

BOARD ORDERS AND MINUTES

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY (“the Board”) sat for the transaction of county business in formal session on December 11, 2007 at 6:30 p.m. in the hearing room of the Newberg Public Safety Building, 401 E Third St, Newberg, Commissioners Kathy George, Mary P. Stern, and Leslie Lewis being present.

Also present were Rick Sanai, Assistant County Counsel; Ken Friday, Planning Division Manager; Barton Brierly and Elaine Taylor, City of Newberg staff; and members of the public as listed below.

Commissioner George called the meeting to order.

**PUBLIC HEARINGS:**

**DOCKET NO.:** PA-04-07  
**REQUEST:** To consider a proposal by the City of Newberg to expand the Newberg Urban Reserve Area.  
**APPLICANT:** City of Newberg  
**LOCATION:** Various areas surrounding the City of Newberg. Large blocks are being considered for inclusion to the southeast of the City.  
**TAX LOTS:** Various  
**CRITERIA:** ORS 197 and 215, Urban Reserve Area rule found in OAR 660-021, Newberg Urban Area Management Agreement, Yamhill Comprehensive Plan Goals and Policies and Section 1207.02 of the Yamhill County Zoning Ordinance.

**Staff Report:**

Ken Friday explained that the purpose of this hearing before the Board of Commissioners is to review the proposal by the Newberg City Council for the expansion of the Newberg Urban Reserve Area. The purpose of the request is to identify lands suitable for development to the year 2040. This is a legislative hearing which, under the Yamhill County requirement, only requires a public notice be printed in the newspaper. Although it wasn't required, the County Planning Department did send out public notice to a list of property owners and interested parties provided by the City of Newberg, which entailed over 1,000 notices. In addition, in order to encourage public testimony and make it more convenient for the public, each of the Board members agreed to hold the evening hearing in Newberg instead of the morning hearing in McMinnville. During the past year, the Newberg Urban Area Management Commission (NUAMC) has held a number of hearings to take public testimony on this issue and that

testimony was forwarded to the Board of Commissioners. NUAMC made a recommendation to the City Council, who in turn made a recommendation with some modifications, and the resulting map and findings were ultimately adopted by the City Council as Ordinance 2007-2681. The Urban Growth Management Agreement between the city and the county requires both to mutually agree on the location of the Urban Reserve Area (URA). Therefore, the purpose of this hearing is to take testimony and, if time allows, have the Board of Commissioners determine if they are in agreement with the identified URA. If serious disagreements arise, a joint hearing will be scheduled between the Board of Commissioners and the City Council.

Elaine Taylor explained that the Ad Hoc Committee was appointed by Newberg City Council in 2004 and began meeting in April 2004. They met 26 times from April 2004 to May 2005. Two open houses were held, reporting back to the City Council in July 2005. After their recommendations were made, the City of Newberg adopted the land needs projections and coordinated with the county on population projections. Additional hearings, neighborhood meetings, and workshops followed. Elaine reviewed the buildable land needs between now and the year 2040. Staff, along with their consultant, Winterbrook Planning, developed a map for this hearing along with three main considerations:

- 1) Respect the work done by the Ad Hoc Committee on Newberg's future;
- 2) Follow the requirements and regulations of state law;
- 3) Consider the local comments and preferences heard from the public.

Elaine explained that the map prepared for this hearing shows the UGB and URA recommendations made by the committee, as well as the agricultural resource land. She also reviewed the priorities for adding land to the URA in the state system. There are a number of categories that were identified as needs both general and specific. Other maps showing the contours of the study areas were reviewed, showing water service areas, agricultural resource land, areas of the public's preferences, and the current existing dwelling and building locations. She reviewed the URA adopted by the city in 2007.

Commissioner Lewis noted that there were a number of other exception areas that were thoroughly discussed by NUAMC. There were good reasons why those exception areas were not brought in.

Elaine Taylor added that a second look was taken at NUAMC's request in the southwest area. Extensive analysis was done on the water/sewer and transportation issues and surveying in those areas.

### **Public Testimony:**

Ruth Kilgore, 8625 NE St. Paul Hwy, Newberg, OR 97132: Submitted by phone to Ken Friday. Ken pointed out her property on the map.

