

PLANNING COMMISSION MINUTES

Newberg Public Safety Building - Newberg, Oregon

THURSDAY, FEBRUARY 11, 1999 AT 7 P.M.

Approved at the March 25, 1999 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Stephen Ashby

Paula Fowler

Steve Hannum, Chair

Matson Haug

Warren Parrish

(Vacant position from Miller's term)

Commissioner Wall was absent.

Staff Present:

Barton Brierley, City Planner

Randy Naef, Utility Manager

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.

III. CONSENT CALENDAR

None

IV. COMMUNICATIONS FROM THE FLOOR

None

V. QUASI-JUDICIAL PUBLIC HEARINGS

PUBLIC HEARING (#1)

Continued from the January 14, 1999 Meeting

1. **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 **RESOLUTION NO.:** 99-108
CRITERIA: NDC Sections 10.36.030 and 10.36.080

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: None.

Objections: None.

Staff Report: Mr. Barton Brierley stated he previously forwarded a letter from the applicant which was received by staff to the Commission outside the Commission packet. Mr. Brierley reviewed and addressed additional information concerning the City's water and sewer services. Mr. Brierley presented a map which showed the subject property and the areas which would be serviced. The preliminary report on the pump station was discussed. The big question on the pump station was when the pump station would be installed, how it was to be done and who would pay for it. Mr. Brierley said it was scheduled for fiscal budget year 2000. The timing of the project is driven by development. It was originally selected for the 1998 capital improvement project budget. The cost of \$189,000 would not be paid through the City's capital improvements program. The applicant could ask for a local improvement district to be formed (LID). The City Council could form that district and the City could install the pump station and the assessment would be made against all the properties served by the pump station. Formulas would be developed. The second method would be through an advanced financing agreement. The developer or property owners could install the pump station and front the money, an agreement could be made through the City that any new connections that would benefit would have to reimburse a portion of the original developer for the pump station.

Mr. Brierley said that this particular property, because it needs to be served with the pump station, there is no way the property could be developed without the pump station (advanced financing agreement or LID). If it was annexed and the property was developed, it would be through the pump station project. A sewer main runs through the property. Lots 1-9 could tie into the sewer main and use the existing gravity flow. More lots could be added, but would be a substandard system and would not be approved by the City.

Mr. Brierley then addressed adequate water supply, specifically, the criteria requires within 3 years from annexation. The current situation for water will be addressed by Randy Naef, Utility Manager. Discussion was held concerning peak summer months and how the City compensates the additional use by a conservation program. Through the conservation program, the City is able to extend the service additional properties by the conservation program. The City does have a plan to improve water supply, drilling new wells, improvements to water treatment plant, obtaining water rights in Marion County, etc. The project would entail separate phases. The first phase would add capacity for 1400 dwelling units with the full build out having capacity for 4,000 dwelling units. Right now, the City is able to meet the needs during the summer peaks with conservation, and within three years, they expect to have the capacity and meet the needs.

Mr. Brierley reviewed the inventory of the various projects and subdivisions (227 lots that are available to building as of May, 1998).

Mr. Brierley then discussed the street and traffic patterns. The Main Street to Foothills connection is within the City's master transportation plan. The project is assumed to add 240 trips which would probably go down Main Street. Some would also use Foothills. Counts were placed on Main Street and the numbers found in the lower section about 1700 trips per day and the upper section is about 600 trips per day. Main Street is designated as a collector street and capacity is around 5,000. It is well within the capacity of a fully built collector street. The capital improvement program notes that Main Street is scheduled for the year 2000 funded through SDC and possibly an LID. Discussion was held concerning the other streets affected by the proposed project. The Transportation Plan indicates that a traffic light is scheduled for 2008. One issue that the Commission talked about was not only the 240 trips from the proposed subdivision, once the connection is made, what about the other trips that occur before the development. The project will re-route other trips.

Mr. Brierley said the supply of buildable residential land (R-1 and low residential land) is outlined in the staff packet (page IV-1-12).

Commissioner Parrish asked Mr. Naef about the capital improvement project and how it works. It

appears that the citizen would pay for the sewer and water connection. Commissioner Parrish asked if the City staff was looking at future LID's for future work?

