

NUAMC Meeting Minutes

Tuesday, November 22, 2022, 7:00 PM

(This is for historical purposes as meetings are permanent retention documents and this will mark this period in our collective history)



I. CALL TO ORDER

Chair Jeff Musall called the meeting to order at 7:00pm

II. ROLL CALL

Members Present: Kit Johnston Maryl Kunkel Ken Summers
 Mary Starrett Jeff Musall

Members Absent: Rick Rogers, Alan Halstead

Newberg Staff Present: Doug Rux, Community Development Director
 Ken Friday, Yamhill County Planning & Development Director

III. APPROVAL OF October 25, 2022, MEETING MINUTES:

MOTION: Member Kit Johnston made a Motion to approve the October 25, 2022 meeting minutes and Member Ken Summers seconded, motion carried: 5 Yes No Abstained 2 Absent.

IV. **COMMUNICATIONS FROM THE FLOOR** (5 minutes maximum per person) - For items not listed on the agenda. There were none.

V. **REPORT OF FINAL DISPOSITION OF AGENDA ITEMS FROM PREVIOUS MEETING:**
Staff had nothing to report.

VI. PUBLIC HEARINGS:

QUASI-JUDICIAL HEARING: CPMA21-0002/PA-01-21Newberg Urban Reserve Area Expansion
Chair Jeff Musall re-opened the public hearing. Chair Musall explained that the proponent will be allowed a 30 min testimony time limit instead of the normal 15 minutes in addition a representative of the Opposition will be allowed 30 minutes to testify.

Chair Musall called for any abstentions, bias, ex parte contacts, or objections to jurisdiction. There were none.

CDD Rux read the legal announcement.

Chair Musall asked CDD Rux to present the staff report. CDD Rux entered the staff report into the record and informed everyone that the original hearing date for this project was scheduled back in August 2022, but was continued to October 25, 2022, where it was continued to today November 22, 2022. The property location encompasses several Tax Lots and is located at the NW corner of the intersection of Fernwood Road and Coral Creek Rd. The area that's proposed to be brought in is 95.3 gross acres. That includes right away for Fernwood Road and Corral Creek Rd. It's currently has a zoning in Yamhill County of Exclusive Farm use, EF20.

At the time that we wrote the staff report, and it was issued seven days prior to this continued hearing,

the City had received 30 written comments. 19 of those were in opposition, eleven of those were in support. All of those comments are included as an attachment in the packet you received for review. CDD Rux reviewed the Oregon Administrative Rules for determination of Urban Reserve. He then informed the Commission Members that they would be hearing the City of Newberg's review first then YCPDD Ken Friday will address Yamhill County's side.

CDD Rux went on to speak about the Newberg Comprehensive plan, Section 5 land needed supply information. This information was from 2005 to 2025 with projections from 2026 out to 2040. The Applicant used our buildable lands inventory and housing needs analysis information from 2021, we also have an economic opportunities analysis that we did, and we did a public and semi-public land analysis. CDD Rux noted that those documents have only been accepted by the Newberg City Council. They have not been adopted by ordinance by the council, and they have not gone through a post acknowledgement process with DLCD. He continued to explain if the land currently within the Urban Reserve Area meets the 2051 land needs and what land should be included in the Urban Reserve Area to meet the 2051 land needs. The Oregon Administrative Rules hierarchy standards for lands includes reasonably serviceable. The Applicants representative worked with the City and created a Comparative Site Study of the subareas 1 mile outside Newberg's existing Urban Growth Boundary. CDD Rux explained the map that represents the information gathered from the study. City of Newberg Engineering Division defines Reasonably Serviceable as "the provision of public facilities to an exception area is unreasonable if the value of benefits derived from developing that land beyond the costs are demonstrably less than the value of the benefits of developing lower priority lands beyond the costs"

CDD Rux spoke to the Intervening Resource Lands that affects the subject project and how they affect the project.

CDD Rux explained that this proposed project would be a Type III Procedure and that it would have to apply for a comprehensive plan map amendment. He informed the Commission members that the Newberg Comprehensive Plan, Newberg Urban Area Growth Management Agreement, the applicable Statewide Planning Goals, the Oregon Administrative Rules and the Oregon Revised Statutes had to be reviewed and addressed, all these findings were included in the packet given to the Commission members. This concluded the City of Newberg Staff Report.

YCPDD Ken Friday presented the Yamhill County Staff Report. He informed the Commission that in addition to the Administrative rules already stated the request must also be in compliance with the Yamhill County Comprehensive Plan goals and policies, the detailed notes are included in the packet that was provided to the Commission.

