



## PLANNING COMMISSION MINUTES

June 12, 2008

7:00 p.m. Regular Meeting  
Newberg Public Safety Building  
401 E. Third Street

*TO BE APPROVED AT THE JULY 10, 2008 PLANNING COMMISSION MEETING*

### I. ROLL CALL:

Present: Thomas Barnes      Derek Duff      Phil Smith  
Cathy Stuhr (Chair)      Nick Tri      Lon Wall

Absent: Matson Haug (excused)  
Teanna Rice (excused)

Staff Present: Barton Brierley, Planning & Building Director  
Steve Olson, Associate Planner  
Jessica Nunley, Assistant Planner  
David King, Recording Secretary

### II. OPENING:

**Chair Stuhr** opened the meeting at 7:00 PM.

### III. CONSENT CALENDAR:

**Motion #1 Tri/Barnes** to approve the minutes from the Planning Commission meeting of May 8, 2008 (6 Yes/0 No, 1 Absent [Haug]).

### IV. COMMUNICATIONS FROM THE FLOOR:

**Chair Stuhr** invited the twenty guests to bring forth any new topics for the agenda. No additional issues were asked to be added to the agenda.

### V. QUASI-JUDICIAL PUBLIC HEARING:

- APPLICANT:** Coyote Homes (Gish Property)  
**REQUEST:** Annexation of 18.5 acres w/zone change to R-1, R-2 and C-2  
**LOCATION:** 4505 E. Portland Road  
**TAX LOT:** 3216-1100

**FILE NO.:** ANX-07-003                      **RESOLUTION:** 200 8-252  
**CRITERIA:** NDC § 151.261 – 151.267

**Chair Stuhr** read from ORS 197.763 (see Agenda Packet page 9/571). Chair Stuhr explained that the Planning Commission will hear the staff report first, followed by public testimony with a proposed five minute time limit for each speaker.

**Chair Stuhr** also called for abstentions, biases, conflicts of interests, or ex parte contact and mentioned that she had some ex parte contact with one party but it was incidental. No one thought this was a problem for deliberations and no commissioners needed to abstain.

Staff Report:

**Steve Olson** defined the property by its owners, location (with maps), the actual request of annexation with the zone changes, and the background. The property was brought within the UGB in January 2007. The site was previously part of the NewB Properties annexation that was turned down by the voters in May, 2007.

The Gueldner property development, currently in the subdivision planning process, *must* be developed first, with the Crestview extension and what is now named Gueldner Road, (i.e., the east-west extension road) before the Gish property can be developed.

The Concept Plan shows a possible design where most of the wetlands are retained on the site (cf. Agenda Packet page 201/571).

The annexation criteria that must be met for the site:

- It is within the UGB.

- It is contiguous to the city limits.

- It complies with the Comprehensive Plan. The proposed zones match the comprehensive plan designations, the street layout matches the Transportation System Plan, and the wetlands assessment has determined that they are not locally significant (and therefore do not require a protective zoning overlay). The wetlands are still under State and Federal jurisdiction, however, and cannot be changed without State and Federal approval.

- It can have urban services extended to the property within three years.

The TIS assumes that no mitigation is needed if the bypass is built and 99W is downgraded. Staff does not think we can rely on both of these actions occurring so some mitigation is needed for the traffic impacts. The Crestview extension (part of the Gueldner project) is already being oversized to accommodate the development of the Gish, Kimball and Thomas sites, so no additional mitigation will be required at Crestview/99W. The other intersection that will need mitigation is Springbrook/99W.

Staff has determined that the applicant should pay an impact fee based on the development's trip contribution to Springbrook/99W intersection.

The site will have adequate police, fire, parks, and school services. This site, because of the commercial zone, will add more revenue than it will cost in services.

The staff recommendation is to approve the annexation with the following conditions:

- Refined TIS upon development;
- Transportation impact fee for Springbrook/99W improvements;
- A 30 foot setback along northern border;
- Wetlands protected according to state and federal requirements;
- Storm drainage best management practices followed;
- Verify Fernwood sewer pump capacity, complete street improvements;
- Connect existing home to sewer/water or remove it within two years;
- Possibly timing for ballot would be November 2008;

Questions for staff:

**Commissioner Wall** asked when the police chief stated that Newberg was going to find itself adequately staffed for current population. Steve Olson referenced a letter in Agenda Packet (page 16/571). Mr. Wall was satisfied with the answer.

