



**CITY COUNCIL AGENDA  
AUGUST 6, 2012  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

**Mission Statement**

*The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.*

**Vision Statement**

*Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.*

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. SPECIAL PRESENTATIONS**

1. Consider a motion approving a proclamation recognizing and supporting the Rotary Clubs in their efforts to register Newberg as a Rotary Peace Community. (Pgs. 3-4)
2. Consider a motion approving a proclamation declaring the week of August 12, 2012, as Newberg Firefighter Appreciation Week. (Pgs. 5-6)

**V. CITY MANAGER'S REPORT**

**VI. PUBLIC COMMENTS**

(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

**VII. CONSENT CALENDAR**

Consider a motion approving the June 18 and July 2, 2012, City Council meeting minutes. Pgs. 7-17)

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

## VIII. PUBLIC HEARINGS

Consider a motion adopting **Ordinance No. 2012-2751** adopting revised findings for the South Industrial Urban Growth Boundary (UGB) amendment and revisions to the Economic Opportunities Analysis (EOA). (Pgs. 19-34)

**(Please bring material from the 3/19/2012, 4/2/2012, 5/7/2012, 6/4/2012, and 6/18/2012 meetings)**

**(Legislative Hearing – 6<sup>th</sup> Reading)**

## IX. COUNCIL BUSINESS

## X. ADJOURNMENT

*ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.*

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. The exception is land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 4:30 p.m. on the preceding Wednesday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 6, 2012

Order \_\_\_      Ordinance \_\_\_      Resolution \_\_\_      Motion XX      Information \_\_\_  
No.              No.                      No.

**SUBJECT: Approve a proclamation recognizing and supporting the City of Newberg becoming a Rotary Peace Community.**

Contact Person (Preparer) for this  
Motion: Bob Andrews, Mayor  
Dept.: Administration  
File No.:

## RECOMMENDATION:

Approve a proclamation recognizing and supporting the City of Newberg becoming a Rotary Peace Community.

## EXECUTIVE SUMMARY:

The Rotary Clubs of Newberg contacted the Mayor and inquired if the City would approve a proclamation supporting the City of Newberg becoming a Rotary Peace Community. This proclamation is in coordination with the Rotary Clubs to help achieve their goal of becoming Rotary District 5100 Sustaining Peacebuilder Clubs. With great appreciation and gratitude, the mayor brings forward this proclamation for your consideration.

## FISCAL IMPACT:

None.

## STRATEGIC ASSESSMENT:

This supports the Council's desire to be an active participant in the community by reaching out and recognizing the importance of a Rotary Peace Community.



## PROCLAMATION

### A PROCLAMATION RECOGNIZING AND SUPPORTING THE DECLARATION OF A ROTARY PEACE COMMUNITY

**WHEREAS**, the Rotary Community Peace Credo promotes *Respect* for cultural diversity and the life and dignity of every person, without discrimination or prejudice; *Rejection* of violence, in all its forms and towards all people; *Resolution* of conflict within local and global communities; and *Reconciliation* of differences in the pursuit of harmony; and

**WHEREAS**, the City of Newberg supports the mission of the Rotary Peace Community of Newberg and together we wish to promote peace, understanding and goodwill between our residents and in communities around the world by resolving to:

- Share our time and material resources in a spirit of generosity to put an end to exclusion, injustice and political and economic oppression,
- Defend freedom of expression and cultural diversity, giving preference always to dialogue and reason rather than to violence, conflict, or the rejection of others,
- Promote consumer behavior that is responsible and develop practices that respect all forms of life and preserve the balance of nature on the planet, and
- Contribute to the development of our community with the full participation all people and respect for democratic principles; and

**WHEREAS**, the Newberg Noon and Early Birds Rotary Clubs desire to become Rotary District 5100 Sustaining Peacebuilder Clubs and join the registry of Rotary Peace Communities around the world, and

**WHEREAS**, the City of Newberg encourages its residents to support Newberg's Noon and Early Bird Rotary Clubs in their endeavor to develop peaceful and diverse communities worldwide.

**NOW, THEREFORE, IT IS PROCLAIMED** by the Mayor and the City Council of the City of Newberg, our organization supports the goals and ideals of A Rotary Peace Community and encourages the citizens of our community to join in those endeavors.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 6<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
Bob Andrews, Mayor

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 6, 2012

Order \_\_\_      Ordinance \_\_\_      Resolution \_\_\_      Motion XX      Information \_\_\_  
No.              No.                      No.

**SUBJECT: Approve a proclamation declaring the week of August 12, 2012, as Newberg Firefighter Appreciation Week.**

Contact Person (Preparer) for this  
Motion: Les Hallman  
Dept.: Fire/EMS  
File No.:

## RECOMMENDATION:

Approve a proclamation declaring the week of August 12, 2012, as Newberg Firefighter Appreciation Week.

## EXECUTIVE SUMMARY:

The Muscular Dystrophy Association contacted the City and inquired if the City would support a proclamation declaring the week of August 12, 2012, as Newberg Firefighter Appreciation Week. This proclamation is in coordination of the Newberg Fire Department's Fill the Boot Campaign to raise funds for the Muscular Dystrophy Association.

## FISCAL IMPACT:

None.

## STRATEGIC ASSESSMENT:

This supports the Council's desire to be an active participant in the community by reaching out and recognizing the importance of the Newberg Fire Department, Fill the Boot Campaign, and the Muscular Dystrophy Association.



## PROCLAMATION

### **A PROCLAMATION DECLARING THE WEEK OF AUGUST 12, 2012, AS NEWBERG FIREFIGHTER APPRECIATION WEEK**

**WHEREAS**, fighting fires is one of the most hazardous professions, requiring physical strength, stamina, extensive training, courage, and selfless concern for the welfare of our citizens; and

**WHEREAS**, in addition to their daily service to communities, firefighters throughout the state and across the nation have joined the Muscular Dystrophy Association for the past several years in the fight against neuromuscular diseases; and

**WHEREAS**, the Muscular Dystrophy Association is extremely grateful to the firefighters of Newberg whose "Fill the Boot" campaign will assist MDA in providing medical services at local clinics, summer camp, research grants, support groups and public education seminars at no cost to local children and families; and

**WHEREAS**, it is appropriate for all Newberg citizens to join the Muscular Dystrophy Association in this tribute to our Firefighters.

**NOW, THEREFORE, IT IS PROCLAIMED** by the Mayor and City Council of the City of Newberg, Oregon, the City of Newberg declares the week of August 12, 2012, as **NEWBERG FIREFIGHTER APPRECIATION WEEK** and commend the firefighters of Newberg for the efforts on behalf of the Muscular Dystrophy Association.

**IN WITNESS WHEREOF**, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 6<sup>th</sup> day of August, 2012.

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Bob Andrews, Mayor

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 6, 2012

Order \_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion XX Information \_\_\_  
No. No. No.

SUBJECT: Approve the June 18 and July 2, 2012,  
City Council Meeting minutes.

Contact Person (Preparer) for this  
Motion: Norma Alley, City Recorder  
Dept.: Administration

## RECOMMENDATION:

Approve City Council minutes for preservation and permanent retention in the City's historical records.

## EXECUTIVE SUMMARY:

The City of Newberg City Council held public meetings and minutes were recorded in text. In accordance to Oregon State Records Management law, the City of Newberg must preserve these minutes in hard copy form for permanent retention.

## FISCAL IMPACT:

None.

## STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG COUNCIL MINUTES**  
**JUNE 18, 2012**  
**7:00 P.M. MEETING**  
**PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. A presentation from the Police Department and demonstration of the new police vehicles was given. All Councilors and the Mayor were present; no action was taken and no decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma I. Alley, City Recorder
	Sonja Johnson, Environmental Specialist	Jennifer Nelson, Deputy City Recorder
	Jason Wuertz, Project Manager	

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, spoke about the Newberg Farmers' Market and Tunes on Tuesday, encouraging everyone to attend. He discussed the League of Oregon Cities (LOC) legislative priorities and the intention to discuss them during an upcoming work session to submit their top four priorities for Newberg. The Local Government Dinner hosted by the City of Dayton will be held this Thursday, June 28, 2012, as well as Public Works Day at the Library and the Library's Summer Reading Kick-off will be held on June 20, 2012.

**V. PUBLIC COMMENTS**

Mayor Andrews opened and closed the public testimony; no citizens appeared.

**VI. CONSENT CALENDAR**

1. Consider a motion approving **Resolution No. 2012-3007** authorizing the city manager to execute an Intergovernmental Agreement with CPRD to allow for inclusion of city streets in the Heritage Trail system for the purpose of signage.
2. Consider a motion accepting the Chamber of Commerce's 3<sup>rd</sup> Quarter Report for the Visitor Information Center.

<b>MOTION:</b> Bacon/Rierson approving the Consent Calendar including <b>Resolution No. 2012-3007</b> and the Chamber of Commerce's 3 <sup>rd</sup> Quarter Report for the Visitor Information Center. Motion carried (7 Yes/0 No).
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## VII. PUBLIC HEARINGS

1. Consider a motion adopting **Ordinance No. 2012-2751** adopting revised findings for the South Industrial UGB amendment and revisions to the Economic Opportunities Analysis.

TIME – 7:05 PM

Mayor Andrews introduced the legislative hearing in the fifth reading and called for any conflicts of interest or abstentions; none appeared.

Mr. Barton Brierley, Planning and Building Director, presented the staff report and recommended adoption (see official meeting packet for full report).

Mr. Terry Mahr, City Attorney, said a request was received from 1000 Friends of Oregon for additional time to respond to documents and two council members informally requested additional time to review documents. He added if new evidence is introduced they are obligated to reopen the record for a week. He suggested postponing the hearing until the August 6, 2012, to allow staff time to include information for the packet and because he will not be attending the second Council meeting in July.

Councilor Shelton said the material has been repackaged and asked if it is mostly what the Council has looked at before. Staff replied yes, other than the double underlined items; there are changes beyond pages 19-20, but yes all has been seen by Council.

Councilor Bart Rierson said if the information is mostly a reconsolidation, he recommends leaving it out of the record. If it is just a summary of what they have looked at before, he would like to move this process forward; otherwise more written testimony will be submitted every time staff puts in something they want to respond to. He would prefer to leave out the most recent staff report so they do not have to accept the request and delay the process any longer.

Councilor Stephen McKinney said with such a late date of receipt and some Council not being able to peruse all 250 pages he is prepared to postpone.

Councilor Ryan Howard agreed there is a lot in the repackage but there were several substantive changes and he would understand the need and desire for more time, so he would be willing to accept that.

Councilor Shelton replied he felt the need to limit the response to the double-underlined issues because the content of letters was not new; one was just reprinted from a previous date. He also felt the response should be limited to give the city a chance to respond.

Mayor Andrews said he was willing to accept the letter.

**MOTION: Howard/Bacon** to accept the letter requesting additional response. Motion carried (6 Yes/1 No [Shelton]).

**MOTION: McKinney/Rierson** to postpone the hearing on **Ordinance No. 2012-2751** until August 6, 2012, leaving the record open for response to be submitted until June 25, 2012 by the close of business. Motion carried (6 Yes/1 No [Shelton]).

2. Consider a motion approving **Ordinance No. 2012-2754** adopting a Stormwater Management Program requiring measures to control construction site runoff, illicit discharges, and post-construction stormwater.

TIME – 7:19 PM

Mayor Andrews introduced the legislative hearing in the first reading and called for any conflicts of interest or abstentions; none appeared.

Ms. Sonja Johnson, Environmental Specialist, presented the staff report and recommended adoption (see official meeting packet for full report).

Councilor Howard asked where did the proposed language come from.

Ms. Johnson replied they took examples with comparable city codes from McMinnville, West Linn, Keizer, Woodburn, and the cities from 15,000 up to 33,000 in population. They meshed them together for the initial code and brought it before the Stormwater Ad-hoc Committee and Planning Commission.

Councilor Howard expressed concern with the exemption for increases in impermeable surfaces in areas less than 500 square feet. He asked if there was anything to prevent a parking lot from being put in 500 square feet at a time. Ms. Johnson replied there was one part of the code stating if it is part of a larger project, then it will adhere to regulations as if it was whole, so it cannot be piecemealed.

Mayor Andrews opened and closed the public testimony as no citizens appeared to testify. Staff recommended adopting the code. Mayor Andrews asked if the Council wished to consider the ordinance in the first reading.

**MOTION: McKinney/Rierson** to waive the second reading and go into discussion. Motion carried (7 Yes/0 No).

**MOTION: Rierson/Bacon** approving **Ordinance No. 2012-2754** adopting a Stormwater Management Program requiring measures to control construction site runoff, illicit discharges, and post-construction stormwater, read by title only. Motion carried (7 Yes/0 No).

4. Consider a motion approving **Resolution No. 2012-2994** adopting new monthly water rates effective January 1, 2013.

TIME – 7:34 PM

Mayor Andrews introduced the administrative hearing as a series of resolutions dealing with water, wastewater, and stormwater rates and called for any conflict of interest or abstentions; none appeared.

Mr. Danicic presented the staff report and recommended adoption of all three rates (see official meeting packet for full report).

Mayor Andrews thanked the Citizens' Rate Review Committee (CRRC) for the great deal of discussion and new insights brought to the committee. He said they had a good, sound product benefiting the city and laying groundwork for the future.

**MOTION: Shelton/Bacon** approving **Resolution No. 2012-2994** adopting new monthly water rates effective January 1, 2013. Motion carried (7 Yes/0 No).

5. Consider a motion approving **Resolution No. 2012-2995** adopting new monthly wastewater rates effective January 1, 2013.

TIME – 7:40 PM

**MOTION: Bacon/Witherspoon** approving **Resolution No. 2012-2995** adopting new monthly wastewater rates effective January 1, 2013. Motion carried (7 Yes/0 No).

6. Consider a motion approving **Resolution No. 2012-2996** adopting new monthly stormwater rates effective January 1, 2013.

TIME – 7:41 PM

**MOTION: Rierson/Bacon** approving **Resolution No. 2012-2996** adopting new monthly stormwater rates effective January 1, 2013. Motion carried (7 Yes/0 No).

3. Consider a motion approving **Resolution No. 2012-3008** adopting the 2012-2013 Budget and including election to participate in the State Revenue Sharing Program.

TIME – 7:42 PM

This item was heard out of agenda order. Mayor Andrews introduced the administrative hearing and called for any conflicts of interest or abstentions; none appeared.

Ms. Janelle Nordyke, Finance Director, presented the staff report and recommended adoption (see official meeting packet for full report).

Mayor Andrews opened and closed the public testimony as no citizens appeared to testify. Staff recommended approval.

