

MINUTES OF THE
NEWBERG URBAN AREA MANAGEMENT COMMISSION

Newberg Public Library
Tuesday 7:00 PM

Newberg, Oregon
June 15, 1993

Subject to NUAMC Approval

I. OPEN NUAMC MEETING

Chair Kriz opened the meeting.

NUAMC Members Present:

Dennis Goecks
Jack Kriz
Leslie Lewis
Martin McIntosh
Don Halbrook

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Tabrina McPherson, Recording Secretary
Bert Teitzel, Director of Public Works
Rob Hallyburton, County Planner

Citizens Present: approximately 25

II. NUAMC APPROVAL OF MINUTES

Mr. Goecks made a recommendation to make a change to the minutes. On page 5 in the next to the last paragraph; it states, "...He then reviewed the financing for the proposals and he felt that the process was workable; however, the county doesn't have that kind of money currently available. He did not feel that the kind of money needed could not be raised or collected through system development charges in an adequate amount." Mr. Goecks recommended that the statement be changed to read..."He then reviewed the financing for the proposals and he felt that, from a City perspective, the process was workable; however, the county doesn't have that kind of money currently available. He did not feel that the money could be raised using this type of collection system, for the county's portion."

Motion: Halbrook-McIntosh to accept the minutes, as corrected, of the May 24, 1993 NUAMC/Planning Commission meeting. Motion carried unanimously.

III. PUBLIC HEARING:

Applicant: F. & C. Anzalone, R. & K. Manning, P. Bakke, A. & V.
Sessions
Request: Urban Growth Boundary Amendment for 35 acres on the northwest side of Newberg with related plan text amendments addressing land supply. In addition, the applicant has requested a policy amendment to allow use of on-site sewage disposal for residential use in the City.
Location: 3201 Crater Lane, 2408 Chehalem Drive, 2310 Chehalem Drive
Tax Lot: 3207-3700, -3701, -3702, -3703; 3218AB-900
File No: UGB-1-93
Comp Plan: VLDR to LDR, MDR and PQ

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NUAMC Chair Kriz opened the hearing. He then requested staff to read ORS 197 relating to public hearings.

Chair Kriz then asked for abstentions, ex-parte contact or objections to jurisdiction. No ex-parte contact or abstentions were noted. No objections to jurisdiction were noted.

Staff Report: Dennis Egner explained the request for the UGB amendment of 33.6 acres. Staff proposed that 30.6 acres be added to this request. The tax lots that the City is proposing to add are 3207-1000, -3400, -3500, -3600. Mr. Egner then showed a map of the area. He explained the criteria that needs to be addressed in order to approve an Urban Growth Boundary amendment.

Mr. Egner explained that this proposal includes an amendment to some policies to allow on-site septic disposal inside the City. That would require an amendment to the City's Comprehensive Plan text. The City Comprehensive Plan does not outline a process for this, so we need to address State Wide Planning Goals and City Comprehensive Plan policies and make sure there is some consistency. Mr. Egner further explained that the staff report in front of the commission includes applicable goals and policies from the City's Comprehensive Plan that include the draft findings that would need to be adopted to address these criteria.

Mr. Egner explained this application was originally submitted by four property owners in the area and their primary objective is to get water service. This area has very poor wells and the City water would allow some level of development. Mr. Egner told the commission that he had talked with Charlotte Anzalone and a couple of others about what would be required. They basically worked through all the details on their own, with some revision from the City staff in relation to another parcel being included in this application. With the Park District actively looking at a site in this area for a park facility, it makes sense to include that piece as part of this application. The Park District's proposal for this area includes a senior center which is really an urban facility and should not be allowed out in the county.

Mr. Egner then explained how this area would be served. He explained that, with Prospect Park II being built, the water line would be extended out to Chehalem Drive. Sewer service is more complicated; the properties in the area of the new school site could be serviced by a pump station that would pump over to the line on Main Street.

