

PLANNING COMMISSION MINUTES

Newberg Public Safety Building - Newberg, Oregon

THURSDAY, DECEMBER 14, 2000 AT 7 P.M.

Approved at the January 11, 2001 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Steve Hannum	Matson Haug	Louis Larson	Rob Molzahn
Warren Parrish	Bart Rierson	Lon Wall, Chair	

Staff Present:

Barton Brierley, City Planner
Barbara Mingay, Planning Technician
Mike Soderquist, Community Development Director
Terrence D. Mahr, City Attorney
Peggy R. Hall, Recording Secretary

II. OPEN MEETING

Chair Wall 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 (five minute maximum per person)

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

- APPLICANT:** Walter & Julie Want
REQUEST: Rezone a 6,210 sq. ft. parcel from R-2 Medium Density Residential to R-P Residential Professional
LOCATION: 1308 E. First Street
TAX LOT: 3220BB-4300
FILE NO: Z-18-00
CRITERIA: Newberg Development Code Section 10.20.030

RESOLUTION NO.: 2000-135

OPEN FOR PUBLIC HEARING:

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

Abstentions/ex-parte contact: None.

Staff Report and Preliminary Staff Recommendation: Barbara Mingay presented the staff report which recommended adoption of the Resolution. Issues to consider: design review permits, upgrades, fire walls and ADA access. Parking restrictions may also be required. The project involves Parkview

Drive, a private street serving four lots with access onto Portland Road. When the revision to Portland Road is done by ODOT (Brutscher to Main Street), access will be limited. Screening (6 ft. fence) will be added.

Ms. Mingay presented overhead diagrams showing the existing zoning designations and which reflected a recent zone change to an RP designation. All letters and comments have been received and included in the Commission's packet. The Applicant also owns the property to the west. Mr. Want is interested in expanding his business into this location.

Commissioner Parrish confirmed that it was a Type I process and it would not be further reviewed by the Planning Commission. Discussion was held concerning the requirement for screening and buffering.

Mr. Walter Want, PO Box 1029, Newberg, Oregon. He stated that they have done upgrades. They purchased the property from a bankruptcy sale. They are looking to improve the property.

Commissioner Rierson asked for clarification of the location of the property. Mr. Want identified the location and noted that they had removed two full dumpsters of debris.

Commissioner Parrish noted the house is old (built around 1900) and asked if they had any intention to do modifications to the home and would it change the look of the house? Mr. Want noted that due to ADA requirements, a ramp would need to be installed. Commissioner Parrish addressed concerns involving traffic and access. Discussion was held concerning the type of business which would or would not produce a high traffic volume. Further discussion was held concerning ODOT's plan for the Brutscher to Main Street remodeling project.

Opponent: None.

Motion #1 :	Haug/Larson to approve the Resolution.
Vote on Motion #1 :	The motion carried (unanimously).

QUASI-JUDICIAL PUBLIC HEARING #2

2. **APPLICANT:** Willamette Landing Development
 OWNER: Springbrook Estates LP
 John & Margaret Hickert
 REQUEST: Approval of an urban growth boundary amendment, comprehensive plan amendment, annexation and zone change of 28 acres. The proposed zoning and uses would include a mix of R-2 Medium Density Residential and R-3 High Density Residential, together with a dedication of 5-6 acres for park and open space purposes.
 LOCATION: East of Springbrook Road and North of Wilsonville Road
 TAX LOT: 3221-3200, 3400
 FILE NO.: UGB-1-00/ANX-1-00 **RESOLUTION NO.: 2000-136**
 CRITERIA: NUAMC Agreement, NDC 10.20.030, NDC 10.36.030, NDC 10.36.080
 COMPREHENSIVE PLAN/ZONE: Yamhill County VLDR (Very Low Density Residential) with current Zoning of EF-40 (Exclusive Farm Use).

Abstentions/ex-parte contact: **Commissioner Parrish** said that he resides less than one mile from the proposed site. He drives Wilsonville Road frequently. He said that as far as being objective he does not feel he needs to recluse himself, he does however, have a concern over traffic. He questioned the

jurisdiction concerning the ex-parte contact with the Chair. His objection was that he never saw a land use notice sign posted on the property but saw other signs: private property only - do not enter. Secondly, he said he contacted an adjacent property owner who also noted they had not received notice. He wanted to bring the matter to the Commission's attention. Thirdly, he stated that one of his neighbors who lives off Parrish Road talked with him about the hearing and he inquired what the developer planned to build.