**Commissioner Smith** was concerned how and why a project to the east of Springbrook Dr. would require upgrades and improvements to Springbrook Dr. Mr. Olson explained that the Springbrook/99W intersection already had some problems, and that any development on this site would add some trips to the intersection during the PM peak hour.

Smith also asked about Crestview Dr. This intersection is currently in the subdivision planning process and is being oversized for the development impact of the Gish, Kimball and Thomas properties.

**Chair Stuhr** questioned Mr. Olson about the requirements that are necessary if the bypass is built or isn't built, and how it will affect this area. Mr. Olson said that ODOT was concerned that the traffic study relied on the bypass to mitigate the traffic impact. Our recommendation is to require mitigation for the traffic impact at Springbrook/Hwy 99W, since the Crestview intersection is already being designed for additional traffic.

#### **Public Testimony:**

Charles Harrell (proponent), representing the Coyote Homes, briefly wanted to clarify that the Planning Commission has previously approved the annexation but it failed in the May 2007, special election. As the staff report pointed out, the applicant has met the pertinent criteria involved. Brian Dunn will address ODOT's comments and any transportation issues.

Brian Dunn (proponent), a traffic engineer representing Dunn Traffic Engineering, recapped that the original traffic study assumed that the proposed bypass would

downgrade 99W. The original TIA would assume that if 99W is downgraded, then the corridor intersections would operate acceptably. If 99W was not downgraded or the bypass not built then mitigation would be needed.

The new, supplemental analysis handed to ODOT today, assumed that the bypass doesn't get built, and therefore the corridor would exceed ODOT's volume to capacity (V.C.) standards at Crestview/Providence and Springbrook intersections.

**Commissioner Wall** has received traffic studies before as a planning commissioner, and believes they too often say that the project will only make traffic a little worse. Eventually all the impacts add up.

Dunn said that the current V.C. standard for the Crestview/99W intersection is 0.70, which means it is not fully saturated (only at 70% capacity) at one of the two peak traffic times during the weekday. A 1.00 ratio means that volume has reached the capacity of the intersection.

Andrew Tull (proponent), with WRG Design, only made himself available in case commissioners had questions for him. Nothing was asked of him.

Kimberly Dunn (proponent), as a relative of the owner, wants to develop this property that has been in the family since 1850.

Paul Anderson, (proponent), came forward to share common agreements with the proposed development. The Oxberg Lake Estates prefer the undeveloped state of the property (he read from a prepared letter—entered into the record, Re: ANX-07-003, No. #1).

1. They want the development to comply with the five-party agreement, in all aspects, but especially in preserving the viability of the OLHA water-collection aquifer.
2. Ensure a 50-foot set back, and preserve wildlife habitat using best practices.
3. Maintain a landscape buffer that preserves 12" diameter trees, with light and sound pollution being kept to a minimum.
4. Have residential lots developed as large as possible (1 acre or larger), while maintaining continuity with the Gueldner property provision of a six-foot high masonry fence.
5. Avoid property overdevelopment so as to minimize traffic needs and volume.

**Commissioner Barnes** asked about the request for large lot sizes. Paul Anderson said that it is just a request.

**Commissioner Wall** reminded Paul Anderson that this is an annexation hearing, and the requests made tonight can not be addressed by the Planning Commission. However, Mr. Wall believes that many of requests might be satisfied in the long run. Paul Anderson explained that he wanted the requests in the record.

John Trudel, (proponent), speaking on behalf of the Oxberg Lake Estates, noted that there have been 23 previous public meetings concerning these issues of development. He states that the residents are happy with this applicant's request and annexation. John Trudel did point out one omission in the Agenda Packet—the provision of the sound wall for this property as with the Gueldner Property. He also added the observation that Springbrook Dr. is the largest north-south arterial in Newberg, but its improvement is not currently a budget item.

**Commissioner Smith** reminded Mr. Trudel that the actual requests for the subdivision application would be mentioned in more detail before the Planning Commission.