Robert Soppe, 709 E. Sheridan, Newberg, OR 97132: Mr. Soppe was a member of NUAMC and the Newberg City Council when this was heard. He's concerned with the changes that occurred

between the NUAMC recommendation and what the City Council has passed off to the Board of Commissioners. State statutes are clear and you cannot add resource land before exception land except for two generally applied cases: 1) require the resource land to allow services to be extended to the exception land; and 2) services cannot be reasonably provided to the exception land, which is where Mr. Soppe believes there will be challenges. There's a significant amount of resource land being added in this proposal and a significant amount of exception land being excluded. The NUAMC recommendation would have been approved by the DLCDC and he believes this recommendation will not. In early October, the DLCDC submitted a letter concerning the proposal and Mr. Soppe disagrees with the logic behind some of their conclusions. The question he posed to the commissioners is how the URA additions will pass the scrutiny of the DLCDC. Mr. Soppe stated that he respects the wishes of all those affected and recognizes why these changes were made, but unfortunately the state statutes don't. The city staff did a commendable job preparing the findings to support leaving out the exception lands that the Newberg City Council requested, but he feels that it was almost an impossible task to fulfill that request. Mr. Soppe believes this recommendation will be remanded by the DLCDC primarily because of the resource vs. exception issue and is concerned about how long this will delay the URA process.

Robert Roholt, 31150 NE Schaad Rd., Newberg, OR 97132: Mr. Roholt is opposed to this recommendation. There is a lot of credence given to the exception lands in the report and it's not reasonable to provide services to that area. Mr. Roholt reviewed the list of costs and services identified in the report, stating that he believes this will not be accepted by the DLCDC.

Lewis Schaad, 31655 NE Schaad Rd., Newberg, OR 97132: Mr. Schaad stated he was not formally notified of this meeting tonight even though he testified at City Council and NUAMC. He understands the need for the expansion of the URA, but disagrees with Leslie Lewis about the properties along Benjamin Road and also with what the City Council has done to properties located near Springbrook Road and farther north. Even though these properties aren't ready for immediate development, these properties are exception lands and therefore should be included in the URA. Most of the development land is east and southeast of Newberg and the bulk of this land is farmable. The Southeast Transportation Plan is a critical piece of this URA expansion and he is disappointed that the City Council voted to remove the east/west connector road from Corral Creek near Trails End to Providence Drive.

Grace Schaad, 31525 NE Schaad Rd., Newberg, OR 97132: Ms. Schaad has been highly involved in this process and applied to serve on the Ad Hoc Committee for Newberg's future, attending 90% of the Ad Hoc Committee's meetings and testifying on numerous occasions before NUAMC and the Newberg City Council regarding the proposed URA expansion. She was not initially notified by mail of this meeting. Ms. Schaad urged the commissioners to vote against the proposed URA expansion as presented to them by the City of Newberg. There are several conflicts in this process. A member of the Ad Hoc Committee has in the past been employed by the owners of a large parcel of property on lower Corral Creek Road. In addition, the city documents were in part prepared by Benkendorf & Associates and Lancaster Engineering, who were also employed by the same property owners. Ms. Schaad believes the Ad Hoc Committee was "fed" data by these parties. Besides these inherent conflicts of interest,

she urged the commissioners to vote “no” because the city has opted to take resource land before exception land into the proposed URA. Not only is this in violation of the “order for inclusion,” she expressed her concern with bringing large parcels of viable farmland into the URA. The transportation infrastructure around and through Newberg cannot accommodate the increased population and development as proposed. The traffic mobility on 99W is an issue that cannot be ignored. Page 9 of the Kittleson document states that without the bypass, most of the intersections on 99W will fail, regardless of where future development occurs in Newberg. Grace asked how the rebuilding of 99W and its intersections can occur to accommodate increased traffic caused by future development. No more growth should take place until there is an infrastructure to accommodate traffic.

