

PLANNING COMMISSION MINUTES

Newberg Public Safety Building - Newberg, Oregon

THURSDAY, FEBRUARY 8, 2001 AT 7 P.M.

Approved at the March 8, 2001 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Steve Hannum
Warren Parrish

Matson Haug
Bart Rierson, Chair

Louis Larson
Lon Wall, Vice Chair

Rob Molzahn

Staff Present:

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

II. OPEN MEETING

Chair Rierson 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

1. Approval of November 9, 2000 and January 11, 2001, Planning Commission Minutes.

Motion #1:	Haug/Hannum voted to approve the consent calendar items, approving the minutes of the Planning Commission Meetings.
-------------------	--

Vote on Motion #1:	The Motion carried (unanimously).
---------------------------	-----------------------------------

IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

CONTINUED FROM THE 1/11/01 MEETING

1. **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 Yamhill County VLDR (Very Low Density Residential) with current
PLAN/ZONE: zoning of EF-40 (Exclusive Farm Use).

OPEN FOR PUBLIC HEARING:

Chair Rierson announced the continuance of the public hearing and entered ORS 197, relating to the Public Hearing process into the record, and opened the Public Hearing.

Abstentions/ex-parte contact:

Commissioner Parrish said that he talked with citizens Larry Hill and Jim Morrison concerning the general development of the site. Commissioner Parrish said that he told Mr. Hill and Mr. Morrison about the pending hearing before the Commission and that it was being continued to the February 8, 2001 meeting. Commissioner Parrish said he also did several site inspections of Phase I and Phase II of the mobile home development (about 2-3 times a week). He noted that the east boundary of the mobile home park did not appear to be completed as the applicant in the mobile home park application (developer) had promised. He noted that the main street through Phase I (which is a larger street than the other streets in the development) had "no parking" signs on the sides of the streets, even though cars were parked in those areas (about 10-15 cars). The cars and owners are violating City ordinances. People should not be able to park in the "no parking" areas because it creates hazards (police and fire).

Commissioner Wall said that he met with Mr. Morrison, Mr. Hill and Commissioner Parrish who added that Commissioner Parrish's recollection of the conversation is correct.

Commissioner Haug said he visited the site before the meeting. He also drove through the mobile home park and his observations were that there appeared to be quite a bit of parking on both sides of the street. Within the boundary of the mobile home park, he did not see playground or recreational areas for the residents. He said that it looked as if the developer placed as many homes as possible and did not provide for recreational space. Commissioner Haug added that he also talked with Commissioner Wall and Planning Director Barton Brierley concerning the hearing process. Commissioner Haug said he asked if he could place an agenda item before the Commission to open up discussion on the Commission having so much on the agenda to consider. Discussion was held concerning the process to add such an item to the agenda. He said the content of the conversation was that the current ordinance does allow a number of things to go on in one application. He said that he would like to recommend that the Commission only hear a certain number of items at the same hearing.

Commissioner Wall said that he agrees with the procedural issues with hearings in general. He cautioned the Commission not to discuss one specific item, however.

Commissioner Parrish talked with Frank Douglas (Newberg Fire Department) in which he requested information on the number of motor vehicle accidents which occurred in the City, specifically, in the immediate area of the proposed site. He said that he also talked with Mr. Brierley concerning the response. Mr. Brierley said he did not have that information from the Fire Department.

Chair Rierson said he talked with Commissioner Haug and also had a site visit. He said he also noticed the problem with parked cars on the sides of the road as previously mentioned.

Commissioner Hannum inquired about Commissioner Haug's statements concerning the fulfillment of the developer's promises involving the mobile home park, specifically, not providing recreational space.

Commissioner Parrish asked about the street signs identifying the street name and about appropriate lighting.

Chair Rierson questioned street width requirements in relation to potential hazards and dangers with streets.

Staff Report and Preliminary Staff Recommendation: Barton Brierley presented the staff report and indicated that it was staff's recommendation to adopt Resolution NO. 2000-136. Staff recommended that the Commission approve the resolution, enter into deliberation and then vote on the components in the resolution as outlined in the following options:

1. **Recommend approval of the UGB Amendment possible reasons (stated in staff report).**
 - Fulfills the need for additional land for medium density housing
 - Provides additional park land
 - Would contribute to transportation improvements
 - Consistent with comprehensive plan and criteria and state goals
2. **Recommend denial of the UGB Amendment - possible reasons (stated in staff report).**
 - Conflicts with plans for bypass
 - Poor level of service at Springbrook/Hwy 219 intersection
 - Lack of adequate secondary access to the property
 - Potential conflicts with stream corridor
 - Inadequate provision for parks
3. **Recommend approval for annexation. Would be mute without UGB amendment approval.**
 - Recommend as is - no conditions
 - With conditions listed in Resolution No. 2000-136
 - R-2 zoning
 - Stream corridor at 10 feet above top of bank
 - Dedication of Park
 - etc. (listed in the staff report)
 - With additional conditions:
 - Additional financial contributions for street improvements
 - Additional 1/4 to 1/2 acre playground
 - Stream corridor protection plan
4. **Recommend denial of the Annexation:**
 - Conflicts with plans for bypass
 - Poor level of service at Springbrook/Hwy 219 Intersection
 - Lack of adequate secondary access to the property
 - Potential conflicts with stream corridor
 - Inadequate provision for parks
 - Inadequate police, fire or school facilities

Proponent: Doug Campbell, (Willamette Landing), PO Box 6059, Portland, Oregon 97201, began his testimony by providing written information to the Commission to review while he continued with his testimony (talking points). Discussion was held concerning whether or not to accept Mr. Campbell's written "talking points".