**Commissioner Wall** complemented Mr. Trudel's tenacity in persevering the issues.

Vicki Shepherd, (opponent) is a land owner adjacent to the discussed property. (She read from a prepared letter—entered into the record, Re: ANX-07-003, No. #2). She shared concerns about the gateway beauty of the city, the wetlands currently on the Gish property, the damage that could be done to Springbrook Creek if Benjamin Rd. is widened, which flows to the pond on the McClure property and into the Willamette.

**Commissioner Wall** asked if she was a resident of Oxberg Lake Estates. She said that she is, but her property is accessed via Benjamin Road. She agrees with certain parts of what other residents have said, but also knows that progress is inevitable. She is truly opposed to the annexation.

**Commissioner Smith** wanted her to clarify her opposition to an east-west frontage road going all the way to Benjamin Road. Vicki Shepherd responded that the road would come too far north and be located close to her driveway. It would add to traffic on Benjamin Road.

**Chair Stuhr** asked for clarification on the pictures included in the packet.

Andrew Tull (proponent), was given a chance to address the opponent's comments. He assured the commissioners that the wetlands and stream running through the property will be properly addressed. The applicant has to go before the Department of State Lands and the Corp of Engineers in order to make any changes to the wetlands. The applicant intends to retain much of the wetlands but won't know how much until the design is better developed.

Brian Dunn (proponent), pointed out that the east-west frontage road will connect with Benjamin Road, and that Benjamin Road will be disconnected from Hwy. 99W. He also mentioned by way of comparison that V.C. standards in Sherwood along Hwy. 99W are 0.99, which is considered acceptable for Sherwood because it is in the Metropolitan service district.

**Commissioner Wall** asked if the commercial development will have any influence on the site. Brian Dunn said it is the number one factor. The traffic study was done with a worst case scenario in mind, with a busy commercial area.

**Commissioner Wall** asked about drive-through restaurants and gas stations. Brian Dunn said a strip mall was in the plans, which could include those uses.

Staff mentioned the details of the various late correspondences. Included are the letters read by Paul Anderson and Vicki Shepherd. Staff also received today new comments from ODOT and a revised traffic study from Dunn Traffic Engineering.

**Commissioner Wall** was displeased that ODOT sent a major contribution at noon on the day of the meeting. He prefers not to digest a summary nor read all the details at this time.

**Chair Stuhr** believes much effort has been expended by others tonight and that some time should be given to digesting the Supplemental Comments from ODOT (—entered into the record, Re: ANX-07-003, No. #3).

\*\*\* It was agreed that a 15 minute break would be needed to read the report. \*\*\*

**Commissioner Wall** wanted to know if the packet information is out of the blue. **Steve Olson** said that this Supplemental Packet has comments in response to the staff report once it was prepared. Mr. Olson believes that it supplements and amplifies previous comments from ODOT, but is not very different from previous comments. The essence of the comments is that transportation studies need to be prepared as if the bypass is not going to be built.

**Commissioner Smith** read from the second paragraph on page 3 of 9 of ODOT's Supplemental Comments. He asked what was meant by "TIS preparers." **Steve Olson** spoke that this meant Dunn Traffic Engineering and Lancaster Engineering. Mr. Smith then asked Mr. Dunn if ODOT has been working with Dunn Traffic Engineering. Brian Dunn said they have. Mr. Smith was not pleased with the recommendation from ODOT in the paragraph just referenced to 'defer action' on these applications. Mr. Smith then invited the proponents to argue that this application should move forward at this time, especially because of the facts and figures in the Dunn Traffic Engineering study.

Charles Harrell answered Smith's challenge carefully, without trying to put speak for ODOT. Mr. Harrell, however, does not believe that there will be a 'significant impact' to the traffic volume increases at Brutscher and Crestview intersections. He believes that ODOT treats significant impact issues case by case.

**Commissioner Smith** wants this letter from ODOT (Supplement Comments, #3) entered into the record as testimony at the public hearing from ODOT. Similarly, he believes ODOT should be a party to the decisions made by the Planning Commission, especially if ODOT were to object and cause trouble for this development down the road.

