

**CITY OF NEWBERG
COUNCIL AGENDA
TUESDAY, SEPTEMBER 5, 2006
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

I. CALL MEETING TO ORDER

Council President Bob Andrews called the meeting to order.

II. ROLL CALL

Members

Present:	Council President Bob Andrews	Mike Boyes
	Roger Currier	Bart Rierson
	Robert Soppe	

Members

Absent:	Mayor Bob Stewart	Dawn Nelson
---------	-------------------	-------------

Staff

Present: Jim Bennett, City Manager
Terry Mahr, City Attorney
Barton Brierley, Planning and Building Director
Dan Danicic, Public Works Director
Kathleen Bochart, Recoding Secretary

Others

Present: Roger Grahn, Jay Beaman, Mike Gougler, Duane Leigh, Gary Bliss, Dennis Russell, Bob Ellis, Dale Robly, Truman Stone

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Jim Bennett, City Manger presented a staff report.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Roger Grahn stated that he has a subdivision on Main and Lynn, and on the North corner there is an exit from a drainage ditch. Mr. Grahn stated that he is now being required to put filters on catch basins and some other things because it is said to be a salmon habitat. I would like it to be required that the city put filters on all of the catch basins in town. I would like the council to address this issue with staff in an executive session.

Councilor Currier asked if this is something that can be discussed in executive session.

Terry Mahr asked Mr. Grahn if he was going to take the city to court over this.

Mr. Grahn stated that he would.

Mr. Mahr stated that a threat or pending litigation can be discussed in executive session.

VI. CONSENT CALENDAR

1. Consider a motion approving the City Council Regular Session Minutes for August 7, 2006.

MOTION: Soppe/Currier to approve consent calendar as amended. (Unanimous) Motion carried.
--

VII. PUBLIC HEARING

1. Public Hearing to consider adopting **Ordinance No. 2006-2656** creating the Alice Way Local Improvement District.

Councilor Currier stated that he knows one of the homeowners on Alice Way but it will not affect his decision.

Dan Danicic, Public Works Director, presented the staff report.

Councilor Soppe asked if the homeowners have been made aware of the costs of the assessments.

Mr. Danicic stated that they had.

Councilor Andrews stated that on council packet page 21, item F in the last sentence, it should read that they will be billed the difference.

Councilor Soppe stated the information that you have provided for transportation improvements only applies to those properties being annexed and does not apply to the properties inside city limits. The only thing we are lacking is, if we choose to include street improvements in the LID, we need that document for those properties.

Council President Andrews opened public testimony

Jay Beaman, owner of 2305 Alice Way, said we support the LID. There is a need for water on Alice Way and it has been an issue for some time now. We hope that anything that is done will maintain the residential quality of the neighborhood. We hope that the city that will do anything possible to keep this as reasonable as possible.

Councilor Soppe asked do you expect to do any development in the future?

Mr. Beaman replied not at this time.

Councilor President Andrews closed public testimony

Mr. Danicic stated that staff recommends creating the Alice Way Local Improvement District.

MOTION: Soppe/Currier to adopt **Ordinance No. 2006-2656** creating the Alice Way Local Improvement District and read by title only.

MOTION: Soppe/Currier to amend Section 2, Item F of the ordinance as follows: In the event that the property owner has paid the initial assessment, the property owner or payor shall be refunded or billed the difference; and further to amend Section 2, Item B of the Contract for Extra-Territorial Provision of Water and Sewer Service/Annexation as follows: The Owner hereby agrees to pay all water and sewer systems development charges prior to connecting. Motion carried. (Unanimous)

MOTION: Soppe/Andrews to amend Section 4 of the Development and Annexation Agreement by adopting the substitute language for Section 4 developed by staff.

Councilor Currier stated that he did not think that those two properties should be responsible for improvements on Mountainview Rd.

Councilor Andrews asked why the last sentence? I thought we were not going to go with non-remonstrances.

Councilor Currier stated that he thinks the Mountainview Drive improvements need to be done with the next phase of improvements to Mountainview Drive and not connected to Alice Way. I think we should write a clause about the non-remonstrances.

Councilor Soppe agreed that non-remonstrance is a term that he would not like to use. He also does not see the current language as a requirement for Alice Way to pay for the Mountainview Drive improvements.

Councilor Currier asked who paid for Mountainview Drive from Villa to College.

Mr. Danicic said that the state paid for it.

Councilor Currier asked who is paying for the s-curve.

Mr. Danicic replied that the city is paying for it through SDC's.

Councilor Currier asked who is paying for the project east of Springbrook.

Mr. Danicic said this would be the responsibility of the property owners that develop.

Councilor Soppe asked whether, when the Mountainview Drive improvements are done, we have waivers from any of those property owners. I would hope staff didn't waive the waivers.

Councilor Rierson stated that in order to support the amendment I would need something that would limit that to residential improvements.

