

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, DECEMBER 11, 1997 AT 7 P.M.

Approved at the January 8, 1998 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby
Jack Kriz
Lon Wall

Steve Hannum
Myrna Miller

Matson Haug
Richard Waldren, Chair

Staff Present:

Mike Soderquist, Community Development Director
Barbara Mingay, Planning Technician
Terrence D. Mahr, City Attorney
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Richard Waldren opened the meeting at 7:10 p.m. He announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

III. CONSENT CALENDAR

1. Approval of November 13, 1997 Planning Commission Minutes.

Motion #1:	Haug/Wall voted to approve the consent calendar items, approving the minutes of the November 13, 1997 Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried unanimously.
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City Attorney Terry Mahr presented information and handouts concerning the upcoming "Scam Jam" dealing with construction fraud.

IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

Mr. Kevin Snyder, Westlake Consultants, asked that the Commission consider amending the agenda to hear the Genesis Assisted Living facility issue before the other agenda items. The Commission asked for a show of hands of those in the audience wishing to hear the matter. Other than the applicant, there were no persons who raised their hands to allow the amendment to the agenda to hear the Genesis issue and the agenda remained as noticed.

V. QUASI-JUDICIAL PUBLIC HEARINGS

Chair Waldren stated there would be a five minute time limit for each individual providing comments during the public testimony portion of the hearing.

PUBLIC HEARING (#1)

APPLICANT: Dr. David Abbott

REQUEST: Approval of sign program

LOCATION: Hwy 99 and Brutscher Street

TAX LOT: 3216CA-2190

FILE NO.: G-32-97

RESOLUTION NO.: 97-84

CRITERIA: Newberg Development Code - Section 10.50.183

OPEN FOR PUBLIC HEARING.

Chair Waldren entered into the record ORS 197, relating to the Public Hearing process, and opened the public hearing.

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: Ms. Mingay presented the staff report and reviewed the proposed sign program with the Commission. The applicant is required to meet the development code standards (10.50.183). In addition, all tenants would be required to conform. Ms. Mingay noted the program provides for one free standing sign and must be compatible to other elements of the site. Ms. Mingay noted the program is consistent with similar programs. Ms. Mingay provided additional information concerning sign height and types (monument, etc.). Staff recommendation is for approval of the adoption of the program. No additional correspondence or testimony has been received.

Proponent: Mr. Dave Kimmel, PDG Planning Design Group, 122 SE 27th Avenue, Portland, Oregon 97214 (representing D. David Abbott - the owner of the property) presented information. Mr. Kimmel stated they talked with the surrounding neighbors about lighting and have come to an agreement. Discussion was held concerning sign heights (30ft) and the potential lighting glare. Mr. Kimmel noted a Chevron service station will be located on the property.

Mr. Jeff Reed, 1304 Newell Road, Newberg, representative of the Newell Homeowner's Association asked for clarification of information provided under the "background" section of the staff report. Ms. Mingay provided such information as the standards for freestanding signs and other kinds of signs. The proposed sign program allows sign height up to 30 ft. Mr. Reed noted the City ordinance adopted some time ago allowed the commercial business to be placed on the property.

Chair Waldren called for opponents. There were none.

Questions to Proponent:

Mr. Kimmell stated they were happy to work with the Newell Homeowner Association and it was their intent not to create a problem for anyone.

Commissioner Jack Kriz reviewed his concerns involving the location of the signs which were part of the staff report and application packet. Commissioner Kriz inquired as to the applicant's intention for the 20ft easement which was parallel to the property line. The three parcels are owned by Dr. David Abbott. Discussion was held concerning measuring the proposed sign height from site grade rather than the street grade.

Commissioner Matson Haug also addressed area brightness, flashing lights and reader board lights. Mr. Kimmell stated the lighting would be similar to that of the existing area (fixed light behind a frosted light panel). Additional standards and requirements will be discussed through the design review process. Mr. Reed stated the Association felt comfortable with the proposed lighting as suggested in the proposed agreement between the Homeowner's Association and the applicant, and did not need additional time to finalize the negotiated agreement. The Association is willing to complete the process and move forward.

Further discussion was held concerning planting shields for lighting, noise and other conditions of the agreement.

Public Agency reports: None.

Letters: None.

