

**PLANNING COMMISSION MINUTES**  
**Newberg Public Safety Building - Newberg, Oregon**  
**THURSDAY, JANUARY 14, 1999 AT 7 P.M.**

**Approved at the February 25, 1999 Planning Commission Meeting**

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**I. PLANNING COMMISSION ROLL CALL**

**Planning Commission Members Present:**

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

**Absent:** Myrna Miller position

**Staff Present:**

Barton Brierley, City Planner  
Peggy Nicholas, Recording Secretary

**II. ELECTION OF OFFICERS**

Nominations for Chair:

**Commissioners Haug/Fowler** nominated Commissioner Steve Hannum. Discussion was held concerning a tie vote (requirement of four votes). There were no other nominations.

**Motion: Parrish/Wall** (unanimous). Motion carried.

**Haug/Ashby** nominated Commissioner Paula Fowler. No other nominations were made.

**III. OPEN MEETING**

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

**IV. CONSENT CALENDAR**

1. Approval of December 10, 1998, Planning Commission Minutes.
2. Continue GR-4-95 (Transportation Plan) to 2/11/99 meeting.

<b>Motion #1:</b>	<b>Haug/Fowler</b> voted to approve the consent calendar items, approving the minutes of the December 10, 1998 Planning Commission Meeting, and continuing GR-4-95 to the 2/11/99 meeting.
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<b>Vote on Motion #1:</b>	The Motion carried unanimously.
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**V. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)**

None.

## VI. QUASI-JUDICIAL PUBLIC HEARINGS

### PUBLIC HEARING (#1)

**APPLICANT:** Dan Schutter/George Fox University  
**REQUEST:** Renovation and remodel of a home listed as a Landmark on Newberg's Inventory  
**LOCATION:** 402 South College  
**TAX LOT:** 3219AD-4400  
**FILE NO.:** H-7-98 (historic review) **RESOLUTION NO.:** 99-109  
**CRITERIA:** NDC 10.44.157

#### OPEN FOR PUBLIC HEARING.

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

**Abstentions/ex-parte contact: Commissioner Ashby** said he is employed as a temporary contract employee. He discussed his issues with the City Attorney. He removed himself from the meeting.

**Commissioner Hannum** also noted he is an employee of George Fox University (GFU) and will remove himself from his position during the discussion.

**Objections: None.**

**Staff Report: Mr. Barton Brierley** provided the staff report. He said the property is on the City's historic register and the national historic register (Jesse Edwards home). The home was moved to be placed out of the right-of-way for changes in a street. Plans are to remove the existing garage and replace it with additions on the home. It will remain as a single family residence. Mr. Brierley also reviewed the Historic Review Criteria (Section 10.44.257). Staff recommends approval of the application because the criteria have been met, and it is keeping the historic construction of the building.

**Mr. Brierley** said the Commission is operating under a quorum decision due to the removal of the two Commission members.

#### Proponent:

**Mr. Dan Schutter, 414 N. Meridian Street, Newberg,** provided a 1915 photo of the building. He noted the removal and addition of columns which were refurbished about seven years ago. He said that GFU does not plan on any extensive changes to the front or north side of the structure. They will be painting the building in the near future. A big change is to demolish the existing garage. Discussion was held concerning a property line setback as the existing structure is on the property line. The whole structure is pretty much beyond salvage. The proposal is to demolish the entire garage structure which is away from the property line to allow for a two-stall garage to be constructed. The second story doorway will be removed and replaced with siding to match the remainder of the structure.

**Opponent: None.**

#### Questions to Proponent:

**Commissioner Parrish** asked that in respect to the design on the new garage, is there a reason for the panel rather than the solid design? Mr. Schutter said he did research on the carriage style building (roll up with a garage door), but he was not able to find a style which represented a typical carriage barn door. He went with a steel (foam core) door that has contours of panels and wood grain appearance. The panel door is commonly seen in interior doors in older homes.

**Commissioner Parrish** discussed future earthquake provisions, alterations and additions that will be made, the proposed new driveway and a turnaround in front of the garage. Commissioner Parrish also discussed whether or not the English gardens were being retained. Mr. Schutter said the driveway turnaround takes up a large part of the current garden. The existing plants will be relocated.

**Commissioner Haug** asked for clarification of the existing and proposed changes as it deals with the garage and the landscaping of the English gardens. Mr. Schutter discussed poor drainage issues. There will be some trim work, re-landscaping of the back yard and possibly the removal of a couple of maple trees.

