

A Regular Meeting
of the Planning Commission
7:30 PM, Thursday Newberg Public Library June 16, 1988
Subject to P.C. Approval at 7/21/88 P.C. Meeting

The meeting was called to order by Vice-Chair Jack Kriz.

Members Present:

Scott Bernard	Jack Kriz
Bryce Fendall	John Lyda
Sandra Foster	Kathleen Sullivan
Kathy Kelso	

Staff Present:

Clay Moorhead, Planning Director
Bert Teitzel, Director of Public Works
James Reitz, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present:

35 Citizens

Motion: Fendall-Kelso to approve the minutes of the May 19, 1988 Planning Commission meeting. Motion carried unanimously.

Public Hearing A:

Applicant: Sprecher, Wahl, Terjeson, Tucker
Request: Vacation of N. Lincoln Street between West First and West Hancock
Tax Lot: Abutting Tax Lots 3219AB-4500, -4700, -4800, and -4900.
File No: VAC-2-88

No abstentions, objections to jurisdiction or ex-parte contact were indicated.

Staff Report: Planning Director Moorhead reviewed the Staff Report findings and recommended approval of the vacation with the following conditions:

1. A utility and 20 ft. roadway easement shall be retained over the right-of-way extending from Hancock to First Street to provide for vehicular and truck access. This easement must be located so as to provide for a connection with the alleyway located east of the street.
2. The stop signs located at either end of the right-of-way shall be maintained.

Note that a sidewalk and driveway may be required to be constructed depending on the design and use of the vacated area.

Proponent: None

Opponent: None

Letters, Additional Public Agency Comments: None

Staff Recommendation:

Planning Director Moorhead recommended that the vacation be approved and forwarded to City Council for their review.

Public Hearing Closed.

Staff was asked about the benefit of this vacation to the City. Director Moorhead indicated that additional parking in that area of town would be the primary advantage to the City.

Motion: Kelso-Foster to recommend to the City Council that they approve the vacation of N. Lincoln Street between West First and West Hancock based on Staff Report findings and conditions. Motion carried - 1 Nay (Lyda).

Public Hearing B:

Applicant: Pacific Empire Builders Inc./Everett Walker
Request: Vacation of a triangular portion of right-of-way at the southwest corner of Sierra Vista Drive and Hoskins Drive
Tax Lot: Adjacent to 3218DA-102
File No: VAC-3-88

Commissioner Felso indicated a conflict of interest and abstained. No other abstentions, no objections to jurisdiction or ex-parte contact were indicated.

Staff Report: Planning Director Moorhead reviewed the Staff Report findings and recommended approval of the vacation.

Proponent: None

Opponent: None

Public agency comments/letters: None

Staff Recommendation: Planning Director Moorhead recommended that the vacation be approved and forwarded to City Council for their review.

Hearing Closed.

Motion: Sullivan-Lyda to recommend that the City Council approve vacation of a triangular portion of right-of-way at the southwest corner of Sierra Vista Drive and Hoskins Drive based on Staff Report Findings. Motion carried - 1 abstention (Fendall).

Commissioner Fendall returned to his seat on the Commission.

Planning Director Moorhead reviewed observations relating to island annexations, including ORS Chapter 222.750, the City Annexation Ordinance, and the Newberg Comprehensive Plan. He identified all the sites on topographic maps. He commented that the City Council has chosen to set annexation of all the islands as this year's goal. Each of the four public hearings relating to islands were then presented for review.

Public Hearing C:

Applicant: City of Newberg
Request: Annexation of 12 parcels currently located within an island of unincorporated territory surrounded by the City of Newberg. In addition, withdrawal from the Newberg Rural Fire Protection District is requested.
Location: The easterly portion of South College, generally between 9th and Andrew
Tax Lot: 3219DD-100, -200, -201, -300, -400, -401, -600, -700, -800, -900, -1000, -1100
File No: ANX-2-88

No abstentions, objections to jurisdiction or ex-parte contact were indicated.

Proponent: Clarence Heater, 910 S. College, asked about the cost of utility connections.