Commission Deliberation:

Ms. Mingay stated the agreement spoken of by Mr. Reed was also ratified by the City Council some time ago; it addressed the location of the site and its proposed uses. The Newell Homeowner's Association was part of the noticing requirements.

Commissioner Haug addressed concerns involving the proposed sign ordinance revisions, and any overlap from the sign program requested and the ordinance. Ms. Mingay stated she was not aware of any problems. Commissioner Haug added that plant screening should be a condition of approval. Ms. Mingay added the Council approved the types of uses for the land in conjunction with the agreement between the association and Dr. Abbott. Additional concerns the Commission may have would probably be addressed at design review.

Commissioner Kriz reviewed the blue prints. Discussion was held concerning additional conditions of approval for the sign program.

Motion #2:	Haug/Wall to approve five additional conditions for approval: 1. Provide a revised site plan; 2. Clarify topography height relative to the street and the land; 3. Additional blue print information as to more detail; 4. Assessment from staff as to size of the sign relative to other signs of the City; 5. Proposed sign program conforms to the present Development Code requirements.
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Vote on Motion #2:	The Motion carried unanimously.
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Further discussion was held concerning Commissioner Kriz's review of the proposed plans and blue prints. Commissioner Haug asked for an amendment reflecting "occupants" rather than "tenants". The administration of the program would be handled through site review. Commissioner Haug further addressed issues involving bright lighting being distracting to motorists and others going through the area. **Chair Waldren** called for a break at 7:55 p.m. Chair Waldren reconvened the meeting at approximately 8:00 p.m.

Commissioner Haug expressed concerns about bright lights, reader board signs, strobe and glaring lights on signs. Continued discussion was held concerning conforming to the City's existing standards involving lighting and signs. The blue print is part of the application and condition of approval. The Commission discussed additional items missing from the application and staff report: site plan missing; topography report clarification (in relation to the neighborhood and Hwy 99W); and what are the plans for the other two lots? Further discussion was held concerning the development code standards in relation to the proposed sign program. **Commissioner Haug** recapped additional conditions for approval.

Commissioner Haug also stated he would like to see that the public hearing be continued to next month's meeting in order to receive the additional items requested as part of the conditions for approval.

Motion #3:	Haug/Wall to add an additional condition requiring that the sign program conform to sections 10.50.182 (3-8) and that all occupants (rather than tenants) be required to conform to the sign program requirements. Ms. Mingay and City Attorney Terry Mahr further clarified the intent of the discussion (exception of 3(B) (f) and 4).
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Vote on Motion #3:	The Motion carried unanimously.
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Discussion was held concerning set back requirements.

Motion #4:	Haug/Wall to leave the public hearing open.
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Vote on Motion #4:	The Motion carried unanimously.
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Ms. Mingay stated the matter would be continued to next month's meeting with the public hearing left open.

PUBLIC HEARING (#2)

APPLICANT: Renaissance Development Corporation
REQUEST: Annexation of approx. 39.5 acres and design review approval for development of a manufactured home park and City park
LOCATION: W. of Sportsman Airpark, E. of Wynooski Street
TAX LOT: 3220CA-700, 802,803; 3220-1000,1101,1440
FILE NO.: ANX-18-97/DR-106-97
CRITERIA: Newberg Development Code - Section 10.36.050

RESOLUTION NO.: 97-85

Abstentions/ex-parte contact:

Commissioner Steve Ashby stated he attended the City Council meeting last week in which Ms. Pat Haight and Ms. Kelli Highley discussed technical issues dealing with annexation consents. Commissioner Ashby stated such ex-parte contact would not influence his vote.

Commissioner Matson Haug stated he visited the property and shared what he had seen (extensive wetlands, previously used pasture land, one of the best natural resources in the area). Commissioner Haug also stated he was a member of the stream corridor committee and provided a report which identified the quality of the habitat in six different areas (erosion, natural flood protection and ecological integrity of the area).

Commissioner Steve Hannum stated he is a member of the Newberg Friends Cemetery Committee in which the cemetery is located adjacent to the subject property. City Attorney Terry Mahr clarified that Commissioner Hannum's position as a volunteer does not pose a conflict of interest due to the non-profit status of the organization. Commission Hannum confirmed it is a volunteer position in which he receives no monetary benefit.

