections of the zoning ordinance will be adversley effected by granting this variance.

DATED this 16th day of June, 1981.

Herbert Swift

Applicant Herbert Swift

Margaret Swift

Applicant Margaret Swift

II 1

File No. V-5-81
Fee 50.00
Date 6-17-81
Receipt No. 2379

VARIANCE APPLICATION
STANDARD

* *

OWNERS: Herbert Swift and Margaret Swift

ADDRESS: 210 S. College Street, Newberg, Oregon

TELEPHONE: 538-2188

REASON FOR VARIANCE REQUEST: To allow for the construction of an additional room on the law office of Swift & Swift

TAX LOT NO.: R3219AA 13800

* *

1. In answer to Criteria for Variance Request:

A. The lot size was originally 60' x 100', now is actually 94' x 60', caused by the fact that along the east boundary of said property 6' was adversley possessed by the neighboring property. Also, an attorney's office does not require the amount of parking an ordinary commercial zone would require, it has much less traffic.

To require off-street parking on the lot in question would cause an additional traffic hazard due to the following facts:

1) On leaving the off-street parking area, the buildings presently existing would conceal vehicles coming onto the public street; and

2) There is insufficient space to allow a drive-thru and the exit and entry would have to be the same location.

B. The lot is 60' wide, has no access to an alley, and is not on a corner lot and therefore has access to only one street in front of the building.

C. This regulation deprives the property in question as it is not a corner lot and has access to only one street, not two as corner lots do, and also does not have access to public parking as some commercial property does.

In the commercial zone of Newberg between Main and River street there are five blocks including the one in question, which do not have

an alley to provide access. Four of these are the blocks between Hancock, Sheridan, College and River streets. The only commercial endeavor in this area which has off-street parking is Gainer's Florist and it has access to two streets, Hancock and Meridian, and two car lots. The block in question as originally platted was approximately 50' short of College Street, therefore, no alley could be placed in the block in a position to serve this particular lot.

D. Because of the practical difficulties, physical hardships and exceptional and extraordinary circumstances set forth in A, B, and C above, a special privilege would not be granted by allowing this variance because there are no other properties in the commercial zone of Newberg which have the above-mentioned problems.

D. The public street in front of the property in question is extraordinarily wide and will easily accommodate two-way traffic, along with parking on both sides which is allowed. Further, at no time are the parking spaces within 100' of the property in question one-half filled, except on Wednesday nights and Sundays, when the churches located at Third and College and Second and College are in use.

DATED this 16 day of June, 1981.

/s/ Herbert Swift

Applicant Herbert Swift

/s/ Margaret Swift

Applicant Margaret Swift

IV 1

MEMO

TO: City Council DATE: October 1, 1981

FROM: City Administrator

SUBJECT: Annexation request for David Abbott and ADEC.

The 21+ acres in question will be somewhat unique for the City of Newberg. It represents good quality housing and has had some very restrictive measures put on the project to insure a quality area. The developer, Mr. David Abbott, has been most cooperative and is very willing to proceed.

The Planning Commission has reviewed this matter and recommended to the City Council for approval the annexation request and rezoning of the property from a County zoning to a City R-1 low density zone on the northern half of the subject property and a R-2 density residential on the southern half of the subject property. The entire project will be a PUD.

It is my recommendation that we allow the annexation to occur and the project to begin.

Michael Warren
City Administrator

MW/bjm

Enc.

MEMORANDUM
September 29, 1981

TO: Mike Warren

FROM: Clay Moorhead

RE: ANX-4/Z-3/PUD-81, Public hearing, annexation request for David F. Abbott and ADEC. Annexation of a 20 acre parcel and a 1± acre parcel to the City of Newberg together with a zone change from County AF-10 to a City R-1 zone on the northerly 10 acres and a City R-2 zone on the southerly 10 acres with a Planned Unit Development (PUD) overlay zone and withdrawal from the Newberg Rural Fire Protection District on property located north of Mountainview Drive and east of Zimri Drive. Tax Lot No.s 3209CD-300 & 3209-2600

On September 17, 1981 Newberg Planning Commission met and reviewed the above mentioned annexation request. After an extensive hearing on the matter, the Planning Commission made a recommendation to the City Council that they approve the annexation request and rezone the property from a County zoning to a City R-1 (Low Density Residential) zone on the northern half of the subject property and an R-2 (Medium Density Residential) zone on the southern half of the subject property together with placing a Planned Unit Development zoning sub-district overlay over the property. The Planned Unit Development overlay was initially suggested by the developers. This overlay will set forth certain conditions which the developers will have to adhere to in designing the overall development scheme of this property. The applicants will present a slide show to indicate to the Council their intent for the design of a housing development on the subject property. Attached is an ordinance which has been prepared for approval of this request which references to a resolution containing the applicant's proposed site conditions for development of the property, the minutes from the Newberg Planning Commission Hearing on September 17, 1981, the Planning Department Staff Report and the applicant's application together with maps.

ORDINANCE NO.

AN ORDINANCE DECLARING CERTAIN TERRITORY ANNEXED TO THE CITY OF NEWBERG, RE-ZONED FROM A COUNTY ZONING DISTRICT TO A CITY R-1 (LOW DENSITY RESIDENTIAL) AND R-2 (MEDIUM DENSITY RESIDENTIAL) ZONING DISTRICT TOGETHER WITH A PLANNED UNIT DEVELOPMENT SUB-DISTRICT OVERLAY AND WITHDRAWAL OF THE SUBJECT PROPERTY FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT.

WHEREAS, The owner's of the territory hereinafter described have requested annexation to the City of Newberg, a rezoning from a County zoning designation to a City R-1 (Low Density Residential) and R-2 (Medium Density Residential) zoning district with a Planned Unit Development sub-district overlay and withdrawal from the Newberg Rural Fire Protection District, and

WHEREAS, The described territory is contiguous to the City of Newberg by inclusion of a portion of road right-of-way known as Springbrook Street; and

WHEREAS, The property owners within said territory desire the same to be annexed to the City of Newberg and zoned appropriately within the City in order that the said territory may obtain access to utilities and services from said City and said owners of said territory have consented in writing to the annexation as provided for in ORS 222.120 and ORS 222.170, and their written consent thereto is on file in the office of the City Planner of said City; and

WHEREAS, The charter of the City of Newberg does not expressly prohibit the annexation of said territory to said City by the procedure set forth in ORS 222.120; and

WHEREAS, On September 17, 1981 the Newberg Planning Commission did hold a public hearing on these matters and did recommend that the territory be annexed to the City of Newberg, be rezoned from a County zoning designation to a City R-1 and R-2 zones with a Planned Unit Development sub-district overlay and withdrawal from the Newberg Rural Fire Protection District; and

WHEREAS, October 5, 1981 at the hour of 7:30 P.M. in the Council Chambers of the City Hall, Newberg, Oregon, was heretofore set as the time and place for public hearing and the City Council through the Recorder of the City did cause notice of this hearing to be published in accordance with ORS 222.120 and the hearing was held.

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

Section 1. The City Council adopts the findings of fact as presented to the Council from the Newberg Planning Commission from the Planning Commission regular hearing date on September 17, 1981, and a copy is attached as Exhibit A.

Section 2. It is hereby ordered and declared that the territory as described in Exhibit "B" BE AND THE SAME IS HEREBY ANNEXED AND WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT.

Section 3. The property described in Section 2 above is hereby re-zoned from a County zoning designation to a City R-2 (Medium Density Residential) zoning designation on the southerly 450± feet and a City R-1 (Low Density Residential) zoning designation on the balance of the property lying to the north. These zoning designations shall coincide with those land use designations identified on the Newberg Comprehensive Plan.

Section 4. A Planned Unit Development sub-district overlay zone is hereby placed on the subject property in accordance with Sections 270 - 284 of the Newberg Zoning Ordinance. The Planned Unit Development sub-district overlay zone provides for certain requirements and conditions to be followed in developing the subject property. These requirements and conditions are identified in Resolution No. a copy of which is attached hereto.

Section 5. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer and the Yamhill County Assessor a certified copy of the following documents:

1. A copy of this ordinance
2. A copy of Resolution No.
3. A copy of the written consent of the landowners in said territory
4. A copy of a map identifying the subject property

PASSED by the Council of the City of Newberg this 5th day of October, 1981 by the following votes:

AYES: NAYS: ABSENT:

_____
Arvilla Page - Recorder

APPROVED by the Mayor this 5th day of October, 1981.

_____
Elvern Hall - Mayor

FINDINGS OF FACT
ANX-4/Z-3/PUD-81

1. The subject property is currently zoned by the County under an AF-10 (Agricultural/Forestry-10 Acre Min. lot size) zoning district.

2. The subject property is located within the Newberg Urban Growth Boundary as identified by the acknowledged Newberg Comprehensive Plan.

3. The acknowledged Newberg Comprehensive Plan designates the subject property for low density residential uses on the northern 10± acres and designates the southern 10± acres for medium density residential uses.

4. Currently, the City limits line abuts the Southern Pacific Railroad right-of-way at the intersection of Springbrook Road. The applicant's property is located approximately 170 feet north of the existing City limits line. The applicants are proposing that this small section of road be annexed as a part of their annexation proposal in order that the site may be contiguous to the City limits. The site is not annexable by the City or to the City unless it is contiguous on at least one point to the Newberg City limits boundary.

5. The applicants are requesting a zone change from County AF-10 to a City R-1 and R-2 zones and to be consistent with the designations of the Newberg Comprehensive Plan. The applicant is further requesting that a Planned Unit Development sub-district overlay be established on the property to provide the City with assurances relating to the quality of development within the site. As part of this Planned Unit Development sub-district overlay, the applicant has agreed to certain preliminary conditions which will be established to commit the property to a specific type of development.

6. The request for annexation was initiated by consent petition of the property owners and does meet the requirements set forth in ORS 222.170. The owners of the subject property are being represented by two attorneys. The owners of the 20 acre parcel is Anna M. & James P. Morgan. David F. Abbott has placed an option to purchase upon this property and these people are being represented by Terrance D. Mahr, Attorney at Law, Newberg. In addition, there is a smaller parcel which contains approximately 1 acre which is owned by A/DEC which is an industrial corporation within the City of Newberg. The A/DEC property is being represented by Jack C. Nulsen, Jr., Attorney at Law, Newberg.

7. The applicant has supplied a detailed application for the annexation and zone change upon the subject properties. The applicant has addressed issues relating to conformity to the Comprehensive Plan, agricultural lands, open space, scenic resources, housing, urban design, industrial areas, transportation, automobile access, public facilities and services, energy and urbanization. In addition, the applicant has evaluated the request pursuant to Ordinance No. 2012 which is the annexation ordinance of the City of Newberg.

8. The subject property is bounded by Mountainview Drive on the south and Zimri Drive on the west. The subject property has a south facing slope which is conducive to solar access. The slope varies from 5 - 20%.

9. Notice of this request was sent to City Staff, Yamhill County Planning Department, Newberg School District and the Southern Pacific Transportation Company. As of the writing of this report, no adverse comments have been received. The Engineering Dept. did indicate within their referral that sewer and water are not available to the site, but could be extended to serve the property. They further indicated that the availability of capacity of both the sewer and water will be determined at the time building permit applications are made. The Engineering Dept. further indicated that a drainage system will need to be extended to the site if development is to occur, and that additional right-of-way will need to be dedicated to the City along Zimri Drive and Mountainview Drive once development occurs.

Right-of-way can be required at the time that a land division takes place through a PUD process. With the establishment of a PUD zoning overlay, it will be required that the developer come back for preliminary approval of the site development. At the time that preliminary approval is requested for the site development the right-of-ways can be acquired, sewer and water systems can be installed and the drainage system can be extended. These items would all be at the expense of the developer. It is not anticipated that the City would participate in the development of these services to the site.

ADDITIONAL FINDINGS OF FACT

1 and 2. Agricultural Lands - Policy nos. 1 and 2 - The annexation of this property meets the Agricultural Lands policy of the Comprehensive Plan by being an orderly and efficient transition from rural to urban land uses.

The property is a logical extension of rural development at the northerly end of Springbrook Rd., which has had adjacent to it extensive urban development. The property is also within the Urban Growth Boundary

3. Air, Water and Land Resource Quality - Policy No. 1 - The development of this property does not exceed the carrying capacity of the air, water or land resources base. The City Engineering Department has indicated there is adequate capacity to provide sewer and water services to this property, with the developer extending the necessary facilities, as is customary in development.

4. Housing, Location - Policy No. 1 - The services shall be available to this property for development by extension of the services to the property by the developer. It is customary in development for the

developer to be responsible for this cost of extension. The main facilities (sewer plant and water wells and main lines) have the capacity to handle this development.

4. Urban Design - Policy No. 3 - Design review is provided in the development because it has a PUD overlay. The procedure for approval of a PUD development encompasses intense design review by the City and public hearings.

5. Transportation - Policy No. 4 - Springbrook Road has recently undergone major street improvements. Mountainview Drive shall be improved in conjunction with this development. This development, with the Mountainview Drive improvement, would be an additional extension of the proposed east-west northern minor arterial (Mountainview Drive). The transportation improvements in this area warrants further urban development in that area.

6. Public Facilities and Services, All Facilities and Services - Policy No. 1 - The annexation and development of this property provides for an orderly progression of residential development. It helps Newberg maintain its community identity by development of a unique, quality and desirable living environment. The extension of urban service to this property is a logical extension. The property is located within the Urban Growth Boundary which designates urbanizable lands.

7. Urbanization - Policy No. 2 - The City, in its Comprehensive Plan, states that it shall encourage urban development within the City limits This property shall not be developed unless it is annexed, therefore, it would be within the City limits.