Commissioner Parrish said that he talked briefly about the project with his neighbor.

Commissioner Haug noted that "site review" is considered ex parte contact.

Commissioner Parrish stated that he did not see that the property was properly noticed. He described that the property is brown with no green grass and that it has not been taken care of for a long time.

Commissioner Haug said that he drives by the site every day to go to work. He too had not seen a land use notice sign, but could have missed it.

Commissioner Larson said that he saw the sign, but it was flat on the ground.

Commissioner Hannum said that he visited a neighboring property owner (Mr. Snow) and they looked at the property from his property and it appears that it has not been farmed for some time. They also discussed run-off water (ravine area was being eroded), dirt had been piled onto the property, and he also noticed the sign on the ground.

Barton Brierley said that the affidavit of posting was on file. Mr. Mason's name did appear on the notice list.

Commissioner Haug said that the intent of the law may not have been satisfied due to the sign not being properly placed to insure proper noticing. Ms. Mingay said the affidavit of posting the notice was dated November 21, 2000.

Commissioner Haug said that he does not remember seeing the land use notice sign, as he drives the road every day to go to work. He does not remember seeing the sign as early as last week when he received his packet on the hearing.

Barton Brierley said the Commission could continue the hearing or hear the testimony and then continue the hearing (leaving oral and written testimony open) to the January 11, 2001 meeting, or hear the matter and then close the hearing.

Commissioner Larson inquired whether or not the sign issue could be a LUBA appeal issue.

Mr. Brierley said that a defect did not occur and the issue was not applicable if the City provided evidence that notice was made.

Motion #2:	Haug/Rierson to proceed with the hearing, but leave the oral and written testimony open until the January 11, 2001 hearing. The hearing would be reopened, to allow for further public testimony. The land use notice is to be placed upright and remain until after the January 11, 2001 hearing.
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Chair Wall clarified whether or not the motion was premature and whether or not the Commission should hear the staff report.

Commissioner Parrish said that he feels that public notice should be redone.

Mr. Brierley said that if the Commission is not going to hear the matter tonight because of the notice, the

Commission should so state. He also stated that the notice listed the Newberg Urban Management Committee instead of the Planning Commission. The notice will be modified and amended.

Chair Wall said that Commissioner Parrish discussed the procedure of the hearing and substantive content.

Vote on Motion #2:	The motion carried (Unanimously).
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Staff Report and Preliminary Staff Recommendation: **Barton Brierley** presented the staff report and said that staff recommended adoption of the Resolution. Mr. Brierley said the property had been farmed in the past but is not currently in agricultural production. The applicant proposes that the southern property be high density residential (R-3) as a residential planned unit development (apartments, town homes, condos, senior assisted living, etc.). The upper lot would be medium density residential zoning for single family, detached or condo type development. There is some property within the stream corridor and some property on the edge of the stream corridor that the applicant has proposed to dedicate to the Park District (future open space or golf course expansion). The concept plan as indicated in the applicant's presentation is 200 dwelling units: 165 on one property and 35 on the R-2 property. Staff's recommendation is to approve the Urban Growth Boundary and annexation with conditions.

Mr. Brierley said that there is a need for additional R-2 and R-3 land which is shown in the City's Comprehensive Plan (20 year plan). The applicant has provided information for the need by the year 2010 and 2020. If the property is in the Urban Growth Boundary, what is the appropriate use? He said that when the properties were included in the URA, there was no comprehensive designation made. Is the area appropriate for the particular use as suggested? There is a need for R-2/R-3 designations. The property is adjacent to a manufactured home development with some residential homes, and has fairly good access to arterial streets. Staff felt the project was appropriate and would fit in within the neighborhood. Staff recommended that the entire property be placed in the medium density residential and R-2 zoning designation. If R-2 zoning were approved, there could be 305 new dwelling units on the southernmost property rather than the 165 units as proposed by the Applicant.

Mr. Brierley discussed transportation issues. The general concept plan does propose interior access to the properties with a looped street system (vehicle, bicycle and pedestrian). The project would connect outside the development. It would have public street access to Wilsonville Road. The Applicant has an area which has an existing access easement (easement of record stating that it would pertain to the specific property and could be designated as a public street if required). It is a 35 feet easement (only adequate for a 3/4 width street). The applicant submitted a traffic impact analysis. It showed that the project would need a center left turn lane on Springbrook Road to allow traffic to come in and out onto the street. It is a condition that staff has listed as a requirement when the property is developed.

