

**PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, JULY 8, 1999 AT 7 P.M.**

Approved at the August 12, 1999 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby Steve Hannum, Chair Matson Haug
Warren Parrish Lon Wall Rob Molzahn Robert Andrews

Staff Present:

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

II. OPEN MEETING

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

Duane R. Cole, City Manager, performed the oath of office to Robert Andrews, the new Planning Commission member appointed to complete the term of Paula Fowler. Mr. Andrews provided a brief background of his service with the City as well as his employment history. He is also the Chair of the Newberg Traffic Safety Committee.

III. CONSENT CALENDAR

1. Approval of June 10, 1999 Planning Commission Meeting Minutes

Discussion was held concerning amendments made by Commissioners Wall, and Parrish. Mr. Andrews interjected comments concerning page 6.

Mr. Andrews reviewed his comments (see page 6).

Motion #1:	Haug/Ashby voted to approve the consent calendar items, approving the June 10, 1999 meeting minutes.
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Vote on Motion #1:	The Motion carried (unanimous).
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IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person) None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

CONTINUED FROM THE JUNE 10, 1999 MEETING

1. **APPLICANT:** Mike Gougler for Werth Joint Ventures
REQUEST: Adoption of the Springbrook Oaks Specific Plan. The plan would create areas for industrial, commercial, office, multiple dwelling, and single family dwelling uses. It includes plans for open space, utilities, transportation, and so forth. It would amend the Newberg Comprehensive Plan, Development Code, Comprehensive Plan map and Zoning map.
LOCATION: A tract of land generally located south of Highway 99W, east of Springbrook Road, north of Fernwood Road, and west of the Urban Growth Boundary
TAX LOT: 3216-2001 and 3216-2010
FILE NO.: CPA-14/Z-14-99
CRITERIA: NDC 10.20.030
RESOLUTION NO.: 99-117

OPEN FOR PUBLIC HEARING:

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

Commissioner Andrews expressed a potential conflict of interest, will be involved in discussion, but will abstain from voting.

Commissioner Haug questioned Commissioner Andrews' abstaining from voting. He described how those Commissioners who have potential conflict would remove themselves from the meeting to prevent any gestures, etc. or comments from the other Commissioners witnessing the event.

Commissioner Parrish said he has been under the impression that the Commission members could remain in the room, but they removed themselves from the dias.

Commissioner Wall said that Oregon State law indicates that they were not able to participate in the discussion as a sitting commissioner, but they did not have to leave the room. They were not allowed to address the Commission. He would not be opposed to having Commissioner Andrews be present and participate in the discussion, but as he understands it, he cannot be involved in deliberation.

Mr. Barton Brierley explained that in relation to conflict of interest, it does not allow for Commission members to provide testimony for one's own property. If there is ex parte contact, it must be disclosed, or it could be objectionable on whether or not a Commission member may know more than other Commission members due to his/her previous involvement from another Committee or Commission. They would, in essence, know more of an issue than other Commissioners.

Commissioner Molzahn said he also was on the Steering Committee and Commissioner Andrews was the Chair of the Committee. He does not see a conflict with them just doing their work. They were appointed by the City Council. He questioned whether or not he too is being asked to step down from hearing the matter.

Commissioner Haug said it is a recommendation by the Planning Commission. As far as bias, it would involve personal interest. He wanted the issue of bias to be entered into the record. He said there is a matter of potential bias for Commissioners Molzahn and Andrews.

- The Planning Commission is involved in the public hearing process through a quasi-judicial process, not legislative. The City Council will hear it as a quasi-legislative process.
- Understanding the philosophy of the Comprehensive Plan.
- At the City Council level, it is quasi-legislative and more political. A similar issue may arise with Council member Fred Howe's involvement with the Steering Committee. Commissioner Haug recommended that the two Commissioners be allowed to deliberate and vote on the matter.

Commissioner Ashby referred to portions of the Development Code relating to public hearings and disqualifications of members of public bodies. He said he believes if the Commissioner himself decides he cannot participate, he can then be disqualified from the hearing. If another Commissioner feels he/she would be disqualified, then it would be by a vote of the Commission on whether or not to allow the Commission member to vote or not.

Commissioner Andrews said with him, there is a potential of conflict of interest. The Steering Committee presented their information and findings to the Planning Commission. He said there may be some vestiges of possible conflicts of interest and therefore, felt it would be a wise statement to abstain from voting.

