



MEETING MINUTES

**CITY OF NEWBERG / YAMHILL COUNTY
NEWBERG URBAN AREA MANAGEMENT COMMISSION
NEWBERG PUBLIC SAFETY BUILDING - 401 E. THIRD STREET - NEWBERG**

THURSDAY, SEPTEMBER 27, 2001

7:00 PM

I. ROLL CALL

Leslie Lewis
Alan Halstead
Sally Dallas

Brett Veatch
Steve Ashby

Warren Parrish
Sid Friedman

Present:

Barton Brierley, City of Newberg Planning Division Manager
Barb Mingay, City of Newberg Planning Technician
Terrence D. Mahr, City of Newberg City Attorney
Peggy Hall, City of Newberg, Recording Secretary
Martin Chroust-Masson, Yamhill County Planning Division

II. OPEN MEETING

Chair Ashby called the meeting to order.

III. CONSENT CALENDAR

1. Approval of July 19, 2001 NUAMC Meeting Minutes

Chair Ashby noted changes to the first page of the minutes reflecting Bart Rierson's name being on the NUAMC Committee and also as the Chair of the NUAMC Committee. Peggy Hall, Recording Secretary, noted the corrections for the record and that the minutes would be corrected accordingly.

Motion #1:	Halstead/Lewis to approve the meeting minutes as corrected.
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Vote on Motion #1:	The Motion carried (Unanimous).
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IV. COMMUNICATIONS FROM THE FLOOR

None.

V. QUASI-JUDICIAL PUBLIC HEARING

APPLICANT: City of Newberg

OWNERS: Ronald & Ruthie Reid, Dennis & Carolyn Pratt, Newberg School District 29,
Pamela Bakke, Allen & Valene Sessions, Frank Anzalone, Sr., Craig & Susan
Shepersky, and Ron & Kellie Manning

REQUEST: Approval of an urban growth boundary amendment of approximately 46 acres. The proposed comprehensive plan designation is a mixture of LDR (Low Density Residential) and MDR (Medium Density Residential).
LOCATION: Between Crater Lane and Chehalem Drive, South of Foothills Drive
TAX LOT: 3207-3400, -3500, -3600, -3700, -3701, -3702, -3703, -3704, and 3218AB-900
FILE NO: UGB-2-01 **RESOLUTION NO.:** 2001-02
CRITERIA: NUAMC Agreement, ORS 197, OAR 660, Yamhill County Zoning Ordinance

ABSTENTIONS / EX PARTE CONTACT:

Commissioner Halstead asked that Mr. Hornsby be allowed to speak because he was on his work lunch break. Chair Ashby agreed that he would give Mr. Hornsby consideration in speaking at the beginning of the hearing.

Commissioner Friedman said he believed he testified in opposition for this specific property at previous land use hearings and noted that although it was a different application, he felt that it would not affect his ability to judge this particular application in the future.

City Attorney TDM said that Mr. Parrish was a member of the Newberg School Board and his position was a "not for pay" and believed that he did not have a conflict.

Commissioner Lewis said she believed she was a member of NUAMC at the time the matter was brought forward before, but could not remember how she voted. She said that she did not feel that it would have an affect on her voting.

Chair Ashby reviewed the Oregon Revised Statutes concerning the land use hearing.

Opponent:

Mr. John R. Hornsby, 2115 N. Crater Lane, Newberg, Oregon, spoke in opposition to the UGB amendment. He thanked the City and County employees for their assistance in providing the information. He said that he basically approved the application as it was written, but noted that it did not include four adjacent tax lots which were also not now in the UGB. Discussion was held concerning VLDR-1 property which fronted Crater Lane tax lots. Mr. Hornsby expressed concern over the traffic flow which would be created from the development along the southern part of Crater Lane. There was already a lot of traffic due to the addition of the St. Peters Church which increased traffic flow due to maintenance crews, church BINGO and other regular activities. He said that it appeared that Crater Lane was the major thoroughfare for the Newberg School District maintenance vehicles. The traffic impact studies do not include any improvements to Crater Lane. He talked with Mr. Gillie's Office (Yamhill County Public Works) who indicated that the County has not penciled in any future funding for any improvements over Crater Lane. He expressed concerns as to what the County intended to do. Staff Report Attachment D (Traffic Impact Study) represents the proposal involving the Newberg Police Department on crash records in the area. He said that no one contacted the Yamhill County Sheriff's Office on whether the area had service calls by the Sheriff's Department. Mr. Hornsby said he knows that Lynn Drive and Crater Lane have had three (3) incidents. He reviewed the minimal levels of pedestrian and bicycle paths. He said that he observed approximately 130 people moving around in the area. He would like the proposal to do something to discuss the safety and traffic issues at the south end of Crater Lane.