Motion #2:	Haug/Molzahn to accept summary information from Mr. Campbell.
-------------------	--

Commissioner Haug said Mr. Campbell's information should be allowed because it is information that Mr. Campbell intends to provide as oral testimony.

Doug Campbell, said the written documentation was to assist the Commission in summarizing key points. He said this was not new evidence. He said that each point is also referenced and contained in the January 11 staff report and he was just providing a hard copy to the Commission. He noted that the hearing was still open.

Commissioner Parrish said that Mr. Campbell has presented previous information and believes that accepting the written information from Mr. Campbell would go against the rules set out by the Commission.

Commissioner Haug said that he believes Mr. Campbell is just providing written notes on what he intended to speak about - no new testimony.

Commissioner Haug said that the entire record will go to the City Council and the NUAMC Committee. The Planning Commission's record will close at this meeting unless a request to keep it open is received by the Commission. Mr. Brierley said that the information could be in the public record, but not something that the Planning Commission has to accept.

Chair Rierson said Mr. Campbell can read the information into the record.

Chair Wall said that the Commission did discuss at some length the inclusion of written testimony and whether or not it would be accepted by the Commission. He does not believe there is a commanding reason to accept the additional information from Mr. Campbell.

Commissioner Haug said that the information from Mr. Campbell is for informational purposes and only to help the Commission review during Mr. Campbell's discussion.

Commissioner Parrish clarified his concerns about accepting documentation at the hearing and the potential precedence for future acceptance of written documentation.

Commissioner Wall called for the question.

Motion #3:	Wall/Parrish called for the question on Motion 2: Acceptance of Mr. Campbell's written documentation.
Vote on Motion #3:	The Motion carried (unanimously).
Vote on Motion #2 Allowing written summary of testimony by Mr. Campbell	The Motion failed (3 Yes [Hannum, Haug, Molzahn]/4 No Larson, Parrish, Wall, Rierson]. Written testimony provided by Mr. Campbell was declined by the Commission.

Mr. Doug Campbell continued with his testimony requesting that the City take a pro-active role in the development of the intersection at Hwy. 219 and Wilsonville Road and Springbrook Road and the proposed impacts of the additional growth in the area. The development will be a phased project with mixed use designations. He said that during that time, the intersection could be improved in phases by the installation of right turn lanes and 4-way stops, etc. He added there could be interim measures in place until the studies could be done by ODOT.

Mr. Campbell addressed site access noting that the proposal provides for two accesses which are required by the City. There are no other alternatives. An easement is in place to allow access for the development of the Hickert property. The access has been approved by City staff. The property owners would agree to provide landscaping and fencing along the property line.

Mr. Campbell also reviewed issues relating to the stream corridor. He recommended a preliminary boundary and a final boundary to be determined before development occurred with wetland preservation. He said there needs to be a more detailed analysis involving wetland engineers who would provide information for preliminary approval. To determine the actual line would be dependent upon vegetation and the determination of the stream corridor line.

Mr. Campbell said that the developers were dedicating 5.3 acres for park space which is good land to allow for passive recreational areas to also be used by the adjoining housing developments.

Mr. Campbell addressed the Police Department and School District concerns previously raised. Mr. Campbell noted that tax revenues received by the City and the School District will pay for additional services. He said that staff had further detailed the information in the staff report. Mr. Campbell discussed his conversations with School District representatives concerning potential bond measures already in the works for year 2002. He said the proposed development may not even begin until after that date. Mr. Campbell said that he believes that in general, school bond measures have not failed for some time. Mr. Campbell also addressed the School District using portable classrooms to accommodate the increase in student enrollment. Mr. Campbell said it is the applicant's belief that school impacts are not an issue because they would receive approximately 42% of the increased tax revenue. He said that it is a known fact that NEW construction and related fees will provide higher tax revenue than existing houses.

Tape 1 - Side 2:

Mr. Campbell continued his testimony by stating that the City had made a decision and a plan for growth. He noted that the property was designated as "exceptions" lands with rural residential designation by the County. The property could be served adequately by City utilities and future growth could be served by a new pump station. Discussion was held concerning the remaining Urban Reserve Area "D" property noted in the staff report. Mr. Campbell said the proposed development will provide for affordable housing for the community. The proposed UGB amendment would help the City meet the requirements of the Statewide Planning Goals and the Oregon Revised Statutes.

Commissioner Parrish reviewed the [DLCD letter contained in the staff report addressing their concerns which affect the proposed bypass which may or may not go through the subject property.

Mr. Campbell said he was familiar with the letter from DLCD and the EIS study noting alternatives for the bypass. Mr. Campbell discussed ODOT's concerns for Goal 12 issues and the possibility that a major highway may be located outside the UGB which would affect transportation.

Mr. Brierley said that DLCD did not respond to their first letter. ODOT sent a letter (staff report attachment M) and addressed DLCD's concerns about the bypass, indicating that it would narrow the range of alternatives for the alignment of the bypass.

Commissioner Parrish discussed ODOT's statement that the changes to the intersection would be considered in the year 2005 and that the funds allotted for the configuration would only be approximately \$500,000.

Mr. Campbell said that he talked with an ODOT representative who said they are starting a design process but that the construction may not happen until year 2005. For this reason, the City should take a pro-active approach to arrive at a solution for the problem.

