

**CITY OF NEWBERG / YAMHILL COUNTY
NEWBERG URBAN AREA MANAGEMENT COMMISSION MINUTES
NEWBERG PUBLIC SAFETY BUILDING - 401 E. THIRD STREET - NEWBERG
THURSDAY, MARCH 29, 2001 at 7:00 PM**

MINUTES APPROVED AT THE June 14, 2001 Meeting

I. ROLL CALL

Leslie Lewis
Steve Ashby

Brett Veatch
Sid Friedman

Warren Parrish
Member at large (vacant) Alan Halstead

Present:

Terry Mahr, City of Newberg, City Attorney
Barton Brierley, City of Newberg Planning Division Manager
Ken Friday, Yamhill County Planning Division
Barb Mingay, City of Newberg Planning Technician
Peggy Hall, City of Newberg, Recording Secretary

II. OPEN MEETING

Chair Ashby called the meeting to order.

III. CONSENT CALENDAR(items are considered routine and are not discussed unless requested by the commissioners)

1. Approval of February 15, 2001 NUAMC Meeting Minutes

Motion #1:	Committee members Halstead/Friedman to approve the February 15, 2001, meeting minutes.
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Vote on Motion #1:	The Motion carried unanimously (unanimously).
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IV. COMMUNICATIONS FROM THE FLOOR

None

V. QUASI-JUDICIAL PUBLIC HEARING

1. **APPLICANT:** Willamette Landing Development
OWNER: Springbrook Estates LP and John & Margaret Hickert
REQUEST: Approval of an Urban Growth Boundary Amendment (UGB) and Comprehensive Plan Amendment of 28 acres.
LOCATION: East of Springbrook Road and North of Wilsonville Road
TAX LOT: 3221-3200, 3400
FILE NO.: UGB-1-00
CRITERIA: NUAMC Agreement, ORS 197, OAR 660, Yamhill County Zoning Ordinance
COMPREHENSIVE PLAN/ZONE: Yamhill County VLDR (Very Low Density Residential) with current zoning of EF-40 (Exclusive Farm Use).
RESOLUTION NO.: 2001-01

ABSTENTIONS / EX PARTE CONTACT/CONFLICTS OF INTEREST:

Commissioner Veatch declared a potential conflict of interest because he was a licensed real estate agent/developer which could have an ultimate effect.

Commissioner Parrish said that he is a Planning Commission member and that he received the information from the past Planning Commission meetings. The only concern he had was that if the decision came to a vote, with only six (6) members it would be possible to have a tie vote.

Commissioner Halstead said he was familiar with some individuals who were provided notice of the meeting.

Commissioner Friedman said that he had talked with almost everyone in the room because of his position on the Friends of Yamhill County Board.

OBJECTIONS TO JURISDICTION: None.

STAFF REPORT: **Ms. Barbara Mingay** presented the staff report. She said the attachments included all information received by the City to date. Ms. Mingay reviewed the criteria presented, the Oregon Administrative Rules, Land Use Planning Goals, Goal 14 factors and the County's goals and policies. It is an UGB amendment and Comp Plan amendment (28 acres). Ms. Mingay reviewed the surrounding properties (some farming and some residential properties). There is a stream corridor and a natural drainage area within the property. The concerns are addressed on page 11 of the staff report:

- Transportation Issues: (future bypass, intersection, street dedication issues).
- Public Facilities: (public utility availability, water and sewer pump station requirements, public service provisions).
- Land Use Need: The Planning Commission found there was not a need to provide additional residential land supply within Newberg's UGB, and findings supporting this position were included in the Planning Commission's Resolution No. 2000-136 which recommended denial of the application.
- Stream Corridor: The Planning Commission found that the project would negatively impact the integrity of the stream corridor which crosses the subject property, and findings supporting this position were in the Planning Commission's Resolution recommending denial.

Ken Friday, Yamhill County, reviewed the County's position on the application request. The County's staff report included protection of farm land. The subject property is considered exceptions land by the County. The County does not apply farm land protection for exceptions lands. The farmland protection policies should not be considered because the property was excluded in the 1980's. The Yamhill County Plan reflects changes to the UGB amendments. Mr. Friday presented the Yamhill County staff report:

- The County portion of the UGB amendment review is simply to analyze whether the request complies with the Yamhill County Comprehensive Plan goals and policies and the Yamhill County Transportation Plan.
- The main issue is the transition from rural to urban land which is best described by the Yamhill County Comprehensive Plan, Section I.A., Goal 1, which directs the County:
 - To encourage containment of growth within existing urban centers, provide for the orderly, stated, diversified and compatible development of all of the cities of Yamhill County, and assure an efficient transition from rural to urban land use.
- Martin Chroust-Masin at Yamhill County wrote the County staff report regarding this issue and in a portion of it, he cited Comp Plan goals and policies related to the protection of farm land.
- The applicant's consultant, Mr. Campbell, brought to Mr. Friday's attention some problems with the

staff report. Mr. Campbell indicated that he did not feel the farm goals and the policies should be included in the report as the property is exception land. Mr. Friday said he agreed with Mr. Campbell's statement.

