

PLANNING COMMISSION MINUTES
Newberg Public Safety Building - Newberg, Oregon
THURSDAY, July 10, 2003 AT 7 P.M.

Approved at the November 13, 2003 Planning Commission Meeting

I. PLANNING COMMISSION ROLL CALL

Planning Commission Members Present:

Dwayne Brittell	Matson Haug	Louis Larson	Dennis Schmitz
Philip Smith	Nick Tri, Chair	Richard Van Noord	

Staff Present:

James H. Bennett, City Manager
Barton Brierley, City Planner
Dan Danicic, City Engineer
Terrence D. Mahr, City Attorney
Peggy Hall, Recording Secretary

II. OPEN MEETING

Chair Tri 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 June 26, 2003, Planning Commission Minutes.

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

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

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

None.

Mr. Bennett said the Council did consider the land use changes: expansion of notice circumference to 500 feet, notification of tenants and owners and change of sign. The Council debated and decided for the time being, they were in favor of moving the notice to 500 feet, but had problems with notification to tenants (which may have legal problems), they removed it from the ordinance and when they came to the sign issue, the problem was that they have not stood up very well and they constantly blew over. They directed staff to find ways to use the existing signs and secure them better for display. They did not like the brochure box type sign and the need to replenish the quantity of the brochures, and the need notify the person responsible for replacing.

Commissioner Haug said it would be more simpler language and user friendly.

Mr. Bennett said they liked the idea of standardizing the sign, but the essential information would be displayed on the signs. They thought it would be a fixable portion and secured to the sign to prevent vandalism. The ordinance does give the department a lot of discretion on determining what type of sign would be allowed. Discussion was held concerning an administrative decision on improving the sign and

would be allowed. Discussion was held concerning an administrative decision on improving the sign and see how it goes.

Commissioner Haug addressed renters noticing the sign so that they are more aware of the signs and hopefully mitigate some notice issues.

V. LEGISLATIVE PUBLIC HEARINGS

1. **APPLICANT:** City of Newberg
REQUEST: Amend the Development Code text relating to appeals of Planning Commission decisions and modification of applications after a decision.
LOCATION: n/a
TAX LOT: n/a
FILE NO.: G-94-03
CRITERIA: NDC § 151.122
RESOLUTION NO.: 2003-167

Staff Report: **Mr. Barton Brierley** presented the staff report. He said staff talked with the City Attorney concerning holding hearings on remand and other issues. Mr. Mahr, City Attorney, was available for discussion. He said there are three main topics:

1. Presentation of Argument at "Record" hearing at City Council. If appealed after the Planning Commission hearing, it would be a record hearing at the City Council (based on the previous record) you cannot change the application. If confined to the record, can people speak? The current code generally allows people to speak and argue, but cannot provide new issues or evidence. One of the challenges, once speaking, how to determine when to cut off the speaker from further new information. Can written testimony/argument be presented? Options include potentially allowing no argument at all, the Planning Commission record goes to the Council, (no written or oral testimony), or potentially allowing the written argument (review and make determination).
2. Should there be ability to request a "new" hearing at the City Council? The Council can make such a determination due to lack of information presented (such as the minutes do not actually reflect the content of the hearing).
3. Modified applications and request for a new hearing at Planning Commission. Can the applicant or other interested parties ask and receive a new hearing? The proposal said they cannot amend the application before the Council hearing, but they could request a new hearing at the Planning Commission to address the changes. The applicant voluntarily can change the application.

City Attorney Terrence Mahr said he reviewed the initial drafts with the following comments: The problem with the City record hearings is that the developers submit the application to the Planning Commission as a warmup, then are sent to the Council with a new hearing. The Planning Commission and the Council would have potential conflicts based upon a new presentation made by the applicant. In the last ten years, there have been record hearings procedures established. The problems we face with a record hearing at the Council level are that the Planning Commission does something and then it is appealed, citizens show up at the Council hearing, no new evidence is allowed, but somehow it falls through. Discussion was held concerning how the proposal may be manipulated to accommodate the approval process. If a record hearing is allowed, make all things submitted prior to the hearing and Council just reviews the record. The person that filed the appeal has to state the reason for the appeal. The process would make sure that people that have an interest and make the argument at the Planning Commission hearing if they cannot argue at the Council level. Other cities have done it that way. If there is something odd, it can cure possible defects and proper notice at City Council level; if evidence was not allowed because they were out of town, they could speak at the Council level. An amendment to the application can be proposed as a de-novo hearing at the City Council level. He said he does not