The property should be brought into the City limits because of its unique land configuration (southern slope with 5-20% slope). There is no other land within the city limits with this type of southern slope.

The property is not presently within the city limits, but the other policy considerations override this factor.

8. Urbanization - Policy No. 5 - The annexation application is in conformity with the criteria stated in the Comprehensive Plan, page 28, Policy No. 5 - Annexation Criteria.

The annexation application is compatible in conformity with the Comprehensive Plan and therefore, with the statewide planning goals, since it is an acknowledged Comprehensive Plan. This application provides for the orderly and unique provisions of public facilities and services as stated in the above finding addressing that public facilities.

When analyzing the environmental unique energy and social impacts of the proposed annexation with the PUD overlay and solar possibilities,

the development of this property would have positive benefits to the community. The development, with the applicable zoning restrictions, will be compatible with the existing uses on the adjoining property. It will likewise be compatible with the future development, if that development is in conformity with the Comprehensive Plan.

9. Urbanization - Policy No. 6 - The proposed development would not create excessive public cost or impact on the surrounding area. The development is in conformity with the Comprehensive Plan and that document guides the development of property within the Urban Growth Boundary and has provided for impact considerations.

10. Urbanization - Policy No. 8 - This annexation would not create an island of non-incorporated territory. The annexation would not create an unduly confusing city boundary.

RESOLUTION NO.

A RESOLUTION SETTING FORTH CERTAIN REQUIREMENTS AND CONDITIONS ESTABLISHED AS PART OF A PLANNED UNIT DEVELOPMENT SUB-DISTRICT OVERLAY ZONING DESIGNATION ON PROPERTIES DESCRIBED AS YAMHILL COUNTY TAX LOT NUMBERS 3209CD-300 and 3209-2600.

WHEREAS, The City Council of the City of Newberg has annexed, re-zoned and placed a Planned Unit Development Sub-district overlay designation through adoption of Ordinance No. ; and

WHEREAS, Ordinance No. more accurately identifies the property subject to this resolution; and

WHEREAS, The Planned Unit Development sub-district overlay zoning district provides that certain requirements and conditions may be established relating to the development of properties within the City of Newberg.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NEWBERG, OREGON THAT THE FOLLOWING CONDITIONS AND REQUIREMENTS ARE HEREBY ESTABLISHED AS PART OF A PLANNED UNIT DEVELOPMENT OVER-LAY RELATING TO PROPERTY DESCRIBED IN ORDINANCE NO. , TO-WIT.

SITE CONDITIONS

1. Street tree plan - the PUD shall have a street tree plan designation trees or appropriate shrubbery to be located along public and private streets, with the exception of minor private streets or roadways. This plan shall be submitted to the Planning Department.

2. Integrated recreation trail - the usable common area will provide, within the PUD development, an integrated recreational trail which can be utilized by the residents.

3. Landscaping - the common area shall be landscaped in accordance with a landscape plan. All outdoor areas will be regulated through Homeowner's Association, in accordance with landscape conditions established by them.

4. Perimeter distinction - the outside perimeter adjacent to Mountainview Drive, and the outside perimeter adjacent to Zimri Drive, shall have, along the entire length, a landscape feature to make the development distinguishable from other developments within the City. The landscape feature can consist of vegetation, walls, fence, and any combination thereof.

ADDITONAL CONDITIONS

5. The intention is to develop the property with maximum use of the solar energy advantage of the southern slope. The developer shall address the consideration of best access for each building for solar energy. Consideration shall be given to shadow patterns, east-west orientation of streets, building height restrictions, lot size and shape, and building design.

6. The developer shall secure and adopt necessary covenants and restrictions to protect solar access when solar development occurs.

7. The Homeowner's Association shall manage the vegetation within the common area to protect the solar access of all residences.

HOUSING CONDITIONS

1. The PUD will have a mixture of housing styles, which may be comprised of single family attached and detached homes, condominiums and neighborhood commercial and recreational, if appropriate.

2. All units will be approved as to design orientation on site, and architectural compatibility as to color schemes, fence designs, roof quality by the architectural committee established through the Homeowner's Association. Approval will be necessary before construction.

3. The architectural committee of the Homeowner's Association shall contain a member designated by the Planning Director of the City of Newberg.

4. The intention of the developer is to have residential units built with passive solar features.

5. All residential units will have double-wall construction. No T 1/11 siding will be used. No three-tab or tee-lock asphalt shingles or fiberglass baseshingle i.e. Glass Guard or Certain Teed, or the equivalent shall be used.

PASSED by the Council of the City of Newberg this 5th day of October, 1981 by the following votes:

AYES: NAYS: ABSENT:

_____
Arvilla Page - Recorder

APPROVED by the Mayor this 5th day of October, 1981.

_____
Elvern Hall - Mayor

CITY OF NEWBERG
NEWBERG
414 E. First Street
Newberg, OR 97132

STAFF REPORT

SEPTEMBER 17, 1981

TO: Planning Commission

FROM: Planning Department

RE: ANX-4/Z-3/PUD-81
Applicant: ADEC, David F. Abbott
Request: Annexation of a 20± acre parcel and a 1± acre parcel to the City of Newberg, together with a zone change from County AF-10 (Agricultural-Forestry/10 Acre min.) to a City R-1 (Low Density Residential) zone on the northern 10± acres and a City R-2 (Medium Density Residential) zone on the southern 10± acres with a PUD overlay zone and withdrawal from the Newberg Rural Fire Protection District
Location: North of Mountainview Drive and east of Zimri Drive
Tax Lot: 3209CD-300 and 3209-2600

EXHIBITS:

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

FINDINGS:

1. The subject property is currently zoned by the County under an AF-10 (Agricultural/Forestry-10 Acre Min. Lot Size) zoning district.

2. The subject property is located within the Newberg Urban Growth Boundary as identified by the acknowledged Newberg Comprehensive Plan.

3. The acknowledged Newberg Comprehensive Plan designates the subject property for low density residential uses on the northern 10± acres and designates the southern 10± acres for medium density residential uses.

4. Currently the City limits line abuts the Southern Pacific Railroad right-of-way at the intersection of Springbrook Road. The applicant's property is located approximately 170 feet north of the existing City limits line. The applicants are proposing that this small section of road be annexed as a part of their annexation proposal in order that the site may be contiguous to the City limits. The site is not annexable by the City or to the City unless it is contiguous on at least one point to the Newberg City limits boundary.

5. The applicants are requesting a zone change from County AF-10 to a City R-1 and R-2 zones and to be consistent with the designations of the Newberg Comprehensive Plan. The applicant is further requesting that a Planned Unit Development sub-district overlay be established on the property to provide the City with assurances relating to the quality of development within the site. As part of this planned unit development sub-district overlay, the applicant has agreed to certain preliminary conditions which will be established to commit the property to a specific type of development.

6. The request for annexation was initiated by consent petition of the property owners and does meet the requirements set forth in ORS 222.170. The owners of the subject property are being represented by two attorneys. The owner of the 20 acre parcel is Anna M. & James P. Morgan. David F. Abbott has placed an option to purchase upon this property and these people are being represented by Terrance D. Mahr, Attorney at Law, Newberg. In addition, there is a smaller parcel which contains approximately 1 acre which is owned by A/DEC which is an industrial corporation within the City of Newberg. The A/DEC property is being represented by Jack C. Nulsen, Jr., Attorney at Law, Newberg.

7. The applicant has supplied a detailed application for the annexation and zone change upon the subject properties. The applicant has addressed issues relating to conformity to the Comprehensive Plan, agricultural lands, open space, scenic resources, housing, urban design, industrial areas, transportation, automobile access, public facilities and services, energy and urbanization. In addition, the applicant has evaluated the request pursuant to Ordinance No. 2012 which is the annexation ordinance of the City of Newberg.

8. The subject property is bounded by Mountainview Drive on the south and Zimri Drive on the west. The subject property has a south facing slope which is conducive to solar access. The slope varies from 5 - 20°.

9. Notice of this request was sent to City Staff, Yamhill County Planning Department, Newberg School District and the Southern Pacific Transportation Company. As of the writing of this report, no adverse comments have been received. The Engineering Dept.

did indicate within their referral that sewer and water are not available to the site, but could be extended to serve the property. They further indicated that the availability of capacity of both the sewer and water will be determined at the time building permit applications are made. The Engineering Dept. further indicated that a drainage system will need to be extended to the site if development is to occur, and that additional right-of-way will need to be dedicated to the City along Zimri Drive and Mountainview Drive once development occurs.

Right-of-way can be required at the time that a land division takes place through a PUD process. With the establishment of a PUD zoning overlay, it will be required that the developer come back for preliminary approval of the site development. At the time that preliminary approval is requested for the site development the right-of-ways can be acquired, sewer and water systems can be installed and the drainage system can be extended. These items would all be at the expense of the developer. It is not anticipated that the City would participate in the development of these services to the site.

NEWBERG COMPREHENSIVE PLAN:

The following goals and policies found within the Newberg Comprehensive Plan relate to this request.

1. The conversion of urbanizable land from agricultural to urban land uses shall be orderly and efficient. (Agricultural lands - Policy No. 1)
2. Inclusion of lands and agricultural uses within the urban growth boundary is recognition of a committment to future urbanization, as such lands are necessary to meet long-range population needs, based on the criteria outlined on the statewide Urbanization Goal. (Agricultural lands - Policy No. 2)
3. Developments shall not exceed the carrying capacity of the air, water or land resource base. (Air, Water, and Land Resource Quality - Policy No. 1)
4. New developments shall be permitted only when all urban services become available. These services shall include public water and sewers, electric power, solid waste collection, streets, parks, schools, police and fire protection. (Housing, Location - Policy No. 1)
4. Design review should be provided on all new developments more intensive than duplex residential use. (Urban Design - Policy No. 3)
5. Transportation improvements shall be used to guide urban development and shall be designed to serve anticipated future needs. (Transportation - Policy No. 4)

6. The provision of public facilities and services shall be used as a tool to implement the land use plan and encourage an orderly and efficient development pattern. (Public Facilities and Services, All Facilities and Services - Policy No. 1)
7. The City shall encourage urban development within the City limits. (Urbanization - Policy No. 2)
8. Annexations shall be considered on a case by case basis. Criteria to be considered in evaluating annexation requests shall include but not be limited to:
    a. Compatability with the Comprehensive Plan, with statewide planning goals and the needs, policies and plans of public agencies and bodies.
    b. The orderly and economic provision of public facilities and services.
    c. Public costs and benefits including environmental, energy, economic, and social impacts of proposed annexations.
    d. Compatability of proposed uses with existing and future adjoining land uses. (Urbanization - Policy No. 5)
9. If it appears that a proposed annexation would create excessive public cost or impact on the surrounding area, an anaylsis of cost and/or impacts would be required. (Urbanization - Policy No. 6)
10. Annexations shall result in a simple, contiguous City boundary. (Urbanization - Policy No. 8)

ANNEXATION ORDINANCE:

The annexation request is also subject to the recently adopted annexation ordinance of the City of Newberg. This ordinance requires that the City encourage annexations where:

a. The annexation complies with the provisions of the Newberg Comprehensive Plan.
b. The annexation would straighten out boundaries and provide a clear identification of the City.
c. The annexation would benefit the City by adding to its revenues an amount that would at least be equal to the cost of providing services to the area.
d. It would be clearly to the City's advantage to control the growth and development plans for the area.

In addition, the annexation ordinance requires that annexation requests be consistent with the following criteria:

a. Consistency of the annexation in relation to the Newberg Comprehensive Plan and other applicable regulations set forth by the City of Newberg, the State and affected jurisdictions and agencies.
b. The availability of basic public services which include but are not limited to sewer, water, and electricity to the site in adequate quantities to serve the potential

users without adversely affecting the availability of these services to existing users.

c. The impact upon public services which include but are not limited to police and fire protection, schools, hospitals and public transportation to the extent that they shall not be unduly compromised.

d. The need for housing, employment opportunities and livability in the City of Newberg and surrounding areas.

e. The location of the site as to provide for the efficiency in land use in relation to public facilities and services, transportation, energy conservation, urbanization and social impacts.

OBSERVATION:

If the Planning Commission is to approve this request than the Commission should find that the applicant's request substantially conforms to the goals and policies of the Newberg Comprehensive Plan and Annexation Ordinance as mentioned above.

The City has recently caused a study to be made relating to the capacity of the Newberg sewer treatment plant. This study was completed by Robert E. Meyer, Consultants, Inc. The conclusion of the report indicates that there is approximately 21% reserve plant capacity or approximately 4225 population equivalents. This reserve capacity is comparable to 1300 single family residences or approximately 1000 single family residences more than those existing 300 dwellings located within the City limits that remain to be connected to the City's collection and treatment facilities. The report goes on to say that once these 1300 dwelling units are connected, the plant will be at it's full design dry weather capacity. It should also be noted that out of the 1000 remaining potential residences that could be hooked up, there is in the neighborhood of 500 - 700 single family houses that have been already committed through subdivisions and planned unit developments.

The Newberg City Council is aware of this particular problem and it is anticipated that the Council will provide some policy direction for the utilization of the remaining capacity of the plant. At this particular point there does appear to be some additional capacity. The Engineering Department may wish to further comment on this matter at the public hearing.

Although it is difficult to indicate that there is a housing need within our community, if there is 500 - 700 units which are committed but not yet built upon within our housing inventory, the applicant's are proposing a slightly different quality and style housing. The applicant's have proposed to create a high quality solar oriented housing project which would be marketable to moderate and high income levels. Over the previous several years, the predominant housing stock constructed within the City

of Newberg has been moderate to low priced housing. It is essential for the economic well-being of the community to provide a balance of housing styles and price ranges. Within the community there are very few higher end housing projects. This balance of housing styles, values, quality and price ranges provides a more livable and attractive environment for the community and helps to insure that the City functions may continue through the standard budetary processes being subject to voter approval. In looking at this project in terms of need, the Planning Commission may wish to further discuss the issue of balancing the quality and income levels of the housing stock in order to promote a more livable community environment. The applicant's may wish to also speak on this subject.

