

**MINUTES OF THE JOINT  
NEWBERG CITY COUNCIL & PLANNING COMMISSION MEETING  
JULY 8, 2004  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING - TRAINING ROOM**

**\*\*Note taping device did not operate correctly\*\***

**I. CALL MEETING TO ORDER**

**Mayor Bob Stewart** called the meeting to order.

**II. ROLL CALL**

Council Members Present:

Bob Andrews  
Mike McBride  
Mike Boyes

Roger Currier  
Robert Soppe  
Robert Larson

Planning Commissioners Present

Dwayne Brittell  
Dennis Schmitz  
Philip Smith (Vice-Chair)

Louis Larson  
Nick Tri

**Absent:** Planning Commission Chair Richard Van Noord; Commissioner Matson Haug

**Others**

**Present:** Jim Bennett, City Manager  
Terry Mahr, City Attorney  
Kathy Tri, Finance Director  
Mike Soderquist - Community Development Director  
Dan Danicic, City Engineer  
Barton Brierley, Planning Manager  
David Beam, Economic Development Coordinator  
Dawn Nelson, Recording Secretary

**III. PLEDGE OF ALLEGIANCE**

**PUBLIC MEETING SECTION**

**IV. PUBLIC COMMENTS**

None.

**V. CONSENT CALENDAR**

## **VI. PUBLIC HEARING**

1. Public Hearing to consider **Ordinance No. 2004-2602** approving a Comprehensive Plan Amendment and Development Code Amendment relating to the By-Pass **(Legislative Hearing).**

### **Terry Mahr**

Explained to audience how meeting was going to be run and informed the audience to please raise any questions about tonight's topic here because there would not be a chance for further testimony once the hearing is closed.

### **Mayor Stewart**

Asked the members of Council and Planning Commission if anyone had a conflict of interest.

### **Commissioner Schmitz**

Voiced that he may have a conflict because he owns property within the bypass corridor, but he didn't think it would affect his ability to make a decision on the policies presented tonight.

### **Councilor Boyes**

Voiced the fact that he lives on River Street right in the middle of the bypass area. Mayor Stewart asked Councilor Boyes if he felt this would present a problem with his ability to deliberate on the policies. Councilor Boyes answered no.

### **Terry Mahr**

Stated that he had discussed with both the Councilor and Commissioner their potential conflicts because there are a lot of ifs that could result from the policies being discussed. Mr Mahr then explained how it works when there is a conflict of interest.

### **Jim Bennett**

Explained the format the hearing was to follow to make enough time for everyone who came to speak. He then asked the members of the Council and Planning Commission to hold their technical questions of staff until after all testimony had been heard. Mr. Bennett then explained the ground rules for testifying: 1) please sign in; 2) testimony will be limited to 5 minutes for an individual and 10 minutes for a group; 3) when the buzzer sounds you will have 30 seconds to finish your statement. Please keep remarks on track and don't repeat issues already stated. Try to give new testimony.

### **Mayor Stewart**

Asked if there were any questions about the ground rules.

### **Barton Brierley**

Presented staff report. This hearing is being held to consider testimony about policies to be included in the Comprehensive Plan and the Zoning Ordinance. These policies will deal with land use issues regarding property development around the interchanges associated with the bypass. It is not a hearing to discuss whether there will be a bypass or where it will be located. Those issues have already been established. We did receive a letter from Edward Johnson Oregon Law Center which we will make copies of and distribute. We also received a letter from the Department of Land Conservation and Development which is included in the last page of your packet.

The State has asked that the Bypass Location Draft Environmental Impact Statement be entered into the record. The Planning Commission is scheduled to hold a separate meeting on July 28, 2004 to consider and deliberate on these policy changes.

**Alan Fox, Project Manager for the Newberg Dundee Transportation Improvement Project**

ODOT would like to thank you for having this joint meeting. It has been very helpful to schedule only one meeting and we appreciate it. This meeting was added as part of the process of approval for the goal exception for the bypass project. Goal acceptance process must address the protection of agricultural lands and the protection of interchanges according to laws of the State and the Oregon Highway Plan. This process started 1 year ago with workshops and meetings with staff. It is our hope to make minimal changes to the City's land use policies to get through this process. Looking for minimal compliance with goals and objectives of the State. We have been working hard together with staff and hope you will approve these policies.

**Mary Dorman, Land Use Consultant working with ODOT**

I apologize. I had a written statement all prepared to distribute and forgot to bring it with me. This is a multi-jurisdictional plan. We are proposing the same package for the County and all three cities involved in the Bypass plan. Newberg already has a transportation plan that already allows for a southern Bypass plan. The County has agricultural land issues that focus on whether the Bypass will bring new growth. We have to deal with both the City and the County policies to get the goal exception passed. The Oregon Highway Plan has its own policies relating to new Bypasses that focus on interchange areas.

