



MEETING MINUTES

**CITY OF NEWBERG / YAMHILL COUNTY
NEWBERG URBAN AREA MANAGEMENT COMMISSION
Newberg Public Safety Bldg. - 401 E. Third Street, Newberg, OR
Wednesday, August 21, 2007, 7:00 PM**

I. ROLL CALL

Sally Dallas	Leslie Lewis	Warren Parrish
Michael Sherwood	Robert Soppe	(arrived late)
(acting Chair)	<i>PHIL SMITH (MS)</i>	

Absent:

Alan Halstead	Matson Haug
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Staff Present:

Barton Brierley, City of Newberg Planning and Building Director
Elaine Taylor, Associate Planner
Ken Friday, Yamhill County Planning
David King, Recording Secretary

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

MOTION #1: Soppe/Dallas to approve the NUAMC minutes from July 11, 2007
(Unanimous voice vote) Motion carried.

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

Twenty-eight citizens were present at the beginning of the meeting, and they were offered the opportunity to speak on issues not on the agenda. No additional items were brought forth.

IV. LEGISLATIVE PUBLIC HEARING

APPLICANT:	City of Newberg
REQUEST:	Recommend Approval of 2007 URA Expansion
LOCATION:	Various Yamhill County Agricultural and Rural Residential Areas
FILE:	URA-05-010

Staff Report:

Barton Brierley related how tonight's meeting is a continuation of previous meetings covering the Urban Reserve expansion. The land being discussed tonight consists of land south and west of Newberg, and an area of land called North Hills to be removed from the existing URA. It is the goal of tonight's meeting to complete the final deliberations and bring the request to a vote.

For the benefit of everyone who has not attended all of the previous meetings, Barton Brierley defined URA as land outside of an UGB that the city has identified as the highest priority land to be used for inclusion in the city's UGB when it is time to expand. Newberg is required to have a supply of land for ten to thirty years beyond the supply available in UGB.

Barton Brierley used a map (see Agenda Packet, P31) to show the existing Urban Reserve Area. This was followed by a colorful bar chart showing the duration of buildable land supply in relation to time.

Commissioner Soppe asked for clarification on the south-west area.

Barton Brierley said his figures include all of the southwest area.

The priorities, according to state law, for adding land to the URA are as follows. The first priority for exception areas, not designated farm or forest land, and are adjacent to the UGB.

Commissioner Lewis asked about the previous graphic and the actual supply of land in reference to future years. **Barton Brierley** responded that if the staff recommended areas were included in the URA, then it would provide adequate supply to just before 2040. We would not be over.

The last priority is for agricultural/forestry land, with higher priority going to lower capability classes. The request tonight is for a fair amount of agricultural/forestry land, which will require certain exceptions.

West and South Parts of Newberg

The topography constraints of the land are at the heart of staff report. The southwest area consists of 553 acres but only 188 acres are buildable. A major reason for this is due to Chehalem Creek corridors and its tributaries that carve up the useable land. There are also many rural residential lots with existing homes and barns.

Commissioner Lewis questioned how the acreage was figured. **Barton Brierley** said with the help of aerial photos that the staff deducted the land used for the houses, garages, driveways, and other obvious uses of the land. This came up to an average of about $\frac{1}{2}$ to $\frac{3}{4}$ of an acre for each lot. The rest of the land was added to the buildable acreage total.

Barton Brierley compiled the results of the survey (see P46, P48), and then mapped the residents who wanted included in the URA and those who didn't (see P50).

Red (dark grey) indicates that the residents who are not interested in being URA
Green (light grey) are the residents who are interested

Yellow (not obvious on B/W copy) equals wasn't sure/wanted more information. Since the results were not conclusive one way or the other, **Barton Brierley** was certain that the citizen input would be invaluable tonight.

Commissioner Soppe asked if the late correspondences were included in the chart. **Barton Brierley** said no, but **Soppe** would like to see additional citizens marked on the individual commissioner maps.