**Public Agency reports:** None.

**Letters:** None.

**Staff Recommendation:** Mr. Brierley noted staff's recommendation is to approve.

**Hearing Closed.**

**Commission Deliberation:**

**Commissioner Wall** said the modifications appear to be with the garage which has also been changed over the years (does not really have historical value and the changes are minor). He appreciates the effort of maintaining the historic value of the property.

**Commissioner Parrish** said he feels it has a positive value (the property) and it is very important to retain such historic value. He said he appreciated the efforts that have been done.

**Commissioner Haug** said he is glad that it is under the ownership of GFU.

**Vice Chair Fowler** said she is also in favor of the changes.

<b>Motion #2:</b>	<b>Haug/Parrish</b> to adopt Resolution 99-109.
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<b>Vote on Motion #2:</b>	The motion carried 4 Yes/2 Abstain (Ashby/Hannum).
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**Commissioners Ashby and Hannum** returned to the meeting.

**PUBLIC HEARING (#2)**

**APPLICANT:** Willamette Valley Homes/Ovy and Viola Pratt  
**REQUEST:** Annexation of a 6-acre parcel. The proposed zoning would be R-1.  
**LOCATION:** North of Main, South of Foothills  
**TAX LOT:** 3207-3300  
**FILE NO.:** ANX-21-98  
**CRITERIA:** NDC Sections 10.36.030 and 10.36.080  
**RESOLUTION NO.:** 99-108

**Abstentions/ex-parte contact:** **Commissioner Parrish** said he drove by the property. Commissioner Haug said he too acknowledged visiting the property and noticed the filbert orchard.

**Objections:** None.

**Staff Report:** **Mr. Barton Brierley** presented the staff report. The property is located in the urban

growth boundary, adjacent to the City on three sides. It is related to an R-1 zone. The requested zoning upon annexation is R-1. The proposal for the property is a 36-lot residential lot subdivision. The proposal includes provision for two public streets which would dead-end at the current property line with extensions to Crater Lane. The lots would be 7,500 square feet or greater. The property would be served by City water and sewer (private pump station that serves the school). Mr. Brierley addressed the criteria. It is within the UGB and is contiguous to the City limits on three sides. The proposed use is appropriate for the Comprehensive Plan (Section 10.36.030). It addresses an adequate level of City services. Discussion was held concerning the sewer services which would tie into a pump station (temporarily serving the school). The ultimate plan is to construct a public pump station in which the subdivision would be connected to. Mr. Brierley said it should not be a problem. The roads are of adequate capacity and the proposal would connect Main Street which is on the City's Transportation Plan. It starts two (2) new connections which need to be finished off to the west. The criteria have been met for police and fire purposes. The applicant has also provided findings. Staff recommends adoption and referral to the City Council for annexation.

**Commissioner Parrish** asked for clarification of the 28-foot extension on Crater Lane. Mr. Brierley said that Crater Lane is a narrow width street. When the subdivision is proposed, they would be required to improve the half street frontage as the properties are developed.

**Commissioner Fowler** discussed the temporary pump station. Mr. Brierley said that staff is requiring that the applicant tie into the permanent pump station and not the temporary one.

**Commissioner Fowler** asked for clarification of the number of lots (Page VI-2-15) as they involve the streets. Mr. Brierley said there are 26 lots proposed. He said that maybe the difference would be that 24 would access Main Street and the other two would access Crater Lane.

#### **Tape 1- Side 2:**

**Commissioner Wall** said that at some point Foothills Drive would be connected to the City. Mr. Brierley said that this is the last link. The future Comprehensive Plan corresponds to LDR (R-1).

**Commissioner Haug** discussed the urban reserve area (URA).

**Mr. Brierley** suggested that the Commission provide the applicants 10 minutes.

**Mr. Ben Altman**, representing Willamette Valley Homes and the property owners. The staff report summarizes that they have met the criteria for annexation. He wanted to clarify the question on the number of lots. There is a typographical error on the notice on the first page of the submittal. There were two (2) points in the written application where the number of lots was referenced. It is 26 lots, not 24. Essentially, they are requesting annexation of the last parcel which is in the UGB and all services are available or will be made available. They would like to leave open the issue on the sewer until the time of final determination. Their concern is timing (platting approval) to consider if reasonable and/or possible/appropriate to look at gravity service off Main Street. There is sewer available as noted in the findings. He concurs with the staff report which is consistent with their submittal.