CDD Rux informed the Commission that earlier the day of the hearing the applicant submitted supplemental information, which copies were provided to the Commissioners at their seats and copies were put at the back of the room for the public. The Staff did not have time to review or analyze the new information the applicant submitted. In addition, there was additional public comment from Charles W. Woodward, IV, submitted earlier today, a copy was also at the Commissioners seats. At the time the staff report was issued the staff recommendation was to move to adopt NUAMC Resolution 2022-23, which recommends that the Newberg City Council and Yamhill County Board of Commissioners deny the request for Urban Reserve Area Designation to include the 93.5-acre site in the Newberg URAs. CDD Rux concluded the staff report.

Chair Musall asked the Applicant to come forward.

Read Stapleton, Land Use Planning Manager from DOWL, a land use firm that is working with the Applicant Kathy and Brian Bellairs and who are the owners of the majority of the property that's under consideration. Brian Bellairs is going to say a few words during the presentation then one other member

of our team will be presenting as well. Mr. Stapleton thanked the staff for their patience, there has been a lot of information submitted to go through and thanked the Commission for their patience with the continuances which helped them address some comments that were received from staff's initial report. DOWL prepared the bulk of the evidentiary record that will be reviewed with the Commission tonight. Read Stapleton went over the main points they will touch on in the presentation. Then introduced Brian Bellairs for him to say a few words to the Commission on behalf of him and the other applicant Bestwick LLC.

Brian Bellairs addressed the Commission as his daughter handed out to the members packets of information: 19 years ago, the city knew that it was running out of buildable land and needed to plan for the future. An ad hoc committee was born by the city to develop a plan for Newberg's future. You have that ad hoc committee report in front of you. The committee was a team, consisting of city staff doing the same sort of analysis you see today. The former planning director, land use consultants and civic leaders, including the previous mayor and current Mayor Rick Rogers, in his position with Habitat for Humanity. The committee conducted focus groups, did surveys and held 26 public meetings to develop a comprehensive vision for Newberg. The conclusion was that there was not enough land in the urban reserve. They encouraged connectiveness among neighbors that are located close to employment centers to support the city's employers and reduce automobile traffic. That the recreation needs of the citizens should be addressed and that large and complete neighborhoods were very desirable. Based on this comprehensive study, the city strongly recommended expansion of the urban reserve in 2007. And the land in the application before you were included in the urban reserves in 2007. This boundary was unanimously approved by the city of Newberg, Yamhill County and by this committee. Both the 2007 ad hoc committee report and the ordinance expanding the urban reserves were done. I have provided you excerpts from these studies, which show how strongly the city leaders and planning staff supported our inclusion. Let me summarize a few things. They said, we need Corral Creek and Fernwood land in the urban reserves. It has low capability soil and the area provides flat properties. The properties are appropriate for development of a complete community. Utilities and services can be provided for more readily than other areas that were studied. He also said that the committee recommends the area as the most appropriate expansion of the UGB. In 2010, the state remanded the decision back to the City of Newberg for an official response to questions raised. The city was granted five years and two extensions, but the city chose not to respond and walked away from mediation instead. Here we are 15 years later, and there's an even greater need for the expansion plan. Since the last study was conducted on our land, Providence Newberg has been built a ¼ of a mile from our property. The studies suggest strongly that land should be located close to employment for less independence on the automobile. A Providence representative, Joseph Yoder has written a letter supporting our inclusion. He believes an amazing recreation community so close to the hospital, would greatly enhance their ability to attract and retain medical professionals.

Mr. Bellairs went on to talk about their vision: They have committed to CPRD that they would donate to them their fishing pond and enough land for eight Pickleball Courts. Pickleball is America's fastest growing sport, it results in connectiveness, it is easy to learn and players from 10 to 90 years old can compete in it. Our vision is to have pedestrian paths that go all the way from Corral Creek down to Providence and into Crestview Crossing. This sort of community is being built all across the United States, but it's not been built in Portland. The inclusion of this land in the URA would provide the development of an amazing recreation community that could provide numerous benefits to the city of Newberg. It would provide Newberg with the largest, least parceled land, immediately adjacent to the urban growth boundary, which can easily be serviced and developed to address diverse housing needs. It provides much needed connectivity between the Greens and Corral Creek, which was supposed to be a condition of the last two phases of that neighborhood, which is shown as a major priority on the city's transportation plan. It provides an opportunity for us to fix the dangerous roads in the area also. A recreational community addresses the city's recreational objectives. We are private citizens who've taken on the financial burden, and we've taken that off the City to once again prove that Corral Creek is

the best land for URA approval. We have engaged planners and consultants who will demonstrate the Corral Creek needs to be included. It has not been farmed for 100 years, and it has very low agricultural soil. Mrs. Schaad, the previous owner, has submitted a letter to the committee saying it is not good for farmland, and it is very, very poor soil. This land can benefit the City of Newberg in many ways. We have seen how our two pickleball courts improves our neighbors' lives with healthy exercise and social interaction. We want to bring this to all of Newberg. We want to build a beautiful recreation community we can be proud of. We're asking for the Commission's support once.