Commissioner Parrish said the proposal states that the proposed development would have a 4.6% traffic impact on Hwy 219, noting that at least 50% of the trips, if not more, would take the access north onto Springbrook Road and NOT take Wilsonville Road to go to I-5 south (towards Wilsonville or Salem).

Mr. Campbell said he referenced information contained in the professional traffic study prepared for the project. He said the information is not an exact science to correctly determine traffic impacts.

Commissioner Parrish addressed a new access off Wilsonville Road and how the applicant determined the location. Discussion was held concerning the residents of the development and the surrounding housing and work areas, NOT choosing Springbrook Road versus Wilsonville Road. Mr. Campbell said that the study is based upon technical information on what the alternatives were.

Discussion was held concerning the Fire Department's recommendation, whether or not the developer could use the north access. Mr. Campbell stated that he talked with the Fire Marshall (Chris Mayfield) and it was his understanding that the Fire Marshall approved the northern access off Wilsonville Road. Discussion was held concerning the existing easement and meeting fire department and City codes.

Commissioner Parrish said he did not believe that the Fire Department has officially approved the access. Mr. Campbell said that was his understanding.

Mr. Brierley said that they did meet with Fire Marshall Chris Mayfield who did state that a second access would be required for the development of the property. The second access could not be the existing access through the mobile home park as currently configured. He said that it was the Fire Marshall's recommendation for the 3/4 width street as depicted on the plan map. It would be acceptable as the secondary access for fire.

Commissioner Parrish said the letter from the Fire Department notes apprehension with the Wilsonville Road and Hwy 219 interchange and the subsequent access to the development.

Ms. Barbara Mingay, Planning Technician, read the January 30, 2001 letter from the Fire Department concerning issues with the number of calls to the area last year (approximately 2,289). She stated that if the development was approved, it would require two public accesses.

Mr. Campbell responded by stating that he is aware of the accidents in the immediate area and the proposed development may create more responses, such as other areas of the City. The development will generate tax revenues which will allow for expansion of police and fire resources.

Commissioner Wall discussed public participation in the process and the Commission's deliberation for: Urban Reserve Area inclusion and the Urban Growth Boundary amendment being approved without sufficient review and examination.

Mr. Campbell said he was not a part of the discussion in the Urban Reserve/Urban Growth Boundary review. He is aware of the identified priority system used by the City. The specific area was one of the primary areas which can be served, addressed, identified and developed.

Commissioner Haug asked about the 1997 Urban Growth Boundary review. Mr. Campbell said the legislative review was done at the inception of the land use process. In 1997, a special committee was appointed to review the process and a study of the Urban Reserve Area.

Commissioner Wall said that the Development Code says the City is not to approve an application unless services can be reasonably available within a certain period of time. Commissioner Wall said that optimistically, there are no improvements scheduled for the area for about five years.

Mr. Campbell said the intersection may have problems and it is true that the proposed development would be adding to the congestion, but the proposed development did not create the problem. There are numerous areas within the City which have problems that need to be fixed. He said that in fact, some cities operate intersections at "D" or "F" levels until a major improvement can be made. They allow the growth to occur but look for immediate measures to address the problem. He would recommend that the City allow the subject development to come in and then, through the development process, we could all figure out ways to handle the problems.

Mr. Brierley suggested that the Commission address the information presented and not entertain further discussion with the applicant. Discussion was held concerning future build-outs and the total impact for the surrounding property and intersection.

Commissioner Hannum addressed the letter from ODOT (page 3 - second paragraph) noting that the applicant does not demonstrate the impacts on the area. He asked if Mr. Campbell believed what ODOT was attempting to disclose?

Mr. Campbell stated that DKS (traffic consultant) addressed ODOT's concerns: the existing roadway, the cluster classification, and that minimum performance standards will be met. Discussion was held concerning long range planning, collector streets and access. He said the applicant is not changing the classification of the roadway, which would require opening of long range planning for the area.

Commissioner Larson addressed the following concerns: The applicant's original presentation involved R-3 property and the City suggested that the property should all be R-2. The original proposal noted that part of the subject property would be designated R-3, with a higher density in R-2. Commissioner Larson asked why the applicant would allow the approval of the decrease in density?

Mr. Campbell said the decrease in density would allow for mixed use. There is a lack of R-3 property in the City. Some areas of the subject property may not be best suited for R-3 designation, but still meets the density which is greatly needed by the City. Mr. Campbell said that economically, they are still meeting the density of 200 units, maybe even lower.

Commissioner Larson then asked that if the City goes along with the UGB amendment and the property is annexed, taking into consideration the five year buildout, and by some stroke of imagination, ODOT decides to go through the subject property, what would happen then?

Mr. Campbell said that in that event, ODOT would have to buy the land and it would kill the project as planned. ODOT would have to pay the appraised value for the land. Not all of the property would be valued as agricultural land. The vacant land would be minimally compared to other properties in the URA. If ODOT decides the bypass goes through the subject property, and if ODOT does not determine the alignment quickly, it will, of course, affect the future property owners. This would be a larger impact than if the subject property was still vacant land. To summarize, Mr. Campbell said the cost will be somewhere between condemnation of the land and the value of the property during the project development stage.

Commissioner Larson said that once the property is rezoned R-2, it would become more valuable than the current designation as agricultural. Discussion was held concerning the market rate value within the City (\$40,000 - \$100,000 an acre). Mr. Campbell said that if ODOT decides within the next year to do the bypass near the property, the developer will not be doing anything. They can commit to work with ODOT during the coming year and to figure out what will be done to affect the proposed development. The City should be concerned where ODOT is going with the bypass alternatives which will affect all surrounding communities.