Member Friedman addressed the southern 500 feet of Crater Lane which was substandard. In conjunction with this process, he noted that portion of the roadway would be brought up to City standards but questioned whether they satisfied Mr. Hornsby's concerns. Mr. Hornsby said that it would.

STAFF REPORT: Ms. Barb Mingay presented the staff report and reviewed the tax lots involved on overhead drawings. The criteria was identified in the staff report. She noted that the UGB Amendment was in an area which had been previously identified and adopted as an URA (urban reserve area). She referenced a table within the resolution findings which identified the residential land supply and the acreage needed to meet the area's growth (page 9 of Exhibit A). She reviewed the proposed

comprehensive plan designations for each of the parcels. She concluded that staff recommended approval of the Resolution.

Mr. Martin Chroust-Masin, Yamhill County, presented the County staff report. He said that the County agreed with the City staff recommendation and he thought that the criteria was consistent with the County's Comprehensive Plan.

Mr. Charles Radosta, PE, Kittleson & Associates, Traffic Consultant, 610 SW Alder Street, Suite 700, Portland, Oregon 97205, said he was hired by the City of Newberg to prepare a traffic study for the area of approximately 46 acres. They looked at a larger study area and collected data during the a.m. and p.m. peak hour flows. They factored the data based on what student counts would be if school were in session. They looked at the expected trip generations within the 46 acre project area, and how the traffic will be disbursed within the system: 65% will be filtered by Hwy. 219, 35% will trickle down to downtown and another 5% to the north of the area. At Foothills and Hwy 219, at the year 2015, there would be a need for some sort of signalization. Discussion was held concerning developing a process for the distribution of the traffic which will be generated by the area.

Chair Ashby asked for more information and more clear identification of the improvements already planned for the area. Mr. Radosta reviewed the existing plans, what he felt would be needed, and how the natural street connections would occur.

Commissioner Halstead discussed the areas located at the southern end of Crater Lane and on Lynn Drive and what considerations Kittleson & Associates had made in reviewing them. Mr. Radosta discussed alternatives.

Mr. Barton Brierley received a fax from Ms. Darci Rudzinski, a representative from DLCD. He asked the Commission if they would like to review her letter and Mr. Brierley's response. Commissioner Friedman said he would like to see a copy. Discussion was held concerning review of the later material. Commissioners took a five-minute break to read the material. Copies were also distributed to the audience.

Commissioner Parrish asked for clarification on the property ownership and the recital on the resolution identifying who paid for the application. Was it the property owners or the City of Newberg? Mr. Brierley said the property owners are paying the application fees and the costs for preparing the application, traffic engineers and analysis and staff time to prepare the application. Because there are eight property owners with nine properties, the City Council voted to initiate the application and act as the applicant instead of nine property owners filing nine applications. Commissioner Parrish asked if it met the required statutes even though the City of Newberg was the applicant.

Discussion was held concerning recovery of other costs (water, sewer, etc.). Mr. Brierley said if the application was approved, it must go through the annexation process, and then once approved, development costs could be recovered through SDC's for parks, water and sewer, property tax collection, etc. Funds would also be received with the annexation application on the property. Discussion was held concerning the Council making the application for the property owners. Staff noted that by doing so, they were not committing to any decision on the application. They would give full consideration to the request, but not guarantee approval. Mr. Brierley disagreed with Ms. Rudzinski's contention that the hearing should be legislative vs. quasi-judicial.

City Attorney Mahr discussed the unique relationship with the property owners which the City was facilitating.

