

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, MARCH 8, 2001 AT 7 P.M.

Approved at the April 12, 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, Chair	Lon Wall, Vice Chair	

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 February 8, 2001 Planning Commission Meeting Minutes

Motion #1:	Wall/Molzahn voted to approve the consent calendar items, approving the minutes of the Planning Commission Meeting.
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Vote on Motion #1:	The Motion carried (6 Yes/1 Absent [Parrish]).
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IV. COMMUNICATIONS FROM THE FLOOR (five minute maximum per person)

None.

V. QUASI-JUDICIAL PUBLIC HEARINGS

QUASI-JUDICIAL PUBLIC HEARING #1

CONTINUED FROM THE 2/8/01 MEETING
(THE PLANNING COMMISSION HAS CLOSED THE PUBLIC TESTIMONY)

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(s): 2000-136; 2001-138

**CRITERIA:
COMPREHENSIVE
PLAN/ZONE:**

NUAMC Agreement, NDC 10.20.030, NDC 10.36.030, NDC 10.36.080
Yamhill County VLDR (Very Low Density Residential) with current
zoning of EF-40 (Exclusive Farm Use).

OPEN FOR PUBLIC HEARING:

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

Abstentions/ex-parte contact: None.

Objections: None.

Staff Report and Preliminary Staff Recommendation: **Mr. Barton Brierley** read a statement concerning the Webster Hayne debate. He then presented the staff report which included two resolutions: one approving the UGB amendment and annexation; and one recommending denial.

Commissioner Parrish appeared at the meeting at 7:05 p.m.

Mr. Brierley reviewed Resolution No. 2000-136 noting specific provisions in which the applicant would provide certain documentation prior to the issue being presented before the City Council. Mr. Brierley discussed a possible resolution to the site access problem by the use of a variance in order to allow a street to go through the mobile home park as an alternate route.

Commissioner Haug said that rather than having sidewalks along Springbrook Road, maybe the variance could be an alternative route due to the anticipated increase in pedestrian traffic.

Commissioner Larson reviewed certain Development Code language which provided for the allowance of manufactured homes in the area. He added that he believes that a manufactured home is less expensive than a site built home. He said that if this is true, if the City limited or excluded manufactured homes in this area, that would go against the City's policy to provide for affordable housing.

Mr. Brierley said that the Commission can make necessary amendments to portions of both Resolutions, if that is their direction.

Commissioner Haug asked for clarification in regard to the stream corridor delineation.

Mr. Brierley said it has already been determined in past instances that it was defined as "top of bank" (greater than 20% slope).

Commissioner Haug discussed the implications of Measure 7 and reduced property values. He said it appears that the area would have "increased" property values. Mr. Brierley said that under Measure 7, if someone feels that a rule has been applied to their property and they feel that rule or regulation has reduced the value of their property, they can file a claim with the agency that adopted the regulation. Mr. Brierley said that the property owner may file against the City if they feel that the City, in fact, changed the rules.

Mr. Brierley reviewed the second Resolution (No. 2000-138) which denies the UGB and annexation request. He said that the Resolution's contents were based upon the staff report, the comments and findings previously made by the Planning Commission and the applicant's and public testimony received. He reviewed the findings contained in the staff report:

- 1) Transportation Issues (level of service).
- 2) Possible conflicts with bypass. Finding would be that there is an existing comprehensive plan that negates a bypass in the area, and if brought in the UGB, it would increase the cost to the bypass. Coordination with ODOT would be required (not timely).

- 3) Need for two public accesses for this amount of development proposed. Applicant is only proposing one viable access. Therefore, there is insufficient access.
- 4) Environmental impacts.
- 5) Inadequacy as to facilities and services (police, fire, schools and park services).

He noted that the Commission could adopt the Resolution to deny the request with specific modifications, if deemed appropriate.

Chair Rierson said that if the application was denied by the Planning Commissioner, but later approved by the City Council, what language should be added to enforce the Planning Commission's recommendations?

Commissioner Parrish asked for clarification of the procedure.

