

NEWBERG CITY COUNCIL MINUTES
JULY 6, 2015, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

The work session was held at 6:00 p.m. preceding the regular meeting. Present were Mayor Bob Andrews, Councilors Lesley Woodruff, Stephen McKinney, Scott Essin, Denise Bacon, Mike Corey, and Tony Rourke. Also present were City Manager Jacque Betz, City Attorney Truman Stone, City Recorder Sue Ryan, City Engineer Kaaren Hofmann and Community Development Director Doug Rux.

REVIEW OF COUNCIL AGENDA: Mayor Andrews pulled Resolution 2015-3198 from the Consent Calendar and said it would be rescheduled to the July 20 City Council meeting. Councilor Essin added an item to the Council meeting agenda regarding reuse of water.

City Manager Jacque Betz said there was a visioning session on April 24 and at the completion of the session, the facilitator compiled all of the comments and prepared a draft City of Newberg mission and vision statement. This work session was a good opportunity to discuss the draft. There was a discussion on wording changes including the suggestion to have the wording be "The City of Newberg responds to the needs of the community by providing quality service, timely planning, and vital infrastructure in a financially responsible manner."

There was discussion on these statements describing what the City was trying to do. The work on the strategic plan was more important and would clarify the vision and mission statements. The action would come from the strategic plan. CM Betz clarified except for the punctuation error, there was consensus the vision statement was acceptable. She would do some wordsmithing on the mission statement to be a more proactive, energy type of feel that flowed off the tongue better. The changes would be brought back to the strategic planning session on July 18.

CALL MEETING TO ORDER

Mayor Andrews called the meeting to order at 7:00 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Lesley Woodruff	Denise Bacon	Mike Corey
	Tony Rourke		

Staff Present:	Jacque Betz, City Manager	Truman Stone, City Attorney
	Sue Ryan, City Recorder	Kaaren Hofmann, City Engineer
	Doug Rux, Community Development Director	
	Jay Harris, Public Works Director	Steve Olson, Associate Planner

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PRESENTATIONS: Newberg Old Fashioned Festival:

MOTION: Rourke/Corey moved to proclaim June 23-26, 2015, as Newberg Old Fashioned Festival Week. Motion carried (7 Yes/0 No).

Mayor Andrews read the proclamation and presented it to three princesses of the Newberg Old Fashioned Festival. The princesses introduced themselves.

CITY MANAGER'S REPORT: CM Betz had nothing to report.

PUBLIC COMMENTS: None.

CONSENT CALENDAR:

MOTION: McKinney/Bacon moved to adopt the Consent Calendar, including June 15, 2015 meeting minutes, approving a noise variance request from ODOT for the OR99W Bypass Project from July 7, 2015 to October 16, 2015 that would allow for nighttime work as needed during the hours of 7:00 p.m. and 7:00 a.m., and approve Resolution 2015-3196, a resolution authorizing the city manager to amend the professional services agreement with Kennedy/Jenks Consultants to provide additional design services for the Newberg water reservoir seismic and hydraulic improvements. Motion carried (7 Yes/ 0 No).

NEW BUSINESS:

Resolution 2015-3197: City Engineer Kaaren Hofmann presented on the Villa Road project. She said the current Transportation Master Plan identified the Villa Road improvements as a priority project. The project would provide significant pedestrian, bicycle, and vehicular mobility, safety improvements, replacement improvements to existing culverts as identified in the Stormwater Master Plan, and significant grade changes to address site distance and safety. The construction of these projects would likely be in phases. After reviewing the proposals received, Murray Smith & Associates was identified as the most qualified consultant. The fee for the design services was \$520,938, 15% of the estimated total project cost. Staff recommended adoption of Resolution 2015-3197.

Councilor Rourke asked about 30 versus 100 percent. CE Hofmann said 30% of the project would lay out the alignment and profile to determine the amount of right-of-way that might be necessary to fulfill the project. There were many properties close to the road and the City was unsure how much right-of-way would need to be acquired. They would do 30%, and then re-evaluate to see if they could move forward with construction or if it would need to be done in phases. Councilor Rourke asked if this amount was for the 30%, and what was the total cost to develop the project. CE Hofmann answered the construction costs were estimated at \$3.3 million dollars which included the 100% going forward with the construction.

