

PLANNING COMMISSION MINUTES
Newberg Public Library - Newberg, Oregon
THURSDAY, JUNE 11, 1998 AT 7 P.M.

Approved at the July, 9, 1998 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby	Steve Hannum	Matson Haug
Myrna Miller	Lon Wall	Warren Parrish
Paula Fowler		

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Miller opened the meeting at 7:00 p.m. She announced the procedure of testimony. Citizens must fill out a public comment registration form to speak at the meeting.

Mr. Barton Brierley announced that there was some information provided to the Commission that was received today concerning the Westwood Subdivision, Division of State Lands and from Chehalem Park and Recreation District (CPRD) concerning the application request for CPRD.

III. CONSENT CALENDAR

1. Approval of May 14, 1998 and May 28, 1998 Planning Commission Minutes.

Commissioners Hannum and **Haug** noted corrections to the minutes. Corrections duly noted by Recording Secretary Peggy Hall.

Motion #1:	Haug/Fowler voted to approve the consent calendar items, approving the minutes of the May 14 and May 29, 1998 Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried unanimously.
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)
None

V. QUASI-JUDICIAL PUBLIC HEARINGS

PUBLIC HEARING (#1)

APPLICANT:	Harris Thermal (continued from 4/14/98 meeting)	
REQUEST:	Appeal of design review conditions for a storage shed	
LOCATION:	615 S. Springbrook	
TAX LOT:	3221-1600	
FILE NO.:	DR-107-98 Appeal	RESOLUTION NO.: 98-95
CRITERIA:	NDC 10.28.050	

City Attorney Terry Mahr reviewed the information contained in the settlement documentation and recommended that the matter be postponed to the July 9, 1998 hearing at 7:00 p.m. Mr. Brierley summarized the points:

1. Street improvements - Deferred Improvement Agreement. Mr. Fuchs is participating through a local improvement district (LID) as quickly as the City wants to do it.
2. Mr. Fuchs dedicated the right-of-way. Mr. Fuchs gave an extra 5 feet.
3. Landscaping. One of his major concerns was for landscaping. Mr. Brierley would be reviewing the landscaping requirements.

Commissioner Parrish asked about the church land issue being resolved. City Attorney Terry Mahr indicated that whatever was an issue apparently has been resolved.

Motion #2:	Haug/Hannum to continue the hearing on the Harris Thermal Appeal (DR-107-98 Appeal) until July 9, 1998 at 7:00 p.m.
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Vote on Motion #2:	The motion carried unanimously.
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PUBLIC HEARING (#1)

APPLICANT: Judy Holznagel
REQUEST: Approval of a carport addition to a home on the historic inventory
LOCATION: 800 E. Third
TAX LOT: 3219AD-1400
FILE NO.: H-5-98
CRITERIA: NDC 10.44.157

RESOLUTION NO.: 98-97

OPEN FOR PUBLIC HEARING.

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

Abstentions/ex-parte contact: **Commissioner Parrish** said he did a site review.

Staff Report: **Ms. Barb Mingay** presented the staff report. Staff has reviewed the situation and is recommending approval of **Resolution No. 98-97**.

Proponent: **Ms. Judy Holznagel** said she was in attendance to answer any questions but did not have any additional testimony to present.

Questions to Proponent: None.
Public Agency reports: None.
Letters: None.
Proponent/Opponent Rebuttal: None.

Staff Recommendation: **Ms. Mingay** said that a building permit would be necessary. Staff reiterates approval.

Hearing Closed.

Commission Deliberation:

Commissioner Parrish discussed the reason for the location of the carport on the north side of the garage instead of the alley.

Motion #3:	Hannum/Haug to reopen public testimony to ask questions of applicant.
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Vote on Motion #3:	The motion carried unanimously.
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Ms. Holznagel said that the alley access is difficult to enter. When the garage was built, it did not accommodate a larger vehicle.

Motion #4:	Haug to close the public testimony.
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Vote on Motion #4:	The motion failed for a lack of a second.
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Chair Miller closed the public testimony.

Commissioner Haug said that he is very comfortable with this design.

Commissioner Parrish asked how this new carport fit in with the rest of the house and buildings. It seems to take away from the historic aspect of the house.