Staff Report: Ms. Mingay presented information contained in the staff report: Addendum, annexation and elections process, letter received at the counter after the packets had been distributed and letter from Wes Smith (Newberg School District) to Kelli Highley. Community Development Director Mike Soderquist read the letters into the record:

1. Memo from Barb Mingay - Everest Point subdivision addendum to staff report.
2. Memo from Duane R. Cole - City Manager.
3. Wes Smith letter to Kelli Highley.

Preliminary Staff Recommendation: Ms. Mingay further identified stream corridor impacts and the role of the Planning Commission in this review process. She noted the applicant has addressed concerns relating to stream corridor impacts and the impacts on adjacent properties with potential development sites. She reviewed the private streets issue and noted the City Council is not supportive of private streets. The applicant has indicated the private streets would be 32 ft wide. She reviewed site access for emergency services noting that the applicant does not have land available to connect to Third Street. The applicant has provided findings for approval which address the annexation criteria.

Ms. Mingay further stated staff has provided findings for denial. Ms. Mingay provided the options to the Commission: approve the project and forward it to the City Council; deny the project and refer it to the City Council for consideration or just defer the matter for further information and consideration.

Ms. Mingay read into the record a letter received from Ms. Ina Leard and a letter from Wes Smith to Ms. Kelli Highley dated December 11, 1997 (a copy of which was provided to the applicant).

Chairman Waldren adjourned the meeting for 5 minutes after which Chair Waldren reconvened the meeting. . Discussion was held concerning whether or not to receive additional public hearing information after 10:00 p.m.

Proponent:

Mr. Mark Butorac, Kittleson & Associates, 610 SW Alder Street, Suite 700, Portland, Oregon 97205, said he would hold his comments until rebuttal. Ms. Mingay stated proponents must present their information or may be barred from doing so at a later time.

Proponent:

Mr. Randy Sebastian, representing Renaissance Development, 1672 Willamette Falls Drive, West Linn, Oregon 97068, stated the applicant developed Avalon Park. Mr. Sebastian also provided a brief history of the proposed development and what Renaissance intends to do with the property. The development also provides for a park when access to the park becomes available.

Proponent:

Mr. Larry Lewis, Tri Land Design Group, 10110 SW Nimbus #B-6, Tigard, Oregon 97223, stated they provide planning and design services and addressed key issues: Density (proposing 100 units which is under what the zone allows); transportation (private streets will meet City standards of 32ft width, open to the public which will also be dedicated as a public street); stream corridor issues; water usage compliance similar to other developments within the City; schools (the Newberg School District does not have conflict with the development and the developers are willing to work with the School District in providing access - bridge, bus stops, etc.)

Proponent:

Mr. Mark Butorac, Kittleson & Associates, 610 SW Alder, Suite 700, Portland, Oregon 97204,, stated everything has been submitted into the record and he is available for rebuttal or further questions.

Proponent:

Mr. Jim McMaster, Chehalem Park & Recreation District (CPRD), 1802 Haworth Avenue, Newberg, Oregon, provided information concerning other City parks located near the facility.

Proponent:

Ms. Julie Codiga, 128 Nicholas Way, Newberg, Oregon, stated she was the realtor involved in the project. Ms. Codiga provided background information on the property in relation to its marketability. Ms. Codiga noted the adjacent property is owned by persons from Washington who intend to leave the property to their granddaughter. Discussion was held concerning easements. Ms. Codiga added the project will provide entry level housing even though they would not own the lot.

Proponent:

Ms. Sherry Zimmerman, 1500 S. Sandoz Road #26, Newberg, Oregon, stated she supported the manufactured home project for those who cannot afford homes of their own.

Proponent:

Ms. Linda Hamilton, 1500 S. Sandoz Road #21, Newberg, Oregon, also stated as a single parent with two children, the manufactured home park provides a home where she would not otherwise be able to afford one. The project management performs multiple background checks for those who apply for residency in the project.

Proponent:

Mr. Richard Nigero, 1500 S. Sandoz Road #21, Newberg, Oregon, also presented testimony in favor of manufactured housing.

Proponent:

Ms. Lisa Bauer, a resident of Avalon Park, 1500 S. Sandoz Road, Newberg, Oregon, provided testimony in support of how the project is managed.