Councilor Essin asked about the RFP process versus an RFQ. CE Hofmann clarified this was an RFQ where firms submitted their qualifications and preliminary proposals and after choosing a contractor, negotiated a scope and fee. She explained how the hours and deliverables would work.

Mayor Andrews asked about how much of the cost would be able to be financed by SDCs. CE Hofmann did not know until a more detailed cost estimate was done. Staff was guessing 80% of the project could be funded by SDCs. There was discussion on SDC financing the constraints on the road and how the project might take a long time to complete or possibly could not go further after the 30% study was done.

MOTION: Rourke/Bacon moved to adopt Resolution 2015-3197, A Resolution authorizing the City Manager to enter into a Professional Services Agreement with Murray Smith & Associates to design the City's Villa Road improvement project in the amount of \$520,938.00. Motion carried (7 Yes/ 0 No).

A five minute recess was held from 7:20-7:25 p.m.

PUBLIC HEARING: Ordinance 2015-2782:

Mayor Andrews opened the public hearing. He called for any abstentions, conflicts of interest, or objections to jurisdiction. There were none.

Associate Planner Steve Olson explained staff was requesting a continuance of the hearing. He gave a background on the changes to the Sign Code for temporary and portable signs and discussed the recommendations of the Planning Commission. Staff was waiting to get feedback from the County and ODOT on these recommendations.

MOTION: Rourke/Woodruff moved to continue the hearing for Ordinance 2015-2782 to September 8, 2015. Motion carried (7 Yes/ 0 No).

Order 2015-0037:

Mayor Andrews opened the public hearing at 7:30 p.m. He called for any abstentions, conflicts of interest, or objections to jurisdiction. Councilor Essin had driven by the project and had done an extensive inspection of it. Councilor Woodruff had received one email urging a no vote for traffic safety and neighborhood feel issues. Councilor Bacon had a newspaper interview in answer to a Facebook post regarding the project, but her statement was about housing and the availability of rental property in Newberg. Mayor Andrews said in January he had a meeting with Jeff Curran, the project applicant, about the neighborhood meeting they had held about the project and Mr. Curran gave details about the project and the traffic study engineer.

City Attorney Truman Stone read the quasi-judicial hearing statement.

AP Olson presented the staff report (Exhibit A). This was an application for a proposed Comprehensive Plan Map and Zoning amendment for 1317 Villa Road. The proposal was to change the property from low density residential to high density residential and zoning from R-1 to R-3. This would change the map designations, but was not a detailed design review. They would not be approving a concept plan that night. If the Comprehensive Plan and Zone Change occurred, the applicant intended to apply for a multi-family apartment design review.

He explained the surrounding area and existing site conditions. There was a stream corridor that had strong restrictions on development. He reviewed the approval criteria. The first step was to see if there was a need for high density residential housing. The applicant did a housing needs analysis using 2012 population projections and it showed a significant deficit of high density housing. There was also a public infrastructure analysis and one issue was the sanitary sewer line was currently at capacity. This Comprehensive Plan change would not change the situation, as it was only a 1.4% increase in demand from low density to high density. The pipes would need to be upsized no matter what type of development would come in. The existing water lines appeared adequate in size and there was an existing stormwater line that could serve the site. He explained the streets in the area. With any development half street improvements would be done on Park Lane and Villa Road and there would be right-of-way dedication.

