

**MINUTES OF THE NEWBERG CITY COUNCIL  
MONDAY, AUGUST 2, 1999  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING - TRAINING ROOM**

**I. CALL MEETING TO ORDER**

Mayor Cox called the meeting to order.

**II. ROLL CALL**

<b>Roger Currier (RC)</b>	<b>Alfred Howe (FH)</b>
<b>Donna McCain (DM)</b>	<b>F. Robert Weaver (RW)</b>
<b>Lisa Helikson (LH)</b>	<b>Brett Veatch (BV)</b>

**Staff**

**Present:** Duane R. Cole, City Manager (DRC)  
Terrence D. Mahr, City Attorney (TDM)  
Mike Soderquist, Community Development Director  
Larry Anderson, Engineering Manager  
Peggy Nicholas, Recording Secretary

**OTHERS**

**PRESENT:** Kelli Highley, Ron Fulman, Pat Haight, Pauline Ogden, Warren Parrish, Karl Maerz, Rhoda Senzm, Mike Gougler,

**III. PLEDGE OF ALLEGIANCE**

The pledge of allegiance was performed.

**Pulling Ordinance No. 99-2514 from the agenda due to the receipt of additional information.**

**IV. COMMUNICATIONS FROM THE FLOOR**

**Ms. Kelli Highley, 619 S. River Street, Newberg,** asked about abandonment of vehicles in particular of other vehicles around River Street. In addition, she asked about the alarm fees which came into being. She also asked about the SDC charges and LUBA update on the asphalt project. The Homebuilder's Association filed a writ to stop the SDC charges.

**Mr. Ron Fulman, 3504 Vittoria Way, Newberg,** consensus among Councilors about the privilege tax and put a cap of 1000 kw hours per month per residence. There is a 5000 kw cap on businesses. He revisited the web site and change and removal of names and addresses for Council members or where the Council members can be sent. Mayor Cox the numbers are published in the Newberg Graphic. DRC said the home page was redesigned but they will add back the Council members home phone and addresses.

**Ms. Pat Haight, 501 E. Illinois, #12, Newberg,** said the matter was remanded to the County because of one decision. Ms. Haight said the decision is plain and quoted from the

decision dealing with zone change from an MR designation and the City (TDM and DRC) and the applicant (Baker Rock) to apply for a permanent approval for February, 1998. Ms. Haight said the Council represents the City.

**Pauline Ogden, 1113 James Street, Newberg,** was told by the Chehalem Park & Recreation District (CPRD) that they would have the skate park on the Council agenda. Ms. Ogden asked how the City was going to handle kids in the area without supervision. Also, at the present time, they have built a BMX bicycle track and races occur and the noise that is present causing disturbance (amplified noise). Mayor Cox asked DRC to check the area for possible violations.

Councilor FH said he is resigning and he has taken a position in Brookings, Oregon. He wanted to thank the citizens of Newberg and the opportunity to serve the City. With the current Mayor, he sees great things with the City. He also addressed the City's staff and how good they were in doing a good job for the City. He suggested that the community support the elected officials and become more involved.

Councilor RC said he had previously discussed that the matter was noticed and was not presented to the Council for approval.

## **V. CONSENT CALENDAR**

1. Approve minutes from City Council meetings held on March 1, 1999; March 15, 1999; April 5, 1999 and April 19, 1999.

**MOTION:** LH/RC to approve as amended. Motion carried.

## **VI. PUBLIC HEARING**

1. Public Hearing on Comprehensive Plan and Development Code changes relating to the Transportation Plan Rules. **Ordinance No. 99-2513** amending the Newberg Comprehensive Plan and Development Code to implement various portions of the Transportation System Plan. **(Bring info from 6/7/99 and 6/21/99).**

Mr. Barton Brierley reviewed the changes:

1. Flow diagram.
2. Street amenities: benches;
3. Bicycle parking spaces
4. The Council suggested that they review the radi for the cul-de-sac. No specific recommendations. The Fire Chief reviewed the current requirements and were satisfied with the standards as proposed.

The staff recommends approval.

Councilor RC said he was concerned about parks and one acre or more (one bicycle space for each acre of park). Mr. Brierley said they increased the requirement so that it was more: He

spoke with CPRD (Don Clements): two spaces for the first two acres and one space for each acre thereafter. Discussion was held concerning more spaces per acre - at least 6.

Councilor FH said that on page 63 of the new packet (section 2), the proposal provides for parking more than one bicycle. Councilor RW said that he is not opposed to having more spaces for bicycles. Discussion was held concerning Jaquith Park as an example of a City park that would utilize more bicycle parking spaces.

