



**MEETING MINUTES**  
**SUBJECT TO APPROVAL AT THE 7/27/05 MEETING**

**CITY OF NEWBERG / YAMHILL COUNTY  
NEWBERG URBAN AREA MANAGEMENT COMMISSION  
NEWBERG PUBLIC SAFETY BUILDING - 401 E. THIRD STREET - NEWBERG  
WEDNESDAY, AUGUST 27, 2003  
7:00 PM**

**I. ROLL CALL**

Leslie Lewis  
Alan Halstead  
Sally Dallas

Robert Soppe  
Steve Ashby

Matson Haug  
Sid Friedman

**Absent:** None

**Present:**

Barton Brierley, City of Newberg Planning Division Manager  
Ken Friday, Yamhill County Planning Division  
Peggy Hall, City of Newberg, Recording Secretary

**II. OPEN MEETING**

**Chair Ashby** called the meeting to order.

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

1. Approval of May 7, 2003, NUAMC Meeting Minutes

**Mr. Soppe** addressed changes. Duly noted by Recording Secretary Peggy Hall.

<b>Motion #1:</b>	<b>Halstead/Soppe</b> to approve the May 7, 2003 meeting minutes.
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<b>Vote on Motion #1:</b>	The Motion carried unanimously.
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**IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)**

**Glenn Gregg**, representing the Schaad/Lewis & Clark College transaction, requested continuance of the hearing. Mr. Gregg addressed funding issues. In June, the funds were not granted. They are now informed that the City staff has found sufficient funds and a study of the URA will move ahead. Again, they wish to wait for the outcome of the study. Grant an open-ended continuance until the study is completed and waive the 120 day rule. The alternative is to withdraw the application until the study is completed. They may want to reapply but not have the undue expense of \$4400 additional fees. Their request is to continue. They believe the URA study will be used in helping the study.

**Mr. Halstead** asked about the status.

**Mr. Brierley** said that they believe there is funding available but there is no time frame not likely this year.

**Mr. Soppe** said he remembers the budget being approved for the housing study and not the entire funding program.

**Mr. Brierley** said the project will take a long time to complete and it would be at least a year and possibly longer. Discussion was held concerning the chance of an open-end extension and how the rules will be applied to the existing application even though it will be some time later. Will the rules change later? **Mr. Brierley** said that something such as a URA amendment may or may not have the same rules apply. It is not an application for a permit. He was not sure. **Mr. Brierley** said what is by design could happen and some of the data could change which is the reason for the request for continuance.

**Mr. Chroust-Masin** said they cannot consider any decision because there has not been sufficient notice, it will have to be reviewed at the September 10 meeting.

**Al Benkendorf (Lewis & Clark College and Schaad)** said that their counsel (John Bridges) indicated they can ask for the continuance, they are not asking for any other decision. Anyone wishing to discuss or ask about it, the City Manager James Bennett said that it is his intention to bring forward the funding issue with the City Council. Discussion was held concerning the entire review with an advisory committee that would establish the over-all approach and direction in terms of amendments to the URA or UGB and following that, a broad policy, then more technical work can be done by staff and/or consultants to support the policy direction.

**Mr. Chroust-Masin** said the opponents must have a chance to object to the continuation.

**Ms. Lewis** said that they cannot take the action until the date of the hearing.

**Ms. Grace Schaad** said the first time Lewis & Clark asked for a continuation, there was a time limit (not sure of time, 90 days or 6 months). This is the third time that a continuation has been requested.

**Ms. Lewis** addressed the 120 day rule.

**Mr. Brierley** said it was a different application, they filed a new one that was based on the Commission's action to not extend.

**Mr. Ashby** said that he would like to hear the matter on September 10.

**Ms. Lewis** addressed people to address the application and the parties that are in attendance at the meeting.

**Mr. Soppe** addressed the withdrawn application and a new hearing.

**Mr. Brierley** said there was a different fee (small credit for the original application). Is there any reason that they can negotiate a credit?

Discussion was held concerning voting on the request for continuance.