**MOTION: Shelton/McKinney** approving **Resolution No. 2012-3008** adopting the 2012-2013 Budget and including election to participate in the State Revenue Sharing Program. Motion carried (7 Yes/0 No).

## VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2012-3010** accepting an interim financing loan from Clean Water State Revolving Fund in the amount of \$14,484,130.00 for the Wastewater Treatment Plant Repair, Renovation and Expansion Project.

TIME – 7:50 PM

Mr. Jason Wuertz, Project Manager, and Ms. Nordyke presented the staff report; passed out an updated chart regarding the repair, renovation, and expansion of the Wastewater Treatment Plant; and recommended adoption of the resolution (see official meeting packet for full report).

Councilor McKinney asked what the length of these loans is. Ms. Nordyke replied 20 years.

Mayor Andrews asked if it was based on revenue and it is really a line of credit. Staff replied this was correct.

Mayor Andrews asked staff if they wish to have Exhibit “A” in the resolves since it was referred to in the recitals. Ms. Nordyke replied they do not; it is incorporated and does not need to be adopted.

**MOTION: Shelton/Howard** approving **Resolution No. 2012-3010** accepting an interim financing loan from Clean Water State Revolving Fund in the amount of \$14,484,130.00 for the Wastewater Treatment Plant Repair, Renovation and Expansion Project. Motion carried (7 Yes/0 No).

2. Consider a motion approving **Resolution No. 2012-3011** authorizing the city manager to negotiate Change Order #2 for the construction of Fire Station #20 Remodel Project.

TIME – 7:58 PM

Mr. Wuertz presented the staff report and recommended approval (see official meeting packet for full report).

Councilor Shelton asked staff for a reminder of the previous change order. Mr. Wuertz said Change Order #1 was approved before unforeseen site conditions were discovered post demolition. Scope was added to increase the value because the bid was lower than originally budgeted. As of late, necessary architectural clarification to the plans occurred, which the contractor could not financially assume. Staff discussed the value of the project with the additional grant money. Councilor Shelton appreciated the value, but was concerned with low bids really being competitive when they are not actually saving money.

**MOTION:** **Howard/Bacon** approving **Resolution No. 2012-3011** authorizing the city manager to negotiate Change Order #2 for the construction of Fire Station #20 Remodel Project. Motion carried (7 Yes/0 No).

## **IX. COUNCIL BUSINESS**

None.

## **XII. ADJOURNMENT**

The meeting adjourned at 8:09 PM.

**ADOPTED** by the Newberg City Council this 6<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 9<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
Bob Andrews, Mayor

**CITY OF NEWBERG COUNCIL MINUTES**  
**JULY 2, 2012**  
**7:00 P.M. MEETING**  
**PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

An executive session was held during the work session prior to the meeting pursuant to ORS 192.660(2)(d) relating to labor negotiations and ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection was held. All Councilors and the Mayor were present; no action was taken and no decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:12 PM.

**II. ROLL CALL**

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma I. Alley, City Recorder
		Jennifer Nelson, Deputy City Recorder

Others

Present: Susan Kindsvogel, David Hancock, Ron Manning, and David Haugeberg

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. SPECIAL PRESENTATIONS**

1. Consider a motion approving a proclamation declaring July 26-29, 2012, as Old Fashioned Festival Week.

<b>MOTION: Rierson/Shelton</b> approving a proclamation declaring July 26-29, 2012, as Old Fashioned Festival Week. Motion carried (7 Yes/0 No).
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**V. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, reported the annual water report was mailed as well as the advertisement issued for the Assistant City Manager to several venues. Applications are due August 3, 2012, with a candidate selected by October or November. The Newberg Animal Shelter's outer shell is close to completion and the parking lot paving will be completed with dryer weather. When the keys are received the Newberg Animal Shelter Friends (NASF) and Habitat for Humanity will be working together on the interior improvements to begin housing animals by the end of summer. After completion, he will return to Council to discuss what to do with the old animal shelter site.

**VI. PUBLIC COMMENTS**

None.

## VII. CONSENT CALENDAR

Consider a motion approving a sound permit for the Chamber of Commerce's Tunes on Tuesday held during the months of July and August.

**MOTION: Rierson/Howard** approving the Consent Calendar including a sound permit for the Chamber of Commerce's Tunes on Tuesday held during the months of July and August. Motion carried (7 Yes/0 No).

## VIII. PUBLIC HEARINGS

Consider a motion adopting **Ordinance No. 2012-2755** approving findings for annexation of two parcels and scheduling it for the November 6, 2012, General Election.

TIME – 7:20 PM

Mayor Andrews introduced the legislative hearing in the first reading and called for any conflicts of interest or abstentions; none appeared.

Mr. Barton Brierley, Planning and Building Director, presented the staff report accompanied by a PowerPoint (see official meeting packet for full report).

Councilor Marc Shelton asked if there were still parcels not included in the city and if there have been any discussions with other parties. Staff said there were parcels still not included, both owners had discussions with their neighbors, but no others came forth by the deadline.

Mayor Andrews opened the public testimony for proponents to speak.

Ms. Susan Kindsvogel said when they had a previous hardship to connect to city sewer the City requested they annex prior to selling the property. They decided to annex through the batch process so they would have the freedom to consider selling the property.

Mr. David Hancock said he is a property owner next to the site to be annexed and his water line runs under that property. He asked if he could speak with anyone about how this affects his property line. Mr. Danicic replied when development occurs there will be a sign posted and since he is adjacent to the property he will receive written notification and given an opportunity to ask for special conditions. Mr. Brierley added the City is aware of the private water line through the property from the water district out there and suggested he speak with the applicant, Mr. Ron Manning, as accommodations will have to be made.

Mayor Andrews closed the public testimony and staff recommended adoption; the public hearing was closed.

**MOTION: Witherspoon/Rierson** to waive the 2<sup>nd</sup> reading requirement. Motion carried (7 Yes/0 No).

**MOTION: Shelton/McKinney** to adopt **Ordinance No. 2012-2755** finding two properties, Yamhill County tax lot 3218AB-1101, located just south of 2119 Crater Lane, and tax lot 3221BB-00300, located at 208 N. Springbrook Road, meet the applicable Newberg Development Code criteria to be annexed into the city and to change the current zoning designations of both properties from Yamhill County VLDR1 to City R-2, and declaring that these two properties be annexed into the City of Newberg and withdrawn from the Newberg Rural Fire Protection District subject to a public vote; and authorizing and directing the city elections officer to certify to the Yamhill County Clerk a ballot title for the measure to be submitted to the electorate of the City of Newberg for their approval of an annexation of these properties, read by title only. Motion carried (7 Yes/0 No).

## IX. NEW BUSINESS

1. Consider a motion adopting **Resolution No. 2012-3009** authorizing the city manager to sign an Intergovernmental Agreement for the Newberg-Dundee Bypass Construction Project funding.

TIME – 7:40 PM

Mayor Andrews passed the roving gavel to Councilor Wade Witherspoon who introduced the resolution.

Mr. Terrence Mahr, City Attorney, presented the staff report and recommended approval (see official meeting packet for full report).

Councilor Shelton discussed section six on page 89 of the packet and asked if the pay off terms are ahead of the other cities are they still obligated to the other sections. Mr. Mahr said they anticipate not being liable for the whole \$16 million if it is paid off ahead of time because there will be separate loan agreements. Councilor Shelton asked what the language about fulfilling the obligation “but shall remain subject to all other terms and provisions” means for Newberg. Mr. Mahr said it means the cooperation of the IGA but there will be no other liability outside of the loan agreement.

