

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, NOVEMBER 12, 1998 AT 7 P.M.

Approved at the December 10, 1998 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

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

Absent: Steve Ashby

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.

III. CONSENT CALENDAR

1. Approval of October 8, and October 21, 1998 Planning Commission Meeting Minutes.

Motion #1:	Haug/Parrish voted to approve the consent calendar items, approving the minutes of the October 8th and October 21, 1998 Planning Commission Meeting Minutes.
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Commissioner Wall asked for clarification of the information contained in the minutes. Mr. Brierley said the minutes are used as a public record and if appealed to LUBA, the minutes are part of the record. If there are questions about the contents, they should be discussed. Commissioner Wall stated a few corrections on page 6 of the October 8th minutes. Commissioner Wall also noted that on page 3 of the October 21, 1998 minutes, his comments were that if private streets conformed to the standards of public streets, he would not have any objections. In addition, Commissioner Wall noted that on page 7 (paragraph 3) of the October 8th minutes, he would like to add the word "always" to the sentence: "Commissioner Wall said that he feels that the Commission should not always be in a position to tell property owners what they can or cannot do with their property".

Vote on Motion #1:	6 Yes/ 1 Absent [Ashby] (as amended). The Motion carried.
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IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

APPLICANT: Brittell Design Inc./ Dwayne Brittell
REQUEST: Approval of a conditional use permit to allow a home occupation architect's office with more than one outside paid employee
LOCATION: 602 N. Main
TAX LOT: 3218DC-800
FILE NO.: CUP-10-98
CRITERIA: NDC 10.30.040

RESOLUTION NO.: 98-105

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 Haug said he made a site visit and reported on the graveled driveway not being paved as he had thought it was going to be (not defined). He said he did see two well placed notices of the public hearing. Commissioner Hannum also visited the site and his observation was consistent with that of Commissioner Haug's. Chair Miller said that she drives by the property every day but did not make a specific site visit.

Objections: None.

Staff Report: **Barton Brierley** presented the report on the conditional use permit (home occupation with outside employees) and staff recommends approval of the permit (zoned R-2). The site has an existing single family dwelling (about 4700 sq. ft.). The lot is about 14,000 sq. ft. And does have a parking area on the side. The proposal would be for an office for Brittell design company to be used for architectural designs. They would employ no one outside family members and that is why they are requesting a conditional use permit. Discussion was held concerning appropriateness of some businesses in the residential areas (professional low key offices). The access would mostly be from N. Main Street (to be used as an architect's office). Mr. Brierley reviewed the criteria for this subject property in connection with the City's Development Code.

Chair Miller reviewed the quasi-judicial process procedure.

Proponent: Duane Brittell, 602 N. Main Street, Newberg, Oregon, said his current residence is 41500 Vandehey Road, Gaston, Oregon. The property in Gaston is now up for sell. As soon as the property is sold, his daughter will be residing at the home on Main Street. Mr. Brittell said he has not had any other conflicts with surrounding neighbors. Mr. Brittell said that gravel is also considered "paving". He is licensed in 4 states, performing church construction and that most clients are seen on the site location where the church will be constructed. He also makes available to the public the use of his large copying machine. He addressed the applicable criteria including the home occupation standards. He complimented the City staff on the good and informative staff report (one of the most favorable staff reports he has seen). The first condition is acceptable, but if able to stretch the interpretation of outside 8 employees (he has 7 children). He has 16 year old twins. He has five employees and would like the opportunity to extend the five to seven, if possible. He has applied for the standard home occupation and meet all the criteria, outside employees meaning outside of the family. He does not have employees outside the family. Mr. Brittell read a prepared statement. He encouraged the Commission to review the urban design policy and offer flexibility.

Mr. Ken Barker, 102 E. Illinois Street, Newberg, Oregon, asked about home businesses in his area, in particular, a law office. What are the restrictions on the growth of the property, additional buildings, more parking, more traffic? The area is pretty congested. He is worried that it will go commercial and not stay residential. Chair Miller said that the Commission will deliberate on the criteria and the other questions proposed at the meeting.

Chair Miller called upon **Mr. Roger Currier**. Someone had signed Mr. Currier up to speak, but Mr. Currier was not in attendance.