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

1. **APPLICANT:** MJG Development, Inc.  
**REQUEST:** UGB Amendment for four parcels currently within Newberg's URA  
**FILE NO:** UGB-5-02  
**LOCATION:** 4709 E. Fernwood Road  
**TAX LOT:** 3221-04300, -04301, -04390 and -04400  
**RESOLUTION:** 2003-10  
**OWNER:** Werth/Thiessen  
**ZONE:** Yamhill County EF20 (Exclusive Farm Use - 20 acre minimum)  
**PLAN DESIGNATION:** Yamhill County AFLH (Agriculture/Forestry Large Holding)

**Mr. Soppe** said he has done a minimal amount of work. He has not done work for them for some time

and/or on this project.

**Staff Report:**

**Mr. Brierley** reviewed the staff report. The subject property (Hwy. 99W and Springbrook, Fred Meyer, Brutscher Street to Fernwood Road), the property is along Fernwood Road. It involves the east fork of Springbrook Creek. The property is within the City's Urban Reserve Area (URA). The property is immediately adjacent to the Urban Growth Boundary (UGB). It has farm designation. The property consists of four parcels totaling 28.5 acres and slopes toward the east fork of Springbrook Creek. It contains two residential properties. When the property is brought into the City, the same designation would be the same as the property immediately to the north. The application relates to the comprehensive plan:

- It is within the URA. The County and City have designated the property to eventually be brought into the City.
- The property relates to the Springbrook Oaks Specific Plan. There are some areas for different types of uses for the area. Some of the properties are being developed such as the Astor House. The Oaks at Springbrook Oaks is being constructed. The plan continues with a low density residential area. Discussion was held concerning access to Fernwood Road. The Specific Plan envisioned crossing the creek to access a portion of the property. The property does not front on Fernwood Road, it was necessary to plan to occur through the subject property. It was a policy adoption that the area would be developed either after it was brought into the UGB or during the process with the subject property.
- There is a need for additional residential land.
- Utilities and streets - because it is adjacent, there are no difficult issues in serving the area. New sewer pump station has been constructed. Water services the Springbrook Oaks area. There are no particular difficulties in servicing the area.
- Fernwood Road (rural type road). One condition of the Springbrook Oaks Specific Plan is that they develop the property, they are obligated for improvements to Fernwood Road from an access road with related improvements along Fernwood Road.
- The staff report said that in addition to the improvements, they would have to pay System Development Charges (Transportation SDC) as well.

**Mr. Brierley** said the applicant will develop 35 dwelling units. If maximum allowed, there would be allowed 52 but the staff said the applicant plans on doing less than 52. Discussion was held concerning the needs table. The application was submitted a while ago and things have been changed. The table has been updated to reflect the change of more land developed within the City. To get to 2010, there is only seven years left. There are two population figures now adopted by ordinance. The staff report contains the official population projections.

**Staff Recommendation:**

**Mr. Brierley** said staff recommended that the Committee adopt the resolution approving the Urban Growth Boundary (UGB). The applicant has applied for a County Conditional Use Permit and can build a road without having to bring it into the UGB. However, the plan said the property should be brought into the UGB to coincide with the development.

**Mr. Halstead** asked if the property to the north could be developed if this property is not brought into the UGB?

**Mr. Brierley** said to develop the property, they would have to request annexation of the subject property. Discussion was held concerning the proposed golf course property. The City and County hearings are pending on the golf course property. Discussion was held concerning the work plan for the improvements to be consistent and coordinating the improvements. The area is under construction

already.

**Mr. Soppe** asked why it was not included in the UGB when the boundary was when the Road was brought in?

**Mr. Brierley** said the area was farm land. Some property has been in the City before the development of the UGB.

**Mr. Halstead** said it was probably annexed into the City in the 1950's. He recalls the reason being that the City limits were at that location.

**Mr. Chroust-Masin** said this is the only land that has been excepted for the URA. Exception areas have been objected to by Thousand Friends and Friends of Yamhill County, but they have been resolved. Logically, it should have been included. Everything else is consistent with the City's plan.

#### **Noted Corrections:**

**Mr. Brierley** said there was a correction to page eight of the County staff report (#3) delete "1980..." to the end of the paragraph.