Proponent:

Ms. Joanne Payne, 1812 S. Sandoz Road #7, Newberg, Oregon, added additional testimony concerning the background checks for potential residents (criminal, credit and residential). The residents of Avalon Park are a very close knit development because of the process.

Opponent:

Mr. Bill Jungwirth, PO Box 412, Newberg, Oregon, expressed concerns with the traffic flow in the proposed area due to the pulp mill (Smurfit). Mr. Jungwirth also noted that Wynooski Street is too narrow and the road bed is not built for extensive traffic. The Crater School area also does not have adequate sidewalks. Mr. Jungwirth also stated there is problems with sewer debris due to the close vicinity of a pump station.

Ms. Virginia Jungwirth, PO Box 412, Newberg, Oregon, provided testimony concerning the following issues: access from homes from Wynooski and 11th Street, traffic speed and speed bumps, flooding in the vicinity around Dog Ridge Road, traffic waiting to obtain access and making turns, proposed park and keeping it drug free, problems with other City parks, proposed bridge access/width, airport fencing, cemetery access/use, water fowl and deer (harassment by children/poaching, etc., developer contribution to the project to keep up the standards, life flight information involving past fatalities on the highway, children playing in the water near the area is dangerous, and sewer/water usage strain on existing services.

Opponent:

Mr. Sid Friedman, 31909 N.E. Corral Creek Road, Newberg, Oregon, stated he was presenting testimony individually and on behalf of Friends of Yamhill County. Mr. Friedman urged the Commission to support the findings of staff for denial, rejecting the findings of the applicant due to many problems including sewer and water services not being sufficient to support additional developments. Discussion was held concerning a building moratorium. Mr. Friedman read a prepared statement and provided a hand-out for the Commission's review dealing with design review criteria for mobile home parks, island annexations and application requirements wherein the applicant failed to include items necessary to complete the application. Mr. Friedman finally noted he urged the Commission to adopt the resolution recommending denial of the application.

Opponent:

Mr. Edward Allen, 805 Wynooski Street, Newberg, Oregon, stated the Commission's primary concern should be that of traffic. The area is already a potential for t-bone type accidents and driving problems around Wynooski. Mr. Allen stated that beginning at 4:30 p.m., there were 36 cars every 7 minutes. People use Wynooski Road as a shortcut coming to and from St. Paul. Mr. Allen also expressed concerns with the lack of available restrooms for the proposed park. Discussion was held concerning the potential use for the park (soccer practice fields).

Opponent:

Ms. Pat Haight, 501 E. Illinois Street, #12, Newberg, Oregon, stated she too lives in a mobile home park. Ms. Haight stated there are places to put mobile home parks and there are places not to place them. Ms. Haight read a prepared statement detailing problems with water/sewer service, city access, school over-crowding, close proximity to the Air Park which is not suitable for apartments or mobile homes. The existing natural habitat would be destroyed and the flow of the creek will be changed. Ms. Haight also expressed concerns with the City's drinking water and the chlorine content due to the proposed development being located close to the treatment plant (a couple of blocks away). Ms. Haight also discussed concerns with the pollutants created by the mill.

Opponent:

Ms. Elaine Cropper, 209 Arduus Drive, Newberg, Oregon, stated she is concerned with the environmental impact, traffic impact on Wynooski, water flow on streams, school over-crowding, availability and quality of water, road destruction, cemetery access, lack of availability of restrooms for the proposed park, and emergency access off Third Street.

Opponent:

Mr. Jerry Dale, PO Box 248, Newberg, Oregon, expressed concerns involving density, close proximity to airport, compatible use, airport security, stream corridor restrictions, Wynooski Street access, easements, etc.

Ms. Lisa Thomas, 200 Arduus Drive, Newberg, Oregon, City Council member and resident of the Emery Orchard development noted concerns with the stream corridor and its possible realignment, the variety of wildlife has diminished from three years ago, comp plan policies (Goal Ten (3)(4) concerning adequate open space have not been met, problems with crop dusters could occur during agricultural seasons, whether the property should be developed as a residential area, and concerns with the lack of restroom availability in the proposed park.

