

**NEWBERG CITY COUNCIL MINUTES
JULY 17, 2006
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING - TRAINING ROOM**

I. CALL MEETING TO ORDER

Mayor Bob Stewart called the meeting to order.

II. ROLL CALL

Members

Present:	Mayor Bob Stewart	Bob Andrews	Robert Soppe
	Roger Currier	Bart Rierson	Mike Boyes
	Dawn Nelson		

Staff

Present: James Bennett, City Manager
Terrence Mahr, City Attorney
K'Lyn Hann, Librarian
Barton Brierley, Planning and Building Director
Dan Danicic, Public Works Director
David Beam, Economic Development Coordinator
Kathleen Bochart, Recording Secretary

Others

Present: Warren Parrish, Patrick Rice, Tom Fischer, Jeff Conklin, Jeff Caines, Steve Koske, Lorraine Bevacqua, Ken Pack, Jan Hart, Allan Love, Chris Strange, Tom Louisell

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

James Bennett, City Manager, presented his report to the Council.

PUBLIC MEETING SECTION

V. PUBLIC COMMENTS

Warren Parrish stated that he would like to see some more open entertainment in the town. Mr. Parrish stated that he was in another town and they had concerts every Friday night and McMinnville has concerts every Thursday afternoon.

David Beam, Economic Development Coordinator stated that an open entertainment event is something that the city has been working on. Mr. Beam stated that they are requesting a sound permit for Tunes on Tuesday which is a free music entertainment program at Rotary Centennial Park.

The Mayor presented a proclamation to Patrick Casey, Oregon State University Beaver's Baseball Coach, declaring July 17, 2006 as Oregon State University Beavers Baseball Day.

VI. CONSENT CALENDAR

1. Consider a motion approving the City Council Regular Session Minutes for June 19, 2006.
2. Consider a motion approving a sound permit application for George Fox University's Quad Worship.
3. Consider a motion approving a sound permit application for George Fox University's Battle of the Bands.
4. Consider a motion approving a sound permit application for Public Library and Chehalem Valley Chamber of Commerce's "Tunes on Tuesday."
5. Motion to approve a proclamation declaring July 27-30, 2006 as Old Fashioned Festival Week.

MOTION: Currier/Andrews to approve Consent Calendar as corrected. (Unanimous) Motion carried.

VII. NEW BUSINESS

1. Consider adopting **Resolution No. 2006-2663** establishing the position of Assistant Library Director.

Jim Bennett, City Manager stated that this is something that the Library Director has wanted to do for some time now. Mr. Bennett stated that this is something that does not need to be planned into the library budget because it can be fulfilled within the current budget.

Councilor Andrews asked if this is a management position and would get the PERS pick up.

Mr. Bennett stated that it was.

K'Lyn Hann stated that the Assistant Library Director would be doing a lot of what the adult services manager has been doing.

MOTION: Andrews/Currier to adopt **Resolution No. 2006-2663** establishing the position of Assistant Library Director. (Unanimous) Motion carried.

VIII. PUBLIC HEARING

1. Public Hearing to consider adopting **Ordinance No. 2006-2649** annexing property located at 3509 N. College Street and **Resolution No. 2006-2659** scheduling this item for the November 7, 2006, General Election.

Quasi-Judicial Hearing

Barton Brierley, Planning and Building Director presented the staff report. Mr. Brierley stated that staff and the planning commission recommends adoption of Ordinance No. 2006-2649 and Resolution No. 2006-2659.

Councilor Soppe stated that he was concerned that an owner of the land could read this document and not understand that they have to pay for the expenses to hook up to sanitary sewer.

Mr. Brierley stated that in the recitals it states that the applicant will be responsible for the costs associated with 5 and 6 above.

Councilor Soppe stated that there needs to be language that states very clearly exactly what the applicant might have to pay for.

Public testimony was opened.

Patrick Rice stated that he is directly north of the annexation site and the properties both north and south of him are being annexed and no one approached him to join the annexation. Mr. Rice stated that he believes it would have made more sense for the city to do one large annexation that included him.

Councilor Soppe stated that he read Mr. Rice's comments in the Planning Commission minutes and asked if he had received the normal annexation notice from the city.