AP Olson said the City would be improving Villa Road from Haworth to Crestview. The traffic study showed that a multi-family apartment would increase the traffic by 74 trips in the p.m. peak hours. The intersections would still operate to City standards except for Villa Road and 99W. ODOT reviewed this analysis and said the impact on 99W was slight and did not recommend any mitigation. The proposal complied with the Transportation Planning Rule. Traffic would increase. The site was suitable for multi-family development as it had access on Villa Road, which was a major collector and was in walking distance of many services. One of the goals of the Comprehensive Plan was not to have high density in one location, but spread throughout the City. Many of the public comments received were about the speeding on Villa Road, the design of Villa Road and use by pedestrians and bicycles, anticipated parking concerns, building height of an apartment building, deer in the area, and the stream corridor. This project would not cause a large increase of traffic and ODOT had not recommended mitigation for any of the intersections. Villa Road was a collector and intended to handle higher volume of traffic.

He said apartments were required to have a certain number of parking spaces and visitor parking. The Code required if there was high density next to low density, within 50 feet of the border the height was limited to the same as low density, which would be a two story height limit. The stream corridor area would restrict development, which would keep some of the habitat along the stream. The Planning Commission found the proposal met the need for more high density development, public infrastructure was or could easily be made available to serve the site, it complied with the Transportation Planning Rule, and the site was suitable for high density development. The Planning Commission recommended approval of the changes to the Comprehensive Plan Map from LDR to HDR and Zone Change from R-1 to R-3. He entered all of the exhibits into the record for the hearing.

Councilor Rourke asked about the policies for placement of R-1, R-2, and R-3 in the City.

AP Olson explained high density should be next to an arterial or collector street to handle the traffic and it should not be concentrated in any one area but disbursed throughout the City and had to be based on need for the change. He then discussed what was allowed in the various residential zones.

Councilor Rourke asked about any recent examples of Comprehensive Plan or Zone changes from low to high density residential. AP Olson said the most recent was Deskin Commons. It was affordable housing subsidized by the Housing Authority whereas this application was market rate housing. The end result of this project would be more like the Oak Grove apartments. There had been three apartment projects within the last 10 years that involved a Comprehensive Plan and zoning change. There was an apartment complex under development now, Springbrook Ridge, but it was originally designated high density.

Councilor Rourke asked for clarification on the status of the Villa Road/99W intersection. AP Olson said even without development on this site, it was still over ODOT's volume to capacity ratio standards. With development, it would not change the ODOT rating of the intersection. The problem was the high volume of east/west traffic on 99W and not the traffic going north on Villa Road, which was much smaller.

Councilor Corey asked about the applicant's responsibility for improving street frontage. AP Olson said the basic requirements were street frontage improvements and payment of SDCs. Councilor Corey asked about the train trestles. AP Olson said there was no anticipation the train trestle would move anytime soon. There would be a lot of coordination of the City's project on Villa Road and the development of this property. The applicant was planning to do apartments on the property, not townhomes. They did not yet know how many units would be able to be put on the site.

Councilor Bacon asked about adding traffic to a major collector whether it would increase the chance of traffic accidents. CE Hofmann said the average would not necessarily change, as when traffic was added there was also mitigation to improve the safety of the roadway. In general the average did not change. As part of the Villa Road project, they would be looking at traffic calming options.

Councilor McKinney questioned ODOT's figures due to the significant increase in traffic from other new developments and the railroad not being willing to work with the City. AP Olson said the traffic study looked at all the new development in the area and ODOT looked at the study and agreed that no mitigation was necessary. The only mitigation that would lower traffic was putting in the overpass on 99W. To require mitigation there needed to be some specific proposed improvement in the traffic study. There was nothing staff could specifically recommend at Villa and 99W currently.

Mayor Andrews clarified in an R-3 designation, it did not have to be fully built out. AP Olson said that was correct. Mayor Andrews asked about mitigation on other streets and whether those issues were being packaged to be sent forward to the Traffic Safety Commission. AP Olson said it was not a condition at this time but it was something on the action plan for down the road. Councilor Essin said the design concept showed 200 parking spaces, what were they projecting to be the increased amount of cars. AP Olson said the traffic study was comparing 30 single family homes and multi-family development. It focused on the p.m. peak hour, adding 74 trips. The project was estimated to add 795 daily trips.