**Mr. Roger Nelson** was present for questions from the Commission.

**Mrs. Viola Pratt**, said she was observing.

**Opponent:** Ms. Julia Byrd said she too was observing.

#### **Questions to Proponent:**

**Commissioner Wall** asked Mr. Altman about the roads. If the property were annexed, Main Street would

connect to Foothills Drive. Discussion was held concerning Foothills Drive being already taxed which will be increased. Does he believe that this project shares any burden which will require the street to be a through street (indirectly due to traffic doubling, etc.)? Can Main Street handle the new addition?

**Mr. Altman** said that there would be some impact on the surrounding area and to some degree there is a capacity issue. The connection actually provides alternatives. This would allow people to access Foothills Drive as an alternative. The main point he would address is that the street is being designed to the consistent standards of the City (normal and adequate). If there were passage concerns (a residential collector), they would have been addressed.

**Commissioner Wall** addressed issues relating to the pump station. If the service does not exist at this time, is the applicant meeting the criteria? Mr. Altman said that the services are either available or planned to be available. This project would contribute to service for the area. Discussion was held concerning traffic studies on the impact on Main Street. Mr. Altman said they did not do a traffic study and they relied upon the City's transportation plan.

**Commissioner Parrish** said a recent annexation on Springbrook Road was required to have City water and sewer. Is the applicant required to have City water and sewer before annexation request? Mr. Brierley said that it can be done within three years, but there are no guarantees. Discussion was held concerning a future budget for this project. Mr. Brierley said that it is in the Capital Improvement plan.

**Chair Hannum** asked about the system development charges associated with this type of development. Mr. Brierley said that each one is approximately \$2300. The City could easily get \$1000 per lot to be donated for the sewer only construction. A local improvement district, or advance funding agreements could be involved.

**Commissioner Parrish** asked about how many gravity flows were estimated to be connected. Mr. Altman said there is one (fairly shallow) at some point. It is their understanding that the City can provide such services. The annexation is the first step in approving the development. The temporary pump station that serves the school is not on emergency power which is probably not the most desirable situation. If a power outage occurs, there could be problems.

**Commissioner Ashby** discussed the water issue (quality and availability) and improvements to the water system. Mr. Brierley said it would be approximately two years before the homes would be constructed. There may be some water curtailment issues to be addressed. The City is working on constructing new storage capacity, reservoirs and will be applying for water rights in Marion County.

**Mr. Mike Soderquist** reviewed the City's capacity and the estimated amount of usage by the proposed development.

**Commissioner Ashby** also discussed existing annexations and developments which are already in line to be constructed. What is the City doing about the temporary pump station. Mr. Brierley said the school would be connected to another permanent pump station.

**Commissioner Wall** asked why the pump station has not been built previously and whether or not this would be the final annexation for the area. Mr. Brierley discussed the adequate flow and the additional phase of Cottonwood Estates (additional 40 lots and the school). The only development in the basin at this time is the school. There has been no other development.

**Chair Hannum** called for a break at 8:25 p.m. The meeting reconvened at 8:30 p.m.

**Public Agency reports:** None.

**Letters:** None.

**Staff Recommendation:** Mr. Brierley said the recommendation would be referred to the City Council and then to the voter's ballot for elections. It is scheduled, if approved, to the March 1999 City Council meeting.

Discussion was held concerning the Commission reviewing and approving the Commission's minutes prior to the Council reviewing the matter. Mr. Brierley said that due to 120 day deadlines, it may not always be possible.

**Commissioner Wall** discussed the criteria in the City's code about adequate services. The argument on Main Street being connected to Foothills Drive is a concern. The argument: if it is connected it will take traffic the other direction. Once the street goes through, the traffic impact may be unbearable. The issue of the sewer is that probably the money was not there (political or otherwise), and for the City to state that "sewer services are there," is not a true fact. They are not now existing. An adequate sewer is not addressed at this level. He is inclined to vote against the annexation.

**Commissioner Haug** said the Commission can extend the hearing and request additional information which may not be included and available for review by the Commission. Commissioner Haug said it appears that at this point, there is not a 120-day rule issue.

**Commissioner Parrish** said his concerns are infrastructure related. Mr. Brierley's comments concerning the water situation are almost verbatim from what he has heard. Discussion was held concerning potential summer water shortages, plans for a new reservoir and improvement of the water. He would ask that staff look at this this year and change its response. There are doubts involving the projected improvements (Transportation System Development Plan as it relates to collector streets). He has concerns about the lack of solid information that is being discussed in the Transportation Plan,

#### **Tape 2 - Side 1:**

**Commissioner Parrish** said he is inclined to turn down the application.

**Commissioner Fowler** suggested that it may be a recommendation to have staff provide additional information to the Commission to see how the water plan, pump station and other amenities would be handled.