Ms. Deloris Eberhard, 1614 E. 11th Street, Newberg, Oregon, said she has a rental house at 514 N. Main. She is concerned about the taxes that will be assessed due to the increase in development of the surrounding area. She has two lots in the area and is concerned about traffic and the tax impact upon her property due to the zone changes. She is undecided.

Mr. Brittell responded to Mr. Ken Barker's statements concerning potential density and growth in the area. Mr. Brittell said his property is two separate tax lots. The property is zoned R-2 which is an outright use with the possibility of 7 dwelling units. In regard to taxes, Mr. Brittell noted the property taxes are based upon the value of the property and not necessarily because of the home business.

Opponent: None.

Questions to Proponent: Commissioner Wall further asked about growth and discussed home occupancy standards. Discussion was also held concerning a pedestal sign.

Commissioner Parrish clarified R-2 zoning (medium residential) involving the number of people contained on one lot (as it pertains to home businesses) and felt that sometimes things change and additional space may be needed to accommodate the needs of the business.

Commissioner Haug asked about Section 10.50.115 of the Code(9 standards of home occupation):

Item No. 6: The use does not destroy the residential character of neighborhood. He has issues dealing with adding more employees and a concern over the accommodations and parking which may have a negative impact on the R-2 residential zoning. At the corner of 701 Crestview Drive and College Street, they recently put in a garage with a gravel driveway and appears to have a negative impact on the quality of the neighborhood. The Development Code may be weak to allow graveled areas. Mr. Brittell said that without the consideration of the home business, the subject property would allow for 3 residential businesses (6 parking stalls). The graveled area already allows for 7 parking stalls and he does not see a problem because it is located in the landscaped area. Discussion was held concerning residential character, aesthetics and the discretionary wording dealing with "character".

Item No. 8: Home occupation is incidental to the use of the building and the site for residential purposes. Mr. Brittell said that his children have already moved to Newberg and the Gaston property is on the market. Discussion was held concerning how much of the property is being used for home business. Mr. Brittell said that the business is secondary in relation to the size of the property.

Commissioner Wall asked for Mr. Barker and Ms. Eberhard's specific concerns.

Mr. Barker asked what constitutes commercial and residential.

Chair Miller said that Mr. Barker and Ms. Eberhardt would be able to review the City's codes at the Community Development Department.

Public Agency reports: None

Letters: None

Proponent/Opponent Rebuttal: **Mr. Brittell** briefly commented on his position for approval.

Staff Recommendation: **Mr. Brierley** said that he too assumed that "paved" was either asphalt or concrete. He clarified 7 total employees, with at least two living in the residence. He agreed that it should be incidental to the residential use. He wanted to make sure with condition 2 (not used more than 1400 sq. ft. Is used for the business).

Hearing Closed.

Commission Deliberation:

Commissioner Wall said he would come back to the consideration of what kind of businesses are allowed in certain areas. It may be a bit larger for this area. Commissioner Wall reviewed other cities' home occupancy criteria and requirements. He is inclined not to support it because it may be a little too ambitious for a residential area.

Commissioner Parrish said he does not have problem with the conditional use permit. He is concerned about the numbers for the future and giving the opportunity to expand it to 7. Mr. Brierley said that it should be limited to 5 employees living outside the home. Commissioner Parrish said he agrees with Mr. Brierley's definition.

Commissioner Hannum said he feels that it is not going to have a detrimental effect on the neighborhood.

Commissioner Fowler said she too has no problem with the proposal and as far as the parking issue goes, and due to the landscaping and aesthetics that are in place or will be added, she feels it is appropriate.

Chair Miller also discussed the parking issue.

Commissioner Haug said he has the following concerns:

1. Home occupation is defined to have no more than one paid employee. The idea is to go back to page 168 of the Development Code (items 5, 6 & 8). It is a residential use and allows one employee working. They are running a business in an R-2 location. They are asking for a 7 employee clearance. The question is whether or not it is altering the residential use and he feels it will have a negative impact.
2. Letter of the law (item 8). They moved in to run the business and it appears not to be for residential use. He is concerned that they are running a business in an R-2 zone with 5 or more employees. He would like to see stronger conditions to prohibit violations of the intent to grow larger than what is allowed. He would like to see if the use for business in residential as they need to meet a higher level of conditions than what are allowed right now. They should pave the area. It violates the intent of what is allowed.
3. Changes in conditional use.