APPLICANT: Mimi Doukas of AKS Engineering was representing the applicant, DJ2 Holdings. The request was to change a six acre property from low density residential to high density residential in the Comprehensive Plan and change the zoning designation from R-1 to R-3. There was no development proposed at this time. A sketch had been included on what could happen on the property. They did plan to develop an apartment complex, which would go through a design review process and would meet all of the standards. The stream corridor would form the southern boundary of the property, George Fox University was to the south, the boundary to the east was Villa Road and Park Lane was to the north, and the property abutted R-1 to the west.

She explained the three criteria they needed to be in compliance with. They had to prove there was a need for the proposed use and that this was an appropriate location. There needed to be a variety of mobility options, needed to be located near support services, and needed low and moderate income housing and diverse housing disbursed throughout the City. These would be market rate apartments, not an affordable housing project. There were schools, churches, parks, medical facilities, and commercial services nearby and it was fairly close to downtown. The property was flat and abutted Villa Road for good access.

The City's greatest housing need was for high density residential as the City only had 11% of the land needed. There were adequate public facilities as there was adjacent water, stormwater and sanitary sewer. The capacity for sanitary sewer was solvable through upsizing the existing pipe. The application was in compliance with the Transportation Planning Rule. Street improvements would be done, there would be right-of-way dedications, and design standards would be met. The primary concern of citizens was transportation. There were existing struggles with Villa Road and this

project would be part of the solution. The project would be responsible for frontage improvements and payment of SDCs. The applicant suggested the City spend the SDCs in the vicinity of the project. They would rather see physical improvements there than banking the money for future improvements in the same corridor. She believed the project met the criteria, agreed with the Planning Commission's recommendation, and asked for approval.

Mayor Andrews asked if there were any questions for the applicant. There were none.

PROPOSERS: George Couuts, a realtor with ReMax, was representing the Martell Family that owned the property in the application. He had approached both George Fox and Chehalem Parks and Rec about buying the property, and neither had the funds available. George Fox did indicate there was a need for off-campus student housing within walking distance of the campus and were enthusiastic about this project. He had families who wanted to buy off-campus housing for their students, but anything affordable was often too far away from the campus. This project would be used by George Fox students and was in a location that was walkable to the university. The property had been on the market for two and a half years and the price of real estate had gone up, which also affected affordability. This project would help meet that need.

OPPOSERS: Barbara Falbey, Newberg resident, was concerned about the proposed change in zoning. The development would bring change to the neighborhood. When she bought her home in 1990, this property was a neighborhood farm. Others in the neighborhood had lived there longer than she had. They had anticipated that it would be changed and developed, but not at R-3. Villa Road and 99W was not being addressed and this project would add over 700 cars per day. There were other areas zoned R-3 in the City that had not been developed. She did not see a benefit to changing the density on this piece of property at this time. There would be an impact on the neighborhood park, Sierra Vista, and Villa Road. She requested Council not approve the application.

Jennifer Meyers, Newberg resident, had lived in Newberg for 14 years. She moved here for the small town feel. She realized Newberg had to grow, but it needed to grow in the right way. The growth being proposed was not right. It would destroy the feel of the community in the neighborhood. She did not want an apartment building in her neighborhood. This was not an R-3 community. There were no other apartment buildings in the area. It would destroy property values. The Council needed to listen to what the neighborhood wanted.

Scott Phoenix, Newberg resident, said he and his wife had been residents since 1984. They anticipated some sort of change in the neighborhood when Mr. Martell died. He and his wife were opposed to R-3 development. The neighborhood's atmosphere and character would be severely impacted. The neighborhood park was only one acre and already busily used. He did not anticipate an elevation change on Villa Road and in inclement weather the road had been known to be shut down. When that happened, it would cause traffic overflow into the adjacent neighborhoods. They knew development would occur on the property, but discouraged R-3 as it would be a severe disruption to the character of the neighborhood.