She went on to explain the graphic maps shown in packets and how the overlays work. What areas are identified as County and City Urban Growth Boundaries. The Newberg overlay is a quarter of a mile around the interchanges and the County overlay is a half of a mile. Goal is to protect rural areas around the interchanges from growth.

The policy themes relate to supporting a consistent corridor. One of the themes is that all jurisdictions recognize the Bypass is an expressway and the only access is going to be at the interchanges. Another of them is to get jurisdictions to freeze urban growth and not make any zoning changes in the interchange areas until the plans for the Bypass are developed. Any zoning uses that are allowed now could still apply under this overlay. We just don't want any change in policies until the plan has been developed.

One issue that has already come up is on the north side of 99W outside the UGB and relates to the northern arterial. It has been acknowledged in the TSP that there has been a revision to policy 3j to provide that the City could go ahead and expand UGB for that specific arterial.

Another issue is the Sportsman Airpark. The corridor path was chosen specifically to avoid that area.. Springbrook Oaks development also fell into the Bypass corridor and exceptions were allowed in these areas.

**Mayor Stewart**

Could you please send a copy of your written statement to the City to be distributed to the proper people?

**Councilor Currier**

I think it might be helpful for the audience if you could clarify some of the terms we are using here tonight.

**Barton Brierley**

UGB stands for urban growth boundary. URA stands for urban reserve area. TSP stands for transportation system plan

**Mayor Stewart**

Opened public hearing.

**Grace Arreola, 1008 Mill Place**

I would like to state that we are in favor of a bypass and growth for the city. But we feel we need a map that is more specific as to where the bypass will be placed so that we can plan for the future. The maps we have received so far are not very legible.

**Mayor Stewart**

Have you asked at city hall? Check with Barton Brierley. He can get you a map for your particular corner.

**Barton Brierley**

Yes, I can check into getting a map for the corner of Wyooski & 11<sup>th</sup>.

**Floyd Aylor, 860 SW Red Hills Drive, Dundee**

Legal counsel made reference to land use policies. It is our feeling that what you are doing here tonight is illegal. Decisions should be made about land use policies after all exceptions are done. Therefore we oppose what you are doing here tonight.

**John Ekman**

I need to say that I have lived in Yamhill County all of my life and have farmed and owned a business here. I know something about costs and building roads being in construction. I also know something about the impact on land when you build roads through it. This is not a bypass that is being put in. This is a thorough fare. A bypass goes around a city not through it. It appears to go through neighborhoods and canyons and will disrupt natural habitats.

**Mayor Stewart**

Please stay on topic. The interchange policies is what we are here to discuss tonight.

**John Ekman**

Interchanges don't interest me. The bypass does. Please look for another way.

**Sid Friedman, representing 1000 Friends of Oregon**

1000 friends recognizes the need for road improvements but we cannot support modified 3j plan. We feel it unnecessarily goes through low income neighborhoods. It also creates a physical barrier between downtown and the river area. We will also submit written testimony for review. If the Council and the Planning Commission believe it is not appropriate to commit to a high speed bypass and you believe it should be a moderate speed road, you should state this in your policies.

You can change wording from moderate to high speed if that is what you want.

Another specific plan policy to put in your plan would be to reduce impact to neighborhoods and insure good access to riverfront area. Mr. Friedman proceeded to read language that 1000 Friends had come up with that could be used for policies that they are proposing. Then made suggestions of changes in policies listed. We are opposed to the bypass the way it is designed.

Could I ask a procedural question? Since there will be further proceedings, will there be an opportunity to present additional testimony at those proceeding?

**Barton Brierley**

The planning commission will meet on July 28, 2004 to consider & deliberate. It is their option to consider new testimony. This matter will come back to the Council at a later date.

**Sid Friedman**

How long will it be open for additional testimony?

**Terry Mahr**

The statute talks about leaving it open for 7 days.

**Mayor Stewart**

Consulted staff and asked how soon they would need written testimony to get information out to commissioners before the next meeting. He decided to leave the record open until July 18, 2004. Is there anyone else who wants to speak?

**Julia Knight, 28480 NE Wilsonville Rd**

Emotional plea - doesn't want to move. Please don't put bypass through her house. Doesn't care if it is fast or slow. She just doesn't want to move and has worked hard on property.

**Mayor Stewart**

Closed public testimony.

**Jim Bennett**

Does the Council or Commission have any questions of staff or presenters?

**Commissioner Schmitz**

Mr Fox who do your represent? Mr. Fox replied that he represented ODOT.

**Commissioner Brittell**

In the part that is deleted on page #5, who crossed it out?

**Mary Dorman**

That policy was included before the environmental impact statement. We already have recommended a policy and it seemed to be redundant. That is the reason for deleting.