Public Works Director Bert Teitzel commented that sewer service is available to some of the sites and could be extended to the other sites at the property owners request. Water rates would be at the current in-city charges. A review of the existing water system will be required.

Mr. Heater indicated he would not oppose the annexation but would oppose widening of the street, and installation of curbs and gutters.

Opponent: Walt Ramsey, 904 S. College, was concerned about the utility expense. He asked if additional opportunity to speak would be given to the residents of the area.

Vice-Chair Kriz indicated that the City Council would hear this matter at their July 5 Council meeting, at which time additional testimony would be taken.

Public Hearing D:

Applicant: City of Newberg
Request: Annexation of a single parcel of land currently located within an island of unincorporated territory surrounded by the City of Newberg. In addition, withdrawal from the Newberg Rural Fire Protection District is requested.
Location: Alice Way
Tax Lot: 3217-1200
File No: ANX-3-88

No abstentions, objections to jurisdiction or ex-parte contact were indicated.

Proponent: None

Opponent: None

Public Hearing E:

Applicant: City of Newberg
Request: Annexation of 2 parcels currently located within an island of unincorporated territory surrounded by the City of Newberg. In addition, withdrawal from the Newberg Rural Fire Protection District is requested.
Location: North Main Street north of Illinois (Wilhelmson property)
Tax Lot: 3218DB-700, -2400
File No: ANX-4-88

No abstentions, objections to jurisdiction or ex-parte contact were indicated.

Proponent: None

A petition from adjoining property owners was presented opposing this annexation request.

Opponent: Cliff Wilhelmson, 728 N. Main, indicated that this site has been in his family for 90 years. It has been reviewed three times and annexation has not occurred each time. If the property were annexed, they could no longer house animals as has been their practice for years. They have been paying City taxes since 1984, and have even provided an area for a future sidewalk and street improvement. He indicated that he would like to be allowed to remain outside the City.

Opponent: Doug Delano, 729 N. Main, read a letter into the record which opposed the annexation of this island.

Opponent: Gifford Wilhelmson, 728 N. Main, identified the history of animal husbandry on the site and the heritage behind them. He commented that the site included a barn which was over 90 years old. He commented that he has been a lifetime supporter of the community. He reminded the Commission of the petition from the neighborhood in support of retention of the county zoning on the property.

Opponent: Four citizens from the audience stood in support of the Wilhelmson's request.

Opponent: Scott Canfield, 115 E. Illinois, indicated he was a neighbor, and voiced his support of the Wilhelmson's request. He indicated that the animals on the property have not been a problem to the neighbors.

Opponent: Liz Stryffeler, 205 E. Illinois, indicated she was a neighbor speaking in opposition to the annexation. She added that the animals were not a problem.

Planning Director Moorhead commented that the City does have an ordinance to allow animals within the City; a permit to keep up to four horses could be authorized. The City Council would review any complaints which might occur.

Opponent: Carl Tautfest, 713 N. Main, questioned whether the barn could be restored if it were damaged by fire.

Planning Director Moorhead indicated that a letter could be issued to the Wilhelmson's identifying that a barn could be rebuilt on the site.

Public Hearing F:

Applicant: City of Newberg
Request: Annexation of 37 parcels currently located within an island of unincorporated territory surrounded by the City of Newberg. In addition, withdrawal from the Newberg Rural Fire Protection District is requested.
Location: Directly north and east of Springbrook Plaza Shopping Center
Tax Lot: 3216-1500, -1700; 3216CA-200 through -2100; 3216CA-2200 through -3400
File No: ANX-5-88

Commissioner Bernard stepped down as he resides within the subject area.

No other abstentions, no objections to jurisdiction or ex-parte contact were indicated.

Public Works Director Teitzel indicated that a new water system would be required to be constructed within two years of annexation. The property owners would be assessed the amount of construction. This would enable the City to provide adequate water flow and fire protection services to the project and assist in retaining the City's current #3 fire rating. He is not recommending immediate construction of a sanitary sewer line at this time; however, if a health hazard occurs, then installation of a new sanitary sewer system would be required.

Planning Director Moorhead indicated that septic testing would only be done on an individual basis.