Nancy Stone, Newberg resident, said she lived in Newberg for 18 years. She bought her house nine years ago because it was a wonderful place to raise a family and she could live in the quiet, closely connected neighborhood for the rest of her life. She thought similar houses for single family use would be built on the vacant site. She never considered high density for the property. She was concerned about the lack of parking and people parking on the side streets of the neighborhood. She did not want to have to search for parking to visit family or have to pull into the middle of the intersection to see around the parked cars to pull out onto the street. Ms. Stone was concerned about the safety of the neighborhood and park and traffic on the road. There was traffic congestion currently at Villa Road and 99W and many close calls for car accidents. The deer that travel along the stream corridor used this property for feeding and resting and there should be protection of some grassy area and the apple trees so the deer could continue to use the area. Deskin Commons was only two blocks from this property, and she did not think that was spreading out the high density. This site was not a good place for apartments, and would be better as townhomes or duplexes.

Laura Hancock, Newberg resident, understood Newberg needed to grow and that the need for high density housing would increase as time went on. However this was not the place for that. Villa Road was narrow and the bottom flooded in the winter. To add over 700 trips to that road was ridiculous. This was a greenway in Newberg and needed to be protected. If many college students moved in, there was the possibility for more accidents due to the student drivers. High density housing was not appropriate here.

Ms. Hancock said the sewer issue should be addressed before the zoning was changed. If the road was on the list of roads going to be improved, that should happen first before changing the zoning. This was a small, wooded neighborhood and other places in Newberg were more conducive for the density.

Spencer Samuels, Newberg resident, moved to Newberg in 1994. If apartments went in here, it would drastically change the feel of the neighborhood and 70 year old trees. He thought the other R-3 areas should be developed first. They did not know what could be done on Villa Road yet and if a high density development went in and they could not make changes to the road, it would go from a bad situation to a much worse situation with high volume traffic and no improvements.

Kevin App, Newberg resident, used Villa Road almost every day, which was a nice drive in a nice little neighborhood. He understood why R-3 was needed and knew the property would be developed. He did not know it would be rezoned for high density. Had an apartment complex been there before he bought his house, he would have looked elsewhere. It would impact property values as it would add to the noise and congestion in the neighborhood. His favorite thing about his property was the quiet evenings. He asked if anyone had approached the Newberg School District to ask if the district could absorb the hit from the additional children coming in from this development.

REBUTTAL: Ms. Doukas said there was only seven acres of HDR currently in Newberg. It was only one other project. This project was important in terms of housing supply. She clarified the roadway improvements on Villa Road which were not dependent on coordination with the railroad. It was a design challenge to thread the improvements through the trestle and the timing was in the control of the City.

Brian Dunn of Kittelson & Associates spoke about the impacts on the intersection of Villa Road and 99W. ODOT provided evidence in the record stating this application did not have significant effect on the transportation system as the amount of increased trips was so small. The traffic study was prepared using the updated forecasts of the 2035 Transportation System Plan and the trip generation for the high density scenario was conservative as they would not be able to build as many apartments as originally thought and the proximity of the development to George Fox was not considered. Students could walk or bike to George Fox instead of using their cars. The build out would actually be 128 apartments, and the study assumed 168 apartments. Ms. Doukas confirmed they were currently planning to build around 128 apartments.

Councilor Woodruff suggested putting the parking around the outside and the apartments inside so it was a commons for the residents and the parking would provide a buffer to the neighborhood. Ms. Doukas was open to different design concepts. The buildings would provide better sound and light buffering than a parking lot. Councilor Essin asked about the facilities that would be on site. Jeff Curran of DJ2 Holdings answered there would be a club house, open space, and commons area. Ms. Doukas said there would be activities that allowed residents to stay within the complex, have a sense of community, and not be dependent on the car for every need.

Mayor Andrews reminded the Council that tonight they were doing a Comprehensive Plan/Zone Change and not considering Site Design Review.

Councilor Bacon asked about traffic routes from the site to Highway 99W. Kittelson Engineer Dunn said the traffic patterns were analyzed in the area and the distribution of the site trips was modeled on those traffic patterns. There were other routes, but the primary one was Villa Road.

Mayor Andrews called on staff regarding new communications on this item. AP Olson said there were no public agency communications but a few additional letters that had come in for the record.