Commissioner Parrish said the applicant is not changing the zone use, and disagrees with Commissioner Haug's statements as he has the flavor that this type of business these people are out of town a lot. It does appear that he will be meeting with Church committees on the church site and is not bringing committees to the business and does not see a potential problem.

Chair Miller said that this is not a unique area with a mix of residential, light and heavy industrial. She personally feels that the applicant is being compatible with the surrounding area. Discussion was held concerning on-street parking.

Commissioner Haug said he will vote "no", because the Commission has to relate to what the Code says and by going by the home occupancy rules, the applicant does not satisfy items #6 and #8 unless there are additional conditions.

Commissioner Wall also said that he too will vote "no" because they are asking to make some exceptions. The Code is pretty specific and a substantial deviation is requested. The issue is whether or not there is a reasonable chance to alter the neighborhood, is reason enough (too far deviated from the

Code and could get out of hand).

Commissioner Hannum asked when the conditional use status would go away. Ms. Mingay said that if they move or relocate or change the number of occupants, the conditional use would not go with them.

Commissioner Haug discussed issues to be added to the conditional use (allow conditional use for 12 months - conditional review) and whether or not it would work out.

Commissioner Parrish said he would fight for the application. The applicant's type of business is already stated and it does not appear that the applicant would be out of control in what they would be doing.

Mr. Brierley reviewed the conditional use process which includes a duration clause. The Commission could possibly include some sort of review. The Commission could consider that would last for one year and be reviewed by the Planning Commission if a complaint is filed by a neighbor, or if no complaints, it shall be automatically renewed.

Commissioner Wall said it was a good idea and discussed periodic reviews. He would make it longer than one year and contingent only if there was a complaint by a neighbor. Once something is established and the burden of overturning it would be on the other hand. He would accept that as a compromise and there is a mechanism to handle the situation.

Motion #2:	Haug to amend the conditions of approval #4.
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Commissioner Haug withdrew his motion and the matter was further discussed.

Mr. Brierley said that item number 4 could be condition for approval with a two year probationary period and within that period, a neighbor may submit a request to have the Planning Commission review the conditional use permit. If no complaints were received or unresolved, the conditional use permit would be extended automatically.

Motion #3:	Haug/Wall to adopt what Mr. Brierley had said.
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Commissioner Wall inquired about the cost of bringing that it would not cost a neighbor to make such complaint. He does believe that unless something seriously does go wrong, the burden is on the applicant if there is not really a good argument.

Vote on Motion #3:	6 Yes/1 Absent [Ashby]. The motion carried.
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Mr. Brierley said that any appeals would be handled through the Community Development Department office.

Chair Miller temporarily recessed the meeting at 8:15 p.m. The meeting reconvened at 8:20 p.m.

PUBLIC HEARING (#2)

APPLICANT: D & D Properties
REQUEST: Zone change from R-2 to R-3 with a corresponding Comprehensive plan amendment from MDR to HDR
LOCATION: South of Ninth and Meridian Streets
TAX LOT: 3220CC-5900 Lot 3
FILE NO.: CPA-11/Z-12-98
CRITERIA: NDC 10.20.030

RESOLUTION NO.: 98-104

Chair Miller discussed late communications received and she gave the Commissioners time to review and consider the information presented.

Abstentions/ex-parte contact: **Commissioner Parrish** said he drove by the site this evening and it was dark. He did not see a sign noticing the public hearing. He did see the adjoining stream area, but did not make any contact with any human beings.

Commissioner Haug reviewed the property on Sunday and noticed the location of the current parking area and that buildings are very close. The back windows and back porches are close to the adjacent property buildings. There does not seem to be any buildings along 9th which is an open field. He did not go on the property or walk back to the stream area.

Commissioner Hannum said he drove by the property on Monday, and saw the public hearing notice sign was on the ground. He did not see that the applicant maintained the visibility of the sign.

Commissioner Haug said he did not see the sign either. Commissioner Hannum said he drove by three times in order to see the sign.

Chair Miller said she did not see a completely visible sign either.