Commissioner Wall said his concern is not a conflict of interest issue. He doubts whether Commissioners Molzahn or Andrews would have some sort of bias with specific opinions that he may have due to his involvement on the Steering Committee. He said that Commissioner Molzahn may also have a conflict of interest. Commissioner Wall said he does not agree with Commissioner Haug in that he would accept Commissioner Andrews' participation in deliberation, but not allow him to vote.

Commissioner Andrews may have valuable information to provide to the Commission from his position as Chairman on the Steering Committee.

Commissioner Parrish said he was told not to participate in the Springbrook Oaks Committee because of potential bias due to his position on the Planning Commission. He too would agree with Commissioner Wall in that Commissioner Andrews is very articulate in running a meeting and he could provide valuable information. Commissioner Parrish said he did not see any objections. He does not have a problem with Commissioner Andrews' involvement in the deliberation, but also did not see that he could vote. As to Commissioner Molzahn, it appears that he had no way of knowing that two other Planning Commission members were not allowed to be on the Committee. He was not on the Planning Commission at the time of his appointment to the Steering Committee. He was appointed to the Commission afterwards.

Commissioner Wall said the Steering Committee was told by the City Manager that no Planning Commission members could sit on the Steering Committee. As far as the quasi-judicial process, the Steering Committee had voting members with financial interests in the project, which would otherwise be prohibited for the City Council or Planning Commission. He is also concerned with Commissioners Molzahn and Andrews participating in the quasi-judicial hearings.

Commissioner Haug said he wanted to re-enforce what he was told by the City Manager in that it would not be appropriate for a Planning Commission member to be a Steering Committee member. He said it is a serious statement to be made to a Planning Commission member. He feels there is a potential bias and prejudgment present.

Chair Hannum noted that he feels that Commissioner Andrews should be allowed to participate in the discussion.

Commissioner Ashby reviewed the process for disqualification of a member of a hearing body, wherein they would vacate their seat and they would be allowed to sit in the audience, but not have to leave the room. He said the process would be for Commissioner Andrews to abstain and leave the table.

Commissioner Wall said he wants to hear Commissioner Andrews' input and would not want to avoid the valuable information he would have to provide to the Planning Commission.

Discussion was held concerning Commissioner Andrews being a full participant, or to remove himself partially or completely.

Commissioner Andrews said he originally had no vested interest. He said that he can address the issues and hear the matter on an impartial basis. He said that as a Commission member, it will be a learning process, but wanted to get the issue out on the table so as to not cause conflicts either during or after the process. Discussion was held concerning the vote of the Commission to allow him to continue.

Motion #2 :	Wall/Parrish to disqualify Commissioner Andrews from the Springbrook Oaks hearing.
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Commissioner Wall said with Commissioner Andrews being a new member of the Commission, the Commission cannot get past the clear bias and allow him to be involved in the discussion. Due to state law, the Commission has to arrive at a decision (all or nothing). Commissioner Wall further noted that he felt the process would be seriously compromised if Commissioner Andrews was allowed to vote.

Commissioner Parrish said it was a most uneasy situation. He said that from the hearings of the Committee, he did not see any objections by the Committee as to what was being presented by the applicant.

Commissioner Haug said that he feels that it is appropriate for Commissioner Andrews to step aside based upon the information presented and state law.

Commissioner Wall called for the question.

Vote on Motion #2 :

The motion carried (4 Yes/2 No/1 Abstain).
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TAPE 1 - SIDE 2:

Commissioner Haug said he would like to ask Commissioner Molzahn and whether or not he had a potential bias or prejudice on the project, and whether or not he intended to vote.

Commissioner Molzahn said he felt he could vote on the matter and that he did not have any potential bias or prejudice feeling concerning the project.

Commissioner Haug said that as far as declaring ex parte contact, he talked with Don Clements from Chehalem Park & Recreation District (CPRD). Mr. Clements said that the schools and park lands should be contained. He said that he and Commissioner Haug discussed that the greenway had been turned over to CPRD and that Commissioner Haug said he was not aware of it. Mr. Clements said that other than that, it was a basic discussion.

Commissioner Andrews vacated his seat on the Commission and sat with the audience.