- Mr. Chroust-Masin was out of the country and Mr. Friday said that he was unable to contact him but Mr. Friday believed he included the goals and policies because the property is zoned for farm use. However, the County typically does not apply farmland protection to exception land and exception was taken on this property in 1980. Therefore, these goals and policies should not be considered.
- Additionally, Mr. Campbell objected to Mr. Chroust-Masin's reference to the Residential Needs Analysis and policy report. Since it was cited in reference to a farm protection goal, Mr. Friday said he agreed that this reference is not applicable since this goal is not applicable.
- Regarding the Yamhill County Transportation Plan, Section 5.2.2 has goals and policies that deal with issues of UGB amendments and annexations.
- Mr. Friday said that if there was an UGB amendment, there would need to be an agreement to transfer the jurisdiction and maintenance of the road to the City of Newberg. This item would need to be addressed by the City and County prior to finalization of any UGB amendment.

YAMHILL COUNTY STAFF RECOMMENDATION:

- The County is concerned with an orderly, staged, diversified and compatible development.
- As had been discussed, this property is within the URA. It is planned to eventually be brought into the UGB and the City limits. However, to assure that the development is orderly and compatible, the County would need the City to be comfortable with the proposed amendment.
- The City is not comfortable with this proposed amendment so it does not satisfy this County goal. Therefore, the County is recommending DENIAL of the request.

Commissioner Parrish said there were portions of the subject property which were **not** classified as exceptions lands. Mr. Friday said that the entire property in question is designated as exceptions lands and under the VLDR designation. Commissioner Parrish said he believed there were three (3) parcels, one of which was to be used for a park.

Mr. Brierley said that two parcels of the property were included in the application. One portion was zoned EFU (VLDR- excepted).

Commissioner Friedman asked for further clarification in EF zoning designations and transportation issues. Mr. Friday addressed the residential needs analysis and protection of farm lands.

Ms. Mingay said the preliminary staff recommendation is to adopt Resolution No. 2001-01 to deny the UGB and Comp Plan Amendment. All correspondence received to date is included in the packet for the Commission's review and consideration.

Chair Ashby entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

PROPONENTS:

Doug Campbell, consultant for Willamette Landing Development, 4380 SW Macadam Avenue, Portland, Oregon, requested additional time to present the applicant's project to the Commission. Mr. Campbell requested 20 minutes in order to address the issues previously raised.

Motion #2:	Commissioner Friedman proposed that no time limit be instituted but would ask that all persons wishing to present testimony be concise, brief and leave it up to the chair to request that the testimony be concise.
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Vote on Motion #2:	The Motion carried unanimously (unanimously).
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Mr. Campbell presented handouts for the Commission to review. Mr. Campbell discussed zone changes (in particular R-2) in relation to the surrounding areas. There are other manufacturing uses in the area (diverse and changing area). The proposed land uses can work together because they currently work together. The area is being reviewed for conservation (regional park land designations). Mr. Campbell discussed access routes some of which are 3/4 width streets (24-26 ft.). Mr. Campbell said the applicant proposes conditions of approval (fencing, landscaping and "no parking"). City Staff and the Fire District have indicated that the proposed access routes work.

Mr. Campbell reviewed public facilities issues and proposed a regional service system and conserve the additional areas of the UGB. As he sees it, the way the topography works, certain areas could serve other areas as they are developed in the future in order to handle the growth. There are water and sewer systems to be connected to. They would "over-size" the lines to handle the future growth.

Mr. Campbell discussed drainage and erosion issues raised in prior hearings. He said there were a number of drainage issues raised by the staff and the Planning Commission. He said there was not a chance to develop a detailed drainage plan.

Mr. Campbell also addressed transportation issues. The main intersection issues can be addressed at the time the property and surrounding area is developed. The City and other related agencies should allow the applicant to work out possible solutions before making a recommendation of denial. Discussion was held concerning the flow of traffic and safety impacts. The applicant offered a condition of approval which would delay the applicant's building permits until the intersection issue had been addressed.

Mr. Campbell discussed the "needs" analysis and estimated land needs for residential uses. He said they have worked with the City to analyze vacant lands. Mr. Campbell addressed the area's growth rate and the availability of vacant lands. Mr. Campbell said that currently, the City does not maintain an adequate supply of residential land. The land is inside the URA, is non-agricultural and utilities can be extended to the property.