Commissioner Wall asked whether or not a property owner whose property is designated as historical, has any substantial benefits having it listed as historical. If there is, we have to hold the property owners to a higher standard than we would otherwise. Commissioner Wall said he did not believe that the carport will harm the historical aspect of the house.

Commissioner Haug reviewed how the structure would be viewed from Third Street and to be built away from the house. The structure is wooden and is ideally suited for the lowest impact and profile for the site.

Commissioner Hannum said that to give it a more historic feel, a suggestion would be to give it a "peaked" roof, which may incur more costs to the property owner. Commissioner Hannum said he would recommend approval because the property owner could be asked to have the property removed from the historic register if the Planning Commission decided not to grant the project.

Commissioner Parrish discussed setting precedence.

Commissioner Wall agreed with the concept of setting precedence, but in the instance case, it does not appear to be a problem.

Commissioner Ashby would support the proposal of the applicant.

Commissioner Haug said he feels that the applicant has made the appropriate changes and also recommended approval.

Motion #5:	Wall/Haug to close deliberation.
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Vote on Motion #5:	The motion carried unanimously.
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Motion #6:	Wall/Haug to adopt Resolution No. 98-97.
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Vote on Motion #6:	The motion carried unanimously.
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Ms. Mingay announced there would be a 14 day appeal period if anyone wished to object.

LEGISLATIVE PUBLIC HEARINGS (#3)

APPLICANT: Chehalem Park & Recreation District
REQUEST: Approval of a conditional use to allow a community resource center at Central School
LOCATION: 415 Sheridan
TAX LOT: 3218DD-1570
FILE NO.: CUP-8-98
CRITERIA: 10.30.040

RESOLUTION NO.: 98-98

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report: **Mr. Barton Brierley** reviewed the staff report which noted that the structure is listed on the City's historic inventory. The application is for a proposed conditional use as a community center. It is staff's recommendation that they approve the conditional use permit. The building is set back from the property line and the neighbors have not appeared to oppose the application. Mr. Brierley reviewed the criteria contained in the staff report. The proposed project fits into the historic nature of the area (Masonic Lodge, the post office, library, and other similar civic uses. The proposed development is also consistent with the Code. Discussion was held concerning parking. As a former school, the facility offers a valuable resource for the community. Realistically, the use of all the offices, gymnasium and stage facilities would not be used all at once. Parking availability is for 98 spaces. Based on the surroundings, the streets are predominately narrow streets and many people traveling the streets tend to go some where in the immediate area (use of library or community center facility, or to park for the residents).

TAPE 1 - SIDE2:

Preliminary Staff Recommendation: Mr. Brierly said it was staff's recommendation to approve **Resolution No. 98-98.**

Public Testimony:

DeWayne Brittel, Architect, 602 N. Main, Newberg, Oregon, said he represented CPRD which is the owner of the property. Mr. Brittle addressed several issues (conditions of approval) and concerns contained in a booklet which was provided to the Planning Commission. The applicant and he are pleased with City staff's participation, their recommendations, findings and conditions of approval. Mr. Brittel said that they patterned item (e) after the Newberg Garbage Service conditions as it pertains to refuse (garbage cans) in the area. Discussion was held concerning a brick or masonry wall between the refuse facility (referred in the site plan - sheet #1) which would provide a screened waste disposal area.

Mr. Brierley said that brick construction for the refuse area was allowed in the Development Code. They applicant is requesting an amendment of the five foot restriction, however.

Commissioner Parrish addressed the following concerns:

1. What arrangements would be made for additional lighting on the north side of the building to provide better lighting and public safety for the area. Mr. Brittle addressed the lighting arrangements.

2. Motion detector lighting.

3. Parking on Sheridan Street. Mr. Brittle said that the owner of the property has indicated a willingness to work with staff on slowing down the traffic. Discussion was held concerning the installation of "no parking" signs and other plans for the reduction of the traffic impact on the area.

Mr. Glenn Post, 415 N. College Street, Newberg, Oregon, said he is the President of the Newberg Community Theater. He talked with people in the arts and who are interested in moving their production companies to Newberg for a facility like this. Secondly, as a member of the Newberg School District, the community has indicated a need for an alternative use for the building. CPRD is in the business of running alternative facilities. He supports whole heartedly the project. The City has agreed not to pave the whole parking lot area and has given back the neighborhood playground. He urged the Commission to approve the project.