Staff Report and Preliminary Staff Recommendation: **Mr. Brierley** presented the staff report and reviewed the general issues which the Commission had previously raised. He also noted that if the Commission wished to allow more testimony, they should vote on whether or not to allow it. He also recommended that the discussion be outlined in parts, approved, then move on to other areas. He said the Commission will review the following:

1. City water supply
2. Transportation
3. M-1 zoning
4. Resource protection
5. Park space

Commissioner Parrish noted that there is a road easement that was approved since the last time the Commission reviewed the project. Mr. Brierley said the matter would be discussed under Section 2.4

Motion #3 :

Wall/Haug to reopen the public hearing to allow for testimony from the audience.

Vote on Motion #3 :

The motion carried. (6 Yes/1 Abstain).
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Mr. Gougler said that he was available to answer any questions the Commission may have.

Commissioner Parrish said he wished to discuss the Kittleson & Associates traffic study. He is not in agreement with the assumptions and has trouble with the "peak volume" interpretation contained in the report. He contended that the time frames are incorrect due to two large companies who utilize Springbrook Road which affects the traffic flow. Discussion was held concerning the actual time for "peak hours" being 7:00 to 9:00 a.m. and 3:00 to 5:00 p.m. Further discussion was held concerning north and south bound traffic and peak times.

Commissioner Parrish said his job is to look behind the developer's intentions and determine whether or not there is a concern for residential areas and the dramatic impact on the road (Wilsonville Road, Hwy 219 and Springbrook Road). He expressed concern for public safety without a traffic light being installed at that location.

Mr. Gougler said the last thing in the world anyone would do is to attempt to influence an engineer or a Planning Commissioner. They used Kittleson & Associates due to their experience with similar projects. As a developer, he has to follow the rules and will do what is asked to be done. The study does show that the area already is in need of a traffic light. The cost should be absorbed by the City.

Commissioner Wall said that what he is trying to communicate is that regardless of what the conclusions are which are contained in the report, if one has to sit at an intersection for a long period of time, or drive the road a certain time of the day, (trying to get onto Hwy. 219), we don't need a report to say there is a problem. The problem already exists in the proposed area. There is no guarantee that the City will do anything such as putting in a light. The question arises of who will pay for the cost of the traffic signal?

Mr. Gougler said the developer must participate in the building of the specific plan (who would pay for the improvements immediate or proximate to the project). The Specific Plan as outlined requires that certain things be completed accordingly.

Mr. Gougler said that he is trying to establish the highest marketable value for the area. If the traffic is impacted due to his development, he is forced by the market to do certain things. When he goes to do a development, he has to prepare and submit the subdivision proposal to the City. At that time, the engineering department will evaluate the traffic impact (trips) for the project. He discussed secondary traffic that will be going through which will negatively impact his development.

Commissioner Wall said that developers are optimists and planners are pessimists. Discussion was held at what times would portions of the project be done which would then trigger other elements of the project to be completed.

Mr. Gougler addressed issues and answers raised by the Commission at earlier meetings.

1. Stream Corridor. The stream corridor (east branch of Springbrook creek) was designated and set aside in excess of what was required by the Committee (it took in more land than proposed). That portion of the stream corridor has been conveyed to CPRD as a preservation area. Things can be done to the stream banks at the direction of Division of State Lands and Corps. of Engineers.

2. Trees. Tree removal (type 2 process) has to be evaluated and approved by a licensed arborist.

3. Industrial land and the conversion of the property. He referenced a list of the top 100 growing companies in Oregon. In the Portland area there are approximately 3,351 acres of industrial land (most of which are within five (5) miles of the airport). He noted that in the Salem corridor, there are 572 acres of industrial property, not counting an additional 600 acres which are already on line for development. Discussion was held concerning other businesses which occur with the use of professional, office or commercial development and the creation of jobs. He presented a hand-out reflecting information concerning primary growth. He wants to make sure the property accommodates with what is going on today, as well as provide for the future. The increase in development is towards professional and medical support complexes, but appears to also be friendly to software companies.

Commissioner Wall said that when the issue of manufacturing, industrial or commercial lands come up, statements have been made by City staff and other individuals, about how the City's plans originated in 1979 and at that time, the concept was decided that the City needed a certain amount of manufacturing and commercial for the next 20 years. Commissioner Wall said he feels it was overstated. Discussion was held concerning reduction in the types of land. He said the Commission has gone under some assumptions which could be faulty.

Commissioner Haug said he provided a copy of his comments which are contained in the staff report.