think that the problem is not allowing people to speak, and telling people they cannot speak or argue, he would rather just have a new hearing at the Council level and give a chance to fix, amend or correct anything that needs to be done. The applicant can amend the application at the Council level. If still not allowed, the applicant can appeal it up to the Land Use Board of Appeals (LUBA). The developer or applicant may be compelled to re-tell the whole story.

Commissioner Haug said he prefers a new hearing at the City Council level. What if the proposal changed significantly, as if it were a new application, they have to have a new hearing. There is a due process issue. The function of the Planning Commission is to get the ball rolling. Commissioner Haug addressed issues relating to significant improvements being made after the Planning Commission hearing. Is there a way for criteria establishing what is too much of a change or modification thus requiring a new application.

Mr. Mahr said that there should be provisions for changes to the application and a new application and fee must be paid. They have in the past waived the one year wait for a new application which could be allowed by the Planning Director.

Mr. Mahr said the Fred Meyer application involved the Planning Commission's rejection of the fuel facility. The application was amended to help allow the project to be approved.

Commissioner Smith spoke to the changes proposed.

1. Modified application. This proposal (pages 8, 9 and 10): if a developer comes and their application is denied they can go to staff and change the proposal. The Planning Director can determine if they are minor, or if major, and if it is a new proposal, it would go back to the Planning Commission. He approves of the process. The developer has by right to modify the proposal and a new hearing would be held with an adjusted fee.

Mr. Mahr asked about the one year prohibition of the new application modification. Commissioner Smith said the prohibition could disappear or be a judgment call by the staff.

Commissioner Haug discussed the one year rule and suggested it could be reconsidered.

Mr. Mahr said there is a theory in the planning documents which provide for over-all plans and as much as modifications can occur it does not establish consistency or a graduated fee be imposed.

2. The appeals. He does not approve of option E, a record hearing in writing so people can develop new arguments when there is an appeal. To avoid the issues it could be allowed for in writing. By right, they can appeal.

3. You can ask for a new hearing, modify the application and appeal to the City Council. Discussion was held concerning the Council's discretionary judgment of the information already presented.

Commissioner Haug said he would opt for a new hearing every time.

Commissioner Smith said he liked it because they can appeal as a right. If they are going to circumvent the process of the first and second hearing upon authorization by the Council to hold the second hearing.

Mr. Mahr said the applications are time sensitive (120 day rule). If the person files the appeal, they want a new hearing at a Council meeting, the Council can determine a new hearing, or set a new hearing with new testimony (de novo hearing starting the clock over) this would require extra notification, waiver of 120 day rule and additional fees.

Commissioner Haug said the due process is a way for citizens to participate, with or without modifications. The final decision always rests with the City Council. He is not concerned with on-the-record, no oral testimony, etc., if they are not allowed to voice their views they will be angry. To submit the information in writing and from whomever shows up, the Council has to determine how to proceed (address criteria).

Chair Tri said that it is probably one of the reasons to allow written testimony rather than trying to get people to not produce additional oral testimony. It is supposed to address the criteria and address the issue.

Tape 1 - Side 2:

Commissioner Schmitz said that the purpose of the Planning Commission is to hear the issues and review the testimony.

Mr. Brierley said there was a discussion among the Council (has not finalized a decision). He said the Council feels that they are the final decision maker. They were receptive to the concept of remanding to the Planning Commission or to re-hear any modifications. On the issue of record hearing, he was not sure of the final decision.

Mr. Bennett agreed.

Mr. Mahr said they were anxious to follow-through with the final process. Mr. Mahr said the Council has indicated they wanted to re-address the issue and are receptive to the Planning Commission reconsideration policy. The record hearing, part has a history (de novo's) and it is easier to do with the written record. Discussion was held concerning problems with not having new hearings at the Council level.