MOTION: Bacon/McKinney moved to accept the additional letters into the record. Motion carried (7 Yes/ 0 No).

Mayor Andrews closed the public testimony portion of the hearing at 9:15 p.m.

City Attorney Stone said the applicant who had the burden of proof had at least seven days after the record was closed to submit final written argument. The applicant had to decide whether or not they would submit further written argument. If they did want to submit testimony, the hearing would be continued, but if they did not the Council could proceed to

deliberation. If the Council decision was continued, the record could be re-opened at that time by motion of the Council. If the decision was made that night, Council could reconsider the decision following proper procedure.

Ms. Doukas said they waived the right to submit additional testimony into the record.

AP Olson would distribute the additional letters to the Council. The Planning Commission recommended Council adopt the proposed Comprehensive Plan Map and Zoning amendments.

DELIBERATION: Mayor Andrews asked if the Council wanted to move forward with deliberation that night or continue the hearing.

There was consensus to move forward with deliberation. The meeting would be recessed for Council to read the new communications they just received. The meeting was recessed at 9:20 p.m. and reconvened at 9:35 p.m.

Mayor Andrews opened discussion for deliberations or other questions for staff.

Councilor Woodruff had traffic and development questions. She asked what was the difference between an apartment, a townhouse, and a condo ? AP Olson explained that apartments could be built in many different forms, but were all rented out. Condos were similar to apartments, but could be sold, and townhouses were two story attached homes or duplexes and had property lines between the units.

Councilor Woodruff asked if there was other R-3 land available and why was it not being developed first. AP Olson said there was not much R-3 land available. This was an application from an applicant to build on a specific site. Even if there were many other R-3 sites, they didn't get to consider whether they had another site that was better. The question was whether this was a good site or not.

Councilor Woodruff asked about how the elevation would change on Villa Road. CE Hofmann said the preliminary design was for the grade at the bottom of the hill to be raised three to five feet. Councilor Woodruff asked if Villa Road needed to be improved before this apartment building could be built. CE Hofmann said no, these projects were happening separately but simultaneously. Councilor Essin said if he didn't believe the trestle issue could be resolved, he questioned that this should be a high density area. If the improvements to Villa Road could not be improved, how would it affect the high density zoning? CE Hofmann said it would not affect it. The zone change would still go forward. CDD Rux said if these changes were approved, the applicant would have to do street frontage improvements on Villa and Park Lane as part of the development and work with staff on the design.

Councilor Rourke discussed the percentages of housing land. He asked where the other R-3 was located. AP Olson said the land zoned R-3 was south of the railroad tracks. There was no other R-3 land proposed except for this application. Council could initiate a zone change for other sites to be changed to R-3. There was no scientific study to show how R-3 developments affected property values.

Mayor Andrews asked about the stories allowed for the different structures. AP Olson said R-1 and R-2 zones were limited to two stories, 30 feet tall, and R-3 was limited to three stories, 45 feet tall.

Mayor Andrews asked for any further questions from staff at this time. There were none.

Mayor Andrews said if this was approved, he recommended a condition be added to the findings that the Site Design Review go to the Planning Commission before it was approved. He had empathy for what was being said that night and thanked all for their comments. There was a profound need for R-3 housing in Newberg and he thought with the condition he recommended he was leaning towards approving the proposed changes.

Councilor Essin said they did not want urban sprawl and wanted to build up the land currently in the Urban Growth Boundary. He would not want this development in his neighborhood and he did not think the neighbors could have known this high density would be proposed. He was not in favor of this high density. He thought many issues needed to be resolved before this change was made.

Councilor Corey thought fewer units needed to be put in. With two stories, there was potential for the units looking into people's backyards, but that could also happen if it was a two story home. Some development would go in there, and farm land within the City would be developed. One of the goals of Council was to have more affordable housing, and R-3 zoning was not available. This was a prime opportunity to have some R-3, although fewer units needed to be put in. He also agreed the condition the Mayor suggested should be added. He did not have a big concern about the road. The trestle was a problem, but he thought it would be resolved. Closing the road due to inclement weather might happen, but this should not be a reason to deny the application. They needed to plan for what was usual, not what might happen. He was in favor of approving the application with conditions.

