

MINUTES OF THE SPECIAL PLANNING COMMISSION
Newberg Public Library
Newberg, Oregon

Thursday, 7:00 PM

February 27, 1992

Subject to P.C. Approval at 3/19/92 P.C. Meeting

I. OPEN MEETING

Planning Commission Members Present:

Jack Kriz
Rob Molzahn
Mary Post
Sandra Prewitt
Carol Ring
Steve Roberts
Wally Russell
Donald Thomas

Staff Present:

Dennis Egner, Planning Director
Sara King, Associate Planner
Barb Mingay, Recording Secretary

Citizens Present: 35+

II. Rural Growth Policy Study - G-12-91 - Discussion

Planning Director Egner reviewed a discussion outline for the meeting and identified the long-term timeline for URA discussions. Mr. Egner distributed the work flow diagram to the Commission and the audience. He reviewed the process which included identification of the study areas, Planning Commission review by Newberg, Planning Commission review by Dundee, Yamhill County review, a forum for property owners, further Planning Commission review of the proposal, review by the Newberg and Dundee City Councils, a NUAMC hearing, formal hearings by the Newberg City Council and a final recommendation to the Yamhill County Commissioners. He noted that the Newberg-Dundee corridor discussion could be considered as a separate issue with an alternative agreement between the cities if necessary. Mr. Egner reviewed the process which has led up to the current discussions, including discussions regarding secondary lands, the URA concept, land use applications in the county, studies in various communities, METRO regional growth goals and objectives, development of an LCDC rule relating to URA's, possible freezing of development, Newberg City Council direction, discussions with the county regarding the areas in which Newberg may grow, growth projections, study areas, shadow platting procedures, the joint City Council-Planning Commission

Planning Commission Minutes
February 27, 1992
Page 2

meeting, special Planning Commission meetings, and the upcoming LCDC work sessions. He reviewed definitions for URA and UGB. He reviewed the procedures for expanding the UGB and the factors required to be met for approval by LCDC. He noted that the process was not an easy process. He reviewed a chart identifying growth potential through the year 2040. He reviewed a chart identifying the various study areas and the impacts of water and sewer service requirements. He reviewed Engineering Department recommendations related to possible sewer and water extension to various areas. He reviewed the impacts on the property owners who might be placed in an URA, including shadowplating, consent to annex, consistency with Newberg subdivision requirements, the ability to resubdivide each lot independently, identification of drainage easements, right-of-way identification with building restrictions on specific sites, protection of open space, economic feasibility of future resubdivision. He distributed an article presented by Steve Terjeson, entitled "Urban Reserve Areas and Their Effects on Development, A Report to the Oregon Public Policy Institute" by The Planning Institute. He also distributed "Managing Growth to Promote Affordable Housing: Revisiting Oregon's Goal 10" by 1000 Friends of Oregon and the Home Builders Association of Metropolitan Portland and "Urban Growth Management Study Summary Report" by the Oregon Department of Land Conservation and Development.

Chair Russell polled the Commission as to a closing time for the meeting.

Motion: Kriz-Thomas to tentatively conclude public testimony at 9:00 pm. Motion carried unanimously.

Public Testimony:

Roger Veatch, 29550 NE David Lane, indicated that the State rule is not yet in effect. He felt there was still major opposition to the rule and there was no guarantee that it would be approved. He did not feel the City of Newberg should be the pioneer in the URA area. He suggested that the City was looking at too large of an area and instead should concentrate on criteria for specific sites. He indicated that the proposed LCDC rule would put a moratorium on any land use action in this area. He felt that the criteria should be presented to the property owners in such a way that, if they complied with the criteria, they could complete their projects. He distributed a document listing alternative criteria which could be used to allow development. He stated that the URA is nothing more than a defacto UGB.

Dave VanBergen, 911 E. Hancock, deferred his time to Roger Veatch.

Willie D. Owens, owner of Double Dee, 9660 NE Fox Farm Road, Dundee, voiced his opposition to the area of influence outside of Dundee which he has been subjected to for the last 18 years. He stated he has a place of business in existence for approximately

Planning Commission Minutes
February 27, 1992
Page 3

40 years and the City of Dundee has not been of any assistance. He felt he has not been represented under the area of influence and does not support it.