Councilor DM suggested that the usage of the park should determine how many spaces. For example, the sports parks would probably require more spaces than a neighborhood park. Councilor RC said that what the City is trying to do is to promote bicycle traffic.

**MOTION:** RC/FH to change to 6 spaces for the first acre and one space for each acre thereof. (Yes (RC/RW/FH)/No CBC/BV)

**MOTION:** FH remove section 15 dealing with bicycles until there are issues to be resolved - amend the ordinance and table that section, provide survey data - see what the City of Eugene. LH) table to time certain, need notice provision - September 7<sup>th</sup>.

Councilor RC asked for clarification of the number for new construction. (5 Yes/1 No BV). Motion carried.

Councilor RC asked for clarification of the street furniture required for businesses and residential. Mr. Brierley reviewed the requirements which "may" include decisions of changes to amenities. Councilor RC said Section 10.50.170 landscaping amenities in residential and business areas and who would be making a decision of what is required. Mr. Brierley said the guidelines are outlined in the Development Code according to the type of development. He further reviewed the language contained in the staff report.

**MOTION:** RW/FH to approve, as amended. TDM read the Ordinance by title only, amending exhibit "A" and tabling 10.5.230 of the Development Code, bicycle parking facilities Section 15 of Exhibit "A". Tabled to September 7, 1999 - Unanimous. Motion carried.

Councilor FH thanked the planning commission and staff for their effort. They did an outstanding job.

2. Public Hearing on adoption of the Springbrook Oaks Specific Plan. This would amend the Newberg Comprehensive Plan, Development Code and Zoning Map. **Ordinance No. 99-2517** adopting the Springbrook Oaks Specific Plan amending the Comprehensive Plan text, the Newberg Development, the Comprehensive Plan map from IND/COM/LDR/MDR to IND/COM/LDR/MDR/HDR/MIX, and amending the zoning map from M-1/C-2/R-1/R-2 to M-1/C-2/R-1/R-2/R-3/R-P for the property located south of Highway 99W, east of Springbrook Road, North of Fernwood Road and west of the UGB; Yamhill County Tax Lot 3216-2001 and 3216-2010.

**Councilor BV announced he may have potential conflict due to his real estate status.**

Councilor RC said he has been approached by some people. He did not discuss with them about it. No objections were made. Discussion was held concerning information heard on the radio or in the Newberg Graphic, TDM said that the Council should declare facts or knowledge the City Council would be relying upon for their decision.

City Attorney TDM read the quasi-judicial statement and announcement of applicable criteria. The testimony should be directed to the applicable criteria, any issues presented, application meets criteria, needs to be addressed, fail to raise it, or waive his/her rights to appeal to LUBA.

DRC introduced David Beam, City Planner, directed through steering committee and Planning Commission. He reviewed the history of the project (almost one year to date - August 3<sup>rd</sup>). The Council at the request of the landlord, initiated the process. The Council appointed a steering committee, comprised of community interests, school, park district as well as the private sector (realtors and property owners). They developed the Springbrook Specific Plan Committee. Worked through the year, the Committee forwarded it to the Planning Commission. The Planning Commission made some amendments to the Plan. On July 8<sup>th</sup>, the Planning Commission recommenced approval. The property is owned by the Werth family. The area is around 284 acres and located behind Fred Meyers. The property follows the UGB and the City limits. The land uses are commercial, residential and along the west side of Springbrook is light industrial, the drive-in and some residential, and to the south and east is rural residential/farm land.

The area is mostly flat (2/3rd) with farmland. There are two creeks in the stream corridor (eastern and western fork of Springbrook Creek). Eastern portion of the creek is forestry. The proposed land uses in the plan - wide range: C-2 development, residential professional development, higher and lower density (R-2/R-3), and R-1 single family residential, single attached family dwellings to encourage developers to follow design guides, for a higher quality development. Mr. Beam reviewed utilities and requirements and the development of the area through the OEDD grant. Any development proposed would need to show that water and services be able to be provided at the time of the development. The Council adopted the strategic plan a few months earlier. There are about three different roads to be installed: an east/west minor collector, connection to the R-1 area (Brutscher) and the northern area.

Mr. Beam said that Brutscher would be a minor collector and Fernwood Road would be upgraded. There is a requirement for bicycle and pedestrian traffic. There are two neighborhood parks planned for the area (high and medium residential developments as well as the low density residential development). The Oak Grove will be reserved for open space. There are two stream corridors and are highly restricted through the City's Development Code and CPRD will be watching the project. Discussion was held concerning City water availability. Mr. Beam reviewed the golf course project (27 hole course). Mr. Brierley said that Fernwood Road is a major collector street. Mr. Beam addressed the traffic impact analysis. With the impact analysis, it provided information about when the services must be provided.