**Mr. Chroust-Masin** said that based on Mr. Pinkstaff's application, Yamhill County staff recommends approval of the application.

**Mr. Brierley** said there was no additional correspondence.

#### **Public Testimony:**

**Mr. John Pinkstaff, Ramis, Crew, Corrigan and Bachrach, 1727 NW Hoyt Street, Portland, Oregon,** represented the applicant. The application is for an UGB amendment to bring in 20 acres now in the URA into the UGB. Staff has done a good job in circumstances in laying out the specific approval criteria. The NUAMC agreement, the Newberg Code, 10.20.30 which requires consistency with the Plan and adequate public services available:

- Statewide planning goals have been met (Goal 14 urbanization)
- ORS 197.298 which states that URA property is the first priority to be brought into UGB amendments.
- Reasons exception Oregon Administrative Rules (OARS).

1. The best way to understand is that the URA project was undertaken by the City and the County to identify the lands available to meet the City's needs in 2010. In 1995, the City adopted the URA (area D-2) and in particular this property (area D-2). There is access to the property to the north inside the UGB and is ready to develop and that access would avoid stream corridor and wetland crossings. The adopted URA report contained population projections which have been updated. Since 1995, in the area, there are only two areas brought into the UGB. The City's analysis is straight forward. There is a short supply of available developable residential land. The City's analysis contains the population projections. The primary focus is 2020 which shows a 33,000 population and significant shortfalls in every residential type of land including low density residential for which this property is developed. There would be a shortage in the year 2020 of available residential property.

- The URA designation has already determined the site is suitable to meet the additional lands in the URA.
- LDR is harmonious to the surrounding properties.
- 10 acres of the land that is not suitable for housing.
- Areas to the north, there is existing R-1 housing and to the west there is R-1, and to the east and the south is AF20 and some single family residences. Most of it is in the Chehalem Park and Recreation District (CPRD) ownership.
- Impact on the properties to the south should be minimized because Fernwood Road is a

manmade barrier and also the probability that landscaping and screening will be required at the time of development.

2. Logical extension of existing land use pattern. It creates a complete community bringing together jobs and housing choices, goods and services in the reasonable proximity. Inclusion on the URA makes it the next logical step.

3. This land can be served by extension of public utilities and services. Improvements will be required at time of development. There will be a connection to Fernwood Road to Brutscher with a new road to service Springbrook Oaks Development.

#### **Tape 1 - Side 2:**

4. It was envisioned by prior City action. The purpose is to carry forward what is believed to be needed and solves the need for additional housing.

**Mr. Mike Gougler, 5241 Windsor Terrace, West Linn, Oregon**, representing the Werth Family property owners, added:

1. Regarding the access road. When the Springbrook Oaks Plan was done, they agreed to make an application to bring this property into the City. It is a condition of the Springbrook Plan and is seeking to comply. There is community and area wide planning. At the time of the construction of the road, they anticipate design changes. A good water and sewer system and a logical layout for utilities. They have a road network that makes sense, serves the maximum number of people in the safest possible way and avoid unnecessary dead-ends and access. They were able to maximize the sewer system and keep a number of crossings from the stream corridor. In this case, they were allowed to do so in line with the improvements.

2. Improvement to Fernwood Road. They are negotiating with CPRD. They are going to develop it as a complete road on both sides and CPRD has agreed to their fair share.

3. The map shows the density varies. They are in the process of working with CPRD and seek to provide in excess of 60 acres open space some of which for a 9 hole golf course. The design is affected by the placement of amenities and houses. Mr. Gougler said he originally planned about 35 lots - but can have at least 47. Two lots will serve as detention ponds in the SE corner of the development which requires special engineering. Mr. Gougler asked the Commission's request in approving the application.

**Mr. Soppe** referenced the road connect at both ends. Discussion was held concerning not crossing the stream corridor.

**Mr. Gougler** indicated the Specific Plan said there must be two points of access (from the north or through the property which is currently County land and going back to the west to the newly located Hospital land). This is not directly what they were talking about. They are also asking for a review of that requirement to run a road from the north end of the property as an emergency road to Corral Creek to avoid the crossing of the Stream corridor. The narrowest crossing is about 270 yards.