Commissioner Larson discussed the 1/4 acre park designation. He said that in using the City figures, each dwelling unit yields 2.2 people (if multi-family it is 1.9), which accounts for approximately 400 people for the total build out. He said he was concerned how a 1/4 acre park would serve the project of 200 families taking into consideration the adjoining mobile home park residents.

Mr. Campbell said he has done research which shows 1.7 people per residential unit. He addressed school capacity reports.

Tape 2 - Side 1:

Mr. Campbell said that in communities, park space is classified differently dependent upon the need (baseball, soccer events, etc.) which addresses a larger number of children. The Chehalem Park District will provide for these types of uses. The developer is giving the land in hopes that they will be able to develop a regional park which can help solve the problem of use.

Chair Rierson called for a recess at 8:40 p.m. The meeting reconvened at 8:47 p.m.

Commissioner Haug discussed certain compromises which could be made or mitigated.

1. Stream corridor. Commissioner Haug asked for Mr. Campbell's clarification of where he believes the stream corridor lies.

Mr. Campbell reviewed the Hickert property (trees and vacant area - Springbrook side versus the golf course side). He also reviewed the wetland study in which the wetlands determination is done at the time of development due to the costs involved (approximately \$10,000). The stream corridor is considered "top of bank" and NOT "top of hill" or designations for the 25 year flood level. The studies show where the flood plain is through FEMA maps.

Commissioner Haug said that the stream corridor determined at Hess Creek (Commissioner Haug's back yard) was determined to be "at the top of the hill". Discussion was held concerning compromising the delineation of the boundary for the stream corridor. Mr. Campbell said he would like to see scientific data which describes and defines the stream corridor (to be done through the development process).

Commissioner Haug said the lines have to be identified concurrent with annexation, not with development. He disagrees that the standard for protecting the stream should be used on property which already has natural resources. He would propose that at the time of the development review, the developer would propose a stream corridor protection plan as well as at the time of the UGB amendment application. The protection plan should be designed so that storm water entering the stream, would not damage existing and future habitat. In essence, a compromise which would prohibit drainage from development to stream, bio-swell traps, erosion trappings, etc.

Mr. Campbell said that it is the developer's intention to protect the area. They are giving 5.3 acres to protect the area. They are not sure exactly where on the property, but this can be decided at the development review process (define the boundary to meet the goals of the condition). Mr. Campbell said that he will need to see the final condition for approval, but based upon the merits, he would agree with what Commissioner Haug has indicated. Discussion was held concerning the differing philosophy in what the Commission would want and what the applicant wants to do. Since the development is going to donate the property, we should preserve the area.

Commission Haug asked if the developer would consider enlarging the neighborhood park from 1/4 acre to include part of the 5.3 donated acres. Mr. Campbell said they do not have a specific development plan. Discussion was held concerning development agreements which would maintain the quality of the property. Mr. Campbell said that he feels that if given time, they can work with staff to arrive at some mutual agreement.

Chair Rierson polled the audience regarding interest in the second hearing on the agenda (CPA-16-00 : Chehalem Park and Recreation District amending the Development Code and Comprehensive Plan relating to creation of a Community Facilities (CF) zoning district.

Mr. John Bridges, attorney for Chehalem Park & Recreation District, asked that the hearing NOT be continued. The meeting continued with the UGB-1/ANX-00 hearing discussion.

Commissioner Haug asked if Mr. Campbell would agree that the residential development would be limited to site built (not manufactured) homes (prohibition of mobile homes). Mr. Campbell clarified that the development would not be restricted for apartments.

Commissioner Larson addressed concerns about limiting the development of a manufactured home park. Commissioner Haug clarified the limitation by the applicant to site built homes. Commissioner Larson objected to the intent of Commissioner Haug's statements.

Commissioner Haug expressed concerns over ODOT's documentation referencing an 18 month decision to determine the route they will take for the bypass. He asked whether or not the applicant would delay annexation of the property until ODOT decided the route; and further, would the developer withhold all development for the 18 months pending ODOT's decision? Mr. Campbell said he would agree to an 18 month moratorium on the development of the property.

Mr. Mart Storm said that he would agree to Commissioner Haug's proposal so as long as the City was

willing to continue to process their application and that the design review was being done during the 18 month period. Commissioner Haug said he is concerned about having to purchase the property due to the bypass route alternatives.

Commissioner Haug asked if the application would agree to defer any residential development of the property until some initial solutions are in place, even if temporarily, which would mitigate the traffic problems and the need for additional traffic control systems? Commissioner Haug said there is less leverage to mitigate when the property is already in the City, but with this specific annexation request, the City has the opportunity to work with the applicant and negotiate possible solutions involving traffic and infrastructure funding.

Mr. Campbell said the applicant would be willing to accept delay of the development pending a resolution of an adequate solution which may include the installation of 4 way stops, signals, etc. and future SDC's which would help kick-start the improvement.

Commissioner Haug said that he uses the subject intersection on a daily basis and there is already an existing problem. Commissioner Haug asked whether or not the applicant would delay any ground breaking until there was some activity in regard to a solution to improve the operations of the intersection?

Mr. Campbell discussed combining turn lanes with a 4-way stop. He said the City wants a pump station and also a golf course with access. Mr. Campbell said that he will get with staff to discuss negotiating Commissioner Haug's concerns.

Commissioner Haug said that he warned the City that the park originally was 6.5 acres and now it is down to 5.3 acres. Mr. Campbell said that a condition be placed in the record that the property be defined based upon the stream corridor boundary being further defined. Mr. Campbell said the applicant stated that the park property to be donated was between 5 to 6 acres.