Read Stapleton with DOWL introduced other members of the team working on the project; Joe Gaon with Schwabe Williamson & Wyatt, Todd Mobley with Lancaster Mobley who is present virtually and will be able to answer any traffic related questions if any arise.

Mr. Stapleton went forward with his presentation explaining to the Commission that Urban Reserves are intended to establish a reservoir of land that the city can review and make a decision upon when it looks to expand the Urban Growth Boundary. The City intentionally looks beyond the UGB horizon, so that the City has an array of options for where it can expand in the future. He went on to explain Dowl's method of how they came up with the numbers they provided showing that the exiting URA cannot meet future land needs. Mr. Stapleton pointed out to the commission that if this property were to be brought into the URA there would not be immediate urbanization/development, the property would not change its current zoning designation that there are many steps and process that would need to be implemented before anything could be done with the property.

Joe Gaon addressed the Commission about the Oregon Administrative Rules URA determination and how they meet these criteria. Mr. Gaon also pointed out that the City will need to update the UGB pretty soon because it is only projected out until 2025. He acknowledged that the City can satisfy its lands need up to 2041, but in the near future the City will have to undergo an analysis like the applicant has done to determine its land needs up to 2053, 54 or 55. He addressed Subsection 2 of the regulatory framework that speaks to there being a demonstration of reasonable alternatives, he feels that some verbiage is being missed specifically that it says "or" not "and" the section reads "A demonstration that there are no reasonable alternatives that will require less or have less effect upon resource land." The Dowl study has shown there is going to have to be resource land included in the URA to satisfy the City's needs through 2051. This project will have less effect upon resource land, because there is a residential subdivision located directly to the west of this property and there are county roads that bisect this property. Including the properties in the application at this time does not preclude any of the other higher priority land from being brought into the URA at a later date.

Mr. Stapleton explained how they designated the reasonably serviceable exceptions land in their study and the analysis findings they got due to this information. He went on to summarize the information they presented to the Commission in their conclusion of the application presentation.

Chair Musall asked the Commission if they had any questions for the applicant or the applicants' representatives. There were none.

Chair Musall asked if there was a principal proponent who would like to use the 30 minutes to counter.

Beau Svendsen went up to testify as an opponent to the application; We live in a rural area. We have to follow the zoning code to protect the environment and ensure that we don't have unsustainable urban sprawl. When you have unsustainable urban sprawl, it increases the cost of government services. It's not anybody else's problem that the applicant can't develop the property the way they want, because they bought property that's not meant to be what they want. If I bought a house in town, I wouldn't think that I could turn it into an animal farm. So when you buy property that's zoned agricultural and forestry, I'm sorry, it's not anyone else's problem that you spent a bunch of money doing reports to try to get the

zoning change. I've lived in Newberg my whole life, and I've lived in this area specifically for five years. When they say that there's been no farming done on that property for over 100 years, that is a blatant lie. The same people that harvest my field do theirs. Huge amounts of wildlife pass through there that would be displaced. Why is it the City of Newberg's problem that someone invested a bunch of money doing something they're not allowed to do before they're allowed to? It's not a benefit to you for them to do this. It's someone attempting to manipulate a local government. If all it takes for me to manipulate my local government is to go somewhere and buy some land and have a bunch of money behind me, what's to stop anybody from doing anything like that? I'm sure there's been studies to see how it will affect the wildlife and the environment. But no one can tell me that it's better for the environment to put in a development. We have a town where people are living in church parking lots. Are you telling me that what they're planning on building is going to be affordable for those people. We have areas in Newberg that are abandoned. The Mill area would make more sense to put housing where it's perfectly flat and I'm sure there's sewer and electric a lot closer. This isn't about the urban growth. This is about the needs of a couple parties that want to make a quick buck and then move on. We all know this. I've lived in Newberg my whole life, and I'm getting sick of seeing more things done for new people. What about the people that are here already. You know this development isn't going to provide housing for people that already live in Newberg. Who cares about Providence, we shouldn't change the boundary for a housing development to suit Providence. It doesn't make any sense. Let's have Newberg in the news for taking a stand against people just walking into small towns and taking them over. Can we do that for a change? If this is put through all it's going to be is the Greens part two or three, and you didn't even finish part 2.

Chair Musall asked the Commissioners if they had any questions?

Chair Musall opened up the floor for any additional public comments, that are to be kept to 5 minutes.