MOTION: Soppe/Rierson to amend the substitute language for Section 4 developed by staff as follows: The cost for said Mountainview Drive improvements to half-street residential standards shall be shared amongst the owners of properties subject to this annexation included within the boundary of the Alice Way LID as defined by Exhibit A of Newberg Ordinance No. 2006-2656. Motion carried. (Unanimous)

VOTE: To amend Section 4 of the Development and Annexation Agreement by adopting the substitute language for Section 4 developed by staff as amended. Motion carried. (Unanimous)

Councilor Andrews asked, if we extended the hardship, would the property within the city limits be required to be in the LID and how many properties need to agree to form the LID.

Mr. Danicic replied that for the LID 60% of the assessed area needs to be opposed to prevent the LID from going forward. As to the first question, they do need to be a part of the LID to have the water and sanitary sewer provided to them.

Councilor Currier indicated that the record needs to reflect that the Council looked at all options before determining that waivers of remonstrance were appropriate for the Alice Way LID.

VOTE: To adopt **Ordinance No. 2006-2656** creating the Alice Way Local Improvement District as amended. Motion carried. (Unanimous)

2. Public Hearing to consider adopting **Ordinance No. 2006-2657** amending the Springbrook Oaks Specific Plan.

Councilor Soppe stated that he has driven past the property but what he saw will not affect his decision.

Councilor Andrews stated that he spoke with Mr. and Ms. Leigh but there was no substantial conversation about the topic.

Barton Brierley presented the staff report.

Councilor Currier asked when the Future Land Needs and Supply table on council packet page 43 was last updated.

Mr. Brierley stated that it was updated in 2004 but the HDR and the large site industrial land has not changed.

Councilor Soppe stated that it was unclear to him why the LUBCO area was not being left as M1.

Mr. Brierley stated that that was the original staff recommendation and the applicant proposed this to allow them to move forward with the negotiations with ODOT.

Councilor Andrews asked what the building heights for the different areas could be.

Mr. Brierley stated that in the F1 and F2 areas north of Oak Meadows the buildings can be up to fifty feet and in the areas next to or below Oak Meadows in F2 and F3 it can be up to thirty feet.

Councilor Andrews asked how storing equipment in the LUBCO area would work.

Mr. Brierley stated that in the LUBCO area there can't be any residential development for 5 years, but people can request a conditional use permit from the planning commission for storage.

Council President Bob Andrews called for a five minute break.

Public Testimony was opened.

Mike Gougler stated that he appreciates this opportunity to speak to the council on behalf of himself and the property owners of the Springbrook Oaks. Mr. Gougler stated that he supports staff's recommendations with two specific changes. The first is that I request that the property immediately east of Oak Meadows be allowed to remain at the same density as Oak Meadows. Mr. Gougler stated that his second concern is that he did agree with the new paragraph that was submitted by staff and wants to add his definition of conflicts which would be "traffic noise, air pollution, light pollution (headlights), pedestrian trespassing in the right of way and pedestrian crossing of the bypass roadway." Mr. Gougler stated that he will as requested by staff confer with city staff, ODOT and the homeowners of Oak Meadows and Springbrook Oaks on all subsequent subdivision plans. Mr. Gougler stated that the hospital has requested that language be added that protects the hospital from industrial development that could create noxious odors or emissions that could cause an evacuation of the hospital.

Councilor Soppe asked when would be a good time to bring in the hospital's requests.

Mr. Brierley stated that it would be at an entirely separate meeting.

Councilor Soppe asked what Mr. Gougler meant by "with the financial cooperation of ODOT the developer will create pedestrian and bicycle ways for CPRD uses."

Mr. Gougler stated that he has designed the community with many walkways. ODOT said that they would be amenable to discuss a pedestrian cross walk on the bypass at a location to be determined in the future once they finalize the route for the bypass. Mr. Gougler stated that he has agreed to construct the cross walk to the bypass edge and then start on the other side. ODOT is responsible for constructing and funding a way to cross the bypass.

Charles Church stated that he waived his time to speak.

Duane Leigh stated that the neighbors have gotten together and asked Gary Bliss to represent the community.

Gary Bliss stated that he is here representing the Oak Meadows neighborhood. Mr. Bliss stated that the members of the Oak Meadows neighborhood do not agree with the last two sentences in paragraph 2 on page 42 as it has been requested that the area described have unlimited density. Mr. Bliss discussed area densities.

Dennis Russell representing the Friendsview retirement community stated that he was there to state that he is a proponent of the comprehensive plan amendment. I was encouraged when the ad hoc committee recommended removing the industrial zoning.

Councilor Currier asked if the Friendsview project was going to be property tax generating.

Mr. Russell replied that they are a not for profit organization, but that they would be contributing fees and SDCs.

Bob Ellis, 3848 Oak Meadows Loop, stated that we came to Newberg because we saw the hospital being built and talked to Mr. Gougler about a retirement community. We may not need the services today, but we have located a dentist and go to the hospital for medical services. There is good access to shopping and the skilled nursing home is something that is of great need. There is really a lot to be said about the development. The idea that is being presented is needed and truly unique.