Commissioner Haug said he would like to see a clearer picture of what the boundary lines are and what are the rules to make that determination. He would also like to see the explicit delineation of where a neighborhood park would serve the mobile home park and the proposed development. If the applicant could come up with that specific area, it would serve the best interest for the public and be more favorably viewed on a City wide vote (annexation).

Commissioner Haug said he had a concern about the access on Springbrook Road. The neighbor to the north is approximately 5 feet away from the proposed access street. Mr. Campbell said that the home was built some time ago. Commissioner Haug said it seems from the information received so far, they have no interest in further subdividing and developing where the home sits. The developer intends to place a fence along the property. To impose a 3/4 street would be stealing the property owners' rights and force them to accept a quality of life different than what they planned or cause them to abandon their home because the street will be developed to full size at some time in the future. Commissioner Haug said that it seems to him, as he remembers the mobile home park going in, that the intention was to build the streets out with possible roundabouts. In the alternative, what has happened, is that a narrow private street was placed, maximizing revenue. Even with displacement of the rental lots, an alternative exists for the mobile home park owner to go ahead and widen the access road and make it a public street onto Springbrook Road.

Mr. Campbell said he cannot speak on the prior mobile home park issue. Discussion was held concerning the access which is a legal easement created to access land-locked property (Hickerts). The original agreement that was agreed to by the owners of Springbrook Estates was for when the mobile home park was expanded, and the private road would be needed. Discussion was held concerning expanding the street and possibly requiring existing mobile home owners to move due to expansion.

Commissioner Haug said that the owner of the mobile home park and the owner of the proposed development arrived at some agreement. Mr. Campbell said that through landscaping and fencing

measures, the privacy issues could be resolved. Discussion was held concerning changing the R-2 zoning to another designation. He said that Springbrook Road is far more active than the small access road. Further discussion was held concerning the build-out of the 3/4 street which would benefit the adjoining property owner when developed. Commissioner Haug said that causing the adjoining property owner to do anything that he would not necessarily do on his own is not right. Mr. Campbell said the subject house is presently being rented and is not owner occupied.

Commissioner Haug asked Mr. Campbell about the pros and cons in using the mobile home park streets as an alternative in providing a more sufficient access for the proposed development. Mr. Campbell said the City has approved the access.

Tape 2 - Side 2:

Commissioner Wall questioned the zoning for apartments/town homes, etc. (1-2 bedroom units) having less of an impact on water/sewer service and on traffic congestion than a single family residential home. Discussion was held concerning traffic and school impacts.

Commissioner Wall addressed police service, capacity standards and the testimony presented from the School District and Police Department. Discussion was held concerning increased revenue which would be generated from the proposed development. Commissioner Wall said the Commission generally receives comments from the Police Department and School District with no problems. City staff has received communication from the agencies addressing their concerns.

Mr. Campbell said he talked with the School District Maintenance Supervisor who indicated that they are anticipating the passage of a School District bond levy in 2002.

Commissioner Molzahn said that the Commission is close in the process in looking at adjustments to the UGB. He would like to recommend that the Commission move on to the other proponents who are in attendance.

Commissioner Parrish reviewed the March, 1996 Planning Commission minutes which addressed the mobile home park. Commissioner Parrish said there was also a concern in 1996 about the development and the north road access.

Commissioner Parrish said the signs in the mobile home park state "no parking", but the police department does not enforce the area because it is a private road. Discussion was held concerning the ownership and management of the mobile home park. Mr. Storm said that a vehicle was towed recently in a "no parking" zone. Mr. Storm said there were two applications for the mobile home park: Phase I and Phase II. Discussion was held concerning the two phases. The first Phase had a consultant to design the mobile home park. He was insistent on meeting the state mobile home park design regulated by the State, not by City Ordinance. He had specific designs to meet the state guidelines. The developer placed 28 ft. streets in the park based upon the consultant's recommendation (instead of 32 ft.). They added 7 or 8 parking spaces where they took a home out in Phase I to address the parking concerns. The 3/4 street to the north does not require the property owner to develop. Discussion was held concerning interim street standards.

Chair Rierson asked staff for clarification for "permanent" and "interim" streets. Mr. Brierley said that an "interim" street is allowed if it will be a full street in the future and is redevelopable if the opportunity for development is available.

Mr. Storm continued with testimony on the intersection of Hwy 219 and Wilsonville Road. He said that if they are required to place a right turn lane as proposed by the City, the developer will accommodate the request, if the standard so requires it and the need is attributable to the subject development.

Commissioner Wall discussed the City's potential negligence in approving such a development based on certain criteria. Discussion was held concerning visualizing concrete solutions to problems addressed by the Commission.

Commissioner Haug asked if Mr. Storm would agree to delaying development until the faulty conditions of the intersection are resolved. He would like to see the applicant agree to a condition that development is not initiated until the problem is resolved. Mr. Storm addressed hypothetical increased traffic factors and the developer's commitment to work with the City in resolving issues dealing with the failure of the intersection. Mr. Campbell said that he agreed to work with staff.

Mr. Brierley said the Commission should not deliberate with the applicant.

Commissioner Parrish asked about the turning lane on Springbrook Road. Mr. Storm said he believes there is adequate right-of-way space to accommodate the turn lane. Mr. Storm said when they did the mobile home park, they dedicated 10 feet and worked with PGE to widen the road. Commissioner Parrish discussed conditions of approval in Phase I (no parking restrictions). Commissioner Parrish said he believes there is "no parking" on each side of Springbrook Road. Mr. Storm said that the existing right-of-way is 40 feet wide (off Springbrook Road). PGE has dedicated an additional 10 feet. The mobile home park did an additional 10 feet. He said that it may actually be wider than 60 feet, however. A collector street with a right hand turn is 46 feet.