Opponent:

Mr. Keith Hay, 15775 Ribbon Ridge Road, Newberg, Oregon, a stream corridor committee member, certified wild life biologist, noted that additional findings of denial should include:

- 1) Application requirements of ordinance annexation should provide types and densities including significant natural features (open space, trees, wildlife travel corridors, etc.) were not addressed in the application;
- 2) The proposed development sits in a very natural ecosystem of two habitats (Hess Creek and Springbrook Creek) which are natural wildlife corridors. Discussion was held concerning wetland issues;
- 3) Sloping nature of the area and water quality;
- 4) The stream corridor remaining in its natural condition. Information concerning the State permit application to realign the natural condition of the corridor;
- 5) Requirement of the application to provide consent and methods of physical and social environments contributing to the enhancement of the property and surrounding area;
- 6) Source of financing; .
- 7) Comprehensive narrative of positive and negative social and aesthetic effects; and
- 8) Each annexation contributes to the molding of the community and should be examined to preserve historical, natural and cultural attributes of the area and city.

Opponent:

Ms. Kelli Highley, 619 S. River Street, Newberg, Oregon, stated she attended the neighborhood meeting wherein Mr. Sebastian stated he would contact the Newberg School District. Ms. Highley referred to her letter from the School District previously read by Ms. Mingay. Ms. Highley stated she has also lived in a manufactured home. Ms. Highley expressed concerns involving water quality and availability, traffic flow and road destruction, over-crowding of school system, potential damage to environmental habitats, parameter fencing. Ms. Highley further noted she feels the applicant has not met the criteria and should be denied.

Opponent:

Mr. Scott Majdecki, 810 Wynooski Street, Newberg, Oregon, added comments concerning school over crowding, water quality and availability, environmental pollution, wildlife concerns, proposed park plans, soccer program lacking in coaches not necessarily lacking field space, traffic impact, road destruction, excessive speeding potential.

Chair Waldren called upon **Mr. Art Brownrieg, 308 S. Airpark Way, Newberg, Oregon**. Mr. Brownrieg left the meeting prior to providing testimony.

Chair Waldren called for a break at 10:00 p.m.

Commissioner Haug stated that unless a motion is made to the contrary, the Commission's policy is to not open new public hearings after 10:00 p.m. Discussion was held concerning agenda items and participants that had been in the audience waiting for the Commission's deliberation.

Motion #5:	Haug/Wall to deliberate until 10:50 p.m. and to open the Manning issue only.
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Vote on Motion #5:	The Motion carried unanimously.
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Ms. Mingay noted that would not be sufficient time to hear the agenda item for Genesis under New

Business. Further discussion was held concerning allowing additional agenda items.

Chair Waldren called for a break at 10:15 p.m. The meeting convened at approximately 10:25 p.m.

Public Agency reports: None.

Letters: Letter received from Oregon Division of State Lands.

Mr. Stephen Turner, 10110 SW Nimbus, #B-6, Tigard, Oregon, said he was in attendance to answer any questions and would be available for rebuttal.

Mr. Larry Lewis requested a continuance to address the concerns addressed by the Commission and those who provided testimony. Mr. Lewis also added information addressing the concerns made. Mr. Turner asked that if the continuation was allowed, they would like to reserve the right to provide additional information to resolve the concerns addressed. Further discussion was held involving statements made and their validity and correctness.

Mr. Sebastian stated their prior developments contained substantial amounts of wetlands and has always worked with the various agencies and communities to maintain livability and natural aesthetics.

Mr. Mark Butoric, Kittleson & Associates, stated his firm prepared the traffic impact study. Mr. Butoric added additional testimony concerning access, speeding, emergency access, site distance requirements, peak evaluation process (peak traffic flow/problems), Hwy 99W and Hwy 219 access and delays, signaling/timing practices of ODOT and promotion of north/south traffic controls. Mr. Butoric also asked for a continuance to address the wetlands issue and provide additional documentation at the next hearing.

Commissioner Hannum stated he would like to receive a response on how the run-off water from the development would be handled and channeled into the creek without having an adverse effect, particularly from the paved surfaces (oil, dirt, debris, pesticides, fertilizers, etc.)

Mr. Steve Turner, project engineer with Tri Land Design Group, stated there is not a water quality component for this development. Discussion was held concerning water quality, catch basin and surface water. Mr. Turner also stated he did not believe it was a requirement to provide such information.