Commissioner Friedman addressed the hybrid zone in the Newberg Specific Plan and the hearing process which describes how they are designated (R-1/R-2 zone and minimum lot size). Mr. Brierley said the minimum lot size and coverage would have to be designated at time of annexation (5,000 sq. ft. as opposed to 7500 sq. ft. in R-1) with a maximum lot coverage of 40%. Mr. Friedman asked who to direct questions to concerning the applicants. Mr. Brierley said several of the property owners are in attendance. Mr. Friedman addressed the County's comments and conditions of approval involving the jurisdiction of streets, before and after annexation.

Mr. Chroust-Mason, Yamhill County, said the County's Plan addresses these types of issues. He noted that the County transportation plan requires the transfer of jurisdiction at the point of the application.

City Attorney Mahr said that Commissioner Brett Veatch had a potential conflict of interest because of his real estate business. He does not have a current real estate business relationship with any of the property owners.

Commissioner Parrish asked for clarification for the area around Crater Lane and how the design layout was made. Mr. Brierley reviewed the overhead showing Crater Lane and Lynn Drive adjacent to tax lot 3207. Mr. Brierley said the property was inside the UGB but outside the City limits. The diagrams reflect how the city limit lines were drawn and the boundaries which were drawn. Mr. Parrish said that part of his concern was that there were several City streets with a mix of City/County ownership. His concern was within the UGB. He asked how the City could guarantee that traffic improvements would happen if the amendment passed. Are we going to add to the problem by amending the UGB? Mr. Brierley said we would not solve the whole world, but would resolve some problems.

Discussion was held concerning development of half-streets where needed when the parcels develop. Mr. Brierley noted that should the properties be brought into the UGB, annexed and developed, certain properties would be required to help develop Crater Lane. In addition, they would be required to improve Chehalem Drive along their frontages. Each house would also pay an SDC fee to help pay for projects which were off-site and not actually adjacent to the frontage (such as Main Street). In answer to Mr. Parrish's question, we would have times in which streets were improved as the area is developed. Commissioner Parrish said some of the roadways in the past have not been developed to City standards and this would be required in future developments.

Discussion was held concerning a new water treatment facility and development of future wells. Mr. Brierley noted that the City will need to upgrade the current water treatment plant. Discussion was held concerning appropriate funding. The improvement program is detailed in the City's Water Master Plan.

Chair Ashby reviewed the City services provisions included in the staff report but did not see adequate provisions for City police, fire and school requirements. Ms. Mingay said that these would be an issue at the time of annexation and were not an issue at this point.

PROPONENTS:

Susan Shepersky, 22323 NE Mountain Top Road, Newberg, Oregon, said she is a property owner in the project area. She reviewed the history of the project. She noted that this originally came about because the City needed a sanitary sewer pump station in the area to further Comprehensive Plans, and to serve CPRD, Newberg School District, City property and properties within the Urban Reserve Areas (URA). She said the City approached the property owners in the area and proposed construction of a new pump station through a local improvement district (LID). On December 4, 2001 the LID proposal was presented at the City Council. Sixty percent of the properties the LID would apply to are located in the URA. The proposal originally stated that the LID would be approved, a study would be done and the property owners in the URA would pay for the new facility (\$50-60,000), but they could not use it, since their properties weren't in the City. Without the UGB amendment, the LID will not exist. They again proposed to get the property in the UGB, annexed and the property owners would have three (3) years to do this. The owners of property in the URA (Newberg School District and several other property owners) met with Barton Brierley and Mike Soderquist to discuss the issues. In January, 2001, all property owners attended a meeting and agreed to participate in the LID and do what is necessary if the property was in the UGB and annexed. The property owners asked that an engineering study be done during the process. The City council agreed to do the engineering study and agreed that the LID would not come about without successful UGB and annexation approvals. The property owners came back again with a letter to the City asking them to initiate the application and be the applicants. The Council agreed the City would be the applicant on behalf of the property owners (co-partners). The property owners would pay the fees that were required for the UGB, all application fees, traffic and sewer studies based on the acreage owned (\$18,000 total costs). They signed letters which said they would pay even if the UGB amendment/annexation was not successful. Once the property is annexed, they are

responsible for the LID fees and the costs.