Mr. Campbell discussed the "southern" bypass route and the lack of appropriate policies, standards and funding. To deny the application based on "where the road might go" is unfair and applies a standard which may or may not be appropriate. The applicant proposes as a condition delay of development until ODOT has determined the route. The City and County should question a limited access highway running through the URA.

Mr. Campbell addressed public services (police and fire). The development will contribute tax dollars to help pay for police and fire services. He said there will be enough tax dollars to maintain the current level of service.

Mr. Campbell discussed school impacts and the School District's current use of portable classrooms until such time as the School District arranges for permanent facilities. Mr. Campbell presented a map of the service areas for Edwards School, Chehalem Valley and Mountainview Middle School. The important point is that the subject property is within the service area and access is not an issue.

Mr. Campbell said the proposed zone change and Comp Plan Amendment is valid. The criteria has been met. The City started the process to bring in URA properties. The subject property did not cause the current problem with transportation activity in the area, but the applicants are willing to help the City and County

address the problems.

Commissioner Parrish questioned Mr. Campbell's response to the Planning Commission's recommendation for denial:

- Traffic Impact and traffic survey results. **Mr. Campbell** said that a traffic engineer conducted the traffic study. Discussion was held concerning the typical peak hours (usually between 5:00 a.m and 7:00 a.m.) and afternoon peak hours. **Mr. Campbell** said that the traffic study (page 5 of applicant's appendices) (page 597) reflected 7 - 9:00 a.m. and 4 - 6:00 p.m.
- Future highway problems which were addressed by the Department of Land Conservation and Development (DLCD) letter of March 6, 2001.
- Police services being funded through development costs. Discussion was raised concerning what the Police Chief noted about apartments causing more crime, which would require more response times than any other development in the City. **Mr. Campbell** said that the Police Chief has not provided sufficient evidence for the crime/apartment issues and the generation of tax funds.

Discussion was held concerning the statement/letter made by the Police Chief (page 409-410) in particular the last sentence of the Police Chief's letter: "Given the number of multi-family housing units planned in the proposed development, I would question whether it can generate sufficient property tax revenues to fund these new resources". **Mr. Campbell** said that he believes the proposed development would not have a substantial impact on the police services.

- School capacity/location. Commissioner Parrish recalled a letter from the School District which noted their concern about the additional influx of students; and also addressing the consideration by the School District of a potential bond measure. Discussion was held concerning redistributing school boundaries. The School District has not addressed school capacity issues.
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- Transportation. ODOT STIP program and the Hwy. 219 intersection expected to take place in 3-4 years. **Mr. Campbell** said that ODOT would have a plan in place to design and look at the intersection within the next year. The year 2005 is the year to finish construction and provide a funding source. Discussion was held concerning alternative intermediate solutions to address the current problems. The City has been collecting transportation impact fees in the area. The City should apply some of those fees to that area. Funding will be from ODOT, transportation impact fees, the applicant's development fees, and alternative methods of funding could be sourced.
- Fire Department approval of North Access Road. Discussion was held concerning the Fire Department addressing servicing the area (potential accidents).

Commissioner Friedman questioned the applicability of the UGB amendment and the criteria presented (URA rule and Goal 14). He said he does not agree with the applicant's analysis that Goal 14 is not applicable to the URA. Discussion was held concerning bringing URA land into the UGB to comply with the 50 year land supply. Discussion was held concerning the challenges of exceptions lands. He indicated that he did not agree that other factors of Goal 14 are not applicable. Commissioner Friedman addressed how many R-1 or other residential designations are included. **Mr. Campbell** reviewed the Needs Analysis, which was based on the City's vacant land inventory.

Commissioner Friedman said that he wanted to make sure he understood the comments made about the bypass being placed within an URA and UGB. Discussion was held concerning Mr. Campbell's statements relating to the impacts of the bypass on the subject and surrounding properties. Commissioner Friedman addressed comments made by the applicant regarding the right to bring the property into the UGB if the applicable criteria are met. The Commissioner said that he is unaware of any other recent UGB amendments

which can be reviewed to compare how the criteria was interpreted then and how it is applied in this subject development. He did not believe that the URA properties have the same right to develop as somebody would have within the City limits. That is a decision that is made with "criteria".

Mr. Mart Storm, 22965 Sunnycrest Road, Newberg, Oregon 97132, member of Springbrook Estates Limited Partnership, discussed the need for residential land in the City of Newberg. It is designated in the County's Comp Plan as VLDR. As far as an orderly approach to which areas are taken into the City, when the URA was adopted, they applied criteria to the areas and rated them. This site was in the top rating of that report. To be orderly, we need to see how services can be expanded in an orderly way (water reservoir being constructed). The real issue for facilities comes down to sewer. Except for one area in the URA, all areas in the URA require a pump station. To be orderly in applying public facilities, a pump station should be located at the bottom of the drainage area. This particular piece of property is the bottom of the drainage area in this particular URA area. From the facilities point of view, this subject property should come in first.