Charles Harrell admits ODOT has moving standards, and they could gum up the works down the road. Mr. Harrell admits, however in light of this risk, the applicant really wants to be on the November ballot. **Commissioner Smith** brought to Mr. Harrell's attention that his client(s) run the risk of being sued by ODOT down the road.

**Commissioner Wall** wanted Mr. Harrell to know that his previous comments about late testimony were not directed at him and his applicants. Mr. Wall also agrees that ODOT cannot put a moratorium on growth. Furthermore, the City of Newberg is allowed to annex land, but the Planning Commission must consider the criteria for this quasi-judicial hearing. ODOT has provided criteria. As a commissioner, Mr. Wall believes that such criteria in these late supplemental comments require him to vote no on this annexation. Charles Harrell responded that enough information has been provided tonight, however, to make a wise decision.

**Commissioner Wall** wondered how long this issue could be deferred. Charles Harrell believes that a deferment could be given for two weeks. Additionally, it is a truism that the 99W is going to continue to fail with the growth to Newberg, let alone growth at Spirit Mountain, at the coast, etc.

**Commissioner Barnes** referenced appendix C in the Dunn Traffic Engineering handout (—entered into the record, Re: ANX-07-003, No. #4). He asked for clarity on westbound, left turn on 99W figures on page one compared to the decrease for the same intersection on the last page. What explains the difference? Brian Dunn said that there is an assumption of an addition northbound and southbound for Springbrook Rd. Mr. Barnes noted a four-way stop intersection just hundred yards north of Springbrook Rd. and Hwy. 99W. Brian Dunn said that money for improvements (such as a traffic light) will have to truly address this issue.

**Commissioner Duff** asked for clarity on acceptable D standard for Springbrook Rd. and Hwy 99W. Brian Dunn said this was true for the intersection as it is today without mitigation.

Public Testimony Closed

**Chair Stuhr** closed the public testimony and asked for final comments from staff. **Steve Olson** concluded that staff still recommends the annexation, even though late correspondence indicates a 4.2% increase of traffic at Springbrook Rd/Hwy 99W and a 7% increase for Crestview/Hwy 99W due to this annexation. The impacts can be addressed through mitigation.

**Commissioner Smith** asked for clarity on the traffic studies. Were they based on this annexation only, or on all three annexations? **Steve Olson** said the study only concerns the Gish parcel, but being that this is the largest parcel with the most commercial property, its traffic impact will have by far the greatest affects.

**Chair Stuhr** asked staff about the public safety personnel issue. She noted that Police Chief Casey said in his letter that there has not been adequate growth to stay aligned with community needs. In comparison from page 27/571 even current needs are not being adequately covered. These comments seemed unaligned. What ensures that police coverage will be adequate, with or without fees implemented for this development?

**Steve Olson** referenced that seven new officers would assuage current needs. Whereas residential developments don't generate enough revenue to cover their own needs, commercial developments do. Additionally, **Barton Brierley** said that Police Chief Casey needs seven new officers to be comparable to surrounding communities. Of these seven, four can be funded via available money in the budget, and three await the passage of a utility fee. At the time of the staff analysis of the potential fee, the rate structure chosen will be crucial for raising the needed funds for public safety.

**Chair Stuhr** wondered if there is a way that the commercial development tax revenue could be estimated. **Commissioner Wall** interjected that it all depends on the kind of commercial development, and until that is known, it would be nearly impossible to estimate correctly. As a budget committee member, Mr. Wall enhanced the discussion with the knowledge that the utility fee is far from certain, especially with the commotion caused already (or soon to come) with the increases for water and sewer.

Deliberation:

**Commissioner Smith** began with the need to judge the annexation by the criteria. After recounting the major criteria, he indicated that he still has concerns over the TSP, and this particular development is the entry point for the majority of people coming into the city. This is an important point of concern, but he is leaning towards voting yes, in light of it meeting the criteria.

**Chair Stuhr** believes that city, county, and state entities will ensure that the wetlands will be protected, and is inclined to vote yes.

**Commissioner Wall** is not in favor of voting for it tonight. He addresses the many concerns in the late correspondence from ODOT. In light of very little opportunity for a bypass, he doesn't believe moving forward without addressing the density issue for residential development is proper for the Planning Commission at this time. Mr. Wall believes that a two-week deferment is needed to get ODOT to speak up on the issue.