Mr. Randy Naef, Utility Manager, said the first step would be to develop the LID and the cost of the pump station would be budgeted in a subsequent year for \$189,000. Mr. Naef said the budget proposal is for \$200,000+ for the next fiscal year. Commissioner Parrish asked if the money exists which would carry over to the next fiscal year if it is not used. Mr. Naef discussed the Citizen's Rate Review Committee's actions concerning how new growth will pay for future growth. Discussion was held concerning a capital improvement project (CIP). Mr. Naef said the funding source is identified (SDC, developer costs or LID). In the particular instance, it is designated as an LID. Commissioner Fowler said it is an engineer's guesstimate.

Commissioner Parrish asked how many equivalent dwelling units are involved in the Werth property project. Mr. Brierley said he was not aware of the number, but could provide this information to Commissioner Parrish later. Discussion was held concerning the projected number of dwelling units scheduled for connection over the next few years.

Commissioner Haug asked if the remaining projects not covered by CIP would be covered through SDC's? What category has the City put the remaining projects in? He requested from staff their understanding of what is requested. Mr. Brierley said that the remaining money for the project is not in the current CIP. The assumption was that the rest would be through an LID with the property owners picking up the cost. The actual construction is not covered by a CIP.

Commissioner Haug asked for clarification of the CIP for water (page 44). Commissioner Haug asked for an accounting of the funds (if not a CIP project), LID or what?

Mr. Brierley said they anticipate a SDC and LID project (or gas tax money could be included).

Commissioner Haug said for the sewer and street improvement, he asked for clarification of the lands and existing homes that would be included in the LID. Mr. Brierley provided overhead information concerning the proposed area development (Main Street). The subdivider would be paying for the new portion.

Commissioner Ashby said that Phase I included the wells from Marion County and the additional reservoir. Mr. Naef said the five year CIP would add approximately 3 million gallons a day on the system. The first step is a new well. As to the question of where the reservoir fits in, there are too many assumptions (how hot the weather is, how long it will last, etc.). There are too many factors to consider.

Commissioner Ashby discussed the additional dwelling units to the existing system. Discussion was held concerning Marion County's possible denial of water rights, conservation and eventually curtailment.

Commissioner Haug asked if there was any information on the Marion County scenario, pending Court cases which would affect the City's rights. Mr. Naef said the City selected an engineer to assist it and he is not aware of any clarification of recent court cases. Either the City will go through the process or legislation may change.

Tape 1 - Side 2:

Commissioner Ashby said he wondered, assuming the worst case scenario, with the impact of the reservoir and the addition of 750 units, what are the safety margins? Mr. Naef discussed the pipeline project and it is budgeted to do the engineering this fiscal year. If there are 750 units, there are 713 gallons per day (EDU). That is over ½ million gallons per day. If demand exceeds supply now, if the system can deliver about 3M gallons per day and we are at capacity now, and add ½ m gallons there, there is 8 days of storage in the reservoir to cover the additional 750 homes. But, there are a lot of

assumptions. The reservoir is not being built just for the Werth property, it is being used for other connections. Mr. Naef said it is a matter of risk.

Mr. Naef said the next step would be more supply which would be more wells. In 1992, there was a master plan that would add 7 new wells by the end of the 12 year planning period (2012). The plan is a new well every year.

Chair Hannum read the ORS hearing requirements into the record.

Proponent: Viola Pratt said she was observing and did not wish to speak.

Proponent: Mr. Ben Altman, 700 N. Meridian Street, Newberg, Oregon, represents the applicants. Mr. Altman said he coordinated with the staff about the Commission's questions. Mr. Altman further reviewed the staff report and additional information he presented. He said the pump station is necessary to support the development and the extension of Main Street are also directly associated with this property and would be built as part of the plat. The water system (extension) along Main Street are also associated with the project. The issues relating to the plat (south sections of Main Street are not up to full standards for the water supply system and the over-all adequacy) are confusing. Discussion was held concerning the services being available within 3 years of annexation. The City is not in a position financially to build the facilities in advance. The City had never intended to build the pump station, but it is now something that is considered to be built (anticipation that there would be some method of development that would pay for the system). The properties within the City limits would also benefit (Cottonwood) who are also sitting and waiting for service. Annexation of this property would also benefit other properties. Mr. Altman provided a time sequence of the project which does not have a ready impact.