Commissioner Haug said that there are issues with not allowing people to not participate in the process.

Commissioner Brittell said that any attorney would probably prefer a new hearing. It stands to reason that if an issue is repeated over and over, it will be finally approved. He said that the record hearing is the best way to go. The Planning Commission is to make their decision on what is presented. If the changes are more than 5%, a new hearing should be given. The Planning Director will make the determination. Discussion was held concerning how to determine the 5% change, how significant? Further discussion was held concerning modifications and not necessarily due to an appeal after a denied application by Planning Commission decision.

Commissioner Smith said that if a denial is received, the applicant realizes some changes that could be made to hopefully allow the application, what will happen to the application - new hearing or appeal?

Discussion was held concerning participation and limited changes to the Council. The Council hearing should be a new hearing except for when a significant change is made - the matter should be remanded back to the Planning Commission for review and approval.

Commissioner Haug said that a denial by the Planning Commission is based upon the criteria considered and reviewed by the Planning Commission. The matter under appeal should be the same as the application heard at the Planning Commission meeting.

Discussion was held concerning how significant the changes are to be made, to be considered as a new application or modification. Discussion was held concerning setting the rules straight about changes (minimal or significant) and whether they are appealable with major changes suggested. It takes 2-3

months in due process to participate in the hearing process to shake out the issues, under the proposal and have reasonable judgment on the merits. If denied, it would go to the City Council, and a new hearing would be held. There should be public input allowed. Commissioner Smith said that if an applicant is denied, and if by right there is a de-novo hearing at the Council, and it becomes apparent at the Council hearing, that the proposal has been radically changed, the Council should insist on a remand.

Commissioner Haug said that it would not be allowed because staff would determine whether or not it would be a significant change and it could at that time, be remanded back to the Planning Commission. The substance of the proposal will always be changed and negotiated at the second hearing.

Mr. Brierley said there is a desire to negotiate at the City Council level they want to get a yes vote.

Commissioner Haug said it often times even at the Planning Commission level. There is some flexibility to accommodate. Discussion was held concerning setting the rules.

Mr. Mahr presented an example. The Fred Meyer fueling facility was denied, then goes to the Council level, a hearing was held to present the evidence. Rather than appeal, the applicant said they would make the change, so then they went back to the Planning Commission. Discussion was held concerning the major change affecting traffic study, safety issues and public input. Mr. Mahr said why wait for the 60 day delay?

Mr. Brierley said that any such major change should be remanded back to the Planning Commission.

Commissioner Larson said that it seems to him that the problems are:

1. As an individual that organizes an opposition for a proposed change in the City. The citizen doesn't know about proposal and a zone change in a specific plan area. Citizens finds out and go to the Planning Department. They find the application is not what was told to them by the developer or the City when he went to the City and checked the zoning. All of a sudden, a decision predicated upon research is being dramatically changed. The citizen decides that it is not fair and visit neighbors. The neighbors come to the same decision and more people are involved. No one is interested in the process except that the realtor/developer. The Association is now faced with the same developer who sold them the property, wants to change something next door. The Homeowner's Association(HOA) is having a conflict with the development and also internal disagreements. In the process, the developer is at the Homeowner Association meeting promoting the good idea. The development department, the HOA and the developer are against the citizen. The realtor/developer request an appeal. Discussion was held concerning pro-longing the decision or the developer some time to slander the citizens personally. At the City Council meeting the developer was able to make statements that are inaccurate. Commissioner Larson said that there was tremendous pressure on the public. The whole idea changed because of the second hearing testimony being allowed.

Commissioner Larson said the burden upon the public in an opposition is severe and the second hearing is in favor of the applicant. In his own personal opinion, when an appeal goes up on the record, all that is eliminated, the deciding body has the chance to make the decision upon the record at that time. At that point, the additional information and dynamics have been diminished.

Commissioner Smith said that, on the record hearings, with only written arguments is the proposal at hand.

Commissioner Larson said that he would propose a strict on the record hearing. Commissioner Larson said the Council is a political body. The Planning Commission does mandate certain things, the Council may make changes with their prerogative and opportunity.