Commissioner Haug said that he is interested in what other Commissioners have to say about the whole request. Commissioner Haug identified his concerns but further requested additional findings which should be attached to the correct Resolution for approval or denial. He added that by additional specific conditions to either Resolution, it would help clarify the Commission's intent. If the conditions for approval were more specific, the applicant could not proceed without compliance with the conditions. Discussion was held concerning the stream corridor zone.

Commissioner Wall said he is recommending adoption of Resolution No. 2000-138 which denies the application request.

Commissioner Hannum complimented staff on the presentation of the information.

Commissioner Parrish said that for clarification purposes, in particular Resolution No. 2000-136 which approves the request, what conditions were present when the Planning Commission approved the Werth (Springbrook Oaks) property, as far as residential development (R-1 property)?

Mr. Brierley said there was a total request of approximately 600 units (some single family, some medium and high density residential). Discussion was held concerning the vacant lands inventory.

Commissioner Parrish discussed Goal 14 issues which address the language that the City "needs" the inclusion of this property in its land inventory. Mr. Brierley said it is located in the findings which is attached to the Resolution.

Commissioner Larson said that he is moving toward denial. Discussion was held to determine which Resolution would be appropriate to approve.

Commissioner Hannum said that as he reads Resolution No. 2000-138 which denies the request, it seems to be as good a job as possible in mitigating the reasons for denial. Commissioner Hannum said that he too is leaning toward denial of the request.

Commissioner Molzahn said that the explanations for denial stray from the issues, and that he believed that further explanation could be done through a development agreement.

Motion #2 :	Wall/Parrish to approve Resolution No. 2001-138 denying the application request.
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Commissioner Wall said that the reason for following this procedure is that the Commission cannot deliberate on the entire request. He said that to some extent, it is a catch-22 situation. The issues in the Resolution are too important to jeopardize the entire project. If approved in the future, the City may lose the opportunity to provide input on a proposed development agreement. Secondly, until he sees from the

City of Newberg that it has the resolve and ability to enforce its land use agreements with existing applicants, he does not see that setting conditions on any future applicants could be adhered to. In the past, the City has had a poor track record on enforcing prior land use agreements. He said he cannot approve the application as requested and added that the Commission is not in any position to make sure or enforce the applicant to address and resolve their concerns sometime in the future. There are so many aspects to this application and that to start with, the UGB expansion needs to be resolved first to separate it from the rest of the application request. Also, in regard to Measure 7, it is true, that anything the City, County or State does to alter the value of a specific property, that particular agency will have to pay the price. Discussion was held concerning bringing in additional surrounding property without more in depth research as what would be the implications of Measure 7. Commissioner Wall discussed the lands inventory and shortages as to specific types of properties. He questioned whether or not the City has fully viewed the Austin property and the Springbrook Oaks developments? Discussion was held concerning Goal 14 needs pertaining to the current development and further developments. Commissioner Wall said he would like to see specific findings concerning Goal 14 and any actual pertinent relationship to the proposed application. He said that this request may be appealed to LUBA which cites the Goal 14 land needs analysis.

Mr. Brierley said the residential needs analysis does include the Austin and Springbrook Oaks projects as they are currently zoned (R-1/R-2, medium and low density, etc.). He said that the zones could change, however.

Commissioner Hannum said that the UGB expansion concerns him.

Commissioner Wall said that there is a general legislative procedure to identify what lands should be brought into the UGB. What appears to be the intent of the law, is that the applicant can bring forward a request. He is saying that if the Commission looks at the criteria for bringing land into the UGB, as in the past, this basically says that the City is just simply bringing land into the UGB because the applicant is merely asking for the request without specific conditions.

Commissioner Haug addressed quasi-judicial and legislative processes. The rules are on the books to allow the process whether the Commission likes it or not.

Commissioner Parrish said that he believes the burden is upon the applicant to prove its case. He said that if the Commission was to approve the project, there should be a more detailed development agreement which included specifics on facilities, services, environmental impact and transportation issues and that the appropriate Resolution should be more specific with its findings.