Mr. Beam said that land use issues were also raised. In the area of residential development, the area originally had industrial land, MR, light industrial and light residential as planned in 1970's-80's. The intent in the development was to provide for use of now, and future growth. Mr. Beam reviewed the allocation of land to accommodate development. With industrial, he took data from three different sources: comprehensive plan, how much was listed as 1979 and

what is need now. Discussion was concerning the current plan through the year 2010 and what is proposed for use after 2010. Mr. Beam reviewed the Comprehensive Plan being highly overestimated in the number previously reported in 1979. The industrial lands have been converted to residential/professional designation which creates opportunity for growth of businesses in the area. Mr. Beam reviewed the population calculations and what the area would allow for approximately 3500 people (2.9 person per household) - 587 per dwelling units. The area would allow for approximately 1/3 of the proposed growth for the area. 100% of the area above Fred Meyers could be residential/professional area. The School District has taken some interest for building of a school in the area.

Mr. Beam said that the applicant has requested to present testimony. The traffic report was paid for by the developer.

Mr. Mike Gougler, representative for the Werth family, provided a brief over-view of the project. The property was purchased by the father in the 1950's. The family was included in the Comprehensive Plan which outlined a series of percentages for development in the area. There were no zones drawn. They are requesting a rezone, they do not have a project, in order to address the current needs of the community and as they try anticipate in the future. The Werth family agreed to surrender their rights to plan how that property was to develop the property, through the Specific Plan. A group of citizens who were pleasant and knowledgeable to work with the property owners. The goals of the owners were to allow for good development that would accommodate the needs of the community, public safety, housing and industry. A congregation of desires as representatives of the steering committee and the Planning Commission. Discussion was held concerning traffic impacts, water availability and future growth. Mr. Gougler reviewed the goals of the property owners and how the specific plan finally came out. Discussion was held concerning the use of M-1 (industrial) property. Mr. Gougler said that he is bilingual in English and Japanese. There was one interested in the property (EFTC). Mr. Gougler reviewed decrease in density in close proximity to their business areas. For the purposes of consistency, there is a road to cross the property, and they ask that the road be used as a border to define residential, mixed use (industrial, professional and residential use). Discussion was held concerning placement of a retirement facility (skilled nursing) and/or hospital not allowed in M-1 designations. Mr. Gougler said the lots would be a minimum of 10,000 sq. ft. They would like to avoid crossing the stream corridor. Discussion was held concerning how the City can be sure that the developers do what they say they are to do. Mr. Gougler said that with the cooperation of the community, they will be able to make the changes they are required to make.

Councilor FH asked if it was a 10 year plan. Mr. Gougler said they will start with the most immediate need and proceed in the direction. It could take 10-20 years. Councilor FH said that in the last 10 years, is there adjustment to flexibility in the needs in terms of development and being pro-active to the community. Mr. Gougler said the steering committee was sensitive to avoid a planned unit development, and do a set of guidelines to change the needs of the community. The owners and the steering committee worked well together in finalizing the product to the City Council.

Mr. Mike Wallace, 1532 E. Third Street, Newberg, provided testimony outlining the task of the steering committee. He reviewed the traffic impact study and other information presented to the committee. He thanked Bob Andrews and Deborah Sumner for their help in keeping the steering committee on track. They worked very hard on the project on issues presented by the

public, the land owners and others.

Mr. Warren Parrish, 30450 NE Wilsonville, Newberg, thanked Councilor FH and his input in seeing both sides of the issues. He is in favor of the Specific Plan. He has been impressed with the developer and the steering committee's proposal. There are a couple specifics: He felt as an individual member of the Commission, there are a few areas that need to be considered:

1. It is important that as each phase that they have the infrastructure in place. Gresham and Wilsonville have problems dealing with water and available city services.
2. The golf course was addressed, but not with much specificity. He hopes that the word "public" golf course is used rather than "private"
3. He is concerned about the traffic. Fernwood is going to be a potentially major collector. He would like the City and the developer together work hard to put a traffic light at Fernwood Road and Springbrook Road. Discussion was held concerning other alternatives (Hayes Street). He would like to have the Council consider the traffic impacting the area. He also noted that there will be problems with Wilsonville Road.

He said the concept has a lot of value.