Ms. Barbara Mingay said it is a Comprehensive Plan amendment to allow for a 36 unit multi-residential development. Ms. Mingay said there are maps in the packet that better describe the property. There is one existing home on the front portion of the property. The largest parcel is the subject property. Page 2 of the staff report identifies issues dealing with street access/dedications and future development potential. The 1.8 acre portion of the site outside the stream corridor would only accommodate 19 units. The applicants have proposed a 36 unit development. The Planning staff's recommendation is to approve Resolution No. 98-104.

Objections: None.

Staff Report:

Proponent: **Mr. Richard Brown** said the property is formally two lots. He indicated that two representatives from WestLake Consultants are in the audience to answer questions.

Ms. Pamela Vann said she will make additional comments after Ms. Perkins completes her presentation.

Ms. Seana Perkins, Westlake Consultants, 15115 SW Sequoia Parkway, Suite 150, Tigard, Oregon, 97224, indicated that Westlake Consultants is a surveying, engineering and planning firm representing the applicant and owner of the property. Ms. Perkins reviewed the surrounding property with a design map. The property has most recently been approved for a 3 lot partition. The subject application is only for parcel 3. Ms. Perkins reviewed the surrounding properties. Request is from R-2 medium residential to R-3 high density residential. Discussion was held concerning traffic studies.

Ms. Mingay addressed a letter dated November 12, 1998 from Shawn Irwin in opposition concerning increased traffic.

Tape 2: 8:42 p.m.

Ms. Perkins addressed Mr. Irwin's concerns. Ms. Perkins said that a traffic study was not required (40 or less vehicle trips per day) that a traffic study was not needed. It appears to be a minimal impact as noted by City criteria and an engineering report, it was not needed.

Ms. Mingay, on page 3 of the staff report, pointed out the need for additional high density residential acreage. Ms. Mingay stated that staff recommends adoption of the resolution.

Opponent: Letter from Mr. Shawn Irwin.

Questions to Proponent: None.

Public Agency reports: None.

Proponent/Opponent Rebuttal: None.

Staff Recommendation: To approve Resolution.

Hearing Closed.

Commission Deliberation:

Discussion was held concerning additional notice requirements (appendix 7). **Commissioner Wall** asked about Mr. Irwin's property in connection with the subject property. Discussion was also held concerning Statewide Planning Goal 10. Ms. Perkins indicated it relates to housing needs.

Commissioner Haug asked for clarification for this type of zone change being quasi-judicial as it pertains to a specific property.

Commissioner Hannum said that even though the Commission is not dealing with development at this time, that if the zone change goes through, the consideration of the parking lot run off in a manner than what was described, the move from medium density to high density gives more ground cover, would require cleaning up of the water from additional parking. This would hopefully be done through the use of bio-swales, etc. (To take care of additional oils, etc.),

Commissioner Parrish (page 5 of staff report (B) - public services and facilities). He said he is concerned about the last sentence describing a storm drain system which will out-fall into the stream corridor portion of the parcel.

Ms. Perkins reviewed the map and noted that the proposal is for a zone change and not the actual development at this time. Commissioner Parrish said that he is also concerned about this issue.

Commissioner Hannum discussed the proposed public sewer being proposed at the system.

Ms. Perkins said that when development occurs, it will go through the site review process. Mr. Brierley said the site design would not go through the Planning Commission.

Chair Miller closed the public hearing.

Ms. Mingay said that staff recommends approval (criteria on page 2 of the staff report).

Commission Deliberation:

Commissioner Haug said he was against the proposal:

1. He feels a traffic study should be done (close proximity to a school). Commissioner Haug also discussed moving from higher density (closer to an arterial).
2. The apartment complex adjacent to the subject property will have a significant impact on the people

that presently live there. There appears not to be enough screening. He does not think that the apartment renters were not aware of this proposal, even though they are not the owners, they still have a right to hear impact on the quality of their lives.

3. The Commission spent several months on a point system for residential design standards which would give a little more guarantee for the livability and quality of the surrounding area. If the Commission allows increase in density, he feels the Development Code does not have the strength to have the quality for increased densities. He hoped the rules and point systems would be in place. The common sense approach is that there is a big negative impact on the property. He hoped that the Commission would hold off on densification until there are rules in place for livability and quality. He would like to table the matter before allowing increases in density. There is a need to have standards in the Development Code in addition to issues relating to water (quality and availability) and the impact of the surrounding residents. Discussion was held concerning the design review process.