In order to further establish the intent and quality of the project to be proposed on this site, the applicant's have supplied very specialized conditions. In order to portray the quality proposed for the development, the applicant has put together a slide show which will be incorporated as part of the applicant's presentation at the public hearing. It is the intention of the applicant's to design and construct a development similiar to the concepts portrayed in the slide show. If the site were annexed and rezoned by the City as proposed by the applicant, the applicant would still be required to come back through a planned unit development process. This process would again be reviewed by the Planning Commission. At that time the Planning Commission could weigh the qualities of the development against the initial intent and conditions established through this hearing process. Through this process it can be reasonably guaranteed that haphazard or uncontrolled development will not occur on this site, which would be in the best interest of the community if development is to occur.

RECOMMENDATION:

As a Planning Staff member I am inclined to favor the project, as the proposed project would provide a higher quality development whereas the City currently has very few of these types of developments. Secondly, the project is proposed to be designed with solar orientation. If the project is designed as proposed by the applicant's, it will be the first planned unit development within the community to contain substantial passive solar, unconventional type housing design. Thirdly, there appears to be some need within the community to have additional higher income families to help balance the current housing trend which has been seen over the last couple years. I believe this may be one of the goals as will be proposed by the Mayor's Task Force Committee, although the Committee has not yet prioritized their goals.

A formal recommendation will be made relating to this matter after the presentations have been made by the proponents and opponents through the public hearing process. It is the intention of the planning staff that, if substantial questions arise relating to this matter, they be adequately addressed prior to making a decision on this matter. If these questions cannot be addressed to the satisfaction of the Commission at the public hearing on September 17, 1981, then it is advised that the matter be continued to the next regularly scheduled Planning Commission date and that the hearing be limited only to addressing those questions posed by the Planning Commission.

File No. ________
X Annexation
X Zone Change
___ Plan Amendment
Fees: 137.50
Rec: 2526
Date: 8-17-81

Application for ANNEXATION,

ZONE CHANGE or

COMPREHENSIVE PLAN AMENDMENT

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 3209CD-300 A/DEC 3209 -2600 Abbott.
The present zoning of the subject property is AF-10 (County).
This application is for a change of the present zoning to R-1 and R-2 with PD
This application is for a change of the present plan designation to N/A.

2. APPLICANT:

Name A/DEC David F. Abbott Phone 538-9471 538-7331

~~2601 Crestview Drive, Newberg, OR 97132~~

Address 500 Villa Road, Newberg, OR 97132

TITLE HOLDER OF THE SUBJECT PROPERTY:

Name Anna M. Morgan & James P. Morgan/A/DEC Phone ________

Address ________

CONTRACT PURCHASER OR LESSEE OF SUBJECT PROPERTY:

Name David F. Abbott/ N/A Phone 538-7331

Address 500 Villa Road, Newberg, OR 97132

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

Name of Representative Terrence D. Mahr Phone 538-7460

Address P. O. Box 511, Newberg, OR 97132

4. SPECIFIC DESCRIPTION OF SUBJECT PROPERTY: SEE EXHIBIT "A" ATTACHED

DEED RECORD, VOL. ____ PAGE ____ ASSESSED LAND VALUE ________

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

SIZE IN ACRES OR SQUARE FEET SEE EXHIBIT "A" ATTACHED.

5. GENERAL DESCRIPTION OF SUBJECT PROPERTY:

Current Use: The 20 acre parcel has a hazel nut orchard. It also has one single family residence located on the southeast corner. The smaller parcel presently has a few trees growing on it, but there is no agricultural use.

Topography: Slopes upward from south to north. It is located at the foot of Chehalem Mountain. See attached topography map.

Does it front a public road? yes Name of Road Mountainview Drive
* see attached maps Zimmerai Drive

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

What buildings are on the property? The 20 acre parcel has a private residence located on the southeast corner. No other buildings are located on the properties.

Means of Water Supply: Well City Water

Means of Sewerage: Septic tank

What other improvements are there? None

6. GENERAL DESCRIPTION OF ADJOINING PROPERTY:

Identify any buildings or structures and give their approximate distances from your property lines: Located to the east of the properties, south of the platted Cherry Street and west of the platted Prune Street, is located the "shop" and storage area for Bill Page Construction Co. Approximately 20-30 feet from the east property line of the smaller parcel. A/DEC Industrial Park is located directly south of the 20 acre parcel, however, there is no buildings on the adjoining property. The property directly west of the 20 acre parcel is in Hazelnut orchar ~~xxxxxxxxxxxxxxxxxxxxxx~~ Northwest of the 20 acre parcel there are residential homes.

Explain surrounding uses: North-residential with agriculture. East-Christmas trees and construction company yard. South-A/Dec Ind. Park. West-Hazelnut orchard and residential.

7. PROPOSED USE OF SUBJECT PROPERTY:

Identify all planned improvements including construction, building, earth work, utilities, sewerage, etc.: The properties will be used for residential purposes. At present time, a planned unit development with solar orientation is being contemplated. An extension of city utilities would be necessary.

Identify the uses that you intend to conduct on the subject property and/or within the proposed improvements: The property would be developed for residential uses and related amenities. The property would be subdivided with individual lots for sale. The lotting pattern and accesses have not been established. With a PUD overlay zone, the city would have approval on all plans. This shall be submitted at a later date.

If you plan to divide the property, lease spaces, or rent spaces, identify the proposed number and size of the lots, parcels, or spaces, and the proposed means of access for each: N.A.

ADDRESS THE FOLLOWING CHANGE CRITERIA:

I. CONFORMITY TO THE COMPREHENSIVE PLAN:

1. The planning map included within the comprehensive plan recognizes the subject property for the following general use(s): Residential use with a medium density residential for the southern part of the 20 acre parcel, and a low density residential use for the remainder of the 20 acre parcel and the smaller parcel

2. Identify which goal and policy statements contained within the comprehensive plan pertain to this request:

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

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

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) David F. Abbott and A-Dec
(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 David F. Abbott
Jack C. Nulsen, Jr.

PROPERTY OWNER OR AGENT WITH WRITTEN AUTHORIZATION MUST SIGN

Date received by Planning Department 8-17-81

By Clay Moorhead
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.

ATTACHMENT TO ANNEXATION APPLICATION

1. Legal description for tax lot number 3209-2600.
2. Legal description for tax lot number 3209CD-300.
3. Description of public roads included in annexation.
4. Identification of goals and policies pertenant to request.
5. Explanation how proposal conforms to goals and policies.
6. Explanation of how request relates to Ordinance No. 2012 providing policies relating to annexation of territories.
7. Authorization of Representation of applicant David F. Abbott.
8. Authorization of Representation of applicant A/DEC.
9. Tax lot maps and deeds and leases.
10. Zoning map.
11. Topography map.

I. CONFORMITY TO COMPREHENSIVE PLAN.

2. Identify which goals and policy statements contained within the Comprehensive Plan pertain to this request.

Goal	Policy	Page
Agricultural lands		5
	#1 Conversion	5
	#2 Inclusions in U.G.B.	5
Open space...		8
	#2 Open space and N.R.	8
	#3 Open space and N.R.	8
	#1 Scenic resources	9
Housing		14
	#10 Mix	16
Urban design		16
	General	
	#1 Design review	16
	#2 D.R. - staff level #2	16
	#4 Factors in D.R.	17
	#5 Non-residential uses abutting residential	17
	#1 Industrial area	17
	Residential areas	
	#1 Buffering landscaping	18
	#2 Walkways and trails	18
	#3 Curbs, gutters, sidewalks	18
	#4 Curb ramps	18
	#8 Innovative approaches	18
	#9 SOLAR	18
	#10 Home gardens	19
Transportation		19
	Overall transportation	
	#5 Alternative modes	20
	#6 Bike and path pedestrians	20
	Automobile	20
	#4 Hazardous road intersections	20
	#5 East/west arterial	20
	Expressway	20
	Minor arterial streets	21
	Local streets	
	#8 Mountainview Drive	22
	#9 Carpooling	22
	#13	22
Public Facilities and Services		23
	Sewer and water	24
		26
Energy	Planning	
	#1 Energy efficient development patterns	26

I. CONFORMITY TO COMPREHENSIVE PLAN - page 2

I. CONFORMITY TO COMPREHENSIVE PLAN.

3. Explain how your proposal will conform to the uses, and goals and policy statements identified above in numbers 1 and 2?

NOTE: The applicants are requesting an annexation of property with a plan designation of MDR and LDR. The applicants are requesting compatible zoning classifications upon annexation. The applicants are requesting no plan amendment. The applicants are requesting a P.D. overlay zone. With the overlay zone, the City will have complete review of the plans, specifications and design of the development of this property. Addressing some of the comprehensive plans, goals and policies dealing with design, requirements and landscaping would be premature at this time. The applicants will be working closely with the planning department and will completely coordinate the design of the project with that department. It is the applicants understanding from discussion with the planning director, that some of the design questions would be premature if addressed and presented at this time. After the annexation is accomplished, (if it is accomplished) the applicants shall begin to work closely on the design phase with the planning department. To present a complete design at this time would be a burden upon the city staff in reviewing a design on property which is not annexed.

AGRICULTURAL LANDS

The property is within the Urban Growth Boundary. That is recognition of a commitment to future urbanization. The property is located in an area which has extensive urbanization at present. The extension of the city boundaries, and thus a commitment to urbanize, would be a logical extension of the urban pattern.

OPEN SPACE, SCENIC, NATURAL HISTORIC and RECREATIONAL RESOURCES

With the overlay zone of P.D., the property will have open space. With the design features of this type of zone, the vegetation (trees mainly) will be preserved.

Open space and natural resources - these policies talk of leaving open space for desirable natural qualities. This can be done in the design process. Cluster development incentives in order to preserve open space are very applicable to P.D. developments. This will be provided for in the design phase.

Scenic resources - the design of the P.D. development shall take into consideration the asthetic qualities. This will very much meet the policy concerned with "visual quality". It will also help to maintain the visual quality integrity of the surrounding area.

HOUSING

The city is in need of housing developments that can provide for upper income levels. This development is in an area where single family residents have been developed. The property inside the Urban Growth Boundary on Chehalem Mountain has some development as single family residence with large lots. They are expensive homes. This development will maintain the integrity of the neighborhood as an area of expensive homes. The city is in need to provide this type of housing for the citizens with income to support it.

Mix - Policy number 10, page 16 deals with a reduction between land uses. This development is adjacent to A/DEC Industrial Park. It will provide housing for persons who, if employed at A/DEC, would be within walking distance of their job. It also provides easy access down Springbrook to shopping centers, schools, restaurants and other industrial places (the "Wert" property has industrial zoning and the property south of the railroad tracks carries an industrial zone).

URBAN DESIGN

The applicants are determined to develop this property with all considerations for natural beauty and visual character. The thoughts are to develop it as a solar efficient development. The question might be asked... "HOW CAN THE CITY GUARANTEE THAT THE PROPERTY WILL BE DEVELOPED AS INDICATED?"... The applicant is requesting a P.D. overlay. The city shall have the authority to control the design and development of the property. The applicant shall investigate the economic feasability of solar energy (there is presently a debate on whether it is an economical and marketable commodity) and is committed to the city to pursue this development meeting the representations he has made to the city.

General - With our P.D. overlay, the city shall have design review over the entire project. This will ensure that the development can relate harmoniously to the sites and the surrounding land uses. The applicant is determined to work with the staff and have input from the staff. The factors listed in policy number 4, page 17 of the plan shall certainly be inputted into the development. The development abuts property which is used for non-residential uses (A/DEC Industrial Park and industrial property on the east). The applicants, when developing, shall certainly be looking for a development which will harmoniously blend with the industrial property. The A/DEC Industrial Park to the south is noted for its high standards of design and landscaping.

INDUSTRIAL AREAS

The location north of A/DEC Industrial Park is not considered a hindrance to the development of a residential area with expensive homes. The neighbors who border on the industrial park at present consider the industrial park an asset to their neighborhood. So do we.

Residential areas - the city shall have control over the landscaping in the development, to minimize any conflict between the development and the industrial property. The developer is interested in establishing systems within the system which will accommodate joggers, and non-motorized transportation. The applicants shall meet the standards established for walkways and curbs to accommodate handicapped persons, as well as non-motorized vehicles. The underground placement of utilities will be, of course, done.

Policy number 8 talks of a encouragement by the city of innovative alternative approaches to zoning. It mentions specifically planned unit developments. The applicant feels that the city should encourage this development. The applicant is committing himself to the highest standards of development with the city having maximum input with this overlay zone.

Policy number 9 specifically mentions solar rights. This development shall have all possible considerations for solar energy. As well as open space, which can be devoted to gardens.

TRANSPORTATION

Policy number 5, page 20 of the plan talks about small mass transit, bicycle and pedestrian systems. This development will be located close enough to jobs to allow walking. It is located close enough to provide bicycle access to shopping centers and schools. With the Homeowners Association, the applicant can attempt to use vanpooling for job transporations to the Portland area. The applicant is willing to provide bicycle and pedestrian paths and will try to incorporate them within the design.