Councilor Bacon felt sympathy for the neighbors. The findings did not allow them to take the neighborhood changing into consideration. It met the criteria and the City needed the R-3 land. There were traffic issues and they were being worked on to be resolved. The infrastructure was available or could be made available. There was not a lot of room to put in personal feelings about the neighborhood, and while she was sympathetic towards the neighborhood, it met the criteria.

Councilor McKinney was not convinced the traffic study was correct and the plans for development of Villa Road would be successful. The railroad had rights above the City's rights and he questioned if the trestle would be moved. He voted against the zone change for Deskin Commons and he would vote against this project as well because changing it from R-1 to R-3 was not in the best interest of the citizens who lived there.

Councilor Rourke said there was a deficiency of buildable land; however, there were a lot of other areas better suited for high density. A lot of work would have to go in to changing the zoning of those properties. He thought that was something the City should do. Property owners should be able to do things on their property within the rules, and this was a question of changing those rules. The application met the criteria to change the rules, but he did not think that was good enough. He was leaning against it as he was not convinced Villa Road was solvable for this much more density and there were better areas for the high density.

Councilor Woodruff said the City did not want to expand the Urban Growth Boundary and needed more in-fill. High density would be good near George Fox and they wanted to be a diverse community. Many people who came as students did stay in Newberg. The property owner was asking to change the zoning and wanted to do the project. She was still undecided.

Mayor Andrews said if this was an R-1, would it have an impact on Villa Road? AP Olson answered any development would increase traffic. If this project was not built, the intersection of Villa and 99W would still not meet the standards. While traffic would increase, it would not worsen the intersection. The difference between R-1 to R-3 was 74 trips during the peak p.m. hour. For R-1 it was assumed to be 300 trips per day.

MOTION: Essin/McKinney moved to deny Order 2015-0037.

Deliberation on the motion: Councilor Woodruff asked if it was denied tonight what happens next? Mayor Andrews said the property would remain as low density, R-1. Councilor Bacon said there was a need for this type of housing. What findings could they make that supported the motion?

CA Stone reminded the Council this was a quasi-judicial hearing. The Council would have to make findings that would support a denial to disapprove the zone change.

Councilor Essin said the finding would be the Council did not think the transportation system would support what was being proposed. He was not sure what other findings he would make. CDD Rux said if the consensus of the Council was to disagree with the current findings, they would have to make findings on the criteria and how the applicant did not meet them in order to deny the application.

Mayor Andrews asked CDD Rux to explain about the 120-day rule. CDD Rux said they were on day 71 of the 120 day rule and if the Council came back with direction to staff for July 20 that would be day 86. The next Council meeting was August 17, and that would be day 113.

Councilor McKinney said he believed the application was not in compliance with the Transportation Planning Rule as he did not believe the figures in the traffic study were correct.

Councilor Essin also did not think the application was in compliance with public facilities and services are or could be easily made available. Villa Road was at least a year out before improvements would be made and it was questionable if the railroad trestle would be moved. They did not know if the improvements could be done, and he was uncomfortable approving this change until they knew.

CA Stone reminded the Council the decision needed to be based on other compelling evidence or findings that there was insufficient evidence. They could not make a decision based on feelings or non-evidentiary reasons.

CDD Rux said the design review would look at street improvements on Villa Road from the trestle to Park. But this was not design review. The transportation analysis looked at the volume to capacity and level of service at intersections. If it had shown that there was a significant impact to the TPR process, it could be a finding and improvements would have to be made. However, they did not have the information that would require the developer to do the linking street piece on Villa. They had to be careful about combining the City's project and this project. He explained the three criteria the Council had to evaluate this request.

Councilor Corey thought the motion was not proper if it was based on not believing or agreeing with the findings.

