

**City of Newberg
City Council Minutes
May 15, 2023
Hybrid meeting format**

WORK SESSION – Meeting called to order at 6:00 p.m.

Councilors Present: Mayor Bill Rosacker, Councilors Elise Yarnell Hollamon, Molly Olson, Robyn Wheatley, and Peggy Kilburg.

Absent: Mike McBride, Derek Carmon

Staff Present: City Manager Will Worthey, City Attorney James Walker, Administrative Specialist Zaira Robles Muniz, Police Chief Jeff Kosmicki, Finance Director Kady Strode, Community Development Director Doug Rux, Library Director Korie Buerkle, Public Works Director Russ Thomas, Information Technology Manager Ian Rodriguez, Planning Manager Clay Downing, Administrative Assistant Patti Atkins.

PRESENTATIONS:

Newberg Development Code Amendment Regarding Early Issuance of Building Permits Upon Substantial Completion of Public Improvements:

Planning Manager Downing stated that the proposed amendment will update the Newberg Municipal Code Title 15. Development Code definition related to “substantial completion” for the consistency with existing Oregon state law and update the text to create consistency with amendments to state law resulting from Oregon’s HB 2306 (2019). If the Council chooses to adopt the proposed Development Code text amendments, developers will have two paths to choose from, path 1: Early Issuance of Building Permits and path 2: Traditional Issuance of Building Permits.

The Council discussed:

- The reasoning behind the two paths
- Security bond

BUSINESS SESSION –

Meeting called to order at 7:00 p.m.

Councilors Present: Mayor Bill Rosacker, Councilors Elise Yarnell Hollamon, Molly Olson, Robyn Wheatley, and Peggy Kilburg.

Absent: Mike McBride, Derek Carmon

Staff Present: City Manager Will Worthey, City Attorney James Walker, Administrative Specialist Zaira Robles Muniz, Police Chief Jeff Kosmicki, Finance Director Kady Strode, Community Development Director Doug Rux, Library Director Korie Buerkle, Public Works Director Russ Thomas, Information Technology Manager Ian

CITY MANAGER'S REPORT

CM Worthey reported on the March 2023 statistics report.

PUBLIC COMMENTS

none

PUBLIC HEARINGS: Ordinance 2023-2911, Urban Reserve Area Expansion

Mayor Rosacker opened the public hearing. He called for abstentions or declarations of conflicts of interest. There was none from Council. The Mayor mentioned meeting with the Bellairs while running for election where the Bellairs' showed their expansion plan.

City Attorney Walker read the legal announcement.

Community Development Director gave the background on the proposed ordinance. Brian and Kathy Bellairs (Applicant), and Bestwick LLC, represented by DOWL, are requesting approval of an amendment to the City of Newberg (City) and Yamhill County (County) Comprehensive Plan Maps to expand the City's Urban Reserve Areas (URAs) to include a 95.3 gross acre area generally located northwest of the intersection of NE Corral Creek Road and NE Fernwood Road. The site consists of four properties and Yamhill County right-of-way. The site currently has Yamhill County zoning of Exclusive Farm Use (EF-20).

Public Testimony:

Principal proponent: DOWL representatives Joseph Gavon, Transportation Engineer Mobley Todd Mobley, Planner Read Stapleton on behalf of applicants Brian and Kathy Bellairs. The application was filed in 2021 for 95.3 acres parcel of property to be included in the city's Urban Reserve area. First step in the process to develop the property. Transportation development will work in conjunction with the plans for the bypass. Once in the site development phase there will be infrastructure upgrades along Corral Creek Road and Fernwood Road. The project satisfies goal 12 of the transportation planning rule. DOWL performed the analysis for the request. Key steps included buildable land inventory and land needs assessment, comparative site analysis of exception lands, and resource land serviceability analysis (Exhibit A).

Proponents (3 minutes per person):

- Brian Bellairs, applicant, noted the property has poor rocky soil and low agriculture value. In 2003 Newberg knew there was an insufficient supply of land inside the urban reserves and that the land noted on the application would be the most appropriate expansion area for the urban growth boundary urban reserves and that the land noted on the application would be the most appropriate expansion area for the urban growth boundary. They have taken on the financial burden to do the requirements in order to proceed with the application. Providence CEO submitted a letter of support (Exhibit A).

- Laurie Rauch has lived in the community for over 30 years. Pickle ball courts, fishing hole, and outdoors attractions would be a wonderful addition to the town.
- Lyndon Hansen notes the land is prime location and level topography. It is 95 acres of fragmented land zoned for development but does not necessarily mean it is going to be all developed. Thanked the landowners for the time, money, and resources they have put into this.
- Marla Larson is a landowner on Fernwood Road. She said that land is a great opportunity for residential and commercial development.
- Gary Bowen noted the one level homes that will be built in the community will be ideal for his family.
- Dalaine Bowen noted that the community and outdoor activities that will be built will suit her needs.
- Denny Devlin lives near the property at Parrett Estates. Voting in support of this will allow much needed growth in the area. The applicants' plans for a new community are ideal.
- Aidan Schenk would like to see the area become a functional pickleball neighborhood.
- Jim Schenk has traveled to numerous locations to play pickleball where communities surround them. That is what is lacking in Oregon, and it would be great to see.
- Greg Kessinger lives on Corral Creek supporting the development. Moving the acres into the reserve area will help with the improvements on the road. Kessinger also provided a letter (Exhibit A).
- Andrew Walker noted the plan would help develop a planned community with single level homes, a recreation community, and serve the needs of professionals.
- Ginevra Blake lives in the Greens neighborhood. Blake states Yamhill is listed in the top 100 destination to visit in the U.S. and believes more people will be moving there. She trusts the applicant's development plans towards growth and progress. Recalls the Greens going through this similar process.
- Leah Shuler on behalf of Gary Shuler has lived on the south side of Fernwood since the 1970s. Gary is in favor of the urban growth boundary only if it includes the area that is south of Fernwood Road in order to develop a comprehensive transportation plan.
- Kathleen Kessinger on behalf of Sanda and Roger Schaad read letter out loud, see exhibit A for letter.