**Commissioner Wall** said he would like to see additional information concerning water, sewer and roads. There appears to be much optimism of what could be addressed, but there is a need for clarification.

**Commissioner Fowler** said there is a capital project's plan scheduled for five (5) years. A copy provided to the Commission would be important to view. Discussion was held concerning budget proposals. Commissioner Fowler said these types of concerns are also being addressed by the Citizens Rate Review Committee.

**Commissioner Haug** said there is concern over the SDC impacts to pay for the infrastructure. Discussion was held concerning growth. The City already has recognized issues relating to a potential water shortage. There are direct impacts to consider on annexations. Commissioner Haug asked how the bicycle traffic would be able to commute and travel from one part of the City to the other. He would lean toward proposing the delay of the decision upon the recommendation to the City Council. Where are the proposals for the financial aspects of the pump station? He would suggest obtaining from the applicant a proposal of how the pump station would be handled financially. How are they going to handle the intersection (Main/Foothills). What traffic studies have been prepared? He would like to see how much money in SDC's would come through on the project (water/sewer income). The area is ready for development providing the analysis is there.

**Commissioner Parrish** discussed clarification of SDC changes. Commissioner Fowler said the water

and sewer SDC charges have not been changed for 10 years. Commissioner Parrish asked if the SDC charge for a certain type of project has changed. Mr. Brierley said the sewer portion changed. The water SDC charges have not been adopted.

**Commissioner Fowler** said she was under the impression that the water, sewer and street SDC's would be recommended to the City Council. Discussion was held concerning recent adoptions of the SDC charges.

**Commissioner Wall** said he wants to see substantive information presented prior to making decisions (water, sewer, roads and traffic).

**Commissioner Haug** said it would be inappropriate for the Commission to make a decision one way or the other without sufficient information to base their findings. He asked for further clarification on the water supply issue.

**Commissioner Ashby** discussed availability of adequate level of services and distribution possibilities. Mr. Brierley said the Commission should look at distribution and supply. The Council's position on supply is based upon the Transportation Plan.

**Commissioner Ashby** said he would like to see numbers he could deal with in resolving questions he has involving availability and capacity (safety margin and the impact of the developments and peak demand periods). What would the impact be on the existing users? At what point does the statement say that services are no longer available?

**Commissioner Haug** discussed housing needs. The applicant does not address housing needs other than a need for R-1 designations. Maybe the analysis needs to include the status of the R-1 property already zoned.

**Mr. Mike Soderquist** provided a water report. Implementation of conservation, the City will be going after wells 7 & 8 (Marion County), doing a hydro-geological study (Gearin's Ferry), expanding the water treatment plant to accommodate new users and the construction of a newer reservoir. Mr. Soderquist said the water demand dropped last year compared to prior years. The east side reservoir started with a site study. The report is completed and will be presenting information to the City Council on March 1, 1999. They are advertising for a consultant to do the well 7 & 8 work and the geological study on Gearin's Ferry study, and will be hiring an outside attorney for the well 7 & 8 issues. Staff is reporting monthly to the Council on the status and copies will be provided to the Commission.

**Commissioner Ashby** asked Mr. Soderquist if water is a concern. Mr. Soderquist said that the average daily demand is 5,000. The average demand on the entire system is 2.3M gallons. Discussion was held concerning peak demands and the impact upon the City's services. Further discussion was held concerning the time line for the construction of the homes. Mr. Brierley said realistically, it would be two years.

**Commissioner Wall** said he has concerns about additional "26 unit" developments being allowed to annex. Commissioner Wall referenced "for annexations, services must be available." There are some examples: The city of Lafayette allowed construction of houses without water and sewer services available.

**Commissioner Parrish** referenced Code Section 10.36.030 (adequate level of services must be available, or made available within three years of annexation). Staff has indicated that it would be about two years. What is the realistic time frame? Mr. Soderquist said that if the City is successful with the Marion County wells, water could be available within a year or so; and that the east side reservoir will be constructed in one to two years.

Mr. Brierley said that it would be approximately May 2002 (three years from the annexation). Services may be available before May 2002.

<b>Motion #3:</b>	<p><b>Haug/Wall</b> to continue for one month, the first Planning Commission meeting in February 1999, Resolution No. 99-109 with the following information to be provided from the applicant and staff.</p> <ol style="list-style-type: none"> <li>1. Housing needs analysis specifically for R-1(provide numbers).</li> <li>2. Specific numbers for water, sewer and traffic. Report from staff on a safety margin relative to water peak requirements which takes into consideration already approved developments.</li> <li>3. Clarification in writing (memo) for the record of the water supply issue addressing the hot weather report and what conservation was required.</li> <li>4. Traffic study on both ends of Main Street (proponent being responsible for Foothills and the City providing a report on the situation on what would be the Yamhill Highway Intersection).</li> <li>5. Information from proponent and staff on how they intend to finance or help in the financing of the sewage pump station.</li> </ol>
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Discussion was held concerning leaving the record open and to continue the discussion.