Commissioner Haug asked if the traffic impact study reflected a traffic light installation at the Wilsonville/Springbrook Road intersection.

Mr. Brierley said that particular intersection needs some reconfiguration which has yet to be determined. The State has jurisdiction over the highway and the County has jurisdiction over Wilsonville Road. The traffic study did address a need for a signal at that location. The study also indicated that the applicant should be required to participate financially in the improvement of the traffic signal at the level of their impact to the intersection. Staff has estimated approximately a \$2.5 Million dollar expense and the amount that would be generated through system development charges would likely pay for the improvements. He said they would contribute about 7% of the traffic in the immediate area and about 4% of the traffic on Hwy. 219 and Wilsonville Road intersection: contributing approximately \$230,000 for their share.

Chair Wall asked if the proposal included the Springbrook Oaks development when it was fully developed.

Mr. Brierley reviewed the Newberg Transportation System Plan Bypass. He said one potential route is along the eastern and southern edge of Newberg. One of the routes would be on or adjacent to the property. There is a letter in the packet from ODOT essentially recommending that the City hold off approving this UGB amendment until such time as the bypass route is established to determine whether it would affect the property.

Mr. Brierley said that there is legal authority and fairness issue involving the bypass. Discussion was held concerning holding off approval of the project due to the Dolan land use case issue. Issues relating to fairness was discussed. Mr. Brierley said they have doubts with takings (Dolan case) and whether or not it would be permissible.

Discussion was held concerning the City's jurisdiction over the property. The property is not in the UGB, but is in the URA.

Commissioner Haug noted the potential problems and impacts on the mobile home park relating to the bypass route. Discussion was held concerning the increase in value of the property. Once it's improved, the state would have to pay more to purchase right-of-way for the bypass.

Mr. Brierley said that there is a fairness and financial issue. The State would purchase the right of way if the bypass is to be considered in that area.

Commissioner Haug felt that a periodic review should be completed before extending the UGB.

Mr. Brierley said that they are not proposing any legislative review of the UGB (city wide project to expand). It is not on the immediate one year work plan. He said that it is very different than having a quasi-judicial review of a property at the owner's request. The City has an obligation to review the applicant's request.

Mr. Brierley discussed utilities, the challenges of developing the property, and whether or not it could be served by a gravity sewer system. The staff has indicated that the project could not be serviced by the existing adjacent station in the mobile home park. A new pump station would need to be installed at the time of the development. Pump stations are expensive to install and maintain. The staff recommended that only one be installed and designed to eventually handle the entire URA from Wilsonville Road to Fernwood Road. The applicant has proposed a location for the pump station near the creek. The initial review suggested Wilsonville Road. After further review, the exact location is still undecided. For purposes of the URA modification and annexation, it is not critical to pinpoint an exact location of the pump station at this time.

Mike Soderquist stated that modern pump stations are comprised of two parts: one is a wet well and the other is where the machinery is located. Mr. Soderquist reviewed the operating process for a pump station. The controls are on top of the unit. There are three pump stations: Andrews, Charles and Sheridan Streets.

Mr. Brierley discussed sewer treatment capacity in order to handle the development. As far as water goes, there are municipal water lines that could be extended to serve the property (but not all would be possible). As far as water capacity, the City has been reaching its limits with capacity to serve the residents. The City has been taking some pro-active steps to handle the increase and has purchased property for a future reservoir. The City needs additional well capacity and has applied for additional sets of wells that have been approved by the Marion County hearings officer, but is presently in an appeal, but the City feels it will be approved. Storm drainage for the property goes through a swale. The applicants propose a new storm drain line to the creek and would address the erosion issues.

Mr. Brierley discussed open space and parks. There is a stream crossing the property (stream corridor designation). The applicant will map out the area with stream corridor. They also propose to dedicate the

property to the Park District (development agreement) which would be effective once the property is annexed.

Mr. Brierley said that in conclusion, staff recommended adoption, but noted the following (refer to the UGB-1/ANX-1-00 staff report):

1. Delete the first and last bullets under #1: "A revised pump station . . ." and "Relocation of the force main."
2. Modify the second bullet under #4: Install turn lanes on Springbrook Road or similar improvements as recommended in the development traffic study.
3. Modify the fourth bullet under #4 as follows: Commitment by the applicant to design the sewer pump station to allow eventual service to nearby properties, including those in Urban Reserve Area D. Final pump station and sewer line locations and design are subject to City approval. Installation of the first phase of the pump station will be at the applicant's expense, unless other approval is received through a local improvement district, advanced financing agreement, SDC reimbursement, or similar mechanism.