The City did the stream corridor analysis on what is a typical stream corridor is considerably narrower which was ultimately surveyed and recorded by the Werth family. It goes from bank to bank. The desire was also to try and avoid impacting the corridor as much as possible. The City's desire to bring the road into the City's jurisdiction. If the emergency road was granted, would it contain all the property to the east? It would be a double entry (with an island in the middle).

**Proponent - Mart Storm, Sunnycrest Road, Newberg**, supports the application. He has no interest in the project. He is here to address the number1 criteria - NEED. The City is in a critical shortage for developable property. It is pushing the price of ground to the point that people are spending \$40-50,000 more on a house which causes livability issues. Discussion was held concerning the shortage of developable land. Mr. Storm said because the UGB has not been expanded as needed.

**Opponent - - None.**

**Undecided - Mr. Michael Stuhr, 31100 NE Fernwood Road, Newberg,** said the property is part of the Springbrook Oaks Development. They are neutral but have a concern for this property and other properties that are dumping traffic on the road without specific boundaries. The local roads cannot support increased traffic. The way the system works, the developers fix the roads that abut their property, then it is up to the City and County. Fernwood Road is a two lane road with no shoulders. Corral Creek is the same. There are a couple of large oak trees. Renne Road is gravel and is all chewed up. There are safety issues for vehicles, pedestrians, bicyclists, livestock problems, and is an actively farmed area. Right now there are four major projects: Springbrook Oaks, CPRD golf course, Springbrook Golf Course, Lewis & Clark/Schaad property. All these roads are dumping out on Fernwood Road. What about the intersection of Corral Creek and Fernwood. Individually, there are people that follow the rules, the cumulative affect on the road would require the whole road network to require a study. Discussion was held concerning the bypass causing shortcuts around their property. The Lewis & Clark/Schaad property has apparently ignored the intersection until the comprehensive plan stage has been reviewed. They are concerned about safety and quality of life standard. Their property is AF 20. They would ask the Commission to take a look at the whole road network and not just the intersection.

**Mr. Soppe** said that Fernwood Road would be improved to the complete frontage. Discussion was held concerning access.

**Mr. Stuhr** said that portions would be improved and it is not addressed all along the road (what happens going east, not just the west). None of the other studies also do not address Renne Road and Corral Creek Road and these only will get worse with the bypass.

**Ms. Grace Schaad, 3152 NE Schaad Road, Newberg,** said she is also concerned about traffic. The cumulative affect of the amount of traffic, realizing there will be improvements. Nothing will occur along that way. If they choose not to take Veritas or Corral Creek Roads, their choice is to take Schaad Road and Old Parrett Mtn. Road to intersection. Ms. Schaad reviewed a letter from Mr. Gille concerning improvements to the improvements on Fernwood Road and Corral Creek Road (2002). Discussion was held concerning traffic short cuts taken to access Hwy. 99W. People from Wilsonville will take similar alternative routes.

**Mr. Gougler** said that traffic is a big concern. They do not have authority to do work within the County. The City would take jurisdiction over the road when it comes into the City. They said they are providing a road which is primarily for the people that don't live in the City. They are willing to do the repairs if there is monetary assistance on the other side of the County. One of the proposals made, County and ODOT would be a right-out only access which would help the problem with the direction (only going east), eliminating the dangerous options. One of the dangerous crossing is the NE corner where there are repairs that need to be done along Fernwood Road. Mr. Gougler said there would be a joint effort.

**Mr. Soppe** said on the transportation issue, traffic study on the Springbrook Oaks Plan (Corral Creek and Hwy 99W intersection). Discussion was held concerning the traffic of the future east-west road. Some of the traffic is already existing which will be dissipated to other avenues. Mr. Soppe said that 335 trips per hour entering that intersection from the east. Some would go to Brutscher but a lot would go to Fernwood. Is it impractical to deter the traffic to the west?