Michael Kringlen went up to testify as a proponent of the application; I live in the Greens, which is adjacent to the property, I'm in favor of expansion. I just found out tonight that this is just one step and the development of the property is part of a later step. I am involved heavily in the Newberg Pickleball Club and work with others on an advisory committee to the Chehalem Park District. The Bellairs plan includes additional pickleball courts, which are sorely needed and as Mr. Bellairs pointed out, pickleball provides health benefits for anybody of an older age. But more importantly, this seems to be very logical location for expansion of the urban growth boundary. From what I understand the homes that are proposed to be built would be consistent with the quality of homes in the Greens. As the gentleman pointed out there is a need for housing for the homeless, but I don't see that area as a logical site for that. Building housing for professionals and business owners, whether they live in Newberg, Sherwood or beyond, would contribute to tax revenue. So, I from an economic standpoint, it just seems like a good choice.

Gary Bowen went up to testify as proponent of the application. My wife and I are excited about the possibility of a new housing/pickleball community in Newberg. We have lived in the Portland metro area our entire life. We are now both retired and currently living in Beaverton. I have checked out in person these types of communities in Nevada and Arizona. The only drawback is the extreme heat in summer. We would rather spend our time in the beautiful Northwest with four seasons. Pickleball is a social sport, and we've already made 20 to 30 friends just from playing. A bonus for us would be the opportunity to be playing golf at Chehalem Valley Golf Course, and then pickleball matches right from our backyard. I would rather spend my taxes and money for services in the city of Newberg. I certainly hope this will become a reality.

Delaine Bowen went up to testify as proponent of the application. The reason I'm speaking here is because I got addicted to pickleball. If any of you haven't tried it, I would highly recommend it. You meet so many people because your courts are open to the whole community. Like my husband said,

we've been researching different communities in Arizona and in Nevada. And we haven't moved after we've retired because we really wanted to stay in the Portland area. I would love my money to go into something that would support different corporations and different businesses in Newberg. I'm elated there's a hospital here, because if you're retired, you want those kinds of services close. I just wanted to say how the community of pickleball, is so fun and age diverse, it is a community environment where we have kids and grandparents playing and supporting each other.

Don Clements went up to testify as proponent of the application as Superintendent for Chehalem Park & Recreation District. One of the things I wanted to point out is we set out many years ago, I served on the Northwest Specific Plan, and the Springbok Oaks Specific Plan. I've sat on, I can't tell you how many committees. Why this land went away and was not included in the URA today. I do not understand, it ought to be included, it was included and it should be included. I don't know why it went away, but things like that occur. One of the things we wanted to do was build social capital. In a community to build social capital and community is extremely important. Harvard has done studies over the years, and they've come up with one thing, social capital builds successful communities. Do we want to be a successful community? That's why we set out to build the Cultural Center, the trail systems that we are trying to get constructed, the park system, the aquatic and fitness center, the sports complexes. All of that builds social capital. There is no reason whatsoever not to include this land in the URA. The one thing I heard earlier is that this will take time. As the planners know, we can build parkland on farmland. And we have and will continue to do that. We will get with Brian and his wife to incorporate the fishing pond so that community can have a place to go out and go fishing. That's very important, along with the pickleball. I would encourage you to include this land into the URA, it's very important.

Ron Knox went up to testify as proponent of the application. I'm a neighbor of the Bellairs, I live off of Corral Creek Rd next to the undeveloped portion of the golf course. I am curious why the 2007 proposal was not followed through on. It was approved several times then just vanished, what happened with that? I went back through the initial final report and on page 95 it says; "Measures should be taken to prevent having areas east and southeast of the proposed bypass isolated from the rest of the city. Substantial development of complete neighborhoods should occur on both sides of the proposed bypass." That statement makes sense to me, because complete communities include road work and dealing with the bypass going through the middle of communities. I thought that was a clever point they made and that if it was a good idea in 2007, than maybe it's a little bit more critical now that Newberg's population densities is getting larger. I really think the City should embrace the citizen and planning work already done back in our 2007 study. According to that study the Bellairs land is perfectly positioned to be added to the urban reserve this time around.

Lynden Hansen went up to testify as proponent of the application. I'm here because I heavily support the inclusion of the Bellairs property into the URA. The Bellairs property could provide the land needed to create a community that will put Newberg on the map for the future. I was recently at the League of Oregon Cities conference in Bend, where it was discussed that that Oregon has a severe need of housing due to its growth. Oregon has seen a surplus of about 50,000 people entering our state per year since 2008. The state has an annual growth rate of approximately 10%. Newberg's annual growth rate is at 1.2%. Why is it so low? I shared the Bellairs vision with every Mayor I could speak with at the conference and all of them expressed that it would be a great addition and couldn't understand why there would be any resistance. Why would there be resistance for a community that would bring more professionals? To me it makes sense why we're 9% under the state's average in growth. Even at the current rate of Newberg's growth of 1%, Newberg would see 3,000-5,000 more people live here within the next 10 years. Imagine if we were to get closer to the state's 10% growth rate, where would they live? How about the doctors unwilling to work at Providence right now due to no home suitable for them? There are currently only 11, one level homes for sale in all of Newberg, and none of them were built in the last 25 years. Since we all care about Newberg, it's fair to say that Newberg will grow, regardless of what happens here tonight. However, it would be in our best interest to allow Newberg to

grow responsibly and with the beauty to our own citizens and our surrounding neighbors, and allowing those who want to do the heavy lifting on behalf of the city to do it.