Cathy Stuhr, 31100 NE Fernwood Rd., Newberg, OR 97132: This proposal is based on sound and improved population projection, numbers, and science, and follows a logical and rational application of the governing standards. It represents tremendous opportunities for the future of Newberg in terms of economic viability, jobs, and livability. At the same time, this proposal presents some challenges, such as finding available non-resource land. If the state criteria is applied, some resource land must be taken in. She urged the commissioners to not fault this plan for incorporating resource land. With respect to transportation, Newberg needs to move forward, since infrastructure comes with growth.

Jon Mangis, 920 Sahalee Ct. SE, Salem, OR 97306: Mr. Mangis owns 125 acres of property in the northwest area with hazelnuts. After serving almost 50 years in some type of government service, this has been an open process that has encouraged participation, whether for or against the proposal. This is giving Newberg the opportunity to plan 40 years into the future. He supports this proposal and would like to be considered for the URA.

John Trudel, 4303 NE Bird Haven Loop., Newberg, OR 97132: Mr. Trudel is representing Oxford Lakes and thanked all those involved in this process. He supports this because they’re not in the URA and have opposed being in the URA for 25 years. Mr. Trudel thanked the county for their professionalism.

Michael Sherwood, 11725 NE Lauren Lane, Newberg, OR 97132: Mr. Sherwood is a member of NUAMC and has been involved in several meetings on all of the expansions, but focused tonight on the southeast area. The closest road to his home is Schaad Road. NUAMC tied in an adequate transportation plan with acceptance of this southeast expansion, which he supports. Eliminating the connector road is a great concern. Mr. Sherwood’s statements at the NUAMC meetings, as well as in several other meetings, have emphasized the importance of the connector road. Terrible traffic problems will occur with the additional homes to be built in this area without it. Mr. Sherwood is for the inclusion of the southeast area as long as the connector road is included.

Ken Friday clarified that the Southeast Transportation Plan isn’t before the Commissioners tonight, but will be at the meeting on January 17, 2008.

Warren Parrish, 30450 NE Wilsonville Rd., Newberg, OR 97132: Mr. Parrish thanked the commissioners for coming to Newberg tonight. His property is directly across from what will be

the next nine holes on the golf course. Mr. Parrish owns 40 acres considered resource land. He served six years on the Newberg Planning Commission, has served two years on NUAMC, and is currently on the School Board. Mr. Parrish concurs with Michael Sherwood and agrees with Mr. Soppe on the exception areas. Mr. Parrish quoted the Transportation Goal #12 and the primary objective of that goal. The City Council's action was voted 6-1 concerning the connector road and he feels that as a result of that action, there is no transportation plan in the southeast area. His opinion is that the City Council made a terrible decision concerning the connector road.

Saj Jivanjet, 33230 NW Old Parrett Mtn. Rd., Newberg, OR 97132: Saj is a planner and an architect. To create a sustainable city you must look at the current city use and whether it's being used sufficiently. You can't decide to grow and worry about the rest later. Resources, transportation, etc. needs to be looked at first. Without employment and industrial land, expansion is not needed. There needs to be a justification of growth.

Bruce Hall stated that he didn't want to speak.

Glenn Ferris, 32678 NE Corral Creek Rd., Newberg, OR 98132: Mr. Ferris has lived in his present home since 1971 and has lived in the area all his life. He showed his property on the map. Mr. Ferris is concerned with traffic and the lack of a Transportation Plan and how it will affect all involved. He is opposed to this proposal for many reasons. Mr. Ferris handed out a document to the commissioners prepared by himself. A lot of time and effort have been dedicated to this issue, but other problems need to be solved prior to accepting this plan.

Lee Does, 10730 Renne Rd., Newberg, OR 97132: Mr. Does lives across the street from what would be considered the URA. The last traffic accident was head-on in a 20 mph zone on December 3<sup>rd</sup>. Mr. Does has a 20-acre farm and has dodged many close calls in that area himself. He doesn't understand why the Kittleson report wasn't included in the commissioners' packet for this meeting. There needs to be a sufficient solution to traffic. Without the connector, there is no efficient way to do this. Mr. Does has attended most meetings regarding the URA and Transportation Plan and stated that everything seems to end with the statement, "when the bypass is built." There is no money for the bypass. Mr. Does works in automation engineering. You can't predict the motions of drivers and cars. The Kittleson Report ruled out the bypass in their study and stated that without the bypass, most of the study intersections will fail, no matter what development scenario is reached. He knows many who have put much time and effort into this process. If this goes forward, the exception lands need to be brought in first. He urged the commissioners to vote "no" on this proposal.