Opponent: Mr. Sid Friedman, 404286 Old Moores Valley Road, Yamhill, Friends of Yamhill County, pursuant to ORS. 197.763 request that the record remain open for additional 7 day period (receipt of letter from applicant).

1. Water. The criteria in the ordinance is not quite what is stated. Adequate level of urban services must be made available within 3 years of annexation. In reference to water, a large part of the improvement plan outlined was designed to address existing shortfalls and not provide capacity for new developments. When looking at the Austin and Werth properties, if they came in and asked for building permits. The City should not grant additional developments because of the water situation.

2. Roads. The critical issues are not the level of service at Chehalem Drive and Main. The critical issue is on Main and Hwy 99W (by Naps and Grocery Express) and the incremental increase of traffic on Hwy 99W and Main Street. Each incremental burden is instrumental.

3. Residential needs (Buildable land). Speaking for Friends of Yamhill County, disagree with conclusion that there is a shortfall. The numbers are predicated on 3.6% growth rate (straight line past the year 2010). Even the study showed a drop. PSU and ODOT have much lower forecasts. Mr. Friedman referenced a memo from December, 1997 from the City Manager to the Planning Commission referencing population projections. The critical question is not how much land is in the UGB, but the short term land in the City limits providing for full range housing needs.

Proponent Rebuttal: Mr. Altman did not have any further questions.

Commission's Questions to Applicant:

Commissioner Haug asked for advantages and disadvantages for home buyers, existing homeowners and the City.

Mr. Altman said from the developer's perspective, his history says that you look at the option of not doing an LID first which may include an advance financing agreement. It would possibly add 25% to the over-all

cost of the project (it could run 2- 3 years). Discussion was held concerning residential LID's. The advantage of a LID is the ability to bond and finance over a period of time.

Commissioner Haug said if it would be appropriate asking the applicant to enter into an advanced financing agreement as a condition of approval for the project. To what extent would the applicant be willing and capable in having it a condition of annexation application. Mr. Altman said he is concerned that he has not had a chance to explore the opportunity, and believes it is a reasonable alternative. A key player is the School District. Commissioner Haug asked the applicant to take a couple of weeks for staff to work with City Attorney and the applicant to consider the proposal. Mr. Altman said he is not sure if they could come back with the response due to the School District's involvement. Discussion was held concerning obtaining non-remonstrances. Mr. Altman said the easiest way is to get the approval to move forward with the process. In this particular case, it requires the Planning Commission and the City Council's authority to proceed. Mr. Altman said he would continue the process through to the vote.

Commissioner Ashby asked Mr. Brierley if the project could be built along with the pump station. Mr. Brierley discussed the gravity system for some lots (build possibly 9 lots without the pump station).

Mr. Altman said that once the applicant has the project, he will address the needs.

Commissioner Parrish asked when the City Council approved the \$18M project which included the reservoir. Mr. Naef said it was in February, 1998. He asked Mr. Brierley about the alternative funding and what staff's opinion was in doing so (advance financing). Mr. Brierley said the cost is about \$189,000. There are 20 lots in Cottonwood. The cost spread over 40 lots would bring the per lot cost economically feasible. This type of situation occurs throughout the state. Discussion was held concerning the Emery Orchard project which included the LID.

Commissioner Parrish also said that it appears that staff is choosing an LID but would not be opposed to advance financing arrangements. Discussion was held concerning Cottonwood and how the subject property would be suitable for the advance financing arrangements.

Mr. Altman discussed LID scenarios.

Commissioner Haug asked staff if the advance financing agreement can be a condition of annexation. Mr. Brierley said that he understands that the Development Code lists as one of the possibilities: development agreement, which is a contract annexation provided in state statutes. The City can create an agreement signed by the applicant and designed by an Ordinance (approved at same time the City Council sends the annexation to the voters). If it goes to the voters and gets annexed, it is very difficult to de-annex the property. If the developer did not conform with the annexation requirements, the applicant could not develop the property (conditions would be placed on the project at the City Council level).