**Commissioner Tri** is at odds with ODOT. In light of this annexation being in the works for quite such time, he finds the speed of their contribution reprehensible. He admits that the application fits the criteria, and could therefore vote yes tonight. However, in light of ODOT's late correspondence, he could vote for a deferment.

**Commissioner Barnes** is willing to give the ODOT the benefit of the doubt if their copy of the agenda packet was not sent out until last Friday, June 6, 2008. He doesn't like Newberg being compared to Sherwood's acceptable V.C. ratios. He too wants to see the



density issue clearly addressed for the proposed residential housing. He is willing to vote for a postponement of two weeks.

**Commissioner Duff** is a commuter to Portland, and sees the V.C. ratios for Newberg as already an important issue to be better considered.

**Commissioner Smith** added that he too is willing to wait, especially since the applicant suggested a two-week deferral.

**Commissioner Smith** motioned that a decision be deferred to June 26, 2008 while leaving public testimony open. The next Planning Commission already has a zone change and historic hearing on the agenda. Further discussion discovered that a quorum could be a problem on June 26, 2008, with three commissioners scheduled to be out of town. The final motion is to defer until the July 10, 2008 meeting, with a 6:00 pm starting time. **Commissioner Wall** seconded the motion.

**Motion #2 Smith/Wall** to approve the deferment of the annexation ANX-07-003 until the July 10, 2008 (6 Yes/0 No, 1 Absent [Haug]).

**Chair Stuhr** enquired whether people in the audience were willing to move forward with additional hearings in light of the hour. Those concerned with the other annexations were willing to persevere.

2.   **APPLICANT:** NewB Properties, LLC (Kimball property)  
      **REQUEST:**   Annexation of 5.8 acres w/zone change to R-1, R-2 and C-2  
      **LOCATION:**   4813 E. Portland Road  
      **TAX LOT:**    3216-1000  
      **FILE NO.:**   ANX-08-004                   **RESOLUTION:** 2008 -253  
      **CRITERIA:**   NDC § 151.261 – 151.267

**Chair Stuhr** did not repeat ORS 197.763 (see Agenda Packet P9/571) being that everyone currently still present was in the audience when it was first read this evening. It was again mentioned that citizens may speak on the annexation as long as they fill out the blue Public Comment Registration Card.

Staff Report:

**Steve Olson** again defined the property by its owner, location (with the use of various maps), including its location in relationship to the Gish property.

Criteria:

It is within the UGB.

It is contiguous to city limits *if* the Gish property is annexed.

The zone changes comply with the Comprehensive Plan.

There are no wetlands or stream corridors to consider.  
Adequate urban services will be provided within three years.  
Requires a TIS upon development, impact fee for Springbrook/99W.  
Adequate school, parks and other services exist.

A late correspondence from Lancaster Engineering points out that this property will not be a large trip generator, unlike the Gish property. Staff does recommend this annexation with the following conditions:

- Refined TIS upon development;
- Transportation Impact fee for Springbrook Rd/Hwy 99W improvements;
- A 30-foot setback along northern border;
- Storm drainage follows best management practices;
- Verify Fernwood sewer pump capacity and complete street improvements upon development;
- Connect existing home to sewer/water or remove it within two years;
- Possible timing for ballot would be November 2008 or later.

The benefit of having all three annexations on the same ballot is that the connection to Benjamin Rd. can be adequately shown to the voters. Steve Olson dispersed a handout showing annexation voting patterns back to 2004. (This handout was entered into the record, Re: ANX-08-004, No. #1). The handout shows that general elections have higher turnout than special elections, and that the larger the annexation is the less support it tends to get. There is a real possibility that this small parcel could be approved and the Gish parcel would fail at the ballot, which would cancel both of them. Staff recommends that the annexations be sent to the ballot sequentially.

Questions for Staff:

**Chair Stuhr** now asked for abstentions, biases, conflicts of interests, or ex parte contact. No commissioners needed to abstain.

**Commissioner Wall** asked staff about Table 1 on Agenda Packet page 321 of 571, and if the commercial need was immediate. **Barton Brierley** relayed that is the need for 2025, and therefore, not immediate.

