



MEETING MINUTES

**CITY OF NEWBERG / YAMHILL COUNTY
NEWBERG URBAN AREA MANAGEMENT COMMISSION
NEWBERG LIBRARY ANNEX, 211 N. HOWARD ST., NEWBERG, OR
WEDNESDAY DECEMBER 6, 2006 7:00 PM**

I. ROLL CALL

Chair Ashby	Sally Dallas	Leslie Lewis
Michael Sherwood	Phil Smith	Robert Soppe

Absent: Alan Halstead

Staff Present:

Barton Brierley, City of Newberg Planning and Building Director
Steve Olson, Assistant Planner
Elaine Taylor, Associate Planner
David King, Recording Secretary

II. OPEN MEETING

Meeting was called to order by Chair Ashby at 7:02 pm.

III. CONSENT CALENDAR (items are considered routine and are not discussed unless requested by the commissioners) There were no items on the consent calendar.

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person) Fifteen citizens were present at the beginning of the meeting, and they were offered an opportunity to speak on other issues not on the agenda.

No one spoke up to mention a new subject.

V. QUASI-JUDICIAL PUBLIC HEARING **A continuation from 11/30/06 meeting**

- | | |
|---------------|---|
| 1. APPLICANT: | NewB Properties, LLC - Tim Speakman, General Partner |
| REQUEST: | Urban Growth Boundary Amendment for 30 acres, and Comprehensive Plan Change to COM, LDR, MDR, and HDR |
| LOCATION: | 4505, 4813, 4821, and 4825 Portland Road |
| TAX LOT: | 3216-1100, -1000, -900 |
| FILE NO: | UGB-06-002 |

RESOLUTION: 2006-18

Commissioner Haug asked for five minutes to be taken so that citizen letters could be read by the commissioners prior to the continuation of public comment. **Commissioner Lewis** also shared that she had received an email but was unable to read it before leaving for this meeting. The party was encouraged to speak to the content of the email later in the meeting.

Continued Public Comment:

Keith Winfield, 4204 Birdhaven Loop, Newberg, OR 97132, representing the Oxberg Estate water district, asked to keep the record open for another seven days to have time to respond to new information from the applicant.

Mr. Brierley explained that prior to the close of the initial meeting anyone can ask for the record to stay open. The question is whether this meeting is still part of the first meeting, with an allowed continuance.

Commissioner Haug offered his view that a public hearing is considered often as the public input, both spoken and written. Hence, this meeting is still fulfilling the public comment of the initial meeting.

Chair Ashby suggested that people who spoke at the previous meeting could speak tonight if addressing new material.

Commissioner Haug disagreed.

Commissioner Soppe wanted people to speak tonight and see if there were new comments.

Pat Trudell had submitted a blue card and had not spoken at the last meeting, but she passed on the opportunity to speak.

One opponent's letter was read by Mr. Brierley (see attached letter by Daniel Shepherd, 30230 Benjamin Rd.)

Commissioner Soppe asked staff about the traffic study, specifically how much traffic will be on the frontage road. He then referenced a color handout and made a comparison to P167 of the original agenda packet. He questioned the staff about the discrepancy between the two traffic studies. He recognized a 2-1 difference. He didn't understand TPAU models and TPAU volume.

Mr. Brierley reported that one traffic study was done with certain assumptions, and that the Lancaster report assumes that the frontage road connects with Corral Creek Rd, whereas the JRH study assumes that the frontage road connects with Benjamin Rd. Mr. Brierley said he would investigate the issue.

Rebuttal:

John Bridges, of Brown Tarlow & Bridges, 515 E First St, Newberg immediately addressed the LLC traffic study report. His explanation hinged on certain cars traveling through the area, versus cars that would have a destination within the area. Furthermore, he explained that traffic engineers use computer programs (i.e., TPAU) that need their results closely checked.

Commissioner Soppe was then curious about the Lancaster study assumptions. Bridges then pointed out that the commissioners were reading from a preliminary report and that Bridges had a finalized version.

It was then clarified that ODOT anticipated the traffic patterns for the NewB Properties and Geuldner property in their design.

Summary: **Mr. Bridges** heard in general that Newberg wants to grow by extending the UGB by adding from the URA. Many of the people in the NE part of town did not want such city growth in their area of Newberg.

Such peoples' comments should not keep the NewB property from the UGB. Because (1) there has been planning for the last 16 – 18 years, as noted in some of the comments at the last meeting. There has been growth downtown, but the community has also asked for other commercial nodes throughout the city.

2) This is a well balanced plan that allowed 200+ houses without encouraging urban sprawl. There will also be a variety of homes provided. Bridges then handed out a new copy of Figure 11 which eliminates HDR in favor of more MDR with LDR still used as the buffer with existing homes.

There will be less traffic backed up at Providence Drive when the northern arterial road Crest-view Dr. is built. Bridges then used a color poster of ODOT's plan.

Commissioner Lewis asked if the construction of the traffic changes would take place prior to the bypass being put in.

Mr. Bridges said that there will probably be a short term solution that would be modified as the bypass improvements are built.