Commissioner Haug discussed the set period of time for an appeal and it has to go to the City Council for the hearing to be delayed.

Mr. Brierley said only if the applicant waives the 120 day rule. Discussion was held concerning citizen participation.

Commissioner Schmitz said he agreed that it may not be realistic to get the participation twice (through an appeal) not a political battle between two groups.

Commissioner Smith said that arguments must be limited to written evidence in the record.

Commissioner Haug said he was concerned that the Council would make a land use hearing without public testimony. He can see the fairness on the record. If the application changes, it must go back to the Planning Commission. He is uncomfortable not allowing people to participate.

Commissioner Schmitz said they previously discussed remanding the matter without justifying the applicable criteria. He said he would like to see citizen involvement, but sees problems holding a new hearing. Discussion was held concerning the Council holding a new hearing on their own motion.

Commissioner Smith said that it is not an appeal by right Any developer can appeal the decision straight forward. The Council can, on their own initiative, a request to hold a new hearing. It is the power that the Council may determine. What is the time frame for holding a new hearing?

Mr. Brierley said the Council would have to determine at the next City Council meeting whether or not a new hearing would be allowed and then after proper notice, a new hearing could be held.

Commissioner Smith said the proposal is something that gets us to the right place. If denied or appealed, the applicant is given the right to have a hearing.

Discussion was held concerning the right to request a new hearing. Commissioner Larson said if a new hearing is to the Council, the Council does not have the depth to understand the land use issues and to get a whole new thing into their lap to come forward with a land use hearing.

Tape 2- Side 1:

Discussion was held concerning the change of dynamics at the new hearing. A developer knows what the rules are. There is no guess work and they understand the rules. The controversy is that they want to change the rules to their benefit. Discussion was held concerning removing the historical track to bend the rules at a brand new hearing. Where is consistency for the development code.

Mr. Mahr said that thought is what makes people have record hearings. Major land use decisions are done by new hearings (comprehensive amendments, amendments to the UGB, etc.).

Commissioner Brittell asked how long the City has required record hearings.

Mr. Mahr said it could be as long as 1982-1984. There were some major changes to the hearing process during Planning Manager John Knight's term with the City. Mr. Mahr said that in the early 1970's they had open hearings at both levels, then they changed to have record hearings to eliminate changing the application and testimony.

Mr. Brittell said that the option for Type I, II or III process. The decisions coming before the Commission are Type III. Mr. Brierley said a conditional use permit application comes to the Planning

Commission.

Commissioner Haug said when appealed to Council, can the Council have their discretion (not a choice one way or another), the exact same way). Discussion was held concerning the decision to make it a new record or not.

Commissioner Van Noord asked if these are the only two options; record hearing semi-open/closed to allow testimony by the same people that testified at the same hearing.

Mr. Brierley said it could be limited to the parties that had previously given testimony. Discussion was held concerning the one year time constraint and the reasons for waiting for the one year. The proposal is denied if the applicant is not willing to make the change without an appeal to the Council - just going back to the Planning Commission. Discussion was held concerning having an ordinance that is fair and provides due process.

Commissioner Schmitz discussed the option on page 8, he likes the idea of getting remand and have them wait a year, gives them access to the process. The record hearing should allow written argument and make sure the appellant's argument conform.

Commissioner Haug said he approves and affirms what was said by Commissioner Schmitz. He would like to see a public hearing process.

Commissioner Smith said he supports written argument based on the record, remanding changes back to the Planning Commission. He would like to try the option on page 8, it is not an appeal, the applicant should be allowed to be sent to the Council. Discussion was held concerning the frequency of issues relating to appeals.

Commissioner Van Noord said he agrees that giving someone the opportunity to modify an application to look at evidence and make changes allowed by staff, it could be a good idea.

Commissioner Haug addressed opponents being locked out from providing more input.

Commissioner Van Noord said that the people that have provided testimony, should be given the opportunity to argue the evidence.