Commissioner Parrish said he reviewed ODOT's upcoming plans for the intersection and the bypass and ODOT's project funding. He said the Wilsonville Road/Springbrook Road project is scheduled for the year 2005. It appears that the applicant eluded to the fact that the project might be started before 2005. Discussion was held concerning more specific language which included in any type of development agreement: acceptable street width, improvements on Wilsonville Road and a commitment to install turn lanes on Springbrook Road, etc. Commissioner Parrish said that he resides in the area and he does not see how a left turn lane could be accomplished due to bicycle lanes and pedestrian lanes. He added that the Wilsonville Road/Hwy. 219 development should not be done until a total reconfiguration would be completed and full satisfaction has been received. He noted that regarding City services issues, the applicant has indicated how they will provide funding. The services themselves have indicated there is no guarantee. We need more certainty other than SDC fees.

Mr. Brierley said the City takes each application and request separately.

Commissioner Haug said that in looking at both resolutions, he said that Resolution No. 2001-138 is a small document. He said the Commission's purpose was to take the last three months of deliberation and come up with a solution. What he sees in the conditions is what they can negotiate with the developer and

what is acceptable. If the Commission accepts the denial then the hard work over the last three months will be lost and the development agreement issues will be forgotten, the Commission needs to provide findings. Discussion was held concerning providing mandatory criteria supporting either Resolution. The roll of the Commission is to "fact find" and try to solve the problems. Commissioner Haug said he would like to see stronger language (word protection) in protecting the neighbors to the north. He would like to let the Council know what the Commission recommends and how a proposed variance through the mobile home park with no sidewalks, but with pedestrian pathways could be an alternative.

Commissioner Larson said that his basis for denial is that the issues raised in DLCD's letter of December 13 have not been answered (no written rebutted testimony which stated that the City should not approve the application. He said he does not feel the Commission should ignore DLCD's comments. Discussion was held concerning the needs analysis and the development update in the surrounding area. The City is not building out nearly as much as the needs analysis has indicated. Commissioner Larson said that secondly, the URA boundary includes small pieces of land which may or may not be developed. Commissioner Larson discussed the intersection of Hwy. 219/Springbrook Road and Wilsonville Road and what ODOT planned to do by the year 2005 (hear-say should not be considered). From a public policy point of view, it makes no sense to expand the UGB where there is no problem. Thirdly, written factual testimony from ODOT said not to do the development due to the potential bypass construction. Is it reasonable to take 28 acres and bring it inside the UGB and annex to the City and then have the bypass go right through it? It does not make any sense to do this project. The school testimony did not favor the project. Discussion was held whether or not the voters would even approve the annexation. Commissioner Larson said he believed that the use of portable school buildings is not an option. The City of Eugene did an analysis of development charges in the surrounding areas. Newberg's development charges do not actually reflect the true cost of development.

Commissioner Haug questioned whether or not the findings for denial are adequate enough? Discussion was held concerning the testimony provided by citizens, the Newberg School District, Newberg Police and Fire Departments and ODOT.

Commissioner Wall said that based on what was said previously concerning adding additional language to clarify, even for denial, the point was that the agreement had to be strengthened. He noted that bottom line, the Commission can place conditions upon the applicant, but could not realistically place conditions that would adequately mitigate the situation until the ODOT, DLCD, School District, City services and traffic impacts are resolved. Discussion was held concerning adoption the Resolution approving the request, but add specific conditions.

Commissioner Haug said that he would like to see proposals for adding criteria and findings which would reference the over-crowding capacity in schools, transportation issues, ODOT and DLCD's letters and the concerns raised by police and fire services. Any Resolution is only as solid as the support material. He would like to communicate a solution. The proposal for denial is too thinly stated and does not appear to capture the arguments stated.

Commissioner Wall asked if Commissioner Haug would approve the Resolution if it was strengthened properly? Commissioner Haug said that he wanted to identify the problems as clearly as possible to resolve the problems.

Commissioner Larson asked if DLCD recommended denial, what additional support would be needed for approval?

Commissioner Haug restated his contention that the issues raised could be resolved within an 18 month period of time if the applicant was willing to work with the City in resolving the problems raised. He said that he accepts the issues raised by DLCD in its letter; but in looking ahead, he would suggest that the developer agree not to do anything for 18 months in order to see where the bypass and the construction of the intersections are determined.