Public Works Director Teitzel added that it could take only one septic failure to cause a health hazard requiring installation of a new sanitary sewer system. Review of a future street upgrade would only occur on a budgetary basis. The streets would not be accepted by the City for

maintenance at their current standard.

Proponent: None

Opponent: Ed Hayes, 1104 Newall Road, questioned whether it would be more cost effective to do neither or both the sanitary sewer and water, and also what the cost would be. Mr. Hayes requested more specific information on a site-by-site basis relating to sewer and water cost.

Public Works Director Teitzel indicated that the water system would cost approximately \$90,000 and the sanitary sewer about \$105,000. He also indicated that if maintenance on the street were not cost prohibitive, the City would take care of it; however, extensive maintenance problems would be the responsibility of the property owners.

Opponent: Scott Bernard, 1317 Newall Road, asked whether the subdivision residents could contract out the sanitary sewer system and then Bancroft it through the City.

Public Works Director Teitzel indicated that the project could only be Bancrofted through a public process. If the subdivision residents chose to contract the project, they couldn't Bancroft it. It was also noted that the streets would be repaired until it was no longer cost effective to do so.

Opponent: Howard McDonald, 1408 Hadley Road, asked if Newall Addition were truly an island, based on the southerly boundary being Highway 99W. He also questioned the benefits of being a resident of the City, and was concerned about the total cost to each property owner.

Staff identified that City fire service, police protection, water rate reduction, street lighting, and the opportunity to run for City office were among the numerous benefits. The subdivision residents would still have the responsibility for maintaining the existing water district until a new system was installed.

Opponent: Leona Reed, 1304 Newall Road, asked about the Bancrofting process as it relates to the sale of the property; she was concerned about the expense of improvements.

It was noted that Bancrofting could run with the property; however, through escrow at the sale of property these types of debts were often paid off.

Opponent: Gifford Wilhelmson, commented that when he was on the N. Main water district and was annexed, the City took over the entire system and installed a new line at no expense to the users of the line.

It was noted by Staff the the current policy required benefited property owners to pay for the improvement.

Opponent: Anne Pfund, 1009 Newall Road, felt that timeliness of this annexation was in doubt. She asked if the existing Newall Addition

covenants would continue to be binding, and whether a street improvement could be done without any notice to the property owners.

Mr. Teitzel responded that the annexation would not affect existing Newall Addition covenants one way or the other. Street improvement through an LID process would provide notice to the residents of Newall Addition; however, the City could, at city expense, improve the road without notice. He added that the second scenario would be very unlikely. If the Abbott property within Newall Addition were developed, water could be accessed from Highway 99W; however, a new line would be required to service the property. In addition, the majority of his property adjacent to Newall Addition could be served from Libra Street.

Opponent: Sam Brothers, 1321 Newall Road, indicated his concern about a street improvement, sidewalks, etc. He asked if the City tax rate would be immediately effective, even prior to the two year water improvement requirement.

Staff indicated that the City tax rate would be effective immediately upon annexation.

Opponent: Cliff Wilhelmson, indicated that new additions have to bring everything up to code but that Newall Addition is an old subdivision. He asked why the City isn't paying for the installation of a new water system. He asked about the rumor of tax deferral to new developments on Highway 99W. He inquired whether there was a grant available to these people for public facilities improvements.

Planning Director Moorhead indicated that the City has attempted to make a grant application for services in Newall Addition in the past.

Opponent: Gary Holt, 1305 Newall Road, asked about the cost-effectiveness of water and sewer installations at separate times.

A member of the audience commented that it appeared more realistic to install both services at the same time. Mr. Teitzel concurred.

Opponent: Leona Reed, 1304 Newall Road, asked about the grant process for services. Staff indicated that if a grant had been received, the City would have installed the requested services and turned them over to Newall Addition.

Opponent: Kent Newall, 1213 Newall Road, questioned why the residents of the subdivision should pay full city taxes until they had full city services.

Mr. Teitzel commented that he will ask the Council to require a water line installation within two years, in order that the City's insurance rate would not be jeopardized; however, the residents of the subdivision could request the system to be installed earlier. The sewer line is something that needs to be put in for the property owner's benefit. The rest of the City will not benefit by the sewer line. The City policy is that once a

system is installed, connection is required within one year, or within 30 days if the septic system is shown to be failing.