Charles W. Woodward testified via zoom in opposition of the application. I would like to point out why this application should be denied. I would like to turn to specific criteria that does affect this application, I'm speaking directly to OAR 616-021-0030. The applicant has stated that staff report interpretation of the subsections in that particular provision is somehow unsupported. I would argue that it is quite supportive, as they have been demonstrated. And the applicant does put forward a different opinion, in which case you have a problem with the ambiguity of the language of the provision, and then under statutory construction. If the plain language doesn't settle things you look towards the context. If you look at subsection 2, which provides; inclusion of land within an urban reserve shall be based upon the location factors of Goal 14, and a demonstration that there are no reasonable alternatives that will require less or have less effect upon resource land. Yamhill County staff report also mentioned it would require and extensive amount of data to show that there are no reasonable alternatives that would require less or have less effect upon the land. That's the context provided by the applicable provisions in that section. This gives clear guidance of what to apply in the hierarchies contained in in subsections 3 and 4, that also aligns with the report's interpretation from both Yamhill County and Newberg in regards to the plain language.

A little more on point is the case law regarding this particular division and specifically for the exceptions and subsection 4, that says, as LUBA summarized; Accordingly, we conclude the correct application with subsection 4 requires a local government to categorize inventory of suitable land, according to the subsection three priorities and sub-priorities. And then, in considering a specific site for the one of the subsection 4 exceptions to determine that no higher priority land is adequate to make a particular subset of 4. I think that based on what I just said, this supports the reports conclusion of the interpretation of that statute.

To the notion of reasonably serviceable. The interpretation presented in the staff reports by the KGH memo are both on point. As the staff reports have noted, no interpretation has been put forth by the applicant and certainly not any evidence to support why their interpretation might be more reasonable, or that the staff report interpretation is unreasonable or implausible.

Regarding the response that was put in late by the applicant. Section 4 states that they had a comparative analysis of competing resources. Resource lands is forthcoming, there's no analysis included for analysis at this time. Which makes it a little hard to make any sort of judgments based on evidence that's not actually in the record at this point.

In addition to these specific issues, the applicant has not addressed the failure the of application, to comply with several provisions of the Yamhill County Comprehensive Plan, nor has the applicant addressed stating that inclusion of the subject property in the URA would comply with Statewide Planning Goal 14. Statewide Planning Goal 14 also provides a context as to how the particular OARs that are applicable in this application should be viewed as to the reasonable ness of the interpretation.

Again, just to focus on the specific criteria that's actually an issue. I appreciate pickleball and all the other issues. But the specific criteria that the staff reports has denied this application under are all valid and is supported by Friends of Yamhill County and 1000 Friends.

Joe Hughes testified via zoom in opposition of the application. I'm an adjacent, cross street property owner. Back in about 2002, I was head of the Parrot Mountain neighbors alliance and was there when Roger Shadd and Lewis & Clark College attempted to do the same sort of application for this property, without the Bestwick property. We objected to it then. But the final item that stopped it in the end was ODOT saying that there was not going to be any development that puts more traffic on Corral Creek

Road and Hwy 99 due to the safety issues. ODOT didn't want more traffic on that intersection until a new intersection or the Bypass was built. If you go through the records, I think it was really the final blow that stopped the Lewis and Clark/ Roger Shadd application. There's ample land in Newberg to develop without developing this property. The contention that it's not farmland is erroneous. There's a testimony in 2003 or 2004 from 1000 Friends of a soil analysis that states it's high value agricultural land. The fact that the current owners haven't been farming it to its highest potential is doesn't mean that it should be developed. It means that should be considered. My parents bought the property we have across the road in 1971. I'm not a newbie showing up saying let's not develop here. I consider myself and my family locals. It's not right to have people come in and decide they're going make a bunch of money by developing the property. I'm here to stop it, and I'll do the best I can to stop it. I hope government supports us on that, because it's not the right thing to do for that property on a whole bunch of levels.