Commissioner Parrish asked that the testimony and documentation from ODOT and DLCD be added to page 4 (Exhibit "A" to Resolution No. 2001-138 concerning transportation section findings. He would do the same thing for public facilities and services referenced by the School District letter; and finally, the City services documentation (paragraph C), involving inadequacy of services.

Discussion was held concerning voting on the motion and then determining the criteria and conditions of denial.

Commissioner Haug said that the conditions and findings for denial should be included in the Resolution.

Tape 2 - Side 1:

Commissioner Hannum addressed whether or not the Commission believed there was a problem in finalizing the findings and recommendations for denial. He said he would approve a more strengthened findings for denial.

Mr. Brierley said the DLCD letter raised issues prior to receiving the additional documentation from the application.

Commissioner Haug asked the Commission to review the development agreement conditions to see if the problems could be resolved. Discussion was held concerning adding specific conditions to the agreement. Commissioner Haug said there were many issues which needed to be resolved.

Commissioner Wall said he was willing to say that if the Commission could come up with some kind of a statement which says that the applicant, somewhere down the road or in the future, would come up with more favorable circumstances, he could support Commissioner Haug's views. Discussion was held concerning providing background information for future agencies and/or commissions.

Motion # 3:	Haug/Molzahn to amend the motion for denial to include the signed development agreement item found in VI-3 which supports the appropriate findings for denial.
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Commissioner Haug said he is interested in making sure that the Commission provided a good and solid document which include testimony and information received over the past three (3) months (i.e. stream corridor deterioration and habitat preservation). Commissioner Haug said that findings of denial based on erosion can be alleviated by a development agreement (requiring submission of stream corridor plans at the time of development).

Chair Rierson called for a break at 8:50 p.m. The meeting reconvened at 8:55 p.m.

Chair Rierson asked the Commission to determine whether or not to continue with additional agenda items following this hearing.

Mr. John Bridges said that he was in attendance of both public hearings. Discussion was held concerning taking public testimony on the second hearing on the agenda.

Motion # 4:	Haug/Molzahn to continue with the present hearing to see where it leads and to hear the next hearing at this meeting.
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Vote on Motion #4:	The motion carried (unanimously).
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Commissioner Haug addressed pedestrian pathways throughout the development as an alternative in having to provide for sidewalks.

Commissioner Wall said the motion for denial should have a preamble which would provide background information with explanatory statements of "strong suggestions by applicant, staff, the Commission, etc. and that it may be workable if these points would be taken care of..... ". Ms. Mingay said that a second "Now, therefore, be it resolved", could be added after the first paragraph, which would provide conditions for approval.

Commissioner Parrish said that the comments he made earlier regarding Springbrook Estates may have been misconstrued as discriminatory, where they not intended to be and that they be stricken from the record.

Commissioner Haug and Molzahn withdrew their motion to amend motion #3.

Motion #5 :	Haug/Hannum to amend the original motion for denial to include another "Now, Therefore, paragraph, to recommend denial to provide stronger language as noted.
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Commissioner Wall said he may motion to add stronger language to the preamble because he does not want to prejudice any future bodies' decisions. Ms. Mingay referenced the language contained on page VI-31, second page of Resolution No. 2001-138. Ms. Mingay noted that while the Planning Commission recommends denial, and if NUAMC, the City Council or the Yamhill County Board of Commissioners choose to approve the application, the Planning Commission's findings and conditions would be included in their source documents: revised utility plan, a more detailed stream corridor plan and a signed development agreement.

Commissioner Haug said that even though the Planning Commission is denying the application, it provides for explanatory reasons for denial.

Chair Rierson said that others will take the Planning Commission's recommendation, the testimony and information presented with the additional conditions and findings, and make their own decision as to the request.

Commission Molzahn said that the Commission should vote to deny or recommend approval rather than attach conditions to a Resolution of denial. He said that it is an issue on whether or not to approve one Resolution for approval (with conditions) or for complete denial (without conditions). The Commission should determine whether or not the criteria has been met by the applicant. He does not feel the Commission should add additional caveats for conditions of approval.