Dale Robly, 201 White Oak Street, stated that we moved to Newberg 2 years ago because of the livability. That same group of people is 100% behind what I am saying tonight.

Councilor Currier said that we have discussed the issue of homes in the bypass corridor with ODOT and are working with them on the final location of the bypass.

Truman Stone representing Providence Newberg Medical Center stated that Providence did not submit written comments. Providence does have some concerns. We feel confident that in a relatively short period of time we can get acceptable language. Many manufacturing companies use toxic chemicals and the unintended release of those chemicals is a concern to the hospital.

Councilor Soppe asked for clarification of what the hospital would like to have happen.

Mr. Stone replied that we ask the council to instruct city staff to continue discussions with Providence and the developer on this issue.

There followed some discussion as to the types of uses that might be developed in the area and whether they could present problems for the hospital.

Councilor Andrews asked if Mr. Stone felt that the land between the hospital and the hwy is enough of a buffer if there was a hazardous spill on the hwy.

Mr. Stone was not prepared to address that issue and did not have the answer.

Duane Leigh said that the development of the Astor House reinforced the point that when we bought our house it was because of the nature of the community in that area.

Mike Gougler asked the Council to approve the original application as submitted with the LUBCO area as proposed by ODOT and that he be allowed to build housing of the same density as Oak Meadows in the area directly east of Oak Meadows.

Councilor Soppe asked do you think that you can reach an agreement with the hospital.

Mr. Gougler replied that he was sure that they could.

Councilor Soppe stated that he thinks the final footprint of the bypass is still to be determined.

Mr. Gougler said that we are the only landowners that have set aside land for the bypass and we've honored that commitment.

Closed public testimony

The applicant waived the seven day written testimony period.

Mr. Brierley stated that Newberg needs to be a place where people can work and live. There is very little R-3 land and there is a large need for it.

Councilor Currier asked if they could cut F-3 in half and make the top half R-2 and the bottom half R-3?

Mr. Brierley replied that it could be done.

Councilor Andrews asked what the density limits were for the F-3 area.

Mr. Brierley replied that it is 21.3 units per acre.

MOTION: Soppe/Boyes to adopt **Ordinance No. 2006-2657** amending the Springbrook Oaks Specific Plan with amendments and read by title only.

Councilor Rierson stated that he does not like what staff recommended. I think what Mr. Gougler proposed is a really good plan. The one thing I am concerned about is the LUBCO overlay. I am really concerned about what ODOT might do.

Councilor Soppe said that my biggest concern is putting too much weight on the current location of the bypass that is shown on the map.

Mr. Brierley said that the route shows where the bypass might go.

Councilor Soppe asked what control the City has over what can go in the LUBCO area.

Mr. Brierley replied that he anticipates that, if a residential development was proposed, it would be approved.

Councilor Soppe expressed his concern about the width of the LUBCO.

Councilor Andrews said he does not like the idea of changing the density.

Councilor Rierson requested staff to update the land use tables.

MOTION: Soppe/Rierson to consolidate the F-2 (B) area immediately east of Oak Meadows with the F-3 area and adopt the alternate language from the August 24 staff memo.

After some discussion on the intent of the August 24 memo, Councilor Soppe and Rierson retracted their motion. Council President Andrews then called for a 5 minute break

With the concurrence of the Council, Council President re-opened the hearing to accept additional public testimony.

Mr. Gougler made additional remarks to the Council regarding his proposal for the language that he felt should govern how future development decisions in the LUBCO area are made.

Closed public testimony.

MOTION: Soppe/Rierson to consolidate the F-2 (B) immediately east of Oak Meadows with the F-3 area. Motion carried. (Unanimous)

MOTION: Soppe/Rierson to amend the language in subsection 3, Interior Setbacks, of Exhibit B to Ordinance 2006-2657 as proposed by Councilor Soppe and staff. Motion carried. (Unanimous)

VOTE: To adopt **Ordinance No. 2006-2657** amending the Springbrook Oaks Specific Plan as amended. Motion carried. (Unanimous)

BUSINESS MEETING SECTION

VIII. CONTINUED BUSINESS

None.

IX. NEW BUSINESS

None.

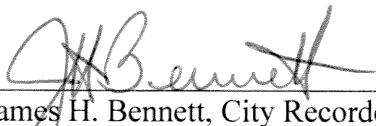
X. EXECUTIVE SESSION

None.


XI. ADJOURNMENT

MOTION: Currier/Soppe to adjourn the meeting at 11:49 p.m. Motion carried. (Unanimous)

ADOPTED by the Newberg City Council this 6th day of November, 2006.


James H. Bennett, City Recorder

ATTEST by the Mayor this 9th day of November, 2006.


Bob Stewart, Mayor