Arnie Kielcham went up to testify as opponent of the application. I live up on Old Parrett Mountain Rd, and we have lived there for 13 years. I am a concerned owner about a development being so localized. Our deck looks out over the valley and from our deck, we can see Hwy 99. You ought to see what Hwy 99 looks like at 4:00 o'clock, 5:00 o'clock in the afternoon, or 5:00 o'clock on Friday, or 5:00 o'clock on Sunday, or 6:00 o'clock in the morning, it's a mess. I think the new development that's going in across from Hwy 99 from Providence is going to add to that, I did a rough calculation and that is going to add 2,000 cars to Hwy 99 with no additional infrastructure done to the road. In April of this year, I was on Corral Creek, going to the golf course, which I use regularly, and I was hit by a person who was probably going 50 miles an hour. I could not imagine what's going to happen with Corral Creek if you add this complex. Renne Road is a mess, people cut across Anna Drive and go up Schaad Road which is a bumpy mess, from people speeding on the road. Parrett Mountain traffic has increased in the 13 years we have been here. If you've ever been to Molalla, and you look at downtown proper Molalla, and you look at the outskirts of Molalla, you'll see that there was no plan. There was no plan for development. There's no big plan to make the city a viable, functional unit. I hope that doesn't happen to Newberg, where we just have all these little pockets growing with no big plan. I'm also concerned about water, and if wells are dug then the landowners above may have an issue with water supply. The applicant did say that they would be on City water, and if so then it is moot point, but wanted to bring it up.

David Moyle went up to testify as proponent of the application. I'm one of those pickleball crazies. I've been lifelong athlete and played racquetball for 25 years. I found this new sport called pickleball and have played at the Bellairs house many times. The difference between pickleball and all the other sports I've been involved in is the social nature of it. I think one reason is, when you play pickleball, it's almost always played in doubles and you're only 15 feet across from your opponents. There's a group of us that plays pickleball at sunrise in Murray Hill three days a week, rain or shine. If you arrive late, there are two things that you will hear; the sound of pickleballs being hit back and forth and laughter. There is something about the sport that generates fun and friendships. For me personally, to live in a community where I can have a single-story home, that's built around a community of of people who are interested in recreation and doing things together would be a very desirable place to live. I think it would really enhance Newberg to have a community built around that.

Dayne Ingram went up to testify as a proponent of the application. My family owns property between Providence Drive and Corral Creek. I want to say we are in support of the inclusion of Bellairs property into the URA. The reasons we support it is, as mentioned, the current URA is inadequate, and does not provide enough developable land through 2051. Secondly, the city services are already available nearby. Third, with the bypass coming in, it just makes sense to bring the area around the bypass into the URA. Add to that the fact that it was already approved previously. We see no reason not to approve the addition of this property.

Vance Stimler: 31775 NE Corral Creek Rd, testified via zoom as an opponent of the application. I can

appreciate that the City of Newberg has grown and the need for housing. A lot of people that have moved in the last five or ten years or more have benefited from additional land. I was born in Newberg, raised in Tigard, lived in Sherwood and I've seen a lot of what I would call irresponsible growth due to the need for land. My understanding of the UGB is that once it gets that point is there's mandates by Metro they have small lots. I don't understand how single-family houses are realistic. The initial proposal talked about high density housing for the new development. I have a lot of concerns about traffic on Corral Creek Rd, in the last month there have been 2 serious accidents on Corral Creek and Hwy 99. I pull onto Hwy 99 every day to go to work and I pay very close attention because cars are already going 55, and they're changing lanes without regards to traffic pulling on to Hwy 99. I can wait sometimes 5 minutes in order to pull out safely onto Hwy 99. Having this development will add a lot of traffic and there's no infrastructure for that additional traffic on Hwy 99. Then you could be looking at widening Hwy 99. In regard to the report. My understanding is that the report states there's need for more land by 2051. That doesn't mean you have to make a decision now for something that's not required for another couple years. It's confusing to me that that they would ask for you to make this decision on something that's not even required at this time. I want to go back to the initial proposal there's plans to develop it much faster than the applicant is stating with much different housing than is being stated. I also see the farming that occurs on that land. I don't feel like there's a genuine representation of what the true intent is.

Applicant representatives came forward to make a rebuttal to the public testimony. Read Stapleton from DOWL addressed the comment that the applicant did not offer an interpretation of reasonably serviceable. Stapleton pointed out that a very straightforward definition of what's reasonably serviceable has been established. To them reasonably serviceable is: can the property be feasibly served with utilities? Are there conventional utility systems that can be delivered to serve these properties? They feel it is a very clear criteria that come into play in regard to if the property is a feasible site to develop? Such as; Can it be developed with sewer infrastructure, downstream capacity issues, or pipe increases, or pump stations. Stapleton pointed out that it did not relate to the definition offered by staff which he thought was a fundamentally flawed definition. He said KGH Engineering, stated that that definition from staff could be perceived by stakeholders in different ways as circumstances change over time. Which does not make it a feasible definition when it's inherently acknowledged that it is subject to all sorts of different interpretations.