Mr. Brierley read a late correspondence from Mr. Jim Hinman, Urban Planning Coordinator, from Oregon Department of Land Conservation and Development which referenced Goal 14 and other applicable statutes. Mr. Hinman discussed legislative review (year 2020 need). The Department recommended denial or incorporate a full legislative review. Discussion was held concerning noticing the Department (October 30, 2000) and the Staff's recommendations conflicting with the Department's. Mr. Brierley said that he felt that the Department did not have the full findings at the time the letter was written.

Commissioner Haug asked that the staff reply to the Department's letter and that a copy of the reply be provided to the Commission.

Commissioner Parrish addressed the staff's findings:

1. If the Commission was to approve the UGB expansion, Comprehensive Plan amendment and zone change, would it come back to the Commission at any time in the future.

Mr. Brierley said it would likely be done due to subdivision and stream corridor amendments. A site plan for apartments would not require further Commission review.

2. Need to expand UGB and URA involvement. Does staff feel that the 1997 data, as far as needs and use of the URA, would be affected by the Springbrook Oaks project.

Mr. Brierley said the Springbrook Oaks property was in the City in 1997. It was included in the buildable lands inventory and was considered for property to be developed. What changed with the Springbrook Oaks was the types of development that could be done (mix of single family, multi-family, and industrial property land supply designations). He noted that the applicant noted the changes.

3. Agricultural land. In looking at the applicant's proposal, he said he wanted clarification of the exceptions statement (135 acres). Discussion was held concerning urban, residential, and farm operation properties. Class 1 is 47 acres (agricultural soil). Commissioner Parrish said that he felt that the property is no longer being used for agricultural purposes and that he felt that the property has not looked the same since the mobile home project was installed. He wanted to clarify the "unsuitability" of the property.

Mr. Brierley said they contacted the County for additional information (exception land - not planned for agricultural). The decision made, by the County was that the area would not be planned for continued agricultural use.

Commissioner Haug reviewed the letter from ODOT concerning the bypass and the alternative negative impacts.

Mr. Brierley said that the proposed development could increase the costs of routing the bypass.

Commissioner Haug asked for a delay until the EIS Study is completed and to be kept informed of any continuations.

Commissioner Parrish addressed the open space areas meeting recreation needs.

Mr. Brierley said there are two possibilities: it could be developed as a park or open space to serve the residents in the area; second, more of a regional facility golf course for paying customers, etc. Discussion was held concerning increased livability.

Commissioner Parrish addressed the traffic study provided by the applicant which showed the level of service considered as an "F" designation. "F" means there needs to be a traffic light right now. The applicant has indicated they would assist in the financing if the project was approved.

Commissioner Haug discussed the priority for recreational needs in higher density areas and whether this project meets the requirements.

Mr. Brierley said that the applicant has designated open space areas. Each development has to pay park system development charges (\$650+/- per unit), which is a substantial contribution to the park system.

Commissioner Haug asked about the limited access and the location of the community park.

Chair Wall discussed assessments for the Park District and whether the neighbors could have a golf course and not a park.

Mr. Brierley said "yes", they could. Discussion was held concerning making a recommendation that a park be placed in the project and not a golf course.

Chair Wall addressed concerns involving the bypass project and violating the City's own UGB policies.

Mr. Brierley said that the Commission act as consultants for the City. Staff is proposing the project to the Commission and feels that the applicant does meet the requirements, but not without numerous issues and hurdles. Looking at the criteria, the staff felt it meets the criteria. DLCD pointed out ORS 197.298 concerns. Mr. Brierley said that DLCD is wrong in its interpretation of that statute. There should be a 20 year supply of buildable land in the UGB. The proposed property is in accordance with the plan set out.

Commissioner Haug discussed issues relating to the bypass route and other potential locations for this type of development. Discussion was held concerning staff's recommendations in compliance with existing City guidelines.

The meeting recessed at 9:00 p.m. The meeting reconvened at 9:05 p.m.