AUTOMOBILE

Policy number 4 talks of hazardous roads and intersections and improvements. The comprehensive plan provides for the "east/west" bypass to go down Mountainview. The intersection of Springbrook and Mountainview is a strange intersection. With the annexation of this property, the city will control Springbrook up to Mountainview. The developer, of course, will be willing to dedicate necessary right-of-way to bring Mountainview up to its standards. With the city controlling the intersection, they can begin to implement their plan of the "east/west" bypass. We think it is very important for the city to control that minor arterial and the important intersection.

AUTOMOBILE - continued

Policy number 5 specifically mentions the "east/west" arterial street. The annexation of this property will be a part of the pursuit in implementation of the northern minor arterial.

MINOR ARTERIAL STREETS

The applicant is willing to dedicate the necessary right-of-way to bring Mountainview up to the standards of a minor arterial street. With the P.D. design, the access to the minor arterial will be limited. The city can control that design.

Local Streets - Mountainview Drive is classified as a minor arterial. This will be taken into account in the design.

PUBLIC FACILITIES AND SERVICES

Sewer and water - the applicant shall extend public sewer and water systems to the property. A pumping station is not necessary since this property falls within the gravity flow of the sewer. Discussion has been had with the Department of Public Works which indicates that sewer capacity is available. Water systems can easily be extended to the property.

ENERGY

The development of the property will include solar energy to conserve other forms of energy.

PLANNING

The city has a policy to encourage energy efficient development patterns. This will be done and allowed for in the design phase.

DESIGN

The city has a policy to encourage construction methods in building new residential areas which will be energy efficient. Again, we say that solar energy is one of the main components of our design thinking.

URBANIZATION

The annexation and development of this property provides for an orderly progression of residential development. It helps Newberg maintain its community identify by development of a unique, quality and desirable living environment.

I. 3. CONFORMITY TO COMPREHENSIVE PLAN - page 5

URBANIZATION - continued

The extension of urban services to this property is a logical extension. The property is located within the Urban Growth Boundary, which designates urbanizable land.

The rest of the policy number 5 deals with annexation. There is a separate city ordinance on annexation. These criterias will be addressed by addressing the annexation ordinance.

EVALUATION OF REQUEST PURSUANT TO ORDINANCE NO. 2012
An ordinance providing general policies relating to the annexation of territory to the Newberg city limits and setting forth general hearing procedures.

Section 4 - Criteria for Evaluation of Request -

#1 Consistency of the annexation to Newberg Comprehensive Plan, applicable regulations of city by the City of Newberg, the state and effected jurisdictions and agencies.

Newberg Comprehensive Plan - the relationship of this annexation request to the Newberg Comprehensive Plan has been extensively examined in the material presented in the application. The applicant thought it was more relevant to present it in the annexation request at the appropriate place on the application.

Other applicable regulations of City - presently addressing the ordinance. We are not, at this time, aware of other regulations.

State - on Thursday, August 6, 1981 the Land Conservation and Development Commission of the State of Oregon acknowledged Newberg's comprehensive plan. By that acknowledgment, the applicants no longer have to address the statewide goals and guidelines. If our application is consistent with the Newberg comprehensive plan and its relevant ordinance, it is deemed to be consistent with the statewide goals and guidelines.

Other jurisdictions and agencies - the applicants know of no conflict with other jurisdictions, regulations and ordinances at this time.

#2 Availability of basic public services including sewer, water, electricity in adequate quantities and without adversely affecting available services to existing users.

Sewer - verbal communication with the Public Works Department indicates that sewer would be available to the site. The city has limited sewer capacity. The planning department indicates the limited sewer capacity will be dedicated to projects which are "desirable" to the city. The applicant submits that his project is desirable because the city is in need of this type of development, the development is P.D. with solar energy which will be a unique development for the city, the city will have control over the design and the developer is capable of financing such a development. The Public Works Department will make report in regular course of application on the sewer availability.

Water - the city has available water for furnishing adequate water to the development. With the drilling of two wells sites across the river and adequate facilities to carry the water to the user, there will be no water problems. The Public Works Department again will be routed this application and make official comment on the availability of water.

Section 4 - Criteria for Evaluation of Request - continued

Electricity - there has been no shortage of electricity from the provider P.G.E. Again, the application shall be routed to P.G.E.

Each agency involved in the furnishing of these services will be given copies of the application, so it is our understanding an opportunity to comment. We have made verbal contact with the various departments, but they do not wish to officially contact until the application has been filed.

#3 Impact upon public services including police and fire, schools, hospitals and public transportation.

Police and fire - the police department and the fire department will be receiving a copy of the application from the planning department and will have a chance to comment at appropriate times.

Schools - schools will receive a copy of the application and have time to comment at appropriate times.

Hospitals - the Newberg Community Hospital has recently undergone a renovation. They have additional rooms. There are additional doctors in town. We feel that the medical community can adequately handle the additional people that would be living in the development.

Public transportation - We feel we would have no impact upon the public transportation. We realize that public transportation in Newberg is minimal (consisting mainly of the senior/handicapped citizens' vans).

#4 Need for housing, employment opportunities and livability in the City of Newberg and surrounding areas.

The applicants feel that this development will provide a unique housing opportunity within the City of Newberg. The solar orientation of the housing will be unique in Newberg. It will provide necessary housing close to industrial property. It will be aimed at the economic group which does not have adequate housing at present. The applicants realize that there is vacant land within the City of Newberg that is zoned residential. However, the place where this housing is situated and the opportunity to develop it in the fashion we have represented to the city is not present. We feel the livability of this housing will be very high. The P.U.D. development will ensure the necessary amenities are present in the housing. Further, this development will protect the surrounding areas. The surrounding area is dedicated to low density residential with

Section 4 - Criteria for Evaluation of Request - continued

#4 - continued -

generous lots. This housing shall maintain the integrity of the area.

#5 Efficiency in location and land use in relation to public facilities, services, transportation, energy conservation, urbanization and social impacts.

Public facilities and services - the property is located close to existing schools. The property is located in the same section of town as the parks and recs' Chehalem pool. The property is located down the street from the shopping center. We feel that the location gives access by bike or walk to the facilities.

Transportation - the property is located adjacent to a minor arterial. That minor arterial will be part of the "east/west" bypass, once it is completed. This will give transportation flow to areas outside the city without having to put transportation through the core area.

Energy conservation - the solar orientation of the project means that the development will be very energy conscious.

Urbanization - the property is inside the Urban Growth Boundary. The property is already designated as urbanizable. We feel that this will be an orderly extension of urbanization.

Social impacts - the property will not have adverse impact upon the surrounding area. The impact will be positive in that it will be located close to places of employment.

Section 2 - General

#2 It shall be the city's policy to encourage annexation where:

A. Compliance with provisions of comprehensive plan.

The applicant has addressed all (what it feels as all, but, of course, if the city planner comes up with additional provisions, the applicant shall address them) provisions of the comprehensive plan. The request for annexation is in compliance with that comprehensive plan.

B. Straightening out boundaries and provide a clear identification of City.

The annexation of this territory would admittedly not straighten

Section 2 - General - continued

#2B. - continued -

any boundary. Even though that may be a consideration, the applicant feels that this annexation would benefit the city because the city would have control over the important minor arterial, Mountainview Drive. The city would also have control over the intersection of Springbrook and Mountainview. The applicant submits that these considerations override the consideration of this criteria.

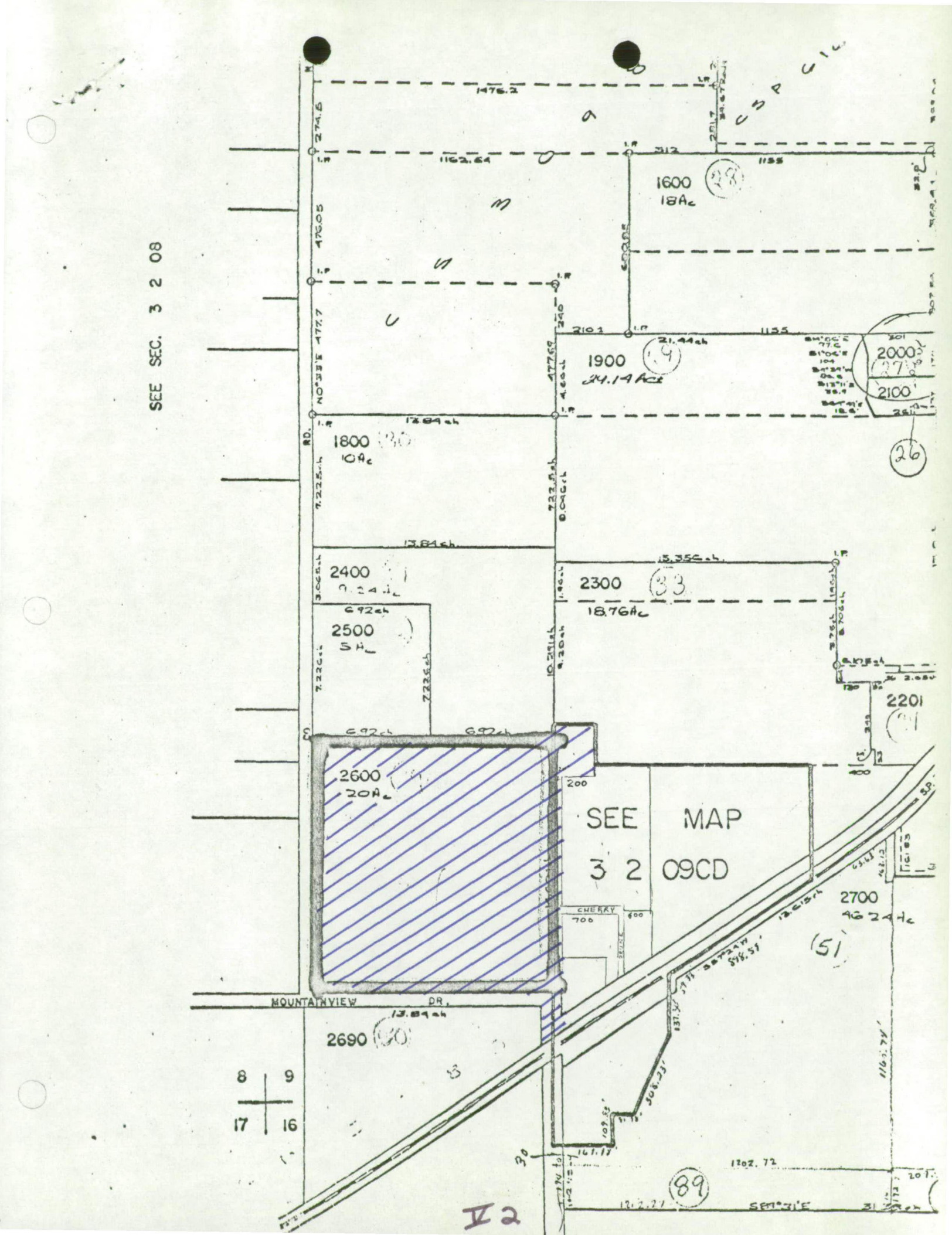
C. Benefit to city by adding revenues in amount equal to cost of providing services.

The development of this property in accordance with the representation the applicant is making, and the city can hold the applicant to, because of the P.D. overlay, would provide the city with housing to accommodate persons of higher income. These persons will use services in the city. This would cause economic growth within the city and stimulate job opportunities. Further, it is believed that the police protection in the area would be minimal. The standards of building would give maximum fire protection.

D. City's advantage to control the growth and development plans for the area.

This is one of the strongest points for the applicant. The control of Mountainview Drive and the intersection of Springbrook and Mountainview is extremely important to the city. With the annexation of this property, the city will gain control on this section of Mountainview. With the P.D. overlay, the city would have control of the development of this piece of property. The city has a policy to develop its "east/west" bypass. This will be in furtherance of that policy.