Stapleton's second point was that approving this application would not increase the traffic. If it does come into the urban growth boundary and develops. That would be where there are traffic control improvements provided at intersections, sidewalk improvements, road widening and shoulder widening. If this site is brought in the UGB and develops the roads will be safer due to the state's transportation planning requirements.

Joe Gaon addressed the Commission with some comments and closing arguments. Mr. Gaon pointed out that the City may not be required to approve the application, but the City has the authority to approve the application and that the City is going to be required to bring in additional property in the very near future. Why not utilize the work the applicant has already done.

The second point addressed was regarding Mr. Woodward's comment about reasonable alternatives that will require less or have less effect upon resource land. Mr. Gaon stated that resource land is going to have to be included to meet the City's future needs.

The last point Mr. Gaon made was a rebuttal to Mr. Woodward's reference to the case of DS Park VS Metro. Mr. Gaon informed the Commission that Mr. Woodward omitted that LUBA specifically overturned what Metro was doing because they skipped step three in the process. Mr. Gaon pointed out that no steps in the process were skipped, which is why the case law that was cited by Mr. Woodward should not pertain. In regard to the last section of the quote that Mr. Woodward provided Mr. Gaon felt



that the applicant has shown that the higher priority in land, in this instance, is not adequate to meet the city's needs. And that is why the applicant is requesting for its property to be included in the URA.

Chair Musall closed the public portion of the testimony and asked for final comments from staff.

CCD Rux replied that staff is recommending to adopt Resolution 2022-23 that recommends denying the proposed request. But after hearing all of the testimony the Commission, has the opportunity to deliberate on the proposal. If the Commission chooses to make a decision that is different than what was recommended. You would have to want to come up with your findings for the decision you made. Or you could provide direction to staff, to revise findings and come back with a different resolution.

Chair Musall asked YCDD Friday if he had any additional comments.

YCDD Friday commented that he did not and that it is difficult to for the County to recommend approval if the City is not recommending approval because the burden to demonstrate if it falls under the criteria is greater for the City. Plus, the Comprehensive Plan for Yamhill County states that it must be an efficient transition from rural to urban land. If the City believes that there are other areas of higher priority the County is unable to conclude otherwise.

Chair Musall opened it up to the Commission for deliberation.

Member Johnston asked a question to CDD Rux. Is that the only way to get property into the URA is by someone applying for it or can the City designate other pieces of property into the URA?

Applicant representative Joe Gaon requested to raise a legal argument.

Chair Musall asked the Commissioners if they were OK with re-opening public comment for 5 minutes, there were no objections.

Applicant representative Joe Gaon informed the Commission that pursuant ORS197-797(6)(e), that unless we waive it, the applicant is entitled to final written legal argument. I just want to raise that issue now that at this point in time, we are not waiving final written legal argument.

Chair Musall closed public comment and opened it up to Commission deliberations.

CDD Rux informed the Commission that there is enough land supply for the next 20 years. An UGB expansion can be done without a URA designation. The URA designation of land is what is typically reviewed first though in a UGB expansion. It was pointed out that the housing needs analysis has not been adopted by the City Council or acknowledged by DLCD and cannot be used for this application. Staff is not saying that we do not have enough in our URAs. What staff is addressing is the issue of what is reasonably serviceable. The Engineering staff has come up with a definition and DOWL is approaching it a different way. The City acknowledges we need additional land, according to the population numbers from PSU, in 50 years, Newberg is projected to be a community of 50,000 plus. The City has been working on the urban growth boundary process, but it's now been placed on hold, because of some issues and comments that have come back to the City from the Department of Land Conservation and Development. There are two different ways to do it incorporate land into the city. One way is to have an Urban Reserve that has land that you can go and look at first, or you can go through an UGB expansion process where you can look at exception lands.

Member Johnston asked if you do either? Or is it urban reserve area first? CDD Rux informed him that either could be done.

Member Starrett commented that she felt it was an inappropriate project for the area and does not feel that it is reasonably serviceable and feels there are too many negatives to approve the application.

Member Kunkel stated that she understands the more land but that it comes down to a question of what kind of land is needed. From looking at the Comprehensive Plan commercial and industrial land is what we are in a deficit of. The big point is that according to Doug, we must use what's in the current comprehensive plan not the other reports provided to for what land is available and the hierarchy of how we choose the land. Which is why the application should be denied.

Chair Musall asked CDD Rux if there was a way to put together a resolution to not deny it outright? Stating that if the property is added into the Urban Reserve Area it does not guarantee anything because it still has to go through the development processes down the line.