Mr. Al Christensen, 304 E. Fifth Street, Newberg, Oregon, represented FISH, one of the intended users of the facility. Newberg FISH is a non-profit business. This proposed facility would serve them well and allow them to be able to serve families in the community. FISH staff and volunteers are not paid, but are volunteers which allows 100% of the cash stream to support FISH to be turned into meeting the needs of the community. They are presently located at Zion Lutheran Church. They are presently remodeling that facility and are in need of a place to relocate.

Ms. Heidi Smith and Kevin Hall left the meeting and did not provide testimony.

Ms. Darlene Andreas, 915 S. River Street, Newberg, Oregon, representing Oregon Together Program who works with at risk youth, stated they are now located at Central School. She urged the Commission to go forward with this.

Ms. Mary Post, 415 N College Street, Newberg, Oregon, also a member of the Newberg Community Theater Board, said the facility has a nice auditorium. All the other schools and other groups could use it. She also attended the neighborhood meeting and was pleased with the proposal.

Discussion was held concerning 4-way stops for the surrounding area.

Ms. Melinda Gunther, 112 E. North Street, Newberg, Oregon, YCAP Youth Program Director, which is also located at Central School, said the facility would allow the ability to incorporate youth and family events. YCAP also operates a homeless education program. The gymnasium is great for allowing everyone to come together and benefits to the community. Ms. Gunther asked the Commission to consider approval.

Mr. Terry Harris, 314 N. Barclay, Newberg, Oregon, said he would like to have the Commission approve the community center project. He attended Central School from Kindergarten through the 4th grade.

Mr. James Cordoza, 301 Columbia, #54, Newberg, Oregon, stated it was a good idea to have a community center because it was better for people to go there instead of getting involved in gangs and trouble.

Public Agency reports: None.

Letters: None.

Staff Recommendation: Mr. Brierly said it was staff's recommendation to approve **Resolution No. 98-98.**

Mr. Brittel provided a supplemental statement concerning the facility noting that the entire community will benefit. With the adjustments planned, it can meet the community's needs for at least 50 years.

Chair Miller closed the public hearing.

Commission Deliberation:

Commissioner Haug said he would like to amend the conditions of approval and allow for revision to the fire code.

Motion #7:	Haug/Parrish to adopt Resolution 98-98.
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Motion #8: (Amendment to Motion #7):	Haug/Wall to modify the conditions of approval on CUP-3-97(1)(e) to add the language "alternative designs will be allowed if it meets planning staff and fire marshal approval.
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Vote on Motion #8:	The motion carried unanimously.
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Motion #9:	Parrish to amend the Motion to make sure that the parking area meets the desired effect for safety and security reasons.
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Discussion was held concerning adequate lighting and parking space availability. Commissioner Wall said that issues such as those can be brought up in further discussions and dealt with through the Traffic Safety Commission.

Commissioner Parrish withdrew his amendment.

Commissioner Hannum asked for discussion on perpendicular, parallel and offsite parking. Commissioner Parrish said that perpendicular parking sometimes has more problems than any other forms of parking. Discussion was held concerning cars backing out onto the street does not seem to that much of a problem with proper signage. Commissioner Wall discussed how there are parking and traffic problems also in the area of the Armory building.

TAPE 2 - SIDE 1:

PUBLIC HEARING (#4)

APPLICANT:	Joe & Tola Young	
REQUEST:	Approval of a 16 lot subdivision to be known as West Woods. A portion of the site contains a stream corridor	
LOCATION:	East end of Nicholas Way	
TAX LOT:	3218CA-600, -201	
FILE NO.:	S-15-98	RESOLUTION NO.: 98-96
CRITERIA:	NDC 10.34.030	

Abstentions/ex-parte contact: **Commissioner Parrish** visited the site and contacted the neighbor to the east who did not have negative comments.

Commissioner Hannum said he also drove past the site.

Commissioner Haug also visited the site. It appears there is rebuilding on Main Street which is taking final form. Commissioner Haug said for the record he is not in favor of private streets or signs that reflect "no trespassing" or "do not enter". Commissioner Haug said he feels there is additional criteria that needs to be addressed.

Objections: None.