Commissioner Parrish expressed concerns about ODOT's January 8th letter stating that the Hwy. 219/Wilsonville Road intersection has a safety concern. He commented on ODOT's 5 year evaluation period addressed in the letter. Mr. Storm said that regardless of ODOT, the City and the applicant should do something to alleviate the problem at the intersection. Mr. Storm said he cannot fix the entire problem. What he can agree to do is to fix what his development would create. Commissioner Parrish said that with an increase of 300-400 people, the proposed development will have a great impact. Mr. Storm said that if a residence in Newberg is valued at \$100,000 and pays \$15.00 per \$1,000, a certain amount of that contribution goes to the police department, it would pay more money than an existing residence on the property.

Mr. Storm said that if the proposed new development provides for more revenue than an existing house, the increased revenue would allow for improvements and police service to serve the area.

Commissioner Parrish discussed the Springbrook Oaks project in connection with the proposed development, the anticipated increase in the level of service and whether or not the City would be able to keep up with the growth and level of service.

Mr. Storm discussed the stream corridor protection proposal mentioned by Commissioner Haug making the applicant agree to a protection plan to maintain the water quality and habitat. Mr. Storm said he would agree.

OPPONENT:

Mr. John Bridges, attorney representing Mr. and Mrs. Elbert, 515 E. First Street, Newberg, Oregon 97132, property owners to the north, said he did not receive a copy of the January 30 letter from the proponent in order to respond. Mr. Bridges said that he would have contacted the School District and the Police Department himself to discuss his concerns. Mr. Bridges indicated that he sent a letter to the staff which addresses issues of importance.

Tape 3 - Side 1:

Mr. John Bridges reviewed a map of Mr. and Mrs. Elbert's property and the potential impact to their residence if the access road is allowed to be extended. He noted in the record that his letter estimated

distances to get an proposed distance. Mr. Bridges noted there were other commercial developments (industrial parks) in the surrounding area and compared conflicts to existing business access. Mr. Bridges discussed interim street standards (28 ft. paved surface). He said that the Cobblecreek Drive is already paved at 30 ft. Mr. Bridges said that if the Commission tells the Fire Department that 28 feet is okay, but that 30 feet is existing, the Fire Department could object. Mr. Bridges had previously provided a copy of the Agreement with Mr. and Mrs. Elbert and NSP Development. Both developers are developing the mobile home development and Springbrook Estates. Essentially, the applicant is asking for approval of northern access, and it would require Mr. and Mrs. Elbert to tear down the existing house which would allow for the placement of an access along the southern boundary. He said that the Elbert's appealed the Commission's approval for the mobile home park, and as part of the settlement, they arrived at an agreement (page V-1-29 of the staff report packet). Mr. Bridges said there are 127 mobile home sites and they want and additional 200 home sites within the new development. Discussion was held concerning displacing home owners in the mobile home park. Mr. Bridges added that there are quite a few mobile homes for sale in the mobile home park.

Mr. Bridges questioned whether or not there are wetland jurisdictional issues. He also questioned the conclusion that it is good to mix industrial and residential properties. His client has an industry on his property. Discussion was held concerning the URA study (water availability/well site acquisition). He commended staff on comparisons of other URA sites. He would have liked to see comparisons on sites inside and outside the UGB. Mr. Bridges said that the applicant has failed to address facility issues. Discussion was held concerning comparing Springbrook Oaks and the proposed development. The applicant has lumped all the numbers into the Springbrook Oaks development along with their development. Discussion was held concerning ODOT's realignment of Springbrook Road which would take the situation from a "D" level to an "F" level of concern.

Commissioner Haug said Mr. Bridges wanted to contact the Police and School District himself for verification. He said there will be other evidentiary hearings: NUAMC and City Council and probably Yamhill County (which may not be evidentiary). The Commission has done a thorough job to consider all the issues. He suggested that the Commission not hold up their decision for any additional information which may be obtained from other sources. Mr. Bridges addressed the potential School District bond measure in 2002 and suggested that the Commission research how many school bond measures passed.

Commissioner Wall said that it is pretty much accepted in the community, that a bond likely may not pass. He recommended that Mr. Bridges obtain a copy of the ODOT letter.

Commissioner Parrish disclosed in his site evaluation that in Phase II of the mobile home park, there is a house between the two phases (belonging to the Masons), in which they were promised a certain amount of privacy. He has viewed the "privacy" fencing being not as "private" as what was expected.

Commissioner Haug said that the mobile home park road in Phase I is 30 ft. and is the acceptable access to Springbrook Road. Commissioner Haug requested a copy of the minutes from the meeting which discussed Phase I of the mobile home park.

Chair Rierson said that it was a private street and was not used as a public street. Ms. Mingay said that the minutes for that part of the project are not available. Discussion was held concerning whether or not the decision to proceed with Phase I was an administrative (staff) decision or it was heard before the Planning Commission.

Mr. Brierley said the street can be done as a combination of public and private street.

Commissioner Haug discussed a joint ownership agreement with the applicants.

Mr. Bridges reviewed alternatives to the paving standards (by the use of over-lay measures). The applicant said they will provide the water through the mobile home, but will continue the taps to supply water to the new residential development.