TAPE 2 - SIDE 1:

Chair Hannum called for a break at 8:40 p.m. The meeting reconvened at 8:50 p.m.

Mr. Brierley began the staff report and the issues to be reviewed:

1. Water:

Mr. Brierley reviewed issues dealing with water (update of the elements of the strategic plan). He reviewed House Bill 2865 concerning the placement of utilities (such as wells) in farming zones. It is on its way to the Governor because it passed the Senate and the House. Commissioner Haug asked if there was information concerning whether or not the Governor intended to veto the Bill. He said he

believes the effective date is considered to be 90 days from the date of adoption, but was uncertain. He said he had hoped it would be effective before the end of the year.

Commissioner Parrish asked when the Specific Plan was adopted by the City Council. Mr. Brierley said he believes it was in February, 1998. Commissioner Parrish discussed capital improvements and the development of reservoirs as it relates to budget constraints. If the City is ready to do the reservoir, is the money available to construct the reservoir in accordance with the 1999-2000 budgeted funds? Mr. Brierley said the future budgeted monies are based upon water rates and system development charges (anticipated that it will be collected to fund the improvements in those years). There is not an adopted budget to pay for costs beyond those in the 1999-2000 budget.

Commissioner Parrish said that each phase shall review the water availability prior to authorization and meet the projected needs.

Commissioner Haug asked who determines if the projections have been met. Mr. Brierley said it would be staff, City Engineers, City Manager, etc. Commissioner Haug said the Homebuilder's Association may challenge the City's water system development charges (SDC). Commissioner Haug said that as a rate payer, he does not want to pay for an infrastructure to allow for new growth which he will use. Mr. Brierley said he understood that the Homebuilder's Association has filed an appeal in Circuit Court, possibly in the form of a writ of mandamus.

Commissioner Ashby asked about the requirements of adequately meeting the needs during peak demand periods. Mr. Brierley said that the controlling factor is fire flow figures and those numbers can be calculated and determined through engineering.

Commissioner Haug asked whether the City has an adequate water supply for this development. Mr. Brierley said that if the whole development was to be built out at once, the City would not have a sufficient water source. He would like to suggest that the Commission approve the additional language and note that adequate municipal water supply and storage is not available. Mr. Brierley said staff recommends amending Section 1.1. with that notation.

Chair Hannum discussed storm run-offs and contaminants. Mr. Brierley said the current storm management system does not require development of new systems (retention basin to test quality of water versus the volume of water due to erosion). Mr. Brierley said the City encourages action where it could be factored in, but it is not a requirement.

Chair Hannum said he feels that the City will, in the not too distant future, provide for a system whereby run-offs from parking lots and streets, etc. will be filtered before it goes into the stream. If it is not considered with the development planning, some other elements such as fish restoration, etc. will suffer.

Mr. Gougler said the new storm water regulations concerning retention and treatment will go into effect next month. Discussion was held concerning presenting a motion for approval while the Commission is still in deliberation.

Consensus of the Commission was held concerning the adoption of Section 1.1, with the additional language concerning the availability of the water.

2. Transportation:

Mr. Brierley said the Steering Committee developed the Specific Plan without the final information of the traffic study, with some minor changes. Mr. Brierley reviewed the options and the location of the traffic signal on the new east/west location on Springbrook Road. The light at Fernwood Road, Springbrook Road, Hwy 219 and Wilsonville Hwy. are already contained in the transportation system and SDC charge plan. The City is collecting SDC revenues in anticipation that the fund would pay for the traffic signals, when needed. Mr. Brierley said they are listed in the capital improvement program, but he is not sure of the exact dates. Some sections would involve the participation of the state highway department.

Mr. Brierley reviewed the east/west road (eastern portion of the site). He indicated that in the specific plan as adopted by the Committee (noted on page V-2-67 - Circulation Plan), the policies as further noted on page V-2-46) involved access to and from the residential area east of the eastern fork of Springbrook

Creek somewhere near the northern vicinity of the property. He said he talked with the adjacent neighbors who did not have a problem with the project as long as they were allowed to be participants in the process. He said that topographically, it makes sense to have it located in the northern part of the property.

Commissioner Parrish asked when it was discussed to keep it within the northern vicinity of the property. Mr. Brierley said that at least from November/December, 1998. He asked what federal entities will be involved if a bridge is constructed? Mr. Brierley said that numerous federal agencies (US Army Corp of Engineers, DEQ, Fish and Wildlife, etc.) would be involved. Commissioner Parrish asked if the location is the best utilized for the project. Mr. Brierley replied it would work best north of the Springbrook Oaks area and in the Urban Growth Boundary.