Staff Report: **Ms. Mingay** said that the criteria that applies is on page 2 in the staff report. There are 7 acres on the site with a stream corridor over-lay. The property is relatively flat with vegetation in the corridor. The applicant has provided a map concerning vegetation. Ms. Mingay reviewed the issues (page 3) dealing with grading and drainage, stream corridor, right-of-way width, sanitary sewer and the subdivision preliminary plan. CPRD has submitted a letter accepting the property for a park. One additional handout was presented from the Oregon Division of State Lands dealing with the excavation permit for the wetlands area. Ms. Mingay said that it was not the intent of the applicant to excavate that portion of the property. Ms. Mingay provided copies of the Development Code changes as well as the changes in Ordinance No. 98-2494. A map was included which indicates the stream corridor area (to scale). City Manager DRC provided a memorandum on interim street and roadway standards dated March 3, 1997. This memorandum addresses allowance of up to six allowed accesses, but anything after that would require the application of street standards.

Proponent: **Ms. Tola Young, 901 N. Main Street, Newberg**, said she was born and raised in Newberg and has been building homes since 1974. Mrs. Young said she has looked at many uses for the property. Ms. Young said she has met with City staff over several meetings to see what is required for building a development consisting of two existing homes and 14 new homes. Mrs. Young said they have reviewed rights-of-way, fire lane issues and restriction on parking. There are no intended signage except for fire signs. A portion of the property was donated to CPRD.

Commissioner Hannum discussed the cul-de-sac maximum length being 400 feet and the possible extension. Mrs. Young said the original design was for 450 feet of which the staff indicated it was not acceptable. The cul-de-sac is now approximately 333 feet. Mrs. Young further noted she met with Fire Chief Michael Sherman to discuss the fire turn-around. Additional discussion was held concerning the impact to the stream corridor.

Commissioner Haug noted that the Police Department memo was from Cindy Bolek that lives on Nicholas Way. Ms. Young said that Cindy Bolek is her daughter.

Commissioner Parrish discussed private drive/street maintenance. Ms. Young discussed private drive access easements. Discussion was held concerning an architectural control committee. Mrs. Young said that she had used the Natalie Park CCR's (covenants, conditions and restrictions) to address these issues.

Commissioner Hannum discussed having to bring garbage cans down to Lauren Court and the impact it would have on the property owners who would have the garbage cans located in front of the property.

Commissioner Wall asked the reason for a private street and not a public street. Mrs. Young said it was a driveway easement. Ms. Mingay said that the cul-de-sac could be extended. Discussion was held concerning the benefit to the applicant for not being a public street. The City would require a wider street. Ms. Mingay clarified that the City does not pay for the street improvements within the development.

Commissioner Hannum asked what the Planning Commission would need to do to get an extended cul-de-sac. Discussion was held concerning reserving this question to deliberation.

Discussion was held concerning the result of a u-shape drive. Mrs. Young said that in 1993 the intent was to retire on the property where they are now residing. Mrs. Young said that the property is being taxed as developed property.

Commissioner Haug asked if she felt that Nicholas Way is aesthetic for the City. Mrs. Young said yes.

Commissioner Parrish discussed the 16 lot subdivision proposal.

Commissioner Haug asked for the location of Tract A. Mrs. Young pointed out Tract A to the Commission members. Discussion was held concerning the stream corridor location.

Mr. Joe Young chose not to speak at the meeting and that Mr. John De Jong was available to answer any questions.

Discussion was held concerning the stream corridor and elevation (160 ft.).

Commissioner Haug said that he recalled no discussions in that period of time (last 1-1/2 years) in which the level was 160 feet where the stream corridor is located.

Mr. John De Jong said that the photo map appears to reflect the 160 foot contour. The plan allowed for some of the lots to be located in the corridor, but they decided not to build in the stream corridor. Mr. De Jong further discussed the sanitary sewer and sewer pump station to be built which would hook up to the City's system. The private drive access width is required to be 20 feet. They are proposing to put in 22 foot streets with curbs and sidewalks. They did not seek a variance. The subdivision meets all the city requirements.

Commissioner Haug addressed the fact that cul-de-sacs are not allowed over 400 feet. There is an option in the Comp Plan to show flexibility and variance for this type of situation. Discussion followed on whether or not a private street would be needed. Mr. De Jong said there is an existing house located on the property and the topography is an issue. Commissioner Haug questioned whether it was a way to bypass the requirements. Mr. De Jong said that it was not.