Newberg Sewer

The major service restriction for the area involves disposal of the sewer. The Newberg sewer system is located on Wynooski which allows most of the city sewer to be gravity-fed to the treatment plant. The land south and west of Newberg is topographically at the same level as the treatment plant. Therefore, pumps stations would be necessary to get the proposed sewer from the south and west parts of town over to the plant, as well as the installation of new pipes to carry the extra capacity. As a general rule, however, pump stations require maintenance and are avoided if at all possible.

Already in existence, usually in close proximity to Chehalem Creek, are a series of pump stations along the western city limits. The recent and updated sewer master plan indicates that the main pump station at Dayton Ave. is over capacity, often overflows during rainstorms, is antiquated, and is in need of important upgrades. The piping from this pump station to the plant also requires needed upgrades. All this to say, any additions to the city sewer system from the south and west parts of town can not be directed to the Dayton Ave. station in its current condition.

Commissioner Parrish asked staff who historically pays for the building of new pump stations when needed. **Barton Brierley** said that ongoing maintenance is paid by all the rate payers, but the installation is covered by developers.

Alternatives

1) If the southwest land were to be added and developed, then one alternative would be to install a new pump station and addition pipes to the existing plant.

2) Another consideration would be to build a new treatment plant located on the western part of town. This would help the existing plant, which is reaching its capacity as it is.

Commissioner Soppe mentioned the City Council adoption of the Waste Water Treatment and Sewer Master Plans out to the year 2040, and then wanted clarified that a new treatment plant is just an idea—the city's plans don't include building one before 2040. **Barton Brierley** agreed.

3) If the first alternative is explored, then the next main concern is the location of a new pump station(s) (see P51). The land around Chehalem Dr. will have to be serviced with a new pump station near Hwy. 240 and then pumped to the Wynooski Rd. pipe line. This is advantageous in that it avoids using the Dayton Ave. pump station. The land included within the red line on the map could be served by this new pump station located at Hwy. 240. This station could also serve lots around Old Yamhill Hwy. Land further south on

the map would require going through the Dayton Ave. pump station. This alternative needs to be avoided or explored only with the needed upgrades.

The recommendation from staff is to include the land around the Old Yamhill Hwy (see P52). Otherwise, the major service restrictions for sewer disposal exclude the other URA study areas from being included at this time.

Northern Parts of Newberg

Barton Brierley used another map to show the URA area called North Hills (see P53). According to staff, a portion of this land is being recommended for removal because of the serviceability of water up to an elevation of 460 feet. Above this elevation is not practical, and therefore some land needs to be removed.

Ken Friday pointed out that previous reports stated the elevation at 450 feet. **Barton Brierley** was aware of this minor discrepancy.

The final staff recommendation is to include the URA land around Old Yamhill Hwy, remove the land designated in the North Hills, hear public testimony regarding the removal of such land, and then a final recommendation on

Public Comment: (Over 30 citizens were now present)

Vice-Chair Sherwood was willing to open the meeting for public comment, but first asked for any abstentions, conflicts of interest/biases, or ex parte contact. None were mentioned.

Shirley Wayne, 24200 NE Zard Lane in Newberg, desired for written questions to be read into the record. Vice-Chair Sherwood read her public comment registration form as follows:

#1 The expense of sewer and water—who is paying for this?

Barton Brierley first showed her address on the map, and then said that the city likes development to pay for itself.

#2 Access to 99W – (Will there be any additional access?)

Barton Brierley expects that there likely will not be additional access to 99W from the area south and west of Newberg. Ken Friday had no insights either on this issue.

#3 How much tax increase?

Barton Brierley said the property included into the URA tonight does not result in a property tax change. If such property is then brought into the UGB, and then annexed into the city, then the property tax would probably increase. He is not the expert, though, and can't promise anything.

#4 (A comment) The Wayne's land is not suitable for building.