Commissioner Haug discussed additional enhancements and having the corridor restored to a useful habitat. He reviewed information concerning a builder placing a drain in the creek which caused damage to the habitat. He said that he could not continue with the development or other phases without first making provisions for restoring the creek.

Mr. Gougler said that he has had a lot of experience in mitigating crossings, anything dealing with trees are Type 2. He agreed that anything dealing with stream crossings he will make sure that any crossings will be mitigated, but would prefer to eliminate all stream crossings altogether.

Commissioner Haug inquired about stream corridor zone lines. The stream corridor was not as large as the area that was surveyed and dedicated to CPRD. Mr. Gougler said he is not certain and could not answer Commissioner Haug's question. Commissioner Haug asked if the City had any contact with federal agencies concerning placing a bridge.

Mr. Gougler said he has already met with federal, state and county agencies. They have been presented with copies of wetland delineations. Ms. Mingay said that at the time the stream corridor study was done as noted by Commissioner Haug, the adopted stream corridor was more detailed than what had been previously noted on prior subdivisions.

Mr. Gougler said a condition of the easement conveyance preclude filling 50 cubic yards. They delineated the area as preservation because it is more restrictive.

Commissioner Parrish said he had a conversation with a representative from ODOT (Mr. Sanders) about a month ago. Commissioner Parrish said he resides on Wilsonville Road and is concerned about what is going on in connection with Wilsonville Road. He discussed Mr. Sanders' comments concerning reconfiguring the area. Mr. Sanders said he could not give any time frames.

Mr. Gougler said the developer is required to bond at percentages as it proceeds toward the intersection. He said he has a concern that the City is playing with their money for as long as they choose to do it. He is not obligated to pay for the entire intersection. Discussion was held concerning everyone following the rules. Another concern he had was whether or not the bond amount would offset the SDC's. He said that everyone has known about the Wilsonville/Hwy 219 intersection and the traffic signal. He said that no one knows when the traffic signal will be installed.

Consensus: The Commissioners agreed with staff's recommendations.

3. More M-1 Industrial Zoning.

Mr. Brierley said when the Comprehensive Plan was adopted in 1979, discussions were held concerning percentages and the adoption of certain types of lands. When looking at the Springbrook Oaks Specific Plan, they considered how the property would be best zoned to benefit the community which was discussed through the process and the information gathered and a consensus of the developer, the City and engineers. Mr. Brierley reviewed the existing and proposed percentages. The plan does not convert industrial land nor trade out other land to allow for more R-1, R-2 or R-3 land, but the number of acres is close. What it does do is provide for RP (Residential/Professional) zoning. They did not want to lose the opportunity for economic development. The plan would allow apartments near medical facilities, but limit it so that the whole area would not be residential land. What the land was intended to do was to create economic development opportunities coming to the community (offices, software companies, medical, educational, etc.) which would generate jobs and things to help the community with the job/housing

balance. The purpose of the plan was to provide the best use for the property and the community as a whole. It is staff's recommendation to adopt the plan as recommended by the Steering Committee.

Commissioner Haug asked how much housing was allowed in the RP zoning. Mr. Brierley said it is up to 20% in the larger area "F." Area "B" is up to 100% and could be all residential. Commissioner Haug addressed extremes. Mr. Brierley said it could allow 25 acres out of 65 acres (30%) to be residential. Area "B" would be a great site for a school.

Commissioner Haug said that Mr. Gougler noted that M-1 would not allow developments for businesses such as start-up software firms. Mr. Brierley said that hospitals are permitted in M-1 areas. Mr. Gougler said the "B" area would be available for school use. Mr. Gougler reviewed the level of services that could be located in a certain area. Most people in a software industry do not like to be involved in semi-truck traffic used areas. Mr. Gougler addressed keeping the zoning flexible to accommodate multiple uses.

Chair Hannum called for a five minute break to allow the Commission members to read Commissioner Haug's prepared statement he addressed to the City Council. At 9:45 p.m., the meeting continued.

