

## MEETING MINUTES

**CITY OF NEWBERG / YAMHILL COUNTY  
NEWBERG URBAN AREA MANAGEMENT COMMISSION  
NEWBERG PUBLIC LIBRARY – 503 E. HANCOCK, NEWBERG, OR  
MONDAY SEPTEMBER 11, 2006 7:00 PM**

### **I. ROLL CALL**

|              |                  |               |
|--------------|------------------|---------------|
| Chair Ashby  | Sally Dallas     |               |
| Leslie Lewis | Michael Sherwood | Robert Soppe  |
| Absent:      | Matson Haug      | Alan Halstead |

#### Staff Present:

Barton Brierley, City of Newberg Planning and Building Director  
Martin Chroust-Masin, Yamhill County Planning  
Ruth Schlachter, Planning Secretary

### **OPEN MEETING**

Meeting was called to order by Chair Ashby at 7:00 pm.

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

Minutes from August 23, 2006 NUAMC meeting – Councilor Soppe had two changes for the minutes:  
Page 6 should read Soppe “stated” not wondered.  
Page 15 Lewis didn’t accept the minutes as worded. She had the questioned sentence deleted.

**MOTION:** Ashby/Sherwood motioned to approve the August 23, 2006 NUAMC Meeting minutes with changes. Motion passed 5 yes, 0 no, 2 absent.

### **III. COMMUNICATIONS FROM THE FLOOR** (5 minute maximum per person)

Twelve citizens were present at the beginning of the meeting, and they were offered to speak on other issues not on the agenda. No one wanted to speak on another issue.

### **IV. QUASI-JUDICIAL PUBLIC HEARING**

- 1. APPLICANT:** Jeffrey D. Smith  
**REQUEST:** Approval of a urban growth boundary amendment of approximately 14.74 acres. The proposed comprehensive plan designation is com (commercial).

**LOCATION:** 4200 Block (north side) of Portland Road across from Providence Drive  
**TAX LOT:** 3216AC-13800  
**FILE NO:** UGB-06-001  
**RESOLUTION:** 2006-15

**Chair Ashby** asked if there were any abstentions, bias, ex-parte contact, or objections to jurisdiction among the commissioners. There were none. **Chair Ashby** then read the procedures, testimony, and evidence requirements at a quasi-judicial hearing.

#### **Staff Report:**

**Barton Brierley** presented the staff report. The request is to include 14.7 acres, on the north side of Portland Road, across from the hospital, into the Newberg urban growth boundary. The land is vacant with trees along the northern boundary. Currently this land is included in the URA (Urban Reserve Area), and adjacent to the Newberg UGB on the west and south borders. The east side is bordered by larger rural properties. The north side borders a rural residential subdivision. There are two ditches across the property, shown on the map used in the presentation. The zoning of adjacent property within the UGB is R-1 and Institutional (on the south side). The request is for inclusion in the UGB and for a Commercial comprehensive plan designation. State wide planning goals need to be addressed in the application. One goal is the transportation goal. The Newberg Transportation System Plan shows a roadway connecting Crestview Dr to 99W running through this property. This has been in the TSP for numerous years. Neighbors have met with City staff, County staff, property owners regarding their concern about this road way and its issues. A proposal has been discussed to amend the Newberg TSP to include several features. One is to include traffic calming features; another is to change the classification of Crestview Dr. from a minor arterial to a major collector. Final amendments to TSP are still pending. Other criteria that need to be addressed are: environmental and economic consequences, social consequences, and compatibility with other adjacent uses. Staff recommends approval with the following conditions: approval will be subject to final amendments of the TSP, contribution to capacity improvements on 99W and Springbrook Rd, retain tree buffer area to the North, and do wetland determination near the ditches on the property.

**Councilor Soppe:** Asked about the agreement regarding Crestview Dr. Council may or may not approve this reclassification. When will council be approving the entire Crestview TSP amendments?

**Mr. Brierley** expected about 2-3 months between the proposed UGB amendments and the TSP amendments.

**Councilor Soppe** spoke of the tree buffer along the northern boundary. If the UGB is approved, what would it take for this tree buffer to change?

**Mr. Brierley:** This would be part of the Comprehensive Plan, so it would have to go through a hearing process as a plan amendment.

Discussion was held regarding the park next door and who the owner of this parkland is.

**Mr. Brierley:** This land is dedicated to the public. They've given all rights to public. Chehalem Parks and Recreation District maintains it.

**Councilor Soppe:** what does the term compatible mean?

**Brierley:** Compatibility is a judgmental term. Properties designated with the same use are compatible. Uses which are generally not compatible with each other, such as commercial next to residential, may need to have a buffer between them. Commercial uses in an industrial area may not be compatible because of the different kind of vehicles and traffic.

**Commissioner Sherwood:** Questioned whether the UGB amendment can be approved without designating the zone as Commercial.