Discussion was held concerning water curtailment and the creation of islands for various lots in the surrounding area.

Mr. Lewis added the curtailment program is a short term solution the City is considering which involves a short period of time (2-3 months).

Discussion was held concerning Type III procedures, needs for housing and employment. Ms. Mingay noted the application requirements are not addressed in the staff report as they are not criteria.

Commissioner Ashby addressed water implications and capacity and other applications and projects already approved for development (65 projects) and the impact upon the City already. Mr. Lewis stated he did not consider future developments as part of the figures provided in the application and related information.

Mr. Jungwirth stated he was concerned about the frequency of flooding and the sewage accumulation in the area.

Mr. McMaster explained the difference between a neighborhood and a regional park. Mr. McMaster also noted CPRD was not adverse to putting in bathrooms at the park. CPRD has put in portable bathrooms in other neighborhood parks. Discussion was held concerning soccer fields (playing and practice)

Staff Summary of Written Testimony from Registration Forms:

Ms. Mingay read a statement from the sign-up sheets from **Ms. Barbara Meyer, 4000 N. Aspen Way, Newberg, Oregon**, addressing concerns of the development.

Chair Waldren closed the public testimony.

Staff Recommendation: Ms. Mingay stated the parties have requested a continuance to allow for clarification and address the concerns mentioned at the meeting.

Ms. Mingay requested that the Planning Commission decide whether to continue the hearing before she provided a final staff recommendation.

Chairman Waldren noted he felt there was no need for a continuance.

Commissioner Haug stated it was important to outline the findings of fact for deliberation and/or referring to the City Council. The Commission members reviewed their concerns and made comments addressing the information presented during the public hearing (livability, zoning plan designations and conformity with surrounding area, consistency with other developments, designation not conducive to the process, etc).

Chair Waldren stated he was concerned with the proposed 12-15% road grade (Yamhill County says 10% is maximum). The fog, heavy moisture and freezing factors previously known, potential stream corridor changes and other concerns addressed by participants during the public hearing process, causes him to vote in favor of denial.

Commissioner Wall stated he agreed with Chair Waldren due to the insufficient and opposing information received and the application in general, being flawed. Commissioner Wall further noted he could not see this development or similar types of development located in this area.

Commissioner Kriz expressed concerns involving the Comp Plan changes/amendments and the annexation hearing process.

Commissioner Ashby also stated he could not support the development due to the lack of documentation, availability of water and resolving wildlife concerns.

Commissioner Miller expressed concerns involving Comp Plan policies not addressed or resolved. Commissioner Miller also noted she would not vote in favor of the project.

Commissioner Hannum agreed with the information and statements made by fellow Commissioners.

Commissioner Haug discussed concerns of children migrating around the airport, the natural habitat, and environmental issues.

Motion #6:	Haug/Wall to adopt Resolution No. 97-85 to recommend a strong denial of the project to the City Council based upon the different criteria heard at the public hearing, the staff report and the written testimony provided.
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Vote on Motion #6:	The Motion carried unanimously.
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Ms. Mingay indicated the matter would be scheduled for the next available City Council agenda.

PUBLIC HEARING (#3)

APPLICANT: Ron Manning
REQUEST: Amendment to Creekside PUD approval to allow 40% lot coverage
LOCATION: W. of Main Street , S. of Pinehurst Court
TAX LOT: 3218AC-1700, -1800, -1900, - 2000
FILE NO: PUD-3-97
CRITERIA: Newberg Development Code Section 10.20.030

RESOLUTION NO.: 97-86

Motion #7:	Haug/Miller to allow the request to be heard.
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Vote on Motion #7:	The Motion carried unanimously.
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Mr. Ron Manning, 2310 Chehalem Drive, Newberg, Oregon, provided testimony concerning the original plan and approval. The project was approved with two car garages, 15 ft back yards, etc. The proposal is to allow for an additional 400 sq ft of lot coverage to allow for one story buildings. Mr. Manning stated this was an error in omission from the original request and was not realized until recently.

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: Ms. Mingay noted that the lot coverage issue was discovered during review of the first building permit for this project. The density was approved through the Planned Unit Development (PUD) process. Staff recommended 40% lot coverage rather than the present 30%. Ms. Mingay further noted all conditions of the PUD have been met.