THEREFORE, the applicant requests the city to encourage this annexation because it meets the above-stated criteria that the city has designated for encouragement. We feel this annexation would be a benefit to the city because of the above-enumerated reasons.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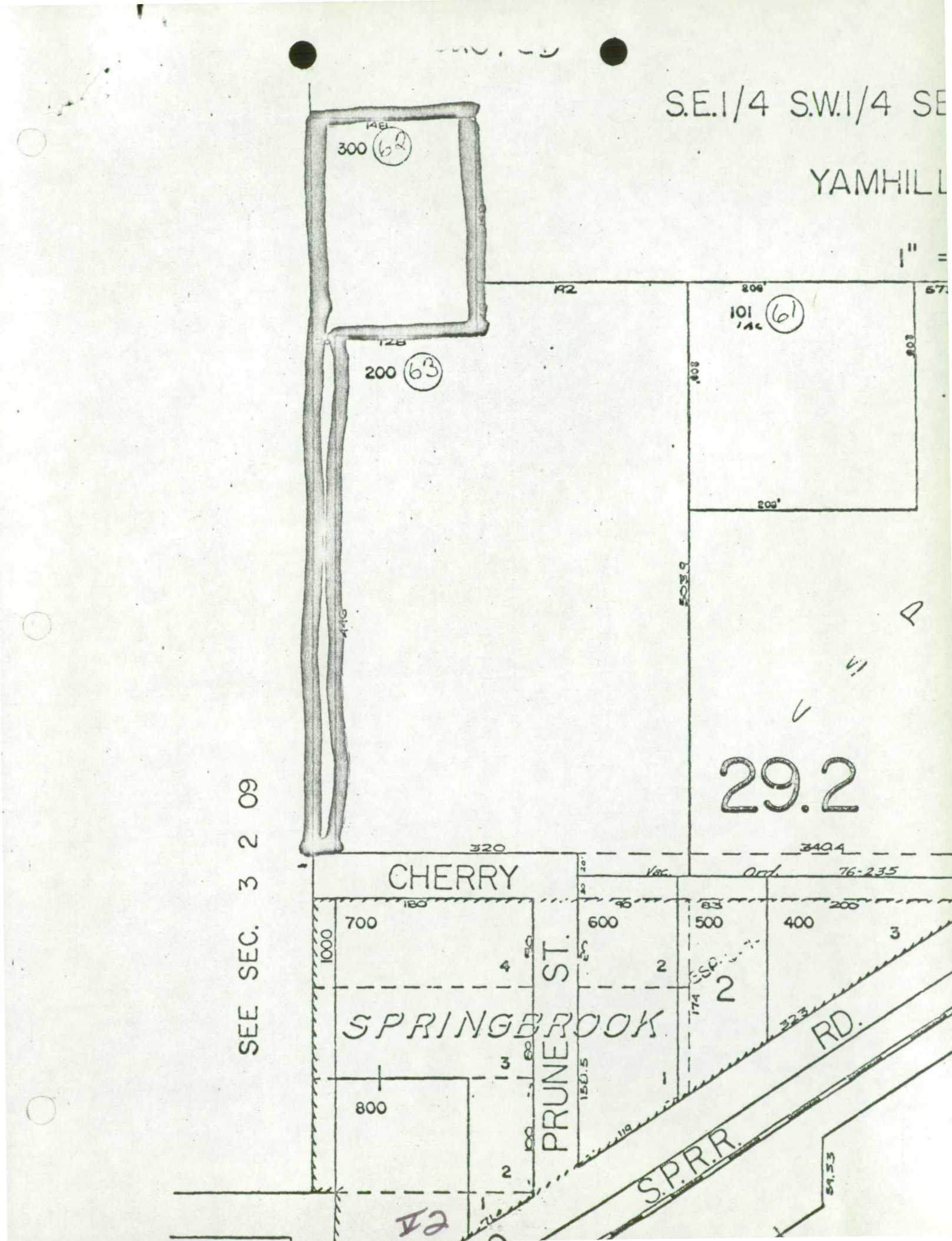
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MEMORANDUM
September 29, 1981

TO: Mike Warren

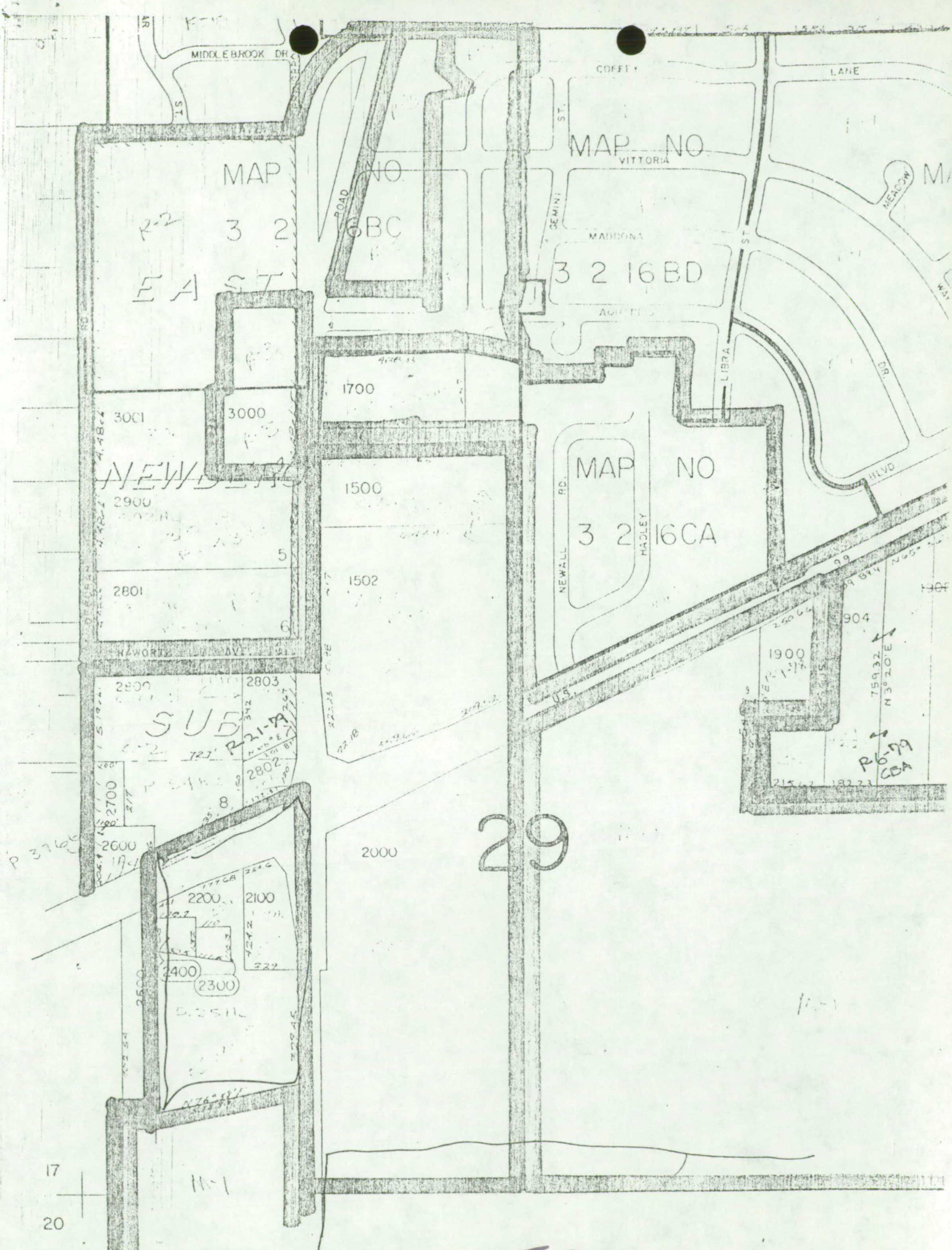
FROM: Clay Moorhead

RE: ANX-3-81, Continued. Annexation of unincorporated territory surrounded by the corporate limits of the City of Newberg on property located at the S.W. corner of the intersection of Springbrook Street and Highway 99W. Tax Lot No.'s 3216-2100, -2200, -2300 & -2400

In reviewing the annexations that allegedly created the island of unincorporated territory, it was determined that the island was not actually an island as the eastern 20 feet of Springbrook Road has never been annexed to the City of Newberg. In order to qualify as an island annexation, the City boundary must completely surround the unincorporated territory. With the portion of Springbrook Road being still un-annexed, then the subject property cannot be considered an island and, therefore, cannot be annexed through the provisions identified in ORS 222.750.

For these reasons, the hearing process must be voided as there is currently no legal ability to annex the subject property using this procedure. If annexation is to occur on this property, it must be initiated by the property owners and be processed through the standard annexation procedures.

On September 17, 1981, the Newberg Planning Commission made a motion to void the file and conclude the hearing on the above referenced annexation as the subject property cannot be annexed through the island annexation procedures identified in the Oregon Revised Statutes Chapter 222.750.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MEMO

TO: City Council DATE: October 1, 1981

FROM: City Administrator

SUBJECT: First Christian Church Facility

At the end of 1979, Coppergold Development received preliminary approval. This preliminary approval specified certain conditions that are listed in the Planning Director's report. One of these conditions was that the entire development would have to be ready to go before the First Christian Church could begin building. Before you tonight is the design review of the First Christian Church. The City Council should read carefully the staff report of the Planning Director.

In the past, there have been some opponents of the Coppergold project. They have expressed concern for traffic and the mere fact that the development was to occur in this area. These arguments have been heard and the Newberg City Council has taken action back in 1979. To rehash the arguments or to change things in mid-stream should not be considered at this point.

Michael Warren
City Administrator

MW/bjm

Enc.

MEMORANDUM
September 30, 1981

TO: Mike Warren

FROM: Clay Moorhead

RE: PUD-2-81, A request for approval of a site design for the First Christian Church facility as part of the Coppergold Planned Unit Development, located at the intersection of Villa Road and Mountainview Drive, Yamhill County Tax Lot No. 3217-1900

The Newberg Planning Commission met on September 17, 1981 and reviewed the above mentioned request. When Coppergold Planned Unit Development received its preliminary approval in May of 1980, it included 329 dwelling units of various styles and sizes together with a 2½ acre commercial shopping center and a church, all of which would be located on the 67 acre development. The Coppergold Planned Unit Development received preliminary approval with numerous conditions. One of these conditions required that the commercial area, apartments, church and town-house areas of the Coppergold Development must come back before the Planning Commission and City Council through a standard PUD application for review of the site design details. The First Christian Church is now requesting that the site design of the Church facility be approved as a part of the Coppergold Development.

The Church facility is a 3 story structure sitting on a 2½± acre tract of land which is to be developed as part of the Coppergold Planned Unit Development. This Church facility is proposed to seat approximately 559 people. The site plan is generally in compliance with all the applicable standards relating to the Planned Unit Development approval. After hearing this request, the Planning Commission made a recommendation to the Newberg City Council that they approve the conceptual site design of this Church facility with certain conditions. Conditions were established to ensure that the development will comply and coincide with the Coppergold Planned Unit Development. It should be noted, as can be seen from the minutes of the Planning Commission that there were several individuals that spoke concerning this particular development and how it would either relate to Coppergold or affect the development of adjoining land. A primary condition that you should note would be condition no. 5 from the Planning Commission which states that no building or construction permits may be issued until the Phase 1 plat of Coppergold is finalized by the City or that alternative land division procedures have been approved and reviewed by the Newberg Planning Commission. This condition requires that,before the Church facility can be constructed, the Coppergold development must first receive final approval through the City. This requirement was made as there must be certain improvements (streets, sewer, water, sidewalks, etc.) developed to the Church site before the Church can actually begin construction.

Attached is an ordinance which amends Ordinance No. 2007 (the Coppergold Preliminary Approval Ordinance) to include the site design approval of the First Christian Church together with the conditions as proposed by the Planning Commission, the minutes of the September 17, 1981 Planning Commission meeting relating to this hearing, the Planning Department Staff Report, and the applicant's application.

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 2007 OF THE CITY OF NEWBERG RELATING TO THE ESTABLISHMENT OF A PLANNED UNIT DEVELOPMENT ZONING SUBDISTRICT.

WHEREAS, Ordinance No. 2007 of the City of Newberg provides preliminary approval of the Planned Unit Development known as Coppergold; and

WHEREAS, Condition No. A-2 of Ordinance No. 2007 requires that further review be made relating to the site design details of the Church to be located within said Coppergold Development; and

WHEREAS, The applicant's and owner's of said property have submitted a site design for the Church facility to be located within Coppergold Development; and

WHEREAS, The Planning Commission did hold a public hearing on this matter at their regular September 17, 1981 hearing date. The Planning Commission did recommend that the site design for the Church facility be approved as submitted with certain conditions. These conditions are attached as Exhibit A to this ordinance; and

WHEREAS, The Newberg City Council did review this matter at a public meeting on October 5, 1981 at 7:30 P.M. in the Council Chambers, City Hall, Newberg, ORegon.

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

Section 1. Ordinance No. 2007 is hereby amended to include additional conditions to be made a part of the Coppergold Planned Unit Development zoning sub-district conditions relating to a church site. The conditions which shall be included as part of Ordinance No. 2007, in addition to those existing conditions found within Ordinance No. 2007 are hereby attached and made a part of this ordinance and referenced as Exhibit A.

PASSED by the Council of the City of Newberg this 5th day of October, 1981 by the following votes:

WYES: NAYS: ABSENT:

_____
Arvilla Page -Recorder

Approved by the Mayor this 5th day of October, 1981.

_____
Elvern Hall - Mayor

EXHIBIT A

CONDITIONS

1. This approval is conditioned upon the completion of phase one of the Coppergold Planned Unit Development.

2. Any land division process other than the phase one final plat of Coppergold, affecting this site must be authorized by the Newberg Planning Commission as a part of the Planned Unit Development sub-district overlay requirements.

3. The site design approval is authorized assuming that the design has been coordinated with the final street grades and right-of-way locations. If the final street grades and right-of-way locations vary substantially from that identified on the Church site design, then these modifications must be further approved by the Newberg Planning Commission.

4. A berming, planting, street tree and sidewalk plan shall be submitted for the entire Coppergold Development which includes this site as is required by Condition E-2 of the Conditions for Preliminary Approval of the Coppergold Development. The design of the berming, street trees and sidewalk configuration on the Church site shall be coordinated and be consistent with these respective developments occuring within the remainder of the Coppergold project.

5. No building or construction permits may be issued until the phase one plat of Coppergold is finalized by the City or that alternative land division procedures have been approved and reviewed by the Newberg Planning Commission.

6. A grading plan must be submitted to adequately show all contour elevations and re-grading contour elevations on the applicable site. The re-grading contour plan must provide for appropriate steps to accommodate pedestrian access and vehicular parking.

CITY OF
NEWBERG
414 E. First Street Newberg, OR 97132

STAFF REPORT

SEPTEMBER 17, 1981

TO: Planning Commission

FROM: Planning Staff

RE: File No. PUD-2-81
Applicant: First Christian Church
Request: Request approval of site design for First Christian Church Facility as part of Coppergold Planned Unit Development. Refer to File No. ANX/CPA/ZC/PUD-1-80.
Location: Intersection of Villa Rd. & Mountainview
Tax Lot: Part of 3217-1900

EXHIBITS:

1. Staff Report
2. File No. PUD-2-81
3. Ordinance No. 2007, annexing and authorizing preliminary approval to the Coppergold Planned Unit Development
4. Newberg Comprehensive Plan
5. Newberg Zoning Ordinance

FINDINGS:

1. This application is for approval of a site design for a church facility located as part of the Coppergold Planned Unit Development. Ordinance No. 2007 is the final ordinance annexing, zoning and establishing a planned unit development sub-district over the Coppergold Development. Numerous conditions were established as part of this approval process. Preliminary approval for the Coppergold Development was issued subject to these conditions. Condition No. 2 which was part of the preliminary approval of Coppergold states:

> "The commercial, apartment, church and townhouse areas and densities are approved, but the applicant is required to submit the standard PUD application for the Condition Review of the site design details before any development takes place within these sites. Detailed site plans, elevations, landscaping and parking designs must be submitted."