**Brierley:** When approving the UGB amendment it is necessary to assign a Comprehensive Plan designation. A designation other than commercial is possible.

Discussion was held regarding the proximity to the bypass study Area.

**Martin Chroust-Masin:** Yamhill County concurs with the City report and recommends approval.

**Public testimony:**

**Mimi Doukas, WRG Design, 5415 SW Westgate Dr, Portland, OR 97221**

Representing Jeff Smith, property owner. The request is a UGB amendment with a Commercial comprehensive Plan designation. The need is well documented for commercial land. This property was reviewed in 1997 for analysis and was added into Newberg URA. The Ad hoc Committee on Newberg's Future does concur with this proposal of addition to the UGB and assigning a Commercial zoning designation. Use: conceptual site plans were submitted; however it is premature to state with certainty the exact type of commercial use. Buffering issue: this property does abut residential uses, a valuable natural resource on the northern boundary are the trees. These can be used as a buffer. Details will be addressed at a later stage when an exact site plan is established.

Utility analysis of water and sewer connection to property is included in the packet. The developer will be responsible for these expenses. Traffic: analysis was submitted. The analysis concurs with Mr. Brierley's comments that a majority of trips through this property will be considered bypass trips. Commercial area will service Newberg residents instead of drawing shoppers from outside of Newberg.

Crestview extension: summit meetings worked on resolving a difficult issue for this region. The need for a transportation connection (which respects the needs of the current neighborhood residents) was discussed. Applicant is comfortable with conditions of approval.

Discussion was held regarding the tree buffer on northern boundary and the lack of definition of what the buffer will actually be.

**Joe Schiewe, JT Smith Companies,** representing Jeff Smith. Pointed out map showing travel patterns.

Discussion was held regarding the traffic study's prediction of annual trip increases.

**Michael Robinson, Perkins Cole, Attorney for applicant:** Stated that the traffic study scope was based on discussion with the City and the State. (Cited page 17 where this is stated)

**Mark Parker, 1811 Leo Ln. Newberg** lives at the NW boundary, near the corner of drainage ditch and tree buffer. He stated his concerns about compatibility of the Commercial and Residential zones. He is concerned that the tree buffer will not be an adequate buffer. The park is not a reasonable buffer for the residents to the west. He could be faced with a loading dock in his backyard.

Discussion was held regarding buffer requirements and standards for buffers, adequate compatibility.

**Russel Thomas 1808 Leo Ln, Newberg,** talked to residents of Oxberg Estates and 7 neighbors to the west of this property. A buffer is necessary especially along the residential properties which have been there 25 years. Thomas suggests creating residential along west area of the property, commercial on the east side. This would impact existing residents the least. Requests zone change to include residential.

**Alex Miller, Newberg** is not opposed to this development. The Ad Hoc Committee supports commercial for this property, however their study suggested a buffer of residential along the current residential areas. Miller would like to see residential zoning next to existing residential properties. Miller would also like to see specifics on the tree buffer; definition of buffer, minimum requirements, maintenance, sound wall, more definition.

Discussion was held regarding the maintenance, definition, density, and width of a buffer.

**Albert Parson, 1955 West Lake Loop, Newberg** would like to see the buffer defined. Questioned whether the proposal included any residential at all.

**Mr. Brierley** stated that the applicant's proposal contains no residential. The Ad Hoc Committee report recommended a portion of the whole area north of 99W be Commercial and a portion be Residential.

Discussion was held regarding the map.

**John Trudell, Oxberg Lake Homeowners, Newberg** has been involved with planning discussions. Based on those discussions Mr. Trudell expected there would be a mix of commercial and residential. This would include offices for doctors across from the hospital and residential. Mr. Trudell is now surprised that residential is not included in the plan. The map shows Community Commercial zoning. Community Commercial, according to the definition Trudell found is a regional shopping center, not office or neighborhood stores. Community commercial seems to be huge. Tree buffer is a huge issue. Located on the site is one of 3 state licensed water aquifers in Yamhill County. There is a need to protect this aquifer. The buffer between uses should do this. Compatibility: the local residents were not expecting a regional shopping center; this will highly impact the road system. This plan lacks details regarding what is allowed in this commercial area.

**Councilor Soppe** Stated that details are not required and that there is nothing binding about conceptual plans. The use comes down to the Newberg Development Code and what can be allowed.

**Mr. Brierley:** a big box would be allowed in commercial zone, but with the road going through this property and amount of land available, the area is not large enough for a 'big box'. Medium sized hotels, restaurants, offices, gas stations... are all examples of commercial developments which will fit on this property.

**Pat Trudell – 4301 NE Birdhaven, Newberg:** Stated concerns about the buffer width specifics. She asked whether the buffer will continue to the north. Noted in the staff report p.5 item #3 land needs table suggested buffer of residential along current residential properties.

