



MEETING MINUTES

APPROVED AT THE MAY 7, 2003 NUAMC MEETING

**CITY OF NEWBERG / YAMHILL COUNTY
NEWBERG URBAN AREA MANAGEMENT COMMISSION
NEWBERG PUBLIC SAFETY BUILDING - 401 E. THIRD STREET - NEWBERG
7:00 P.M., WEDNESDAY, OCTOBER 23, 2002**

I. ROLL CALL

Brett Veatch	Steve Ashby
Alan Halstead	Sid Friedman
Sally Dallas	

Absent: Leslie Lewis

Present:

Barton Brierley, City of Newberg Planning Division Manager
Martin Chroust-Masin, Yamhill County Planning Division
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 27, 2002 NUAMC Meeting Minutes

Motion #1:	Friedman/Halstead to approve the February 27, 2002 meeting minutes.
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Vote on Motion #1:	The Motion carried (3 Yes/2 Absent [Lewis/
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IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

None.

OPEN FOR PUBLIC HEARING:

V. LEGISLATIVE PUBLIC HEARINGS

- APPLICANT:** Lewis and Clark College
REQUEST: Include a 59.5 acre parcel into the Newberg Urban Growth Boundary
FILE NO: UGB 6-02
LOCATION: West side of Corral Creek Road, north of Fernwood Road
TAX LOT: 3222-2700
OWNER: Roger & Sandra Schaad, Lewis & Clark College
ZONE: EF-20
PLAN DESIGNATION: Exclusive Farm Use

NOTE: The applicant has requested that this item be postponed indefinitely.

Mr. Brierley said they have met with representatives from LCDC and the applicant concerning applicable criteria in order to give them an opportunity to either comply with the criteria or to modify their application. Mr. Brierley said that if anyone did not receive a mailer for the hearing, there was a list and that they should sign up and they would receive notice of the next scheduled hearing.

Mr. Friedman discussed not having an indefinite postponement. They can parlay the application years from now and still have the process be applicable to 2002 rules. He recommended postponement for a reasonable period of time rather than indefinitely. Because there are other people in the audience, they should be afforded the opportunity to speak. Mr. Brierley said he would suggest six months to a year.

Mr. Halstead said that he would abstain from voting due to his son having property adjacent to the subject property.

Motion #2:	Friedman/Rierson to open the public hearing to address testimony, the hearing would be continued to be re-noticed at a time not to exceed six months from this date unless the application is modified or withdrawn.
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Vote on Motion #2:	The Motion carried (4Yes/1 Abstention [Halstead]/1 Absent [Lewis].
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Commissioner Friedman noted that he had an ex parte contact wherein he attended a gathering where the topic was brought up. The information he noted would not influence him one way or another. Most people were opposed to the application was his sense of the conversation.

Commissioner Halstead will be here for the quorum but will not vote - no opinion or vote will be entered.

Chair Ashby read **ORS 197.763** into the record.

Public Testimony:

Commissioner Halstead signed a public comment card for his son **Jon Halstead** who was not in attendance but requested notice for future mailings.

Warren Parrish, 30450 NE Wilsonville Road, Newberg, Oregon, said he was concerned about the listed criteria for UGB amendment. His conclusions are based on history, the land use laws of Oregon, residential needs requirements and the lack of development on the Werth family property. The development should not be considered because it is not in order. There is not a demonstrated need for housing due to the lack of development of vicinity. Orderly and needed water/sewer services are not available and are not justifiable (trying to get ahead of infrastructure improvements). Police and fire services may be too stretched to service the areas. Why stretch resources? The land is zoned EF-20 (agricultural). The Commission should not allow the property to be brought into the UGB.

Chair Ashby announced that no conflicts of interest, ex-parte contact or objections to jurisdiction were made or heard.

Staff Report: **Mr. Brierley** presented the staff report. The application is to move the UGB across the road. Currently the UGB is the north right-of-way line on Fernwood Road. The application would move the UGB to the north right of way line southerly to the south right of way line. The purpose for such movement is that the City would like to take over jurisdiction of Fernwood Road. The City has utilities in the roadway which will continue and they have an agreement with Yamhill County that the City take over jurisdiction because of the right of way. The applicable criteria is established and have been met (it is in the URA, not the City limits or the UGB). Annexation would be submitted to the voters.

- Fernwood Road has been closed for some time. Utility work has been done due to inadequate designs (hazards). They have a contractor who is scheduled to repair the roadway and return it to its pre-failure condition to be begin soon. The contractor is the same contractor that is working on Brutscher Street. This afternoon he attended the grand opening for Brutscher Street from Fernwood Road to Hwy 99W up to Fred Meyer.
- People in the area are concerned because of alternate routes from Corral Creek Road. Until the road repair is done, they now go down Fernwood Road.
- Recommend approval to Yamhill County Commissioners and the Newberg City Council.