Councilor Stephen McKinney asked about there being no insurance of the funds collected for payment of this note and the possibility the final IGA may come to us not including the funds. Mr. Mahr said the IGA will be as presented tonight, but there are no guarantees the final loan agreement will be limited to those funds. Other cities did not limit their liability to those funds and the County is not intending to either, so the question is to look at the final loan documents to see if we can negotiate with the Oregon Department of Transportation (ODOT) to limit just to those funds. Councilor McKinney asked if there is anything in the agreements by discussion or consensus where we have limited our participation to collected funds or taxations only. Mr. Mahr referred to section four and the sources of loan repayment, stating each local government can make the election of revenue payable.

Councilor Ryan Howard asked staff to clarify section four and the cooperative fund exchanges. Mr. Mahr said there is some money from federal transportation that goes to the State. The State trades with us and we pay a 6% administrative fee. It was thought to be more economical to give the money directly to the loan and save on paying the 6%.

Councilor Witherspoon opened the public testimony.

Mr. David Haugeberg reported the City of McMinnville approved the IGA and the Yamhill County Board of Commissioners will consider it for approval on Thursday. The City of Dundee will be considering the same IGA during their council meeting tomorrow evening.

Councilor Howard asked how likely it was that ODOT would be receptive to our goal of not committing more funds than will be generated since they are hesitant to commit more with the gas tax being seen as a waning source of revenue. He asked about this causing a higher interest rate on the loan. Mr. Haugeberg said during the credit application process the amount of money pledged to the debt clearly affects the rate of interest. He cannot tell how ODOT will see that limitation when they are making the pledge to borrow money and cannot answer in terms of the loan application. It is yet to be determined and this IGA does not commit any entities to specific terms on the loan; each entity needs to negotiate the terms.

Mr. Mahr made the final staff recommendation to pass the resolution approving the IGA and authorizing the city manager to sign and file the joint application. He said it is a high priority of the City of Newberg and is required with the local batch and the goals they are trying to accomplish.

**MOTION: Andrews/Bacon** approving **Resolution No. 2012-3009** approving an Intergovernmental Agreement with Yamhill County, the City of Dundee, and the City of McMinnville for the Phase I of the Newberg-Dundee Bypass Project, providing for joint-cooperation in filing an application for a loan from the Oregon Department of Transportation (“ODOT”) for the funding of the local match for the Project, and authorizing the City Manager to file the joint-application.

Councilor Rierson said this is a good deal for Newberg and has been the most important transportation project for the last 40 to 50 years. He said it was appropriate and he intends to support the resolution.

Mayor Andrews said he will vote yes and looks forward to the evolution of this.

Councilor Shelton said he supports the consideration of the IGA for foresight and partnership with the other entities. He said a lot of work has been done with cooperation of other agencies on the behalf of improving transportation through our cities.

**VOTE:** To approve **Resolution No. 2012-3009**. Motion carried (7 Yes/0 No).

2. Consider a motion adopting **Resolution No. 2012-3013** authorizing the city manager to enter into a Memorandum of Understanding between the City of Newberg and Willamette Water Trail Partnership.

TIME – 8:00 PM

Mayor Andrews introduced the resolution.

Councilor Rierson presented the staff report and recommended adoption (see official meeting packet for full report).

Councilor Shelton referred to the Request for Council Action (RCA) and the MOU under responsibility on page 96 and working together to respect private property; he asked how this assures that will happen. Councilor Rierson replied Oregon State Statutes allow access on waterways up to the high water line. An editorial last week brought up issues of people abusing access by crossing over private property to get to the beach or river. There is a guide specifically listing private property areas and encouraging people not to do that along with providing specific signage to prevent using private property. He said an educational component with this is a key element; but, trespassing is highly discouraged.

Councilor Howard asked if the Chehalem Parks and Recreation District (CPRD) was asked to participate. Councilor Rierson replied they were.

**MOTION: Howard/Rierson** adopting **Resolution No. 2012-3013** authorizing the city manager to enter into a Memorandum of Understanding between the City of Newberg and Willamette Water Trail Partnership. Motion carried (7 Yes/0 No).

## **X. COUNCIL BUSINESS**

TIME – 8:12 PM

Mr. Danicic discussed the possible sale or lease of properties by Oliver and Otis springs by Medici Vineyards and Rex Hill Winery asking for Council direction. Council asked about use of the springs for operation, ensuring easements remain, the affects of long range plans, divestiture of the springs system, and possibly waiting until those issues are dealt with first.

Mr. Danicic brought up the LOC legislative priorities. They identified areas of interest from the list being jobs and economic development, the transient lodging tax (TLT), the property tax system, the court fining system, arbitration decisions, renewing the 911 tax, consolidation of public communications, and deleting the moratorium on gas taxes. Mr. Danicic asked Council to look at these prior to the work session discussion on July 16<sup>th</sup> to narrow them down to the top four or five.

Mr. Danicic added since the budget has been adopted they will start moving into next years budget process a little earlier and spoke of scheduling additional council work sessions on Monday nights to discuss the budget, review goals, and review visioning documents and master plans to prioritize services and fill gaps. He also discussed using a facilitator for these meetings.

## **XI. ADJOURNMENT**

The meeting adjourned at 8:42 PM.

**ADOPTED** by the Newberg City Council this 6<sup>th</sup> day of August, 2012.

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Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 9<sup>th</sup> day of August, 2012.

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Bob Andrews, Mayor

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# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: August 6, 2012

Order \_\_\_ Ordinance XX Resolution \_\_\_ Motion \_\_\_ Information \_\_\_  
No. No. 2012-2751 No.

**SUBJECT: Adoption of revised findings for the South Industrial UGB amendment and revisions to the Economic Opportunities Analysis**

Contact Person (Preparer) for this Motion: Barton, Brierley, AICP  
Dept.: Planning and Building Department  
File No.: UGB 09-001

HEARING TYPE:  LEGISLATIVE  QUASI-JUDICIAL  NOT APPLICABLE

*Note: The City Council has closed public testimony for this item. Bring your June 18, 2012, packet.*

## RECOMMENDATION:

Adopt Ordinance No. 2012-2751 adopting revised findings for the South Industrial UGB amendment and revisions to the Economic Opportunities Analysis.

## EXECUTIVE SUMMARY:

The proposal includes the following elements:

1. Inclusion of approximately 132 gross buildable acres (260 total acres) into the Newberg UGB. 129 acres would be designated Industrial (IND) and approximately 3 acres would be designated Public/Quasi Public (PQ).
2. Redesignation of 7 acres of land in the Newberg UGB from Medium Density Residential (MDR) to Industrial (IND).
3. Amendment to the Transportation System Plan to include the future transportation plan for the south industrial area.
4. Adoption of the revised Newberg Economic Opportunities Analysis (EOA).
5. Adoption of comprehensive plan amendments related to updates from the revised EOA and updated population projections.

The proposed area for inclusion in the UGB is located south of Wyooski Road and Wilsonville Road on either side of Highway 219.

The Council has held a number of hearings on this item.