Commissioner Lewis stated that NUAMC asked ODOT a number of times about the traffic reports and felt much in the dark with regard to actual traffic report numbers and asked ODOT for pre-bypass information. The Kittleson report was ODOT's direct response to that request. The report was specifically written to give information and ODOT did apologize that it wouldn't be ready for NUAMC, however it was ready for the City Council in November. It was deliberately done to look at traffic in this area prior to the bypass being in place. NUAMC had long conversations concerning pre-bypass/post-bypass parts of that Transportation Plan.

Commissioner Lewis asked Mr. Does if he is in favor of the east/west connector that goes over to Providence Drive. Mr. Does replied that he can't see how this URA can be even remotely considered without a connector other than Fernwood Road to get people off of the local roads. The local roads will not handle the type of traffic that is being discussed.

Corinne Waterbury, 32695 NE Old Parrett Mtn. Rd., Newberg, OR 97132: The Kittleson report talks about restricting left turns on Old Parrett Mountain Road and Corral Creek Road and routing everyone onto existing small roads. It talks of the high-speed environment which will change with more traffic. She urged the commissioners to not "put the cart before the horse."

Commissioner Lewis asked Mr. Ferris whether he would be for or against the east/west connector. Mr. Ferris replied that there needs to be multiple parallel systems.

Commissioner Lewis stated that she received an email from David Jenson, who lives off of Springbrook Road up in the northeast section. She said that she made copies to bring to this meeting but forgot them and would bring those to the January 17, 2008 hearing if it's agreed upon to continue to that date. He requested his information as testimony. His email said he concurred with the Newberg City Council recommendation for the URA and he does not want his area included in the URA.

Commissioner Stern stated that she doesn't want to continue to a January meeting since that meeting sounds as if it will be long enough on its own. Discussion needs to be held on the Transportation Plan. She doesn't feel she'll be ready to make any decision on this until there is discussion on the Transportation Plan.

Commissioner Lewis stated that since NUAMC worked on the plan and recommended an east/west connector and City Council has since taken that out, her hope is to not only hear from citizens at the January 17, 2008 meeting, but that the city would come and explain why that was taken out. Her opinion is that the connector was extremely important.

Commissioner Stern stated that she is unsure if it's wise to schedule both for the same meeting if both are anticipated to be lengthy. Ken Friday stated that deliberation could continue until after a decision is made on the Newberg Transportation Plan, and until another date after the January 17, 2008 meeting.

Commissioner George asked for some clarification on the sequencing of the URA land and the UGB. Barton Brierley explained that it generally gets taken in incrementally.

Commissioner George asked if the exception areas proposed by NUAMC and left out of the final process were large blocks of land or small pieces. Elaine Taylor showed the map with those areas. Commissioner George asked how many acres total. Barton Brierley replied approximately 35 acres. Elaine Taylor stated there were 8 to 9 parcels. Commissioner Lewis pointed those areas out in detail on the map. Commissioner George asked if the exception land is VLDR. Ken Friday explained that it includes VLDR and AF-10 land. Commissioner George asked if there are small acres. Ken Friday stated that the land could be an acre in size.

**MOTION: Commissioner Stern moved to continue Planning Docket PA-04-07 at the point of public testimony to January 17, 2008, Public Safety Building, 401 N. Third St, Newberg, Oregon at 6:30 p.m. after the Southeast Transportation Plan hearing.**

The motion passed, Commissioners George, Stern, and Lewis voting aye.

Barton Brierley thanked the Board of Commissioners and the Yamhill County Planning Staff for coming to Newberg.

The meeting adjourned at 8:35 p.m.

Dawn Karen Bevill  
Secretary

YAMHILL COUNTY BOARD OF COMMISSIONERS

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Chair KATHY GEORGE

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Commissioner MARY P. STERN

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Commissioner LESLIE LEWIS