Public Testimony:

Tim Speakman, (proponent), agrees with the staff report, but definitely wants to have this issue on the November 2008 ballot. The applicant believes that they lost on the May 2007 ballot because of the low turnout and the late opposition. He wants the voters to be able to see the big picture at ballot time, not just a portion at a time.

**Commissioner Wall** admits that it was unfortunate for the applicants in May 2007, but it was good for the community because it taught applicants not to be complacent. He added that a large annexation presented in three separate pieces still might not pass with the voters.

**Chair Stuhr** wanted to know Mr. Speakman's thoughts about these collective properties being the gateway property of the eastern entrance into the greater Newberg area. Tim Speakman replied that as a developer it will need to be a special property developed with excellence and pride because it is expensive and requires high rents.

Vicki Shepherd, (opponent), spoke to the criteria of annexable property has to be contiguous to existing city property. (She read from a pre-written statement which was entered into the record, Re: ANX-08-004, No. #2).

**Commissioner Wall** wanted to know if she was opposed to *this* particular annexation. She said yes.

David Jensen, (opponent), a Newberg citizen for 15 years, though not part of Oxberg Lake Estates or the City of Newberg. The big issue involved with these developments will be the impact on traffic volume. Traffic reports are hard to trust—traffic volume only seems to get worse regardless. Mr. Jensen already knows that traffic waits have increased without having considered the hundreds of homes and the hotel that will be built north of town. The consensus is that 99W is already overloaded. New development is only going to make it worse. These proposed annexations would also further spread out commerce outside the city limit, let alone from the heart of the city. He would rather see the downtown area improved, like downtown McMinnville.

**Commissioner Wall** asked for Mr. Jensen's opinion on this property. David Jensen is opposed to this one, and each one mentioned tonight. Mr. Wall wants criteria that the Planning Commission could use, and Mr. Jensen promised to work on providing some.

John Trudel (proponent using the same Registration Card), repeated that the sound wall needs to be included in the requirements for annexation. He reminded the commissioners of the details all the way back to the Ad hoc committee determining that the land along Hwy. 99W would be commercial with a small buffer zone. Such details have been part of the five-party agreement for years. Residential density is now being made an issue. It is time to build something beneficial for the community while everyone agrees on how to do so. He also requests that the Newberg Graphic show a picture layout of the annexation prior to the ballot.

**Commissioner Wall** believes that the city manager might not have communicated to the five parties that the process could have legal requirements that demand change(s) along the way. The five party agreement was just the beginning of the process.

**Commissioner Barnes** does not believe the Planning Commission "piece-mealed" this annexation(s). Furthermore, a question was asked about whether the residents of Oxberg Lake Estates should get annexed. The long answer was derailed for Mr. Barnes and Mr. Trudel to discuss later.

Tim Speakman replied that traffic impact will definitely be considered, for he does not want to see Newberg become like Portland. He rebutted the information put forth by

opponents prior to the last election, and will try harder to educate the voters next time around.

Late correspondences were received from Lancaster Engineering (Entered into the record, Re: ANX-08-004, No. #3), as well as the ODOT Supplemental Comments (Entered into the record, Re: ANX-08-004, No. #4). This ODOT memo is the same as before but handed out again for this annexation.

Public Testimony Closed

**Commissioner Wall** moved that this hearing as well be moved to July 10, 2008, leaving open the written and public testimony. **Commissioner Smith** seconded the motion.

**Motion #3 Wall/Smith** to approve the deferment of the annexation ANX-07-003 until the July 10, 2008 (6 Yes/0 No, 1 Absent [Haug]).

\*\*\* Five minute break \*\*\*

3.    **APPLICANT:** Bruce and Valerie Thomas  
      **REQUEST:** Annexation of 5.3 acres w/zone change to R-1, R-2 and C-2  
      **LOCATION:** 4821 & 4825 E. Portland Road  
      **TAX LOT:** 3216-900  
      **FILE NO.:** ANX-08-003                   **RESOLUTION:** 2008 -254  
      **CRITERIA:** NDC § 151.261 – 151.267

**Chair Stuhr** first asked if everyone was willing to proceed being that the hearing begins after 10:00 pm. Mrs. Stuhr also asked again if anyone needed ORS 197.763 (see Agenda Packet P9/571) reread. No one did. Finally, she once again asked for abstentions, biases, conflicts of interests, or ex parte contact. No commissioners needed to abstain.