Proponent:

Mr. Doug Campbell, Avamere Development Company, PO Box 6059, Portland, Oregon 97201, said that he posted the land use notice on Wilsonville Road and along Springbrook Mobile Home Park. It

appears that the sign must have blown over. He will re-post the site and handle any other issues involving the posting. He reviewed the general uses in the area (rural, residential and mixed use). There is R-2 property adjacent and M-1 and M-2 in the vicinity, an airport and the City's sewer treatment plant. The original intent was to meet the need of the community and it was an appropriate place (lack of land for R-3 use). Staff pointed out the mix of densities which can be handled through the R-2 designation and the conditions discussed at the meeting are acceptable.

Discussion was held concerning the studies identifying and prioritizing the URA as one of the areas to be developed. The County designated the area as an exceptions land (not viable agricultural land). The information provided in the application states the Class of soils. Swales run along the stream corridor (actually made of a silt loam and not good for agricultural lands). The property has been designated for future growth. Discussion was held concerning the park designated areas. The area is ready for future planning. Discussion was held concerning access (Wilsonville Road and Springbrook Road) and potential half street improvements which can serve future residents and is adequate. The Applicant is providing water service via connections through the Springbrook Estates and is proposing a loop system as explained in the engineer's report (providing for an 8 inch line). On the sewer, a regional pump station would be upgraded for the URA or increased when the area is developed and the need is determined. Storm water drainage and storage would be handled on site into a natural system. The property can be served with water from the additional wells noted by the staff.

Mr. Campbell reviewed the traffic report which identified a problem area. He also reviewed the letter from the DLCD and he felt that DLCD did not receive the complete application (full detailed study of vacant lands and growth in the community needs analysis). There are 133 acres currently in the City limits. By the year 2010, it shows a shortage of 101 acres of medium density and 12 acres of high density. The applicant demonstrates a need for the R-2/R-3 land. The proposed use will provide a maximum use of the land and mix of housing types and density and is compatible with surrounding properties. The current land is adequate to meet the needs of the community. Discussion was held concerning livability.

Commissioner Parrish asked for clarification of Paul Brenneke and Mark Wilcutt's involvement. Mr. Campbell reviewed the property owners (Hickert) and Springbrook Estates. Mark Wilcutt's helped to contact the Hickerts and is not a party to the application. The mobile home property owners are the same owners of the proposed site.

Commissioner Parrish discussed the City's current services being able to meet the needs. Discussion was held concerning the Werth property in connection with the service projections. Mr. Campbell reviewed alternative funding for School Districts. The applicant is willing to work with the City on the development of the project. There is time for the area to develop and work out the issues.

Commissioner Parrish asked for clarification on the Wilsonville Road access. He had the following observations: On Springbrook Road, at the early morning and late afternoon, traffic backs up to past the mobile home park. On Wilsonville Road, the property access/entrance is at the top of the "dip" and when the speed limit is 45 mph, he is concerned about the traffic hazard coming in/out of the project. He feels that peak hour is 5:30 - 6:00 a.m. and 3:30 - 4:30 p.m. Mr. Campbell said their traffic engineer would be available at the next meeting in January. Discussion was held concerning "fixing" the areas which need to be addressed.

Chair Wall addressed concerns about the quoted 7% impact to traffic when Springbrook Oaks would be fully developed.

Mr. Campbell said the traffic study had accounted for the increase in traffic.

Mr. Brierley said that the traffic study reflects existing and future approved developments.

Commissioner Rierson asked about police and fire services. The School District capacity can be

reviewed and considered.

Mr. Brierley said that when the City is looking at a specific development project, the City cannot use the School District capacity as a criteria. In either UGB amendments or annexations, this could be considered.

Commissioner Haug asked for clarification for full width streets and 3/4 width street designations.

Commissioner Rierson asked for clarification of the easement.

Mr. Doug Campbell said it was part of the Hickert property before it was partitioned for the mobile home park.

Mr. Campbell noted that in most cases the 3/4 street would meet the needs of the development. In most cases, 3/4 streets would be allowed with future developments connecting to the project.

Commissioner Haug said that the City Council requires full width streets. He asked for the applicant to address this question. Commissioner Haug also asked the applicant to address the impact on Hwy 99W.

Mr. Campbell noted when the property is developed to the North, the additional property can be acquired to allow for the full width public street.

Commissioner Rierson asked whether or not the Council would hesitate to approve the project with 3/4 streets.