Commissioner Fowler said the Commission is to handle the zone change. Discussion was held concerning the threshold of the increase of traffic (she does not see the problem with the traffic) and the zone changes and Comprehensive Plan amendments.

Commissioner Haug discussed the maintaining the City's goals and Code compliance.

Commissioner Wall said he wants to make sure that if the zone change is approved, they could go for a maximum from 33 units to 82 units (based on raw land). The fact of the matter is if they go ahead and change the zoning without any planning requirements, they may not have control over the development.

Chair Miller (staff report page 2), because of zoning, allow maximum of 47 units, due to the amount of land that is not developable. She is opposed to the zone change due to setting up zone changes without further explanation is not a good way to handle the matter.

Commissioner Haug said that it appears that the Commission would be changing the Comprehensive Plan.

Commissioner Parrish said he is in agreement that it is more than a zone change. Once we approve the zone change, it is a go. He has concerns about the proposal. He is getting frustrated with cat and mouse games with population projections and water situation and would like some clarification within next 60 days from either Mr. Cole and Mr. Soderquist on how much water we have or do not have. He would request that staff provide some additional information. Commissioner Parrish said that he agrees that there would be additional traffic, but the apartment complex would not change the livability.

Chair Miller asked that Commissioner Parrish contact the appropriate City staff members on his request for information concerning the population projections.

Commissioner Hannum said that the properties would be impacted in somewhat of a negative sense as they would be losing their "back yard", but he does not see that it is that much of an impact from R-2 to R-3. The access is not the greatest in that part of the City to shopping, etc. He feels that given the situation, it is probably a reasonable use for the property. He hoped that the owner realizes that the stream corridor area will be somewhat of a maintenance problem in that the residents are going to have some grade school students use that area as a play area. He feels that it is a reasonable request.

Commissioner Haug said that the adjoining residents are not in attendance. The water issue is not addressed in the staff report. Discussion was held concerning livability and the impact of the neighbors. He is asking that quality developments occur.

Commissioner Parrish asked what proof Commissioner Haug had that the adjoining residents were not notified.

Commissioner Haug said that he would do a door-to-door solicitation to determine who was or was not notified.

Ms. Vann said that the residents were notified.

Commissioner Parrish asked for various findings concerning notification and the possible negative impact of traffic and other designs for the property.

Commissioner Haug said that the City is considering a point system and if they are increasing density, when the design comes in, it should be administratively reviewed, as he does not feel there is quality.

Commissioner Wall said he is always concerned that increased density will override all other considerations. He is reluctant to increase density for everyone because it could cause problems.

Chair Miller said as far as she is concerned, as far as an apartment complex, she feels it would be compatible. It is a zone change and not design review. Even if this is not approved by the Planning Commission, the present R-2 zoning would already allow 33 units. The proposal is to allow an additional 3 units (36 units). This was corrected to state that the current zoning would only allow 19 units because of the stream corridor.

Discussion was held concerning allowing for design standards and zone changing. It is a Comprehensive Plan Amendment (basically a zone change).

Commissioner Parrish said that there is very little R-3 property available. Discussion was held concerning adjacent zoning (R-1, R-3, etc.).

Commissioner Haug said that until the City can maintain the quality, it should not increase density.

Commissioner Parrish asked Commissioner Haug why not to vote for R-3. Commissioner Haug said that the Comprehensive Plan and zone change is to increase density, we are not satisfying the urban design program because standards are not in place.

Commissioner Parrish said he would rather see an apartment complex in the area than a commercial property.

Commissioner Haug said that when the design review comes in, it will not go through the Planning Commission, but will be administratively handled. If we allow density to increase, we must make sure standards are in place.

Commissioner Wall discussed supply and demand concerning high density residential property. (Page 3 of staff report).

Ms. Vann, Westlake Consultants, asked to speak. The Commission, (except Commissioner Wall) said that they did not have any objection in allowing Ms. Vann to speak.

Ms. Vann said that public written notice was provided for this meeting. The matter will still need to go through design review. They have reviewed the point system and will offer it as a condition of approval, that the applicant meet the point system.

Tape 1 - Side 2:

Ms. Vann said that she urged the Commission approve the request.