Staff Report:

**Steve Olson** presented the details of the property in similar fashion as the first two. This one, however, will have a wrap-around portion of LDR R-1 to extend the buffer zone to the western edge of Benjamin Road.

Criteria:

It is within the UGB.

It is contiguous to city limits *if* Gish *and* Kimball properties are annexed.

The zone changes are in compliance with the Comprehensive Plan.

It would have adequate city services within three years.

The TIS was done by Lancaster Engineering with the same original assumptions (that the bypass will be built, and 99W will be downgraded).

A refined TIS would be required upon development.

An impact fee would be applied for trips at the Springbrook/99W intersection.

Adequate police, fire, parks school services will be available.

The staff recommends that the annexation be approved, but with the amended deferment—mentioned with the first two hearings—to acquire ODOT's input.

There is a late correspondence from the applicant encouraging this annexation being on the November 2008 ballot (Entered into the record, Re: ANX-08-003, No. #1).

Questions for Staff:

**Commissioner Wall** asked if there is any risk to the city if the second two applications pass at the ballot box, but the first one does not. Steve Olson said there is no risk to the city, the risk is the applicant's.

Public Testimony:

Bruce Thomas, (proponent), is willing to be a cooperative owner of the land to get it developed in agreement with the five parties.

John Trudel, (neutral), again reminding the commissioners that a sound buffer needs to be included in the requirements for annexation. What ever is recommended to City Council, please make sure that a picture is included in the Newberg Graphic so the voters see the development visually.

Vicki Shepherd, (opponent) wants her comments for the previous two properties to be added as her comments for this property.

A late correspondence came from Bruce and Valerie Thomas (noted above) and the ODOT Supplemental Comments (an extra copy was *not* handed out for this hearing). **Mr. Olson** also read into the record a letter from Francis P. Svendsen about the waterline serving her property.

Bruce Thomas is willing to make a good faith effort to ensure she still has access to water, but the location of the line needs to work with the development of the property. Mrs. Svendsen, after recounting her side of the story, would very much like to keep the water service that she has enjoyed since 1949.

**Commissioner Wall** wanted to remind people in the audience that commissioners are not open for conversation on these hearings while the public testimony remains open until the July 10, 2008 meeting.

**Commissioner Smith** moved that this hearing as well be continued to July 10, 2008, leaving open the written and public testimony. **Commissioner Tri** seconded the motion.

<p><b>Motion #3 Smith/Tri</b> to approve the deferment of the annexation ANX-08-003 until the July 10, 2008 (6 Yes/0 No, 1 Absent [Haug]).</p>
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## VI. ITEMS FROM STAFF:

**Barton Brierley** reported that Commissioner Smith has been appointed by the mayor to the committee on affordable housing.

The URA has come to some resolution, and it will be before the City Council on July 7 2008, before the County Commissioners on July 9, 2008.

The variance appeal for Mr. Hill's driveway has been voted on by the City Council to be reviewed, allowing Mr. Hill an opportunity to speak before them. Additionally, City Council voted on the Large Retail issue as recommended by the Planning Commission, with additional work needed in the future concerning green issues, vacancy issues, and the economic impact of large retail stores.

The next meeting is to be held July 10, 2008 with continued hearings on these three annexations.

## VII. ITEMS FROM COMMISSIONERS:

**Chair Stuhr** asked if further work has been done on the rail study. **Barton Brierley** did not know at this time.

## VIII. ADJOURN:

**Chair Stuhr** adjourned the meeting at 11:09 p.m.

**Approved by the Planning Commission this 10th day of July, 2008.**

AYES: 5

NO: 0

ABSENT: 2  
(List Name(s)) Harvey Wall

ABSTAIN: 0  
(List Names(s))

  
\_\_\_\_\_  
Planning Recording Secretary

  
\_\_\_\_\_  
Planning Commission Chair

7/15/08  
\_\_\_\_\_  
Date