Mr. Brierley said the Development Code allows 3/4 streets where appropriate. Staff noted the project abuts a mobile home park and an industrial park. There is a chain link fence surrounding the area. **Ms. Mingay** noted the Fire Marshall said that it was adequate.

Chair Wall said that DLCD isn't in favor of the project.

Mr. Campbell said that he believes that DLCD is not aware of the exceptions land designation and it appears that it did not receive the complete application. Further discussion was held concerning the issues raised in Mr. Hinman's letter.

Chair Wall said that he is concerned that DLCD has made such objections.

Chair Wall addressed buildable lands and the UGB expansion requested by the applicant.

Mr. Campbell said by developing the land, it is serving the population growth. The lands identified in 1975 were approximately 600+ acres. Over time, as applications come in, a review is made of how lands are to be developed and when the City reviews the need. State law requires a 20 year land supply be in place. Metro is reviewing their 20 year supply and what is to be brought into the URA.

Proponent: Don Clements, Chehalem Park and Recreation District, 1802 Haworth, Newberg, Oregon. He reviewed the Springbrook Oaks project in relation to park land donations. The Park District is working with developers (pro-active) whom will most often donate park space. The Park District makes sure there is adequate park space and supports the project. The Park District has property adjacent to the development (approximately 200 acres with stream corridor delineations). Discussion was held concerning the concept of a golf course and the legality in prohibiting the development. The Park Board of Directors are elected, not appointed, and they answer to the surrounding residents.

Commissioner Parrish said he feels there is no delineation of "open space, park or golf course" as noted in the application. Discussion was held concerning access, community parks and the proposed golf course.

Mr. Clements noted there are other park properties in surrounding areas which could connect to the existing project.

Commissioner Haug said that it is the intent of the Commission that they want parks.

Mr. Clements said he is available for questions by the Commission but wanted to stress the Park District's "pro-active" concerns. Discussion was held concerning the financial aspects of the Park District's involvement in working with the developers.

Chair Wall addressed concerns in promoting a private project which involves UGB expansion and annexation for golf course purposes. Discussion was held concerning the same goals, but noted differences in community needs.

Proponent: Valerie Counts, 4001 SW Iowa Street, Portland, Oregon 97221 (Consultants). She indicated she was retained by the applicant for the planned unit development (PUD) and prepared the statewide goals and applicable criteria. She reviewed the letter from DLCD and Goal 14. She suggested that Mr. Hinman was not familiar with the over-all UGB area statute. As part of the process, in 1997, the special committee was established (NUAMC Agreement). The NUAMC (Newberg Urban Area Management Committee) Board is in charge of the unincorporated lands in UGB and URA areas. As far as the bypass issue, Ms. Counts said she did not know whether or not the bypass proposal was included in the transportation system plan. Ms. Counts said the police and school issues are addressed in the application.

Chair Wall said that the Commission is concerned that the City has made a strong statement to make sure we have a bypass built and then allows for developments such as the one proposed.

Ms. Counts said if a bypass occurs that there are stream corridor and wetland issues to be considered.

Opponents: Russell Glardhart, PO Box 1070, Lafayette, Oregon 97127 (Friends of Yamhill County).

He said he had prepared a written statement and he read excerpts of the letter into the record. The applicant did not follow the appropriate procedures: combining URA, UGB, annexation and plan amendments. The property currently lies in the County. Annexations are approved by the citizens of Newberg. He requests the Commission to deny the annexation request pending the plan amendment. He echoes DLCD's concerns. It should not be a reaction to developers. The proposal would have serious consequences on the quality of life for the citizens of Newberg. He also echoed the concerns of the Police Department and the School District. The impact of schools can be considered on UGB issues.

Chair Wall asked if it was his opinion that DLCD sent out the letter without further consideration and fully reviewing the matter.

Mr. Glardhart said "no".

Chair Wall discussed "equal treatment" and property that is not currently under the jurisdiction of the city. Does the City have any responsibility to the property owners to expand the UGB?

Mr. Glardhart said "no". He said the Commission has an obligation to the citizens of Newberg, not just the developers.

Chair Wall called for a break at 10:25 p.m., the meeting reconvened at 10:30 p.m.