Commissioner Brittell said he would not like to see a de novo hearing on appeal and he would like to see that a new hearing be held if there were modifications. Discussion was held concerning allowing opponents to make testimony. It would allow the community to again look at proponents and opponents at the Planning Commission level and have the applicant the ability to go to the Council to decide if it goes back to the Planning Commission or stay with the Council. Commissioner Brittell said he would hope that the Council could remand it back to the Planning Commission if that is what they decide to do. He would recommend the appeal process remain.

Commissioner Larson and Chair Tri concurred with the recommendations by Commissioners Haug and Schmitz.

Mr. Mahr said that the Council could allow a de novo hearing or allow the applicant to modify the application upon remand by the Planning Commission. The idea that an applicant is prohibited for a certain time period has some strength but allowing modifications that go on and on. The applicant would rather continue the matter if they get a "no".

Commissioner Larson said that the discussion relied upon the applicant being told "no". Applicants have the means to hire consultants, attorneys and other experts in the field that can read the

development code. Why are we setting up mechanisms at the pleasure of the applicant. There should be some consistency. What are we doing in the best interest of the public? Comply with the development code provisions? They have opportunity to make amendments, does it serve the public interest.

Mr. Brierley suggested an option to accept Section 1 as written without the two options.

Commissioner Schmitz said that he would like to see John Q Public come into the Planning Commission without having an attorney to help modify the proposal, if needed and not weaken the development code.

Motion #2:	Schmitz/Haug to accept Section 1 as proposed which does not include options as shown.
-------------------	--

Amendment to Motion #2:	Smith/Brittell to modify the proposal to accept the first option and not the second option. Commissioner Haug clarified the amended motion. (5 No/2 Yes (Smith/Van Noord). Motion failed.
--------------------------------	--

City Attorney Mahr said written arguments from the parties who testified at the prior hearing will be allowed arguments written must be limited to arguments in the record. No oral argument will be allowed at the Council level.

Amendment to Motion #2:	Haug/Larson to allow as amended by City Attorney.
--------------------------------	--

Commissioner Smith addressed others having to come to the Commission hearing. Discussion was held concerning written testimony limited to the parties who physically participated or written or orally at the hearing. Only written testimony will be allowed at the new hearing. Discussion was held concerning not allowing new testimony at the Council level.

Vote on Amendment to Motion #2:	Unanimous. Motion carried.
--	----------------------------

Commissioner Larson addressed the procedures in work-out modifications.

Commissioner Schmitz said that he has worked with the City and County and expressed concerns about the lack of assistance by the City to help mediate issues.

Chair Tri called for a break at 9:10 p.m. The meeting reconvened at 9:15 p.m.

Tape 2 - Side 2:

Section 2:

Motion #3:	Smith/Brittell moved to adopt Section 2 as amended and noted on page 11 of the packet. Unanimous. Motion carried.
-------------------	--

Commissioner Haug discussed substantive changes to an approval upon a denial (modifying the 120-day time limit), or if they are approved and want to change it, then they can ask for another hearing. Discussion was held concerning the one year prohibition, the application has to be changed. Discussion was held concerning restarting the 120-day rule, the applicant will go back 120-days after the application was first done, what would happen to the application.

Mr. Brierley said that cities have latitude in the re-application with modification approval or denial, can only go back to the Planning Commission if they agree to waive the right to the 120-day rule. The language is stated that it is considered a new application with a new 120-day rule. Discussion was held concerning the 120-day rule.

Mr. Mahr said there is case law that you cannot hand someone a process that they cannot be forced to waive the 120-day rule in the new process. The City is allowing the modification but is considered a new application and the 120-day process begins all over again. He is uncomfortable with the modifications. When denied and the applicant modifies the application and a new hearing is held, can he request a new hearing without the modification? That would be problematic in a Type II hearing. Discussion was held concerning an appeal or modification hearing. If the applicant requests a new hearing, it must be upon a modification only - not just to be re-heard. Discussion was held concerning the State's mandates, questioning whether the City has authority to deem it a new application.

Amendment to Motion #3:	Haug/Larson to amend the motion to place a requirement that the applicant approve a waiver of the 120-day rule. "Conditional upon waiver of 120-day rule". The applicant shall acknowledge <u>in writing</u> that it is considered a new application as intended for the 120-day rule purpose.
--------------------------------	---

Vote on Amendment to Motion #3:	Unanimous. Motion carried.
--	----------------------------

Motion #4:	Haug/Schmitz to take advantage of Section H only 1 time because it weakens the development code.
-------------------	---

Discussion was held concerning the fees associated with modifying the applications.