#5 Zoning (Would there be a change to their land's zoning?)

Barton Brierley said that property brought into URA usually does not have its zoning changed. If the land were brought into the UGB it still does not typically go through a zone change. Only when it is annexed into the city by a vote of the people will it have its zoning changed to be aligned with the comprehensive plan.

Marcia Cobb, 23535 NE Old Yamhill Rd. in Newberg, also wanted her comments read into the record. Vice-Chair Sherwood read her public comment registration form as follows:

"We are in a 10 acre "dedicated" portion of Old Yamhill Rd. Much concerned that if we become locked in by the [urban] reserve recommendation, we'd be forced to become part of the city and part of the Urban Growth Boundary and public domain issues."

Commissioner Smith asked if her concern meant that she didn't want to be pulled into the city. She said yes

Jack Marontate, 12128 Honey Lane in Newberg, said that his topographically low residential land is not interested in developing his land, nor did he think his neighbors were interested as well. But if they were, he was concerned how to get all the traffic out onto the temporary bypass called Hwy. 240. He enjoys the country living that attracted him thirty years ago to move there.

Commissioner Soppe stated that the city is under some requirement to have a developable plan for the next thirty years. Therefore, does Mr. Marontate know of a better spot for the city to meet the state requirement? Mr. Marontate said that perhaps the state needs to reconsider its requirement.

Brenda Gonzalaz, 24283 Zard Lane in Newberg, asked if development did come to her land, does she have to hook up to the service(s)? **Barton Brierley** recapped how the city has considered its growth for the last three to four years. He also had heard from citizens at these meetings that the city should grow some, but controlled growth with high standards of livability. Currently, the city is in the process of deciding where the growth should take place. Being in the URA does not require one to hook up to sewer and water, but annexation would require being hooked up. Brenda Gonsalas said that the expense of having to hook up does not seem fair.

Commissioner Soppe pointed out that rarely are people/landowners forced to be annexed—it usually only happens with such peoples' consent. **Commissioner Soppe** also said that there are state requirements to grow the URA but the city boundaries do not have to grow except by the City Council and a vote of the people.

Commissioner Parrish reminded Mrs. Gonzalaz that the property owner asks to be brought into the city limits, and then it is brought to a vote of the citizens. **Barton Brierley** agreed.

Commissioner Smith clarified that the recommendation tonight keeps her land out of the URA. If people in the west and south areas wanted to be in the city they will be in a hard place to get their desires fulfilled.

Commissioner Lewis mentioned that some times an island of un-annexed land is sometimes pushed to be annexed, and this was discussed at a recent City Council meeting.

Commissioner Soppe addressed this further by saying the council was not going to make an island out of Oxberg Estates. Furthermore, city ordinances do allow the city to force an annexation of “island” land, but no one can remember a case where the owners did not want it to happen.

Barton Brierley said that people in an island do get a chance to vote on whether or not their property is annexed.

Commissioner Smith clarified that property not in the URA is in no position to be annexed at this point.

Commissioner Soppe let it be known that this is a recommending body, and City Council and the county still have the final decision.

John Trudel, 4303 NE Bird Haven Loop in Newberg, talked on behalf of Oxberg Estates, stated that originally that the community wanted to be annexed to the city. After development of the neighborhood (including their own water system and roads) the city did want to annex the neighborhood. The residents have since avoided taking a position on annexation with the recently defeated development in their area. The neighborhood is prepared to deal with the issue, especially if the island issue forces them to be included in the city limits. They believe that as a legal entity with their own water system they can resist being annexed.

Commissioner Soppe said that he avoids using absolutes as far as annexation. Secondly, **Soppe** asked Mr. Trudel if he believed that the city council wants to annex Oxberg Estates. According to **Barton Brierley** there are various long standing islands of property in Newberg that have not been annexed.