Opponent: Paul Lemman, 812 W. Sheridan Street, Newberg, Oregon, asked what would happen if the Commission granted the UGB amendment. He said he was concerned about the tax revenue. He feels it is insufficient to cover the infrastructure costs. Mr. Lemman addressed wetland issues and how they would be considered. Mr. Lemman noted the heavily traveled (including truck traffic) Wilsonville Road, Springbrook Road and Hwy 219. In the five years he has lived in the area, he has witnessed accidents due to the impact of the increased traffic. He was concerned about the proposed bypass not going through due to costs associated with purchasing additional property in the right of way. In terms of future traffic from the golf course, he is not sure how it will be addressed successfully.

Commissioner Parrish asked Mr. Lemman if he has seen traffic backed up on Springbrook and Wilsonville Road?

Mr. Lemman said he is concerned about the access road coming out on the top of the hill and good visibility. The access road should be located farther down the road.

Paul Ashton, 9665 NE Parrish Road, Newberg, Oregon. He said that he is undecided about the project. He questions the volume of traffic, and a traffic control island and who decides to install it?

Ms. Mingay said that Hwy 219 is a state highway. The State has standards which must be met before they determine it is "warranted" to install a traffic signal.

Mr. Ashton said that the application notes "when it is needed". Mr. Ashton asked for clarification of the location of the signal device, and ingress and egress. Mr. Ashton asked how many people would reside in the project when completed?

Mr. Brierley said 2.3 persons per dwelling unit are calculated on the average (approximately 500 people).

Mr. Ashton asked about the average cost of the single family homes and for clarification on the "form of senior housing".

Mr. Campbell said that it is a designation for seniors who would live independently. It would be a duplex or small single lot type housing.

Mr. Ashton asked if there would be nursing home, foster care or assisted living type facilities.

Mr. Campbell said there would not be nursing homes, but foster care and assisted living facilities. Mr. Campbell said they would be individual type units.

Mr. Ashton said he believes that with higher density, there appears to be higher crime.

Commissioner Parrish reviewed the traffic impact study and peak hour traffic on Hwy 219, Wilsonville Road and Springbrook Road. He asked Mr. Ashton if he witnessed backed up traffic in the afternoon and in the morning?

Mr. Ashton said that when trying to turn onto Wilsonville Road from Springbrook Road, it is difficult and sometimes hazardous.

Allen Mason, 816 S Springbrook Road, Newberg, Oregon, he reiterated statements made about the intersections. He said that he has lived in the area since 1968. He said that it was true that traffic is almost always backed up to his house. Springbrook Road is a main commuter route from Marion County to Washington County. He feels that the intersection needs to be taken care of before any other developments are allowed. He reviewed the agricultural issues. Mr. Mason reviewed the subject property owned by the Buckley's and the Hickerts. There are grandfather water rights to help with the agriculture.

The developer would not be donating the property if it was flat. The park is essential for the development. Vandalism is high in the area. He does not believe that it is society's obligation to provide the resources for developers to make money.

John Bridges, Attorney, representing Mr. and Mrs. Alvin Elbert, 515 E. First Street, Newberg, Oregon. He said his clients oppose the UGB amendment. He will be back at the meeting in January, 2001, to provide further testimony. The Elberts own about 18 acres and they also own the fee simple title to the easement. They own a house which was built long ago on a setback. He wanted to address alternatives. It was anticipated to be one big mobile home park. The name of the street referenced earlier is Cobble Creek Road. The Elberts appeared with NSP in the first development concerning the easement property. His client lives there and does not want a road going through. The aerial photo presented by the applicant does not reflect an industrial site located in close proximity. Mr. Bridges said that he feels DLCD is wrong. The applicant's approach is not right. Discussion was held concerning UGB amendments and if there is a lands need for more residential property within the city limits. Is there other property in the city limits which can be rezoned (excess industrial and commercial land), to satisfy the need. The City needs to look at all properties contiguous with the UGB and not just the URA. The application cannot be approved.

Chair Wall asked for Mr. Bridges to provide written documentation to the Commission prior to the next meeting in January.

Mr. Bridges said that NSP purchased the front part of the Hickert's property. The easement was entered into. NSP optioned the back piece.

Commissioner Parrish said there was no information contained in the packet noting NSP Development. He said that he previously asked Mr. Campbell who was involved in the consortium (Willamette Landing Developments).

Mr. Bridges said that Mr. Brenneke is an incorporator with Willamette Landing. Mr. Andy Hawes was an attorney involved in the easement. The "principals" involved in the development are the same in the surrounding projects.

Commissioner Haug asked for clarification pertaining to the chain link fence and the location of the available additional parking.