Larry Nibler, 24015 Guenther Road, Hillsboro, indicated he was opposed to the URA, LCDC, what it stands for and what it is doing. He commented that LCDC is comprised of appointed officials who are idealists and that we are losing our property rights. He asked why the City was rushing to embrace these controls.

Ed Casciato, 751 SW 11th, Dundee, did not agree with the URA proposal.

Steve Terjeson, 400 E. Quail, Newberg asked whether the Werth property was in the UGB.

Planning Director Egner indicated that the Werth property was in the City and UGB but that service to the Werth property would require extending service beyond the UGB to reach the site.

Mr. Terjeson felt the UGB was obsolete in Newberg. He reviewed the location of the current UGB and lack of available sites of land currently existing in the City. He felt the UGB should be explored before any moratorium should be placed on the land surrounding the City. He didn't feel that the County should be pushed into unwanted decisions and he asked whether a joint meeting with the City and County would be occurring soon. He felt a cooperative agreement could be achieved without a moratorium being placed by LCDC. He felt the City should be working for the citizens of the community.

Neil Cohen, Mayor of Dundee, POB 220, Dundee, spoke as a representative of the City of Dundee. He read a prepared statement approved by the Dundee City Council expressing their concern and asked why they were not asked to meet in a joint meeting with the City and the County,

Fred Capell, 29875 NE Mountain Top, asked the Commissioners to be cautious regarding agreement with LCDC. He indicated that the small lot farmers were in demise and that the area outside the study area already limited construction on farm land. He was concerned about cramming 50,000 people into such a limited area, and he felt that forcing property owners to divide up their property just because they were in the URA was not appropriate. He felt the small lot farmer option was being diminished and asked that the Commission stand in the way of the LCDC rule.

Herb Gueldner, 30605 Bell Road, Sherwood, local property owner indicated he was opposed to the URA. He felt it was not needed at this time. He noted that larger cities in the State didn't have this extra burden and extra layer of bureaucracy. He suggested

Planning Commission Minutes
February 27, 1992
Page 4

that the money spent at meetings like this should be directed to the schools. He felt there were sufficient controls, that the County and City already have enough rules, and that this issue did not have to be addressed at this time.

Shirley Hill of Newberg indicated she had recently inherited 18 acres on Dayton. She expressed her dislike for LCDC. She questioned the need for a new Eighth Street pump station. She asked how many Commissioners lived in the study areas. She suggested that everyone to work together.

Edith Pierce, 24225 Dayton Avenue, indicated she owned property in the "J" section of the study area map. She indicated that 20 years ago she and neighbors had met with the County and LCDC and that her property was finally designated VLDR with the ability to upzone to .5 acre minimums. She and her husband are now planning to retire and are trying to sell some property. She asked whether LCDC's rule means that her property will be tied up until services are available from the City. She noted that there are many 2-5 acre lots along Dayton Avenue and she asked the Commission to leave the area alone.

Fred Russell, POB 185, Dundee, indicated he had discussed shadow platting with Newberg Mayor Elvern Hall. Mr. Russell indicated the shadow platting requirement might cost an additional \$5,000 per house. He noted that the existing homestead type sites may have service provision problems and the surrounding developments appear to be compatible. He noted that now if a property is outside a City boundary, it would require inclusion in a URA, then a UGB, then be annexed into the City.

Dale Goldsmith, 1916 Carol, indicated he has been a realtor for over 20 years and has worked in the METRO area for the last several years. He indicated that the original intent of LCDC was for a 30 year UGB with review at 20 years. He felt that what LCDC was saying was that additional UGB acreage was needed but only with additional restrictions. He indicated that the result would be inflated land prices. He felt the UGB should be extended and not include URAs.

Glen Mills, 15125 NE Springbrook Road, indicated he owned property in the "B" area which is an area of 2.5 acre sites having adequate septic systems and wells. He noted that he has been an organic farmer for years and he felt that sewage should be put back in the land, not out in the ocean.