Opponent: Gary Holt, 1305 Newall, asked who would repair the private water system if it were still in use after annexation. Staff indicated that repair of the existing system would be the responsibility of the subdivision residents.

Letters: Wilhelmson petition relating to Public Hearing E.
Public Agencies: None

Staff Recommendation: Planning Director Moorhead recommended that each of the subject areas be annexed and removed from the rural fire protection district.

Public Hearings C-E were closed.

Commissioner Bernard returned to his commission seat.

Public Hearing C - Discussion

Mr. Teitzel indicated that there is currently a city line in South College and that the private water system parallels the city line. He indicated that street widening is not currently being recommended; however, if at some future time development should occur, review of street widening would then be necessary.

Motion: Fendall-Sullivan to recommend to City Council the annexation of 12 parcels currently located within an island of unincorporated territory surrounded by the City of Newberg commonly known as the easterly portion of South College, generally between 9th and Andrew, Yamhill County Tax Lot: 3219DD-100, -200, -201, -300, -400, -401, -600, -700, -800, -900, -1000, and -1100; and withdrawal from the Newberg Rural Fire Protection District, based on the Staff Report findings. Motion carried unanimously.

Public Hearing D - Discussion

A brief discussion of the Staff Report finding relating to the lack of services in Alice Way occurred. It was noted that Alice Way was a County street and there were no services available in the subdivision.

Motion: Fendall-Lyda to recommend to City Council the annexation of a single parcel of land currently located within an island of unincorporated territory surrounded by the City of Newberg, commonly known as Yamhill County Tax Lot 3217-1200, on Alice Way; and withdrawal from the Newberg Rural Fire Protection District, based on Staff Report findings as corrected. Motion carried unanimously.

Public Hearing E:

The Council's previous decisions to deny this annexation were discussed briefly. Commissioners indicated concern for the uniqueness of the site, the protection a historic ordinance would afford the property and the City permits available for housing of livestock on the site.

Mr. Moorhead indicated that permits could be issued by the Planning Department relating to the keeping of livestock, subject to nuisance abatement review by the City Council. In addition, a letter could be issued to the property owners indicating that a barn located on the site could be restored if required.

Motion: Fendall-Foster to recommend to City Council annexation of 2 parcels currently located within an island of unincorporated territory surrounded by the City of Newberg, commonly known as the Wilhelmson property, Yamhill County Tax Lot No. 3218DB-700, -2400; and withdrawal from the Newberg Rural Fire Protection District, based on Staff Report findings.

Vote on Motion: Aye-Bernard, Fendall, Foster, Kriz, Lyda, Sullivan. Nay-Kelso. Motion carried (6-1).

Public Hearing F:

Commissioner Bernard abstained from discussion of this hearing.

Staff was asked if more accurate figures for Bancrofting improvements could be made available at the Council hearing. It was indicated that more specific calculations would be provided at that time. It was noted that septic tanks could be evaluated but any inspection of this kind would not be available by the Council meeting. The water improvement would be provided via a loop from Highway 99W.

Motion: Foster-Fendall to recommend to City Council the annexation of 37 parcels currently located within an island of unincorporated territory surrounded by the City of Newberg, located directly north and east of Springbrook Plaza Shopping Center, commonly known as Newall Addition Subdivision and the Gumm property, Yamhill County Tax Lot No. 3216-1500, -1700; 3216CA-200 through -2100; 3216CA-2200 through -3400; and withdrawal from the Newberg Rural Fire Protection District, based on Staff Report findings and conditions. Motion carried unanimously.

Planning Director Moorhead indicated that all of the preceding public hearings would appear on the July 5 City Council agenda. Further opportunity for testimony would be available at that time.

Old Business: A slide presentation relating to review of a sign ordinance was postponed to the July 21 Planning Commission meeting.

New Business: Sandy Foster was welcomed as the newest Planning Commission member.

A brief discussion as to the current status of the amphitheater proposal occurred.

Motion: Sullivan-Bernard to adjourn. Motion carried unanimously.