Mr. Egner discussed the facts related to this application. He explained that it was originally submitted by four property owners with the intent to have water supplied to this area. He explained that this is one of the sites being considered for an urban reserve area in the City's Urban Reserve Study. Mr. Egner mentioned that there will be an open house related to the Urban Reserve Area Study on June 24th at the school district office. There will be a newsletter mailed out either tomorrow or Thursday by first class postage so everyone should get notice of it.

Mr. Egner then explained a proposed new policy that would allow septic systems as an interim type of development that wouldn't inhibit future urbanization in this area. He read the criteria that would need to be followed to create this policy. He explained that this seemed to be a good way for the City to get control over the pattern of development. As it is now, any one of these lots can be developed with no input from the City.

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Mr. Egner explained how staff calculated the need for LDR/MDR land. He then explained that this is the most logical area to expand the UGB for two major reasons; utilities are easily available in this area, and the school district is going to build a new school in this area.

Questions to staff: Dennis Goecks introduced Ron Hallyburton, Senior Planner for Yamhill County. Mr. Goecks asked if Rob could come up and add to anything said during the meeting. Mr. Goecks asked the question - why not expand over to North Valley Rd. then east until we tie into the existing UGB? Mr. Egner explained that staff only looked at the immediate needs issue and limited the amount of land incorporated into the UGB.

Mr. Goecks mentioned he understood that storm drainage off the north half of the property, from the school site down, would run into the creek, however he asked for clarification as to where the southern half go? Mr. Egner answered it would have to be connected into the same storm drainage system that serves the Crater Lane area. Mr. Goecks questioned whether there was an existing system there. Mr. Egner told him there is a ditch that runs down in that direction and storm drainage runs into Chehalem Creek. Mr. Goecks asked what the size of the water line on Main Street is. Bert Teitzel explained that the City anticipates extending an 8 inch line in that area, coming over with Prospect Park II.

Don Halbrook received clarification on the storm drainage.

Leslie Lewis asked where the school will get its water. Mr. Egner explained that they will get water from the system in Foothills Drive but with a school, a loop system should be provided. We should have more than one line and no dead end lines, mainly for fire services.

Chair Kriz asked if, in the calculations of available land, staff took out the two school sites we have learned about on Crestview. Sara King answered she had not looked at those sites. Because the deficit of land doesn't include those properties, it could be concluded that the deficit is worse than we show.

Leslie Lewis confirmed her understanding of where Prospect Park II was located and the different lots that were proposed to be built on. There was then, general discussion of where the service lines would be installed.

Proponent:

None that wished to speak.

Opponent:

Will Roth, 3113 N. Chehalem Drive. Mr. Roth had some concerns to address to the Planner. He explained that the storm drainage system is inadequate and causes flooding often. This present condition is very bad now and with new development, this is going to be a much bigger problem. Mr. Roth also had some concerns regarding the on site disposal policy. He felt this could have potential to contaminate his well water and the other wells in the area. He also expressed some concern with the increase of traffic on Chehalem Drive. He questioned if the developers will pay for improvements or will the original owners be charged for a portion of that. He

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informed the commission that he was also concerned for his farm land. Mr. Roth made it clear that he would be speaking at an appeal hearing if it were to go that far.

Chair Kriz asked what the zone of Mr. Roth's property is. Rob Hallyburton indicated it is either AF20 or AF40 exclusive farming. Will Roth showed where his property is located on the map. It was noted that run off from the school is a major concern.

Ms. Lewis asked Mr. Roth what he is farming. He explained that he has wheat, oats, filberts, and small nursery.