Ms. Mingay said that the City's ordinance cannot be a condition, but the Commission could use CCR's

requiring the owners of the property to go along with the property (development agreement), if the applicant is willing to do this, she would consider these options. She would caution placing conditions.

Commissioner Wall inquired what would happen if the conditions are not met. He is not comfortable with the proposal.

Commissioner Parrish said that they could not put conditions on the zone change, but include other options.

Ms. Mingay said that the City could require that the applicant provide a letter of intent to the Council for their review at the hearing.

Commissioner Haug discussed the legislative hearing aspects of the proposal. Discussion was held concerning other developments not complying with the City's plans and proposing a binding agreement which would enforce their intentions.

Ms. Mingay said that the proposal is covered under the quasi-judicial process. Mr. Brierley said the property owners could sell the property. Discussion was held concerning enforceability of the intent and agreement of the applicant.

MOTION: 4:	Fowler/Hannum to approve Resolution 98-104.
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Motion 5: Amendment to Motion #4:	Parrish/Hannum to amend the motion that the City asks the developer to construe and present a document to the City Council that shows in writing their intent to meet the point system which has not approved by the City Council at this time, for when the issue comes to the City Council for their review and consideration.
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Commissioner Wall said he would not want to do that without the advice of legal counsel. Commissioner Parrish said that if the applicant asked for the zone change, and it was turned down, do they have to go through expense of reapplying to zone change? Ms. Mingay said that if the Planning Commission denied the applicant and the application was presented to the City Council for review with the Planning Commission's denial, there would not be additional fees, but questions will arise due to the 120 day rule provisions.

Commissioner Haug said he would amend the motion to support the following amendment: he would prefer to keep in mind that this is a recommendation to the City Council, have the Commission make a final decision on this ordinance change and recommend to the City Council that they not make the ordinance change until they have the opportunity to review the point system. The Commission's approval is conditioned upon the residential needs and point system to be reviewed by the City Council.

Chair Miller said how does the Commission know when they will vote on the point system? The decision of the Planning Commission and the situation with the 120 day time clock running on the decision of the Planning Commission is something to fully consider. She suggested that the Commission's recommendation carry the weight through the result of the point system and residential needs material.

Commissioner Haug said that his recommendation would be to have the Planning Commission approve this ordinance, then delay the final decision until the City Council has an opportunity to make a final decision on the residential needs materials in the foreseeable future. This would be forwarded to them before they make a decision on zoning increases.

Motion #6:	Haug/ for the Planning Commission not to make a decision on the ordinance until the guarantees of the residential design standards are in place which can affect the change in the development design standards as decided by the City Council.
Vote on Motion #6:	Motion failed for lack of second.
Vote on Motion #5 amending Motion 4:	The motion failed: 3 Yes (Hannum, Miller, Parrish) 3 No (Fowler/Haug/Wall) 1 Absent (Ashby)
Vote on Motion #4:(Original Motion as amended):	3 Yes/2 No [Haug/Wall]/1 Abstain [Parrish]/1 Absent [Ashby].

Discussion was held concerning abstentions and not sure which way to vote. Ms. Mingay said that it will be forwarded to the City Council for their December 7, 1998 meeting with a 3-2/1 abstain/1 absent vote.

Commissioner Haug said he would be attending the City Council meeting scheduled for December 7th.

PUBLIC HEARING (#3)

APPLICANT:	Town & Country Management, Inc.	
REQUEST:	Conditional Use Permit to allow construction of a 96 unit apartment complex	
LOCATION:	Between Hancock & Hayes Streets east of Elliott	
TAX LOT:	3220AA-302, -702	
FILE NO.:	CUP-11-98	RESOLUTION NO.: 98-106
CRITERIA:	NDC 10.30.040	

Chair Miller allowed the Commissioners to have approximately 10 minutes to review the handout materials presented by staff. Chair Miller asked for the Commission's ruling on continuing with the meeting after the 10:00 p.m. deadline to hear new matters.

Commissioner Parrish said he would like to continue.

Commissioner Wall said he is mostly opposed to breaking the 10:00 rule.

Commissioner Hannum said he will go.

Commissioner Fowler said she is opposed.

Commissioner Parrish discussed exhaustion of the members, but if one or more Commissioners are not up to the discussion, he would opposes continuing.