Commissioner Haug summarized his concerns involving periodic review. Land needs to be preserved prior to the demand. He also addressed economic independence (appropriate ratio for self sustaining and not a bedroom community). The need for this land is growing slowly. He is advocating that it is not an appropriate analysis and they need to establish a jobs/housing balance. His findings are different from the staff report. He said that if we want to make a change, his view is that they are in essence stripping the land in certain areas to allow for residential. The whole area is M-1 which is intended for job growth and it contradicts what is the vision of the City. He reviewed the needs analysis and public involvement during periodic review. He would propose to hold off the zoning areas for sections B, C and D until they have an appropriate process for public input and community involvement.

Commissioner Molzahn said he does not see how a certain number of acres to be reserved would equate with the jobs balance. The industrial land does not equate industrial jobs. In planning for growth, we are not the only area in which industrial users are looking to locate. Newberg does not have the ideal proximity for transportation corridors.

Commissioner Haug said he asked City Manager Duane Cole when the City would need to change and trigger a periodic review. He was advised that it is unknown when this would occur.

Mr. Gougler said that the Committee's mandate was to create a fact finding body with 13 citizens. He said that by law, the Committee had the right to modify the zoning of the Comprehensive Plan. Each meeting was a public meeting to provide testimony. Mr. Gougler reviewed the Comprehensive plan demarcation of the M-1 property. The Comprehensive Plan refers to a percentage of Residential and M-1 property. When the Comprehensive Plan was originated, zoning lines were drawn as an accommodation to show what they would look like. The developer did not make the recommendations, but they were made by the Committee and City staff in order to allow for flexibility in zoning. Mr. Gougler said that he was concerned that the Commission disregarded the legal obligation which was met by the Committee with over eight (8) months of public hearings and arriving at the recommendation to the Planning Commission. He also noted that everything that Commissioner Haug mentioned, has been provided.

Commissioner Haug said the Goal 1 process periodic review has not been met. Mr. Gougler said the Committee was given the charge of making recommendations to the Planning Commission and the City Council. Commissioner Haug said that he too, was given a set of rules to follow.

Commissioner Haug said the staff's findings are in error (need jobs/housing balance). Mr. Gougler said he wants the opportunity to provide schools and a retirement facility. He said the property owners will cooperate with the City in developing a community around a retirement facility.

Commissioner Wall addressed viability of commercial and manufacturing property. Mr. Gougler said he would like to have the apartment residents be able to work close to home. The property has been available for some time. Discussion was held concerning what industry would lessen traffic impact. A retirement facility would allow people to utilize immediate services. The City has tremendous resources with a huge recreation area where people would want to retire. The development is trying to encourage a campus atmosphere which would promote a reason to be here: a place to live, employment and immediate services. Mr. Gougler noted that for every subdivision proposal, the developer has to receive

approval from the City.

Commissioner Wall addressed M-1 property being reduced due to the market not selling well. Mr. Gougler said that a hospital cannot go into a M-1, but in RP. He noted that residential housing has been relocated to retail services which would reduce auto traffic. He said that we want neighborhoods to be contiguous and with the use of mini-parks and pedestrian paths, it would eliminate numerous trips.

Commissioner Haug said that his concern is job growth and what is missing is an analysis of how job growth would occur. He said that it would help to know where the job growth will occur in the City. Mr. Gougler said he is not sure exactly where job growth will actually grow.

Consensus: The Commission discussed concurring with staff's recommendations. Commissioner Parrish said he would adopt the proposal. Commissioner Wall said he would not concur. Commissioner Ashby said that most job growth has occurred in small businesses which is more appealing; but the probability of a larger employer (short of Sumitomo) is quite small. Commissioners Ashby and Molzahn said they would concur with staff.

4. Stream Corridor. Mr. Brierley reviewed page V-1-4 of the staff report and recommended adoption of Section 4.0 with no changes. Commissioner Haug presented Audubon Society information concerning golf courses. Mr. Brierley said staff feels the proposal is a good one and recommended the Commission's approval because the plan adds a lot to preserve the property.

Commissioner Parrish said he would adopt the recommendation as proposed but with the contingency that CPRD pay for the Audubon Society review.

TAPE 3 - SIDE 1:

Mr. Gougler said the golf course they designed in another community contained a pond with grass not extending to the edge of the water (reeds and cat-tails would be surrounding the pond). The golf course would be a benefit to the development and the community.

Mr. Don Clements, CPRD, said the City is going to be facing other problems down the road (environmental issues involving water sources from the river). He said that at this point, CPRD would like to keep the options open.