Commissioner Lewis said it appears that they are now in agreement. Ms. Shepersky said the City approached them with the LID. She indicated that the City staff was great to work with.

Commissioner Friedman said the public right-of-way is currently under County jurisdiction and would Ms. Shepersky have any objection to the County transferring jurisdiction to the City during the process. Ms. Shepersky said as a property owner, she would be willing to take on any burden brought about because of the process. One of the areas of responsibility is road improvement. They are buying into the improvement of the area. Now, how they agree when this should happen, as a property owner, she does not have much say in it, but is willing to take on the responsibility.

Scott Twenge, PO Box 762, Newberg, Shepersky's son in law, spoke on their behalf. He said the lack of attendance of the property owners should not be a sign of a lack of interest in the project. He said that it has taken a long time and quite a bit of cooperation from the property owners and was a true testament of the property owners willingness to get it done. Discussion was held concerning the very beginnings of the process. He noted there was a need for properties currently in the City limits to obtain sewer service. The City had several options. Part of the Cottonwood development inside the city limits had a portion which was not serviceable by the City sewer system. The City could allow 5-6 individual sewer pumps so that each house could pump up hill to get into the system, but it seemed a natural fit to take care of the whole system and get an entire system for the area. The biggest problem was how it was going to be paid for. The application is a solution for current and future problems.

Discussion was held concerning Mr. Hornsby's comments relating to traffic problems.

QUESTIONS TO STAFF: None.

FURTHER QUESTIONS FROM AUDIENCE: None.

CLOSE OF PUBLIC TESTIMONY PORTION OF THE HEARING.

LETTERS/PUBLIC AGENCIES: EARLIER ADDRESSED (DLCD)

STAFF RECOMMENDATION: Ms. Mingay addressed the County's concerns regarding transferring jurisdiction over Chehalem Drive. She noted that jurisdiction could be designated at time of annexation. She recommended approval of the application.

Mr. Chroust-Mason reviewed the County's position regarding transfer of jurisdiction over Chehalem Drive.

Commissioner Friedman addressed the County staff report which included Goal #4 from the TSP which states that the County and the City would bring up the design standards at the time of the UGB amendment, not the transfer of jurisdiction.

Discussion was held concerning the transfer of jurisdiction. Mr. Chroust-Mason addressed road/street design standards for County collector designation. He noted that the transfer of jurisdiction takes place at the time of annexation. Mr. Chroust-Mason also noted that he had read the DLCD letter but did not have a chance to review it with County counsel.

Chair Ashby called for a break at 8:25 p.m. The meeting reconvened at 8:30 p.m.

COMMISSION DELIBERATION:

Motion #2:	Halstead/Veatch to adopt Resolution No. 2001-02 approving the UGB amendment.
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Commissioner Lewis said she thought she may have previously opposed the original UGB amendment (8 years ago) and a lot of things have happened since. She questioned the DLCD letter involving the URA/UGB amendments. She said she felt that it would be a quasi-judicial and not

legislative hearing process even though the City was the applicant and the property owners were planning to make further investments by agreeing to participate in the LID once annexation occurs. She felt it can be a quasi-judicial matter. She thought that given the situation and the housing needs, as DLCD has pointed out, it is a prudent thing to do at this time. Clearly the sewer improvements need to take place and the property owners are willing to pay for a local improvement district which will increase their property values. It is already in the URA and the County exception zone.

Discussion was held concerning including other URA properties.

On behalf of the County Commission, Commissioner Lewis said she would want the City of Newberg to take over jurisdiction of the particular portions of Chehalis Drive affected, at the time of annexation which would be a condition of approval. On page #3 of Mr. Chroust-Mason's memo (item C-1 of the Yamhill County Transportation Plan), it states that at the time of the UGB amendment, the City and County shall agree on all design standards prior to finalization of amendment. She would like some clarification as to any changes that would need to be made because the County would not have the funds to do any improvements. She is in support of the motion.