**Mr. Gougler** said that from a planning view, there are a number of issues. The traffic that would go primarily from the development to Fernwood Road to the west. They would use Fernwood Road to get to Springbrook to the Hayes Street extension. There will be some cars that want to turn left onto Renne Road. It is a function of why they would want to take that route, if they wanted to use Wilsonville Road to get to Wilsonville. Those conditions exist right now. He would suggest that as far as going in that direction, it is more for the ride than for convenience. He would not recommend that it not be shut off. If it is an important area, a task force be commissioned to address the problems. There are fire, life and safety issues; people to get to and from there from the Parrett Mountain area (not a lot of people). Mr. Gougler said the traffic study shows a max buildout if there was no open space. The total homes is about 275, they used a buildout of 85 acres and numbers in excess of 500 homes to be used in the traffic study. They also used the max buildout of the adjoining properties to come up with the 300+ cars per hour. Discussion was held concerning the golf course generation in the line of traffic. Mr. Gougler said people are set in starting in groups of no more than four. The car traffic ends up being that in order to be able to get a golf course 35-40,000 rounds a year, the traffic will be a tenth of the traffic generated by an Applebee's. A restaurant turns the table more times than a golf course, a lot of times, the people will



sometimes carpool (two on the average). Their start times are enough minutes apart which is about a tenth of what a business generates. It does not require a lot of truck support for the services.

**Hearing Closed.**

**Mr. Halstead** addressed road consideration issue and his possible abstention on the Lewis & Clark project which has been previously mentioned.

**Mr. Brierley** said that in this particular application it is separate from the other application.

**Mr. Halstead** said he would continue.

**Chair Ashby** called for a five minute break at 8:33 p.m. The meeting reconvened at 8:38 p.m.

**Mr. Soppe** clarified that it was a recommendation to the Council and County Commissioners. He has serious issues concerning transportation but the issue before the Commission is regarding the UGB conclusion and conclusion of the traffic do not go away if the property is not developed. The reason concern is that the whole area be serviced and traffic be addressed appropriately. He does not have an objection based on the traffic being addressed with the proposed developments. It is not part of the application.

**Mr. Halstead** said that he agreed with the comments made by Councilor Soppe. He would support the resolution.

**Ms. Lewis** said she agreed with Mr. Soppe with his concerns about the road and the travel east onto the county roads which were not designed for the traffic congestions. The roads are narrower than a State highway and typically do not have shoulders. They have a lot of turns and were never designed to take this kind of traffic. To upgrade these roads is a very serious amount of money. The County has 716 miles of road to maintain each year. She understands concerns and would support Councilor Soppe's conversations with staff to have people go west on Fernwood Road which will be improved in accordance with City standards. She does not think it is a bad idea that there is a City/County committee to take a look at this. She does not know the result with the existing budgets of the City and County and related Public Works Departments. She thinks if they look at this parcel and the fact that they did a number of years they placed a URA (served as a county Planning Commissioner). Why wasn't it already in the UGB way back when in 1980? It wasn't. In 1995 it was placed in URA. This is the only UGB expansion that she remembers. There is a need for residential property and the affordability of housing. Although she too has concerns about Fernwood Road and other County roads, it should be handled outside the process and she is in favor of the resolution.

**Chair Ashby** said that the project meets the criteria for approval.

<b>Motion #2:</b>	<b>Halstead/Lewis</b> to adopt Resolution No. 2003-10, approving UGB Amendment for four parcels currently within Newberg's URA.
<b>Vote on Motion #2:</b>	The motion carried unanimously.

**Mr. Brierley** said it will be at the Council Meeting at the October 6 meeting. The County will hold a separate meeting.

**VI. ITEMS FROM STAFF**

1. Future Meetings - September 10, 2003. (Lewis & Clark/Schaad URA Amendment).

**VII. ADJOURNMENT**

The meeting was adjourned at approximately 9:00 p.m.

Passed by the Newberg Urban Area Management Commission this 27<sup>th</sup> day of August, 2005.

AYES:

NO:

ABSTAIN:  
(list names)

ABSENT:

ATTEST:

\_\_\_\_\_  
Recording Secretary Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Date