Mr. Bridges wants the commissioners to set the Comprehensive Plan designations, with zoning to be set at the annexation stage. He would like the commissioners to work with the setbacks already established by the city. The client wants to avoid residential units next to Hwy. 99W, so they do not want to extend the LDR all the way down Benjamin Road.

The client agrees to have a 30' set back from the north property line for homes to be consistent with the Gueldners.

Lastly, there is a willingness to deal with the water runoff, and let the water be captured in bio swales.

Mr. Bridges then clarified his view that the last meeting was the initial meeting. Bridges is even willing to withdraw the memo from the engineer. The person who wants to keep the meeting open can address the issue in two more meetings (Planning Commission and City Council meetings re the annexation) for this whole process. The applicant is under a tight deadline that requires the City Council decision by March 20, 2007

End of Side A, Tape 1

Mr. Bridges reminded the commissioners that paid staff had recommended that the UGB amendment be approved, although with some modifications to the designations.

Mr. Bridges then read a note from the Oxberg Estates representative, Trudell, that if the engineer's aquifer memo was withdrawn then the request to keep the public record open would be rescinded. Bridges was willing to withdraw the memo.

Questions for Staff:

Commissioner Lewis asked if the Austin plan acreage is already included in the UGB and even in the city.

Mr. Brierley said yes, and the city still is running a deficit of buildable land.

Commissioner Sherwood asked Mr. Brierley if the HDR is taken off does the staff still recommend the UGB amendment. Is there a plan for HDR around town?

Commissioner Soppe wanted clarity on the 130 acre shortage of LDR. The revised zoning would not help the shortage of HDR land. Is Newberg under a state compulsion to add more to keep a 20 year supply. Most land that can be added has its challenges bringing it into the UGB. Is there any other area where a lot of HDR will be added? Have all the Ad Hoc Committee recommendations been adopted?

Mr. Brierley said that there are some possibilities for HDR to the west along Chehalem Dr.

Commissioner Haug wondered if HDR could be brought down to the corner of Hwy. 99 and Benjamin. He then asked how buffering could be done on Benjamin Rd, in light of noise, view, and light.

Mr. Brierley said that distance (through right of way and setbacks) works well, with a landscape buffer. He said that much depends on the building of the bypass and the development of the property. Assuming that the bypass is built soon, then the frontage road goes through the property. If the property is built first, then the road goes through the property to Benjamin Road. Neither HDR nor LDR would work well on the corner of 99W.

The Transportation System Plan (TSP) was adopted by the city in 2005, with a plan to make the new Crestview Dr. a major arterial.

The city did adopt certain recommendations by the Ad Hoc Committee on Newberg's Future, and some are still in the works.

Commissioner Haug asked what Mr. Brierley thought of fast track annexations and amendments.

Mr. Brierley said that there were pressures to make changes because Newberg is behind in its planning and adding land into the UGB.

Commissioner Haug was under the belief that changes in the URA and UGB would not happen until periodic review (ie ad hoc committee) took place. It seems to him that the URA is being treated like the UGB. How will the development of the Austin property impact the improved Crestview Dr.?

Mr. Brierley said that the transportation studies do take into account the developed Austin property.

Chair Ashby asked for clarity on the HDR and MDR definitions.

Commissioner Soppe had short term and long term concerns. Crestview Dr has to extend down to Hwy 99W before the property is developed. When in the larger process are the specific transportation issues to be addressed?

Mr. Brierley said that this would best happen at design review. At that point in the process notices would be sent to residents within 500 feet of the property, which covered most of Oxberg Lakes.

Commissioner Lewis asked if Mr. Bridges was open to the 170' depth for LDR and 30 foot set backs. Mr. Bridges said some of the 170' would be taken up with half of the road right of way. Lewis wants to know exact figures of LDR, MDR acreage for the comprehensive plan.

Mr. Bridges promised to talk to the Gueldner property people about the location of the east-west connector road and coordinate with them.

Commissioner Soppe asked staff if it is safe to assume that the road will be mutually worked out.

Mr. Bridges said that the city code requires the Gueldner property to bring services and conductivity to the NewB property. There are mechanisms in place to work then out.

Mr. Olson summarized the staff recommendation for approval with LDR, HDR and COM designations and conditions regarding the Crestview redesignation, street improvements/mitigation, wetlands determination, a stream corridor overlay on the NE corner, and sanitary sewer pump up-sizing.

Staff explained that there is a lot of flexibility for the building that takes place in HDR. The applicant can vary the density and provide low density near the LDR and higher density near the COM. The only real restriction is they could not build single family homes on individual lots in HDR. Two story townhouses could provide a very effective noise buffer from the commercial lots and Hwy. 99W.

Buffering on the east side from the commercial area will be necessary, and will be provided by setbacks and landscaping. Staff wants the entrance to Newberg not to have residential lots right on Hwy. 99W.

End of side B, Tape 1

Mr. Brierley suggests language of: Development shall follow best management practices for storm drainage as outlined in the letter from James Bennett to the County Commissioners. A wetland determination and delineation report, following state and federal standards, will be prepared prior to development on the site. Development shall have a 30 foot setback along the north property line. Development shall have a 20 foot wide landscaped and treed berm along Benjamin Road.