Mr. Brierley said the Commission could attach Resolution No. 2001-136 (for approval) along with the packet.

Commissioner Haug called for the question.

Vote on Motion #4:	The motion on the amendment to the Motion failed (6 No/1 Yes [Haug]).
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Motion #6 :	Wall/Parrish to amend the original motion to include the findings on Goal 14.
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Commissioner Wall said that to strengthen the argument, he would like to have a position from the Commission on Goal 14. He noted that it was not clear what would happen with the Springbrook Oaks and Austin property developments.

Commissioner Molzahn said the judgments should be based on what they are. If the Austin and Springbrook Oaks properties are included, there would still be a shortage of available lands.

Commissioner Wall said that the applicant has made a statement that it was important for Goal 14 purposes (land inventory). If this matter was appealed to LUBA, it would consider this factor.

Commissioner Larson said that essentially it appeared that the build-out rate in Newberg had slowed down substantially. Commissioner Larson quoted from City sources the number of lots which were developed and the number of acres consumed in those developments since 1998:

<u>Year</u>	<u>No. of Lots</u>	<u>Acres Consumed</u>
1998	59	19.2
1999	71	15.4
2000	43	10.0

Commissioner Haug said the Werth property was committed to certain designs. The Austins are holding on to what they have for the time being and it appears to be a slow down of activity. The City is next to the Metro area and Metro is expanding.

Mr. Brierley said that the following language could be included in Resolution 2001-138 to address Planning Commission concerns about Goal 14 findings:

The applicant has failed to show the need for additional property in the UGB. The development activity as referenced in the record leads the Commission to believe that the needs stated by the applicant are over-stated. The Planning Commission finds the applicants evidence not credible due to current vacant land in the UGB.

Vote on Motion #6:	The motion carried (6 Yes/1 No [Molzahn]).
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Discussion was held concerning the letters from ODOT, DLCD and from City service departments (police and fire) and that they should be included with the packet to the City Council.

Vote on Motion #3:	The motion carried (4 Yes [Hannum/Larson/Parrish/Wall]/3 No [Haug/Molzahn/Rierson), to approve Resolution No. 2001-138 denying the application request as amended.
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Mr. Brierley said the next hearing would be held with NUAMC on March 29 at the Public Safety Building.

Tape 2 - Side 2:

QUASI-JUDICIAL PUBLIC HEARING #2

CONTINUED FROM THE 2/8/01 MEETING

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
CRITERIA: Newberg Development Code Section 10.20.030

RESOLUTION: 2000-137

Abstentions/ex-parte contact: None

Objections: None

Staff Report and Preliminary Staff Recommendation: Ms. Barbara Mingay presented the staff report which recommended the adoption of Resolution 2000-137. She said the proposed changes promoted the Comprehensive Plan Goals. She added that everything decided by the Planning Commission would be referred to the City Council. The primary purpose would allow future development of a golf course and allow for specific additional uses. The amendment would not approve a site specific golf course. The properties could also be used for governmental purposes. This kind of zoning would restrict the land to public use rather than housing. Proposed uses would include: accessory uses, agricultural uses, open space, private public parks, playgrounds, golf courses and public services. Churches, community centers, driving ranges, etc., would be permitted conditionally. There would not be a need to change the City's Comp Plan designations. Most of the uses are identified as permitted uses throughout the Development Code, primarily in residential areas. Ms. Mingay noted that staff also suggested some consideration as to how tall buildings should be and how far the set back should be, etc. Ms. Mingay reviewed proposed development standards:

Height Limitation:	30 to 75 feet depending on adjacent zoning (same as institutional zone)
Front Yard Setback:	25 feet (same as exceptions as institutional zone)
Interior Yard Setback:	10 feet (same as institutional zone)
Lot Size Minimum	None
Lot Coverage Limitation:	None

Ms. Mingay said that staff recommended approval of the Resolution with the previously mentioned development standards.

Commissioner Haug discussed Chehalem Park and Recreation District's request for the amendment. Ms. Mingay said that the use of the property is consistent with existing zoning districts, and that schools are in R-1 and R-2 zoning. Currently zoned land could be converted through zone change requests and be removed from the inventory of buildable lands (out of the R-1 zone).