2. The final hardboard plat for the Coppergold Development has been submitted to the City for review. Several conditions have yet to be completed relating to the approval of the first phase of this development. At this point in time, no final approval has been given for any land divisions within the Coppergold Development. The Church site as shown on the site plans generally conform to the lot configuration authorized in the Planned Unit Development preliminary approval. However, no division of land may take place to separate out the Church site from the remaining portion of the Coppergold Development until final approval can be granted to the first phase of this development or alternative land division procedures are pursued. Because of these facts, approval may only be given to the site design of this project. Any approval under this request will not authorize the issuance of construction permits on the site. The issuance of building or construction permits may only be initiated by the City when the first phase of the Coppergold Planned Unit Development has been finalized or other alternative land division procedures have been completed to separate out the Church site from the Coppergold Development.

3. The proposed church building has been designed to seat 559 people. One hundred ten parking spaces have been designed on the site to accommodate the church facility. A general landscape plan has also been submitted which indicates that the Church will preserve all existing mature trees and shrubs on the site. In addition, the parking areas will be decorated with junipers, azaleas, and mugo pines of various sizing and spaces. The remaining portion of the site is proposed to be maintained as lawn. All parking and structures within the site have been set back from all proposed road right-of-ways at least 25 feet which is in accordance with the Newberg Zoning Ordinance. In addition, all parking spaces have been designed to exceed the design requirements specified in the Zoning Ordinance.

4. An additional condition established under the preliminary approval of the Coppergold Development states:

> "63 (b) The church site access will be limited to two access points, one on Mountainview Drive, the second on Villa Road. These access points shall be at least 150 feet (measured along the property line) from the intersection."

The preliminary design as submitted under this request indicates two access points which have been established, being at least 240 feet from the intersection of Mountainview Drive and Villa Road. The site design exceeds the conditions established for access locations as specified by the conditions of preliminary approval for the Coppergold Development.

5. Within the Coppergold conditions there was a specific condition relating to landscaping. That condition is identified as item E-2 of the Conditions of Preliminary Approval for the Coppergold PUD. That condition states that berming and planting of street trees shall conform to a detailed plan showing the location, height and width which shall be submitted to the City for approval. The plan must conform to vision clearance requirements and must otherwise meet with the intent of the preliminary PUD plans. The berming and street tree plan must be approved prior to the submittal of the final plat for each phase.

To date no berming or street tree plan has been submitted for review relating to phase one of the Coppergold Planned Unit Development. The site plan submitted for the Church construction does not identify any street tree planting or sidewalks. Since this Church site is proposed to be an integral part of the Coppergold Development, the planting, berming, street trees and sidewalk designs should be coordinated with the remaining portion of the Coppergold Development. Without an overall street tree and berming plan for the first phase of Coppergold, it is difficult to determine how the Church site will be integrated with the remaining portion of the Coppergold Development. However, building construction permits cannot be issued for this development until the first phase of Coppergold has received final approval. As a part of that final approval process, the sidewalk, berming and street plan for the overall development must be submitted pursuant to Condition E-2 of the Conditions for Preliminary Approval for the Coppergold PUD.

6. No sign location or designs have been submitted for review. Any sign proposed on the site must conform to the standard sign development standards as specified in the Newberg Zoning Ordinance.

7. No other conditions were established relating to this request within the preliminary approval of the Coppergold Development.

8. The site plan conforms to the general setback, parking and site coverage requirements of the Newberg Zoning Ordinance with the exception of the height requirement. The height of the Church facility varies from 38 feet on the west elevation to approximately 46 feet on the east elevation. The Newberg Zoning Ordinance specifies that within an R-1 district, no main building shall exceed 2½ stories or 30 feet in height whichever is lesser. The structure is a split-level design with 3 floors on the east elevation and 2 floors on the west elevation. The height of the Church facility as mentioned above excludes the steeple. However, section 476 of the Newberg Zoning Ordinance excludes steeples and other similiar structures from the building height limitations of the Newberg Zoning Ordinance.

Since this development is part of the Coppergold Planned Unit Development, section 456 sub. 9 of the PUD Ordinance would apply. This section reads as follows:

> "Section 456 Sub.9 - Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pretaining to height (emphasis added), yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required and regulations pretaining to setbacks specified in the Zoning Ordinance may be identified by the hearing authority, provided the proposed development will be in accordance with the purposes of the Zoning Ordinance and these regulations. Departures from parking area design provisions may be approved by the hearing authority upon finding by the Public Works Department that the departure will not create hazardous conditions for vehicular or pedestrian traffic.

The Church building is set back from the Villa Road right-of-way approximately 110 feet and is set back from the proposed Mountainview Drive right-of-way approximately 90 feet. Because of these setbacks, no hazardous conditions will be created relating to adequate vision for vehicular or pedestrian traffic.

Planning Commission has the authority to accept or reject this modification proposed to the standard height provisions of the Newberg Zoning Ordinance.

9. Notice of this request was submitted to all Newberg City Department heads, Yamhill County Planning Department, Chehalem Park and Recreation District, Newberg School District, Newberg Garbage Service, N.W. Natural Gas Co., Portland General Electric and General Telephone. With the exception of the concerns specified by the Yamhill County Planning Department, no adverse comments were received relating to this conceptual site design of the Church facility. In making this statement, it must again be stressed that this design indicates only a request for a conceptual site design approval and does not authorize the construction of any improvements identified within the site design. A copy of the Yamhill County Planning Department letter is attached as Exhibit A to this Staff Report.

In response to the County's letter the following information is provided.

> Mountainview Drive will be developed as part of the first phase of the Coppergold Planned Unit. The Church site cannot be developed without the final approval of the first phase which also requires the development of Mountainview Drive unless alternate land division procedures are pursued.

As to the second question of what impacts will Mountainview Drive have on Villa Road, this issue was address as part of the initial concerns relating to the Coppergold Development. The initial design of the Coppergold Planned Unit Development has been approved anticipating that a Church site would be located at this location.

In response to the third question relating to the size of parking spaces, the parking space design as indicated on the preliminary site plan currently exceeds the minimum space size requirements specified in the Newberg Zoning Ordinance. The Planning Commission would have the authority to alter the parking space design as this is part of a Planned Unit Development, however, the City has already determined the minimum parking design for parking areas through the provisions of the Newberg Zoning Ordinance.

The fourth concern of the County relates to the grading and elevation of the site. A site grading plan has been supplied as part of the plot plan and it indicates that there shall be some regrading on the site. Again, the building is designed to be a split level structure with two stories on one side and three on the other. The grading plan which is submitted does not adequately show the contour of the 222 foot and the 228 foot contour elevations. Because of this, the plan does not adequately reflect how the parking and sidewalk areas can be adequately designed. Steps may be necessary on the south sidewalk to accommodate these grades.

The County's final comment relating to landscaping is addressed in finding no. 5 above.

RECOMMENDATION:

It may be well to continue the hearing on this matter in order to provide adequate time for the applicant's to satisfy the questions and concerns mentioned within their report relating to the site development. However, if the Planning Commission chooses to provide conceptual approval to the site design, then the following conditions should be established.

1. This approval is conditioned upon the completion of phase one of the Coppergold Planned Unit Development.

2. Any land division process other than the phase one final plat of Coppergold, affecting this site must be authorized by the Newberg Planning Commission as a part of the Planned Unit Development sub-district overlay requirements.

3. The site design approval is authorized assuming that the design has been coordinated with the final street grades and right-of-way locations. If the final street grades and right-of-way locations vary substantially from that identified on the Church site design, then these modifications must be further approved by the Newberg Planning Commission.

4. A berming, planting, street tree and sidewalk plan shall be submitted for the entire Coppergold Development which includes this site as is required by Condition E-2 of the Conditions for Preliminary Approval of the Coppergold Development. The design of the berming, street trees and sidewalk configuration on the Church site shall be coordinated and be consistent with these respective developments occuring within the remainder of the Coppergold project.

5. No building or construction permits may be issued until the phase one plat of Coppergold is finalized by the City or that alternative land division procedures have been approved and reviewed by the Newberg Planning Commission.

YAMHILL COUNTY
Oregon

EXHIBIT "A"

August 31, 1981

Clay Moorhead, City Planner
414 E. 1st Street
Newberg, Oregon 97132

RE: PUD-2-81

Dear Clay:

The County planning staff has reviewed the site plan submitted by the First Christian Church as part of the Coppergold PUD. The lot layout appears to conform to Lot #59 on the preliminary plat.

I understand that Coppergold Park has not yet received final approval from the City of Newberg. As construction of the church is contingent upon final approval of the PUD, this site design review appears premature. Beyond this concern, the County planning staff offers the following technical comments on the First Christian Church site plan:

1. What steps are necessary to develop Mountainview Drive as proposed?

2. What impacts will Mountainview Drive have on Villa Road, and how will the traffic flow work?

3. 9x20' parking spaces are adequate for smaller cars. However, some 10x20' spaces should be provided for American standard cars.

4. Elevations in the parking and walkway area south of the church building appear to be in error. The 222' elevation is not shown, and given the apparent slope, steps seem necessary. (This may be clarified in a site grading plan.)

5. The landscaping appears sparse. Are there street trees? How does the landscaping relate to the overall Coppergold Development?

Thank you for the opportunity to comment.

Sincerely,

Mary Dorman
Planning Coordinator

Bill Campbell
Senior Planner

1st Christian Church

File No. PUD-2-81
Date: 8-20-81
Fee: _____ Rec. # _____

SUBDIVISION APPLICATION

(use additional paper if necessary)

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 a Planner.

I. 1. NAME OF SUBDIVISION Copper Gold
SIZE OF SUBDIVISION IN ACRES OR SQUARE FEET 67.5 acres
NUMBER OF ACCESS ROADS 3
NUMBER OF LOTS _____
NUMBER OF RESIDENTIAL UNITS _____
MINIMUM LOT SIZE _____
AVERAGE LOT SIZE _____
DENSITY OF ENTIRE SUBDIVISION PER ACRE _____
TOTAL POPULATION ANTICIPATED _____
SIZE PARK(S) IN ACRES OR SQUARE FEET _____

2. SUBDIVIDER
CL7 Development Co.
Name Geo. Fox College Phone 226-2320 CL7
First Christian Church.
Address _____

TITLE HOLDER OF THE SUBJECT PROPERTY:
CL7 Development Co
Name Geo Fox College. Phone 226-2320-CL7
First Christian Church.
Address _____

3. Will a representative assist the subdivider at the hearing for this subdivision request? ____

Name of Representative _____ Phone _____

Address _____

4. SPECIFIC DESCRIPTION OF SUBJECT PROPERTY:

Deed Record, Vol. _____ Page _____, Tax Lot # part of 3217-1900

Legal Description (Attach a separate page with the description if necessary)

App. 3.5 acre (Net 2.78 acre) Site for Church - which is
The N E Corner of Copper Gold Sub.

5. GENERAL DESCRIPTION OF SUBJECT PROPERTY:

Current land use : Wasted for Years

Topography : Slight slope To South and east

IV 4

6. Explain surrounding uses: _____

_____

_____

7. Do your tentative subdivision plans delineate the general location of all previously recorded easements and encumbrances presently binding upon the subdivision site ? _____ (A current title report or subdivision guarantee for the site would disclose such easements or encumbrances).

8. Do your tentative subdivision plans delineate any necessary drainage easements? _____ Sewer easements? _____ Utility easements ? _____

9. What is the estimated time of construction? _____

Date of Completion _____

Explain how the proposed subdivision will be phased? _____

_____

All contract purchasers, title holders, or persons having an interest in the subject property must sign this application in the spaces provided or this form will not be accepted.

Name Michael N. Rader Chairman of First Trustees Christian Church Phone 538-8573

Address Rt. 5 Box 179-A Newberg Signature Michael N. Rader

Name CLT DEVELOPMENT, INC By: Ronald J. Bono Phone 226-4138

Address 711 S.W. ALDER, SUITE 308, PORTLAND 97205 Signature By Ronald J. Bono

Name GEORGE FOX COLLEGE Phone 538-9176

By: Donald J. Millage BUSINESS MGR

Address 414 N. MERIDIAN Phone _____

Name DONALD J. MILLAGE Signature Donald J. Millage

IV 4

First Christian Church
200 South College
Newberg, Oregon

The proposed First Christian Church building that is to be built will be consistent with standards, plans, policies, and ordinances adopted by the city of Newberg. Previous to this application a plot plan detailing size, location, and landscaping of the proposed church building has been submitted.

The proposed church building does not cover more than thirty percent of the land area and is constructed to harmonize with existing properties. Parking space is being provided in accordance with city code. Detailed landscaping provided in architects drawings is to include approximately 15 percent of the property. Access is to be to and from Villa Road until Mountain View Drive is completed at which time there will be added access from Mountain View Drive. The general design and character of the proposed church building will be compatible with surrounding neighborhood and properties because of the natural wood exterior and the contemperary design.

The developer of Coppergold is providing bond to supply public services to the development which the proposed church building is in. Utilities will also be provided.

With reference to the plot plan, the trees on the west side of the property are to be saved. The building was designed for the slope of the land , which the daylight basement design uses, and is set in so that it is not close to any property lines.