Tape 1 - Side 2:

Mr. Storm addressed transportation issues. The City is collecting transportation funds. During the design review process, conditions could include right hand and left hand turn lanes to mitigate immediate area traffic problems. Development of any piece of URA property will create transportation problems. They should be given the opportunity to mitigate the solutions. Discussion was held concerning Measure 47 and the tax base which has affected the rates. The new houses will pay more taxes than an existing house in the City of Newberg (more level of service requirements). Mr. Storm said that in 1973-75 the City adopted the UGB and have not added to it. The growth rate has mirrored the Comp Plan projections. Mr. Storm addressed "in-fill" properties and the growth of development in the City of Newberg. The City needs more ground.

OPPONENTS:

Mr. Louis Larson, 3220 Juniper, Newberg, Oregon 97132, addressed a population report, the Springbrook Estates residential needs analysis. The applicant suggested the use of the medium growth projection. In the document, the Planning Department indicated to the applicant that the projected population would be 18,250. The basic assumption on the needs analysis does not take into account the medium growth analysis instead of the low growth analysis. This is conclusionary and not based on current development data. He reviewed the number of new dwelling units approved between 1990 and October 2000. What it illustrates, is that current building data should be used in the needs analysis. Discussion was held concerning new population migration to the southwestern United States (New Mexico, Arizona). Discussion was also held concerning employment conditions. The needs analysis does not reflect the current trends.

Mr. Larson addressed the letters from DLCD and ODOT. Does it make good public policy to take public land that may be in the bypass route, and bring it in the City. The City should delay the application until the bypass is addressed or ODOT has made some determination of the proposed bypass route. The intersection that is adversely impacted today. Does it make good public policy to take a highly impacted intersection today and subject it to further decay. Mr. Larson said no. Mr. Larson said the letter from the School District is explicit about the problem which will impact the schools. The police and fire servicing issues have not been successfully addressed. Discussion was held concerning bringing additional property into the UGB when other properties already in the UGB have not been fully developed.

Chair Ashby called for a break at 8:40 p.m. The meeting reconvened at 8:45 p.m.

Mr. John Bridges, 515 E. First Street, Newberg, Oregon 97132, representing Alvin Elbert, said he wrote a letter after the first Planning Commission (page 295) which addressed many issues. Mr. Bridges presented photos for the Commission's review. Mr. Elbert owns property in the URA as well. Mr. Elbert said that the proposed site is not appropriate right now. Mr. Bridges letter of February 21, 2001 (page 55) addressed findings for denial. Mr. Bridges reviewed the Planning Commission's additional basis for denial which is part of

the record. Part of the draft the City prepared for denial were items outlined in his letter of February 21, 2001. The City has a variety of economic goals and policies in the Comprehensive Plan. The application must conform with goals and policies of the Comprehensive Plan (some did not address industrial areas). Mr. Bridges reviewed specific industrial sites in the area. He said that to place residences in the area would conflict with the economic and industrial goals of the Comprehensive Plan.

Mr. Bridges said that his client (Mr. Elbert) was concerned about the applicant's plans to construct an access road near his house. Discussion was held concerning the continuation of an access road through the mobile home park. The utilities will run through the site for purposes of developing the back part of the property. The Elberts attempted to get mitigation about these issues concerning their property. There is a drought of parking spaces in the mobile home park (2 spaces per unit). Discussion was held concerning potential movement of mobile homes within the mobile home park. Mr. Elbert has no plans for the development of his property. The letters from the Police Department and the School District speak for themselves. Discussion was held concerning building of the infrastructure for the development. Mr. Bridges said that the City needs to figure out the resolution of the problems with the intersection at Hwy 219 and Wilsonville Road/Springbrook Road. The proposed site is not ripe for development. Mr. Bridges also addressed the lack of sidewalks and pedestrian ways.

Mr. Bridges said he would request that the record remain open in order to provide responses to the testimony and evidence presented.

Commissioner Friedman addressed the letter from the Fire Department which covered the increased load for the department and the need for services. Discussion was held concerning the disputed facts raised by the applicant which notes that increased tax revenues received will cover the increase in services (police, fire and schools).

Commissioner Friedman asked Mr. Bridges whether he was aware of any exemptions to Goal 14 requirements (either statutory or cases cited). Mr. Bridges said "no", he was not aware of any and reviewed comparisons in other developments. The assumption that the URA had sufficient water was wrong. The City is in the process of remedying the problem.