## ATTACHMENTS:

Ordinance No. 2012-2751 (Exhibits provided in June 18, 2012, City Council packet)  
Public comment received 6/19/2012 to 6/25/2012



## **ORDINANCE No. 2012-2751**

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**AN ORDINANCE ADOPTING REVISED FINDINGS IN SUPPORT OF THE SOUTH INDUSTRIAL URBAN GROWTH BOUNDARY AMENDMENT, REVISIONS TO THE ECONOMIC OPPORTUNITIES ANALYSIS, AMENDMENTS TO THE COMPREHENSIVE PLAN AND TRANSPORTATION SYSTEM PLAN, AND REPEALING CERTAIN ORDINANCES**

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### **RECITALS:**

1. Newberg's comprehensive plan states, "In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base."
2. Newberg has adopted a vision statement: "Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity."
3. Newberg has a shortage of industrial land needed to meet these goals and visions.
4. The Ad-hoc Committee on Newberg's Future's Report to City Council recommends the South Industrial area be added to the Urban Growth Boundary (UGB) to meet future industrial land needs.
5. The Newberg City Council has accepted the South Industrial Master Plan as a vision for the south industrial area.
6. On June 15, 2010, the Newberg Urban Area Management Commission recommended adoption of the proposed UGB amendment.
7. On July 18, 2011, the Newberg City Council adopted the proposed UGB amendment and the revised Economic Opportunities Analysis.
8. Yamhill County is intending to adopt new population forecasts at some unknown future date. Newberg would like to adopt a safe harbor population forecast for the purposes of this UGB amendment.
9. The proposal meets the goals and policies of the Newberg Comprehensive Plan and implementing ordinance, the Statewide Planning Goals, and statutes and rules.

### **THE CITY OF NEWBERG ORDAINS AS FOLLOWS:**

1. The South Industrial UGB Report and Findings shown in Exhibit "A", including its appendices, is hereby adopted and by this reference incorporated.
2. The Newberg Urban Growth Boundary is hereby amended to include that territory as shown on Map 12 of Exhibit "A".

3. The Newberg Comprehensive Plan Map is hereby amended as shown on Map 12 of Exhibit "A". This includes the following changes:
  - a. The Comprehensive Plan Map designation of Tax Lot 3221-2600 and 3228BB-100 are changed from Medium Density Residential (MDR) to Industrial (IND).
  - b. The Comprehensive Plan Map designation of parcels included in the UGB are changed from Yamhill County AFLH, AFSH, P, and IND to Newberg Industrial (IND) and Public/Quasi-Public (PQ) as shown on Map 12.
  - c. The stream corridor overlay and future park site designations as shown on Map 12 are hereby adopted.
4. The Newberg Economic Opportunities Analysis is hereby adopted as shown in Appendix A of Exhibit "A". This shall replace Chapter 12 of the Inventory of Natural and Cultural Resources.
5. The Newberg Comprehensive Plan Text is hereby amended as shown in Appendix B of Exhibit "A".
6. The Newberg Transportation System Plan is hereby amended to include the future transportation plan text and map for the south industrial area, as shown in Appendix G of Exhibit "A".
7. Ordinance No. 2010-2723, which adopted a revision to Newberg's Economic Opportunities Analysis, and Ordinance No. 2010-2740, which adopted further revisions to the Newberg Economic Opportunities Analysis and findings in support of the South Industrial UGB amendment are hereby repealed.
8. Adoption of this ordinance is subject to adoption of corresponding amendments to the UGB and adoption of Newberg's revised population projections by the Yamhill County Board of Commissioners.
  - **Effective Date** of this ordinance is the date on which corresponding amendments to the Newberg Urban Growth Boundary and Yamhill County Comprehensive Plan are adopted by Yamhill County, but no earlier than 30 days after the adoption date, which is: September 5, 2012.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 6<sup>th</sup> day of August, 2012, by the following votes: **AYE:**      **NAY:**      **ABSENT:**      **ABSTAIN:**

\_\_\_\_\_  
Norma I. Alley, MMC, City Recorder

**ATTEST** by the Mayor this 9<sup>th</sup> day of August, 2012.

\_\_\_\_\_  
Bob Andrews, Mayor



133 SW Second Ave, Suite 201 • Portland, OR 97204 • (503) 497-1000 • fax (503) 223-0073 • www.friends.org  
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528 • (541) 474-1155  
Willamette Valley Office • 220 East 11<sup>th</sup> Avenue, Suite 5 • Eugene, OR 97401 • (541) 520-3763  
Central Oregon Office • 115 NW Oregon Ave #21 • Bend, OR 97701 • (541) 719-8221

June 25, 2012

Mayor Bob Andrews  
Newberg City Council  
414 E. First Street  
Newberg OR 97132

Dear Mayor Andrews and Council members:

1000 Friends of Oregon and Friends of Yamhill County have previously provided written and oral testimony on the *Economic Opportunities Analysis*, Draft Revision February 2012 (*Revised EOA*), the Population Projection, Urban Growth Boundary Amendment, and related text amendments to the comprehensive plan.

To summarize our previous testimony, the proposed amendments overestimate the amount of industrial land Newberg will need over the planning period and underestimate the capacity within the existing UGB to meet those needs. Moreover, the area selected by the city for inclusion within the UGB is expensive to serve and contains some of the best farmland in the region. Industrial development in alternative areas will cost taxpayers less and produce jobs sooner than the city's proposed expansion area and do so without harming the land base that supports our agricultural industry.

We reiterate our gratitude for the previous efforts of staff and councilors to find compromise, and our regret that those efforts were not embraced by the entire council.

We appreciate your decision to reopen the record to allow all parties to respond to new issues and new evidence contained in material submitted by the Planning Director after the close of the record.

This response addresses: (1) issues newly raised by staff regarding the potential effect of Measure 49 on alternative areas that are suitable for industrial development;<sup>1</sup> (2) a Newberg Graphic article submitted by the Planning Director regarding commuting patterns;<sup>2</sup> and (3) An Oregonian article submitted by the Planning Director regarding the economy.<sup>3</sup>

## 1. Effect of Measure 49 on Alternative Areas

Under ORS 195.305:

“If a public entity enacts one or more land use regulations that restrict the residential

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<sup>1</sup> “Industrial UGB Amendment Justification & Findings”, June 2012, pp. 19-20, p. 24, p. 25

<sup>2</sup> “Numbers of commuters in Yamhill County high”, Newberg Graphic, May 29, 2012

<sup>3</sup> “Oregon economy growing at nation's second-fastest rate”, Oregonian, June 5, 2012

use of private real property or a farming or forest practice and that reduce the fair market value of the property, then the owner of the property shall be entitled to just compensation from the public entity that enacted the land use regulation or regulations as provided in ORS 195.310 to 195.314.”

Our previous testimony has identified several alternative higher priority areas for industrial development. One of these is a large contiguous area along South Springbrook Road that is adjacent to existing industrial development and is near the general area of the city’s proposed expansion. It is comprised of the South Springbrook Urban Reserve and urbanizable land that is within the existing UGB but outside the city limits. The city’s revised “Industrial UGB Amendment and Findings” June 18, 2012 (*Revised Findings*) identify the urbanizable area that is outside the city limits as Site XII.<sup>4</sup>

The city’s comprehensive plan map designates this area for residential use. The city’s *Revised Findings* speculate that:

“redesignation of this land for industrial could result in Measure 37/49 claims for restricting the residential use...”<sup>5</sup>

The city apparently bases this conclusion on the statement that:

“According to the Yamhill County Assessor records, the average fair market value of residential land is higher than industrial land. Therefore, if the City or County were to redesignate residential land as industrial without the owner’s consent, then they may be required to provide just compensation to that property owner... Therefore, in most cases such a redesignation would not be reasonable.”<sup>6</sup>

As explained below, the city’s findings misconstrue the facts and the law in several ways.