Mr. Rice stated that he did and when he learned of the annexation he talked to the assistant planner and she stated that the application needed to be in earlier to be included in the November election.

Councilor Soppe asked Mr. Rice when he thinks that he should have been approached.

Mr. Rice stated that it should have been in time for him to get the paperwork completed.

Public testimony was closed.

Tom Fischer stated that he was representing the applicant and that the applicant waives the right to the extra seven day public testimony period.

Councilor Rierson asked where there would be parking.

Mr. Brierley stated that there is a requirement of two parking spaces per residential unit.

MOTION: Soppe/Rierson to adopt **Ordinance No. 2006-2649** annexing property located at 3509 N. College Street and read by title only.

Councilor Soppe asked if the PUD would come back to the council.

Mr. Brierley stated that it would only come back, if the PUD decision was appealed.

VOTE: To adopt **Ordinance No. 2006-2649** as amended annexing property located at 3509 N. College Street. (Unanimous) Motion carried.

MOTION: Andrews/Currier to adopt **Resolution No. 2006-2659** scheduling this item for the November 7, 2006, General Election. (Unanimous)

2. Public Hearing to consider adopting **Ordinance No. 2006-2650** annexing property located at 3613 N. College Street and 3617 & 3709 Terrace Drive, requesting a Comprehensive Plan Amendment to MDR and Zone Change to R-2 and adopting **Resolution No. 2006-2660** scheduling this item for the November 7, 2006, General Election.

Quasi-Judicial Hearing

Barton Brierley, Planning and Building Director presented the staff report. Mr. Brierley stated that this land shows potential for a residential subdivision. Mr. Brierley stated that currently the land is zoned R-1 and the applicant is requesting a zone change to R-2. Mr. Brierley stated that staff feels that the applicant has met the criteria for annexation, but staff is requesting not to change the zoning of the land. Staff recommendation is to approve annexation but deny the requested comprehensive plan change to MDR and zone change to R-2.

Councilor Soppe asked what zoning was reflected in the fiscal impact section.

Mr. Brierley stated that it was the applicant's proposed zoning. Mr. Brierley stated that currently they do not have a fiscal impact statement, but it would be a positive effect on city services.

Councilor Currier asked how it would be a positive effect.

Mr. Brierley stated that there would be fees for 911 calls and emergency services and the city would receive things like property, gas, liquor and cigarette taxes.

Councilor Boyes asked how the traffic from the subdivision will affect the intersection of Terrace Drive and Hwy 219.

Mr. Brierley stated that it would add more traffic to the intersection.

Councilor Andrews asked if the applicant has signed a Measure 37 waiver form.

Mr. Brierley stated that he has.

Councilor Nelson asked how many homes it would be if the zoning was to remain R-1.

Mr. Brierley stated that he doesn't have the exact calculation but it might be somewhere around 16 homes.

Councilor Andrews asked what the reason was for closing off the north end of Terrace Drive.

Mr. Brierley stated that he was not employed by the city at that time and does not know. He speculated that it was because of safety issues with North Valley Drive.

Councilor Soppe asked if the council would see this plan again.

Mr. Brierley stated that it would only come back, if the decision on the subdivision was appealed.

Public testimony was opened.

Jeff Conklin stated that when he came to Newberg it was his understanding that there was a push for a higher density so we purchased the property thinking that the city wanted a higher density. We are doing a density shift and one of our main concerns is how much money are we going to make. Mr. Conklin stated that originally they received permission to put a sewer line in through the back of the property and now it is being asked to bring it to the property off of College which is going to significantly increase the cost of the project. Mr. Conklin stated that he was surprised that the shift went from a high density to a low density.

Councilor Soppe asked Mr. Conklin if there was anything that specifically led him to believe that this property would be changed to a higher density.

Mr. Conklin stated that when he first came to Newberg there was a push for higher density but there was nothing specifically related to this property.

Jeff Caines, SR Design stated that he agrees with staff's recommendation on the annexation but does not feel the same way about the zoning change and the comprehensive plan amendment. Mr. Caines stated that the conceptual plan calls for 5.9 units per acre and that R-2 zoning allows for 8.8 units per acre. Mr. Caines stated that he believes that traffic will not be a problem because people will not be using the roads at the same time due to a difference in time schedules.