Commissioner Friedman discussed the applicant driven review process verses the City's global examination process. Mr. Bridges said that he conceded that an applicant has the right to make application. Under 197.296, the City may be required by statute to expand its UGB during legislative review or periodic review. He said that he cannot find any requirement for an applicant driven and quasi-judicial process. Mr. Bridges said that the application is 26 acres. Discussion concerning applications over 50 acres would be reviewed by a different body (periodic review through legislative process). Anything under 50 acres would be processed in accordance with quasi-judicial process. Commissioner Friedman said the City may be required to approve if it can be demonstrated there is a deficit of land in the UGB. It only applies to legislative review of the UGB which the current application does not (nor through a periodic review). Discussion was held concerning the needs analysis applying in the periodic review statutes. Mr. Bridges said that he has not considered the question.

Lon Wall, PO Box 339, Dundee, Oregon 97115, asked that the Committee carefully review what the Planning Commission has presented and the testimony presented. In the year 2001, the NUAMC is not required to bring any property into the UGB. He is unclear as to the Commission's passage of a Resolution denying the application. There was some sentiment about putting the proposal forward, with discussions as to specific conditions, but ultimately to deny the application. There are so many issues that have to be resolved before the development should be approved such as transportation and traffic impacts. Mr. Wall reviewed the applicant's comments concerning the residential needs analysis in relation to the subject property. Mr. Wall also addressed the Austin property and the Springbrook Oaks development yet to be developed. The proposed development will be placing a strain on the existing facilities and services. He would like to see where the City will be, before adding more to the already existing problems.

Mr. Wall addressed the applicant's sincerity in trying to accommodate what the City and County is requiring.

The respective City, County, Planning Commission, City Council and NUAMC should be less optimistic in looking at the over-all problems which still need to be addressed. He questioned why the City or ODOT has done nothing in the past, but appears to be planning to do something in the future. Mr. Wall addressed agencies and departments which have not fully reviewed the impact of increased revenues due to the development. He asked that the NUAMC Committee fully consider the Planning Commission's comments and recommendations.

Commissioner Parrish addressed public input from the neighbors about what they felt about the traffic situation. He said that some neighbors were concerned about traffic and a number of issues.

Commissioner Friedman asked about there not being a need for additional land in the UGB. The needs analysis has not been formally adopted by the City. Discussion was held concerning consistency in the needs analysis with the other reports (i.e. traffic study) which is being relied upon in the subject application. The applicant in their study is projecting 1.9 persons per household other than single family. Commissioner Friedman believes that those figures are inconsistent for the proposals.

TAPE 2 - Side 1:

Discussion was held concerning large blocks of undeveloped land in the UGB and the potential of those lands being used more efficiently.

Ms. Marilyn Reeves, President of Friends of Yamhill County, 22250 Boulder Crest Lane, SE, Amity, Oregon 97101, presented testimony to the Planning Commission in December 2000. The Friends of Yamhill County said they did not receive notification of the NUAMC hearing. She said there is very overwhelming evidence in the packet. In respect to Goal 12, the applicant has not made the case to meet the requirements of the Goal 12 policies (transportation). Ms. Reeves addressed the lack of a transportation plan, and that the proposed UGB amendment is premature. She does not believe the applicant has met the requirements of Goal 14. She said the applicant has not met the requirements of Goal 11. The fact remains, Mr. Bridges has outlined the requirements and findings that he prepared and it shows that the applicant has a high burden of proof. Ms. Reeves addressed the needs analysis and whether there is a viable need. Ms. Reeves noted that the stream corridor/erosion was not fully addressed in the conditions of denial. Discussion was held concerning projections of URA growth. Ms. Reeves also addressed annexation issues and what the voters will face at the time of election (police, fire, schools, etc.). Ms. Reeves said that it is their belief that the application is premature and the applicant has even noted that the development may be premature. If the property is brought into the UGB, there would be an economic advantage for the property owners. Friends of Yamhill County said the property is on class 1, 2 and 3 soils. Ms. Reeves said that the property is prime farm land. Ms. Reeves said that Friends of Yamhill County believed the burden of proof is not met.

PROPONENT REBUTTAL:

Mr. Doug Campbell, said he believed the residential needs analysis was adopted. Mr. Barton Brierley said the adopted numbers were used from the Comprehensive Plan. Mr. Campbell addressed the single family residential units in the mobile home park and the proposed developments which were in the adopted acknowledged Comprehensive Plan. Discussion was held concerning comments previously made in using the medium density numbers. It is the most even way of looking at the whole entire project. Mr. Campbell said that in changing the growth rate, there would be a negative supply over the next 10 years.

Mr. Campbell addressed the DLCD letter which was written without seeing the application. The March 6 letter from DLCD said they would not respond to the issues of the prior DLCD letter because it was out of context. The latter letter addressed transportation issues and the bypass route. The Goals addressed placement of a plan for the bypass (any one of three alternatives). The bypass route may not happen, but it is unclear as to what will happen. The bypass should not be a criteria for denial because it would deprive the applicant the rights to the use of their property.