Discussion was held concerning the Planning Commission presenting a proposal.

Commissioner Haug addressed Mr. Friedman's remarks concerning the City Manager's memorandum (12/2/97) in response to questions to different growth scenarios dealing with the residential needs analysis. The Department of Administrative Services came out with population forecasts. The Governor issued an executive order that the Cities should use the numbers. The numbers only go down to the County level, not the City level. The County is obligated to determine the City numbers. It would be allocated to Newberg with the same ratio with the City's transportation planning rule. Based on that, he said there appeared to be plenty of room to grow (UGB amendments, not annexing land to the City).

Staff Recommendation: Mr. Brierley said Mr. Friedman has the right to request that the record be left open. The Commission can: simply continue the hearing to a date certain; close the record for oral testimony, leave record open for written testimony, and hold a hearing on the decision at the next meeting. The Commission could then render a decision. Another option would be that the Commission would leave

the record open even if the Commission renders a decision, and that any additional information submitted can be considered part of the record at the City Council level.

Tape 2 - Side 1:

Mr. Brierley said the population projection relates to the UGB and the Comprehensive Plan would be consistent that this property be developed sometime before 2010.

Commissioner Haug asked to discuss LID alternatives versus advance financing. The Commission should not recommend anything to the Council without full disclosure. He said he wanted a legal decision on advance financing as a part of the condition of annexation. He said he is not ready to make a recommendation tonight without proper legal advice.

Motion #1:	Ashby/Parrish to close public testimony, but leave the record open for 7 days.
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Vote on Motion #1:	The motion carried (5 Yes/1 Absent [Wall]/1 Vacant).
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The public hearing was closed.

Chair Hannum called for a break at 8:40 p.m. The meeting convened at 8:45 p.m.

Commission Deliberation:

Commissioner Parrish said he is in favor of approving annexation. He does not have a problem with zone changing. It is surrounded by similar type properties. The Commission needs to review very carefully the decision of the water situation by the City Council. A year from now, February, 2000, if it is still the same situation, and looking at the potential units, at some point, the City will come to a "head" because of lack of sufficient infrastructure, etc. He wants to state that the water and sewer situation will be a problem. The Commission may look at proposing a moratorium to the Council.

Commissioner Ashby said he feels he would approve the annexation request. He said he is not sure about the advance financing scenario. There is an economic incentive for them to provide the service. No reason to delay approval and then kick the matter up to the City Council.

Commissioner Fowler said she does not have the concerns that Commissioners Ashby and Parrish have with the City in providing adequate services. The Citizens Rate Review Committee has met regularly to help the City meet the needs of the community. In the next month or so, a proposal would be sent to the Council for results and the economics of the situation will take care of it.

Commissioner Haug said he too is in favor, but feels the advance financing agreement scenario needs to be reviewed. Discussion was held concerning investigating the Comprehensive Plan elements which require certain conditions which provide for alternative funding. In order to accelerate the development, the landowners will have to cooperate with the School Board (an LID may be used) and the new homeowners will be stuck with LID funding. He will vote "no" unless he can add an advance financing program to the annexation as allowed by the Comprehensive Plan or at least have the City Attorney give direction. Discussion was held concerning the construction of the pump station.

Commissioner Haug said it is important to develop that area of the school. It is a natural development to occur. The City has had bad experiences with LID's.

Commissioner Parrish said he intends to agree with Commissioner Haug concerning other LID's which the City used in past projects. He would like to have the Commission propose the advance financing

scenario.

Motion #2:	Ashby/Fowler to adopt the Planning Resolution based upon the findings and testimony provided.
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Amendment to Motion #2:	Haug/Parrish to amend the motion to include a recommendation to approve annexation and that the sewer pump station be financed with an advanced finance agreement as a condition of annexation.
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Discussion was held concerning certain developers not complying with LID requirements, etc. He would prefer that the City maintain flexibility. What happened in the past, should not be a problem for future developers. Commissioner Fowler said that the City should not punish property owners for things that happened in the past. The proposal is made on how much better the agreement would be to pursue alternative conditions. Discussion was held concerning the additional costs associated with the purchase of a home through the development. Commissioner Ashby said that if an agreement cannot be reached by all landowners in trying to finance, he would prefer to leave the flexibility in having options.