Commissioner Haug asked for the negatives and what possible disadvantages were there for approval of the request?

Mr. Brierley said the Commission could remove the possibility of CPRD selling the property and choosing not to develop a park, but they would have to go through a rezoning process.

Commissioner Wall reviewed paragraph 3 concerning Community Facilities which negated the current impact analysis required to bring new developable properties into the City, and whether or not it would permit a smoother and more specific transition from rural to urban use.

Mr. Brierley said that if the property was brought in as a park, the Community Facility zone would take into consideration the permitted uses in the new zone and what impact there would be on City services.

Commissioner Wall addressed paragraph 4 concerning the ability to sell public held land without public involvement. Ms. Mingay said it would involve a public hearing process on the zone change request. If CPRD wants to sell the property through a private sale to provide for other uses, it would have to go through a zone change involving a public hearing.

Commissioner Parrish asked if there was this type of zoning designation anywhere else in the State of Oregon? Discussion was held concerning what research was used in comparing and arriving at the conclusions of a CF zoning designation.

Commissioner Parrish requested that staff provide additional background on whether or not this type of zoning had been successful (positives and negatives) elsewhere in Oregon.

Commissioner Parrish addressed concerns involving conditionally permitted uses such as churches, community center, non-profit hospitals and driving ranges.

Ms. Mingay said that the golf course would be an outright permitted use as defined in the City's Development Code.

Commissioner Parrish asked for further clarification on land use planning goals (statewide and local) which were consistent with natural and cultural resources. Discussion was held concerning the creation of an opportunity to statistically separate the residential uses common to the R-1, R-2, R-3, and R-P zones from recreation and/or park type activities serving the entire community.

Ms. Mingay said that in the current R-2 zone, park owned land has the capability of providing dwelling units if built out.

Commissioner Parrish questioned how the CF zone would: 1) permit complete and full inventory of existing and future community needs; 2) allow for smoother transition from rural to urban land uses; 3) protect existing uses from private use encroachment; and 4) allow for purchase of designated property at a rate comparable to the intended use.

Ms. Mingay discussed the annexation process and how the value of the land conceivably could be a higher cost if proposed zoning was MDR as opposed to the proposed CF designation.

Commissioner Parrish asked for clarification of CF zoning designations allowing specific designation of land intended to be used for agricultural uses, open space, schools, parks, golf courses, and other similar activities. While these uses are permitted under these zones, the CF zone is intended to primarily ensure that the existing facilities and parks are protected, rather than to provide for new resources. The zones in place today would not be impacted. At some point in the future, placement of the new designation on specific sites would require a public hearing process.

Discussion was held concerning the inaccurate reflection of vacant land which could potentially impact the City's long term planning goals. The blurring of the true potential urbanization of a tract of land would be even greater for low density uses such as a public park. Additional discussion was held concerning the open space, scenic, natural historic and recreational resource policies.

Mr. Brierley noted that one large 180+/- acre site under the jurisdiction of Chehalis Park & Recreation District could be the single largest open space area within the City if it were annexed and zoned Community Facility (CF). Commissioner Parrish asked that staff provide supplemental information on how creating the district would affect how the land use regulations (according to state statutes) could be handled with this property.

Commissioner Wall asked for a specific definition as to what public and semi-public agencies were. Discussion was held concerning private versus public parks.

Ms. Mingay referred to the City's Comprehensive Plan definitions. Discussion was held concerning private parks and that by any standards they could be considered public or semi-public.

Mr. Brierley said the purpose of the CF district was to provide areas for development of public and semi-public facilities.

Commissioner Haug asked why churches would be included in this new zone.

Mr. Brierley said that churches are included because community centers are included. Under the Religious Land Use and Freedom Act if non-religious public assembly is allowed, religious type activities must be allowed.

Ms. Mingay said that non-profit hospitals, etc., are already classified in institutional zoning.

Chair Rierson read the ORS statutory language.

Proponent: Mr. John Bridges, attorney for Chehalem Park & Recreation District, 515 E. First Street, Newberg, Oregon, provided testimony applicable to the criteria.