A claim for compensation can only be made:

“If a public entity enacts one or more land use regulations that *restrict* the residential use of private real property or a farming or forest practice and that *reduce* the fair market value of the property.” (ORS 195.305, emphasis added).

Further:

"[t]he fair market value of property does not include any *prospective* value, *speculative* value or *possible* value..." (ORS 195.332, emphasis added).

Site XII is not zoned for high density or medium density residential uses nor are such uses permitted on the subject parcels. It is *urbanizable* land that is outside the city limits under the county's jurisdiction. It is zoned for Very Low Density Residential use with 2.5-acre minimum lot sizes. If the city changes the plan designation to industrial, that will not restrict the allowed residential uses.

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<sup>4</sup> Previously, the city had identified this area as Site X and our previous testimony referred to it as Site X.

<sup>5</sup> “Industrial UGB Amendment Justification & Findings”, June 2012, p. 24.

<sup>6</sup> “Industrial UGB Amendment Justification & Findings”, June 2012, pp. 19-20

The subject parcels will still be zoned Very Low Density Residential use with 2.5-acre minimum lot sizes and the allowed residential uses will not change.

For this reason alone – the zoning and allowable residential uses would remain unchanged – redesignation to industrial could not subject the city to a Measure 49 claim for compensation.

Furthermore, the law does not allow consideration of prospective future value. Even if a Measure 49 claim could be triggered, the city has incorrectly framed the comparison of relative fair market values. The correct comparison is not whether the “average fair market value of residential land is higher than industrial land”,<sup>7</sup> or whether urban high-density or medium density residential land has a higher fair market value than urban industrial land, as the city seems to believe.

The correct comparison is between the relative value of two sets of urbanizable land that are within Newberg's UGB but outside the city limits:

Land that is zoned for Very Low Density Residential use with a minimum lot size of 2.5 acres that is designated high density or medium density residential in Newberg’s plan vs. land that is zoned for Very Low Density Residential use with a minimum lot size of 2.5 acres that is designated industrial in Newberg’s plan.

If the city changes the plan designation of the urbanizable land in Site XII to industrial, the available evidence shows that its fair market value will likely go up, not down.

Attachment 1 includes property tax records from the Yamhill County Tax Assessor for the three tax lots that make up Site XII as well as for a fourth tax lot in close proximity. The three tax lots that make up Site XII are designated high density or medium density residential in Newberg’s plan, the fourth tax lot is designated industrial in Newberg’s plan.<sup>8</sup> All 4 tax lots are adjacent to South Springbrook Road, all are within Newberg's UGB but outside the city limits, and all are zoned for Very Low Density Residential use with a minimum lot size of 2.5 acres.

According to the Yamhill County Assessor, the land that is designated industrial has a much higher fair market value than the land that is designated high and medium density residential, as detailed below:

First set: land that is plan-designated HDR and MDR and that makes up Site XII:

TL 3221 03900 - 7.2 acres. Market Land value of \$303,459 or **\$42,147 per acre**

TL 3221 00900- 7.67 acres. Market Land value of \$352,593 or **\$45,970 per acre**

TL 3221 03800- 14.75 acres Market Land value of \$382,499 or **\$25,932 per acre**

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<sup>7</sup> “Industrial UGB Amendment Justification & Findings”, June 2012, p. 19

<sup>8</sup> To the best of our knowledge, there are no other tax lots along S. Springbrook Rd that are within Newberg’s UGB but outside the city limits, zoned for Very Low Density Residential use with a minimum lot size of 2.5 acres, and designated industrial in Newberg’s plan.

(TL 3221 03800 has the lowest per acre land value but it is also split; about half is in the UGB, the rest is in the S. Springbrook URA.)

Second set: land that is plan-designated industrial

TL 3221BB 00100- 1.23 acre. Market Land value of \$170,253 or **\$138,417 per acre**

The fair market value of the land that is designated industrial is roughly triple the fair market value of the land that is designated residential. There is no evidence to support the city’s conclusion that the fair market value of Site XII will go down if it is redesignated. The evidence supports the opposite conclusion.

Finally, while the law does not allow consideration of prospective future value, if and when an annexation and zone change from VLDR to industrial occurs, the value of the property will almost certainly increase, not decrease.

There is no basis in fact for the city’s conclusion that Site XII cannot reasonably accommodate needed industrial uses due to potential Measure 49 claims.<sup>9</sup>

**2. The Newberg Graphic article regarding commuting patterns**

The material submitted by the Planning Director after the close of the record included a Newberg Graphic article that reports a high percentage of Newberg workers commute to jobs elsewhere.

He may have believed it supports a conclusion that Newberg has a jobs/housing imbalance or that adding large amounts prime farmland in an attempt to attract new employers will fulfill the city’s “live here, work here” aspirations. In fact, it supports the opposite conclusions.

While the article reports that 76% of workers living in Newberg work elsewhere, it states:

“[T]hat doesn't mean Newberg has a significant per capita job shortage. Nearly as many commute in as out, with about 5,500 nonresident Newberg workers coming from McMinnville, Portland, Dundee, Sherwood and other locales.”

Moreover, the data in the article shows that employers in Newberg are about 3 times likelier to employ non-residents than residents: 5,478 jobs are filled by out-of-town workers and only 1,856 are filled by residents. New employment in Newberg is far likelier to attract commuters from other towns and increase overall commuting than to result in any “live here, work here” outcome.

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<sup>9</sup> The city also asserts that Site XII, “does not meet the industrial site suitability characteristics,” because it, “abuts manufactured dwelling parks across the street, and residential uses to the north.” This finding is in error. Site XII is separated from the manufactured dwellings to the west by South Springbrook Road, a major arterial. Its short northern boundary (less than 10% of its perimeter) abuts Tax Lot R3221BB 00800: urbanizable land that is outside the city limits, under county jurisdiction, and that is zoned for very low density rural residential uses. As shown in the photograph on p. 2 of Attachment 1, it contains a single rural residence. Thus, it meets the city’s industrial site suitability characteristics.

### 3. The Oregonian article regarding the economy

The material submitted by the Planning Director after the close of the record included a June 5 Oregonian article regarding recent growth in Oregon's economy, including growth in the manufacturing sector.

A subsequent Oregonian article (Attachment 2) details the significant role agriculture has played in that economic growth. It reports that nationally, "farm income grew 27 percent in 2010 and 20 percent in 2011, according to the report, and farm exports reached a record \$137 billion last year."

According to the article:

"Oregon farm sales mirrored the national rebound, grossing a record \$5.2 billion in 2011 and posting the biggest percentage increase -- 19 percent -- in more than 30 years. The figure is inflated a bit over previous years because commercial fishing sales, \$91 million, were included for the first time, but sales increased 17 percent even without fishing and set a record by either accounting."

Perhaps most significantly, many agricultural products are "traded sector" commodities that bring in dollars from outside the region. As detailed in the article;

"About 80 percent of what Oregon produces leaves the state, and half of that is exported."

Please include these comments in the official record of these proceedings and notify us of any decisions and/or future hearings in this matter.

Sincerely,



Mia Nelson  
1000 Friends of Oregon  
220 East 11<sup>th</sup>, Suite 5  
Eugene, OR 97401



Sid Friedman  
Friends of Yamhill County  
PO Box 1083  
McMinnville OR 97128

Attachments:

Cc : Yamhill County Planning Department  
DLCD  
Department of Agriculture

Attachments:

1. Yamhill County Assessor records
2. "Oregon Farming is part of a rural rebound fueled by agriculture", *The Oregonian*, June 13, 2012.