Commissioner Hannum said he agrees that probably the LID is not the best way to go. He is willing to go with the concept that the Council reviews the Commission's deliberations for consideration.

Commissioner Haug expressed concerns about what would be the best alternative for the homeowners.

Vote on Amendment to Motion #2	The motion failed (3 No [Ashby/Fowler/Hannum/2 Yes [Haug/Parrish/1 Absent [Wall]).
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Chair Hannum said the record would remain open for 7 days. Mr. Brierley said the matter would be set to the April 5th City Council meeting.

Vote on Motion #2 (as amended):	The motion carried (4 Yes/1 No [Haug]/1 Absent [Wall] 1/Vacant).
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Discussion was held concerning motions to reconsider the matter upon the receipt of information that could change the Commission's decision.

Mr. Friedman said that the Commission leave the record open before the Commission's deliberation. Mr. Brierley said that staff could bring forward any information

Motion #3:	Haug moved to reopen the hearing on March 11th without public input to review the written record which has been submitted. Motion failed for lack of second.
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Discussion was held concerning a continuation of the hearing rather than reconsider.

Motion #4:	Ashby/Fowler to reconsider the decision at the March 11th meeting.
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Mr. Sid Friedman read ORS 197.763 into the record concerning leaving the record open. Discussion was held concerning the applicant waiving their five day rebuttal. Discussion was held concerning moving to continue rather than reconsider.

Vote on Motion #4:

The motion carried (5 Yes/1 Absent [Wall] 1 Vacant)).

LEGISLATIVE PUBLIC HEARINGS (PUBLIC HEARING #2)*Continued from September 23, 1998 Meeting*

1. **APPLICANT:** City of Newberg
REQUEST: Approval of an ordinance amending the Newberg Comprehensive Plan and Newberg Development Code relating to street standards, as required for compliance with the Transportation Planning Rule.
LOCATION: City wide
FILE NO: GR-4-95 **RESOLUTION NO.:** 99-111
CRITERIA: NDC 10.20.030
TOPICS: Private Streets

Tape 2 - Side 2:**Abstentions/ex-parte contact:** None.**Staff Report:** Mr. Brierley presented the staff report. He said staff recommends adoption.**Public Testimony:** None.**Public Agency reports:** None.**Letters:** None.**Staff Recommendation:** Mr. Brierley said staff recommends adoption.**Hearing Closed.****Commission Deliberation:**

Commissioner Parrish reviewed page v-1-6 referencing private streets. Mr. Brierley said the amendments prohibits private streets. **Section 9 (v-1-11)** would add new section 10.60.128. Discussion was held concerning striking the private drive and private street from definition.

Commissioner Haug discussed clarification of dwelling units and residential lots. Does it make sense to reconsider the word "lot" and substitute "dwelling unit" to eliminate confusion. If two or more dwelling units, it would note "private driveway"; if three or more dwelling units, it would note "private street". Further discussion was held concerning higher density. Mr. Brierley said that the road within any mobile home park would have to become a public road. All apartment complexes would have to have a public road in the middle. Discussion was held concerning emergency access and requirements for sidewalks, etc.

Commissioner Parrish asked how the City can address development of several blocks. Mr. Brierley addressed mobile home parks sharing one common entry; or if an apartment complex and a house shared a driveway, is there a problem? Discussion was held concerning the mobile home lot at Springbrook Road and Wilsonville Road and the streets not being standard public streets.

Commissioner Fowler reviewed minimum lot size and zoning requirements.

Commissioner Hannum said the particular situation is more of an issue if the mobile home park or high density situation is down an extended private driveway, and whether we have in our City Code issues of sidewalks and curbs to deal with involving pedestrian or foot traffic, which would come out of a high density situation.

Commissioner Haug said that sidewalks and curbs are not required in mobile home parks. He reviewed the Hess Creek project and other projects which do not meet city standards (curbs and sidewalks).