CDD Rux commented that the City and the County would need to have some clarity from the Commission on how they believe the findings that have been prepared are incorrect, and some guidance on the findings that support what the Commission desires to do.

Chair Musall asked CCD Rux if he agreed with the assessment that we'd have to revisit our land supply in a couple years? CCD Rux commented that according to the State the City needs to have a 20-year supply of land. Recent work that was done shows that we have deficiencies and that is why the City is working on the UGB. It comes down to the question do we go with the UGB approach or the URA approach. CDD Rux pointed out that this URA process is only looking at land supply, not use. The UGB process will be the one that will designate if the land would be for residential, commercial and so on. Chair Musall asked if the property was just in the URA if the next step would be to add it to the UGB. CCD Rux explained that when expanding the UGB that the first lands reviewed are the ones in the URA then the Exception lands based on the need and type.

Chair Musall asked for other comments from the Commissioners.

Member Summers commented that he agreed with some of Member Starrett comments about the area but from what he understands this hearing is not addressing the property use, possible traffic or water issues, that is something that will be addressed later through another process. Because of this he does not see a reason not to approve it at this point.

Member Johnston addressed Chair Musall that if he is looking for a happy medium that approving the application would be that happy medium since it is only adding it to the URA not designating any use. According to Mr. Clements testimony this area had been looked at for quite some time. Due to this he is leaning towards approving it also.

Chair Musall commented that Mr. Clements also mentioned in his testimony the recreational benefits. Plus, the addition of multiple types of balanced housing opportunities.

Member Johnston mentioned that from what he understood from CDD Rux the Planning Commission could also choose not to add this property into the UGB expansion. CDD Rux informed the Commission that NUAMC is the one that designates the UGB expansion not the Planning Commission. So, when this comes back around, they would be deciding on if it would be included in the UGB.

Member Kunkel asked for clarification of CCD Rux comment that the Engineering Department has not had an opportunity to assess the newest information from DOWL. CCD Rux confirmed that they received the information late that morning which he forwarded it on to YCDD Friday and City Engineering, but staff did not have sufficient time to review the new information. Member Kunkle clarified with CDD Rux that there is enough land in the URA for projected growth through 2041. CDD Rux confirmed that was correct.



Member Kunkel asked that since staff was not able to review the newest information provided by the applicant if it would be possible for that to happen before a decision is made.

CDD Rux informed the Commission that they could continue the hearing to January 24th. They could ask the applicant what they felt about a continuance.

Chair Musall asked if there would need to be another meeting if they moved to approve the application. CDD Rux said that there would need to another meeting to bring the new findings back to the Commission for approval.

Chair Musall asked the applicant if they were OK to continue the hearing to January 24th. The Applicant confirmed that they were OK to extend the hearing to give staff additional time to review the new information that was submitted.

Member Kunkel asked about Mr. Clements comments about having parks on farmland, YCDD Friday informed Commission that it could happen through a conditional use permit with the County.

Chair Musall asked CDD Rux if they could move to continue the hearing with the request that staff provide a resolution for approval and denial to the next meeting. CDD Rux said that could be possible.

Chair Musall asked for a Motion.

MOTION: Member Kit Johnston made a Motion to have an approval and denial written up for the January 24th meeting and Member Ken Summers seconded, motion carried: 5 Yes No Abstained 2 Absent.

MOTION: Member Kit Johnston made a Motion continue the hearing to January 24th, at 7pm at the Public Safety Building and Member Mary Kunkle seconded, motion carried: 5 Yes No Abstained 2 Absent.

VII. ITEMS FROM STAFF

Next Meeting–January 24, 2023

VIII. ITEMS FROM COMMISSIONERS – None

Marry Starrett made note that Kit Johnston is now a sitting County Commission member and there can not be two. Kit will most likely carry on the Commission and she would not.

YCDD Friday mentioned that a Planning Commissioner would be assigned. CDD Rux informed the Commission that he will be working with YCDD Friday on the member assignment.

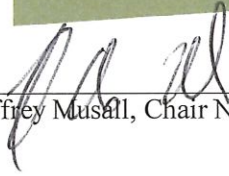
IX. ADJOURN

Chair Jeff Musall adjourned the November 22, 2022, NUAMC meeting at 9:24 pm

APPROVED BY THE CITY OF NEWBERG/YAMHILL COUNTY, NEWBERG URBAN AREA MANAGEMENT COMMISSION (NUAMC) this 24th Day of January, 2023



CITY OF NEWBERG / YAMHILL COUNTY
NEWBERG URBAN AREA MANAGEMENT COMMISSION MEETING


Jeffrey Musall, Chair NUAMC


Fe Bates, Recording Secretary