Brent Lam, 28300 NE Bell Road in Newberg, was concerned that many people around him would enjoy services that he would not. He does not want to be part of the UGB, nor annexed into the city. However, if people around him enjoy city services, he would like too as well. He would like to see more energy put into figuring out traffic flow and beautifying downtown Newberg instead.

Commissioner Soppe asked about the water service to such a property—it will require extra expenses. After a long discussion without exact topographical details, Mr. Lam can't believe water service would require extra expense to get to his land.

Commissioner Lewis asked when the sewage system was just discussed by City Council. **Commissioner Soppe** said that there was no time line for the next reservoir, which will provide a huge financial challenge. **Commissioner Lewis** also wanted to know how much the last reservoir cost on Parrett Mt. **Barton Brierley** said that the ex-

pense of a reservoir to serve the land below 450 feet in the northern part of town would cost around \$3,000,000 – \$4,000,000.

Barton Brierley added that there are pros and cons to moving a reservoir higher up the hill. Extra expenses include the pressure reduction values needed for homes further down the line(s) as well as the energy it takes to pump the water up the reservoir. The major benefit is that more homes are served.

Elaine Taylor added that the number of homes that can be added as the hill land goes up decreases due to the difficulty of building on the land.

Commissioner Lewis told Mr. Lam that NUAMC is a recommending body to the city council and county board of commissioners. He is invited to discuss the issue with them as well.

Elmer Christianson, 24065 Sunnycrest Rd. in Newberg, upholds the staff recommendation not to include his land in the URA. He likes his country living, though his land is already on city water. He enjoys the distance between houses. However, there are some homes on Sunnycrest where the setbacks seem dangerously close to him as a former fire chief in Newberg.

John Mangis, 920 Sahalee Ct. SE in Salem, as the only proponent tonight asked how to deal with the state requirements if people do not want to give up their country acres.

Commissioner Soppe declared if people don't want to be brought into the UGB and be annexed, then the city limit growth stagnates.

Ken Friday answered that he sees it as supply and demand. If people hold out from joining the city, the supply of buildable land will decrease; raising the value of land, eventually then someone becomes willing to sell their buildable land at a higher price.

Closed Public Testimony

**** Ten Minute recess allowed by the vice-chair ** (Recording continues)**

Final Comments from Staff:

Barton Brierley addressed the letters from the Washburns and Zdenka Trnkova (copies handed out). Otherwise, staff recommendation stays the same; to include the Old Yamhill Hwy. area as well excluding the portion in North Hills. **Ken Friday** added that staff has made a sound presentation, and that it is cost prohibitive right now to serve the entire North Hills areas, and therefore agrees with the portion being excluded.

Commissioner Soppe asked for more clarity of the pump stations that would serve the various properties on the southwest part of Newberg. In conclusion, new pump stations might service all of these areas efficiently, but probably not individually for any amount of land except the total. The land around Dillon Rd. is outside of the quarter mile statute and would require an extra pump station.

Commissioner Parrish asked staff if it was typical for Oregon cities to have pump stations. **Barton Brierley** said there is a wide range of cities with various number of pump stations. Some cities debate between pump stations and providing a treatment plant

Deliberation:

Commissioner Parrish had no comment.

Commissioner Dallas had no comment.

Commissioner Soppe appreciates the staff presentation and is in support of the recommendation.

Commissioner Lewis agrees with staff on the land in the southwest areas. did talk with **Lewis** and **Brierley** did talk with Mrs. Parlett during the break, and it seems possible to bring in her adjacent lot.

MOTION #2: Lewis/Parrish to bring in the eastern Old Yambill Hwy., area as well as Parlett property.

Commissioner Soppe wanted to know staff's opinion of the Parlett property. **Barton Brierley** said it is on the border of what could be served. Final engineering may show that it is possible to serve.

VOTE on Motion #2: 5 Yes/1 No/2 absent – motion carried.