Mr. Brierley said private street issues do not include land under one ownership. Perhaps it is a separate topic with sidewalk and curb requirements. He would suggest that the adopting this amending, and

reviewing the multi-dwelling standards at a later date. Commissioner Fowler suggested that it be restricted to zoning (R-1, etc.).

Commissioner Haug addressed multi-family housing situations.

Commissioner Hannum said that in R-1 zones, it is not an issue. But in R-3/R-4 zones, there is the issue of public streets and apartment complexes.

Commissioner Hannum said that when looking at a particular housing situation, and figuring out how to get access, either foot traffic (sidewalks from the public to the appropriate places in the private area), a certain amount of curbing is appropriate.

Commissioner Parrish asked if the Werth property was one or two lots? Mr. Brierley said it was two lots. Discussion was held concerning uses for the Werth property.

Discussion was held concerning if conditional approval (review) of private drives and modifications to public street standards. If additional new drives are to be added, they might follow the conditional use process. Access to two or fewer lots could be subject to a conditional use. Mr. Brierley said he would like to see what is currently required for apartment complexes. He would want a 40 unit complex to have a sidewalk out to the street.

Mr. Brierley said the Commission could adopt the resolution as to ownership, but revisit standard drives in larger apartment complexes. Mr. Brierley said he could bring back the information to the Commission. Further discussion was held concerning postponing the private street conditions until the March 25 meeting.

Motion #5:	Parrish/Fowler to approve the resolution and revisit the private drive issue at the March 25 meeting.
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Vote on Motion #5:	The motion carried (5 Yes/1 Absent [Wall]/1 vacant).
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Motion #6:	Ashby/Haug to continue the transportation planning discussion to February 25.
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Vote on Motion #6:	The motion carried (5 Yes/1 absent [Wall] 1/ vacant).
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VI. NEW BUSINESS ITEMS

1. Subdivision Review Types

Mr. Brierley presented information concerning Type II procedures (neighbors notified- staff decision and appeals to the Planning Commission with no public hearing process). Discussion was held concerning costs of hearings and Goal V requirements. Mr. Brierley said there is an appeal fee of \$500.00.

OPTIONS WERE:

1. All subdivisions come to Planning Commission.
2. Status quo.
3. Include Planning Commission in public comment period.
4. Come to the Planning Commission except for subdivisions with six or fewer lots or that have a specific plan.

Mr. Brierley said the second option would be to have the Planning Commission call it up for a hearing. He is concerned that it is not a straight forward process for the applicant. Discussion was held concerning incentives.

Commissioner Parrish asked for clarification:

1. He would like a definition of "expedited land division". Mr. Brierley said it was a process designated by the legislature on the request of the Portland Homebuilders Association. The intent was to speed up the subdivision process, keep them from going through the local appeal process and then to LUBA. It does not allow for a hearing because the applicants submit an application and the staff arrives at a decision within short time frame. They can appeal the decision to a hearings officer. The job of the hearings officer is not to determine whether or not to approve but to provide conditions of approval. The hearings officer decision can be appealed to the Court of Appeals and bypass LUBA. He would recommend that the City avoid this process because it basically takes away from the review of the Planning Commission in the process.

Tape 3 - Side 1:

Commissioner Haug said that before every subdivision did come before the Commission. He discussed modification requests concerning cul-de-sacs and other peer review of some sort. He would recommend go with option 4 - access to larger projects.

Mr. Brierley said the procedure would be to move to adopt an option and staff would bring back a resolution.

Commissioner Ashby discussed his opposition to a few of the options as they relate to the standards being inconsistent or that staff is applying them incorrectly. He would like to refer the matter to a subcommittee. He would like the opportunity to review some of the subdivision projects already in existence to determine and consider the problems associated with them (development code or staff problem).

Commissioner Parrish discussed his views on the staff's assistance in handling the process on Type II situations. Discussion was held concerning citizen involvement.

Commissioner Haug said there is a problem with public involvement. Without having the public hearings, the City and Commission do not know what is going on. The issue is that a lot of issues, awareness and understanding of what is in the Development Code, is contingent upon the Commission's involvement in what is going on.

Commissioner Parrish discussed the situation of taking Type II decisions away from staff.