Proponent:

Mr. Ron Manning stated he was available for comments and/or questions.

Opponent:

Mr. Johann May, 312 N. Edwards, Newberg, Oregon, expressed concerns involving increased density.

Public Agency Reports: None.

Letters: None.

Chair Waldren closed the public hearing.

Commission Deliberation:

Discussion was held concerning the original application specifications, recommendation of the PUD, single story development except where designated.

Staff Recommendation: Ms. Mingay stated staff supports the application request and the approval of Resolution No. 97-86.

Commissioner Wall stated he was not comfortable with agreeing with the PUD and then later making changes to it. Discussion was held concerning the original concept of the project.

Motion #8:	Hannum/Miller to approve Resolution No. 97-86.
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Vote on Motion #8:	The Motion carried (6 Yes/1 No [Wall]).
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Ms. Mingay stated the final decision rests with the Planning Commission. If the matter is appealed, it will go to the City Council.

LEGISLATIVE PUBLIC HEARINGS

LEGISLATIVE PUBLIC HEARING #1

APPLICANT: City of Newberg
REQUEST: Approval of an ordinance amending the Newberg Comprehensive Plan policies and Comprehensive Plan Map, and amending the Newberg Development Code and Zoning Map relating to residential needs.
LOCATION: City wide
FILE NO: GR-2-95 **RESOLUTION NO.:** 97-80
CRITERIA: Newberg Development Code, Section 10.20.030

Public Comment Registration Card Received:

Sid Friedman
31909 N.E. Corral Creek Road
Newberg, Oregon 97132

Set over to January, 1998 Planning Commission meeting by motion of the Commission.

LEGISLATIVE PUBLIC HEARINGS #2

APPLICANT: City of Newberg
REQUEST: Approval of an ordinance amending the Newberg Comprehensive Plan and Newberg Development Code relating to street standards, as required for compliance with the Transportation Planning Rule.
LOCATION: City wide
FILE NO: GR-4-95 **RESOLUTION NO.:** 97-83
CRITERIA: Newberg Development Code, Section 10.20.030

Set over to January, 1998 Planning Commission meeting by motion of the Commission.

Motion #9:	Miller/Haug to continue with the agenda items.
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Vote on Motion #9:	The Motion carried unanimously.
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VI. OLD BUSINESS None.

VII. NEW BUSINESS

1. Sharica Botelle, legal department intern: "Scam Jam"

Previously discussed at the beginning of the meeting.

2. Genesis Assisted Living Facility, Review of final landscape plan (file #: PUD-4-97)

Ms. Mingay stated the plans are acceptable to staff and it is staff's recommendation for approval. The street tree plans have been revised and now meets with the N.W. Newberg Specific Plan as required. Discussion was held concerning the quasi-judicial process.

Mr. Kevin Snyder and Jim Husman, Westlake Consultants, 1515 Sequoia Parkway, Tigard, Oregon. Mr. Snyder and Mr. Husman provided testimony concerning the preliminary plan approval, Oak Knoll street improvements, submission of drawings, landscape plan approval, green space, etc. Further discussion was held concerning density, tree height and privacy standards.

Commissioner Kriz stated he had concerns about the landscape plans, handicap ramp access and sidewalks.

Motion #10:	Miller/Wall to approve final landscape plan of the Genesis Assisted Living Facility.
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Vote on Motion #10:	The Motion carried unanimously.
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VIII. STAFF AND COMMISSION REPORTS

1. Update on Council Items

Mr. Mike Soderquist, Community Development Director, stated the City Council approved the following appointments to the Planning Commission: Matson Haug (reappointed), Paula Fowler and Warren Parrish.

Ms. Mingay wished to thank the outgoing Commission members for their service to the Commission and staff. Ms. Mingay further added the interviewing process for the new planning manager will continue.

2. Next Planning Commission Meeting, January 8, 1998.

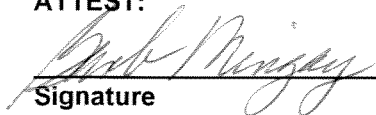
VIII. ADJOURNMENT

The meeting was adjourned at approximately 11:55 p.m.

Passed by the Planning Commission of the City of Newberg this 8 day of January, 1998.