Commissioner Lewis as county representative objects to the certain lots as stated: Benjamin Rd., Putnum Rd., and Springbrook Rd. property in the north. She knows that such residents as a whole do not want to be in URA.

Commissioner Parrish moved to table the staff recommendation so that more time could be given to the three lots Lewis wants to exclude. He believed more time was needed to discuss the issue. He then abstained from tabling the motion when Lewis agreed to have them as a separate.

Commissioner Soppe recapped previous votes and didn't want to enter into another round of debates for these properties. The commissioners agreed to makes such properties a separate vote.

Commissioner Smith proposed to approve entire staff recommendation, minus the three properties mentioned by Lewis and a Wilsonville Rd. property as well.

Commissioner Soppe asked staff for procedural advice on how to proceed. **Barton Brierley** said a motion on everything minus the four properties, with a separate vote on the four properties, would be perfectly fine.

MOTION #3: Smith/Soppe to approve entire staff recommendation with the exception of SE Wilsonville Rd. area, property west Benjamin Rd, Putnum Rd. area, and Springbrook Rd. north and these will be made into a separate vote.

Commissioner Soppe then said that commissioners have already voted on these issues, and wondered if any procedural rules keep them from voting again.

Commissioner Parrish asked staff about the southeast area and the related transportation plan. Is it proper to bring in southeast land without the finalized transportation plan?

Barton Brierley said yes.

Commissioner Lewis then clarified that the Mangis property is in the URA land to be approved, as well as the Parlett property.

Commissioner Smith commented that cities need to plan ahead and it is important, beneficial, and required by the state. Again he emphasized that citizens want controlled growth and jobs in Newberg, but this is not adequately achieved when done only by the developers. Piecemeal growth will look like Sherwood. Newberg needs companies that provide jobs. Such companies can't be forced to start here, but the incentive can be given with land to build on and start such companies. Tonight's staff report is really good news that such exception land in the south and west won't be forced into the URA because of the topographical and service issues.

Commissioner Parrish responded that it is very important Newberg grows with a plan to keep the city livable. He used the example of Pacific City as a community that didn't have controlled growth.

VOTE on Motion #3: 6 Yes/0 No/2 absent – motion carried.

MOTION #4: Smith/Soppe to approve the four excluded properties.

Commissioner Soppe wanted to know why Leslie Lewis prefers to exclude such properties. **Leslie Lewis** referred to Barton Brierley's concept of buildable land. She didn't think that such lots are buildable or serviceable in light of what is already built on them. She also said that an ordinance already exists where islands of un-annexed land could be brought into the city. The current City Council is charitable, but that could change.

Commissioner Parrish didn't agree with the statement that the city could force such an annexation. If need be the ordinance on annexation needs to be addressed. There will be an ongoing dilemma for citizens to enjoy controlled growth

VOTE on Motion #4 4 Yes/1 No (Lewis), 1 abstain (Parrish).

MOTION #5: Smith/Soppe to approve including the Wilsonville Rd. property.

VOTE on Motion #5 5 Yes/0 No, 1 abstain (Parrish).

Barton Brierley appreciates the time and energy put into this issue. This will probably go before City Council in early October, then to the county commissioners, then finally it goes before the state.

V. ITEMS FROM STAFF:

The next meeting will be September 20, 2007

VI. ITEMS FROM COMMISSIONERS:

This is Robert Soppe's last NUAMC meeting. He appreciates the quality of the discussions, and has appreciated being a part of it.

VII. ADJOURN

Vice-Chair Sherwood adjourned the meeting at 9:36 PM.

Passed by the Newberg Urban Area Management Commission this 20th day of September 2007.

AYES: 5

NO: 0

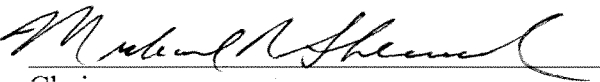
ABSTAIN: 1
(list names) Parrish

ABSENT: 2
Halstead
Haug

ATTEST:



Recording Secretary Signature



Chair