**Commissioner Ashby** discussed concerns about the proponent and the City being able to obtain this information by the next meeting. Is the traffic study worth the cost? Discussion was held concerning previous studies which may be available to reduce the costs and time involved in obtaining the information.

**Commissioner Wall** said he would be more interested in what information the City could provide. The idea is not to make obtaining such information be burdensome to the staff or the applicant. As far as the traffic study and a few other conditions, he is reluctant to put so much upon the applicant. Discussion was held concerning the applicant providing important information as it pertains to their proposal.

<b>Clarification to Motion #3:</b>	<b>Parrish/Haug</b> clarified the request: the Commission would ask that staff and the applicant work together to provide the traffic assessment information.
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<b>Vote on Motion #3:</b>	The motion carried (6 Yes/1 Vacant).
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**Chair Hannum** called for a break at 9:25 p.m., reconvening at 9:30 p.m.

**Tape 2 - Side 2:**



**PUBLIC HEARING (#3)**

**APPLICANT:** Westlake Consultants, Inc./Corinne Waterbury  
**REQUEST:** Annexation of a 7.9 acre parcel. The proposed zoning would be M-2.  
**LOCATION:** 700 block of South Springbrook Road  
**TAX LOT:** 3221-1700  
**FILE NO.:** ANX 20-98  
**CRITERIA:** NDC Sections 10.36.030 and 10.36.080  
**RESOLUTION NO.:**99-110

**Abstentions/ex-parte contact:** **Commissioner Parrish** said he discussed with the Planning Manager (Mr. Brierley) that he should not be involved in this project due to his family association and he will be abstaining. The main applicant is his second cousin. Commissioner Parrish removed himself from the meeting.

**Objections:** None.

**Staff Report:** **Mr. Brierley** provided the staff report. Staff recommends approval of Resolution 99-110 which denies the annexation request. The request is for the annexation of a 7.9 acre parcel located on Springbrook Road. The property is split by St. Paul Highway (Hwy 219), north of Wilsonville Road. The property is 7.9 acres and is within the UGB. It is adjacent to the City limits on most of the north part of the south property and some on the east property line. The property is in the industrial comprehensive plan district which allows the property to be M-1, M-2 or M-3 upon annexation. It would be logical that upon annexation, it would be zoned M-2 classification. It is a question of policy. Unlike the previous application, the applicant has not provided a specific use of the property. They intend to annex the property and then sell it. They do not have a use to review. This raises some issues of urban services. There is a sewer main that is located on St. Paul Hwy. There is no sewer available on that portion of Springbrook Road (trunk main is in a capital improvement program). There is a water main on Springbrook Road, with no water service for St. Paul Hwy. There needs to be an extension of water service. In relation to access, Springbrook Road is an arterial street. Discussion was held concerning other access points including a limited access right from the State for access to Hwy. 219. Mr. Brierley distributed a letter from ODOT concerning access. The main question is a policy one. There has not been a use proposed for the property. The City's code requires a concept plan and site plan. They were not provided because they intend on selling the property and they do not have an idea on the use of the property. They would like to advertise the property for sale. The applicant will explain the reasons for not providing this information.

Discussion was held concerning the difficulty in marketing the property with a designated zoning. The Development Code provides that if the applicant does not provide this information, the Commission can table the matter based upon lack of information. Staff recommends denial of the application due to the uncertainty of what development will occur.

**Commissioner Wall** said that the preliminary staff recommendation is to deny. Discussion was held concerning the template used to state staff's preliminary recommendation.

**Commissioner Ashby** expressed concerns involving "a general land use plan" as it pertains to the subject property. Mr. Brierley reviewed the proposed uses and the applicant's intent to hold the property for resale purposes. Discussion was held concerning the impacts of the services.

**Commissioner Haug** asked if it would be impossible to ascertain the service requirements. Mr. Brierley said City staff could provide a low and high end and analyze the information. It is the applicant's responsibility to provide this information to the City.