Commissioner Molzahn said the golf course is not part of the Springbrook Oaks Development. He would not endorse any change from the steering committee recommendation. The Commission concurred with Commissioner Molzahn's statements.

5. Park Space. Mr. Brierley reviewed what the Plan does provide as noted on page V-1-5. There are 28.7 acres of preserved stream corridor which is approximately 10% of the entire site. There is a reasonable possibility that a school could be placed on the property, but there are no commitments. Mr. Brierley said that a golf course is a possibility, but there are no commitments. Ms. Mingay said that every property has landscaping requirements (15%). Mr. Brierley said staff recommends approval of Section 5.0 with no changes.

Mr. Don Clements and Commissioner Haug addressed park space area requirements (2.5 acre sections). Mr. Clements said that CPRD shares the Commission's concerns.

Mr. Gougler discussed the bond language in 2.2 (item 3) for intersection improvements. Bond deposits would be applied to SDC credits. Once the bond is deposited, improvements will be started within 22 months or the bond will be returned. Mr. Brierley said some improvements are SDC projects. The reason for the bond deposit is that they are trying to avoid a development not having traffic signals, etc. Discussion was held concerning requiring that when the next development is being built, the City would require that the traffic signal be installed. Each development that goes in would contribute to the cost of the intersection rather than having one development pay for the entire project.

Mr. Gougler said that the intersection would take a tremendous amount of stress off the Fred Meyer intersection. His development is not really wanting to do it. It is an intersection not just triggered by the proposed development. Discussion was held concerning the east/west corridor required by the engineer

(the Hayes Street signal).

Mr. Brierley suggested that they provide a bond for the intersection improvements. Ms. Barbara Mingay suggested the following additional language: Providing a bond or alternative financial mechanisms toward the intersection improvements.

Commissioner Parrish questioned how many other businesses would derive from the benefit of the intersection. He would like to place a 24 month window in the proposal.

Commissioner Wall said that he is concerned that each development pays its respective fair share. Discussion was held concerning placing a sunset clause into the proposal.

Discussion was held concerning tying up a developer's money until the need arises to install the traffic signal. Mr. Gougler addressed whether or not the proposed development would be responsible for paying for the entire project.

Chair Hannum closed the public hearing.

Motion #4 :	Haug/Ashby to adopt Section 1.1
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Vote on Motion #4 :	The motion carried.
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Motion #5 :	Haug/Ashby to adopt Sections 2.2, 2.3 and 2.4.
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Mr. Brierley reviewed the changes with the addition of a third bullet language: The developer shall provide a bond or other financing mechanisms.

Commissioner Parrish suggested the following language:

Motion #6: Amendment to Motion 5:	Molzahn/Haug to change the language in paragraph (3) as follows: Adjacent developments outside the specified plan area will also be required to participate in the signalization based upon the same formula.
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Vote on Motion #6 :	The motion carried.
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Vote on Motion #5 as Amended :	The motion carried.
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Motion #7 :	Molzahn/Parrish to adopt Section 4.3 as recommended by staff.
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Motion #8 Amending Motion #7:	Haug/Wall to direct staff to see how the analysis of sections D and F on the Comprehensive Plan would be satisfied in relation to jobs/growth and housing needs).
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Vote on Motion #8 :	The motion carried (4 Yes/2 No [Ashby/Hannum]/1 Abstain).
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Commissioner Wall said that so many assumptions for maintaining the City's balance of property (industrial, commercial, residential, etc.) are unclear and the Comprehensive Plan reflects inaccuracies in industrial lands. He noted that the original assessment addressed in the Comprehensive Plan of 1979

was overestimated at the time, but it now appears to be reasonable. Additionally, he stated that to attract business, the City cannot solely rely upon software type facilities.

TAPE 3 - SIDE 2:

Commissioner Wall addressed the fact that Newberg has been a tourist area with people traveling through Newberg on Hwy 99W. It is also known as an agricultural zoning area. He would recommend increasing the amount of commercial areas. He said that he does not agree with the concept that commercial property is hard to sell in Newberg. He has been monitoring commercial property and feels that it is selling pretty good.

Commissioner Parrish asked if Commissioner Wall's concern in that most large complexes only provide for a certain amount of jobs but take up quite a bit of property. Commissioner Wall said that he is afraid of one large entity taking up the entire M-1 property.