# ATTACHMENT 1

**SITE XII  
RESIDENTIAL PLAN DESIGNATION  
Taxlot 3221 03900**

PropResults  
http://www.co.yamhill.or.us/taxinfo/PropResults.aspx?AccountNo=63086

### Yamhill County Property Tax Record

**Account Info:**

Account No	63086	Data Current as of:	6/22/2012
Map/Tax Lot Number	R3221 03900	Market Land Value	\$ 303,459.00
Property Class	5416	Market Structure Value	\$ 54,289.00
Tax Code Area	29.2	Total Assessed Value	\$ 107,865.00
Property Status	ACTIVE	Exemption	\$ .00
Associated Pin#		Net Taxable	\$ 107,865.00
		2011-2012 Levied Tax	\$ 1,331.94
		Account Balance	\$ .00

**Owner Info:**

Property Owner: RESIDENT  
 Situs Address: 03312 NE FERNWOOD RD  
 Owner Mailing Address: 3312 NE FERNWOOD RD NEWBERG OR 97132

**Property Info:**

Year Built	Acre/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1901	7.20	1888	3	1.50	3

**Sales Info:**

Deed Reference Number	Sales Date	Sale Price
033/0883		\$ .00

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http://maps.co.yamhill.or.us/

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Results: 1

[Click to See Assessment R3221 03900 Report:](#)

**Account Number:** 63086  
**Image:** [Map Image](#)  
**Map:** 3.2.21  
**TaxLot:** 03900  
**Owner:** Resident, Resident, Resident  
**Mailing Add:** 3312 NE FERNWOOD RD NEWBERG, OR 97132  
**City State:** 97132  
**Primary Situs:** 3312 NE FERNWOOD RD  
**Situs City:** 0  
**Neighborhood:** 0006  
**Property Class:** 5416  
**Property Status:** 143  
**Acre/Sq Feet:** 7.20 / 0  
**Year Built:** 1901  
**Instrument YR/NO.:** 0 / 0  
**Sale Date/Price:** 19570101 / 0

**SITE XII  
RESIDENTIAL PLAN DESIGNATION  
Taxlot 3221 00900**

PropResults

http://www.co.yamhill.or.us/taxinfo/PropResults.aspx?AccountNo=62498

LogMeIn KW LDN bookspan planks kyph cf leuko UO-BB OSU-BB Cool 1KF FaxZero

PropResults PropResults

### Yamhill County Property Tax Record

<b>Account Info:</b>		Data Current as of:	6/22/2012
Account No	62498	Market Land Value	\$ 352,593.00
Map/Tax Lot Number	R3221 00900	Market Structure Value	\$ 13,523.00
Property Class	4016	Total Assessed Value	\$ 144,976.00
Tax Code Area	29.2	Exemption	\$ .00
Property Status	ACTIVE	Net Taxable	\$ 144,976.00
Associated Pin#		2011-2012 Levied Tax	\$ 1,790.22
		Account Balance	\$ .00

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**Owner Info:**

Property Owner: RESIDENT  
 Situs Address: 00108 NE SPRINGBROOK RD  
 Owner Mailing Address: 108 S SPRINGBROOK RD NEWBERG OR 97132

**Property Info:**

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
1920	7.67	936	2	1.00	1

**Sales Info:**

Deed Reference Number	Sales Date	Sale Price
008/0247		\$ .00

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Basemap Photo Taxmap

Map Layers Search Taxlots Results

Results: 1

**Click to See Assessment Report:**  
**Report:**  
**Account Number:** 62498  
**Image:** [Map Image](#)  
**Map:** 32.21  
**TaxLot:** 00900  
**Owner:** Resident, Resident, Resident  
 108 S  
**Mailing Add:** SPRINGBROOK RD  
**City State:** NEWBERG, OR 97132  
 108 NE  
**Primary Situs:** SPRINGBROOK RD  
**Situs City:** 0  
**Neighborhood:** 0006  
**Property Class:** 4016  
**Property Status:** 121  
**Acre/Sq Feet:** 7.67 / 0  
**Year Built:** 1920  
**Instrument YR/NO.:** 0 / 0  
**Sale Date/Price:** 19570101 / 0

**SITE XII  
RESIDENTIAL PLAN DESIGNATION  
Taxlot 3221 03800**

Yamhill County Property Tax Record

<b>Account Info:</b>		Data Current as of:	6/22/2012
Account No	63068	Market Land Value	\$ 382,499.00
Map/Tax Lot Number	R3221 03800	Market Structure Value	\$ 24,745.00
Property Class	5416	Total Assessed Value	\$ 68,335.00
Tax Code Area	29.2	Exemption	\$ .00
Property Status	ACTIVE	Net Taxable	\$ 68,335.00
Associated Pin#		2011-2012 Levied Tax	\$ 843.82
		Account Balance	\$ .00

**Owner Info:**

Property Owner: RESIDENT  
 Situs Address: 00508 NE SPRINGBROOK RD  
 Owner Mailing Address: 8625 NE ST PAUL HWY NEWBERG OR 97132

**Property Info:**

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	14.75	1067	4	1.00	2

**Sales Info:**

Deed Reference Number	Sales Date	Sale Price
2005/20410	9/13/2005	\$ .00

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Results: 1

**Click to See Assessment Report:**  
**Assessment Report:** [R3221 03800](#)  
**Account Number:** 63068  
**Image:** [Map Image](#)  
**Map:** 3.2.21  
**TaxLot:** 03800  
**Owner:** Resident, Resident, Resident  
**Mailing Add:** 8625 NE ST PAUL HWY  
**City State:** NEWBERG, OR 97132  
**Primary Situs:** SPRINGBROOK RD  
**Situs City:** 0  
**Neighborhood:** 0006  
**Property Class:** 5416  
**Property Status:** 126  
**Acre/Sq Feet:** 14.75 / 0  
**Year Built:** 0  
**Instrument YR/NO.:** 2005 / 20410  
**Sale Date/Price:** 20050913 / 0

**INDUSTRIAL PLAN DESIGNATION  
Taxlot 3221BB 00100**

PropResults  
http://www.co.yamhill.or.us/taxinfo/PropResults.aspx?AccountNo=62354

LogMeIn KW LDN bookspan planks kyph cf leuko UO-BB OSU-BB Cool 1KF FaxZero

### Yamhill County Property Tax Record

**Account Info:** Data Current as of: 6/21/2012

Account No	62354	Market Land Value	\$ 170,253.00
Map/Tax Lot Number	R3221BB 00100	Market Structure Value	\$ 17,401.00
Property Class	9816	Total Assessed Value	\$ 137,922.00
Tax Code Area	29.2	Exemption	\$ .00
Property Status	ACTIVE	Net Taxable	\$ .00
Associated Pin#		2011-2012 Levied Tax	\$ .00
		Account Balance	\$ .00

**Owner Info:**

Property Owner: RESIDENT  
Situs Address: 00216 NE SPRINGBROOK RD

Owner Mailing Address

[Click to Pay Online](#)

**Property Info:**

Year Built	Acres/ Lot Sq Ft	Square Footage	Number of Bedrooms	Number of Bathrooms	Stories
0000	1.23	0	0	0.00	0

**Sales Info:**

Deed Reference Number	Sales Date	Sale Price
130/0511		\$ .00

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Map Layers Search Taxlots Results

Results: 1

[Click to See Assessment Report: R3221BB 00100](#)

Account Number: 62354  
Image: [Map Image](#)  
Map: 3.221BB  
TaxLot: 00100  
Owner: Resident, Resident, Resident  
Mailing Add:  
City State: NEWBERG, OR 97132  
216 NE  
Primary Situs: SPRINGBROOK RD  
Situs City: 0  
Neighborhood: 0006  
Property Class: 9816  
Property Status: 842  
Acre/Sq Feet: 1.23 / 0  
Year Built: 0  
Instrument YR/NO.: 0 / 0  
Sale Date/Price: 19570101 / 0

# Oregon farming is part of a rural rebound fueled by agriculture

Published: Wednesday, June 13, 2012, 12:28 PM Updated: Wednesday, June 13, 2012, 12:48 PM



By [Eric Mortenson, The Oregonian](#)

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Oregon farmers had record sales in 2011, part of a national agricultural surge that outpaced recovery in other sectors of the economy.