Sid Friedman, 31909 NE Corral Creek Road. Mr. Friedman thanked the commission for the opportunity to testify and requested that his remarks be included into the record in their entirety. "I have serious concerns regarding this UGB expansion and I believe it should be denied. Specifically, I believe approval would violate Newberg's Urban Area Growth Management agreement, Newberg's Comprehensive Plan, Goals and Policies, applicable Yamhill County Goals and Policies and State Land Use Goal 14. One of the most important functions of a UGB is to contain growth within its boundaries in order to prevent urban sprawl. This is accomplished by denying UGB expansions while an adequate supply of land exists within the UGB. A recent Newberg Planning Staff Report states, in part, 'the current UGB can accommodate a percent of potential population of approximately 31,550 persons using buildable land and comp plan designations. There exists capacity to accommodate 17,873 additional persons with the current UGB.' The NUAMC agreement specifically states 'the City and County shall encourage urbanization with the boundary to occur in an orderly and efficient manner resulting in a compact balance urban center.' Expanding UGB lines while ample vacant land lies within, surely violates this policy. Newberg Comp Plan and State Land Use Goal 14 require 'an orderly and efficient transition from rural to urban uses.' This UGB expansion would clearly undermine that goal. The Comp Plan also states that 'the conversion of land from rural to urban uses will be based on specific plans for expansions for urban services. Such a plan is cruelly inadequate in regard to sewage disposal. I'd like to draw your attention to specific criteria that were listed (on page 2 of my copy). It is the criteria that refers to needs. They are basically, I think, A2 and C2. The original needs analysis that was done, as of last week, relies heavily on the alleged unavailability of the Austin and Werth properties. LUBA has clearly established, in many rulings, that just because a parcel is not for sell, or not for sell at an attractive price, does not mean that it is unavailable and that it should not be included in the available land analysis. They have also ruled that any needs analysis must consider all appropriately zoned land regardless of current market conditions and its for sale or not for sale status. This is, incidently, supported by the letter and comments that DLCD submitted in your packet. This new analysis, I think, was prepared this afternoon, and hadn't been started last week so it was apparently prepared rather hastily, but I haven't had a chance to punch the numbers. My first impression is that it doesn't begin to make up an 18,000 population vacancy within the UGB within this analysis. My question is and it may be inaccurate, did staff realize the legal inadequacy of the needs analysis that they had done and then decide to prepare a new analysis today in order to beef up what they had. And if so, what that says to me is that this analysis was not done in order to see if this UGB amendment is justified, this analysis was done in order to justify the UGB amendment. I think that is the wrong way to go about this. At any rate, a deficit of medium density residential and high density residential land does not justify bringing in light density residential. If in fact, Newberg can adequately demonstrate the deficit of MDR and HDR land exists, they should be

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bringing in MDR and HDR land. Mr. Roth referred to the assumptions made that land will build out at lower densities than permissible, I suggest that it is in this City's interest to see that higher densities are received. If we make the assumption that lands will build out at a lower density and in fact provide a land pool to create enough land to build out at lower density, we will in fact be assuring that does happen and insuring that higher densities are not realized. Comprehensive Plan C III in the packet we have, states "the need will be best served by changing the classification of the particular piece of property requested as compared with other available property." In this case the required alternative site analysis is not only inadequate but is completely non-existent. The written staff report does make some statements regarding this criteria, however, everyone of them is specific to this site. There is absolutely no comparison to other sites which is required, there is no comparison to the Austin per example or proposals that have come along on the Werth property. What we have heard tonight are some vague statements about certain areas. That in no way substitutes for the legally required site analysis. What this says to me is that this UGB amendment is clearly applicant driven, and I think staff has said as much in talking about pressure and what not. The City did not decide it did not have an adequate supply of residential land and then go out to look for the best site to expand into and I suggest to you that if there is a lack of MDR land or HDR land that is what the City should do; they should go out and analyze where the best sites for MDR and HDR land are. An example of this sort of rational process is the Urban Reserve Process and, as was eluted to, this site is in a proposed Urban Reserve Area. The Urban Reserve Process is moving forward and it comes to address these questions and the logical sequencing in a rational manner. It's trying to get around the idea that, well if someone comes in with an application on the south side, we'll do it there, if someone comes in with an application on the north side, we'll do it there and I think this in itself will undermine that process. There are a few other criteria and things in the staff report that I want to refer to. Specifically, I'd like to refer first to the proposal to change City policy to allow a new single family home on septic systems within the City. I suggest to you that creating this new policy will be a mistake. There are good reasons why the City has this policy of not allowing new septic systems in the UGB. We have seen in other jurisdictions, what happens when you have a residential development on septic and then there are attempts to retrofit them into sewers on down the road and it could be a mess. Comprehensive Plan Policy does state that the on-site sewage disposal can be allowed when there are "unique circumstances". I don't believe you can find that unique circumstances exist in this case. A few other criteria I would just like to refer to briefly are Criteria 1: Demonstrated Need; I have referred to that. Criteria 4: Staff reports, quite clearly that development within the UGB provides for maximum efficiency of land use and then goes on to suggest rather generously, well we'll just bring this area into the UGB and then we will be providing for maximum efficiency of land use. Under Criteria 5 there is the statement that "inclusion in the UGB benefits the local economy by adding to the inventory of available buildable land within the City". There is no analysis to back that up, it seems like quite an assumption that seems rather disputable to me. I would contend that goals or unadvised expansion of the UGB do not benefit the local economy and in fact harm them by creating competition for urban lots in the core which are already served by urban services, by encouraging urban sprawl and by negating the establishment of compact, balanced urban center. As far as the State Wide Goals; Goal 10, the housing goal, the staff report says that the land supply is constrained by the fact that over 400 acres are not available for development and are being held by two separate property owners. That does not hold up, that land is still in the land supply, just because