AYES: 7 NO: 0 ABSTAIN: 0 ABSENT: 0
(list names)

ATTEST:


Signature


Date


Print Name, Planning Technician

**INFORMATION RECEIVED INTO THE RECORD
AT THE DECEMBER 11, 1997 PLANNING COMMISSION MEETING.**

**THIS INFORMATION IS ON FILE AT THE COMMUNITY DEVELOPMENT OFFICE
ATTACHED TO THE MINUTES OF THE MEETING AND IN THE PROJECT FILE IT
PERTAINS TO.**

OTHER HANDOUTS

Planning Commission List
Oregon Manufactured Housing Association
Planning Commission Training Seminar
City of Newberg - Street Tree Planting Plan
Preferred Tree List

DECEMBER 1997 PC MEETING:
LABELS FROM TESTIMONY &
REGISTRATION CARDS
COMPLETED
P:\F\ING\PC121197.WPD

Pat Haight G-32-97
501 E. Illinois #12
Newberg, OR 97132

Dr. David Abbott G-32-97
3808 Aquaris Blvd.
Newberg, OR 97132

Dave Kimmel G-32-97
122 S.E. 27th Avenue
Portland, OR 97214

Mr. Jeff Reed G-32-97
1304 Newell Road
Newberg, OR 97132

Mr. Mark Butorac ANX-18-97
Kittleson & Assoc.
610 S.W. Adler, Suite 700
Portland, OR 97205

Mr. Randy Sebastian ANX-18-97
1672 Wilamette Falls
West Linn, OR 97068

Mr. Larry Lewis ANX-18-97
Tri Land Design Group
10110 S.W. Nimbus Ave. B-6
Tigard, OR 97223

Mr. Jim McMaster ANX-18-97
Chehalem)Park & Recreation District
1802 Haworth Avenue
Newberg, OR 97132

Ms. Julie Codiga ANX-18-97
128 Nicholas Way
Newberg, OR 97132

Ms. Sherry Zimmerman ANX-18-97
1500 S. Sandoz Road #26
Newberg, OR 97132

Ms. Linda Hamilton ANX-18-97
1500 S. Sandoz Road #21
Newberg, OR 97132

Mr. Richard Niegero ANX-18-97
1500 S. Sandoz Road #21
Newberg, OR 97132

Ms. Lisa Bauer ANX-18-97
1500 S. Sandoz Road
Newberg, OR 97132

Ms. Joanne Payne ANX-18-97
1612 S. Sandoz Road
Newberg, OR 97132

Bill & Virginia Jungwirth ANX-18-97
PO Box 412
Newberg, OR 97132

Mr. Sid Friedman ANX-18-97
31909 N.E. Corral Creek Road
Newberg, OR 97132

Mr. Edward Allen ANX-18-97
805 Wynooski Street
Newberg, OR 97132

Ms. Pat Haight ANX-18--97
501 E. Illinois Street #12
Newberg, OR 97132

Ms. Elaine Cropper ANX-18-97
209 Ardus Drive
Newberg, OR 97132

Mr. Jerry Dale ANX-18-97
PO Box 248
Newberg, OR 97132

Ms. Lisa Thomas ANX-18-97
200 Ardus Drive
Newberg, OR 97132

Mr. Keith Hay ANX-18-97
15775 Ribbon Ridge Road
Newberg, OR 97132

Ms. Kelli Highley ANX-18-97
619 S. River Street
Newberg, OR 97132

Mr. Scott Majdecki Anx-18-97
810 Wynooski Street
Newberg, OR 97132

Stephen Turner ANX-18-97
10110 S.W. Nimbus, B-6
Tigard, OR ???

Art Brownrieg ANX-18-97
308 S. Airpark Way
Newberg, OR 97132

Bea Meyer ANX-18-97
4000 N. Aspen Way
Newberg, OR 97132

Ron Manning PUD-3-97
2310 Chehalem Drive
Newberg, OR 97132

Johann May PUD-3-97
312 N. Edwards
Newberg, OR 97132

Sid Friedman GR-2-95
31909 N.E. Corral Creek
Newberg, OR 97132

John Husman PUD-4-97
15115 S.W. Sequoia Pkwy #150
Tigard, OR 97224

Kevin Snyder PUD-4-97
15115 S.W. Sequoia Pkwy #150
Tigard, OR 97224