Commissioner Ashby said he is not opposed at looking at subdivisions to review and make a recommendation. He would like to see a sample of subdivisions, identify problems with those and determine what is the goal for the review: correct problems with the Code or staff's interpretation? Discussion was held concerning private street policies and the quasi-judicial process.

Commissioner Parrish asked how many subdivisions have not been allowed in Newberg over the last five years? Mr. Brierley said he cannot answer the questions. Commissioner Haug said he believes that not one has been developed.

Commissioner Fowler said she can see both sides of the issues. She expressed concerns about the implementation of what the policy requires. She said she would like to see a sample of what results have occurred in the past and then go from there. Changes could be made, or open up the process to the public process to help determine the final process.

Commissioner Haug said that the public debate and discretionary involvement of the citizens is missing.

Commissioner Ashby said that to do a survey of past projects, there have been problems which could

start the process of viewing for examples.

Commissioner Parrish said if they change Option #2, to state that if a majority of the Planning Commission chose either to ask that the subdivision be reviewed by the Planning Commission, or appeal the subdivision.

Commissioner Hannum said it may suffice it to have the Planning Commission receive information concerning the subdivisions as a report. Discussion was held concerning the time involved in viewing the respective properties.

Commissioner Parrish said he would like to see some of the subdivisions come before the Commission for review if a majority of the Commission finds that there is cause for review by the Commission.

Commissioner Fowler said she would support Option 2. Discussion was held concerning public meeting laws and the 120 day time frame rules.

Commissioner Haug expressed concerns over the Planning Commission having the opportunity to review the subdivision applications in sufficient time to hold a hearing. Mr. Brierley said he would have to review how the process would be handled due to the applicant's rights, public meeting laws and timing. Discussion was held concerning a set period of time for noticing to the Commission and other interested departments and persons. Mr. Brierley said it is presently 10 days after an appeal has been made.

Commissioner Haug said that process would be perceived as "hidden" if the Commissioners received a packet of information and was allowed to confer with other Commissioners to determine whether they wished to hold a hearing.

Discussion was held concerning each respective department and agency providing input.

Tape 3 - Side 2:

Commissioner Parrish said that the least he would like to see is that the Commission receive the information other agencies and departments would receive. Discussion was held concerning livability in the community. Commissioner Haug said the procedure could be conditioned for one year.

Mr. Brierley said to go with option 4 with the Commission being able to review (one year sunset clause). Discussion was held concerning the Commission's review of 10 or more units (threshold area).

Motion #7:	Fowler/Haug to initiate an amendment as discussed.
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Vote on Motion #7:	The motion carried (5 Yes/1 Absent [Wall]/1 Vacant)
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VII. ITEMS FROM STAFF

Discussion was held concerning the issues discussed at the Council meeting which included the adoption of the sign code and the appointment of an ad hoc committee.

1. Update on Council items. Residential needs was approved. The Waterbury annexation will go to the Council at the April 5 meeting. Staff will maintain their original position to deny.
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: February 25, 1999

VIII. ITEMS FROM COMMISSIONERS

Commissioner Parrish asked that the Commission further request that the Council provide for video taping of the Planning Commission meetings. Discussion was held concerning the importance of keeping the record for quasi-judicial or legislative public hearings. Mr. Brierley said he would be able to present it in the Council budget for next year.

IX. ADJOURNMENT

Ashby/Fowler to adjourn at 11:15 p.m.

Passed by the Planning Commission of the City of Newberg this 25th day of March, 1999.

AYES: 5

NO:

ABSTAIN:
(list names)

ABSENT: Parrish

(1 vacant positions)

ATTEST:

Peggy R. Nicholas
Planning Commission Recording Secretary Signature

Peggy R. Nicholas
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE FEBRUARY 11, 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 #

None

PROJECT FILE #

None

LABELS FROM THE 2/11/99
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

Viola Pratt ANX-21-98
1301 E. Fulton
Newberg, Oregon 97132

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

THANK YOU PEG

Ben Altman ANX-12-98
700 N. Meridian Street
Newberg, Oregon 97132

Sid Friedman ANX-21-98
14286 NW Old Moores Valley Road
Yamhill, Oregon 97148