A [report by the U.S. Department of Agriculture](#) says farming is one of the bright spots in the country's economic comeback, particularly in rural America.

Farm income grew 27 percent in 2010 and 20 percent in 2011, according to the report, and farm exports reached a record \$137 billion last year.

The agricultural sector has recovered more quickly than the rest of the economy from the "irresponsible financial collapse and the worst economic downturn since the Great Depression," the report says.

While clearly an election-year political document -- it repeatedly credits the Obama administration with agricultural gains -- the report points out impressive performances by American farmers.

Ag exports accounted for 11 percent of America's total exports in 2011 and provided a \$42 billion trade surplus as U.S. wheat, corn, beef and multiple other products were shipped overseas. Farm exports supported more than 900,000 farming, manufacturing and

transportation jobs, according to the report.

[Oregon farm sales](#) mirrored the national rebound, grossing a record \$5.2 billion in 2011 and posting the biggest percentage increase -- 19 percent -- in more than 30 years. The figure is inflated a bit over previous years because commercial fishing sales, \$91 million, were included for the first time, but sales increased 17 percent even without fishing and set a record by either accounting.

Cattle, dairy products, wheat and hay were the state's most valuable farm products. About 80 percent of what Oregon produces leaves the state, and half of that is exported.

Free trade agreements signed in the past few years with South Korea, Panama and Colombia are projected to eventually increase agricultural exports by another \$2.3 billion annually, the report says. Oregon farmers are excited about Korea allowing shipment of fresh blueberries for the first time, which will happen this season.

Taking advantage of such growth will require continued investment in rural economies, support for research and technology, and advancement of alternative energy sources, the report concludes.

--[Eric Mortenson](#)

Lee and Dr. Amy Does  
10730 NE Renne Road  
Newberg, Oregon 97132

23 June, 2012

City of Newberg  
c/o Newberg City Hall  
414 East First Street  
Newberg, Oregon 97132

re: UGB-09-001/ Ord. 2012-0618

Dear Mayor and Council Members:

This letter is in response to materials submitted by your planner Barton Brierly at the 18 June 2012 public meeting. You will recall that my wife Amy and I have been regular participants in the Newberg land-use decision process. We are again writing to urge the council revise and reduce your staff's request to expand Newberg's UGB onto 260 acres of high-value farmland.

While we appreciate Mr. Brierly's productivity in generating the 299 pages comprising his latest report, we would respectfully remind all parties that quantity and repetition do not outweigh the basic facts of the situation. As we understand the current argument:

Staff's position is that Newberg is obligated to demonstrate an adequate land base to accommodate anticipated growth through 2032. Our position is that staff's estimates of future growth are based on outdated/skewed data that do not reflect either current economics or predicted population trends.

**Reuse and Intensification of Existing Sites (ref. page 17)**

Staff has failed to include industrial acreage from the anticipated closing of SP Newsprint; already within the Newberg UGB. As reported in the November 2011 issue of *Wood Market Monthly*, SP Newsprint filed for bankruptcy on 15 November 2011. The area occupied by SP Newsprint is large enough to meet all of Newberg's large-site needs, and has ready access to both rail and highway transportation. This is but one example of industrial land that could easily support hundreds of jobs within the community and could do so without sacrificing valuable farmland.

**Commuting Patterns (Attachment 1, *Newberg Graphic*)**

Staff has apparently included this local news article as justification for Newberg's "Live Here Work Here" catchphrase, as well as staff's claim that Newberg doesn't offer sufficient employment opportunities for local residents. We believe staff has missed the point, and ask that staff study paragraph #5 of the same article: "Nearly as many commute in as out, with about 5,500 nonresident Newberg workers coming from McMinnville, Portland, Dundee, Sherwood and other locales." Staff's presentations continually point to local employment numbers, but fail to recognize that employees are free to live wherever they wish. The "Live Here Work Here" catchphrase simply doesn't reflect the reality of the numbers.

**Oregon Economy (Attachment 2)**

At first glance, the attachment seems to suggest that Oregon’s economy is ahead of the nation. In full context, however, the lion’s share of such growth has been driven by Intel and a handful of other high-tech employers. A 22 June 2012 *Oregonian* business article (C-1, “Data... dim at end of tunnel”) states “...sluggish hiring might not strengthen anytime soon”, followed by “...slow growth expansion will be slower”. We cite this material to reemphasize our belief that staff’s request for additional employment land is not supported by either local or national trends. We further believe that articles such as the above confirm state forecasters statements that “...growth will remain disappointing from a historical perspective, with the statewide economy likely to struggle...” (*Oregon Economic Forecast* June 2012), and that the state will experience “...a 9% loss of manufacturing jobs through 2018” (*Oregon State Employment Projections*, Nick Beleiciks, 2009). Our position is that estimates prepared by state economists should take precedence over those from a city planner or pay-for-results consultant. Based on such publicly available data, we believe Newberg could accommodate reasonable industrial expansion or new industry through 2032 without expanding onto protected farmland.

**Gaibler (Attachment 5.3)**

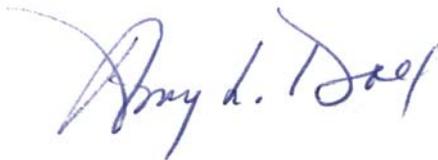
The city’s previous agreement with Dennis Gaibler is contrary to the spirit of state land use laws, and we again remind the city that a land owner’s failure at/loss of interest in farming is not a valid argument for reclassifying EFU farmland. Mr. Gaibler has always had the freedom to sell his EFU Class 2 land as farmland. Indeed, most proponents for reclassifying Mr. Gaibler’s property have identified themselves as either developers or builders. Opponents are simply giving voice to existing Oregon land use laws that are all too often trampled in the rush provide “employment opportunities”. We would also again remind all parties that agriculture is the primary industry in Yamhill County, is an industry that continued to add jobs during the recession; and that roughly 80% of our state’s agricultural produce is delivered to out-of state and export markets (*Oregonian*, Eric Mortenson, 13 June, 2012).

As residents, Amy and I share a vested interest in Newberg’s success in attracting and supporting a suitable local employment base. As farmers, we are obligated to protect our state’s irreplaceable resources. We cannot support the unnecessary destruction of high-value farmland at a time when impartial evidence points to slow or stagnant growth for the reasonably foreseeable future. We believe staff’s argument to expand onto 260 acres of mostly high-value farmland is contrary to both state-funded research and current economic conditions.

Sincerely,



Lee M. Does



Amy L. Does, Ph.D.