Ms. Kelli Highley, 619 S. River Street, Newberg, addressed the 570 possible residences. She asked how many EDU the City could accommodate if all was developed? Plus the R/P of 500. She believes there is issues relating to other growth and development that are already scheduled for development. Ms. Highley also addressed the fact that Springbrook Road is for Hwy. 219. Ms. Highley referenced the traffic study prepared by Kittelson & Associates being incorrect. The whole development timing is not right.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, Oregon, discussed issues to be brought to the attention of the Council which need to be corrected. Discussion was held concerning the OEDD \$1M loan to aid the developer. Ms. Haight addressed the dangerous situation in the area where the project is to be located, the number of people killed on Fernwood Road. Ms. Haight said she had heard that the hospital may be moved to the new area. She also noted that she had heard of the property given to CPRD and the traffic impact it will have in the already over-loaded and congested area. Ms. Haight asked where the water will come from? Ms. Haight said that Gearin's Ferry property is not being used or investigated.

**MOTION:** RW/RC for a five minute break at 9:05 p.m. The meeting reconvened at 9:10 p.m.

Mr. Karl Maerz, 11520 Fettig Lane, Newberg, fronting Fernwood Road. They would like to re-iterate the traffic impact and the possibility of problems. He discussed accidents that have occurred. One of the early stages of the plans was a possible access on to Hwy. 99W. He is certainly favorable to this type of development than a chip manufacturing plant. He hopes that the traffic will be addressed and scrutinized.

DRC said that the state agencies were noticed. DLCD was complimentary in the level of development.

Councilor RC commented on the City staff time devoted to the project. Mr. Beam said it was 20-30% of his time was devoted to the project. DRC said the value of the effort is that the

community gets a good development and improves the livability of Newberg.

Councilor DM asked if there was any consideration of the road hazards and curves on Fernwood Road .

Mr. Gougler said the SDC charges would be paid by developers in the area. The hospital may consider the proposal to benefit the community. There is no discussion or commitment from the hospital. The property owners have conveyed an easement. The golf course would have to be adjacent. The crossing would be for pedestrians and not vehicles. 25 acres was preserved for conservation. The golf course, if built, will be public. Each phase of the development must be approved by the City prior to development. The developers are also interested in the traffic impact. The County is also involved due to Fernwood being partially part of the County. He said that the developer will address the individual needs. It is difficult the M-1 property and they would like to steer the type of development for the property.

Mr. Beam said it is the staff's recommendation to approve the project. Mayor Cox closed the public hearing. TDM reviewed the 7 day rebuttal period and asked Mr. Gougler if the developers would want to waive the right to notice. Mr. Gougler said the Werth family waives the 7 day rebuttal period.

Councilor RC said he has not talked with Pat Haight, Kelli Highley or anyone. He said that a specific plan is a good idea. Discussion was held concerning the Sumitomo plant that was originally to be built on the property. Councilor RC also addressed the OEDD grant for building of infrastructure until the SDC charges have been collected. He said the City is paying on the loan until the project is built. He also addressed water availability, the promotion of a golf course, the hospital relocating to the area, the hospital repaying money to the City due to a prior agreement that if the hospital is relocated within 25 years, the City would receive money back. Councilor RC discussed city services being available at the time the road is built. Discussion was held concerning who would pay for what costs. He said the traffic impact is a concern. He questioned the development plan not provided and he cannot support the plan.

Councilor LH said that one of the recommendations of staff that a section be added to utilities being available. She questioned the water issue and the amendment to the resolution findings - Attachment A and the Exhibit "D", it was added to the Ordinance findings.

Councilor RW discussed how the City has grown in population and how it has been meeting the needs of the community. He addressed the hospital adding additional floors to the existing building.

Councilor FH said he appreciated the efforts and energy that was put into the project. He also thanked the Werth family for promoting this type of developers and their pride of ownership. He would like a process which would provide for more public input, this plan used the process which is not typically done in other cities of Newberg's size. The picture gives a general concept, there is no guarantees, but they are committing to the City of Newberg that the development will take place. He is concerned about mis-representations about collusion between the City staff and the developer, the \$1M loan from OEDD, the City is benefitting from the loan. The Council is responsible to the citizens. He said it is a great project and commends all those involved.

Councilor DM said the first specific plan was a test run but this development was given better guidelines or rules to follow. He is concerned about the requirement for a commercial development which is now vacant. The development has had much thorough issues discussed to come up with a great plan.

Councilor BV said it will be a good asset to the city down the road. It allows flexibility and puts together a good project and makes sure there are adequate services at each phase.