Mr. Campbell addressed Mr. Bridges' comments concerning the surrounding industrial/manufacturing corridor. Mr. Campbell said that the area is mixed use. Mr. Campbell said that the Elberts decided to place the house within six-feet of the property line. The applicant should not be restricted from being able to do what they want with the property. Mr. Campbell addressed the access roads and the proposals made by the applicant in working with the City staff (conditions of access with variances).

Mr. Campbell said the tax dollars could be generated (more than existing homes) which could maintain existing services and the applicant should not be required to pay for more than what is required.

Mr. Campbell addressed Commissioner Parrish's statements concerning the Planning Commission's decisions and deliberations and the staff's proposed conditions of approval (page 69) which relate to development approval (drainage, protection of stream corridor). The applicant would be willing to sign an agreement as a condition of approval which would delay development, and would work with the City to resolve the problems. The ODOT letter addressed transportation systems which is included in the traffic engineer's report.

Mr. Campbell said that the Commission should take into consideration the criteria and testimony presented.

Mr. Campbell addressed the comments made by the Friends of Yamhill County. The property should be brought in all at one time, start planning for the growth, and have the opportunity to address the issues. In response to Ms. Reeves statements concerning the applicant not meeting the Goals (11,12, 14, etc.), Mr. Campbell said that the applicant has addressed the criteria and the need and creating opportunities for reasonable housing.

Discussion was held concerning the date of the map being used by Mr. Campbell. Mr. Brierley said the photo is approximately 1-2 years old. Mr. Campbell said the Austin property is zoned for R-1 because that area is larger lot and single family and caters to R-1. It is not known when the Austins will be building out the property.

City Attorney Terrence D. Mahr announced that due to the lateness of the meeting (10:15 p.m) to address the request to continue the meeting made by Mr. Bridges (new evidence which needs to be addressed). The Applicant must address and present argument after the entire record was closed. If the Commission attempts to deliberate, then Mr. Bridges will be unable to address the evidence. If the Commission does not intend to deliberate, then the record could be addressed at the next meeting.

Commissioner Friedman said he appreciates the desire of the parties to respond to new evidence. Preference is to leave the record open for all parties for a period of time followed by a period of rebuttal, and a period of final argument.

Chair Ashby said he would also like to continue.

Discussion was held concerning time constraints. Mr. Mahr reviewed the 7-day rebuttal period for the applicant to address the final comments. Discussion was held concerning possible new meeting dates. Mr. Mahr reviewed the law concerning leaving the record open if the applicants waive the rebuttal period.

Chair Ashby called for a 5-minute recess at 10:25 p.m. to discuss possible future dates for meetings with the members of NUAMC. The meeting reconvened at 10:35 p.m.

Mr. Bridges said that he waives his rebuttal period if the applicant also waives. Discussion was held concerning the next meeting scheduled for April 12, 2001 to meet between 6:00-7:00 p.m. The Planning Commission meets at 7:00 p.m.

Commissioner Parrish said he has questions which he would like to ask before the end of the meeting.

Commissioner Friedman discussed leaving the record open for one week for deliberation and the record could be open for rebuttal until April 12, but there would not be a period for a final rebuttal. The applicant and Mr. Bridges said they both waived rebuttal to the evidence and testimony presented.

Mr. Barton Brierley addressed the factors that Goal 14 does apply. The needs analysis numbers were based on adopted population projections, housing mixes, and they used the most recent population estimates were used.

Commissioner Friedman said it was his recollection that the population projections used in the Comprehensive Plan were up to 2010 and the URA study were up to 2020. Discussion was held concerning the drop in population at year 2010 and whether or not the applicant took into consideration the drop in growth rate in their projections. Mr. Brierley said that they did.

Mr. Brierley reviewed the adoption of the URA rules (areas outside the UGB, but eventually could come into the UGB - past 20 year growth projection). Newberg adopted an URA. Newberg is no longer mandated to provide a URA, but is allowed to keep the existing URA.

Commissioner Friedman asked if the requested residential zones were approved, what the maximum buildout would be. **Mr. Brierley** said the applicant originally proposed split of R-2 and R-3. The number of units is about 500 totally. Staff's recommendation was for R-2 zoning which would allow around 200 (page 374). **Ms. Mingay** said the site has a potential for more units (page 423).

Chair Ashby discussed medium and high density designations and the residential needs analysis. **Mr. Brierley** discussed the rate of growth in the past few years (page 547) which was less than what was otherwise projected. They also looked at a possibility of rezoning the existing property in the UGB. **Ms. Mingay** said the Austin property was undeveloped but had already existing zoning designations.