**Proponent:**

**Corrine Waterbury, 806 S. 242<sup>nd</sup> Street, Seattle, Washington,** said she is 7th generation owners of the

property. They wanted to sell the property as they are no longer farmers and they are not developers. They want to sell the property. They cannot afford to do it themselves. The property was on the market for some time. Ms. Waterbury said she talked with three Portland area realtors who declined marketing the property until the property is annexed. She talked with Mr. Brierley and Ms. Barbara Mingay. They believed they were following the process.

**Ms. Pamela Vann, West Lake Consultants**, represented the applicant who found themselves in a catch-22 position. The applicant has been advised to get the property annexed. They are not intending to develop the property. They were told by City staff to address M-2 zoning capabilities.

The Commission granted a 10 minute presentation period. Ms. Vann continued her presentation. She discussed issues relating to ODOT's requirements involving access. There is no need to improve or add roadways to the area. The services are fully served except for the northerly portion. A developer would provide sufficient information. The criteria have been met or have the capability to have them within the three (3) year time frame. Ms. Vann said at the current time, the City is in a deficit of industrial land. The City has built in specific use plans so they can see exactly what is going on with the property. The Development Code addresses specific uses of the property. Ms. Vann provided a hand out entitled "Comprehensive Plan Goals and Policies in Reference to Industrial Land Use and Annexation." She asked that the Commission consider that the applicant is in compliance with policy goals and standards. They are already surrounded by industrial property. The applicant is asking the Commission to over-ride the policy and allow for the criteria outlined in the Code. If the property was closed on one more side, they would be in more compliance with the City's policy (completing a land use pattern). The City shall coordinate with the County concerning properties to address resolving these types of policies (an industrial district).

**Mr. Dennis Petrequin, West Lake Consultants**, said there are 50 outright uses under M-2 and six (6) conditional uses. Mr. Petraquin said there would be no negative impact to schools; they are not using any space for parks; police and fire services are available; the annexation of the property would add to the City's tax base (shifting the burden on property tax upon residential use). There are two arterial access for the property. They think that the City's comprehensive plan addresses the overall use of the property. It would probably be developed as an industrial flex site. The restrictions for use have already been placed on the subject property. The proposal addresses the need for industrial area. It would shift part of the burden of the cost of the expense for the property.

### **Tape 3 - Side 1:**

**Mr. Alvin Elbert, ARE Manufacturing**, said he was undecided. One issue is the development of the sewer on Springbrook Road. He is located across the street from the proposed site. They are bringing sewer over to Springbrook Road, and it appears to be a haphazard effort to get service to the street. He also has concerns about the truck flow. The intersection of Springbrook Road, Wilsonville Road and Hwy. 219 is already congested. He would agree that he would like to see the property go industrial rather than residential. He has the attitude that residential development is treated differently than industrial. He owns industrial property within the City limits.

**Commissioner Haug** said the conclusion of the hearing would be a recommendation to the City Council. A new hearing would be held at the City Council level.

**Commissioner Wall** asked if Mr. Elbert would vote on the annexation (he is not within the City limits and cannot vote on the annexation). If there is no explanation of how the property would be developed and would he likely vote for the annexation?

### **Questions to Proponent:**

**Commissioner Wall** said the applicant has indicated that the property is worth more if it is annexed. Ms.

Vann noted that the applicant has elderly relatives who wish to sell the property. Ms. Waterbury said the property is basically an island surrounding an M-2 designation. Discussion was held concerning the importance of marketing the property with the annexation approval. Commissioner Wall said if the property was 1/4 mile from City limits that would be a different story. The property is adjacent to City property. Commissioner Wall said that the applicant is not asking for special favors. Ms. Waterbury said they thought they were completing the process as directed by the City staff. Ms. Vann said that they realized the staff would deny the request on or about November 1998 (deemed the application complete). Staff recommended that the applicant reference the surrounding M-2 zoned property. Discussion was held concerning the applicant not realizing there would be an issue based upon the specific use. Commissioner Wall asked if the applicant felt that any staff has misled them? Ms. Vann said that they knew they were at risk, but did not realize they were in controversy over the issue. Commissioner Wall asked what compelling reason can they give to the City of what type of development would be best utilized at the property.

**Ms. Pamela Vann** said that the City is in need of additional industrial property. Putting the subject property into the city limits would complete the industrial picture of the City. They are surrounded by M-2 property and compatible uses, it meets the long term vision and is timely for development. Ms. Waterbury said the property is now zoned agricultural. The property cannot be farmed because it is less than 10 acres.

**Commissioner Wall** asked that the applicant not take comments of the Commission personally. He asked Ms. Vann if she thought it was for any property owner who is sited along the City limits asking for annexation? The M-2 use of the property is in the Comprehensive Plan.