**Vicki Shepherd, 30230 NE Benjamin Rd,** whose home is abutting future development to east of Gueldner property. Shepherd is concerned about traffic effects to her area. She moved here thinking they moved to country.

**Dick Patrone, 4301 NE Crestview Dr.** participated in the discussion groups including the City, County, land owner, and developer. Asked if the UGB can pass without a zone designation? Bring into UGB first then designate the use later. He suggests deciding on the zoning designation when more details have been made clear.

**Commissioner Lewis** asked whether the VLDR zoning designation can remain upon approving the UGB amendment.

**Mr. Brierley** stated that currently, there is no City comprehensive plan designation. One needs to be assigned.

\*\*\*5 minute break. \*\*\*

**Michael Robinson** Explained that state law requires that to expand UGB it's necessary to take URA areas first. The UGB boundary can not expand without assigning a comprehensive plan designation to the property. The tree buffer to the north can't be more specific at this time. During zoning and development review stage more precise descriptions will be made. Commercial and residential compatibility depends upon the type of commercial.

During the development review stage compatibility and buffering in the northwest corner will be addressed more specifically. A storm drainage system design will consider protection of the water aquifer. Community commercial designation is not what applicant is applying for. This area will not support a regional commercial center. Robinson does expect some to be offices for doctors. This is a good location for much needed commercial land.

Discussion was held regarding standards for mixed use zoning.

**Councilor Soppe:** The city council has accepted the recommendation of the Ad Hoc Committee on Newberg's Future. The report does not bind the council.

**Public testimony closed:**

**Mr. Brierley:** Staff recommends adoption of this UGB application.

**Martin Chroust-Masin:** County concurs.

**Deliberation:**

**Councilor Soppe:** Commercial land is needed. This property is already within URA. The buffer issue should be defined better. Compatibility and buffers are issues about which Soppe would like to see staff and applicant agree upon solutions.

**Commissioner Sherwood** sees need for commercial zoning. Recommends to bring this property into UGB and change designation to C-2 zoning.

**Commissioner Dallas:** Understands concern of residents. During development stage suggests residents attend meetings, and participate in discussions regarding buffering and other issues.

**Commissioner Lewis:** Stated that more than one comprehensive plan designation can be assigned to this parcel. Lewis suggests the north area be residential comprehensive plan designation, and the remainder be designated commercial.

**Commissioner Ashby:** specificity and details are difficult to achieve at this point. A good working relationship between residents and developers is evident. Development stage is a good time to address items like buffers. Agrees with Commissioner Lewis' idea of residential along northern boundary.

**Commissioner Sherwood:** Suggested leaving the whole area as residential.

**Commissioner Lewis** commented that the applicant would later need to apply for a comprehensive plan amendment and a zone change. This would create more steps for the applicant.

Discussion was held regarding what comprehensive plan designation to apply to the property.

**MOTION: Soppe** motioned to deny the Resolution 2006-15. No Second. Motion failed.

**MOTION: Dallas** motioned to approve Resolution 2006-15 without changes. No second. Motion failed.

**MOTION: Sherwood/Lewis** motioned to approve resolution 2006-15 with LDR Comprehensive Plan designation. Motion failed.

**Mr. Brierley** recommends the staff draft findings to support a decision, adopt motion, and then ask staff to return with resolution and findings to support the resolution.

**Commissioner Lewis** stated that this would count as tentative approval with findings to come.

**Councilor Soppe** Questioned what are we hoping to approve here? Do we want residential area added to UGB?

**Commissioner Lewis** would like more residential and commercial. Residential would be designed to be a buffer to existing residential on the north and west. This motion will urge the applicant to move along and provide residential areas for buffers.

**MOTION:** Lewis/Sherwood motioned to tentatively approve Resolution 2006-15 with comprehensive plan designation of Commercial and Residential. Residential would provide a buffer to existing residential on the west. The applicant should be directed to create a plan containing this mixed use. Motion passed 5 yes, 0 no, 2 absent.

**V. ITEMS FROM STAFF:**

**Barton Brierley** mentioned the September 21<sup>st</sup> meeting. Discussion was held regarding which item to address first that evening. A decision was made to do deliberation on the URA first.

**VI. ITEMS FROM COMMISSIONERS**

Nothing was mentioned.

**VII. ADJOURN**

**Chair Ashby** adjourned the meeting at 9:50 pm.

Passed by the Newberg Urban Area Management Commission this 21<sup>st</sup> day of September, 2006.

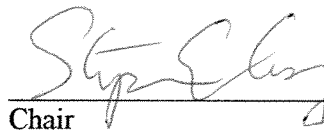
AYES: 5                      NO: 0

ABSTAIN: 0  
(list names)

ABSENT: 2  
Lewis  
Dallas

ATTEST:

  
Recording Secretary Signature

 9/21/06  
Chair Date