Mr. Friday (Yamhill County) said the County's designation is VLDR. In this case, because the property is in the URA, the URA rule applies and the property cannot be upzoned without going into the UGB. Discussion was held concerning the process for the inclusion of the area and the zone change designations. The NUAMC is not dealing with the annexation, but a Comprehensive Plan amendment. If approved, it would still be zoned EFU. Further discussion was held concerning ODOT taking five years (page 152) for the STIP program which shows design of intersection improvements at Hwy. 219 and Wilsonville Road to occur in 2001 and for construction to occur in 2005. It does not, however, indicate what that improvement would be. Discussion was held concerning "D" classification going to "F" classification as to problems in that intersection. Mr. Brierley said the Transportation System Plan includes identification of limited access of highway (essentially a bypass) and the State is looking at the bypass plan, but they do not have a plan on the bypass at this time. **Chair Ashby** addressed private streets and the maintenance of those streets which may include a variance for a right-of-way.

Discussion was held concerning the Water Master Plan to serve the projected population growth. The current items staff is working on include: secured permits to place additional wells in Marion County well fields. One well has been drilled and the City is installing the pumps within the next few months (to be in line by next summer). The City has purchased property for a reservoir and installing it within 2-3 years).

Commissioner Friedman said he remembers that the Water Master Plan was designed to provide for existing short fall and not for new development. **Mr. Brierley** said the improvements provide for capacity of new development with expansion of water treatment plant, etc.

Chair Ashby addressed tax revenues and the police, fire and school impacts. Mr. Campbell said the information is contained in the staff report. The tax revenue is 6.4% for schools.

Commissioner Lewis said that unlike other services that benefit in increased tax benefits, schools do not.

The state takes that information into consideration and the State distributes funds based on the students enrolled. Based on increased student enrollment, they do not really share in the increase in the assessed value as other forms of local government do. Discussion was held concerning increased property tax revenues. Commissioner Lewis said the state uses the value of approximately \$4500-\$5000 per student.

Ms. Mingay reviewed page 386 concerning the impact on police officers.

Chair Ashby addressed the trends in the type of units being built and the migration of people to the southwestern United States. Mr. Storm said that there is no multi-family ground available (R-3).

Commissioner Parrish addressed comments made concerning the Planning Commission's review of the information presented and the Resolution presented to the Commission. Discussion was held concerning the process the Planning Commission took in arriving at its decision to recommend denial.

Commissioner Friedman said that according to the record, there are three other URA's which are rated a higher inclusion into the UGB boundary than the subject property and would it affect the future inclusion of those properties. **Mr. Friday** said that it would affect them, but it was a City issue. **Mr. Brierley** said that the URA study was good background information, but was not formally adopted. Discussion was held concerning identifying the other properties which are ready for inclusion into the UGB.

Commissioner Friedman asked for clarification about setting conditions for UGB amendments and annexations. Discussion was held concerning the process. NUAMC is not making a recommendation on the annexation and could not make recommendations which include anything but approval of the UGB or the denial of the UGB request.

Chair Ashby closed the public hearing.

Mr. Brierley said staff's recommendation was to approve resolution 2001-01 recommending denial of the UGB request based upon the findings relating to transportation issues and on need.

Mr. Ken Friday, said they were concerned with compatibility. However, to assure that the development and annexation is compatible, the City would need to be comfortable with the proposed amendment. They are not. The County recommends denial.

Discussion was held concerning continuing the hearing.

Tape 3 - Side 1:

Motion #3:	Friedman/Parrish to adopt the Resolution 2001-01 to deny the UGB amendment.
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Commissioner Friedman expressed concerns about the UGB amendment and whether or not the amendment is appropriate and the criteria is correct. He would prefer to see a recommendation which included a finding that the applicant has failed to demonstrate a need for the zone change. The City has a shortfall of land zoned in high density zones (R-3), the City also has hundreds of acres of undeveloped R-1 land which could be rezoned for more intense usage. The City should and must consider whether the other measures might address the need. His concerns echo the County's concerns. He would like to have seen Goal 11, 12 and 14 criteria, nonetheless, Goal 14 requires the orderly and efficient conversion from rural to urban uses and the applicant does not comply:

1. The evidence is not in the record that there is a need for this type of property. There are other areas which rate at a higher rank for inclusion.
2. Given the documented transportation problem at the intersection of Hwy. 219, Wynooski and

Wilsonville Road, the applicant is not in compliance with transportation planning rule. He does not see evidence in the record of compliance with the transportation planning rule.

3. The issue of the bypass and whether or not it may or may not go through the property.

It appears to be a premature proposal. He would suggest that the applicant reapply after the problems are addressed. The transportation study provided by the applicant is insufficient and the development would have a significant impact on the existing problem. The Police Chief's statements about providing for urban services points out many issues which the applicant has not addressed. The school impact is a factor to weigh and to that extent, he believed it quite true what Representative Lewis stated, new residential development does not pay for new school facilities. He agrees with the testimony with other agencies, Mr. Bridges and Friends of Yamhill County and support the recommendation of denial forwarded by the Newberg Planning Commission, Newberg Planning staff and the Yamhill County staff.