Mr. David Young, 110 Nicholas Way, Newberg, Oregon, discussed whether the City considered it was a good development. He has lived out there almost two years, not much traffic, safer on a private street. But for the six houses that are there, he would like to see a smaller development. The proposed project benefits the City and Main Street will be improved.

Commissioner Ashby asked how long Nicholas Way has been in place. Mr. Young said that it was about 4 years. Discussion was held concerning maintenance problems.

Commissioner Haug quoted a letter from DRC discussing private street standards. He asked Mr. Young to address them.

Mr. Tim Codiga, 128 Nicholas Way, Newberg, Oregon, echoed the same sentiments as did David Young. He would like to see this type of development, instead of a manufactured home park, allowed for this property. Mr. Codiga said that there does not appear to be problems with traffic issues and children.

Commissioner Haug asked about how a mobile home park would go in on the property. Discussion was held about whether or not a mobile home park is allowed in R-1.

Commissioner Fowler addressed the private road maintenance agreement and whether or not Mr. Codiga was aware of the agreement at the time he moved in. Mr. Codiga said that he was aware of it.

Undecided Testimony:

Johann May, 312 N. Edwards, Newberg, Oregon, expressed concerns for the Creekside development and whether it is a vision that this would be soon considered part of the downtown area once the City grows.

TAPE 2 SIDE 2:

Mr. May continued by stating that the stream corridor ordinance should be the over-riding factor of the lots. In an R-1 development, each lot must have a 50 foot frontage. Cul-de-sacs and private streets are not what the City has decided to develop. The City should do an overlay of what the City will be like within the next 50 years. Mr. May addressed public access to the open space. Additional discussion was held concerning open space, driveways and cul-de-sacs.

Commissioner Wall asked if he believed that it is the proper function of the Planning Commission to be involved in socio-economic plans of the City? Mr. May said "yes" the Commission should be involved.

Opponents:

Ms. Laura Brooks, 1020 N. Main Street, Newberg, Oregon, said she lives across the street from the subdivision. She moved to Newberg about 20 years ago and they are opposed to it. The Commission should say no to proposed growth.

Ms. Pat Haight, 501 E. Illinois, #12, Newberg, Oregon, said that N. Main is really over-burdened already. She also lived on N. Main Street at one time. Action should be taken by the County and the City to fix the street. Ms. Haight said that she would like to see the City slow things down, set priorities, fix the street and then handle more housing on the street. Ms. Haight said that her major interest today is the City's water. She has volumes of information on Newberg water. Ms. Haight said that the wells are not producing enough water for the community. It is not a matter of stopping growth, but getting ready for it. The Commission has the power to allow for the services first. Ms. Haight further noted that she has documentation that the City is having to purchase water. Ms. Haight suggested that the Commission ask the City Council to guarantee that there is enough water for this 16 house development.

Ray Tuchetti, 1020 N. Main Street, Newberg, Oregon, also said that he lives across the street from the proposed development. Mr. Tuchetti discussed the over-burdening of the area with additional traffic.

Proponent Rebuttal: Mrs. Tola Young, 901 N. Main Street, Newberg, Oregon, responded by saying that the homes will not be over the \$300,000 price as indicated. Connection to Nicholas Way is impossible because of insufficient room. Discussion was held concerning Lauren Court and Erin Way.

Commissioner Hannum said it appears that Tract A (stream corridor access) does have access to N. Main Street. Mrs. Young said the City has requested that they pave an extra four feet along N. Main for a bike path.

Ms. Young addressed walking paths and trails that would encroach upon the development.

Commissioner Ashby said that Mr. Johann May indicated it appeared that Lot #10 was 10 feet away from the stream. Mr. De Jong reviewed the center of the stream.

Public Agency reports: None.

Letters: None.

Staff Recommendation: Ms. Mingay said that a manufactured home can go in there, but not a manufactured home park. The Transportation Plan has identified N. Main Street as a major collector and would require a bike path. Money is available for upgrading. The applicant will provide additional right-of-way. Discussion was held concerning the front building line. Staff is still recommending approval of the resolution.

Chair Miller closed the public hearing.

Commission Deliberation:

Commissioner Haug addressed the consideration of private streets and variances (goal criteria located on page 26 of the packet). Commissioner Haug also discussed items N and O (urban design, policy and goal 9, referenced in policy B).