Commissioner Friedman said the applicant requests no plan or zone designation change for the road. He talked with the senior planner of Yamhill County. He has concerns about the City having a piece of property without a zone designation. He does not see that the City should consider placing a zoning designation.

Mr. Brierley said that in the City's Development Code, the City's roads do not have any zoning designation except in some instances: R2 and RP (residential professional) and to annex the property to the City limits. He will note that the annexation application go through to Springbrook Road.

Commissioner Friedman asked Yamhill County Planner Mr. Chroust-Masin about management of the road.

Commissioner Halstead addressed maintenance on the road without it being annexed or in the UGB.

Mr. Brierley said it is under a current intergovernmental agreement. The County will provide maintenance until the annexation is allowed. The County wanted a full overlay of the road in order to do the first utility line. The City said no. They want to do the full overlay after all the utilities are in place.

Commissioner Rierson addressed a design error which was the reason for the failure.

Mr. Brierley said the City had a design engineer and they reached an agreement on the inadequacies on the road. Discussion was held concerning overhead and underground utilities. Mr. Brierley said he is not positive on what would be underground where possible. Storm sewer and drainage and sidewalks (on north side) will be provided.

Commissioner Rierson asked where the CPRD land was being proposed for development (Across the street said Mr. Brierley).

Mr. Chroust-Masin said the County has justified the Comprehensive Plan changes and recommends approval of the application.

Tape 1 - Side 2:

Chair Ashby said the same ORS rules apply as in the earlier hearing.

Lawrence Anderson, 3700 E. Fernwood Road, Newberg, (across the road from his property). He said it is nice to have Brutscher Street now open. The people on the south side are still inside the County. Will there be any changes for access or will they be added to the City in the process?

Mr. Brierley said after it is annexed and the City takes over jurisdiction, permits for road work have to go through the City. The City does not usually close existing accesses for the roads. Any changes would likely be a result of a land use application by the adjacent property owners.

Mr. Anderson reviewed the legal description and the point of origin. His understanding is there is only a 40 foot right-of-way instead of the noted 60-foot right of way. His deed reads that the beginning point is on the south side of the road and not the north side. He would request that the description be checked.

Mr. Brierley said the County notes that the County declared a 60 foot right of way which may be different from the assessor's map.

Commissioner Friedman asked if Mr. Anderson was concerned that the legal description for the land being annexed may include a 20 foot strip of land that may be Mr. Anderson's in accordance with the application. How many access points does he have? He has two. Does he anticipate wanting more?

Mr. Anderson said that he inquired how it would be handled if they wanted to do more? He is not asking the Committee to deny the application, but was asking for clarification.

Mr. Chroust Masin said the other 20 feet may be from the north side of the access point.

Staff Recommendation: **Mr. Brierley** said that staff recommended that the Commission adopt Resolution #2002-05, approving the UGB Amendment.

Commissioner Rierson asked Mr. Brierley if there was a problem with anything else except the possible encroachment on Mr. Anderson's property? Is there a way to make a motion based on further investigation on the property.

Mr. Brierley said since it goes to the Council and the Yamhill County Board of Commissioners it would be recommend that the survey be checked prior to their hearing to make sure that the property is correct (not encroaching upon Mr. Anderson's property).

Motion #4:	Friedman/Halstead to approve the application with the recommendation is conditional upon staff's clarification of the boundary and legal description as it pertains to Mr. Anderson's property, before any subsequent hearings before the City Council and the Yamhill County Board.
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Vote on Motion #4:	The Motion carried (5 Yes/1 Absent [Lewis].
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Mr. Brierley said they will renotify the hearing before the City Council and pursue the investigation on Mr. Anderson's property.

VI. ITEMS FROM STAFF

1. Future Meetings

Mr. Brierley said no future meetings were scheduled except for the UGB-6-02 for the above matter. Discussion was held concerning Mike Gougler's land use application and that he was actively working on supplementing his application probably after the first of the year.

Commissioner Rierson addressed other community and state agencies, etc., who received copies of the land use information and what their responses to the information were.

VII. ADJOURNMENT

Motion #5:	Halstead/Friedman to adjourn at 8:00 p.m.
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Vote on Motion #5:	The Motion carried unanimously.
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Passed by the Newberg Urban Area Management Commission this 7th day of May, 2003.

AYES: 7 NO: 0

ABSTAIN:
(list names)

ABSENT:

ATTEST:

Peggy R. Hall
Recording Secretary Signature

Peggy R. Hall 5-7-03
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE OCTOBER 23, 2002 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 #

None.

BELS FROM THE 10/23/02
NUAMC MEETING FROM
THOSE WHO GAVE PUBLIC
TESTIMONY/ REGISTRATION

CARD

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

UGB-6-02
Jon Halstead
32300 NE Old Parrett Mtn. Road
Newberg, OR 97132

UGB-6-02
Warren Parrish
30450 NE Wilsonville Road
Newberg, Oregon 97132