Public testimony closed.

Deliberation:

MOTION #1: Haug/Soppe motioned to adopt the amended resolution with Barton Brierley's additional language?

MOTION #2: Haug/Lewis moved to amend the resolution to include the stream corridor at top of bank or 50' from wetland, whichever is greater. (6 yes, 0 no)

Commissioner Haug wanted this point of the amendment to provide as much protection built in as possible.

Commissioner Soppe wanted to make sure that city had the stream corridor location resolved.

Commissioner Haug wanted to make another amendment that includes the word "dense" for the buffer on Benjamin Rd.

Chair Ashby asked for greater detail.

MOTION #3: Haug/Lewis moved to amend the resolution to add a landscape density that obscures light, sound, and visibility, and strongly consider the inclusion of a stone wall with vegetation.

Commissioner Soppe wanted less design included now, and specify results that are needed. It is even hoped that the applicant would think of some solutions before the next step in the process.

Commissioner Soppe spoke up again that excessively detailed language now should be avoided.

Commissioner Haug differed on the current light ordinance being sufficient.

Brierley suggested that a 20 foot wide dense buffer shall be located along Benjamin Rd. that will provide an adequate visual, light and noise screening. The buffer may include landscaping, berms or wall.

Haug/Lewis agreed to retract their amendment (Motion #3)

MOTION #3: Lewis/Soppe motioned to amend the resolution to include a 20 foot wide dense buffer along Benjamin Road to block light, noise and sight. Could be vegetative, wall or berm (6 yes, 0 no)

MOTION #4: Lewis/Soppe motioned to amend the resolution to change condition 2 to include COM, MDR and LDR as shown in document presented by the applicant on 12/6/06 (6 yes, 0 no)

Commissioner Soppe would like to hear in the future if records can be kept open and if a continuation is part of the initial meeting. He also wants to make sure that the two applicants will work out the road issues. He also wants to know about traffic on a local level for each application.

Chair Ashby asked if traffic calming needs to be adopted for this property.

Commissioner Soppe said that the battle should be dealt with at the city council.

Commissioner Lewis spoke to the people present and wanted them to know that the planning for this property was long established. The commercial land is extremely needed right now, and the planning is coming to fruition. There needs to be a variety of commercial land, not just downtown.

MOTION #5: By unanimous consent the commissioners voted to strike the Larry Anderson memo, and hence, the request for the record to stay open has been withdrawn. (6 yes, 0 no)

VOTE ON MOTION #1: Recommending approval of the UGB Amendment, with conditions as amended (6 yes, 0 no)

Brierley stated that the City Council is tentatively scheduled to hear this on Jan 2, 2007 with notices to follow.

End of Side A, tape 2

IV. ITEMS FROM STAFF:

Elaine Taylor presented a workshop on amendments. The next step is to create a new URA. Some of that land will be added to UGB. There is a combined total of 1,769 buildable acres needed for UGB land. She then discussed the Ad Hoc Committee's recommendations on what land to bring into the UGB by using a colored map.

Commissioner Soppe asked if the white rectangle area on the map was the Oxberg Estates. **Ms. Taylor** said it is.

Commissioner Haug wondered if there was a mechanism that manages rate of growth inside the UGB.

Mr. Brierley said that there is the annexation process, which requires voter approval.

Chair Ashby also added that there is some mechanism due to the market, and whether or not developers can afford the land to develop.

Commissioner Haug asked where HDR was being considered.

Mr. Brierley pointed to NW land that is level, and accessible to services. Other HDR will be located in the SE by the new high school.

Commissioner Soppe wondered how much value a land benefits when it goes from outside URA to inside the city limits.

Mr. Brierley believed that it was very extensive.

Ms. Taylor then discussed the buildable acres.

Chair Ashby asked if Oxberg Estates could be brought into the URA without being brought into the UGB.

Commissioner Lewis asked about the Corral Creek Rd being a dividing line.

Ms. Taylor asked how should the 529 acre short fall be addressed? Change the time period, or identify additional land for the URA, or further revise land use policies? The commission discussed these options and the advantage of shortening the time frame.

End of Side B, Tape 2

Ms. Taylor discussed the timeline, with a March 14, 2007 target date for NUAMC approving the URA amendment .

Staff wants to know if this presentation is acceptable to go to hearing. There will be one more workshop.

V. ITEMS FROM COMMISSIONERS

Chair Ashby announced the end of his term and appreciation for staff and fellow commissioners.

VIII. ADJOURN

Chair Ashby adjourned the meeting at 11:15 pm.

Passed by the Newberg Urban Area Management Commission this 31 day of JAN, 2007.

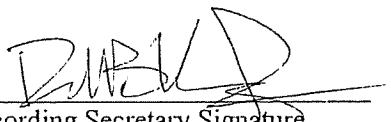
AYES: 7

NO: 0

ABSTAIN: 0
(list names)

ABSENT: 0

ATTEST:


Recording Secretary Signature

DAVID B. KING, JR 31 JAN 07
Print Name Date