Tape 3 - Side 1:

Mr. Bridges said there were developments in which developers have indicated a park would be built but property values were based on residential development and not necessarily for specific park purposes. With the CF zoning, the park property designation would not have an elevated value. An accurate survey of the properties in the City to be used as park land and school land would be available. One of the goals in the Comprehensive Plan was to have schools and parks next to each other. Eventually, the City will be entering into a legislative periodic review (expansions of UGB). With the CF zone, land can be designated as such to make sure the property would be there when it was needed. The staff does a good job at expressing the reasons for the CF zoning. Non-profit hospitals are included in the CF zone as a conditional use. The City's contract with the Sisters of Providence indicated that the Hospital could relocate within 15 years of the contract date (2010). It was an astute move by the City. Because the hospital is bound by the above requirement, designation of future planning helps everyone. The applicant did not do surveys of other cities, but other cities have similar zones with different permitted or conditional uses. Discussion was held concerning accessory buildings, open space uses and how they relate to other zones. Mr. Bridges said the language from other zone designations, including permitted and conditional uses is consistent with the City's Comprehensive Plan. He said that he believes that a different level of impact exists for these CF type operations.

Commissioner Wall asked whether or not CPRD had any power of condemnation? Mr. Bridges said that he cannot say for certain if CPRD does or does not. Commissioner Wall asked why it was considered good policy to allow public/semi-public agencies to be exempt from traffic, sewer and water services, police and fire and school services? Mr. Bridges said that to analyze the impact on these services, you have to look at all permitted uses in a zone and measure impacts based on the most intensive use. Uses identified in the CF zone would likely have less impact than those in an R-1 zone.

Commissioner Wall addressed the possibility of a golf course being placed on the property. Mr. Bridges clarified the language referencing conditional uses. Discussion was held on the various impacts on property (pedestrian, vehicular and other types of transportation).

Commissioner Parrish asked if residential homes would be allowed in the CF zones? Mr. Bridges said that residences would not be allowed within the CF zones. Discussion was held concerning the zoning of the 180+/- acres previously mentioned. Mr. Bridges said he believed it to be AF or AG designation. Mr. Bridges said that if it was zoned CF, the applicant would have to meet all the state statutes and all ordinances generated in the City, Yamhill County and requirements of LCDC. In addition, in order to become annexed, the applicant must meet all statutory requirements.

Commissioner Wall asked if Mr. Bridges knew of any other community which had similar type zoning? Mr. Bridges said he would provide this information to the Commission but did not have the data available for this meeting. Commissioner Wall asked Mr. Bridges if he was aware of a case where a private business sued a governmental agency for allowing consideration and the creation of a new zoning designation such as the CF zoning. Discussion was held concerning the potential of loosening up the standards as previously defined in allowing other classifications.

Mr. Bridges said he talked with City Attorney Terry Mahr about the application request and he would be willing to further address Commissioner Wall's concerns.

Mr. Mark Dane, Blue Sky Planning, 1020 SW Foothills Drive, Portland, Oregon, said that there are similar zones in other communities. In particular, one that is closest to the proposal is in the City of Banks, Oregon. Mr. Dane reviewed the needs analysis and the applicant's policy to commit to a better plan in order to protect and facilitate the land use goals:

1. Completely inventory the property - differentiate the types
2. Allows CPRD to partnership with the City for current and future locations.
3. Limits the range of activities (clearly defines what is allowed)
4. Limits the abilities of the partnership to sell public land (more city control on a quasi-public body).
5. By allowing long range planning, the tool to identify the future location of schools and parks, to designate the property, so that City and/or park district or school can purchase the property at a more accurate value.

Commissioner Wall asked if the "vehicle" to move this forward was the golf course? Mr. Dane said he believed it was. Discussion was held concerning permitted uses, the impact on surrounding developments, intended use and future design review.

Commissioner Hannum discussed the impact statement associated with annexation; i.e., if annexed as an R-1, the impact statement would be appropriate for an R-1 zone. If annexing as a CF, the impact statement written would be appropriate for a CF zone which would be significantly different than an R-1. The issue was that the impact statement would need to be simplified for annexation.