Commissioner Smith addressed the various modifications being associated with the changes/modifications made. If there is a fee there is a dis-incentive for numerous changes.

Mr. Bennett said it is that they are trying to get the applicant to do the homework and get a good project through. He felt that the applicant should not be penalized for the effort. Discussion was held concerning a reasonable limit on the modifications.

Mr. Mahr said there should be some kind of permanency to the planning documents which are always subject to amendment. That does not include some limitations to modifications who want to fine tune the project.

Mr. Bennett said the one-year rule has normally applied to zone changes, specific plans and comprehensive plan amendments, but for a subdivision or commercial building, it could be imposed. Discussion was held concerning placing a limit on the number of applications being submitted on the same project, to prevent abuse.

Motion #4:	Haug/Smith re-application for Section H to a maximum of three times from the date of the application for a period of 12 months before being able to apply.
-------------------	---

ROLL CALL Motion #4:	(6 Yes/1 No (Brittell). Motion carried.
---------------------------------	---

ROLL CALL Motion #3:	Approving Section 2 as amended. Unanimous. Motion carried.
---------------------------------	--

Motion #5:	Haug/Larson to adopt Section 3.
-------------------	--

Amendment to Motion #5:	Brittell/Haug to amend as follows: 1. Modification is by written" which are in "substantial compliance with the layout uses, etc. 2. ..." Take out the words "and so forth" and replace with "similar changes" 3. ..." Delete the words "are within" and replace it with "shall be less than" 4. After the word "proposal" include the sentence: "Changes shall meet all ordinance requirements of the Development Code."
------------------------------------	--

Vote on Motion #5 as amended:	The motion carried (unanimously).
--------------------------------------	-----------------------------------

Commissioner Smith to change language the City does not get into trouble pushing applicants into the 120 day time limit to be consistent with the prior amendments.

Motion #6:	Haug/Schmitz addressed Section E waiving the 120-day rule and restarting the 120-day time period after compliance.
-------------------	---

Vote on Motion #6:	Unanimous. Motion carried.
---------------------------	----------------------------

City Attorney Mahr said that he had a concern about paragraph 3, the expiration date is the same as the original application and whether we are not consistent with the new language about waiving the 120-day rule when it applies to a modification.

Mr. Brierley said that there would be some circumstances in some modifications to conditions. It would

make sense to the expiration date shall be from the decision on the new application.

Commissioner Haug said he would like to be consistent with the prior discussion in order to go through modification hearing, the clock stops and a new clock stops at the time of the new application.

Commissioner Brittell asked for clarification of the amendment in relation to a substantial change if it applies to a modification or they reapply with changes. The 120-day rule would be waived in writing on the original application and the clock starts new 120-days because it has to go through the process, through the Planning Commission and the Council. "Substantial" or "major" modification language must be consistent. The concept is that an approved application would start the 120-day rule again.

Commissioner Smith said that paragraph #2 also indicates a review by the Planning Director. Discussion was held concerning Type II process and a modification under design review and clarification of the waiver clause. Waiver clause should be "under this section, would be subject to a new application under the 120-day rule clause whether there is a 5% modification or not. "All modifications" will be considered.

Mr. Brierley said that design reviews are either Type I or Type II. Subdivisions are dealt with under Section 4. Type III are conditional uses and appeals of Type 2 decisions. A few developments go to Type III process.