Commissioner Friedman questioned whether this is a legislative or quasi-judicial amendment. His own sense is that important planning decisions such as UGB amendments should be made by the City and the County and there should be a legislative review of all potential areas for expansion. He understood that quasi-judicial amendments were legally allowed to come forward. He was somewhat undecided and after the City initiated the process, he was less inclined to think the process is quasi-judicial. If legislative amendment 197.296 is met, he is still unclear whether or not they apply. He believed that it was an appropriate place for the UGB to expand at some point, the question was when. He was also concerned about the jurisdiction over the roads. He noted this has been a problem for the County in the past. He was sensitive to the concerns for the property located at the southern end of Crater Lane as well as other transportation improvements for the area, such as sidewalks, in order to bring them up to current standards. Because the County was an equal partner in approving and the City would agree that they will accept, in writing, the jurisdiction over the road at the time of annexation, then he would be more inclined to support the motion.

Amendment to Motion:

Amendment to Motion 2: Friedman/Lewis to amend the motion to add a condition that the City agrees in writing to accept jurisdiction over the road at time of annexation. (Unanimous).

Commissioner Halstead said he was concerned about the negotiations that must take place beforehand concerning road/street design standards while they were still in the County's possession in relation to the upcoming standards for future development. The requirement for the City to take jurisdiction at the time of annexation should be required before any development occurs. Discussion was held concerning requiring the City and County officials to reach some kind of agreement as to the design standards for interim development pending the final approval and annexation. He said that it was an appropriate expansion to the area. Although he had concerns about DLCD's letter, he believed that the City's argument exceeds DLCD's argument and was in favor of the resolution.

Commissioner Brett Veatch said he was generally in favor of the amendment because it is timely and the need was appropriate.

Commissioner Parrish said he supported the amendment and strongly recommended that the suggestions made be included in the record to make sure that the improvements happen when they say they will happen.

Commissioner Ashby said he approved the amendment and the application clearly meets the criteria set for approval. He agreed with the City's response to the DLCD letter and believed it was a quasi-judicial hearing process and he supported the motion.

Commissioner Dallas said that she feels it is a proper proposal and agreed with the comments of the Commission.

Vote on Motion #2:

The Motion carried unanimously 6 Yes/1 Abstain [Friedman].

Mr. Brierley said the matter will be forwarded to the Yamhill County Commissioners and the Newberg City Council. Each agency has the option of holding a public hearing on the amendment or just hear the matter based on the testimony and the record (findings). It is anticipated that the City Council meeting will be scheduled for December 3, 2001, at 7:00 p.m. and the Council will hold a new public hearing. Mr. Chroust-Mason said he felt the County Commission hearing would be held in November.

Commissioner Friedman questioned whether the City and County would forward this matter to their respective planning commissions for review. Mr. Brierley said that the Newberg City Council had not indicated a desire to extend it to their Planning Commission, but they could, and it was up to the Yamhill County Board of Commissioners to decide whether or not they wanted to refer it to their planning commission. Discussion was held concerning the joined annexation and UGB requests and how they should be processed.

Tape 2-**IV. OLD BUSINESS**

None.

V. NEW BUSINESS

Mr. Brierley said the Riverfront Master Plan was being reviewed by the Newberg City Council in early November and that they would like to refer the UGB amendment to NUAMC for a hearing sometime in the latter part of November (20-28th).

Mr. Friedman said his preference would be a Wednesday. Discussion was held concerning Commissioner Lewis' scheduling conflicts but Mr. Friedman agreed that Wednesdays are better for him as well (November 7th for the Riverfront and the 28th for the other UGB amendment).

VI. ADJOURNMENT

The meeting was adjourned at approximately 8:55 p.m.

Passed by the Newberg Urban Area Management Commission this 28th day of NOV., 2001.

AYES:

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NO:

0ABSTAIN:
(list names)0

ABSENT:

1 (Friedman)
1 Veatch

ATTEST:


Recording Secretary Signature
Print Name11-28-01
Date

LABELS FROM THE 9/13/01 PLANNING COMMISSION MEETING FROM THOSE WHO GAVE
PUBLIC TESTIMONY/ REGISTRATION CARD

Be sure to add file number by name on each label

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