someone has not offered them enough money to do something about it does not mean it is not in the land supply and that gets back to the needs question. To just say that 400 acres are not available because they are not for sell, just doesn't hold up. So in conclusion, I'd like to thank you, once again, for the opportunity to testify. I don't believe there is anything else I wanted to get in. I believe that the UGB amendment, in this case, would be contrary to State and local land use laws and I strongly urge you to deny it. Thank you."

Frank Anzalone, Applicant. Asked Mr. Friedman where he lives in relation to this location. Mr. Friedman informed him that his property was not located on the map.

Chair Kriz asked if there were any more opponents.

Public Agencies: Mr. Egner indicated he had neglected to note the letter from DLCD about the needs analysis in his staff report but said that it was included in the packet.. This letter basically states, if we have enough land within the UGB to meet their need, then we should consider replacing land that is not being developed. The other issued raised was in regards to the Urban Services Issue. Mr. Egner explained that when this letter was submitted, it wasn't clear how this area would be serviced by sewer. Since that time they have been provided with the information.

Proponent rebuttal.

David Daily, 29696 Putnam Road supports staff's assumption that density is developing at a lower than planned density. This is a reasonable use of land.

Sid Friedman felt the City does not have a shortage of SF homes however, it does have a drastic shortage of reasonably priced rental property. He also felt that bringing in more LDR land is going to cause a process that will in fact discourage creation of reasonably priced rentals.

Mr. Goecks asked if staff had taken into account acreage lost in the UGB for the bypass. Mr. Egner informed him that they had not done so for the simple reason that the property affected by the bypass will be mostly industrial land. Mr. Goecks asked about the property down by the river. Mr. Egner explained that most of that property is already built. He indicated there may be a couple of areas of MDR land affected but no LDR land at all.

Staff Recommendation: Mr. Egner indicated that it was staff's recommendation to have NUAMC recommend to City Council and the Board of Commissioners that this UGB amendment be approved based on the findings that are listed in the staff report. Mr. Egner explained that he understood there have been some issues raised that could be addressed through further research. He said the Needs Analysis was done yesterday and today but it does address the types of issues that we have been dealing with for years, in relation to this. He further explained, the assumption that staff based the Needs Analysis on, were assumptions that were included in the Transportation Plan. These things are all interrelated, it was not a hastily prepared document.

Hearing Closed.

NUAMC Discussion:

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Ms. Lewis asked what kind of restrictions this land is currently under. Mr. Egner explained the only restrictions on this land is that they can not re-zone any of the parcels. Parcels that are less than 10 acres can subdivide as rural residential property, but they can't rezone. The current zoning of these lots does permit building, however, the septic/sewer issue need to be resolved.

Chair Kriz asked about the wells in the area. Mr. Egner indicated the wells have very low production ability.

Martin McIntosh questioned staff if there were other areas that they might consider for zone changes. Mr. Egner indicated he thought there was some property on Springbrook and near the creek behind Fred Meyer's building, that he would consider for high density land. He has noted that property on North College may be redesignated for medium density property as part of the Specific Development Plan.