**Mr. Petrequin** said the Zoning Ordinance lists outside uses. Commissioner Wall said that if the property is annexed, there is a mechanism to change the zoning of a piece of property.

**Commissioner Ashby** expressed concerns about the logic that the property would be used as M-1, M-2 or M-3. Part of the annexation proposal, is that the property would be zoned M-2.

Mr. Brierley provided an ODOT memo (Rich Krog).

**Commissioner Haug** asked for information concerning egress and ingress for the property. Mr. Brierley read the letter dated January 12, 1999 from ODOT referencing encroachment permits. ODOT's main concerns are safety, ingress and egress. Mr. Brierley said that it refers to the City's limited access requirements.

**Public Agency reports:** none

**Letters:** From ODOT dated January 12, 1999.

Discussion was held concerning the City's Comprehensive Plan reflecting a deficit of industrial property. Ms. Vann reviewed the Comprehensive Plan as it relates to the annexation request and the City's land use requirements.

**Staff Recommendation:** **Mr. Brierley** said that from the onset they advised the applicant of what use was to be designated for the property. Mr. Brierley discussed the information they provided to the applicant in order to properly present the annexation request. Part of the confusion may have arisen from the fact that if they just list the applicable uses, would the City accept the application? They discussed the matter extensively. The City accepted the application because the applicant refused to submit the requested information. It is staff's recommendation to deny the request based upon lack of information.

**Commissioner Wall** said the applicant apparently knew what was required.

**Commissioner Haug** said that the applicant appears to be at risk and is aware of this fact. It is an island annexation and it is intended for M-2 for all practical points of view. Unlike residential development, it does not impose a water and sewer issue. He does not feel that the M-2 uses would already aggravate the existing traffic situation.

<b>Motion #4:</b>	<b>Haug</b> moved to approve the annexation request rather than deny it. Once the matter is presented to the voters, the voters can decide.
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**Commissioner Haug** said the applicant knows what they are involved in. Discussion was held concerning the City's economic base (more jobs). He will vote to recommend the annexation. Mr. Brierley said to amend Resolution 99-110 would mean to adjust the language to provide for the recommendation to the City Council that they approve the Resolution upon the findings of the applicant and testimony of the hearing.

**Commissioner Wall** said that it is a dangerous precedent. Discussion was held concerning the applicant not providing information for the annexation request and that a bogus presentation of what they would do with the property was not a good idea (false intentions). The applicant intends to sell the property and allow the new owners to determine what they would do with the property. Commissioner Wall said that the Commission has to stand up for the City's Code and Comprehensive Plan. Commissioner Haug said there needs to be a balanced ratio for the City's industrial base (jobs).

**Commissioner Ashby** said that part of the problem is the phrase "general land use plan" cannot really be defined. It is his feeling that it should be defined fairly broadly and that it takes in more than an explanation for a certain piece of property. They have explained the purpose of the annexation, i.e., to improve the marketability of the property. When the property is developed, there would be an extensive design review process which would prevent abuse. He agrees with Commissioner Haug and would vote to approve annexation. The idea of the annexation ordinance is to provide the voters with sufficient information for them to make a decision.

**Commissioner Haug** said there are no Goal 5 resources on the property.

**Commissioner Fowler** also said she votes in favor of the approval for annexation. The property is slated for industrial designation.

**Commissioner Wall** said that the property is not an island. It may be a peninsula, but it is not an island. When property is annexed into the City, sometimes it enhances the property, sometimes it does not. The Commission has an obligation to see that the rules and regulations are followed. The Commission should consider the act of precedence. Some people involved in development within the state are seeking alternatives in going around the annexation process.

**Commissioner Haug** said the applicant has addressed all the issues openly and honestly.

**Commissioner Fowler** said the citizens of the community should have sufficient information to either pass or deny the annexation.

**Commissioner Wall** said that some citizens may feel that the Commission appears to be making a decision without sufficient information.

**Commissioner Haug** said the City needs the M-2 land and the Commission should allow the market to establish the need and determine whether or not the applicant has provided sufficient information.

**Commissioner Hannum** said we have an annexation law that seems to tell the public in some degree of detail, what has been promised. They are now at the far edge of the statement of general land use and what is promised. What the Commission needs to do is to decide if the applicant is giving the public

sufficient information of what is promised or what is to be used for the property. Given the nature of industrial land, the applicant is doing a reasonable job in presenting a general plan. The Commission is not creating a major hole for every applicant to drive a truck through. In this particular case and location, the applicant is meeting the criteria and the spirit of the law. He said he is willing to accept the applicant's proposal, given the location of the property and its surrounding compatible uses and the applicant is providing such information.