Commissioner Haug discussed the Police Department interoffice memorandum signed by Cindy Bolek, a daughter of applicant.

Commissioner Wall asked for clarification on issues dealing with the stream corridor and without those issues, would it reached the Planning Commission for review. Mr. Brierley said that it would not.

Commissioner Haug asked for clarification of the 50 foot frontage. Ms. Mingay said that there is 25 ft of lot frontage required, (front building line) is a 50 foot length requirement.

Commissioner Parrish addressed the following:

Concern for future projects. He contacted the police to come out and issue citations concerning the enforcement of the streets. He has been keeping an eye on the Creekside Development. He discussed parked vehicles, occupation of homes on the street, and the City has done nothing about it. Commissioner Parrish discussed his concerns involving enforcement of private streets and the definition for a private street/drive.

Mr. Mike Soderquist said that Duane Cole's memo was approved by the City Council after the Development Code.

Chair Miller said that it involves active enforcement. Commissioner Parrish said that it is already a problem. Discussion was held concerning future problems in enforcing this parking and crimes are occurring.

Commissioner Wall said Commissioner Parrish's concerns are legitimate. There is at some point for an advantage or disadvantage for having private roads, the developer can make the lots larger and the roads can be smaller. The private streets should conform with every City street, particularly in accessibility. These types of agreements are only as good as the people that are involved.

Commissioner Haug said that the applicant did not want to go with a variance that would allow for circulation with proper aesthetics. Commissioner Haug said that private streets that are posted "do not enter" and to allow that type of infrastructure is not what we would want for the City. He is an advocate for improving R-1 design standards. Circulation and user friendly is not what the applicant is planning to do in this development. Commissioner Haug said that he is against the development.

Chair Miller asked for a short recess at 10:15 p.m. The meeting reconvened at 10:18 p.m.

TAPE 3 - SIDE 1:

Commissioner Fowler said that she feels uncomfortable to render a decision without having all the

information available. She would like to see the applicant work with staff to make some accommodations on how this development could be more user friendly.

Motion #10:	Hannum/Ashby to table this proposal . The rationale to table is that he is concerned about the private street issue. It appears that given the definition of private street, with 3 or more lots, it would actually be creating a private street in the process. Very hesitant to approve. The applicant has the opportunity to come back with a modified proposal and come up with something lesser or a non-existent private street.
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Ms. Mingay said that if the implication is that the applicant seeks a variance to the street standard, it would require re-mailing and re-noticing.

Commissioner Haug the applicant chose not to do the variance. Would like to work with staff and come back with proposal.

Commissioner Ashby agreed with the criteria and staff's opinion and would like more of an opportunity to discuss the situation.

Commissioner Haug asked if the applicant would waive the 120 day rule in an effort of good faith in order to work with the City in re-working the design. Discussion was held concerning staff recommending approval based upon the definition of up to 6 lots are allowed.

Commissioner Wall discussed the development being replatted or redeveloped to accommodate the changes. Commissioner Haug said that Goal 5 changes must come to Planning Commission.

Chair Miller asked for clarification of the Commission's concerns involving driveway.

Commissioner Wall said that he has other concerns in addition to the driveway issue.

Commissioner Haug addressed the property lines and the stream corridor.

Commissioner Ashby called for the question.

Motion #11: (Amendment to Motion #10):	Haug to amend the motion to allow public testimony and the Commission be able to ask questions of the applicant about extending the 120 day rule so the discussion can resume next month.
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Commissioner Wall said that a motion cannot amend a motion to table.

Commissioner Haug asked the Commission to vote "no" on the original motion in order to allow for his motion to be allowed.

Commissioners Hannum and Ashby withdrew their motion (#10).

Motion #12:	Haug/Ashby to ask the applicant to waive the 120 day rule, to reopen public testimony in order to inquire of the applicant.
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Vote on Motion #12:	The motion carried unanimously.
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Commissioner Haug asked Mrs. Young if she would waive the 120 day rule for the purpose of giving everyone 30 days to re-evaluate and consider the proposal.

Mrs. Young said that they met with City staff and the applicable City departments, including the fire department, and they will not waive the 120 day rule requirement.

Motion #13:	Haug/Wall to close the public testimony.
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Motion #13:	The Motion carried unanimously.
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Commissioner Parrish asked for clarification on City Manager Cole's memorandum addressing private streets. Mr. Brierley indicated that the recommendation for approval was based upon DRC's memorandum.