Ms. Lewis indicated she was bothered by the fact that the applicant brought this to staff and not staff going out and finding this land. She felt that was not the process we should use when expanding the UGB. Another point was the fact that the Needs Analysis showed the needs for the next 20 years and showed the City as having 75% of needed land. She felt it would become more clear in the future as to where we needed more land; where we needed to expand the UGB. Mr. Egner stated that there are only two options for expanding the UGB in the short term. This is one and the other one is on Dayton Avenue. Mr. Egner indicated he had limited staff and felt having the applicant do some research for these types of applications would save the City some time.

Ms. Lewis indicated she would liked to have seen additional "proof" that showed there were no other available areas to expand the UGB.

Don Halbrook stated there is a shortage of medium and high density land on the market. Mr. Halbrook indicated he did not feel that any on site disposal system should be allowed within the City Limits.

Chair Kriz asked how many current dwellings are in this area. Mr. Egner explained only 3 or 4 have homes currently and four are interested in building. Chair Kriz asked how staff would address the concern about storm run-off. Mr. Egner indicated the City will be updating our storm sewer master plan to address these problems. He indicated that until this update is complete, we will need to look at these storm run-off issues property by property.

Chair Kriz asked if there weren't certain policies and standards to address on-site disposal. Mr. Egner informed the commission there are no specific policies, we are dealing with each site on a case by case basis. Chair Kriz asked the county designation of Chehalem Dr. Mr. Egner indicated it is a County arterial.

Ms. Lewis indicated she did not feel we should allow this with on-site disposal.

Mr. Halbrook did not feel City Policy should be changed just for this area. Mr. Egner indicated the City could write a new policy to only apply to this area.

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Motion: McIntosh- to recommend approval of this application with the deletion of the language regarding new policy. No second, motion denied.

Mr. Halbrook felt the services were the major issues. He felt if the commission approved this amendment the property owners would not be allowed to build on until services were available and as it is now they can build on the lots whenever they want. Mr. Halbrook felt that was the reason why he could not second the motion by Mr. McIntosh.

Motion: Halbrook-Lewis to recommend that the Commissioners and City do not accept this as an addition to the UGB. Motion carried unanimously.

Mr. McIntosh raised some questions regarding the new schools and when they would be built. His intentions were to table this amendment until the schools were built, however, the Commission felt it would be too long before the schools were even started.

IV. PUBLIC HEARING, CON'T.: NEWBERG TRANSPORTATION PLAN

APPLICANT: City of Newberg

REQUEST: Adopt the transportation systems plan as an element of the Comprehensive Plan and enact related zoning and subdivision ordinance amendments.

FILE NO: Newberg Planning File G-8-93

CRITERIA: Sections 600-606 and Section 800 of the Newberg Zoning Ordinance (Ord. 1968); Statewide Planning Goal 12 and its related administrative rules; Section 78 of the Newberg Subdivision Ordinance (Ord. 91-2294).

Staff Report: Mr. Egner reviewed the May 24 NUAMC and Planning Commission hearing. He noted that there was some apparent confusion relating to the adjournment and staff direction. He noted staff's proposed discussion outline if the Commission chooses to proceed with the issue. He indicated that the Planning Commission was now in the deliberation stage of the hearing process. He noted that the Planning Commission would be making a recommendation to Council regarding comprehensive plan amendments, transportation ordinance text and support findings. He noted that the staff report includes criteria that need to be addressed and findings which support the changes proposed by staff. He indicated that staff recommends that the Commission recommend approval of the Plan and there would then be a hearing by the City Council. NUAMC's recommendation will be referred to both the City Council and County Commissioners. If approved by the City Council, the request will be forwarded to the County for adoption at the County level. He indicated that a new notice would be forwarded to DLCD relating to the Council hearing of the Transportation Plan.

Commissioner Discussion:

Mr. Goecks presented a motion for discussion on the Transportation Plan. Mr. Goecks read the findings, conclusions and proposed motion.

Motion: Goecks-Lewis to accept these findings, conclusions and the motion.

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Mr. McIntosh handed out a memo to Dennis Egner from Lynn Steiger, County Planning Director regarding the extension of Crestview Drive. He stated he thought it should be entered into the permanent record.