Commissioner Haug addressed what would facilitate the implementation of the golf course? Mr. Dane said that presently if annexed, the 180+/- acres would be designated as R-1 and that golf courses are permitted uses in R-1 zones. Commissioner Haug said there are ways to annex 180+/- acres of R-1 property. Discussion was held concerning the needs analysis.

Alvin Elbert, 704 S. Springbrook Road, Newberg, Oregon, asked for clarification on who could apply for a CF zoning designation? Could he as a land owner (individual), or would it have to be a public agency? Mr. Brierley said that anyone can apply for a CF designation. Mr. Elbert reviewed density transfers. Ms. Mingay said the CF designation does not address density transfers. However, stream corridor designations on specific parcels could have potential density transfers. Mr. Elbert asked if the CF zone is implemented, will CPRD change all their land holdings to CF zones? Ms. Mingay said it is an opportunity to have that change occur. In addition, would zone change fees apply? Discussion was held concerning compiling all CF applications which may be instituted by the City in order to more efficiently effectuate the CF change process. Discussion was also held concerning the vacant land inventory.

Tape 3 - Side 2:

Discussion was held concerning the annexation process in relation to the CF designations, type 2 process and notices to neighbors. Mr. Elbert reviewed the conditional use process which would be heard before the Planning Commission. Mr. Elbert said uses the Planning Commission would want to look at should be placed in the conditional use category.

Commissioner Haug said he has yet to see anything that is not already allowed.

Mr. Elbert said that in the area, there is talk about a golf course which would affect surrounding transportation issues which was not addressed. He said that he feels it is good idea to proceed with the CF designation, but wanted to address transportation issues.

Chair Rierson closed the public testimony.

Ms. Mingay said that staff recommended approval with the changes noted.

Commissioner Haug said he believed it a good tool to have. The City could have used it in developing the City's Specific Plan.

Motion #7 :

Parrish/Larson to continue deliberation to the April 12, 2001 meeting in order to receive requested additional information from the applicant and staff.

Vote on Motion #7:

The motion carried (unanimously).

VI. ITEMS FROM STAFF

1. Update on Council items

Mr. Brierley said the Council has a draft of where they want to be on the temporary merchants issue. The Council initiated the engineering study for the Crater Lane area (partly in the URA, partly in the UGB and partly in the City). The City Council has initiated a task force for addressing transportation issues. The task force is to articulate what the projects are and go beyond what is going on now.

2. Other reports, letters, or correspondence

Mr. Brierley said that he is still working with staff to arrange for a joint Planning Commission and City Council meeting. The NUAMC meeting will be held on March 29 at 7:00 p.m. Mr. Brierley advised the Commission of a meeting that was held last Saturday concerning the future of the downtown area which was held at the Armory building. There was quite a bit of community support and creative ideas presented and a follow-up meeting scheduled for this coming Saturday will focus on how to get the visioning started.

Commissioner Haug discussed conditional uses pertaining to automobile repair shops. He said that he does not remember it being addressed at the last meeting. He challenged the staff to get the idea brought before the committee.

Discussion was held concerning the process in making code amendments and urban growth boundary amendments relating to issues on the downtown core area, including the former Central School property. Mr. Brierley said he anticipated funding strategies to be developed.

5. Next Planning Commission Meeting: April 12, 2001

VII. ITEMS FROM COMMISSIONERS

Commissioner Parrish asked to have staff place on a future agenda the historic zoning designation and the initiation of an upgrade to the historic district policies.

VIII. ADJOURNMENT

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

Passed by the Planning Commission of the City of Newberg this 12th day of April, 2001.

AYES: 7 NO: 0 ABSTAIN: 0 ABSENT: 0
(list names)

ATTEST:


Planning Commission Recording Secretary Signature

Barton Brierley 4-12-01
Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE MARCH 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 #

None

LABELS FROM THE 3/08/01
PLANNING COMMISSION MEETING
FROM THOSE WHO GAVE PUBLIC
TESTIMONY/REGISTRATION CARD

B e to add file number by

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