Dianna Fowler, 28805 Wilsonville Road, Newberg, Oregon 97132, said she and her husband (Roger Fowler) were the property owners to the east of the proposed site. She said that it was her and her husband's hope that when the property is developed, it be done with high enough standards (pride of ownership) because some of the issues that have arisen with the mobile home park (such as no play ground area), would force the children to go somewhere else to play which may not be safe. Mrs. Fowler said that currently, there is a "no trespassing" chain, but questions who will monitor this property during the development process. She said her property has incurred water drainage problems and that water run-off has caused erosion which also affects portions of Wilsonville Road. Mrs. Fowler said that she too travels Wilsonville Road on a daily basis and questions the traffic study calculations and peak hours. Mrs. Fowler said she has lived in the area for over eight years and she has seen many accidents due to the angle of Wilsonville Road.

Commissioner Parrish said he too lives on Wilsonville Road and also questions the hours noted in the traffic study. The backup on Wilsonville Road affects Springbrook Road traffic and Hwy 219.

Mrs. Fowler said that she frequently drives through the mobile home park to access Wilsonville Road and Springbrook Road. She said that anytime after 3:30 p.m., there is a problem.

Commissioner Haug asked Mrs. Fowler what she believed would be an adequate amount of space to service the number of kids in the mobile home park and the proposed development. Mrs. Fowler said she could not make such a comment.

Commissioner Molzahn said that as a realtor, the market value per home in the proposed development is around \$140,000 due to the area.

Commissioner Haug asked Mrs. Fowler if she had witnessed any changes within the last 5-6 years to the stream corridor. Mrs. Fowler said that fill dirt was placed in the area to prevent further erosion.

Commissioner Wall asked if Mrs. Fowler had an opportunity to view Willamette Landing's response letter. Mrs. Fowler said she is concerned that the mobile home park was originally perceived as a senior facility. She perceives an apartment complex in her front yard rather than single family homes.

Commissioner Wall addressed mixed use development proposal with 50-75% of town homes and apartments.

Chair Rierson called for a break at 10:05 p.m. The meeting reconvened at 10:10 p.m.

Tape 3 - Side 2:

Mr. Campbell said as far as the ownership of the property, one of the Willamette Landing partners is in partnership with other people (Springbrook Estates). Mr. Campbell said that he discussed access issues with the Fire Marshall and City staff. Discussion was held concerning interim street access to provide for fire access. It is not the developer's intention to take out existing mobile homes to accommodate the new development. He said that things can be mitigated to resolve the issues raised by the Commission (such as landscaping and fencing). A biologist did an initial survey on the wetlands and a more thorough study will be done when development occurs. The applicant was not required to do a wetland study until development is done. Mr. Campbell reviewed the mixed use concept. In regard to the park requirement, the applicant will work with the City to determine what is needed and appropriate. The applicant recognizes the traffic impact and wants to work with the City to resolve the problems. He requested the opportunity to find interim measures to accommodate the existing problem which would handle the future growth in the area. The traffic study did indicate there would be an impact and the applicant is willing to work with the City.

Mr. Campbell addressed the concerns mentioned by the Commission regarding going from a hazard level of "D" to level of "F".

Commissioner Haug asked Mr. Campbell if the applicant would address the concerns as to the level changes.

Mr. Brierley said the traffic study looks at existing conditions plus other improved areas.

Commissioner Haug addressed the stream corridor habitat.

Mr. Campbell said they are dedicating property for that specific protection.

Commissioner Haug asked about whether or not the developer would consider placing a stone or brick wall rather than a wooden fence? Discussion was held concerning the allowance of sub-standard public streets which would accommodate variances to the Code.

Mr. Brierley said that the Code does not provide for changes, but staff could consider interim streets which may or may not become full streets in the future.

Motion #4:	Hannum to continue the public hearing. The motion was withdrawn.
-------------------	---

Mr. Brierley said the Commission could direct staff to prepare a resolution which would include conditions for approval or denial of the application. Mr. Brierley said that the Commission should, however, close the public hearing and testimony.

Chair Rierson closed the public hearing.

Commissioner Wall said the Commission is approaching the matter as in an application process, but there are issues relating to a UGB expansion and an annexation request which makes the decision complex.

Commissioner Haug said he believed that staff is attempting to get a direction from the Commission as to what they are looking for and to help them make a decision.

Chair Rierson said he would like to have staff prepare a statement as to what should be considered and based on the criteria and testimony, whether or not to approve or deny the request for an UGB Amendment and application is appropriate. The conditions for approval, or denial, should be clearly stated.

Commissioner Parrish said he is opposed to the straw vote consensus. There has been quite a bit of information and statements made by the applicant which are not concrete. He stated there should be more non-flexible conditions which should be followed.

Commissioner Haug said there are conditions which try to address the negative issues raised by the Commission. A development agreement with conditions of approval could be defined at a future meeting.

Commissioner Parrish said there is quite a bit of money at stake. This is a quasi-judicial hearing. There are definite opposing opinions which have been presented by the developer and the opponents. The neighbors have realistic and valid concerns. He would like to see a more concrete approach to any conditions of approval due to past promises made.

Chair Rierson said it is a good idea to provide more concrete definitions and promises which will need to be met before proceeding.

Commissioner Haug said that he would request that staff take the various issues and arrive at options for the Commission to review and consider. The Commission can then deliberate on the options presented or offer separate and different options.

Commissioner Wall said that due to the lateness of the meeting, it would be difficult to make any realistic decisions tonight. Mr. Brierley said he would like a motion to direct staff to bring a resolution detailing the conditions suggested at the meeting; or, in the alternative, the Commission could make a motion directing staff to return a resolution with the findings of the meeting.