Mr. Egner suggested the record be opened to accept this memorandum. He said the process is a legislative action which provide flexibility in what can be considered.

Motion: Halbrook-McIntosh to table Mr. Goecks motion until we can accept this as part of the record and reopen the motion. Passed by those present.

Motion: Halbrook-McIntosh to accept this letter as evidence. Passed by those present.

Motion: Halbrook-McIntosh to open up the discussion on the motion from Goecks to accept the findings, conclusions, and motion as stated in his memo, and close the record.

Mr. McIntosh asked for clarification of the proposed school sites. Bert Teitzel showed him where they are. Mr. McIntosh explained how Crestview Dr. could extend just west of the approved alignment. This new alignment would enable the City to offer a larger parcel to the school district without a roadway dividing the property and it would also have less impact on the residents in the Oxberg Lake Estates. He feels this is the most logical alignment for everyone.

Mr. Teitzel talked about the interchange at Highway 99W and the proposed Crestview Drive Extension. If the interchange is at Crestview, the state will probably take away Vittoria and Benjamin access onto the highway.

Ms. Lewis expressed her concern about the roadway system being so close to the schools and her concern about following the busses if there is only one roadway system. Mr. McIntosh mentioned the fact that these areas are mainly for driving into the school, the busses will not be stopping to pick up or drop off any kids.

Mr. Goecks asked if the Commission would address the recommendation as it relates to transportation plan and then deal with, as a separate issue, the short term concerns.

Mr. McIntosh felt we should be presenting two alternatives for the Crestview Drive extension. Mr. Egner mentioned this alignment has been studied extensively. He recommended the commission approve a general alignment and leave it up to the land development process to decide exactly where it will go.

Mr. Goecks reminded the Commission of the motion on the floor. It was his understanding that the Commission had come to a consensus on the motion except for the first paragraph, which is the recommendation to City Council.

Mr. McIntosh indicated, if this motion were to fail, he would move to recommend the adoption of the entire Transportation Plan and include the recommendation from Mr. Goecks to the County Commissioners and the recommendation to both bodies. Ms. Lewis felt the only thing the Commission has discussed is the alignment of Crestview. She felt it was too premature to accept this Plan without further discussion.

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Motion: Goecks-Lewis to approve the memo for all three recommendations. Motion carried. The motion carried with a 3-2 vote, Kriz and McIntosh voted no.

Motion: Halbrook- to recommend preliminary approval on that location subject to the County's Transportation Study. No second, motion died.

Motion: McIntosh- move to recommend to City Council and County Commissioners adopt the Transportation Systems Plan as an element of the Comprehensive Plan and enact related Zoning and Subdivision Ordinance Amendments. No second, motion died.

Discussion focussed on street classification standards. Mr. Teitzel said the plan designates Crestview through Oxberg Lake Estates as a minor arterial. He said he agrees 50 year time horizons need to be looked at, but it won't make a difference in Oxberg.

Mr. Goecks said there is a need to clarify the first recommendation. It should state "UGB" instead of city limits. Mr. Goecks stated that in the motion passed, the part talking about city limits should be stricken and it should say the urban growth boundary. Mr. McIntosh questioned Mr. Egner about what that would address. Mr Egner said it does not address Aspen Way, Columbia, Crestview/Mountainview extension to the west, or Springbrook Road. Each will still need to be adjusted when county does their plan.

Motion: Goecks-Halbrook to change "City Limits" to "UGB" in the first recommendation of the original motion. Motion carried unanimously.

Motion: Lewis-McIntosh to make Crestview from the UGB to Highway 99W designated as a collector with the alignment to be determined as part of the development process. Pending the outcome of the County Plan, the collector status may be upgraded to minor arterial status. Motion carried by a 4-1 vote (Kriz - no) Jack Kriz noted the transportation plan designated this a minor arterial, not a collector.

V. ADJOURNMENT McIntosh-Halbrook to adjourn the NUAMC Meeting until Tuesday July 13, 1993 at 7:00 p.m. at the Library. Motion carried. 11:34 p.m.