There will be in accordance with the building code an on site fire hydrant. Roads and parking lots will be adequate for emergency vehicle access.

Parking spaces will be provided in accordance with city building code. About 15percent of the land will be landscaped. The proposed Coppergold development provides adequate park and open area, walk and bike paths that are accessable for recreation. The proposed church building is designed for easy access and use by handicapped people. A buffer zone around the proposed building will provide privacy to existing homes and other proposed Coppergold development homes.

All aspects of a written decision have now been addressed.

Michael M. Rader chairman of Trustees First Christian Church

CL-7 DEVELOPMENT, INC By: Ronald J. Klein

George Fox College by [illegible] Business Mgr.

IV 4

MEMO

TO: City Council DATE: October 1, 1981

FROM: City Administrator

SUBJECT: Peddlers License

The Planning Director has recommended that we continue with the same type of procedure as he outlined earlier to the City Council. This is a good example of priorities. Normally, I would delve into this more, to research the best procedure in the State and see if that was best for Newberg. However, when we have so many things going on and the Planning Director is pressed for time, then I am more inclined to take his opinion and go with the current procedure.

My recommendation is to: Adopt the Planning Director's proposal for Peddlers License (if the Council passes this information as a Resolution then we can use the same words and put it into resolution form. If this is not acceptable then we will bring back a resolution to the next City Council meeting using the attached proposal.)

Michael Warren
City Administrator

MW/bjm

Enc.

MEMORANDUM
September 30, 1981

TO: Mike Warren

FROM: Clay Moorhead

RE: Peddlers Licenses

The current policy that was concurred upon by the City Council on August 3, 1981 appears to be working fairly well. Those individuals that seriously wish to peddle or vend within the City of Newberg do go through the procedure, whereas the more transient type of vendors appear to prefer moving on to another town rather than going through the 3 day application procedure. I would propose that the policy be modified so that it excludes any peddling or vending for which all profits would be contributed to a charitable, religious or educational organization.

MEMORANDUM
29 July 1981

TO: Mike Warren

FROM: Clay Moorhead, Planning Director

RE: Peddlers, Street Vendors and Transient Sales

You have asked that the Planning Department look into consolidating ordinances relating to peddlers and circuses together with an ordinance which would regulate transient retail sales operations on private property. Over the last week I have called numerous cities including the City of Hillsboro, McMinnville and Salem, none of which regulate transient sales of retail goods on private property. The City of Salem does have a street vendors ordinance which would regulate the use of hot dog stands on public property only. Because of the lack of information available for redesigning this portion of the City ordinances, additional time will be necessary to properly prepare an adequate ordinance for Council adoption relating to these matters. However, in the interim time between now and the adoption of an ordinance relating to the uses identified above, the following administrative policy will adequately provide for a temporary mechanism to review these types of uses.

1. Definitions

a. Peddler - every person who, for himself or as agent of another, goes from place to place or from house to house, carrying for sale and offering or exposing for sale any goods or wares or merchandise, or every person who, for himself or as agent for another, goes from place to place or from house to house, selling or offering to sell for future delivery, at retail, whether by sample or catalog or otherwise, to individual persons who are not dealers in the article sold, and goods or wares or merchandise.

b. Circus Shows, Exhibitions, Carnivals and Entertainments of Various Kinds - any person, firm or corporation who desires to give, control, conduct or manage for gain within the corporate limits of the City of Newberg, any circus, carnival, menangerie, theater, concert, wrestling match, boxing match, or any other show, amusement or exhibition, fiar or other form of entertainment not given exclusively for the benefit of some charitable, educational, or religious association or institution.

c. Street Vendors - any person who desires to sell goods, merchandise or foods from a temporary or portable structure which is designed to be moved or removed on an occasional basis, either on public or private property.

2. License

All persons desiring to obtain a license from the City of Newberg to conduct any use identified above must first file an application for the proposed use with the Newberg City Planning Department together with a $10.00 application fee. The application for a license for uses identified above shall be available from the Newberg Planning Department to all persons, firms or organizations desiring such.

3. Provision for Approval

a. Peddlers

The Planning Department shall coordinate the application for a peddler's license with the affected department heads including the City Administrator, Police and Fire Department for review and comment. Where, in the discretion of the City Administrative Staff, the peddler is determined to have a legitimate business, then a temporary license shall be issued for a period not to exceed 6 months from the date of application.

b. Carnivals, Circuses and Other Amusements

The City Planner shall coordinate the application for all carnivals, circuses, or other amusements with the affected department heads upon determining that the circus, carnival or amusement has adequate insurance to cover proper liabilities associated with this use and further provided that the applicant has obtained written approval for the establishment and set up of this use on private property. The location of this use is subject to approval by the City Administrative Staff, and such use shall not impare the proper flow of traffic on public or private property, shall not unduly restrict parking spaces on public or private property and may be required to have provisions for bathroom facilities either from a permanent or portable system, if determined to be necessary by the Newberg City Administrative Staff. These uses are authorized on a temporary basis not to exceed 14 days. No license for such use shall be authorized to be established upon public property without the formal consent of the Newberg City Council as made by a majority vote of those present at a regularly scheduled meeting after receiving a report from the Newberg Planning Department relating to the establishment of such use.

c. Street Vendors

The City Planner shall coordinate the application for request of approval for a street vendors license with the affected department heads. A street vendors license may be issued by the City Administrative Staff after review of the application if it is determined that the street vendor has written authorization for establishment of such use on private property by the property owner. The establishment of a street vendors operation on private property must not impare the proper flow of traffic on public or private property and shall not unduly restrict parking spaces on public or private property. No street vendors license will be authorized to be established on public property without the formal approval of the Newberg City Council as made by a majority vote of those present at a regularly scheduled meeting after receiving a report from the Newberg Planning Department relating to the establishment of such use. Street vendors licenses are authorized on a temporary basis not to exceed a period of 6 months from the date of issuance.

Licensing

The City Administrative Staff shall have the discretion and authority to approve or deny any request for a use identified within this procedure except as would be authorized by the Newberg City Council. Any request for a license of a use identified above which is denied may be appealed to the Newberg City Council. The Newberg City Council may accept or reject the decision of the City Administrative Staff. All appeals must be made by submitting a formal request of an appeal to the Newberg City Administrator together with a $25.00 processing fee. Fees are non-refundable.

MEMO

TO: City Council

DATE: October 1, 1981

FROM: City Administrator

SUBJECT: Peddlers License

The Planning Director has recommended that we continue with the same type of procedure as he outlined earlier to the City Council. This is a good example of priorities. Normally, I would delve into this more, to research the best procedure in the State and see if that was best for Newberg. However, when we have so many things going on and the Planning Director is pressed for time, then I am more inclined to take his opinion and go with the current procedure.

My recommendation is to: Adopt the Planning Director's proposal for Peddlers License (if the Council passes this information as a Resolution then we can use the same words and put it into resolution form. If this is not acceptable then we will bring back a resolution to the next City Council meeting using the attached proposal.)

Michael Warren
City Administrator

MW/bjm

Enc.

Roll call on ord

Prelim

MEMO

TO: City Council DATE: September 30, 1981

FROM: City Administrator

SUBJECT: Bids for Central Dictation Equipment

The Hospital has requested that the bid be awarded to Sony for their dictation equipment. Key phrases such as 'crucial to hospital', 'necessary feature' and 'unique for hospital use' are innate in this request.

The Hospital Administrator does a good job of explaining why they feel that Sony offers, not only the best, but the only equipment to consider. In speaking with him, I concur that, in the case of the Hospital, Sony would be the best.

Michael Warren
City Administrator

MW/bjm

Enc.

VII 1

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

September 15, 1981

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

RE: BIDS FOR CENTRAL DICTATION SYSTEM

Dear Mr. Warren:

The hospital wrote specifications which met our absolute minimum requirements for a central dictation system as part of our building and remodeling project. All three manufacturers who submitted bids have stated that their equipment as bid meets all specification, even though the product literature they supplied contradicts some of their claims The hospital also included in these specifications the right to reject any or all bids or any portion thereof.

The requirements for medical dictation are relatively unique and appropriate patient care can be affected whether transcribed physician's dictation is available at the appropriate place and time. If an operation report is lost, it is extremely difficult for the surgeon to accurately recall the details of the procedure several days or weeks later. It is also vital that the patient's history and physical be on the chart and available for all members of the hospital team prior to surgery for example.

Bids for dictation equipment were received on June 15, 1981. Since that time, hospital departments, administration and the executive committee of the Board of Commissioners have reviewed the information supplied by the bidders and conducted our own evaluation of all the dictation equipment as well as the service capabilities of the suppliers and our own experience with dictation equipment is a hospital setting. There are obviously different features of each brand that enhance as well as detract from its use in a hospital environment.

After a thorough evaluation of the information available and checking references, it was the recommendation of the Executive Committee of the Board that the hospital purchase Sony dictation equipment. The bids and recommended equipment necessary to make a fully functional system are

listed below:

	SONY	LANIER	DICTAPHONE
Central Cassette Recorder, touch tone telephone system (basic bid)	$13,936.05	$11,750.00	$9,356.40
Transcribers	Not required	1,298.00 (1)	378.00
Recommended equipment	262.00	25.00	None
Maintenance Agreement	850.00	1,081.00	803.16
TOTAL	$15,048.05	$11,154.00	$10,537.56

Footnote (1) Lanier offered a trade in of existing Sony transcribers of $2,609.00 which was not asked for in the bid specifications, nor does the hospital wish to accept.

Sony dictation is recommended for the following reasons:

1. SONY is the only equipment which evaluates the recording equipment prior to operation period. This feature insures that the important items of medical documentation are not lost due to a faulty cassette. Lack of these safety checks could result in wasted physician time and increased production time of the patient record which has a medical legal implication.

2. SONY is the only central recording system having a built in micro processor. The capability for system expansion and modification is very important in the future.

3. SONY is the only system which allows for the identification of four different priorities as compared to the other brands which essentially establish two priorities. There are many medical reports which must be transcribed immediately for the complete care of the patient. This feature allows the medical record department supervisor to efficiently process medical information in the most expeditious manner.

4. The hospital has previous experience with Dictaphone and the service record of the company at that time was completely unsatisfactory. The hospital has had Sony equipment in the past six years and is completely satisfied with its performance. We consider Sony equipment to be superior for medical transcription needs.

5. The voice operated relay (VOR) system of Sony can be turned off and on by the supervisor. On other systems, if VOR is in operation and no dictation is received in fourteen seconds the equipment automatically disconnects itself from the author. Other systems require a service call of a technician to turn the VOR capability off and on. Some medical procedures are dictated at the time the procedure is being performed and this feature is considered essential.

6. Sony micro processor constantly self checks and monitors its own functions. If a malfunction occurs, the system disconnects and alerts the supervisor and author by series of flashing lights and tones. Sony can prevent "lost" medical dictation from occurring. With other systems and equipment, malfunction allows for all dictation to be "lost" until the malfunction is discovered.

7. Sony offers "lemon insurance" that guarantees that any piece of equipment that requires three demand service calls in any twelve month period for the first three years will be exchanged at no charge to the customer. This provision essentially allows the hospital the flexibility of not purchasing the maintenance agreement from Sony, but almost requires it for the other vendors. Considering this information as part of the total bid price, the three effective prices are as follows:

SONY	$14,198.05
LANIER	$14,154.00
DICTAPHONE	$10,537.56

There is nothing more crucial to hospital operations than the dictation system to be used by over twenty five physicians on our staff. It is essential that the system remain trouble free and provide the necessary features to increase productivity within the Medical Record Department. We ask that the City Council accept the recommendation of the Executive Committee of the Board of Commissioners and allow the purchase of Sony equipment.

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

Sincerely yours,

Donald S. Elsom
Administrator

DSE:jp

SPECIFICATIONS

FOR

CENTRAL CASSETTE DICTATING SYSTEM

NEWBERG COMMUNITY HOSPITAL

I. NOTICE TO BIDDERS:

All bidders should submit their proposal in sealed envelopes plainly marked "Central Cassette Dictating System". Bids will be received not later than 10:00 A. M. June 15,1981. Bids will be opened and publicly read at 10:01 A. M. on the above date.

Owner reserves the right to accept or reject any or all bids or any portion of the inclusive bid provided that either warranty or compatibility is not adversely affected.

The hospital has a requirement to acquire and install a central cassette dictating system in coordination with the new building and remodeling plans currently underway. Complete plans, detailed working drawings are available through the construction coordinator, Mr. Warren Simpson, at Newberg Community Hospital.

By submitting a bid, the successful bidder represents that it has visited the site, familiarized himself with its local conditions, the detailed construction drawings and assumes complete responsibility for providing and installing a satisfactorily operable system meeting the owner's stated requirements.

II. GENERAL REQUIREMENTS:

A. Term of Payment

Payment will be made net thirty days after each installation and acceptance of the central dictating system provided that all specifications have been met and the system is in good working condition.

B. Price Protection

Bids must be submitted with 60 day price protection and be quoted F. O. B. Newberg Community Hospital.

C. Installation and Delivery

Changed by Betty Lowell

Delivery and installation must be complete prior to ~~June 30~~, Aug 1, 1981 1981. If installation date established by owner cannot be met by supplier then the supplier must state within his sealed bid the expected delivery and installation date.

Vendors notified & added on 7/29

D. Maintenance

Reliability of maintenance service and local service outlet will be given a high priority in bid evaluations. Bidders are suggested

to submit references from hospitals who are using their existing central dictating systems for which reliability and local service qualities can be examined by Newberg Community Hospital.

Each bidder must furnish a preventative maintenance agreement and provide the cost for one year preventative maintenance service as if there were no warranty.