**Commissioner Wall** discussed the issue of whether it meets the letter of the City's Code and annexation laws.

**Commissioner Wall** said that staff has recommended the denial based upon the City's existing Code and policies. The Commission should let the City Council or voters allow it, but the Commission should not allow it.

**Commissioner Haug** said the applicant has some type of plan and is designating the possibilities of M-1, M-2, M-3 designations.

<b>Vote on Motion #4:</b>	The motion carried (5 Yes/1 Abstain [Parrish]/1 Vacant ).
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**Mr. Brierley** said that the Commission will confirm recommendation of the Commission for the March 1 City Council meeting recommending approval of the annexation request.

**VII. ITEMS FROM STAFF**

1. Updates on Council Items

**Mr. Soderquist** said the Council approved the City Hall remodeling project. The Council ordered the railroad reconstruction on Villa Road. The Council authorized staff to apply to ODOT Transportation enhancement funding to pedestrian scale street lighting (along River Street and Main Street); and upgrade signal lights on Meridian and Howard Street.

The beautification awards (residential, commercial, industrial and institutional) were announced and they gave an award on Oak Knoll Court which has unique designs (brick home).

2. Other reports, letters, or correspondence  
None.
3. Next Planning Commission Meeting, January 28, 1999 (joint City Council/Planning Commission Meeting).

**Mr. Brierley** noted that the next meeting of the Commission will be the joint meeting with City Council. They would like to discuss roles and relationships, the projects the Commission did last year and projects for the future.

**Commissioner Parrish** asked for the amount of time allowed for the meeting. He would like to suggest that the City Attorney, Police Chief and Fire Chief be in attendance. He would like to also discuss transportation issues and the issues relating to the asphalt plant.

**Commissioner Haug** said he believes that with the proposed 90 minute meeting, he would like to see policy development and other issues discussed. Discussion was held concerning setting priorities and focus on the meetings.

**Commissioner Parrish** discussed a subdivision issue that was reviewed by the Commission at length and then allowed by the Council.

**Commissioner Wall** said the primary result of the joint meeting was social and would provide an opportunity to discuss anything.

Discussion was held concerning meeting with the City Council more than twice a year.

VIII. ITEMS FROM COMMISSIONERS

Commissioner Ashby entertained a discussion on Roberts Rules of Order and the development of a committee (2 person committee) to decide how the Rules would be applied to the Planning Commission in handling the Commission's affairs.

Motion #5: Ashby/Parrish to form a standing committee on rules.

Motion #6: Haug moved to amend the motion to list names.

Discussion was held concerning allowing the committee first. Commissioner Haug withdrew his motion.

Vote on Motion #5: The motion carried (6 Yes/1 Vacant).

Commissioner Ashby said he would like to be on the Committee. Commissioner Parrish also nominated Lon Wall.

Motion #7: Appoint Ashby and Wall to the sub committee.

Commissioner Parrish said that he is concerned about the business along Springbrook Road. He thought that there were some legal issues which the Yamhill County Commission deals with and the County Counsel (John Pinkstaff) appears at every meeting.

Motion #8: Parrish/Wall to request that the City Attorney attend every Planning Commission meeting in which the staff feels it appropriate (discretion).

The Motion was withdrawn for further discussion.

Commissioner Haug said he is against the proposal. The Commission can always table the discussion for receipt of additional information or legal authority. Discussion was held concerning the applicants having expert legal advice on their side and why the Commission does not have the readily available legal resources at the time the matter is heard.

Tape 3 - Side 1:

IX. ADJOURNMENT

Motion #9: Wall/Haug to adjourn at 11:55 p.m. (6 Yes/1 Vacant). Motion carried.

Passed by the Planning Commission of the City of Newberg this 11<sup>th</sup> day of February 1999.

AYES:

NO:

ABSTAIN:  
(list names)

ABSENT:

ATTEST:

Peggy R. Nicholas  
Planning Commission Recording Secretary Signature

Peggy R. Nicholas 2/25/99  
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD  
AT THE JANUARY 14, 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 # ANX-20-98

1. Letters from Oregon Department of Transportation dated January 6, 1999 from Rich Krog.
2. Comprehensive Plan Goals and Policies in Reference to Industrial Land Use and Annexations.

3.

PROJECT FILE #H-7-98

1. Drawings/sketches of elevation from Westlake Consultants

LABELS FROM THE 1/14/99  
PLANNING COMMISSION MEETING  
FROM THOSE WHO GAVE PUBLIC  
TESTIMONY/REGISTRATION CARD

-20-98

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