Sid Friedman, 31909 NE Corral Creek Road, thanked City staff for the diligent service they have provided. He indicated that he has seen a general increase in the urban fringe in the last 2-3 years. He commented that regardless of LCDC rule adoption, Newberg should adopt an URA or something similar in order to protect the community's options for the future. He noted that the community will have to live with the negative impacts of

Planning Commission Minutes
February 27, 1992
Page 5

no planning for years. He discussed Government "taking of property" and he didn't feel that the government should be required to assure the success of private speculative investment. He didn't feel that profitability should be the criteria for upzoning and he hoped the Planning Commission would make decisions based on the public good, not the financial interest of private landowners. He felt that separate decision making should occur between the County and the City. He felt that if it was possible to effectively and efficiently provide services for the target population, without including resource land in the URAs, that should be done. He added that the shadow platting criteria the City has suggested are minimal and that the shadow plat criteria proposed by Mr. Veatch were not sufficient.

Steve Jaquith, 3616 N. College, pastor of Gospel Chapel at 4301 N. College, felt the URA was undesirable. He felt there was a desire to see wise, progressive growth, but that the URA was not the appropriate approach. He added that tying the property up with long extended reserves was not appropriate. He felt the Planning Commission should express to the Council the sentiments of many of the citizens regarding this issue..

Gary George, 15915 NE Ribbon Ridge Rd., Newberg, indicated that there has been an overwhelming resistance in the area to this proposal.

Debbie Owens, 9660 NE Fox Farm, Dundee, Yamhill County Commissioner, indicated that the Newberg Urban Area Management Agreement should be dealt with, but she didn't see a need for Newberg to be under the LCDC Rule. She indicated that the County and the City are working on a cooperative agreement to come to some conclusion about possible future developable areas and she felt that Newberg has been too aggressive in developing a map such as the one displayed. She felt there should have been a joint meeting with the City of Newberg, the City of Dundee and the County. She noted that in the administrative rules, there was no provision for the type of situation similar to that of Newberg and Dundee where the communities are 2 miles apart and the study area for each is 2 miles out from the City limits. She felt there should be more cooperation with the surrounding agencies.

Chair Russell clarified to the audience that the Planning Commission does not decide which parcels should be included in the proposed URA, but only make a recommendation to the City Council. He reviewed DLCD's moratorium statement relating to upzoning and he noted that the City Planning Commission has not had any input on the LCDC Rules. He noted the date of the next LCDC hearing to adopt the rules would be February 27, 1992.

County Commissioner Owens indicated that on April 16 there would be a hearing to adopt the rule.

Planning Commission Minutes
February 27, 1992
Page 6

Mayor Cohen indicated that Chair Russell should not say DLCD will adopt these rules. He requested that the audience not be misled into believing that the rule has been adopted.

Chair Russell urged those interested to attend the State hearings relating to possible adoption of the proposed rule.

Planning Director Egner indicated he was willing to answer any audience questions.

Commissioner Roberts felt that questions could be adequately asked by the Planning Commission.

Commissioner Molzahn asked the audience for an alternative approach.

Steve Jaquith encouraged some progressive expansion of the UGB if and when necessary. He felt that the City should not extend beyond what was reasonable. The impacts of the current appeals on land use action in the Dayton Avenue area have the effect of a moratorium now. He felt that the City should get back within the range of responsibility.

Willy Owens was not opposed to growth, and felt each area should be looked at and planned for but he felt the audience was contesting the way it was being done now.

Terry Termaine, asked about the provision of water and sewer services proposed. She felt that if the City has trouble with its facilities now, it should look after itself first.

Planning Director Egner reviewed the impacts of the LCDC rule relating to land divisions and the effects of a moratorium on upzoning in the 2 mile area. He indicated that once a site is in the URA, based on the proposed rule, the UGB can be amended without meeting the "need" criteria for other UGB amendments. He noted that the downside was the intense planning necessary for future service requirements. He indicated that several in the audience had recommended working with the County on these areas. He stated that the County had requested that the City tell them where the City was interested in growing. He indicated to Mayor Cohen that the City was still in the study stages.

Mayor Cohen said that this may be a first step, but that at the February 28th meeting LCDC would be adopting the rule. He indicated he had not been invited to sit in on meetings with the City and he didn't agree with the philosophy of doing this in steps. He expressed concern about the possible 2-5 year moratorium on building in this area. He noted that if the time frame were going to be followed, the joint meeting agenda should be outlined as soon as possible.