Commissioner Hannum discussed unclear statements in Mr. Cole's memorandum and the Development Code. Mr. Mike Soderquist said that the memo supersedes the Development Code.

Commissioner Haug said that it appears that the Commission should make a decision in that the applicant has made it clear they will not waive the 120 day rule. Would recommend denial now and review it again in two weeks.

Commissioner Wall said the Commission can make the decision to deny and they have the option to vote "no". Feel waste in time in putting off.

Commissioner Hannum said the applicant and the Commission is caught between a rock and a hard place. The rules of the City Council are not clear. The only way to resolve the question of the desire of the City Council is to deny the application with the assumption that it will be appealed to the City Council.

Motion #14:	Hannum/Haug to deny based upon the testimony, findings and deliberation of the body and the definition of a private drive would consist of 3 or more lots. It appears that it is a private street.
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Commissioner Parrish said the Fire Chief indicated it was a preference that there should be a compromise, but would prefer not to have private streets. Discussion was held concerning the ability to interpret the meanings.

Commissioner Haug said that staff made a recommendation, but he disagrees with staff, independent of Mr. Cole's memorandum. Discussion was held concerning proposing to the City Council that private streets are not allowed without variances.

Commissioner Wall discussed statements made about staff providing a direction for allowance of private streets. He said he does not feel that staff misinformed the applicant and the Commission has to rely upon this information.

Mike Soderquist said that the Creekside Development also had private streets. Commissioner Haug said that particular development had specific aesthetics.

Commissioner Wall said that the issue is controversial with the Council and the Commission.

Commissioner Ashby asked for getting a full public street and the process. Mr. Brierley said they could redesign and apply for a variance or eliminate some lots.

Mr. Barton Brierly said that the commissioners can suggest the motion to include that the Commission directs staff to come back with findings for denial.

Motion #15 (Amendment to Motion 14):	Haug/ to amend the motion to direct staff to prepare written findings in two weeks in support of denial.
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Discussion was held concerning the proposed development.

Commissioner Haug withdrew his motion.

Commissioner Wall called for the question to vote on the original motion. Haug seconded.

Vote on Motion 14:	The Motion carried: (4 Yes/3 No [Ashby/Fowler/Miller]).
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Mr. Soderquist said he would clarify the City Council's decision.

TAPE 3 - SIDE 2:

VI. ITEMS FROM STAFF

1. Update on Council Items
-**Mr. Brierley** said the Council will be reviewing the Permit Center proposal.
2. Other reports, letters, or correspondence. None.
3. Next Planning Commission Meeting, June 25, 1998

Mr. Soderquist said that concerning the asphalt paving plant, the Yamhill County Commissioners voted to keep the hearing open for 7 days to allow for written testimony, 7 days for rebuttal and 5 days for the applicant's final statement. Mr. Soderquist said the testimony against it was very strong. The applicant and the County discussed moving the plant.

VII. ITEMS FROM COMMISSIONERS (none)

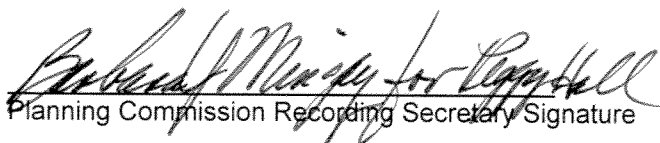
VIII. ADJOURNMENT

The meeting was adjourned at approximately 11:10 p.m.

Passed by the Planning Commission of the City of Newberg this 9th day of July, 1998.

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

ATTEST:

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Planning Commission Recording Secretary Signature Print Name Date
Peggy R. Hall 7-10-98

**INFORMATION RECEIVED INTO THE RECORD
AT THE JUNE 11, 1998 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.**

PROJECT FILE # CUP-8-98

Handout - "What is FISH?"

PROJECT FILE # DR-107-98

Letter from Dorothy S. Cofield

Memo from Terry Mahr, regarding "Settlement of Harris Thermal Appeal"

PROJECT FILE # S-15-98

Memo from Chehalem Park & Recreation District

Letter from the State of Oregon regarding "Wetlands"

Memo from Duane Cole regarding "Interim Street & Roadway Standards"

LABELS FROM THE 6/11/98
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