Steve Koske stated that he agrees with what has been stated so far.

Patrick Rice stated that he lives just south of the proposed development. Mr. Rice stated that he has no problem with the proposed annexation. It is the zoning that he would like to see left at R-1. Mr. Rice asked what costs were going to be put upon him if sewer and water lines are to go in front of his house due to the annexation.

Mr. Bennett stated that it is possible to put in the lines knowing that he is going to annex his land in the future.

Lorraine Bevacqua stated that she has several issues. Ms. Bevacqua stated that she spoke with Mr. Conklin approximately a year ago and it is her property that Mr. Conklin wants to bring the sewer line across. Ms. Bevacqua stated that Mr. Conklin led her to believe that the land was going to remain R-1. Ms. Bevacqua stated that she is annoyed with the lack of understanding on this. Ms. Bevacqua state that her lot is lower than the adjoining properties and she is worried about her land becoming a drainage hole for the other properties. Ms. Bevacqua stated that she is worried about this because of development and drainage problems she has had in the past.

Councilor Soppe asked Ms. Bevacqua if she is speaking against both the annexation and the zone change.

Ms. Bevacqua stated that she does not have a problem with the annexation but she is concerned about the zone change.

Councilor Soppe asked staff if the drainage issue would be addressed during the development of this property.

Mr. Brierley stated that it would.

Ken Pack stated that he has lived in Newberg since 1947. Mr. Pack stated that he is not against the annexation but is concerned about the zone change. Mr. Pack stated that he is also concerned about the proposed road. Mr. Pack stated that he believes that with a higher density there will be more crime.

Jan Hart stated that she is strongly opposed to the zone change. Ms. Hart stated that she has seen first hand the problems that Ms. Bevacqua has had and has similar concerns about her property. Ms. Hart stated that in 17 years the only time that the police have been in the area was when her car was broken into a couple years ago.

Allan Love stated that when he purchased his home he was told that there was planned to be a cul-de-sac and he has not seen the conceptual map for that and he would like to see it. Mr. Love stated that he would like to see facts on city services such as water, how many new homes have been built and how many new wells have come on-line. Also he would like to see what the effects would be on the sanitary sewer system. Mr. Love stated that he is opposed to the project all together.

Mayor Bob Stewart stated that sewer and water capacity and availability are fine.

Mr. Love stated that he would like to see numbers and asked if there was going to be an environmental study done.

Mayor Bob Stewart stated that they would take environmental factors into consideration.

Chris Strange stated that that he wanted to keep the area R-1 so it would be able to stay as unique as possible. Mr. Strange stated that he is not against the annexation into the city, but is against the zone change. Mr. Strange stated that his other concern is that with higher density properties, developers have a harder time keeping the homes unique. Mr. Strange stated that there is no way that he is going to try and go from Terrace onto College because of the corner and the speed of traffic.

Jeff Caines SR Design stated that the issue of drainage will be addressed during the development stages. Mr. Caines also stated that homes can be unique with an R-2 zone and that they have met the criteria for annexation and the approval criteria for a zone change to R-2.

Public testimony was closed.

Jeff Caines, representing Jeff Conklin, waived the right to the extra seven day written testimony period.

Barton Brierley stated that he re-calculated the number of homes that could be built on the three properties and it is approximately 23 units. Mr. Brierley stated that if the council does not approve the comprehensive plan amendment then there will be no changes to the zoning.

MOTION: Currier/Soppe to adopt **Ordinance No. 2006-2650** annexing property located at 3613 N. College Street and 3617 & 3709 Terrace Drive.

Councilor Currier asked if the findings were concurrent with the R-1 zoning.

Mr. Brierley stated that it could be revised if the council wishes.

MOTION: Andrews/Currier to table final action on Ordinance No. 2006-2650 and Resolution No. 2006-2660 to August 7th, 2006 to allow findings to be revised. (Unanimous) Motion carried.

BUSINESS MEETING SECTION

IX. CONTINUED BUSINESS

None.

X. NEW BUSINESS

1. Consider adopting **Resolution No. 2006-2661** initiating an amendment to the Transportation System Plan to change the street classification of Crestview Drive from minor arterial to major collector.