Planning Commission Minutes
February 27, 1992
Page 7

Planning Director Egner indicated that he sensed the Planning Commission might not even consider the area west of Chehalem Creek.

Mayor Cohen felt that the City's LUBA appeals in the Newberg/Dundee area should have been secondary to working together with the City of Dundee and the County. Mr. Cohen indicated that the Area of Influence between Newberg and Dundee was established about 10 years ago and has always been an area of contention.

Commissioner Molzahn complimented City staff regarding their work on developing the study areas. He felt the study areas were a working tool.

Willy Owens felt it was great that the City of Newberg was reviewing all areas.

Roy Powell, 1709 Villa, commented that he owns property halfway between Newberg and Dundee on Dayton Avenue. He indicated he was one of the last ones to ask for an upzoning to 2.5 acre sites and that the process around shadowplattling has cost him time and money but is nearly resolved. He felt the County zone change process should have been dealt with by the Planning Commission. He indicated he heard Mr. Egner say the Commission would possibly not include the Newberg-Dundee area, but he did not heard that from the Planning Commission. He felt the Planning Commission should make some decision on the area between Newberg and Dundee. He indicated that he has worked closely with City staff on the shadowplattling process and it will not cost developers so much in the future.

Chair Russell indicated that the Planning Commission had supported the County's decision on his project and the Council made a different decision.

Mr. Powell indicated he was willing to answer questions regarding shadowplattling and to contact him after the meeting.

Herb Gueldner indicated that there were roughly 20 cities which were subject to DLCD's proposed new regulations, including the City of McMinnville. He wondered why Newberg was still on the short list.

Planning Director Egner noted that Newberg is surrounded by VLDR land with 1 acre residential zoning and McMinnville is surrounded by AF20 land. Mr. Egner commented that McMinnville will never have the same sort of urban fringe problem as Newberg.

Chair Russell indicated that the moratorium would be in effect only while the City did not have an URA.

Planning Commission Minutes
February 27, 1992
Page 8

County Commissioner Owens indicated that the rules state there is a 2 year moratorium if there is not a URA in place. She felt that basically County residents would be held hostage during this period of time and there is no incentive in the rules to cause the City to cooperate with the County.

Chair Russell closed the public input portion of the meeting.

Motion: Kriz-Thomas to adjourn at 10:30. Motion carried unanimously.

Motion: Roberts-Thomas to recommend to the City Council that no URA be adopted. It was noted that a yes vote would close URA discussion at the Planning Commission and that a no vote would continue the URA discussion.

Planning Director Egner indicated that the County has asked for areas that the City of Newberg proposes to grow. He stated that this process did not start out as an URA proposal.

Commissioner Molzahn indicated that perhaps the whole understanding is clouded because of the URA issue.

Mr. Egner indicated that the results of an URA would be the same as that of identifying areas in which to grow.

Commissioner Roberts indicated that he wanted the consensus of the Commission about deciding this issue under the LCDC process.

Commissioner Kriz commented that if the public felt the notion that the county is telling the city to select areas into which they grow is different from the LCDC URA rule, they are incorrect and the process is still the same.

Commissioner Molzahn indicated he was being required to decide area mass rather than the process to make those decisions.

Vote on Motion: Aye--Molzahn, Ring, Russell, Thomas; Nay--Kriz, Post, Prewitt, Roberts. Motion failed 4-4.

Motion: Roberts-Molzahn to recommend to City Council that the City have joint review responsibility with the appropriate County or City agency for whatever areas are brought in as URA areas.

Planning Commission Minutes
February 27, 1992
Page 9

Planning Director Egner indicated that some other type of mechanism that the Commission might be comfortable with should be discussed but that the issue of urban fringe development is still unresolved.

Commissioner Roberts indicated that the Commission should select some method of clarification of the issues to identify to the public the direction of the City.

Planning Director Egner suggested that perhaps the term "URA should be replaced by some other term.

Commissioner Kriz asked what the selection criteria would be.

Commissioner Roberts indicated that the intent was to have joint review over any areas that were included in the URA.