Motion #7:	Haug/Schmitz moved to confirm Mr. Brierley's statement: under a Type procedure; II or III) in accordance with the original application, the modification shall be reviewed under the same procedures as those under the original application.
-------------------	--

Vote on Motion #7:	Unanimous. Motion carried.
---------------------------	----------------------------

TAPE 3- SIDE 1

Section 4:

Motion #8:	Haug/Smith to accept Section 4.
-------------------	--

Vote on Motion #8:	Unanimous. Motion carried.
---------------------------	----------------------------

Motion #9:	Brittell/Haug to clarify paragraph (B) (third line) the word "are" should be inserted (deleting "is"); "Other modifications, including changes which increase the number of lots by more than 5 percent, changes in the patterns of streets, alleys, or walkways, and substantial changes to the conditions of approval is are a major modification.
-------------------	---

Vote on Motion #9:	Unanimous. Motion carried.
---------------------------	----------------------------

Motion #10:	Haug/Smith amending Section B to include, minor relocation of property lines, insert storm drainage and not increase lot size to 5%. A major modification cannot slip through as a minor change (utility infrastructure). Smith seconded.
--------------------	--

Vote on Motion #10:	Unanimous. Motion carried.
----------------------------	----------------------------

Motion #11:	Tri/Haug confirming 120-day limit language to be consistent with other sections.
--------------------	---

Vote on Motion #11:	Unanimous. Motion carried.
----------------------------	----------------------------

Motion #12:	Haug/Schmitz to adopt Resolution as amended.
--------------------	---

Commissioner Brittell addressed Exhibit B (findings that say why the Commission is allowed to do what they did) and the language addresses citizen involvement that offers participation and how it will be involved in the planning process. Discussion was held concerning the differences in Exhibit B, findings including facilitating Goal No. 1 state mandated public involvement.

Commissioner Brittell addressed economic goals and guidelines not just trying to give the developer a second chance. Discussion was held concerning the development process and the city's desire and goal of the planning process to facilitate economic growth. Commissioner Brittell said that economic growth is tied into commercial development.

Commissioner Brittell said that the goals regarding economic goals and to develop a diverse and stable economic base.

Commissioner Smith said the proposal by staff also meets the goals of the comprehensive plan and to develop a diverse and stable economic base (economic development). When staff has findings and we read them, how are the amendments and additions being made to the staff's findings.

Commissioner Brittell said it is not only citizen involvement but also add the economic base.

Mr. Brierley said he suggested to add the Goal Economic Goals and draft to the effect that the proposed amendments allow applicants to modify applications to find acceptable solutions to development projects contained in the Development Code.

Amendment to Motion #12.	Haug/Smith to adopt Mr. Brierley's findings.
---------------------------------	---

Vote on Amendment to Motion #12	(6 yes/1 No [Larson]). The motion carried.
Vote on Motion #12 as amended:	Unanimous. The motion carried.

VI. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: August 14, 2003 - do not have items for August 14th meeting - suggest that Mr. Haug's discussion item be scheduled for the August 14th meeting.

Commissioner Haug said that the information given was wrong and they were going to be corrected by staff. He would like to address the issues.

Commissioner Larson asked about whether this is a micro-management issue.

Commissioner Haug said they are issues within the Development Code and modifications and recommendations and public visibility that is not intrusive. Discussion was held concerning modifications of subdivisions.

Motion #13.	Larson/Schmitz to discuss the items brought by Commissioner Haug for a one half hour discussion at the August 14 th meeting.
--------------------	--

Vote on Motion #13	Unanimous. Motion carried.
---------------------------	----------------------------

VII. ITEMS FROM COMMISSIONERS

Commissioner Schmitz asked about the concerns on the land use hearing signs, etc. and how to help the Council to better understand the record. Discussion was held concerning how they would like to see how the Council handles hearing the record.

Commissioner Haug said the Council may not be comfortable with just reviewing the record. They have no way of picking up the emotions and feelings and because there is no oral testimony, etc.

Commissioner Larson addressed getting some feedback from the Council concerning decisions. Mr. Brierley said they do go to the Council and get their approval/blessing to work on different things. There are reasons to have the joint meetings of the Council and Planning Commission. Discussion was held concerning the citizen involvement.

VIII. ADJOURNMENT

The meeting was adjourned at approximately 10:25 p.m.

Passed by the Planning Commission of the City of Newberg this 13th day of November, 2003.

AYES: S NO: - ABSTAIN: - ABSENT: Brill
(list names)

ATTEST:

Peggy Hall Peggy Hall
Planning Commission Recording Secretary Signature Print Name Date

**INFORMATION RECEIVED INTO THE RECORD
AT THE July 10, 2003 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