Dan Danicic, Public Works Director presented the staff report. Mr. Danicic stated the differences between a minor arterial and a major collector. Mr. Danicic stated that the Oxberg Lake Estates residents were worried about semi trucks going through their neighborhood and to help reduce the amount of truck traffic they would incorporate traffic calming measures. Mr. Danicic stated that the proposed traffic calming measures are a series of traffic circles, two in the Oxberg Estates area and one on Crestview at Springbrook Rd. Mr. Danicic stated that he is not asking for approval at this time, only to initiate the process of considering a change to the street classification. Mr. Danicic stated that the process will take about six months to complete.

Councilor Andrews asked if they are locked into only using traffic circles as a traffic calming device.

Mr. Danicic stated that it is the measure that the Oxberg Estates people said that they would support. Mr. Danicic stated that there will also be signage.

Councilor Currier stated that he appreciates the staff working with residents. Councilor Currier stated that he believes it was a good thing that council was not involved in the meetings because the council has the final decision.

MOTION: Currier/Andrews to adopt **Resolution No. 2006-2661** initiating an amendment to the Transportation System Plan to change the street classification of Crestview Drive from minor arterial to major collector.

Public testimony was opened.

Tom Louisell stated that he wanted to thank Jim Bennett and Dan Danicic as he has worked long hours with the city on this project. Mr. Louisell stated that it was not his intention to exclude the city council on this project. Mr. Louisell stated that they are excited to bring this to a close as it has been about an 18 year project.

Councilor Rierson asked Mr. Louisell what he was told when he purchased the property.

Mr. Louisell stated that the real estate agent had told him that Crestview was planned to extend to Hwy 99 and that there was no firm plan as to when that was going to happen.

Public testimony was closed.

VOTE: To adopt **Resolution No. 2006-2661** initiating an amendment to the Transportation System Plan to change the street classification of Crestview Drive from minor arterial to major collector. (Unanimous) Motion carried.

2. Consider adopting **Resolution No. 2006-2662** authorizing a loan to Families United for Independent Living (instead of Chehalem Valley Housing Corporation) for a very low income, developmentally disabled housing project located at 1901 N. Springbrook Road.

Councilor Soppe stated that he had a potential conflict but it will not interfere with his decision.

David Beam presented the staff report. Mr. Beam stated that on May 15, 2006 the Council passed **Resolution No. 2006-2637** authorizing the city manager to work with Chehalem Valley Housing Corporation for the purchase of a piece of property for a developmentally disabled housing project. Mr. Beam stated that he is asking the Council to approve a loan to Families United for Independent Living. Mr. Beam stated that the reason for this is because the Chehalem Valley Housing Corporation bylaws state that they are a 501c3 and they have applied to the IRS for that designation but have not received it yet and the property needs to be purchased before that designation.

Councilor Currier asked where the resolution was to revoke **Resolution No. 2006-2637**.

Terry Mahr stated that it could be revoked in **Resolution No. 2006-2662**.

Mr. Beam stated that he suggests that they make a motion to revoke **Resolution No. 2006-2637** and another to approve **Resolution No. 2006-2662**.

Councilor Andrews asked if the fiscal impact will change.

Mr. Beam stated that it will not change.

MOTION: Currier/Soppe to revoke **Resolution No. 2006-2637**. (Unanimous) Motion carried.

MOTION: Currier/Rierson adopting **Resolution No. 2006-2662** as amended authorizing a loan to Families United for Independent Living (instead of Chehalem Valley Housing Corporation) for a very low income, developmentally disabled housing project located at 1901 N. Springbrook Road. (Unanimous) Motion carried.

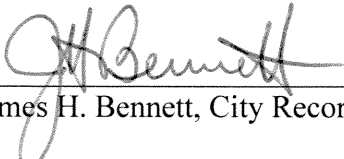
X. EXECUTIVE SESSION

None.

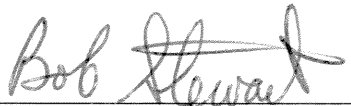
XI. ADJOURNMENT

MOTION: Andrews/Nelson to adjourn at 10:22 pm. (Unanimous) Motion carried.

ADOPTED by the Newberg City Council this 21st day of August, 2006.


James H. Bennett, City Recorder

ATTEST by the Mayor this 24th day of August, 2006.


Bob Stewart, Mayor