Planning Director Egner reviewed the decision making choices that were options for the Planning Commission. He noted that referrals occur now but criteria currently are missing for urbanization standards. He also noted that there were different types of land use decisions and he felt the Commission was jumping ahead too far. He felt the Commission should talk about the concept of City involvement. He recommended that the Commission not take up this question yet.

Commissioner Prewitt suggested that this would be a mechanism for working together with the County to let the County know what the City is interested in. She supported the motion.

Commissioner Thomas felt that was the purpose of this study.

Vote on Motion: Motion carried unanimously.

Commissioner Prewitt asked City staff if there had been any contact with the School District relating to the Crater site. Planning Director Egner indicated that no contact has occurred.

Commissioner Prewitt felt that moving on without consulting the School District was frustrating.

Commissioner Thomas indicated that as per the City Engineering Department, there are plans being made for a new pump station which could have impacts on areas "I, "J" and "K". He commented that if the City is not going to expand into these areas, shouldn't the Planning Commission give the City some direction as to these areas.

Planning Commission Minutes
February 27, 1992
Page 10

Commissioner Roberts indicated he brought an agenda which included motions to exclude areas "I", "J" and "K", a motion relating to area "M" and one to require a meeting with the School District indicating the Commission does not desire the School District to locate a school on the Crater site. He added that he would like to address each area alphabetically and doing so may be a resolution to the concerns of a majority of the audience.

Commissioner Molzahn felt that areas "I", "J" and "K" should be reviewed first for specifics.

The Commissioners generally discussed whether review should center on the Dundee corridor or whether a different agenda should be followed.

Commissioner Roberts felt there should be a clear western boundary identified by the topographical boundary of Chehalem Creek.

Chair Russell indicated that the questions and issues identified by staff could also be used as an agenda.

Commissioner Kriz felt the Commission should address the criteria for selecting areas. He felt the provision of services, the proximity to current the current UGB, soils classifications, location, and conflicting zones of influence were appropriate criteria.

Planning Director Egner reviewed the material presented to the Commission in October relating to possible criteria.

Commissioner Molzahn felt transportation should be included.

Commissioner Kriz felt schools and parks could be added.

Motion: Roberts-Thomas to recommend to the City Council that areas "I", "J", and "K" not be included in the URA.

The Commissioners discussed jurisdictional control of these areas and Dundee's urbanization of these areas.

Commissioner Roberts indicated he was going to testify at LCDC that there should be an urban buffer zone created. He felt the proposed Eighth Street pump station should only be sized to service Newberg only.

Commissioner Prewitt indicated that area "K" would be serviceable by a possible Crater area pump station and she was concerned about that area.

Planning Commission Minutes
February 27, 1992
Page 11

Commissioner Post indicated that the Visions process appeared to indicate that Newberg should retain its own identity. She would like to encourage Dundee to do the same.

Mayor Neil Cohen indicated the City of Dundee is not participating in the urban reserve area discussion. He noted that there will be a town hall meeting the first week of March to discuss what direction Dundee will be going.

Vote on motion: Motion carried unanimously.

Commissioners discussed whether they should debate each area individually or as specific groups. They concluded that each area should be discussed on its own merits.

Planning Director Egner indicated the areas that water service could be efficiently provided.

The Commissioners indicated that choices for exclusion or inclusion should be based on the following criteria:

1. Logical extension of services
2. Proximity to current UGB
3. Resource Land
4. Natural Boundaries
5. Conflicting zones of influence
6. Transportation

Area A discussion:

Commissioner Roberts felt that Bell Road at the 500 feet elevation was the logical northern boundary for water service provision. He noted that relating to transportation, Bell Road could probably be developed to serve that area reasonably.

Commissioner Thomas asked if these areas would be included in the UGB or a URA. It was indicated that these sites would be included in the URA.

Commissioners discussed again the meaning of "URA" as opposed to "proposed URA".

Motion: Roberts-Kriz to recommend that area "A" is a growth area based on criteria 1-6.
Vote on Motion: Carried unanimously.

Planning Commission Minutes
February 27, 1992
Page 12

Area B discussion:

Planning Director Egner indicated that most of area "B" would need to be served by new service systems designed to serve the Werth property.

Motion: Roberts-Post to recommend that area "B" is a growth area based on criteria 1-6.