Councilor RC said that the City has not previously helped any other developer such as they have done for the current developer. Discussion was held concerning the \$1M loan and what the City's obligations to the loan are to be done.

DRC reviewed what the City is paying for in the infrastructure. DRC said the City has to build infrastructure for access to the reservoir. Instead of using SDC funds, the City could borrow money at 4.5% when the City is receiving 5% on SDC funds. The City is paying its share for the costs. The lines that go along (not industrial service lines) will be paid by the City SDC charges. (Oversizing over 8").

Councilor LH said the area is prime for growth. The City is moving in that direction. This provides for planned growth. The cooperation of the land owner has been very helpful. She supports the plan.

Councilor DM said the Werth family is developing the property and they should be referenced as "they" and not "he".

**MOTION:** FH to approve Ordinance to read by title only. BV seconded. (Unanimous). TDM read the Ordinance by title only. (5 Yes/1 No [RC]). Motion carried.

Councilor RW asked that the Council consider hearing the Senz request first.

## **VII. CONTINUED BUSINESS**

1. Presentation on the draft rules for Francis Square, Manager recommends approval of proposed rules. *See memo with final revised rules from working committee.*

DRC reviewed the rules to be tried to see how it goes. Discussion was held concerning not allowing commercial use of the Square.

Mr. Warren Parrish, 30450 NE Wilsonville Road, Newberg, he would like to have the Council consider that any activities be reviewed and considered by the Downtown Redevelopment Committee. He said he would like to have a more broader aspect of the guidelines and provide for more activities (concert) types. He questioned liability issues and the potential of drawing people downtown, contacting the bank (First Federal) to allow for parking for the Square.

Councilor DM said it is a gathering place. Discussion was held concerning commercial activities that would not compete with other area businesses. He said the Council should not limit commercial activity (need more open mind).



Councilor RC said that competition is great (vendor carts, etc.). Discussion was held concerning permits authorized by the City.

Councilor RW discussed the volume of traffic going on in downtown Newberg which is not what the City of McMinnville has in common.

Discussion was held concerning murals, specific guidelines of what would be permitted and how often a person or entity could utilize the property, review periods to revisit.

**MOTION:** LH/BV to accept but to revisit within 6 months (March 1<sup>st</sup>). (Unanimous). Motion carried.

### **VIII. NEW BUSINESS**

1. ~~Ordinance No. 99-2514 amending Ordinance No. 1703 which provides for the general offenses of the City by amending Section 51 to provide for a curfew and truancy reduction program, providing for penalties, and renumbering certain sections. Removed from agenda..~~
2. Motion to approve a request to Yamhill County for Temporary Health Hardship Housing located at 27100 NEWBERG Bell Road.

Ms. Rhoda Senz, 27100 NEWBERG Bell Road, Newberg, addressed the North Urban Reserve Boundary. Correct last paragraph: the proposed pole barn is not an issue and should be corrected. The pole barn has been in existence for over 10 years.

**MOTION:** RW/LH to approve.

Mr. Brierley reviewed the staff report. The manufactured home was placed for the property owners' mother who has since passed away. The City's position is a recommendation to the Yamhill County that it meets the City's concern for adequate and compatible for future urban development.

ROLL CALL - Unanimous.

3. Fourth Quarter Visitor's Information Center report for April, May, June, 1999.

Presented a year end figure - up in revenue. The equipment lease and overhead utilities were reversed. The difference between the budget and the accounting. She noted that there is a Website (newberg.org) and they keep track of the number of hits (384 last month). July was 498. They spent most of the time in the directory, looking for alpha listing, then maps, visitor information and community profit. Discussion was held concerning the Chamber's auction (November 6<sup>th</sup> possibility). Discussion was held concerning the State sign that notes "visitor information center" and asking that "Newberg" be added to the sign.

Mayor Cox adjourned the meeting into executive session at 10:25 p.m.

**IX. EXECUTIVE SESSION**

1. Executive Session Pursuant to ORS 192.660(1)(d) Relating to Labor Negotiations
2. Executive Session Pursuant to ORS 192.660(1)(a) relating to the Employment Contract with the City Manager.
3. Executive Session Pursuant to ORS 192.660(1)(h) relating to Pending Litigation.

**IX. ADJOURNMENT**

**MOTION:** to adjourn at 11:45 p.m.

ADOPTED by the Newberg City Council this 6<sup>th</sup> day of March, 2000.

  
Duane R. Cole, City Recorder

ATTEST by the Mayor this 14 day of March, 2000.

  
Charles B. Cox, Mayor