Discussion was held as to whether when the bypass is done it will be designated 99W to aid in decreasing the traffic impact on downtown to make it more user friendly and whether the jurisdiction of the current highway through downtown would be turned over to the City. Mr. Fox thought that the road through downtown would remain designated as highway 99W and the bypass would probably be designated as Highway 18 because of the connection at the east end of the bypass. As

for the jurisdiction of 99W in the downtown area it will have to wait until the bypass is done and there are many things to consider especially what condition the road is in at that time.

**Councilor Currier**

I apologize. I had information from the newspaper on federal funding of highways to bring as a reference but I have forgot it. I read that we will see a decrease in funding. I think this will have a big impact on these policies. These policies are going to impact a very large portion of land and a large number of people for something that may not come about for a long time. In regard to the 219 interchange, I always thought that in the original plan it would not connect to the bypass. But in light of the fact that the State does not have funding and the bypass may be constructed in sections, it appears it is going to connect with 219. Was it the plan in the beginning to just build the bypass a piece at a time? It is my understanding that you have already settled on a dollar amount for the land purchase at the Dundee interchange.

**Alan Fox**

While the 219 interchange may not have been in all of the original 8 options, modified 3J has always had an interchange at 219. This option was favored because it would divert more traffic from downtown. The interchange itself isn't as wide as the corridor shows. The corridor will be refined and not as wide after design is complete.

**Councilor Currier**

But these are the exhibits we are being asked to accept.

Discussion ensued about how these large corridors are restrictive to land owners and once we approve these policies for this proposed corridor fear that new issues will arise.

**Alan Fox**

We do not have authority to acquire property until a record of decision. Moneys are very limited at this point. We could buy from anyone who was willing to sell, but don't have the funds. We have no intent yet to buy property and have had no discussions with owners. We have not approached anyone. Anyone who says they have had discussions doesn't know what they are talking about.

In regard to funding issues, it is true we don't have any money for construction at this point. That doesn't mean that we won't get it. We don't know how the formula will end up. We feel the overall amount of the funding bill is a more important issue than the actual formula. If the pie is bigger even a small slice will be bigger. Both the formula and the amount of the bill are under discussion now.

We don't know that we are going to have to phase the project. The diagram shown is what we would do if we don't get the money at once. Until specific design and construction estimates, we don't know what it is going to cost. Dollars shown are based on unit costs based on length of road. We start with those. We don't know exactly what it is going to cost until we have a plan. When we get the design done then we can match the cash coming in with costs to do the project to determine if we will have to do construction in phases. This would be decided close to end of design phase of project.

Tonight we are looking at plan policies that I don't think are related to the funding issue. We are asking that you set policy so that development is limited to established zoning for the next 3 years so we have time to develop the plan.

**Councilor Boyes**

It would be 3 years to plan interchanges?

**Alan Fox**

What will happen is around the first of the year we expect to receive a decision on the goal exception. We would start with east interchange design first. Once done we would work out the interchange area management plan. Process of designing the road and interchanges with local cities will take about 3 years to do whole environmental process.

**Councilor Boyes**

So this project is still far down the road?

**Alan Fox**

3 years to complete the design process and another 2 years for permits and plans and to acquire right of way, and then decide how funding is going to flow into project We will have a better idea on cash flow during the first 3 year period.

**Councilor Soppe**

So it is my understanding that the bypass is going to be designated as 99W?

**Alan Fox**

No, I think that it would probably be designated Highway 18, but that has not been decided yet.

**Councilor Larson**

Could you comment on Floyd Aylor's statement about the legality of our process tonight?

**Bonnie Heitsch, Department of Justice for ODOT**

Spoke on the legality of the policy changes. The way the goal exception is to be structured depends on policies established by the cities. That is why we are having these hearings first. It is also based on a number of state policies and rules. We are asking you to adopt these policies that will support bypass and protect rural land around bypass .

**Councilor Larson**

Once these are adopted we are legal.

**Bonnie Heitsch**

Once they are adopted ODOT can go forward and finalize document.

**Commissioner Smith**

I feel we have had a lack of testimony having to do with the material in the policies we are discussing tonight.

**Mayor Stewart**

Asked if there were anymore questions.

## BUSINESS MEETING SECTION

### VII. CONTINUED BUSINESS

None.

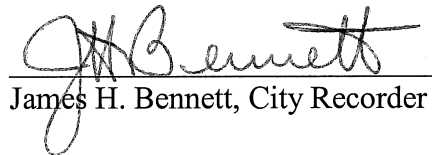
### VIII. NEW BUSINESS

None.

### X. ADJOURNMENT

**MOTION: Larson/McBride** to adjourn at 8:20 p.m. (Unanimous). Motion carried.

**ADOPTED** by the Newberg City Council this 16<sup>th</sup> day of August, 2004.

  
James H. Bennett, City Recorder

**ATTEST** by the Council President this 19<sup>th</sup> day of August, 2004.

  
Bob Larson, Council President