E. Warranty

The entire central dictating system exclusive of owner supplied items should be warranted for a period of at least one year, to include all parts and labor. If warranty to be supplied is other than as described, each bidder must submit complete warranty information including length and conditions of warranty provided.

F. In-Service

In-service training to be provided for all Medical Record personnel and hospital staff including medical staff.

G. Additional Owner Requirements

Each bidder must specify the requirements to be supplied by the owner to provide a fully operating system. The requirements of the owner must be specified in detail within each submitted bid. Any requirements not identified at the time of submission of bids will be the complete responsibility of the supplier.

H. Used Equipment

If the supplier desires to submit a bid based on used or reconditioned equipment the stated cost of both new and used equipment must be supplied.

III. SPECIFIC REQUIREMENTS:

The successful bidder must furnish, install and connect a central cassette dictating system meeting the following specifications:

1. Three central standard multiple cassette automatic changing recorders.

2. Complete central standard cassette system must be author controlled through existing touch tone telephones from any on and off premise extension through the hospital telephone switching equipment.

3. Complete dictating system must have a priority identification system that does not rely on manual attendants.

IV. FEATURES:

A. The system must have a buffered voice activated recording capability.

B. Recorders to utilize any brand of standard ninety minute cassettes

and have the capability of at least seven and one half hours recording time.

C. The author must have access to any recorder not in use when using any on or off premise telephone extension.

D. The supplier must furnish appropriate cabinets and/or stands or castors to hold all components of the system as supplied to include any owner supplied telephone conversion devices.

E. The central dictation system must be able to provide cassettes that can be utilized within the hospital's existing transcribing units. If this is not possible, the bidder must state the cost of additional cassette transcribers that are required to be purchased.

V. FORMAT OF BID SUBMISSION:

All bidders must submit unit prices for each componenet of the system to be supplied, totalled in sum to readily show the cost of the entire system as specified.

Specifications approved by: for Mary Bardell

Date of Approval: 6/3/81

VII i

We only have one policy

"We are nasty to a couple of Rabbi people"

We do meet the fees. We do schedule and this

If we do it for one will have to do it for anyone.

Problem - has been a loose term

Reviews. Never knew when we / got them.

No one else has objected

3 no or upon occupancy

2 / file a lien

accept note as a lien or prop.

MEMO

TO: City Council DATE: October 1, 1981

FROM: City Administrator

SUBJECT: Planning Department Fees

Through the goal setting seminars, the Council has heard some of the frustrations with ordinances or resolutions not being up to date. At the last City Council meeting the City Council felt a little bit of the frustration in the Planning Department when we had a discussion on fees, specifically in regards to street vacations.

Obviously, the review process must take place on occasion. When the Planning Director began reviewing the fees, he found out that there was no formal resolution or ordinance that implemented the fees that are now in existence.

The attached schedule and recommendation by the Planning Director indicates a good study and, in my opinion, a fair recommendation for fees within the Planning Department. Once again, the emphasis is not to be on the high side but to get off the low end of the scale. If developers are going to develop (and annex, request variances, request street vacations, etc.) and if people are going to move to this City or begin businesses, they must pay for the services provided by the City. If this is not the case, then the people that live here currently must accept the fact that they will be subsidizing all of the actions listed in the Planning Director's memo.

It is my recommendation that the attached fee schedule for the Planning Department be passed, by resolution.

Michael Warren
City Administrator

MW/bjm

Enc.

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MEMORANDUM
September 30, 1981

TO: Mike Warren

FROM: Clay Moorhead

RE: Department Fees

At the regular Council meeting in September, the Council asked that the Planning Department provide a general fee schedule for planning and land use requests. In trying to determine what an adequate fee would be for various requests, I obtained the various fee schedules for Washington County, Forest Grove, Tigard, Portland, Oregon City and Woodburn. The following fee schedule is prepared to show the variation in fees being charged by different jurisdictions, the existing fee schedule of the Newberg Planning Department and a proposed fee schedule.

TYPE OF ACTION	FEE VARIATION	NEWBERG CURRENT CHARGES	PROPOSED FEE SCHEDULE
Annexations	$50 - $700	$250	$350
Conditional Use Permits	$50 - $325	$ 75	$200
Variances	$50 - $175	$ 50	$100
Street Vacations	$25 - $175	$175	$175
Partitioning	$25 - $100	$ 25	$100
Subdivisions			
0-10 lots	$200 - $350	$200	$200
11 or more lots	$250 - $550	$2-$4 per lot in add. to $200 base fee	$15 per lot in add. to $200 base fee
Planned Unit Dev.	Same as subdivision	Recommend Same Per Unit Rather Only Charge than Per lot	
Zone Change	$ 50 - $1100	$150	$200
Comprehensive Plan Amendment	$150 - $500	$150	$500
Appeal	$ 50 - $100	$-0-	$100

In reviewing this matter, I could not locate an ordinance or resolution which adopted the fee schedule currently being used by the Newberg Planning Department. This fee schedule has been in use since I began my employment with the City in 1979. I would suggest that a fee schedule be formally established by a resolution of the Council.

RESOLUTION NO.

A RESOLUTION ESTABLISHING FEES FOR PLANNING AND LAND USE RELATED MATTERS.

WHEREAS, It is necessary to establish fees to cover the cost of administrative review by the City of planning and land use actions; and

WHEREAS, The current fees being charged for planning and land use related actions are insufficient to cover the City administrative costs for review of these items; and

WHEREAS, The fees as hereby attached as Exhibit A more accurately reflect the actual cost of administrative review of these matters.

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

Section 1. The fee schedule attached and labeled Exhibit A which is hereby made a part of this resolution by reference thereto,

BE APPROVED.

PASSED by the Council this 5th day of October, 1981.

_____
Arvilla Page - Recorder

APPROVED by the Mayor this 5th day of October, 1981.

_____
Elvern Hall - Mayor

EXHIBIT A

PROPOSED FEE SCHEDULE

ANNEXATIONS	-	$350
CONDITIONAL USE PERMIT	-	$200
VARIANCE	-	$100
STREET/ALLEY VACATION	-	$175
PARTITION	-	$100
SUBDIVISION		
0 - 10 lots	-	$200
11 or more lots	-	$15 per lot + $200 base fee
PLANNED UNIT DEVELOPMENT		
0 - 10 units	-	$200
11 or more units	-	$15 per unit + $200 base fee
ZONE CHANGE	-	$200
COMPREHENSIVE PLAN AMENDMENT	-	$500
APPEAL	-	$100

October 1, 1981

TO: Mike Warren
FROM: Chief Hawkins
SUBJECT: OLCC Application
Rocky's Delicatessan Inc.

In reviewing the application for Rocky's new location, I know of no reason that the Police Department would not recommend approval.

Should further concerns or inquiries occur, please feel free to contact us.

Herbert W. Hawkins,
Chief of Police

HWH/mr

PAGE 1

STATE OF OREGON
OREGON LIQUOR CONTROL COMMISSION

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

APPLICATION GENERAL INFORMATION

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

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

№ 2637

(THIS SPACE IS FOR OLCC OFFICE USE)

Application is being made for:

BOTTLER
BREWERY
DISPENSER CLASS A
DISPENSER CLASS C
DISTILLERY
DRUGGIST
FARMER'S WINERY
INDUSTRIAL ALCOHOL
RAILROAD, PUBLIC PASSENGER CARRIER OR BOAT
RESTAURANT
RETAIL MALT BEVERAGE
SEASONAL DISPENSER
SPECIAL EVENTS DISPENSER
WHOLESALE MALT BEVERAGE AND WINE
WINERY

Greater Privilege
Lesser Privilege
New Licensee
New Location
New Outlet
New Partner

OREGON LIQUOR CONTROL COMMISSION LICENSE DIVISION SEP 21 1981

OREGON LIQUOR CONTROL COMMISSION APPLICATION RECEIVED

(THIS SPACE IS FOR CITY OR COUNTY USE)

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

THE CITY COUNCIL, COUNTY COMMISSION, OR COUNTY COURT OF _____
(Name of City or County)

RECOMMENDS THAT THIS LICENSE BE: GRANTED _____

DENIED _____

DATE _____

BY _____
(Signature)

TITLE _____

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

1. Name(s) of individual applicant(s), partnership, or corporation:
   1) Rocky's Delicatessen Inc. (Name) 2316 Portland Road (Address) Newberg (City) Or (State) 97132 (Zip)
   2) ~~Robert A Robinson 1280 S.W. Upland Drive Dundee Oregon 97115~~
   3) ~~Barbara A Robinson 1280 S.W. Upland Drive Dundee Oregon 97115~~
   4) _____
   (EACH PERSON LISTED ABOVE MUST FILE AN INDIVIDUAL HISTORY AND A FINANCIAL STATEMENT)
2. Trade name of premises Rocky's Delicatessen Inc. When filed: 1977 (Year Name Filed with Corporation Commissioner)
3. Former trade name N/A
4. Premises address 2316 Portland Road (Number, Street, Rural Route) Newberg (City) Yamhill (County) Oregon (State) 97132 (Zip)
5. Business mailing address 2316 Portland Road (P.O. Box, Number, Street, Rural Route) Newberg (City) Oregon (State) 97132 (Zip)
6. Was premises previously licensed by OLCC? Yes ____ No ✓ Year N/A
7. If yes, to whom: N/A Type of license: N/A
8. Will you have a manager: Yes ____ No ✓ Name N/A
   (Manager must fill out Individual History, blue page 2)
9. Will anyone else not signing this application share in the ownership or receive a percentage of profits or bonus from this business? Yes ____ No ✓
10. What is the local governing body where your premises is located? Yamhill (Name of City or County)
11. OLCC representative making investigation may contact: Barbara Robinson (Name)
    1280 SW Upland Drive Dundee, Or (Address) 538-5725 Home 538-2511 Business (Tel. No. — home, business, message)

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

Applicant(s) Signature (1) (In case of corporation, duly authorized officer thereof) Robert Leon Robinson President
(2) Barbara Ann Robinson Secretary
(3) _____
(4) _____

9-16-81
DATE

Original—Local government

Form 84545-480 (1/80)

SP*03341-845

VII 4

MEMO

TO: City Council DATE: October 1, 1981

FROM: City Administrator

SUBJECT: Contingency Fund Transfer

The attached resolution explains the money needed to be tranferred from the Contingency Account (approximately $80,000 in total) to the Sewer Account and the General Account.

The Finance Committee has recommended approval on this subject matter and it is recommended that the resolution be passed as stated.

Michael Warren
City Administrator

MW/bjm

Enc.

RESOLUTION NO.

A RESOLUTION AUTHORIZING TRANSFER OF FUNDS FROM THE CONTINGENCY ACCOUNT OF FUNDS TO THE SEWER ACCOUNT AND GENERAL ACCOUNT FOR CITY HALL ROOF REPAIRS AND FOR PROFESSIONAL SERVICES RELATING TO THE SEWER TREATMENT PLANT.

WHEREAS, funds in the amount of $10,000. must be appropriated from the Contingency Account of Funds to the Sewer Fund to comply with the Department of Environmental Quality directive to complete the pretreatment program ordinance revisions and plan of pretreatment modifications needed for our sewer treatment program; and

WHEREAS, funds in the amount of $2,150. must be appropriated from the Contingency Account of Funds to pay for anticipated roof repairs to the City Hall; and

WHEREAS, the Council of the City of Newberg has considered the transfer of funds from the Contingency Account of Funds as set forth in the budget for the fiscal year 1981-1982 which are enumerated below, and has determined that the expenditures hereinafter mentioned are necessary and that the transfer of funds hereinafter stated should be allowed.

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

1. That the following transfer of funds from the Contingency Accounts are hereby authorized and expenditure of the funds are authorized for the purpose stated.

FUND	ACCOUNT NUMBER	PURPOSE	AMOUNT
General	1-426.371	Building Repair	$2,150.
Sewer	6-405.390	Professional Services	$10,000.

2. That the foregoing transfers shall be made from accounts as set forth in the budget of the City of Newberg for the fiscal year 1981-1982.

ADOPTED by the Council this 5th day of October, 1981.

_____

Arvilla Page - City Recorder

MEMO

TO: City Council DATE: October 1, 1981

FROM: City Administrator

SUBJECT: Loan to General Fund

The attached recommended resolution and action was unanimously agreed upon by the Finance Committee. Because the property tax money does not come in until next month, we must operate with other monies from another fund. The State of Oregon does not allow deficit spending so the formality of this resolution is necessary.

Recommended action: Pass resolution authorizing $364,000 to be borrowed from the Water Fund at 15% interest.

Michael Warren

Michael Warren
City Administrator

MW/bjm

Enc.

VIII 4

RESOLUTION NO.

A RESOLUTION AUTHORIZING THE BORROWING OF FUNDS FROM THE WATER FUND TO LOAN TO THE GENERAL FUND AND DEBT SERVICE FUND AND PROVIDING FOR INTEREST TO BE CHARGED ON THIS LOAN.

WHEREAS, it is necessary to borrow $364,000. from the City Water Fund to loan said funds as follows; $150,000. to the General Fund and $214,000. to the Debt Service Fund; and

WHEREAS, the Finance Committee of the Council of the City of Newberg has met and recommended an interest rate to be paid on said loan.

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

1. The Water Fund of the City of Newberg shall loan $364,000.to the General Fund and Debt Service Fund of the City of Newberg apportioned as follows; $150,000. to the General Fund and $214,000. to the Debt Service Fund.

2. That the loan hereby authorized shall be repaid from the tax payments received in November, 1981 with interest on this sum to be at the rate of % per annum from this date until repaid.

ADOPTED by the Council this 5th day of October, 1981.

_____
Arvilla Page - Recorder