Commissioner Halstead said he supports denial but based on the fact that it is premature. ODOT has been studying a bypass for almost 27 years. He addressed not holding the property owner hostage waiting for ODOT to determine when it will be providing the bypass. The police, fire and school cannot provide the services. The needs analysis shows that by the year 2020, the City will be about 900 acres short.

Commissioner Parrish said he supports Resolution No. 2001-01:

1. He listened to the public and the testimony presented. There is a definite perception that there is a traffic problem and an endangerment to the community. The intersection at certain times of the day is almost gridlock. The applicant has not taken into account the early hours of the morning (5:00 -7:00 a.m. and 3:00-4:00 p.m.). There are large employers which have a tremendous impact on this intersection. There is also traffic that travels to Wilsonville early in the morning going to Salem and other locations.
2. The STIP (page 152): reviewed the costs and construction to be completed by 2005. Commissioner Parrish questioned the installation of a traffic light and other improvements. ODOT is not specific in what their plans are for the intersection.
3. Page 275 (Newberg/Dundee Transportation Improvement Project): the document mentions the southern bypass.
4. Goal 14: he believed that the letters from the Chief of Police, other agencies, and City departments should be considered in determining the level of service which may be needed to accommodate the project.
5. Page 148 (letter from Chris Mayfield, City Fire Marshal, dated January 30, 2001): addressing the increase in emergency calls.
6. School Impact: letters from the School District have valid concerns.

Commissioner Leslie Lewis said she supports the Resolution to deny for some of the same reasons mentioned by Commissioner Halstead. There is a need, but she is persuaded along lines with County staff and it is important to take note that the City does not feel to move in this direction. Pulling this area into the UGB is premature. She believed, except for limited instances, the expansion of the UGB is better done as a legislative action where the City could make a determination what lands would be brought into the UGB. The City could look at bringing in other properties ready for the UGB. She agrees to not hold property owners hostage because of City services, but again, feels it is premature and the City needs to look at all URA's. She felt the transportation issues are important. Discussion was held concerning allowing development to take place without careful planning. Once the property is in the UGB, it is difficult for the City to not allow the

property owners to proceed with development in fear of a proposed bypass. Ms. Lewis discussed the EIS being completed by December, 2002. Ms. Lewis said the completion of the EIS will be able to give landowners certainty in what is going to happen in the area. If the UGB amendment was allowed, it would make it more expensive for the government to buy the property. Ms. Lewis said the bypass is relevant as well as the intersection issue being relevant. She said that the intersection revision would probably not happen in 2005. She feels there is a need, but all the URA property should be considered.

Commissioner Veatch said he would support the Resolution for denial. He believed that the intersection revisions, services, etc. should be provided. There are other areas which the bypass can be placed. He would hate to see the property being placed in the UGB without a more clearer definition. He supports denial and felt it was premature.

Chair Ashby said he supports denial of the application. He agrees with Commissioner Friedman that now may not be the right time. He does not agree that there is NOT a need. Discussion was held concerning rezoning the various parcels. He said the intersection issue should be resolved as well as the provisions of city services (police, fire and schools). He supports the Resolution for denial.

Vote on Motion #3:	The Motion carried unanimously.
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Mr. Brierley indicated the recommendation goes to the Board of Commissions and the Newberg City Council. The UGB and annexation issues are tentatively scheduled for the City Council on May 7. It will be an open hearing. Mr. Friday said the Board of Commissioners hearings would be held after the City Council hearing.

IV. OLD BUSINESS

None

V. NEW BUSINESS

None

VI. ADJOURNMENT

The meeting was adjourned at approximately 12:01 a.m.

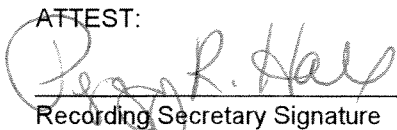
Passed by the Newberg Urban Area Management Commission this 14th day of June, 2001.

AYES: 4 NO: 0

ABSTAIN:
(list names)

ABSENT: 2
(Parrish & Friedman)

ATTEST:


Recording Secretary Signature

Peggy R. Hall
Print Name

Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE MARCH 29, 2001 NUAMC MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE
ATTACHED TO THE MINUTES OF THE MEETING AND IN THE PROJECT FILE IT
PERTAINS TO.**

PROJECT FILE #

UGB-1-00	Doug Campbell (Applicant)	Outline
UGB-1-00	Doug Campbell (Applicant)	Designs/aerial maps/development designs

LABELS FROM THE 3/29/01
NUAMC MEETING - WHO
GAVE PUBLIC TESTIMONY/

REGISTRATION CARD
*Be sure to add file number by
name* on each label

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