Commissioner Wall said that he would like to continue to another meeting.

Commissioner Fowler said that with the information presented as handouts in addition to what was provided prior to the meeting, it is difficult to take in all the information.

Motion #7:	Fowler/Wall to continue the matter to the December 10th meeting.
Vote on Motion #7:	The motion carried (5 Yes/1 Abstain [Haug]/1 Absent [Ashby]).

Chair Miller recommended that the persons who have signed up to speak on the matter should return. Notice will be given to these people. Mr. Brierley said that the December 10th agenda will be modified to allow for this change. Discussion was held concerning the presentation of additional materials right before the meeting.

TAPE 3 -

VI. ITEMS FROM STAFF

Discussion was held concerning reappointment of Commissioners Parrish and Hannum for the next year. Chair Miller said she has decided not to request reappointment. Discussion was held concerning coordinating a dinner with spouses and Commissioners. Commissioner Parrish said that the new Chinese restaurant is good. Commissioner Haug said that City Council member Deborah Sumner is willing to participate. Further discussion was held concerning other persons interested to be on the Commission.

Mr. Brierley presented an update on the City Council meeting held on November 2, 1998. The Council adopted the sign code but put in the amortization schedule (10 year schedule). The Council adopted an ordinance dealing with bicycle registration and skateboarding rules. The Council recommended and passed on to the County Commissioners an amendment to the NUAMC agreement concerning the Urban Reserve Area. Now it has to go to the County for adoption. They also recommended looking at the Urban Growth Boundary agreement. The annexation proposal will be on the agenda for December 7, along with the Planning Commission appointments and the D & D zone change. The Council is also considering additional details concerning the riverfront area. No second meeting of the Council or Commission is scheduled in November due to the Thanksgiving holiday. Mr. Brierley said he would suggest that the conditional use permit application be placed on the December 10 agenda first before anything else. There will also be a new zone change application on that agenda. Commissioner Haug asked if the Residential Needs could be considered on that agenda also. The Commission agreed. Discussion was held concerning a joint meeting with the City Council and Planning Commission be scheduled in January (4th Thursday). Discussion was also held concerning the receipt of the population projections. The City Manager has offered to come to the Planning Commission to discuss the population projections.

Ms. Mingay said that there are projects which theoretically have been evaluated by using the point system which provide background information, but is not appropriate criteria to be used against an application.

Commissioner Parrish said that he has a prior engagement for the December 10th meeting and he will need to leave early that evening.

Commissioner Haug discussed issues dealing with the new Commission and how the Chair is appointed.

Commissioner Parrish said that he would be glad to coordinate the dinner between the Commissioners.

VII. ITEMS FROM COMMISSIONERS

Commissioner Fowler discussed water issues and that the Citizen Rate Review Committee will be meeting next Tuesday, at the Public Safety Building meeting room. The agenda will include system development charges (SDC's).

VIII. ADJOURNMENT

Commissioner Fowler moved to adjourn at 10:32 p.m. The meeting adjourned at approximately 10:35 p.m.

Passed by the Planning Commission of the City of Newberg this 10th day of December, 1998.

AYES: 6 NO: 0 ABSTAIN: 0 ABSENT: 1 (Ashby)
(list names)

ATTEST:

Peggy R. Nicholas
Planning Commission Recording Secretary Signature

Peggy R. Nicholas December 10, 1998
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE NOVEMBER 12, 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-11-98: Letter from Richard G. Ely, 31850 NE Schaad Road, Newberg 97132
CUP-11-98: Letter from Tony Wilson (NAPA), Portland Road, Newberg, Oregon 97132
CUP-11-98: Letter from Paul Vollmer, Owner of Town & Country Texaco and Car Wash, 701 Deborah Road, Newberg, Oregon
CUP-11-98: Letter from Brad Farmer, Project Development Manager, Parr Lumber Company
CUP-11-98: Letter from Robert Alexander, Alexander Oil Company, 100 South Elliott, Newberg, Oregon, 97132
Supplemental Information for the Application of T & C Wash Systems, Inc.

PROJECT FILE #

CPA-11/Z-12-98: Letter from Shawn Irwin, 809 S. Meridian Street, Newberg, Oregon 97132

LABELS FROM THE 11/12/98
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

***Be sure to add file number by
name*** on each label

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