Exhibit A: Attachments from DOWL, Brain Bellairs, Greg Kessinger, Sanda and Roger Schaad.

Opponents (3 minutes per person):

- Rob Hallyburton on behalf of Friends of Yamhill County in favor of statewide county goals, in particular goal 3 preserving farmland and goal 14 an orderly transition from rural to urban use. Noted the case needs to rely on adopted materials. Summarized the written testimony submitted for the item.
- Melissa Ahrens, mid-Willamette Valley Regional representative on behalf of Oregon Department of Land, Conservation, and Development (DLCD). Melissa stated that LCDC adopted OAR Chapter 660 division 21 the Urban Planning the Urban Reserve Rule in 1992 its purpose is to authorize local governments to plan and reserve areas outside of UGBs for eventual inclusion within such boundaries and thereby protect those areas from patterns of development that would impede future urbanization.

- Kevin Young, Senior Urban Planner with Oregon Department of Land Conservation and Development, reiterate the concerns they have submitted via a letter. Young states a fundamental flaw in the application analysis replying on the Housing Needs Analysis and the Economic Opportunities Analysis that have not been adopted or acknowledged by DLCD. He also discussed the language in division 21 in relation to reasonably serviceable and the application skipping the exception lands that were identified. Lastly, Young noted that DLCD does not believe the current application that has been provided meets the test requirements.
- Tracy Tomaselli states that this request does not seem to follow the current city, county, or state laws. Allowing for the expansion would be negligent and unlawful in her opinion. Tomaselli notes ORS 197.298 and OAR 660-020-0030. Also, the request was reviewed and denied in 2006.
- Joe Hughes asked Council to review and analyze all the information and documentation submitted during NUAMC that makes a clear case for rejection.
- Dorothy Roholt, states she lives on the adjacent property north of the subject property, noticed a rejection of the value of the land and farming. Also, Roholt discussed the increase in traffic.
- Chirs and Kathy Cook, states if there is an increase in traffic on Corral Creek and Fernwood the streets will not be able to handle or afford it. Kathy seconded Joe Hughes' statement regarding many people in the Greens neighborhood being opposed.
- Dana Farver, comments to not be so greedy with land, but to look at what the city of Houston, Texas realized that the future is in densification.

Rebuttal from principal proponent:

- Gavon stated that the 2051 horizon date is within the URA planning horizon date of 2055. Second, there is a second analysis that is more extensive and much more clinical put on record. Third, Portland State University (PSU) analysis is required to be the basis for a comprehensive planning. Using the current, but unadopted Housing Needs Analysis (HAN) where PSU states the population analysis of 32,780 was the right thing to do.

The applicant reserved their right for final written legal argument under 197.797.

The Council discussed:

- Timing when the land will be available for construction
- Briefing from City Attorney on the Shamrock case

Mayor asked for any official letters or comments from public agencies. Additional letters were entered in the record.

Mayor Rosacker closed the public testimony.

The legal announcement was made by City Attorney Walker. The final written argument from the proponent should be summited in no less than seven days.

Action: To request the attorney to brief council on whether the Shamrock case actually removes the concern about the fact the Housing Needs

Analysis (HNA) and Economic Opportunities Analysis (EOA) are not yet adopted and acknowledged.

Motion: Councilor Olson
Second: Mayor Rosacker
Vote: 5 Yes 0 No 2 Absent [McBride, Carmon]

2nd reading will continue on June 5th

PUBLIC HEARINGS: Resolution 2023-3895, Waste Management Rate Increase

Waste Management’s Sr. Manager Public Sector Dave Huber, District Operations Manager Gary Nelson, and Director of Pricing Mike Jefferies presented on this matter. They discussed new signage and improving the traffic flow. The 4.9% service rate increase is due to the rise in disposal, fuel, labor cost, and maintenance.

The Council discussed:

- Not seeing a dollar increase on the spreadsheets provided by Waste Management from 2022 to 2023.

Mayor Rosacker opened the public hearing.

Public Testimony: none.

Mayor Rosacker closed the public hearing.

Action: To approve Resolution 2023-3895, A Resolution adopting adjusted garbage and recycling service rates for Waste Management effective July 1, 2023 with the reduced rate of 4.9%.

Motion: Councilor Yarnell Hollamon
Second: Councilor Kilburg
Vote: 5 Yes 0 No 2 Absent [McBride, Carmon]

NEW BUSINESS


Resolution 2023-3900, Replacement of Existing Summer Seasonal Downtown Banners:
Public Works Director Thomas noted the original banner was designed in 2005 and has not been replaced since then. Throughout the years the city has collaborated with George Fox on this project, this year they have agreed to purchase and provide the banners at no cost. Graphic Designer Salsbury detailed the process of selecting the design. Leah Feller, a student at George Fox designed the banner with the guidance of Daryl Brown, art director at George Fox and Graphic Designer Salsbury.

Action: To approve Resolution 2023-3900, A Resolution approving the replacement of the existing summer seasonal downtown banner with a new banner design.

Motion: Councilor Kilburg
Second: Councilor Olson


Vote: 5 Yes 0 No 2 Absent [McBride, Carmon]

Meeting adjourned at 9:28 p.m.



Sue Ryan, City Recorder

ATTEST:



Bill Rosacker, Mayor