Mr. Bridges said that Springbrook Estates will probably ask for the "taking" rights similar to the (Dolan Case). R-2 designation allows for mobile homes.

Mr. Roger Grahn, 28207 LaSalle, Sherwood, Oregon, said he applauded Mr. Clements' comments in that if the applicant meets the criteria, the staff is required by law to support the application. He owns property within the UGB. Yamhill County, as a matter of policy, will not undertake a UGB land issue. They believe it is a City issue. Regarding the bypass concerns, Measure 7 will be the law of the land, whether or not the project will be built or the bypass goes through. He believes that the farm aspect of the property should not be considered. The traffic would be lessened on Hwy 219 and an increase on Springbrook Road and Hwy 99W. Mr. Grahn addressed access rights for the property.

Mr. Peter Snow, 8815 NE Wilsonville Road, Newberg, owns property which is contiguous on two sides of the proposed site. There is a population of "cut-throat" trout in the stream. He reviewed storm drainage problems off the mobile home area which comes within approximately 50-75 feet from his property and ultimately drains on his property. With all of the debris from asphalt, roof tops, vegetation and driveways, it collects and goes to the Springbrook Road drainage which is located under his driveway. With more housing and asphalt, there will be a storm drainage problem. The stream floods during the winter and comes up quite high which will be a problem for a park. Mr. Snow noted that Baker Rock's new project will also be using the intersection. He sees the traffic problem every day. He would like to see a buffer between his property and the proposed project. His property has become the area where the children play

(field). He said that he has contacted Mart Storm in the past due to the problems in the field. He is not necessarily against the project, but wants to see it done right.

Commissioner Parrish asked Mr. Snow if they ever met?

Mr. Snow said "no". Discussion was held concerning the open field, storm drainage and flooding on the donated park property. Mr. Snow said that 2-3 years ago, his neighbor wanted to refinance the home, and needed to clarify the flood zone designation. Mr. Snow said that there is a significant amount of water that flows down the stream and could create possible changes in the water conditions. He has lived across from the mobile home park property for approximately 25-30 years (before the mobile home park was built). Mr. Snow said the fence has not been erected. Mr. Snow said there was a land use notice posted in the middle of the access road located within the mobile home park area.

Ms. Kathryn Howes, 812 W. Sheridan Street, Newberg, said she was opposed to the project and changing the UGB.

Chair Wall read the statement by Ms. Howes.

Motion #3:	Rierson/Larson to continue the hearing to the January 11, 2000 meeting.
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Vote on Motion #3:	The motion carried (Unanimously).
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VII. ITEMS FROM STAFF

1. Update on Council items: **Matt Haug** and **Louis Larson** reappointed by the Council.
2. Other reports, letters, or correspondence: None
4. Next Planning Commission Meeting: January 11, 2001

VIII. ITEMS FROM COMMISSIONERS

Commissioner Haug addressed long range planning projects for the Commission. He asked if the Commission could put some effort toward where the Commission is going and its long range planning goals prior to meeting with the City Council early next year. Mr. Brierley said that he will bring the matter back at the Commission's February, 2001 meeting.

IX. ADJOURNMENT

Motion #4:	Larson/Rierson to adjourn at 11:25 p.m.
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Vote on Motion #4:	The motion carried (Unanimously).
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Passed by the Planning Commission of the City of Newberg this 11th day of January, 2001.

AYES: 5

NO:

ABSTAIN:
(list names)

ABSENT: 2 - Parrish
Molcahn

ATTEST:

Peggy R. Hall 1-11-2001
Planning Commission Recording Secretary Signature

Peggy R. Hall 1-11-2001
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE DECEMBER 14, 2000 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 #

1. UGB-1-00/ANX-1-00 Letter from Friends of Yamhill County dated December 14, 2000
2. UGB-1-00/ANX-1-00 Letter from Oregon Dept. Of Land Conservation and Development dated
December 13, 2000

LABELS FROM THE 12/14/00
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

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

UGB-1-00/ANX-1-00
Douglas Campbell
Avamere Development Co.
PO Box 6059
Portland, Oregon 97201

Z-18-00
Walter and Julie Want
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Newberg, Oregon 97132

UGB-1-00/ANX-1-00
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Newberg, Oregon 97132

UGB-1-00/ANX-1-00
Peter Snow
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UGB-1-00/ANX-1-00
Roger Grahm
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Sherwood, Oregon 97140

UGB-1-00/ANX-1-00
John Bridges
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