Chair Hannum said the lack of commercial property has not been mentioned. In the original long range plan, a certain amount was to be commercial. He inquired whether or not a majority of the M-1 property had already been taken up by the Fred Meyer property. In the specific plan, certain roads are required to be built. In the course of the next 10 years, the M-1 properties will be divided into 10 acre lots.

Commissioner Molzahn said he appreciates Commissioner Wall's comments, but he felt the proposal addresses a more equitable balance.

Commissioner Haug said he would like to see the jobs balance go up and is worried about job loss in the community. If the project builds out correctly, it would be a solid foundation for jobs and he would approve the project.

Commissioner Parrish said the developer has stated an intent to increase a positive livability. He liked the comment concerning the intent is there, but he would hope that it would potentially allow people to work in an area adjacent to where they live. There is no way to guarantee, he would hope that with the M-1 area, that it occurs. It would be good for the City. The other property owners outside the specific plan should also contribute their respective percentages.

Vote on Motion #9 :	Haug/Molzahn to approve Section 4 with no changes.
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Vote on Motion #9 :	The motion carried.
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Motion #10:	Haug/Molzahn to approve Section 5.0 as recommended by staff.
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Commissioner Parrish asked for clarification of the park location. Mr. Brierley said one would be at the east fork of Springbrook Creek and another one would be between the two creeks. Discussion was held concerning the project build-out.

Vote on Motion #10 :	The motion carried.
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Commissioner Ashby addressed the density chart (page 20 of the staff report) concerning the minimum lot area per dwelling unit be 5,000 square feet. He said that in any one subdivision it is noted as 10,000 square feet. Discussion was held concerning the standard minimum lot size. Commissioner Molzahn said that where the R-1 is located, it would be difficult.

Commissioner Ashby said that under the section for "minimum lot area for dwelling unit", it should be 5,000 square feet and not 10,000 square feet. Discussion was held concerning replacing that language for the words "average size".

Motion #11:	Ashby/Wall to approve the motion to approve Resolution No. 99-117 originally made at the June 10, 1999 Planning Commission meeting, as amended by the motions and testimony presented.
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Vote on Motion #11 :	The motion carried (6 Yes/1 Abstain).
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Mr. Brierley said the matter would be scheduled for the August 2, 1999, City Council meeting.

Commissioner Andrews returned to his chair at the table.

VII. ITEMS FROM STAFF

1. Update on Council items:

Mr. Brierley said the Council voted to appeal a subdivision that the County approved in the UGB. They also considered the transportation planning rule amendments. The Council approved the privilege tax which would fund the remodeling of City Hall. The Planning Commission will be reviewing that project at their next meeting for the historic review. CPRD has requested a zone change for the Central School facility and a conditional use permit for an expansion of the armory building.

VIII. ITEMS FROM COMMISSIONERS

Items from Commissioner Haug addressing his comments to the City Council concerning Newberg's quality of growth and the impact on the impact this growth is having on our quality of life.

IX. ADJOURNMENT

The meeting was adjourned at approximately 11:35 p.m.

Passed by the Planning Commission of the City of Newberg this 10th day of August, 1999.

AYES: 5 NO: 0 ABSTAIN: ABSENT: 2 (Haug/Wall)
(list names)

ATTEST:

Peggy R. Nicholas
Planning Commission Recording Secretary Signature

Peggy R. Nicholas 11/12/99
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE JULY 8, 1999 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 #

CPA-14-99/Z-14-99:

1. Information from Commissioner Haug concerning growth, golf course review by Audubon Society.
2. Prepared statement by Commissioner Haug involving the City's economic growth and the impact of this growth is having on the City's quality of life.

LABELS FROM THE 7/8/99
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

CPA-14-99/Z-14-99

CPA-14-99/Z-14-99
Christopher S. Stanley
Kittelson & Associates
610 SW Alder, Suite 700
Portland, Oregon 97205

Don Clements
Chehalem Park & Recreation District
1802 Haworth Avenue
Newberg, Oregon 97132

CPA-14-99/Z-14-99
Mike Gougler
5241 Windsor Terrace
West Linn, OR 97068

CPA-14-99-/Z-14-99
Garren Ingram
18210 SW Pacific Hwy.
Tualatin, Oregon 97062

CPA-14-99/Z-14-99
Mike Wallace
1532 E. Third Street
Newberg, Oregon 97132