Councilor Essin clarified one criterion was public facilities and services are or could be easily made available. They did not know if the improvements could be made on Villa Road. Councilor Bacon asked were the findings based on the current Villa Road setup or what might be changed in the future. AP Olson reviewed the findings. The decision the Council was making would have to have findings to support the decision. CDD Rux said if the majority of the Council did not think the application met the criteria, staff needed guidance on where it did not meet the criteria so they could craft findings in alignment with the majority of the Council.

CA Stone reminded the Council the information before them was the only information they could consider in making the decision. They were not bound by the proposed findings of staff, but Council must make findings and they must point to evidence that supported the findings. If the Council found the criteria had not been met, then the staff needed specific direction on where it did not occur. The findings must be based on the evidence submitted into the record.

Councilor Essin said there was no finding that would allow him to deny the application except for the testimony received. He did not believe the traffic study, but did not know how to direct staff to change the findings. Councilor Rourke thought this was a planning issue, an ODOT issue, and a Comprehensive Plan issue with a lack of high density in the City. The application met the criteria, but the City of Newberg had planning issues that they needed to solve outside of this application. If these were not tackled soon then they would have the same issues for the next application.

MOTION DECISION: Councilor Essin withdrew his motion. Councilor McKinney withdrew his second.

There was discussion regarding what would happen if this was voted down. CA Stone said if the Council denied the application without findings, the decision would most likely be overturned on appeal.

Councilor Essin said if staff had no suggestion as to what findings to change, then they had no way to make findings and could vote it down and let it be appealed.

CA Stone said if the Council said a certain criterion was not met because of specific compelling evidence, they could instruct staff to rewrite the findings. They could not say we don't like the findings and come back with opposite findings and look for evidence to support them. That would be beyond the role of staff.

Councilor Corey suggested tabling the discussion.

MOTION: Essin moved to continue deliberations on this matter to the July 20, 2015, Council meeting. Motion died for lack of a second.

MOTION: Bacon/Andrews moved to adopt Order 2015-0037, An Order amending the Comprehensive Plan Map designation from Low Density Residential (LDR) to High Density Residential (HDR) and amending the Zoning Designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a property located at 1317 Villa Road, Yamhill County Tax Lot 3217BC-800 with the amendment that the Site Design Review was required to go to the Planning Commission. Motion carried (6 Yes/ 1 No [McKinney]).

The Council took a brief recess before entering Executive Session.

EXECUTIVE SESSION:

Executive Session # 3 – Pursuant to ORS 192.660 (2) (d) Labor Negotiator Consultations

The Council entered into Executive Session on Fire Association Collective Bargaining Agreement amendment at 11:25 p.m. and exited Executive Session at 11:40 p.m. Staff present during the Executive Session included City Manager Jacque Betz and City Attorney Truman Stone.

NEW BUSINESS:

Resolution 2015-3199:

CA Stone presented the staff report. He, the Fire Chiefs, and the HR Manager negotiated with the Association for contract wages for Fiscal Year 2015-16 and 2016-17. It would be a 1% wage increase and 1% COLA in the first year and no wage increase and COLA based on CPI with a maximum of 3% in the second year. The Association unanimously approved this.

MOTION: Bacon/Rourke moved to adopt Resolution 2015-3199, A Resolution approving amendments to Article 10 (Compensation) of the Collective Bargaining Agreement between the City and the International Association of Firefighters, Local 1660; and authorizing the City Manager to execute the agreement. Motion carried (7 Yes/ 0 No).

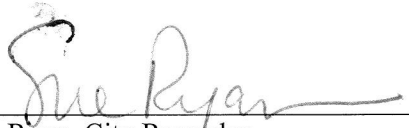
COUNCIL BUSINESS:

Mayor Andrews said the Resolution for the CM evaluation would be held over to July 20.

ADJOURNMENT: The meeting was adjourned at 11:42 p.m.

ADOPTED by the Newberg City Council this 17th day of August 2015.

ATTESTED by the Mayor this 24th day of August, 2015.


Sue Ryan, City Recorder

 Bob Andrews, Mayor