Area C discussion:

Planning Director Egner indicated that the boundary followed the exception land boundary.

Commissioner Molzahn asked why the boundary limits were at exception areas only.

Mr. Egner was asked to identify exceptions areas and resource areas. He noted that resource areas were planned for resource use such as AF-20, AF-40, etc. and which currently have some resource value such as agricultural or forestry land.

Commissioner Molzahn felt areas other than just exceptions areas should be considered.

Mr. Egner noted that upzoning would not be allowed in the resource areas unless exceptions to state resource goals are made.

Commissioner Kriz felt that there was a desire by many people to have larger size parcels but at some point in the future they should be considered urbanizable. He commented that based on the topography in the area, it may be difficult to develop small residential lots.

The Commissioners asked Mr. Egner to tally the areas just identified by the Commission as growth areas for total projected population.

Motion: Roberts-Thomas to recommend to the Council that area "C" is a growth area based on criteria 1-6. Motion carried unanimously.

Area D discussion:

Motion: Roberts-Thomas to recommend to the Council that area "D" is a growth area based on criteria 1-6. Motion carried unanimously.

Area E and E2 Discussion:

Planning Commission Minutes
February 27, 1992
Page 13

Mr. Egner indicated that the area was basically east of Corral Creek Road. He noted that water service would require a new reservoir with increased systems charges but that area "E2" can be served by our current water system.

Motion: Roberts-Post to recommend to the Council that area "E" (area above 350 foot elevation) be excluded as a growth area based on criteria 1, 2, 4 and 6. Motion carried.

Motion: Kriz- to delete southern portion of area "E2" and just include exceptions land based on criteria 3.

Commissioner Molzahn felt the boundary should follow physical boundaries and not exceptions boundaries.

Motion died for lack of second.

Discussion followed regarding services through the Werth property.

Motion: Kriz-Post to recommend to the Council that area "E2" be excluded as a growth area based on criteria 3. Motion carried; Nay - Molzahn.

Motion: Roberts-Post to extend the adjournment time to 11:00 with a 5 minute recess. Motion carried; Nay - Thomas.

A 5 minute recess was called after which the meeting was reconvened.

Planning Director Egner indicated that the total of the areas recommended would support about one-half of the projected 50 year population figures.

Commissioner Thomas asked staff if there could be better information dissemination to the general public. He wanted the public know that they did not really have anything being taken away.

The Commission generally discussed again the difference between "URA" and "areas of growth".

Area F discussion:

Planning Director Egner identified the location of a potential pump station approximately 600 ft. south of Wilsonville Road in the drainageway which would serve area "F" together with the Werth property.

Chair Russell noted the outline was drawn based on natural contours.

Planning Commission Minutes
February 27, 1992
Page 14

The Commissioners extensively discussed the inclusion of resource land as opposed to the need for positioning of a pump station on resource land.

Motion: Kriz-Roberts to recommend to the Council that area "F" be excluded based on criteria 3. Aye--Kriz, Post; Nay-Molzahn, Prewitt, Ring, Roberts, Russell, Thomas. Motion failed.

Motion: Roberts-Thomas to recommend to the Council that area "F" be included based on criteria 1, 2, 4 and 6 and limited applicability of criteria 3. Vote on Motion: Aye--Molzahn, Post, Prewitt, Ring, Roberts, Russell, Thomas; Nay--Kriz. Motion carried.

Areas "H", "O", "N", and "P" discussion:

Planning Director Egner noted that area "H" would require a new pump station to be built.

Motion: Roberts-Thomas to recommend to the City Council that areas "H", "O", "N" and "P" be excluded based on criteria 1, 2 and 6. Motion carried.

Motion: Thomas-Prewitt to adjourn.

Chair Russell polled the Commission as to when to schedule the next meeting. He suggested that current planning issues be scheduled for the regular meeting and long-range issues could be scheduled for a special meeting. The commission discussed the issues related to URA's and when to schedule an additional meeting. There was no consensus of the members as to scheduling a special meeting time. It was noted that the URA discussion will be continued at the next regular meeting.

Vote on the motion: Motion carried unanimously.

There being no further business, the meeting was adjourned at 11:18 pm.