Commissioner Parrish said the Commission had not deliberated, only discussed some issues.

Commissioner Wall said he would recommend denial of all three sections.

Commissioner Haug said he would like to see the conditions discussed concerning the levels of impact which would mitigate reasons for denial. Discussion was held concerning the options available. If the Commission voted to deny the application, findings would have to be identified.

Chair Rierson said that if the Commission denied the application, but City staff forwarded it on to the City Council on their own for review and approval, it may cause a problem.

Commissioner Molzahn discussed the purpose of a development agreement and how the proposed resolution could outline the conditions of approval.

Commissioner Parrish said he would prefer that the Commission arrive at some decision to direct staff to prepare a resolution, if appropriate.

Commissioner Hannum said that he is concerned about the stream corridor, degradation of the water source and providing stronger language in the findings to insure proper development. If the Commission is looking at the recommendation for denial of the annexation, it should have language with more stringent conditions of denial. Commissioner Hannum addressed the following concerns:

1. Reservation for stream corridor;
2. Access problems in terms of the 3/4 street being problematic and location of the additional access;
3. The access on the south is not adequate either;
4. The park is probably reasonable; and
5. The pocket park is also probably reasonable (for parents with small children).

Commission Larson said the key issue is DLCD's letter advising the City not to approve the application. The letter has not been revoked by DLCD. Discussion was held concerning the quasi-judicial hearing process.

Commissioner Larson said the UGB amendment and the annexation issue being combined cause problems. The development process itself, is to be considered last. The issue is not the stream corridor; rather the central issue being the UGB amendment and annexation. Discussion was held concerning the intersection issue which cannot be resolved with the approval or denial of this project.

Commissioner Parrish asked the Chair to proceed into deliberation.

Tape 4 - Side 1:

Discussion was held concerning the decision of the Commission to continue the hearing and deliberate.

Commissioner Haug said staff has already broken down the two issues: UGB amendment and the annexation. He feels that things can come together if the Commission keeps the issues separate.

Discussion was held concerning staff providing findings and conditions for approval or denial.

Commissioner Larson described separating the issues and voting on each portion.

Motion #5:	Haug/Hannum to have staff provide conditions or findings for approval or denial. Clarification: Ms. Mingay clarified that the proposed resolution in the Commission packet would be amended to provide for the findings of approval. An alternate resolution would be prepared for denial.
-------------------	---

Vote on Motion #5:	The Motion carried (6 Yes/1 No [Parrish]). Motion carried.
---------------------------	---

Motion #6:	Haug/Hannum to continue the hearing to the March meeting.
-------------------	--

Vote on Motion #6:	The Motion carried (unanimously).
---------------------------	-----------------------------------

V. 2 QUASI-JUDICIAL PUBLIC HEARING #2

APPLICANT: Chehalem Park and Recreation District
REQUEST: Amend the Newberg Development Code and Comprehensive Plan relating to creation of a Community Facilities (CF) zoning district
LOCATION: City Wide
FILE NO: CPA-16-00 **RESOLUTION NO.:** 2000-137
CRITERIA: Newberg Development Code Section 10.20.030

Motion # 7:	Haug/Molzahn to continue the meeting to the March 8, 2001.
--------------------	---

Vote on Motion #7:	The Motion carried (unanimously).
---------------------------	-----------------------------------

VI. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: March 8, 2001
4. Joint City Council/Planning Commission Meeting: February 12, 2001

Discussion was held concerning moving the joint meeting scheduled for February 12, 2001 to the 4th Thursday of March, 2001 (March 22). Mr. Brierley said he would review it with the City Manager Duane Cole. Discussion was held concerning some Commissioners not being available and that staff would consult with the City Manager concerning available dates with the Council. The Commission then expressed favorability for the March 29 date.

Mr. Brierley noted that the Council approved a Transportation Task Force to review transportation issues. Commissioner Haug said he would volunteer.

Mr. Brierley said that March 3 and 10 would be "visioning" meetings with the public.

Mr. Brierley said the County Commissioners heard the hearing on the Baker Rock issue and approved their application today. The City Council has been working on the amendments to the peddlers and solicitors vending permits. He talked with Mr. McBride concerning his property. Discussion was held concerning Mr. McBride's property and installation of landscaping requirements.

Discussion was held concerning combining too many issues together, such as UGB amendments, annexations and similar type hearings.

VII. ITEMS FROM COMMISSIONERS

None.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 12: 15 a.m.

Passed by the Planning Commission of the City of Newberg this 8th day of March, 2001.

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

ATTEST:

Peggy R. Hall 3-8-01
Planning Commission Recording Secretary Signature

Peggy R. Hall 3-8-01
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE FEBRUARY 8, 2001 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/ANX-00 Maps/poster board from Applicant

LABELS FROM THE 2/8/01
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
Diana Fowler
Roger Fowler
28805 NEWBERG Wilsonville Road
Newberg, Oregon 97132

UGB-1/ANX-00
Mart Storm
22965 Sunnycrest Road
Newberg, Oregon 97132

UGB-1/ANX-00
Doug Campbell
Willamette Landing
PO Box 6059
Portland, Oregon 97201

UGB-1/ANX-00
John Bridges
Attorney for M/M Elbert
515 E. First Street
Newberg, Oregon 97132

CPA-16-00
John Bridges
Attorney for Chehalem P & Rec
515 E. First Street
Newberg, Oregon 97132